

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, May 5, 2015 @ 7:00 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

The City Council meeting packets are prepared several days prior to the meetings and available for public inspection at City Hall during normal business hours the Monday prior to the meeting. This information is reviewed and studied by the City Council members, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. Agendas are posted on the City's website, the City Hall bulletin board and at the Post Office the Friday prior to the Council meeting.

7:00pm Council Meeting

1. Call to Order.
2. Roll Call. Mayor Ron Engels
Mayor ProTem Kathy Heider
Council members Shirley Voorhies
Glo Gaines
Judy Laratta
3. Pledge of Allegiance
4. Additions and/or Amendments to the Agenda.
5. Conflict of Interest.
6. Consent Agenda: The Consent Agenda contains items that can be decided without discussion. Any Council member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under Action items in the order they appear on the agenda (this should be done prior to the motion to approve the consent agenda).

Regular Bill lists of April 23, 30; and
City Council minutes: April 21, 2015.

PUBLIC FORUM/AUDIENCE PARTICIPATION – (public comment on items on the agenda not including Public Hearing items): the City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the City Council. Your comments should be limited to **three (3) minutes per speaker**. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the City Manager for follow-up. Thank you.

SECOND READING AND PUBLIC HEARING –

7. Ordinance No. 15-01: An ordinance of the City Council of the City of Central amending and restating the City of Central City Council Rules of Procedure. (McAskin)
8. Ordinance No. 15-02: An ordinance of the City Council of the City of Central approving a Lease Agreement by and between the City and Central City, LLC for the premises known as 117 Main Street, 123 Main Street, and 125 Main Street. (Miera)

ACTION ITEMS: NEW BUSINESS –

9. Ordinance No. 15-03: An ordinance repealing and reenacting Article I of Chapter 18 of the City of Central Municipal Code to adopt by reference the International Building Code, 2015 Edition; the International Fire Code, 2015 Edition; the International Residential Code for one and two family dwellings, 2015 Edition; the International Mechanical Code, 2015 Edition; the International Plumbing Code, 2015 Edition; the International Energy Conservation Code, 2015 Edition; 2015 Edition; the

International Existing Building Code, 2015 Edition; the International Fuel Gas Code, 2015 Edition; and, making specific amendments to the above referenced codes. (Pringey)

REPORTS –

10. Staff updates –

COUNCIL COMMENTS - limited to 5 minutes each member.

PUBLIC FORUM/AUDIENCE PARTICIPATION – for non-action items not Action or Public Hearing items on this agenda (same rules apply as outlined in the earlier Public Forum section).

ADJOURN. Next Council meeting May 17, 2015.

Posted 5/1/15

Please call Reba Bechtel, City Clerk at 303-582-5251 at least 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting.

**CITY OF CENTRAL
CASH ON HAND
4/30/2015**

Total Beginning ENB Cash on Hand 04/23/15	578.94
Deposits to ENB	
Wires Out ENB	-
Cleared Checks	-
<hr/>	
4/30/2015	578.94
<less previously approved & outstanding>	288.13
Total ENB Cash on Hand 04/30/15	290.81

Total COB Cash on Hand 4/23/15	244,884.44
Deposits to COB	133,106.35
Wires Out COB	52,201.82
Cleared Checks	(92,423.36)
<hr/>	
4/30/2015	337,769.25
<less previously approved & outstanding>	(195,936.03)
Device Fees Received	
Total COB Cash on Hand 4/30/15	141,833.22

Total Beginning Colotrust Cash on Hand 04/23/15	756,365.23
Wires into Account	27.99
Wires out of Account	
Total Colotrust Cash on Hand 4/30/2015	756,393.22

TOTAL CASH ON HAND 4/30/15	898,517.25
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CASH FLOW
CHECK LISTING

4/30/2015

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
3/31/15	7300018215	4/23/15	129687	DPC Industries	Chlorine	24.00	4/29/2015
4/10/15	72539259	4/23/15	129688	GCR Tires	Tires for PD and PW	454.72	4/29/2015
3/31/15	21409	4/23/15	129690	Widner Michow	Legal Counsel	8,347.60	4/29/2015
1/29/15	53782	4/23/15	129691	Wear Parts	Sweeper Parts	1,108.64	4/29/2015
12/18/14	10007	4/23/15	129692	Deere and Ault	Water Engineering	27,199.70	4/29/2015
4/14/15	88112	4/23/15	129693	Complete Wireless	Belt Clip	101.27	4/29/2015
4/10/15	D707991505	4/23/15	129694	Yesco	Sign Maintenance	80.00	4/29/2015
4/23/15	128880	4/23/15	129695	Air O Pure	Restroom at City Shop	95.00	4/29/2015
3/28/15	9743061737	4/23/15	129696	Verizon Wireless	Cell Phone Service	1,149.42	4/29/2015
4/18/15	041815	4/23/15	129697	Alexander Thome	Shores Residence Design Review	450.00	4/29/2015
4/15/15	44651	4/23/15	129698	Peak Performance Imaging	Metered Copies	633.40	4/29/2015
4/23/15	042315	4/23/15	129699	Shawn Griffith	AFLAC Reimbursement	1,542.52	4/29/2015
3/19/15	20007	4/23/15	129700	Central City Business	Summer Rooms, I Heart Media	54,250.66	4/29/2015
4/6/15	2073449001	4/23/15	129701	Pirtek North Valley	Assembly and Nozzle	166.24	4/29/2015
4/13/15	279510	4/23/15	129702	Rex Oil	Fuel	1,089.34	4/29/2015
4/8/15	385153	4/23/15	129703	Brody Chemical	Permpatch, Brake Parts Cleaner	1,366.30	4/29/2015
4/11/15	45242753	4/23/15	129704	De Lage Landen	Copier Leases	677.43	4/29/2015
4/23/15	042315	4/23/15	129705	Leewood Grove	13M0686 Ordonez Bond Rtn	250.00	4/29/2015
4/18/15	041815	4/23/15	129706	Maryann Block	Milage	9.90	4/29/2015
4/7/15	1591	4/30/15	129707	Co Dept of Agriculture	RADAR Tuning Forks	48.00	4/29/2015
4/30/15	May2015	4/30/15	129708	Gilpin Ambulance	Ambulance Service for May	14,295.08	4/29/2015
4/16/15	041615	4/30/15	129709	MCI	Toll Free Phone Service	15.63	4/29/2015
4/23/15	102812001	4/30/15	129710	Office Stuff	Calculator and Pens	17.65	4/29/2015
4/20/15	042015	4/30/15	129711	Postmaster	First Class Presort #2	220.00	4/29/2015
4/24/15	042415	4/30/15	129712	Xcel Energy	Electricity	81.04	4/29/2015
4/21/15	042115	4/30/15	129713	Mountain Ear	1 Year Subscription	52.00	4/29/2015
4/16/15	041615	4/30/15	129714	Century Link	Various Phone Bills	929.67	4/29/2015
4/19/15	CC1501A	4/30/15	129715	Weekly Register Call	Ordinance 15-01	14.52	4/29/2015
4/22/15	042215	4/30/15	129716	Walmart Business	Coffee and Paperware	59.95	4/29/2015
4/21/15	May2015	4/30/15	129717	Vision Service Plan	Vision Insurance	285.72	4/29/2015
4/13/15	549060	4/30/15	129718	International Code Council	Complete Code	896.42	4/29/2015
4/24/15	10408	4/30/15	129719	Deere and Ault	Water Accounting, Opp to Water Rights	5,253.00	4/29/2015
4/30/15	10686	4/30/15	129720	Allen Technology	Monthly IT Maintenance	3,420.00	4/29/2015
4/30/15	61632	4/30/15	129721	One Way Inc	Residential Trash	5,000.00	4/29/2015
4/20/15	15288	4/30/15	129722	QDS Communications	Repair Pager	150.00	4/29/2015
4/10/15	411968	4/30/15	129723	Golder Associates	Maintenance and Support	120.00	4/29/2015
4/30/15	128933	4/30/15	129724	Air O Pure	Restroom At Reservoir	95.00	4/29/2015
4/16/15	D461759	4/30/15	129725	Accutest Mountain States	Water Testing	406.00	4/29/2015
4/21/15	12923963	4/30/15	129726	Integra Telecom	Phone Service for City Hall	724.92	4/29/2015
4/19/15	501143145	4/30/15	129727	Modular Space	PW Office	136.60	4/29/2015
4/16/15	10971	4/30/15	129728	Intermountain Safety Shoes	Boots for Lang and Blake	254.70	4/29/2015
4/20/15	54758	4/30/15	129729	JVA	Parkway Access and Roadway Planning	1,477.86	4/29/2015

CASH FLOW
CHECK LISTING

4/30/2015

4/20/15 280165	4/30/15	129730 Rex Oil	Fuel	2,825.56
4/21/15 042115	4/30/15	129731 Liberty National	Life Insurance	475.86
4/18/15 45371412	4/30/15	129732 De Lage Landen	Property Tax for Copiers	304.21
4/9/15 37048	4/30/15	129733 Flatirons Inc	Monitor Elevations Nevada St	1,500.00
11/25/14 18659	4/30/15	129734 Battery Systems	Batteries for PD	254.64
4/27/15 2524	4/30/15	129735 Colorado Coach	Shuttle Service	26,328.77
4/20/15 May2015	4/30/15	129736 Assurant	Dental and Disability Insurance	1,571.65

Total Issued:	196,224.16
Approved & Sent Checks:	30,013.57
Pending Approval:	166,210.59
Total Pending Approval 4/30/2015	166,210.59

Outstanding through ENB	288.13
Outstanding through COB	195,936.03

**CITY OF CENTRAL
CITY COUNCIL MEETING
April 21, 2015**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 6:37 p.m., in City Hall on April 21, 2015.

ROLL CALL

Present: Mayor Engels
Alderman Voorhies
Alderman Gaines
Alderman Laratta

Absent: Mayor Pro Tem Heider

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Adame
Police Chief Krelle
Fire Chief Allen

EXECUTIVE SESSION

Alderman Gaines moved to go into Executive Session pursuant to C.R.S. Sections 24-6-402(4)(a) and 24-6-402(4)(b) for the purposes of: considering a proposed lease of certain real property located within City boundaries by the City; and for conferring with the City Attorney on specific legal questions related to the proposed lease of property by the City and the proposed lease agreement and Pursuant to C.R.S. Sections 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding potential amendment to existing license fee rebate agreement and to reconvene the Council meeting at the conclusion of the executive session for the purpose of taking any action deemed necessary, and to continue with regular meeting agenda of April 21, 2015. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Mayor Engels reconvened regular session at 7:25 p.m.

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

No Council Member disclosed a conflict regarding any item on the agenda.

CONSENT AGENDA

Alderman Gaines moved to approve the consent agenda containing the regular bill list of April 16; and the City Council minutes for the meeting on April 14, 2015. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

ACTION ITEMS: NEW BUSINESS

Ordinance No. 15-02: *An ordinance of the City Council of the City of Central approving a Lease Agreement by and between the City and Central City, LLC for the premises known as 117 Main Street, 123 Main Street, and 125 Main Street.*

City Manager Miera reviewed the proposed ordinance which authorizes the City to enter into a Lease Agreement for three addresses. These lease agreements are an attempt to further the economic development plan entitled Maintain Central which provides public support for economic development projects in the City that foster, promote and enhance local economic development efforts. And it specifically contemplates the City entering into long-term rental and/or leasehold agreements as necessary to fulfill authorized functions of the City, including but not limited to the implementation of the Plan.

The City currently uses some of its own properties to provide space to various entities including Art Galleries and a Museum. Various property owners, including nonprofit entities, currently provide space to tenants in a similar fashion. An important goal of this type of activity is to retain and/or incubate certain businesses; without such assistance, they may not otherwise exist within the local economy. This economic development function also serves to occupy some of the empty historic spaces, which helps to preserve the historic buildings within the City. Additionally the operations and improvements associated with the increased activity ultimately may serve to increase assessed values in the area over time.

The leasing of the Premises would provide the City with overflow meeting space, a venue for showcasing public art, and space for special events or festivals. The Premises also contains office space that could be used for the City's economic development consultant and/or the Main Street Central City Program Director as well as the City will maintain control of the spaces that are not fully occupied.

Fiscal impacts in acquiring control of the premises under the agreement will cost the City \$1.00 through December 31, 2016 and may be extended for \$1.00 per year thereafter. Property insurance rates through CIRSA are estimated at \$1,500 per year. There will also be a loss of property tax revenue to the City.

Mayor Engels added that we can see how and if the program can work with very low risk since there is a sunset provision.

Alderman Gaines moved to adopt Ordinance No. 15-02: An ordinance of the City Council of the City of Central approving a Lease Agreement by and between the City and Central City, LLC for the premises known as 117 Main Street, 123 Main Street, and 125 Main Street and set the public hearing for May 5, 2015 at 7:00 p.m. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Resolution No. 15-10: A resolution of the City Council of the City of Central , Colorado authorizing participation in the Main Street® Program and supporting the operation of Main Street Central City.

City Manager Miera explained that the proposed resolution recognizes the benefits of the Colorado Main Street® Program and endorses the submission of an application for Central City. It further authorizes the City's participation and support for the operation of a local program (*Main Street Central City*). The Colorado Main Street® program seeks to support the revitalization of traditional downtown districts within the context of historic preservation. The program provides resources, training and technical services to help local governments and downtown organizations create an economically diverse business environment while preserving local character and historic resources.

The City previously committed to participate in the development and financial support of a local Main Street® program (*Main Street Central*) in 2003.

On November 18th 2014, the City authorized the creation of the Central City Main Street Steering Committee ("Committee") to study the potential benefits and requirements associated with reestablishing City support for a Main Street® Program. The Committee provided the required reporting to substantiate its request to reestablish a local Main Street® program during presentations made on April 14, 2015 and April 21, 2015. The Committee is now requesting that the City support an application to the Program to reestablish a new local program (*Main Street Central City*). Along with the request to endorse the application, the Committee has requested financial and operational support from the City to ensure its success, as well as a sustainable future.

On April 14th 2015, the Steering Committee organized a "Main Street 101" presentation for the City Council and interested stakeholders in the community. The event was not only informational, but it also satisfied one of the prerequisites for the application submission process.

The application is due no later than July 1, 2015 for this year's cycle. If *Main Street Central City* does not get accepted as a "Candidate" in this year's application round, it may still become a participant in the Program at the "Affiliate" level.

Subject to appropriations, a pledge of \$25,000 in 2016 is proposed to assist with operating costs for the Program. There will also be a time commitment required of the City Manager and/or other assigned staff.

Alderman Voorhies moved to approve Resolution No. 15-10: A resolution of the City Council of the City of Central , Colorado authorizing participation in the Main Street® Program and supporting the operation of Main Street Central City. Alderman Laratta seconded, and without discussion, the motion carried unanimously. Mayor Engels stated that he is very impressed with all the work that the Steering Committee has put in to bring this together.

LOCAL LICENSE AUTHORITY – (Central City Retail Marijuana Store Licensing Authority)
Alternative Holistic Healing, LLC dba Rocky Mountain Organics at 161 Gregory for a Retail Marijuana License

Alderman Gaines moved to open the Local License Authority. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Mayor Engels reviewed the information provided by staff as follows:

On March 12, 2015, the City received an application from Alternative Holistic Healing, LLC dba Rocky Mountain Organics for a license for a retail marijuana store.

City staff has reviewed the application and all related materials, completed its investigation of the application, and submits this report and all supporting evidence to the Central City Retail Marijuana Store Licensing Authority for review and approval/conditional approval/denial of the application in accordance with state and local law. Currently, the City's retail marijuana store regulations require the Authority to approve, conditionally approve, or deny an application within thirty (30) days of receipt of a complete application. The City's regulations also require the Authority to make a finding and determination as to the good moral character of the Applicant in accordance with standards set forth in state law. The staff report indicates that the Applicant has fulfilled all local requirements for a retail marijuana business license, with the exception of a determination concerning Applicant's moral character.

Jason Licata and Joe Licata, owners of Rocky Mountain Organics offered that they currently operate a location off of Hwy 119 and due to concerns that their lease may not be renewed in 2016, they would like to open a location in Central City.

Police Officer Adler stated the City has no concerns regarding the background check as approved by the State Licensing Authority and when a final inspection of the security cameras is complete, sees no reason not to approve.

Mayor Engels noted that based upon the information that the Applicant has provided to the City and City staff's investigation of Applicant and all relevant information it provided as reflected in the attached staff report, and subject to the Authority's findings concerning the moral character of Applicant and associated persons, staff recommends that City Council, sitting as the members of the Central City Retail Marijuana Store Licensing Authority conditionally approve Applicant's application to operate a retail marijuana store.

City Clerk Bechtel read the recommendations that the application approval by the Authority contain the following conditions to ensure compliance with the Municipal Code:

- A. Applicant's compliance with (1) the Central City Municipal Code; (2) the Colorado Retail Marijuana Code; (3) all rules and regulations promulgated pursuant to those Codes.
- B. Applicant's payment of all required City fees to the City Clerk prior to issuance of the license.
- C. Applicant shall ensure that all improvements to the Premises are completed to the satisfaction of the City to include: Police Department for final review of the security system; Fire Department for final review for fire code compliance; and the City must have issued either a Certificate of Occupancy or a Temporary Certificate of Occupancy for the Premises.
- D. The City shall not issue a license for the proposed Retail Marijuana Store unless and until the City building official has inspected the premises proposed for licensure and determined that the premises comply with the City's building and other life, health, and safety codes.
- E. All licenses issued pursuant to this decision are contingent upon the Applicant receiving and maintaining current, operational licenses from the state licensing authority.

Alderman Gaines moved to conditionally approve the application of Alternate Holistic Healing LLC dba Rocky Mountain Organics based upon the information presented in the staff report and other information brought forth at this meeting and to direct staff to prepare a Record of Decision on this application that incorporates the findings, conclusions, and all recommended conditions in the staff report, the Authority's finding as to the Applicant's moral character, and any other conditions imposed on the application. The Authority further directs staff to provide a copy of this decision within three (3) days of today's date to both the Applicant and the State of Colorado marijuana licensing authority by certified mail at the address shown in the application. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Alderman Gaines moved to close the Local License Authority. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

STAFF UPDATES

City Manager Miera referred to the staff reports in the packet.

COUNCIL COMMENTS

Alderman Voorhies stated that Public Works did a great job on the Parkway following the recent snow event. Alderman Gaines agreed the Parkway condition was great. City Manager Miera added that the crew worked the snow event around the clock.

Alderman Laratta commented that the City is progressing and there is a lot of activity.

PUBLICFORUM/AUDIENCEPARTICIPATION

Joe Behm, representative for the CCBID, thanked Council for their efforts regarding Community Development and added that there are two bills in the State Legislature regarding urban renewal SB15-135 and HB15-1348. SB 15-135 now clearly represents the only bill that works to reform processes within urban renewal without taking a chance of damaging it beyond repair. It is responsible legislation that strikes the appropriate balance between risk and change. Please contact your senator to urge support for SB15-135 and a "no" vote on HB15-1348.

At 7:52 p.m., Mayor Engels adjourned the meeting.
The next Council meeting is scheduled for May 5, 2015 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk



AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: April 20, 2015

ITEM: Ordinance 15-01 Amending and Restating the City Council Rules of Procedure

ORDINANCE
 MOTION
 INFORMATION

I. **REQUEST OR ISSUE:** Ordinance No. 15-01 proposes minor revisions to the City Council Rules of Procedure (the "Rules").

The minor revisions to the Rules set forth in Ordinance 15-01 are being proposed by the City in order to clarify meeting procedures in the event that both the Mayor and Mayor Pro Tem are absent from a Council meeting.

The minor revisions also address Council work sessions and clarify that public comment during work session is allowed at Council's discretion, and if time permits.

The City Council approved Ordinance 15-01 on first reading on April 14, 2015. This topic was discussed at the April 14, 2015 work session.

II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 15-01 on second reading following a public hearing.

III. **FISCAL IMPACTS:** None.

IV. **BACKGROUND INFORMATION:** The minor revisions to the Rules addressed in Ordinance 15-01 include the following:

- Clarifying change in Rule 1 to delete reference to work sessions being held on the second and fourth Thursdays of each month, as that does not comport with current practice.

- Clarifying change to Rule 1 to insert language addressing public participation at Council work sessions (allowed, but at City Council's discretion and if time permits).
- Insertion of new Rule 5 (Roles and Responsibilities of the Mayor Pro Tem) and new Rule 6 (Temporary Chair).
- Renumbering the balance of the current Rules to account for the insertion of new Rule 5 and Rule 6.

A copy of Ordinance 15-01 is attached to this Council Communication Form. A copy of the new proposed Rules, including the changes summarized above, is attached as **Exhibit A** to the Ordinance.

I have also attached a "redline" copy of the Rules to this Council Communication Form, highlighting the proposed revisions to the Rules (including the additional changes discussed during the April 14th work session).

V. LEGAL ISSUES:

Section 5.12 of the Home Rule Charter authorizes the City Council to set rules for the governance of its meetings and the conduct of its members by ordinance.

The Rules were previously adopted by Ordinance 11-17 dated December 20, 2011.

As set forth in the Rules, the City Council may amend the Rules by majority vote of all members of City Council.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VII. SUMMARY AND ALTERNATIVES: City Council has the following options:

- (1) Adopt Ordinance No. 15-01 on second reading;
- (2) Direct staff to make revisions to the Ordinance and continue the public hearing to a date and time certain; or
- (3) Reject or deny the Ordinance.

Attachments:

- Ordinance 15-01 (for second reading)
- Redline of City Council Rules of Procedure

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING AND RESTATING THE CITY OF CENTRAL
CITY COUNCIL RULES OF PROCEDURE**

WHEREAS, in accordance with Section 5.12 of the City of Central Home Rule Charter, the City Council is authorized to set rules for the governance of its meetings and the conduct of its members by ordinance; and

WHEREAS, the City of Central City Council (“City Council”) previously adopted Rules of Procedure (“Rules”) to govern the conduct of City Council members by Ordinance 11-17 dated December 20, 2011; and

WHEREAS, as set forth in the Rules, City Council may amend the Rules by majority vote of all members of City Council; and

WHEREAS, the City Council desires to amend the Rules to clarify meeting procedures in the event that both the Mayor and the Mayor Pro Tem are absent from a Council meeting; and

WHEREAS, the City Council has considered this minor amendment to the Rules at a work session; and

WHEREAS, the City Council wishes to amend and restate its existing rules of procedure as set forth herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. The amended and restated City Council Rules of Procedure, attached hereto as **Exhibit A**, are hereby adopted.

Section 2. In accordance with Section 2-4-90 of the Central City Municipal Code, the City Clerk is hereby authorized and directed to retain on file the attached Rules of Procedure as the City of Central City Council Rules of Procedure.

Section 3. **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or

inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 14th day of April, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 5th day of May, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on April 16, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on May 7, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

Exhibit A
City Council Rules of Procedure

City of Central City Council Rules of Procedure

Purpose and Declaration of Policy

These Rules of Procedure are established to make public meetings and the process of governance run more smoothly. Governance of the City relies on the cooperative efforts of the members of the Council, who set policy, and the City Manager, who implements and administers those policies. The citizens of Central City have granted all policy making and legislative power in the City Council which shall act as a body. Except by City Council delegation, no member of the City Council has any authority to exercise the power of his or her office except as set forth in the Home Rule Charter ("Charter") and Municipal Code.

Rule 1 Meetings:

The Council shall meet regularly at least once each month. Council has set the meetings for the first and third Tuesday of each month at the City Hall at the hour of 7:00 p.m. (Section 5.1, Article V of the Charter). The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each Regular Meeting. Any Council member may move that an Agenda item be removed from consideration and such removal shall require an affirmative vote of the quorum present. Items to be placed on the Agenda must be introduced by a Council member or staff through a Council Work Session or Study Session with the exception of:

- Routine business;
- Consent Agenda items; or
- Matters requiring immediate Council action such as contracts for emergency repair.

Any meeting of the City Council at a time other than on the first or third Tuesday of each month shall be considered a Special Meeting of the City Council and may be called or scheduled by the Mayor, the City Manager or any two members of the Council in accordance with the requirements of the (Section 5.2) Charter.

Work sessions are usually held ~~on the second and fourth Thursdays of each month at the hour of 6:00 p.m., or~~ immediately preceding a regular meeting, or as may otherwise be scheduled by the consensus of the majority of the City Council. The purpose of each work session shall be to hear, study and discuss matters that are to be expected to be presented for action at a Regular Meeting and to schedule such matters for formal action. Public hearings are not held during Council work sessions. Work sessions are considered meetings and shall be open to the public. Council is not required to take public comments during work sessions. The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each work session. Members At Council's discretion and if time permits, members of the public may address the Council about matters on the agenda that are scheduled for discussion during a work session. No business shall be transacted and no formal action may be taken at a work session. However, the Council may provide the City Manager with directions concerning agenda related items.

Executive Sessions may be convened upon motion and the affirmative vote of two-thirds of the quorum present. An Executive Session may only be held at a Regular or Special Meeting and in accordance with the provisions of C.R.S. § 24-6-402. The topics for discussion in the Executive Session shall be announced to the public, including a specific citation to the provision of C.R.S. § 24-6-402(4) authorizing the Council to meet in an Executive Session and identification of the

particular matter to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized. Except for determining its position in matters subject to negotiations, developing strategy for negotiations and instructing negotiators, no formal action shall be taken in an Executive Session to adopt a proposed policy, position, resolution, rule, regulation, or ordinance. Performance Reviews of the City Manager may be conducted by the Council as a personnel matter in Executive Session unless the City Manager requests that the performance review take place in open session. The attendance of the City Manager may be required. Executive Sessions shall not be open to the public. At the conclusion of the Executive Session, the Council may return to the open meeting and may act on any matter as is deemed appropriate or adjourn the Meeting. The confidentiality of the matters discussed in Executive Session shall be preserved by all persons present.

Rule 2 Consent Agenda:

The Consent Agenda allows the Council to approve several items of routine business with one vote. The Council shall determine those items to be included as consent items on the Agenda for any Regular Meeting. After the Consent Agenda is read, all of the consent items shall be voted on as a group. If the vote to approve the consent items is not unanimous when they are voted on as a group, each item shall be voted on separately. Prior to accepting the motion for adoption of the consent items, the Mayor shall ask the members of the Council if they wish to discuss any of the consent items. If a Council member requests discussion or requests that any item(s) be removed from the consent items, such item(s) shall be acted upon after consideration of the remaining consent items by the Council. The individual items will then be considered for adoption.

Consent Agenda items may include, but are not limited to:

- Approval of the Minutes of prior meetings;
- Receipt and referral of applications and scheduling of public hearings;
- Approval of Liquor License Renewals, if no violations have been noted;
- Approval of payment of the monthly bills; and/or
- Approval of appointments to Boards and Commissions.

The consent items will be listed as separate items on the Agenda for the Regular Meeting with an explanation for the general public in substantially the form as follows:

"All matters listed under Item _____, Consent Agenda, are considered to be routine business matters by the Council and will be enacted with a single motion and a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately."

Rule 3 Conduct of Meetings:

Each Council member has equal powers in acting as a member of the Council.

A majority of the members of the Council in office shall constitute a quorum to do business (Section 5.4, Article V, Charter).

Voting on motions shall be by "aye" and "no", shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of Council proceedings. Each member of the

Council shall activate either a "yes" vote or a "no" vote from his or her seat and the votes shall be announced by the City Clerk and entered upon the minutes of the meeting.

Application to be excused from voting shall be made before the matter is discussed on the agenda. After the member has briefly stated the reason for his or her request to be excused and made a motion to be excused, the decision on recusal shall be made by consensus of Council.

In case of a tie vote on any motion or resolution, the motion or resolution shall be considered lost. In the event an applicant or proponent is present for the matter in question, the Mayor shall ask such individual whether because an even number of Council members are present, the applicant or proponent wishes to continue the matter until all members of the Council are present. The decision of the applicant or proponent shall be determinative. In the event the applicant or proponent is not present, the members of the Council present shall decide whether to proceed on the item despite the presence of an even number of members.

Public Hearing Procedures

A. General. Public hearings are required for all ordinances under consideration by City Council. In addition, public hearings may be required by state law or pursuant to the Central City Municipal Code. Public hearings shall be conducted in general accordance with the procedures set forth in this Section. Deviations from these procedures that do not affect the fairness and outcome of the hearing shall be permitted and shall not jeopardize or in any way nullify the hearing or the Council's decision.

B. Procedures. The Mayor shall conduct the hearing in general conformance with the following procedures, which may be varied when circumstances warrant:

1. Open the public hearing and read the title of the item into the record.
2. Explain public hearing procedures.
3. Establish, when determined to be necessary, reasonable time limits for the hearing and reasonable time allocations to be established therein. As a general proposition, a 3 minute time limit shall be the customary and appropriate time limit for individuals and a 5 minute time limit shall be the customary and appropriate time limit for persons representing groups or organizations. An applicant whose property rights are the subject of the public hearing shall not be subject to time limitations provided that the applicant avoids redundant and duplicative testimony or presentation of evidence .
4. Ask for an introductory presentation of the application by the City Staff.
5. Ask for the applicant's presentation (if any).
6. Provide opportunity for testimony by those who are present.
7. Provide applicant with an opportunity to present rebuttal testimony and evidence.
8. Allow, throughout public testimony portion of hearing, Council members the opportunity to ask questions of the applicant, staff and members of public.
9. Following questions from Council members, the Mayor will declare the public testimony portion of the hearing closed and the case will be remanded to the Council for consideration.

10. Upon the closure of the public testimony portion of the hearing, the Council will avoid additional questioning of any hearing participant except as may be found necessary by the Mayor to clarify a factual question or resolve a factual matter of dispute between members of the Council. No additional, unsolicited testimony shall be entertained or accepted by the Council. The public testimony portion of the hearing may be reopened only for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event of reopening of the public testimony portion of the hearing, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.
11. The Mayor shall ask for discussion or a motion from the Council. Upon proper motion and second, the Mayor may ask for further discussion on the motion. Any Council or staff member may be recognized for comments on the motion. After all discussion has occurred, the vote of Council members shall be taken.

C. Quasi-Judicial Hearings. The nature of public hearings on land use and liquor license applications before the Council is considered quasi-judicial. Council members are required to consider only such evidence and testimony that is presented during the public hearing. Consequently, Council members cannot consider evidence outside of the confines of the public hearing, and should not engage in conversations or communications about any land use or liquor license application with an applicant, members of the public or other Council members before the public hearing or during any recess from the public hearing. The purpose of this restriction is to afford applicants due process of law in terms of a fair and unbiased process and to allow the Council to make an impartial and objective decision.

D. Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

Rule 4 Roles and Responsibilities of Mayor:

The Mayor of the City of Central:

- Shall preside at all meetings of the Council.
- Shall maintain order, decorum, and the fair and equitable treatment of all speakers at meetings.
- Shall keep discussion and questions focused on specific agenda items under consideration and make parliamentary rulings with advice, if requested, from the City Manager or City Attorney who act as an advisory parliamentarian.

Rule 5 Roles and Responsibilities of Mayor Pro Tem:

In accordance with Section 3.5(b) of the Charter, and on an annual basis at the first regular Council meeting in the month of January, the Council shall appoint one of its own members to serve as Mayor Pro Tem. In the event of a temporary absence of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor.

Rule 6 Temporary Chair:

In the event of the absence or disability of both the Mayor and Mayor Pro Tem that would prevent them from attending any regular or special meeting of Council, the City Manager or City Clerk

shall call such meeting to order and shall call the roll. Council shall then proceed to elect, by a majority vote of the quorum present, a Temporary Chairperson of the meeting. The Temporary Chair will serve as the Presiding Officer for the meeting and shall perform the duties of the Mayor set forth in Rule 4 above.

The Temporary Chair shall serve as Presiding Officer until the arrival of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon the conclusion of the agenda item or other business then before the Council.

Rule 7 Responsibilities of All Members of the Council:

A. General Council Responsibilities and Conduct should be:

1. Treat each other with equal respect.
2. Make sure that informational materials provided to one member will be provided to all members of the Council so that all have equal access to the same informational materials.
3. Make no promises or commitments on behalf of the Council or the City, either overtly or implicitly.
4. Support the formal actions of the Council, and the official position of the City, even if the member voted in the minority.
5. Formal Council communications are approved through consensus of Council and signed by the Mayor or by the City Manager, as directed by Council.
6. Unless directed to do so by the Council or unless compelled to do so by operation of law, not knowingly disclose information which he or she knows or reasonably should know is confidential information, regardless of the source of the information.
7. Not knowingly use or disclose any confidential information gained in the course of or by reason of his or her official position and which has not been made public in order to advance his or her financial interests or to further the financial interests of any family member.
8. Serve as a model of leadership and civility to the community.
9. Seek to inspire public confidence in Central City government by demonstrating honesty and integrity in every action and statement.
10. Work together for the good of the City of Central.
11. Take credit for work done.
12. Acknowledge credit to people for work done.
13. Admit mistakes. Don't hide or run away from responsibility.
14. Act responsibly and hold yourself accountable.

B. Council Responsibilities and Conduct During Meetings. During Regular or Special Meetings, Council members should:

1. Prepare in advance and be familiar with issues on the Agenda in order to participate in any meeting of the Council.
2. Stay focused and act efficiently during public meetings by honoring the efforts by the Mayor to focus discussion on current Agenda items.
3. Agree to disagree without getting personal.

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

4. Look for Council agreements before disagreement and differences.
5. No personal attacks - no negative comments about each other.
6. Once a decision is made, move on to the next issue.
7. Listen before judging or reacting.
8. Speak to each other, not to the audience.
9. Speak for yourself, don't speak for others.
10. Base decision on your best judgment.
11. Communicate ideas.
12. Refer to one another formally during public meetings as Mayor, Mayor Pro Tem, Aldermen, or Council member followed by the individual's last name.
13. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
14. Honor the role of the Mayor in maintaining order. It is the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reasoning, following procedures outlined in parliamentary procedure.
15. Avoid personal comments that could offend other Council members. If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Mayor will maintain control of this discussion.

16. Demonstrate effective problem-solving approaches.
17. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
18. Listen actively. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.
19. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
20. Council members should not engage in any personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
21. Follow parliamentary procedure in conducting public meetings. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.
22. If a Council member is representing another organization whose position is different from the City, the Council member shall recuse him or herself from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and declare on record their particular involvement.

C. Council Responsibilities and Conduct in Other Settings. Outside of Council meetings, Council members should:

1. Show the same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
2. Be aware that written notes, voicemail messages, and electronic mail (e-mail) can be deemed public records under the Colorado Open Meetings Law and therefore subject to public disclosure. Council members should always consider that many forms of communication can be easily forwarded or distributed to individuals who are not the intended recipients. Even private conversations can be repeated in public.
3. Council members hold the public trust of the residents of Central City and should be held to the highest standard of integrity and accountability.
4. In communications with constituents, public bodies, and others, Council members should disclose whether they are representing the City Council or their own personal interests.

5. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; and 2) whether this is the majority or minority opinion of the Council.
6. If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.
7. Written correspondence also should be equally clear about representation.
8. City letterhead may be used when the Council member is representing the City and the City's official position. A copy of the official correspondence should be given to the City Manager to be copied to the entire Council and filed as part of the permanent public record.
9. City letterhead should not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. However, should Council members use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the personal viewpoint of the Council member.

D. Council Interaction with Boards and Commissions.

1. Council members should not attend City Board or Commission meetings at which a decision or pending application that could be appealed to City Council is under consideration, except in the case where a Council member is the applicant or represents the applicant.
2. Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the entire City Council.
3. Limit professional contact with Board and Commission members to questions of clarification.
4. It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact the City Manager to request clarification of a position taken by the Board or Commission.
5. Remember that Boards and Commissions serve the community, not individual Council members. The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff

and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

6. Be respectful of diverse opinions. A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.
7. Keep political support away from public forums. Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their unofficial capacity as a Council member.

E. Council Conduct with the Media.

1. The Mayor is the designated representative of the Council to present and speak on any official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.
2. The best advice for dealing with the media is to never go "off the record". Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media. Words that are not said cannot be quoted.

F. Council Interaction with City Staff.

1. Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.
2. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.
3. Questions of City staff and/or requests for additional background information should be directed only to the City Manager. Requests for information should be made directly to the City Manager in written form.
4. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manager for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.
5. Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

6. Never publicly criticize an individual employee because such statements could expose the City as well as the individual Council members to potential liability. Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
7. Do not get involved in administrative functions.
8. Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
9. Do not attend meetings with City staff unless requested by staff. Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
10. Limit requests for staff support. Routine secretarial support will be provided to all Council members. All mail for Council members is opened by the City Clerk, unless other arrangements are requested by a Council member.
11. Requests for additional staff support - even in high priority or emergency situations - should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.
12. Requests from Council for work requiring a substantive amount of staff time shall be made in a public meeting with consensus of Council.
13. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Rule 68 Attendance:

Governance of the City requires that all of the elected or appointed members of the Council attend all Regular Meetings of the Council in order to fulfill each member's obligation to the citizens of the City to fully participate in the process of government. The Council must have a quorum to do business. Each member of the Council has an obligation to his or her fellow members to be informed and attend the Regular Meetings of the Council. As a courtesy and when time permits, a member shall notify the Mayor or the City Manager that he or she will not be able to attend a Meeting. The Council may determine whether an absence is excused or unexcused based upon the information provided by the Mayor or City Manager. Unless otherwise determined by a vote of the Council, each absence shall be noted as "excused" by the Clerk in the Minutes. Any member of the Council shall have the right at the meeting at which the absence occurs to move for a determination that the absence is "unexcused". If such a motion is seconded, a roll call vote shall be taken and if a majority votes in favor of the motion, the absence shall be noted by the Clerk as "unexcused" in the Minutes. Repeated failures to attend Regular Meetings of the Council may be cause for censure by the Council.

More than three (3) consecutive absences of a member from Council meetings shall require Council review. If a member of the Council is found to have violated the provisions of this Rule because of the number of excused or unexcused absences, or both, the Council may sanction such member in accordance with Rule 79.

Rule 79 Compliance and Enforcement:

The Council may sanction any member whose conduct does not comply with these Rules of Procedure. Sanctions may include but are not limited to a written or verbal reprimand, formal written censure, or removal from a Council-appointed position or membership on any board or commission.

If a violation of these Rules of Procedure is alleged to have occurred, it shall be reported to the Mayor, or to the Mayor Pro Tern of the Council if the member alleged to be in violation is the Mayor. If deemed necessary by the remaining balance of Council, by majority vote, the City Manager may be directed to cause an investigation to be conducted of the allegation(s) and to cause to be prepared a written report of such findings to the Council and to the City Attorney. The City Attorney may make a recommendation to Council concerning the alleged violation. The member shall have the opportunity to respond to the allegation during a public meeting or in writing to other members of the Council. Thereafter, if there is a reasonable basis to believe a violation has occurred, the matter may be placed on the Agenda for discussion at a Regular Meeting. Advance written notice to the Council member of the date of the meeting shall be provided not less than ten (10) days prior to such meeting.

At the Regular Meeting, the Council shall review the investigative report and the findings and the recommendation of the City Attorney, if any, concerning the alleged violations(s). The member shall have the opportunity to rebut the allegation(s) through his or her own statement, the testimony of other witnesses and by the presentation of documentary evidence. The member may be represented by legal counsel of his or her choice and at his or her own expense. Upon motion made, seconded and passed by a majority vote of the other members of the Council, a member may be sanctioned as herein provided. If the motion fails or a motion is passed stating that there has been no violation of these Rules of Procedure, then the member shall be deemed not to have been in violation of these Rules.

A violation of these Rules of Procedure shall not be considered a basis for challenging the validity of a Council decision or determination.

The City Clerk shall provide a copy of these Rules of Procedure to any person who may request a petition of nomination for a position on the Council.

Rule 810 Amendments:

These Rules of Procedure may be amended or new rules adopted by a majority vote of all members of the Council. Any such amendment shall be submitted in writing at a work session or a Meeting preceding formal action. The proposed amendment(s) shall then be placed on the next Agenda in ordinance form for consideration by Council.

APPENDIX A - GUIDELINES FOR SELF-EVALUATION OF CONDUCT

Proper conduct IS...

Keeping promises
Being dependable
Building a solid reputation
Participating and being available
Demonstrating patience
Showing empathy
Holding onto ethical principles under stress
Listening attentively
Studying thoroughly
Keeping integrity intact
Overcoming discouragement
Going above and beyond, time and time again
Modeling a professional manner
Adhering to majority decisions

Proper conduct IS NOT...

Showing antagonism or hostility
Deliberately lying or misleading
Speaking recklessly
Spreading rumors
Stirring up bad feelings, divisiveness
Acting in a self-righteous manner
Interfering with staff

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights, or good will of others? What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for? Do I exhibit the same conduct in my private life as I do in my public life? Can I take legitimate pride

in the way I conduct myself and the example I set? Do I listen and understand the views of others?

- Do I question and confront different points of view in a constructive manner? Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

City of Central City Council Rules of Procedure

Purpose and Declaration of Policy

These Rules of Procedure are established to make public meetings and the process of governance run more smoothly. Governance of the City relies on the cooperative efforts of the members of the Council, who set policy, and the City Manager, who implements and administers those policies. The citizens of Central City have granted all policy making and legislative power in the City Council which shall act as a body. Except by City Council delegation, no member of the City Council has any authority to exercise the power of his or her office except as set forth in the Home Rule Charter ("Charter") and Municipal Code.

Rule 1 Meetings:

The Council shall meet regularly at least once each month. Council has set the meetings for the first and third Tuesday of each month at the City Hall at the hour of 7:00 p.m. (Section 5.1, Article V of the Charter). The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each Regular Meeting. Any Council member may move that an Agenda item be removed from consideration and such removal shall require an affirmative vote of the quorum present. Items to be placed on the Agenda must be introduced by a Council member or staff through a Council Work Session or Study Session with the exception of:

- Routine business;
- Consent Agenda items; or
- Matters requiring immediate Council action such as contracts for emergency repair.

Any meeting of the City Council at a time other than on the first or third Tuesday of each month shall be considered a Special Meeting of the City Council and may be called or scheduled by the Mayor, the City Manager or any two members of the Council in accordance with the requirements of the (Section 5.2) Charter.

Work sessions are usually held immediately preceding a regular meeting, or as may otherwise be scheduled by the consensus of the majority of the City Council. The purpose of each work session shall be to hear, study and discuss matters that are to be expected to be presented for action at a Regular Meeting and to schedule such matters for formal action. Public hearings are not held during Council work sessions. Work sessions are considered meetings and shall be open to the public. Council is not required to take public comments during work sessions. The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each work session. At Council's discretion and if time permits, members of the public may address the Council about matters on the agenda that are scheduled for discussion during a work session. No business shall be transacted and no formal action may be taken at a work session. However, the Council may provide the City Manager with directions concerning agenda related items.

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Consent Agenda items may include, but are not limited to:

- Approval of the Minutes of prior meetings;
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- Approval of payment of the monthly bills; and/or
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The consent items will be listed as separate items on the Agenda for the Regular Meeting with an explanation for the general public in substantially the form as follows:

"All matters listed under Item _____, Consent Agenda, are considered to be routine business matters by the Council and will be enacted with a single motion and a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately."

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A majority of the members of the Council in office shall constitute a quorum to do business (Section 5.4, Article V, Charter).

Voting on motions shall be by "aye" and "no", shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of Council proceedings. Each member of the Council shall activate either a "yes" vote or a "no" vote from his or her seat and the votes shall be announced by the City Clerk and entered upon the minutes of the meeting.

Application to be excused from voting shall be made before the matter is discussed on the agenda. After the member has briefly stated the reason for his or her request to be excused and made a motion to be excused, the decision on recusal shall be made by consensus of Council.

In case of a tie vote on any motion or resolution, the motion or resolution shall be considered lost. In the event an applicant or proponent is present for the matter in question, the Mayor shall ask such individual whether because an even number of Council members are present, the applicant or proponent wishes to continue the matter until all members of the Council are present. The decision of the applicant or proponent shall be determinative. In the event the applicant or proponent is not present, the members of the Council present shall decide whether to proceed on the item despite the presence of an even number of members.

Public Hearing Procedures

A. General. Public hearings are required for all ordinances under consideration by City Council. In addition, public hearings may be required by state law or pursuant to the Central City Municipal Code. Public hearings shall be conducted in general accordance with the procedures set forth in this Section. Deviations from these procedures that do not affect the fairness and outcome of the hearing shall be permitted and shall not jeopardize or in any way nullify the hearing or the Council's decision.

B. Procedures. The Mayor shall conduct the hearing in general conformance with the following procedures, which may be varied when circumstances warrant:

1. Open the public hearing and read the title of the item into the record.
2. Explain public hearing procedures.
3. Establish, when determined to be necessary, reasonable time limits for the hearing and reasonable time allocations to be established therein. As a general proposition, a 3 minute time limit shall be the customary and appropriate time limit for individuals and a 5 minute time limit shall be the customary and appropriate time limit for persons representing groups or organizations. An applicant whose property rights are the subject of the public hearing shall not be subject to time limitations provided that the applicant avoids redundant and duplicative testimony or presentation of evidence .
4. Ask for an introductory presentation of the application by the City Staff.
5. Ask for the applicant's presentation (if any).
6. Provide opportunity for testimony by those who are present.
7. Provide applicant with an opportunity to present rebuttal testimony and evidence.
8. Allow, throughout public testimony portion of hearing, Council members the opportunity to ask questions of the applicant, staff and members of public.
9. Following questions from Council members, the Mayor will declare the public testimony portion of the hearing closed and the case will be remanded to the Council for consideration.
10. Upon the closure of the public testimony portion of the hearing, the Council will avoid additional questioning of any hearing participant except as may be found

necessary by the Mayor to clarify a factual question or resolve a factual matter of dispute between members of the Council. No additional, unsolicited testimony shall be entertained or accepted by the Council. The public testimony portion of the hearing may be reopened only for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event of reopening of the public testimony portion of the hearing, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.

11. The Mayor shall ask for discussion or a motion from the Council. Upon proper motion and second, the Mayor may ask for further discussion on the motion. Any Council or staff member may be recognized for comments on the motion. After all discussion has occurred, the vote of Council members shall be taken.

C. Quasi-Judicial Hearings. The nature of public hearings on land use and liquor license applications before the Council is considered quasi-judicial. Council members are required to consider only such evidence and testimony that is presented during the public hearing. Consequently, Council members cannot consider evidence outside of the confines of the public hearing, and should not engage in conversations or communications about any land use or liquor license application with an applicant, members of the public or other Council members before the public hearing or during any recess from the public hearing. The purpose of this restriction is to afford applicants due process of law in terms of a fair and unbiased process and to allow the Council to make an impartial and objective decision.

D. Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

Rule 4 Roles and Responsibilities of Mayor:

The Mayor of the City of Central:

- Shall preside at all meetings of the Council.
- Shall maintain order, decorum, and the fair and equitable treatment of all speakers at meetings.
- Shall keep discussion and questions focused on specific agenda items under consideration and make parliamentary rulings with advice, if requested, from the City Manager or City Attorney who act as an advisory parliamentarian.

Rule 5 Roles and Responsibilities of Mayor Pro Tem:

In accordance with Section 3.5(b) of the Charter, and on an annual basis at the first regular Council meeting in the month of January, the Council shall appoint one of its own members to serve as Mayor Pro Tem. In the event of a temporary absence of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor.

Rule 6 Temporary Chair:

In the event of the absence or disability of both the Mayor and Mayor Pro Tem that would prevent them from attending any regular or special meeting of Council, the City Manager or City Clerk shall call such meeting to order and shall call the roll. Council shall then proceed to elect, by a majority vote of the quorum present, a Temporary Chairperson of the meeting. The Temporary

Chair will serve as the Presiding Officer for the meeting and shall perform the duties of the Mayor set forth in Rule 4 above.

The Temporary Chair shall serve as Presiding Officer until the arrival of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon the conclusion of the agenda item or other business then before the Council.

Rule 7 Responsibilities of All Members of the Council:

A. General Council Responsibilities and Conduct should be:

1. Treat each other with equal respect.
2. Make sure that informational materials provided to one member will be provided to all members of the Council so that all have equal access to the same informational materials.
3. Make no promises or commitments on behalf of the Council or the City, either overtly or implicitly.
4. Support the formal actions of the Council, and the official position of the City, even if the member voted in the minority.
5. Formal Council communications are approved through consensus of Council and signed by the Mayor or by the City Manager, as directed by Council.
6. Unless directed to do so by the Council or unless compelled to do so by operation of law, not knowingly disclose information which he or she knows or reasonably should know is confidential information, regardless of the source of the information.
7. Not knowingly use or disclose any confidential information gained in the course of or by reason of his or her official position and which has not been made public in order to advance his or her financial interests or to further the financial interests of any family member.
8. Serve as a model of leadership and civility to the community.
9. Seek to inspire public confidence in Central City government by demonstrating honesty and integrity in every action and statement.
10. Work together for the good of the City of Central.
11. Take credit for work done.
12. Acknowledge credit to people for work done.
13. Admit mistakes. Don't hide or run away from responsibility.
14. Act responsibly and hold yourself accountable.

B. Council Responsibilities and Conduct During Meetings. During Regular or Special Meetings, Council members should:

1. Prepare in advance and be familiar with issues on the Agenda in order to participate in any meeting of the Council.

2. Stay focused and act efficiently during public meetings by honoring the efforts by the Mayor to focus discussion on current Agenda items.
3. Agree to disagree without getting personal.

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.
4. Look for Council agreements before disagreement and differences.
5. No personal attacks - no negative comments about each other.
6. Once a decision is made, move on to the next issue.
7. Listen before judging or reacting.
8. Speak to each other, not to the audience.
9. Speak for yourself, don't speak for others.
10. Base decision on your best judgment.
11. Communicate ideas.
12. Refer to one another formally during public meetings as Mayor, Mayor Pro Tem, Aldermen, or Council member followed by the individual's last name.
13. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
14. Honor the role of the Mayor in maintaining order. It is the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reasoning, following procedures outlined in parliamentary procedure.
15. Avoid personal comments that could offend other Council members. If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Mayor will maintain control of this discussion.
16. Demonstrate effective problem-solving approaches.

17. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
18. Listen actively. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.
19. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
20. Council members should not engage in any personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
21. Follow parliamentary procedure in conducting public meetings. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.
22. If a Council member is representing another organization whose position is different from the City, the Council member shall recuse him or herself from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and declare on record their particular involvement.

C. Council Responsibilities and Conduct in Other Settings. Outside of Council meetings, Council members should:

1. Show the same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
2. Be aware that written notes, voicemail messages, and electronic mail (e-mail) can be deemed public records under the Colorado Open Meetings Law and therefore subject to public disclosure. Council members should always consider that many forms of communication can be easily forwarded or distributed to individuals who are not the intended recipients. Even private conversations can be repeated in public.
3. Council members hold the public trust of the residents of Central City and should be held to the highest standard of integrity and accountability.
4. In communications with constituents, public bodies, and others, Council members should disclose whether they are representing the City Council or their own personal interests.
5. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or

her statement reflects personal opinion or is the official stance of the City; and 2) whether this is the majority or minority opinion of the Council.

6. If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.
7. Written correspondence also should be equally clear about representation.
8. City letterhead may be used when the Council member is representing the City and the City's official position. A copy of the official correspondence should be given to the City Manager to be copied to the entire Council and filed as part of the permanent public record.
9. City letterhead should not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. However, should Council members use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the personal viewpoint of the Council member.

D. Council Interaction with Boards and Commissions.

1. Council members should not attend City Board or Commission meetings at which a decision or pending application that could be appealed to City Council is under consideration, except in the case where a Council member is the applicant or represents the applicant.
2. Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the entire City Council.
3. Limit professional contact with Board and Commission members to questions of clarification.
4. It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact the City Manager to request clarification of a position taken by the Board or Commission.
5. Remember that Boards and Commissions serve the community, not individual Council members. The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

6. Be respectful of diverse opinions. A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.
7. Keep political support away from public forums. Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their unofficial capacity as a Council member.

E. Council Conduct with the Media.

1. The Mayor is the designated representative of the Council to present and speak on any official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.
2. The best advice for dealing with the media is to never go "off the record". Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media. Words that are not said cannot be quoted.

F. Council Interaction with City Staff.

1. Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.
2. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.
3. Questions of City staff and/or requests for additional background information should be directed only to the City Manager. Requests for information should be made directly to the City Manager in written form.
4. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manager for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.
5. Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.
6. Never publicly criticize an individual employee because such statements could expose the City as well as the individual Council members to potential liability.

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

7. Do not get involved in administrative functions.
8. Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
9. Do not attend meetings with City staff unless requested by staff. Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
10. Limit requests for staff support. Routine secretarial support will be provided to all Council members. All mail for Council members is opened by the City Clerk, unless other arrangements are requested by a Council member.
11. Requests for additional staff support - even in high priority or emergency situations - should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.
12. Requests from Council for work requiring a substantive amount of staff time shall be made in a public meeting with consensus of Council.
13. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Rule 8 Attendance:

Governance of the City requires that all of the elected or appointed members of the Council attend all Regular Meetings of the Council in order to fulfill each member's obligation to the citizens of the City to fully participate in the process of government. The Council must have a quorum to do business. Each member of the Council has an obligation to his or her fellow members to be informed and attend the Regular Meetings of the Council. As a courtesy and when time permits, a member shall notify the Mayor or the City Manager that he or she will not be able to attend a Meeting. The Council may determine whether an absence is excused or unexcused based upon the information provided by the Mayor or City Manager. Unless otherwise determined by a vote of the Council, each absence shall be noted as "excused" by the Clerk in the Minutes. Any member of the Council shall have the right at the meeting at which the absence occurs to move for a determination that the absence is "unexcused". If such a motion is seconded, a roll call vote shall be taken and if a majority votes in favor of the motion, the absence shall be noted by the Clerk as "unexcused" in the Minutes. Repeated failures to attend Regular Meetings of the Council may be cause for censure by the Council.

More than three (3) consecutive absences of a member from Council meetings shall require Council review. If a member of the Council is found to have violated the provisions of this Rule

because of the number of excused or unexcused absences, or both, the Council may sanction such member in accordance with Rule 9.

Rule 9 Compliance and Enforcement:

The Council may sanction any member whose conduct does not comply with these Rules of Procedure. Sanctions may include but are not limited to a written or verbal reprimand, formal written censure, or removal from a Council-appointed position or membership on any board or commission.

If a violation of these Rules of Procedure is alleged to have occurred, it shall be reported to the Mayor, or to the Mayor Pro Tern of the Council if the member alleged to be in violation is the Mayor. If deemed necessary by the remaining balance of Council, by majority vote, the City Manager may be directed to cause an investigation to be conducted of the allegation(s) and to cause to be prepared a written report of such findings to the Council and to the City Attorney. The City Attorney may make a recommendation to Council concerning the alleged violation. The member shall have the opportunity to respond to the allegation during a public meeting or in writing to other members of the Council. Thereafter, if there is a reasonable basis to believe a violation has occurred, the matter may be placed on the Agenda for discussion at a Regular Meeting. Advance written notice to the Council member of the date of the meeting shall be provided not less than ten (10) days prior to such meeting.

At the Regular Meeting, the Council shall review the investigative report and the findings and the recommendation of the City Attorney, if any, concerning the alleged violations(s). The member shall have the opportunity to rebut the allegation(s) through his or her own statement, the testimony of other witnesses and by the presentation of documentary evidence. The member may be represented by legal counsel of his or her choice and at his or her own expense. Upon motion made, seconded and passed by a majority vote of the other members of the Council, a member may be sanctioned as herein provided. If the motion fails or a motion is passed stating that there has been no violation of these Rules of Procedure, then the member shall be deemed not to have been in violation of these Rules.

A violation of these Rules of Procedure shall not be considered a basis for challenging the validity of a Council decision or determination.

The City Clerk shall provide a copy of these Rules of Procedure to any person who may request a petition of nomination for a position on the Council.

Rule 10 Amendments:

These Rules of Procedure may be amended or new rules adopted by a majority vote of all members of the Council. Any such amendment shall be submitted in writing at a work session or a Meeting preceding formal action. The proposed amendment(s) shall then be placed on the next Agenda in ordinance form for consideration by Council.

APPENDIX A - GUIDELINES FOR SELF-EVALUATION OF CONDUCT

Proper conduct IS...

Keeping promises
Being dependable
Building a solid reputation
Participating and being available
Demonstrating patience
Showing empathy
Holding onto ethical principles under stress
Listening attentively
Studying thoroughly
Keeping integrity intact
Overcoming discouragement
Going above and beyond, time and time again
Modeling a professional manner
Adhering to majority decisions

Proper conduct IS NOT...

Showing antagonism or hostility
Deliberately lying or misleading
Speaking recklessly
Spreading rumors
Stirring up bad feelings, divisiveness
Acting in a self-righteous manner
Interfering with staff

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights, or good will of others? What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for? Do I exhibit the same conduct in my private life as I do in my public life? Can I take legitimate pride

in the way I conduct myself and the example I set? Do I listen and understand the views of others?

- Do I question and confront different points of view in a constructive manner? Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?



AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Daniel Miera, City Manager

DATE: May 5, 2015

ITEM: Ordinance 15-02, An Ordinance of the City Council of the City of Central, Colorado Approving a Lease Agreement by and between the City and Central City, LLC for the Premises known as 117 Main Street, 123 Main Street, and 125 Main Street.

NEXT STEP: Review for second reading with a public hearing.

ORDINANCE
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

The proposed Ordinance authorizes the City to enter into a Lease Agreement for three (3) addresses (117/123/125 Main St.), which essentially constitute two (2) current properties, all of which are described as the "Premises". One property, generally housing "Mountain Menagerie," is located within 117 and 123 Main St. The other property, located at 125 Main St., previously housed the "Harley Hippie Coffee Shop," but has been vacant for quite some time (it currently contains personal property from "Reliving the Past Photo Studio").

II. RECOMMENDED ACTION / NEXT STEP:

Approve on Second Reading following a public hearing.

III. FISCAL IMPACTS:

Acquiring control of the Premises under the Agreement will cost the City \$1.00 per calendar year, beginning in 2015 and continuing through the initial term, which is planned to expire on December 31, 2016. Subsequent annual terms thereafter (through 2020) may be approved at the same rate of \$1.00 per year.

Annual Property Insurance (CIRSA) costs for the City are estimated to increase by approximately \$1,500.00 as a result of adding the Premises to the City's policy.

The following schedule details the property taxes associated with each address, including the amounts ordinarily distributed to each taxing authority. The figures are based on the 2014 Tax Year.

TAX YEAR: 2014								
Property Description	Address	Tax Entity						Total 112.605 mills (100%)
		School 7.951 mills (7%)	County* 9.432 mills (8%)	City* 10.054 mills (9%)	San. Dist. 0.168 mills (1%)	BID 80 mills (71%)	BID 5 mills (4%)	
Mountain Menagerie	117 Main	\$918.34	\$1,089.40	\$1,161.24	\$19.40	\$9,240.00	\$577.50	\$13,005.88
	123 Main	\$434.60	\$515.56	\$549.55	\$9.18	\$4,372.79	\$273.30	\$6,154.98
Old Coffee Shop / Gallery & Studio	125 Main	\$296.33	\$351.53	\$374.72	\$6.26	\$2,981.61	\$186.35	\$4,196.80
TOTAL		\$1,649.27	\$1,956.49	\$2,085.51	\$34.84	\$16,594.40	\$1,037.15	\$23,357.66

(*) **Note:** The County's 2014 Mill Levy rate was 9.855 mills; however, 0.423 mills is collected by the County and distributed to the City (Road/Bridge funds). For the purposes of this table illustration, the 0.423 mills was added to the City's 9.631 mill levy for a total of 10.054 mills.

On the reverse, should the City fail to retain the current entities occupying the Premises, the annual sales tax paid to the City (\$5,800 in 2014) will be lost. And, that figure is expected to increase in 2015.

IV. BACKGROUND INFORMATION:

The City Council approved and adopted the City's Interim Community Economic Development Strategic Plan ("Plan") on March 3, 2015, which included an Economic Development program entitled "Maintain Central". The primary purpose of the program is to provide public support for economic development projects in the City that foster, promote, and enhance local economic development efforts. And, it specifically contemplates the City entering into long-term rental and/or leasehold agreements as necessary to fulfill authorized functions of the City, including but not limited to the implementation of the Plan.

The City currently uses some of its own properties to provide space to various entities, including Art Galleries and a Museum. Various property-owners, including nonprofit entities, currently provide space to tenants in a similar fashion. An important goal of this type of activity is to retain and/or incubate certain businesses; without such assistance, they may not otherwise exist within the local economy. This economic development function also serves to occupy some of the empty historic spaces, which helps to preserve the historic buildings within the City. Additionally, the operations and improvements associated with the increased activity ultimately may serve to increase assessed values in the area over time.

The leasing of the Premises would provide the City with overflow meeting space, a venue for showcasing public art, and space for special events or festivals. The Premises also contains office space that could be used for the City's economic development consultant and/or the *Main Street Central City* Program Director.

The initial term of the Lease Agreement would expire on December 31, 2016 to coincide with the sunset provisions of the Plan. However, the Agreement could be extended for additional one (1) year terms for up to four (4) years (2020).

V. **LEGAL ISSUES:** The legal issues have been reviewed by City Attorney McAskin.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None

VII. **SUMMARY AND ALTERNATIVES:**

1. Move to introduce and read the Ordinance on Second Reading.
2. Move to continue the Second Reading of the Ordinance to another date and time.
3. Do not move to introduce and read the Ordinance on Second Reading, and table the item.

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO APPROVING A LEASE AGREEMENT BY AND BETWEEN THE
CITY AND CENTRAL CITY, LLC FOR THE PREMISES KNOWN AS
117 MAIN STREET, 123 MAIN STREET, AND 125 MAIN STREET**

WHEREAS, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

WHEREAS, Section 2.2 of the Home Rule Charter vests the City with all powers, functions, rights and privileges in the operation of a municipality except those expressly forbidden to home rule municipal corporations and cities by the Constitution or statutes; and

WHEREAS, the Home Rule Charter does not specifically define economic development activities, but the City Council of the City of Central, as the legislative and governing body of the City is authorized to determine what constitutes authorized economic development activities; and

WHEREAS, by Resolution No. 15-06 dated March 3, 2015, the City Council approved and adopted the City's Interim Community Economic Development Strategic Plan (the "ED Plan"); and

WHEREAS, the ED Plan references the *Maintain Central* program; and

WHEREAS, the primary purpose of the *Maintain Central* program is to provide public support for economic development projects in the City that foster, promote, and enhance local economic development efforts; and

WHEREAS, the *Maintain Central* program specifically contemplates the City entering into long-term rental and/or leasehold agreements as necessary to fulfill authorized governmental or proprietary functions of the City including but not limited to implementation of the ED Plan; and

WHEREAS, the City Council desires to enter into a lease agreement with Central City, LLC, a Delaware limited liability company (the "Property Owner") for that certain property described as 117 Main Street, 123 Main Street and 125 Main Street (collectively, the "Premises"); and

WHEREAS, pursuant to Section 11.7 of the Home Rule Charter, the City Council must, by ordinance, authorize long-term rentals or leasehold agreements for any municipal purpose; and

WHEREAS, Section 11.7 of the Home Rule Charter defines a long-term lease as any lease having a duration of more than one year; and

WHEREAS, the initial term of the lease agreement exceeds one year; and

WHEREAS, the City Council specifically finds that this Ordinance will further the health, safety and general welfare of the City's inhabitants and will assist with the implementation of the ED Plan by allowing the City to utilize the Premises as overflow meeting space, to showcase public art, to provide space for special events or festivals scheduled to occur during the initial term or any renewal term of the lease agreement, to allow for flex office space for the City's economic development consultant, and to utilize the Premises for other governmental or proprietary services as determined by the City; and

WHEREAS, it is the intent of this Ordinance to authorize the City Manager to execute the necessary documents to enter into a long term lease agreement with the Property Owner for the purpose of implementing the ED Plan and the *Maintain Central* program; and

WHEREAS, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO THAT:

Section 1. The City Council hereby confirms that the City desires to enter into the Lease Agreement in substantially the form on file with the City Clerk on the effective date of this Ordinance (the "Lease Agreement") in order to promote and enhance the City's economic development efforts through implementation of the City's ED Plan and *Maintain Central* program. In approving this Ordinance, City Council fully intends that the Premises be exempt from taxation in accordance with the applicable provisions of C.R.S. § 31-15-802 and § 39-3-124(1)(b)(I).

Section 2. The City Council designates and confirms that the City Manager is authorized to execute the Lease Agreement for and on behalf of the City. The City Manager, in consultation with the City Attorney, may make such non-material changes to the Lease Agreement as the City Manager deems necessary or desirable prior to execution of the Lease Agreement.

Section 3. The City Council designates and confirms that the City Manager, during the initial term or any renewal term of the Lease Agreement, shall be authorized to execute one or more sublease(s) for any portion of the Subject Property for any lawful purpose, following the review and approval of the form of any sublease(s) by the City Attorney.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

LEASE AGREEMENT

This Lease Agreement (“Agreement”) is entered into this ___ day of _____, 2015, by and between CENTRAL CITY LLC, a Delaware limited liability company having a principal office address of 10 W. Westminster, Lake Forest, Illinois 60045 (“Lessor”) and THE CITY OF CENTRAL, a home rule municipality of the State of Colorado (“Lessee” or “City”) (together, the “Parties”).

I. Leased Premises:

Lessor does hereby lease to the City the Premises more particularly described as 117 Main Street (Schedule #R002844), 123 Main Street (Schedule #R007117), and 125 Main Street (Schedule #R002293), Central City, Gilpin County, Colorado (collectively, the “Premises”). The Premises are described with particularity in **Exhibit A**, a copy of which is attached to this Agreement and is incorporated herein by reference.

II. Term:

This initial term of this Agreement shall commence on June 1, 2015, and shall terminate at midnight on December 31, 2016. The City shall have the right to renew this Agreement for four (4) additional one year terms. Each renewal term shall commence on January 1st at 12:01 a.m. and shall terminate on December 31st at midnight. Should the City choose to exercise its option to renew this Agreement, the City shall provide Lessor written notice of its intent to renew no later than December 15th immediately preceding the commencement of the next annual lease term.

III. Rent:

Lessee agrees to pay Lessor rent in the amount of One Dollar and no/100 (\$1.00) for the initial term terminating on December 31, 2016, with said amount being due and payable within ten (10) business days following the effective date of the City Ordinance approving this Agreement. Thereafter, rent shall continue at the rates set forth with particularity below payable on or before January 15th in any year in which the City has exercised its right to extend the term of this Agreement (unless an alternative payment date appears below).

<u>Year</u>	<u>Rent</u>
2017	\$1.00 for calendar year
2018	\$1.00 for calendar year
2019	\$1.00 for calendar year
2020	\$1.00 for calendar year

IV. Purpose of Lease:

As set forth in Section V below, the Parties are entering into this Agreement in order to allow the Lessee to use and occupy the Premises for any lawful purpose, including advancing the *Maintain Central* program and other goals identified in the City of Central's Interim Community Economic Development Strategic Plan.

V. Use of Premises:

Lessee shall have the right to use and occupy the Premises for any lawful purpose, and shall have the right to sublease any portion of the Premises for any such lawful purposes, without obtaining the advance written consent of Lessor. Lessor expressly acknowledges and agrees that the City shall be authorized to enter into subleases which are related to an authorized governmental or proprietary purpose, including advancing the *Maintain Central* program and other goals identified in the City of Central's Interim Community Economic Development Strategic Plan. Lessee shall not use or permit the use of the Premises in any way that:

(a) will materially increase the Lessor's existing rates for or cause cancellation of any fire, casualty, liability or other insurance policy insuring the Premises or the contents thereof;

(b) violates or conflicts with any law, statute, ordinance, or governmental rule or regulation, whether now in force or hereinafter enacted, governing the Premises;

(c) obstructs or interferes with the rights of other tenants or occupants in the building in which the Premises are located; or

(d) constitutes the commission of waste on the Premises or the commission or maintenance of a nuisance.

VI. Alterations:

Lessee shall not make or permit any other person to make any alterations to the Premises without the prior written consent of the Lessor.

VII. Indemnity:

To the extent permitted by law, and without waiving governmental immunity as set forth in Section XV(d) below, the City shall indemnify and hold the Lessor free and harmless from any and all liability, claims, loss, damages or expenses, arising by reason of death or injury of any person, caused by the Lessee's use and occupation of the Premises for governmental or proprietary functions.

VIII. Insurance:

The City shall, at its own cost and expense, secure and maintain during the term of this Agreement property, casualty, fire, or other forms of rental insurance deemed suitable by the City to adequately protect its interests in the Premises and any personal property of the City.

Lessor shall not be responsible for carrying insurance for Lessee or sublessee's personal property on the Premises.

IX. Maintenance and Repairs:

Lessee accepts the Premises in their as-is condition and agrees to maintain the Premises in such condition, subject to ordinary wear and tear. Lessee will have no responsibility for major or minor repairs to the Premises unless damages are caused by the action of the Lessee or Sublessees and such damages exceed ordinary wear and tear. Lessee or its Sublessees shall be responsible for snow removal on the sidewalks providing access to the Premises.

X. Utilities:

Lessee or its sublessees shall be responsible for the cost of all utilities associated with their use of the Premises including, but not limited to, water, sewer, gas and electricity.

XI. Taxes and Tax Exempt Status of Premises:

The Parties acknowledge and agree that the Premises shall be exempt from taxation pursuant to C.R.S. § 31-15-802, § 39-3-105 and § 39-3-124(1)(b). To the extent that any taxes are assessed against the Premises during the initial term or any renewal term of this Agreement, Lessor shall remain solely responsible for payment of same.

XII. Default, Breach and Remedies:

In the event Lessee alleges any default by Lessor hereunder, Lessee shall deliver to Lessor written notice and Lessor shall have thirty (30) days following receipt of such notice to cure such alleged default or, in the event such alleged default cannot reasonably be cured within such thirty-day period, commence action to cure such alleged default within a reasonable time. Should Lessor fail to cure any alleged default, Lessee's only remedy shall be its right to terminate this Agreement as set forth in Section XIV(b) below.

XIII. Notices:

All notices or other communications hereunder shall be in writing and shall be deemed to have been duly given when personally delivered, or if mailed by certified mail, upon first attempted delivery by the U.S. Postal Service, return receipt requested, or if delivered via Federal Express or similar overnight courier service, when received, or if by facsimile or e-mail, on a business day if received before 5:00 p.m. local time on such business day, or on the next business day, if received after 5:00 p.m. in local time on a business day or any time on a non-business day. Such notices or other communications shall be sent to the following address, unless other address are subsequently specified in writing:

If to Lessor:

Central City, LLC
10 W. Westminster
Lake Forest, Illinois 60045

If to Lessee:

City of Central
Attn: City Manager
141 Nevada Street
P.O. Box 249
Central City, CO 80427

With a copy to:

Widner, Michow & Cox LLP
Attn: Marcus McAskin
13133 East Arapahoe Road, Suite 100
Centennial, CO 80112

XIV. Termination:

This Agreement may be terminated, without penalty or further liability, as follows:

- (a) By Lessee choosing to not exercise its option to renew the term of this Agreement in accordance with Section II above.
- (b) By Lessee on thirty (30) days prior written notice, if Lessor fails to cure any alleged default.
- (c) By either party on ninety (90) days advance written notice.

XV. Miscellaneous:

(a) Nothing contained in this Agreement is intended to or shall create a contractual relationship with, cause of action in favor of, or claim for relief for, any third party. Absolutely no third party beneficiaries are intended by this Agreement. Any third party receiving a benefit from this Agreement is an incidental and unintended beneficiary only.

~~(b) This Agreement shall be interpreted according to the laws of the State of Colorado. Venue for any action arising under this Agreement shall be in the District Court for Gilpin County, Colorado.~~

(c) The parties understand and agree that the City is subject to Article X, Section 20 of the Colorado Constitution ("TABOR"). The Parties do not intend to violate the terms of TABOR by the execution of this Agreement. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR. Financial obligations of the City payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the applicable rules, regulations, and resolutions of the City and any other applicable law

(d) The Parties hereto understand and agree that the City, its elected officials, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., as the same may be amended from time to time, or otherwise available to the City.

(e) Each provision of this Agreement is severable. If any clause or provision of this Agreement is illegal, invalid or unenforceable under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby.

(f) This Agreement constitutes the entire written agreement between the parties regarding use of the Premises and supersedes any prior agreements, whether verbal or written, between the parties or their employees or representatives which pertain to the same subject matter. Any modifications to this Agreement must be executed in writing signed by both parties.

(g) A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

(h) The undersigned individuals each represent to the parties that they possess the authority to execute this Agreement and to bind their respective parties.

(i) The City and Lessor acknowledge that each party has reviewed this Agreement and that the normal rule of construction that provides for ambiguities to be resolved against the drafting party shall not apply to the interpretation of this Agreement. This Agreement shall be construed neither for nor against Lessor or the City, but shall be given a reasonable interpretation in accordance with the plain meaning of its terms.

(j) This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document. In addition, the Parties specifically acknowledge and agree that electronic signatures shall be effective for all purposes, in accordance with the provisions of the Uniform Electronic Transactions Act, Title 24, Article 71.3 of the Colorado Revised Statutes.

IN WITNESS WHEREOF, the Parties hereto execute this Lease Agreement the day and year first above written.

LESSOR:

CENTRAL CITY, LLC, a Delaware limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____)

COUNTY OF _____)

The foregoing Lease Agreement was acknowledged before me this ___ day of _____, 2015, by _____ as _____ of Central City, LLC, a Delaware limited liability company.

Witness my hand and official seal.

Notary Public

[SEAL]

LESSEE:

CITY OF CENTRAL, a home rule municipality
of the State of Colorado

By:

Daniel Miera, City Manager, authorized
pursuant to Ordinance No. 15-02

ATTEST:

REVIEWED BY:

City Clerk

City Attorney

Exhibit A

[Insert Legal Description of Premises]



AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Gary Pringey, City Building Official with Colorado Code Consulting

DATE: May 5, 2015

ITEM: Ordinance No. 15-03: An ordinance repealing and reenacting Article I of Chapter 18 of the City of Central Municipal Code to adopt by reference the International Building Code, 2015 Edition; the International Fire Code, 2015 Edition; the International Residential Code for one and two family dwellings, 2015 Edition; the International Mechanical Code, 2015 Edition; the International Plumbing Code, 2015 Edition; the International Energy Conservation Code, 2015 Edition; 2015 Edition; the International Existing Building Code, 2015 Edition; the International Fuel Gas Code, 2015 Edition; and, making specific amendments to the above referenced codes.

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Ordinance 15-03 adopting the 2015 International Building Codes. These proposed codes are the current published codes, replacing the 2012 editions of these codes which, in turn replaced the 2009 editions of these codes and as currently adopted by the City of Central. The published codes are the product of a continuing process to incorporate the contributions of professional involved in the design, construction, use and regulation of buildings. New editions include provisions recognizing new materials and methodologies and corrections to existing provisions as the industry continues to change. Adoption of the current codes improves the uniformity of regulations throughout a region which, in turn, improves the ability to designers, contractors, and suppliers to work with government regulation and provide better consistency of compliance with that regulation.
- II. **RECOMMENDED ACTION / NEXT STEP:** Consideration of a motion to approve Ordinance 15-03 as presented and set the Public Hearing for June 2, 2015 at

7:00pm.

III. **FISCAL IMPACTS:** None

IV. **BACKGROUND INFORMATION:** Colorado Code Consulting (CCC), the City's on-call building official met with Staff. The City of Central adopted the 2009 editions of applicable I-codes and, like many jurisdictions did not adopt the 2012 editions of those codes when they became available. The costs of adopting the new codes every three years when they are newly published have become prohibitive. Those costs include the books, the adoption process and hearings, and the training of staff and the development community on the new codes. Waiting more than two cycles (six years) to adopt the new codes also includes additional costs. Those costs include training staff and the development community on more than six years of changes and is not recommended. The amendments proposed for this adoption are consistent with the amendments to the adoption of the 2009 codes. In some cases, previous amendments could be deleted because the new codes have incorporated the changes. In some cases, amendments are proposed to address changes at the national level that may not be necessary or cost efficient at this locale. The most significant amendments may be those to Chapter 9 of the IBC and to Chapter 9 of the IFC. Those changes will increase the requirements for automatic fire sprinkler systems for all buildings except residential buildings. The proposed amendments will not increase requirements for automatic sprinkler systems in residential buildings and, actually, will reduce those requirements from the published codes. A brief summary of changes in the IBC from the 2009 edition to the 2015 edition have been compiled by CCC and will be made available for your review.

V. **LEGAL ISSUES:** N/A

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

VII. **SUMMARY AND ALTERNATIVES:**

Council may take one of the following actions:

1. Approve as presented, or
2. Modify
3. Reject or deny the Ordinance.

2009 -2015 IBC Significant Changes Summary

Tier I

- 503 – General Building Height & Area Limitations – Methods for determining allowable heights and areas have been dramatically revised and reformatted to improve user-friendliness – 3 revised Tables with no change in technical application – Does not alter results
- 308.3 - Classification segmentation of I-1 Occupancies into two conditions – Condition 1 (capable of self-preservation and egress) – Condition 2 (Assisted egress and defend-in-place methods) – More stringent requirements for story limitations, smoke barriers, sprinkler protection, and fire detection
- 308.4 - Classification segmentation of I-2 Occupancies into two conditions – Condition 1 (long-term care facilities) – Condition 2 (short-term medical facilities) – More stringent requirements for story limitations, smoke barriers, sprinkler protection, and fire detection
- 407.2.5 – Group I-2 Shared Living Spaces – Adds specific requirements to allow shared spaces to be part of, and open to, corridors where egress is not impeded
- 407.2.6 – Group I-2 Cooking Facilities – Adds specific requirements to allow cooking spaces to be part of, and open to, corridors where egress is not impeded
- 407.5 – I-2, Condition 2 - Smoke Compartment maximum size increased to 40,000 sf
- 507.9 – Group H-5 in Unlimited Area Buildings – The fire-safety controls of Section 415.11 (H-5) adequately reduce the hazards to those similar to a B Occupancy, and therefore can take advantage of similar code relief
- 705.3 – Buildings on the same lot – Allows a Type I or IIA, S-2 parking garage directly adjacent to a R-2 building – Allows occupant-use openings between the structures, but only requires opening protection in the exterior wall of the parking garage – 90 minute protection is required
- 903.2.1.6 – Sprinkler Systems in Assembly Occupancies – When an assembly use is established on an occupied roof – A-2 > 100 or any other A > 300, all floors below will be required to be sprinklered to the level of exit discharge
- 903.2.1.7- Multiple Fire Areas – Group A-1, A-2, A-3, and A-4 that share egress components, and contain more than 300 occupants, will be sprinklered, regardless of size
- Chapter 10 – MOE – Dramatic renumbering and provision relocation – Examples: 1015 now 1006, 1021 deleted, 1007 now Exit and Exit Access, 1009 now AMOE
- 1110 – Recreational Facilities – More detailed scoping requirements have been provided to coordinate with the ADA – Added scoping for technical requirements to align with Chapter 11 of the A117.1 standard.
- 1705.2.3 – Open Web Steel Joists and Joist Girders – Addition – Special inspections are now required during the installation – Types of inspections and reference standards identified
- 2612 – Plastic Composites – Addition – New definitions and applicable test standards for plastic composites used in decks, stairs, handrails, and guards
- 2902.3 – Public Toilet Facilities – Limited-size quick-service tenant spaces (300 sf or less) are no longer required to provide toilet facilities for public customers

- 3004 – Elevator Hoistway Venting – Provisions have been deleted - No longer required to be vented to the exterior – Technology advances and energy concerns have eliminated the historical justification
- 3006 – Elevator Lobbies – All requirements have been relocated from Chapter 7
- Chapter 34 - Deletion of Chapter 34 – Existing Buildings – IEBC is the now the only tool
- Chapter 35 - 2015 IBC References the 2009 ICC/ANSI A117.1 Accessibility standard – New Chapter 11 within for recreation

Tier II

- 111.1 – Change of use or occupancy terms are synonymous – New CO's required on change
- 310.6 - Classification segmentation of R-4 Occupancies into two conditions – Condition 1 (capable of self-preservation and egress) – Condition 2 (Assisted egress and methods) – Further research ramifications
- 311.1.1 – Small storage rooms (less than 100 sf) are automatically accessory and not classified separately – Aggregates are still limited to 10% of the floor area
- 404.5 – Atriums - Smoke control is now mandated in I-2 and I-1, Condition 2 that connect two stories
- 404.9 & 404.10 – Egress travel through an atrium – Greatly expands the language regulating the provisions and referenced sections, but does not significantly change intent
- 505.2.3, Ex 2 – Mezzanine Openness – Direct access to at least one exit at the mezzanine level is no longer required
- Table 509 – Fire Protection of Incidental Uses – This table has been extensively expanded to include occupancy specifics and clarifications – Nifty comparison table to 2012 IBC in SC
- 711 & 712 – Horizontal assemblies and Vertical openings – Sections have been reorganized to separate requirements, and provide better clarity
- 903.2.8 – Group R Sprinkler Systems – Numerous changes and clarifications for R-4's due to the new use conditions
- 903.3.1.1.2 – NFPA 13 Exempt Locations – An exemption for bathrooms no more than 55 sf to align the IBC with recent changes to NFPA
- 903.3.1.2.2 – Breezeways – It clarifies that open-ended corridors, and associated stairways, and ramps must be protected when a 13R system is used – Not exempt
- 903.3.8 – Limited Area Sprinkler System – Reduces the exceptions for small systems serving a single fire area from 20 to 6
- 915 – Carbon Monoxide Detection – Relocated and expanded requirements –Group E added – Group I-3 excluded
- 1006 & 1007 – Number of Exits and Exit Access Doorways – Major reconsolidation of provisions – New Table 1006.2.1 (all previous provisions & some minor changes) – The Common Paths in non-sprinklered occupancies that require sprinklers have been changed from a number to NP – Extensive overall change

- 1007.1 - Exits and Exit Access Doorway Configuration – Clarification of measurement points – Remoteness must be maintained in exit access stairways and ramps – Performance language added to remoteness of three exits
- 1010.1.9 – Door Operations & Locking Systems – Numerous revisions throughout the locking provisions help clarify application through consistent terminology
- 1016.2 – Egress through Intervening Spaces – A means of egress is now permitted through an elevator lobby, provided access to at least one exit is available without passing through the lobby – Clears up misconception
- 1017.2.2 – Travel Distance increase for F-1 & S-1 – Increase to 400 feet if conditions are met
- 1023.3.1 – Stairway Extension – An interior exit stairway is now permitted be open directly to an exit passageway – No door is required
- 1103.2.8 – Areas in Places of Religious Worship – Small areas (Defined in the change) used for religious ceremonies are now exempt from access requirements
- 1104.4 – Multi-story Buildings and Facilities – Clarifies the Group M exception – Clarifies that government buildings may not use the exception
- 1107.3 & 1107.4 – Accessible Spaces and Routes – Provisions for connecting all spaces within a building have been modified – Distinctions have been provided for changes in elevation for stories and mezzanines – R-2 Dormitories not exempt
- 1107.5.1.1 & 1107.6.4.1 – Accessible Units in Assisted Living Facilities – The number of accessible units now depends on the capability of the residents
- 1107.6.1.1 – Group R Accessible units – Modification of how multiple buildings on a site are evaluated – Building size is described
- 1109.2 – Accessible Water Closet Compartments – In larger toilet rooms, 5% must be wheelchair accessible, and 5% must be ambulatory – New exception for toilet and bathing rooms serving bariatric patients
- 1602.1 – Definitions and Notations – The definitions of flexible and rigid diaphragms have been deleted and replaced with a reference to the procedures within the 2010 national load standard (ASCE/SEI 7-10) – Inconsistencies resolved
- 1603 – Construction Documents – Modification – Two additional roof snow items are required to be identified on the construction documents – Drift surcharge & Width of snow drifts
- 1603.1.8 – Special Loads – Addition – The dead load of rooftop PV must be identified on the construction documents
- 1607.12 – Roof Loads – Addition – The term vegetative roof has been defined in 202 and a reference to ASTM E 2397 has been added
- 1607.12.5 – Photovoltaic Panel Systems – Addition – Design requirements for roof structures have been added
- 1613.6 – Ballasted Photovoltaic Panel Systems – Addition – Seismic requirements added
- 1704.5 – Submittals to the Building Official – Addition – Requirements for submittal of reports and certificates are now clearly specified
- 1705.2 – Steel Construction – The special inspection requirements have been modified to align with the new terminology – References new SDI standard

- 1705.3 – Required Special Inspections of Concrete Construction – Specific requirements for the design and installation of adhesive anchors are now included in ACI 318, and continuous inspection added for defined loads
- 1804.1 – Excavation Near Foundations – Addition – Basic requirements have been added since the code was not specific
- 1808.3 – Design Surcharge Loads – Addition – Requirements to protect adjacent structures has been added
- 1901.3 – Anchoring to Concrete – Previous Sections 1908 and 1909 have been deleted due to inconsistency – New provisions have been added to the general requirements
- 1901.4 – Composite Structural Steel and Concrete Structures – Previous specific requirements have been deleted – New provisions have been added to the general requirements
- 2304.6 – Exterior Wall Sheathing – Section has been modified to establish minimum structural performance requirements and clarify provisions – References ASCE/SEI 7-10 – The term gable has been added
- 2308 – Conventional Light-frame Construction – Much of the Section is extensively reformatted and reorganized – New wall bracing designations and requirements, similar to the IRC, are provided
- 2309 – Wood Frame Construction Manual – Added Section – Manual allows designs for Risk Category I and II within described limitations
- 2406.4.7 – Safety Glazing adjacent to Bottom Stair Landing – Method of measurement revised to provide clarity – Restores 2009 language

Tier III

- 202 – Definition of Private Garage added – For motor vehicles used by the tenants of the building – No repair or service for profit
- 202 – Definition of Horizontal Exit changed to focus on compartmentalization versus the path of egress travel
- 304.1 – Independent commercial kitchens < 2500 sf now included in the B Occupancy list
- 304.1 – Training and skill development description expanded for clarification in the B Occupancy list
- 306.2 - Independent commercial kitchens > 2500 sf clarified in the F-1 Occupancy list
- 310.5 – Lodging Houses (typical B&B's) clarified – 5 or fewer guest rooms – Constructed as IRC or R-3 – Change in 2012 IRC did not get carried to IBC
- 403.1, Ex 3 & 5 – Clarification of provisions when A-5, or H-1 thru H-3 are present in a high-rise – Self-limited by other specific requirements
- 406.3.1 – Private Garage floor area limitation (Group U) – Limited to 1000 sf, unless compartmentalized by 1-hour fire separations
- 412.7 – Travel distance in aircraft manufacturing facilities – Recognizes the current travel distance limits are problematic in large facilities – Introduces new table to derive compliance
- 510.2 – Horizontal Building Separation – The single story limit above grade is removed – Overall building height control remains the same

- Table 601, Footnote d – One-Hour substitution – Removed because application was extremely limited, and to eliminate misuse.
- 602.4 – Type IV Requirements – FRTW and cross-laminated timber (CLT) now allowed within exterior walls – Introduces structural composite lumber (SCL) into the size equivalency table
- 603.1, Item 26 – Wall construction of freezers and coolers – May be framed with combustible materials, if covered with non-combustible materials, are of less than 1000 sf of floor area, and the building is fully sprinklered
- 705.2 – Projections at Exterior Walls – The minimum required separation between leading edge of a projection and the line used to determine the FSD has been modified – Dramatically – Question intent and logic – Worst-case example changes from 40 inches clear to 20 feet
- 705.2.3 – Combustible Projections – Confusing language to determine application removed
- 706.2 – Structural Stability – Small language clarifications – Acknowledges tied and cantilevered options in NFPA 221
- 714.4.2 – Membrane penetrations – Further clarification of a wood, double top plate intersecting a horizontal assembly's lower membrane
- 904.13 – Domestic cooking systems in Group I-2, Condition 1 – Creates reasonable accommodations for industry designs while adding proper safeguards
- 907.2.3 – Group E – Manual Fire Alarms – Increases threshold to 50 – Increases EVAC threshold to 100
- 909.21.1 – Elevator Hoistway Pressurization Alternative – Creates viable alternatives to the traditional testing and measurement requirements
- 910 – Smoke and Heat Removal – Updated revisions for clarity – Allows mechanical smoke removal systems – Draft curtain provisions deleted – Based on the Technology Committees' evaluation of current available safeguards
- 1004.1.1 – Cumulative occupant loads – Clarifications for intervening spaces and mezzanine
- 1004.1.2 – Occupant load factor for Group M main levels and basements raised to 60 sf – Now all levels 60 SF
- 1009.8 – Two-way Communication Systems – Clarifies that a system may serve multiple elevators – Not required at service, freight, or private residence elevators
- 1011.15 & 1011.16 – Ladders – Addition – Permitted locations identified – Requirements in the IMC
- 1014.8 – Handrail Projections – Guidance provided for obstructions of required stairway widths with intermediate handrails
- 1018.3 – Aisles in Groups B & M – Clarifications of required width – Aligns with corridor widths now
- 1020.2 – Corridor Width and Capacity – Clarification for I-2 where bed or stretcher movement is necessary
- 1109.2.3 – Accessible Lavatories – Modification - The only accessible lavatory in a toilet room may not be in the accessible water compartment closet
- 1405.3 – Vapor Retarders – The required types and locations for each class of vapor retarder have been revised – Clarifies prohibited locations
- 1604.3 – Serviceability – Modifications have been made to the deflection limits of varying members to clarify and update

- 1607.9 – Impact Loads for Façade Access Equipment – Addition – New provisions added to align with OSHA requirements
- 1607.10.2 – Alternate Uniform Live Load Reduction – This method has been corrected to be consistent with the original intent as it appeared in the UBC
- 1609.1.1 – Determination of Wind Loads – New wind tunnel test added – ASCE 49
- 1613.5 – Amendments to ASCE 7 – Addition – Amendment to the diaphragm anchorage requirements – Clarifies aspect ratios
- 1705.11 – Special Inspection for Wind Resistance – Clarifies intent and specific requirements
- 1705.12 – Special Inspection for Seismic Resistance – Addition – Periodic special inspection of cold-formed steel special bolted moment frames is now mandated – Several modifications to other special inspections for seismic
- 1708.3.2 – Static Load Testing – Requirements have been revised to clarify intent – Arbitrary factor of two removed – Methods of testing are specified – Differences influenced by load duration effects when testing wood elements now addressed
- 1709.5 – Exterior Window and Door Assemblies – Clarifies that design pressure ratings are to be done on an allowable stress design basis
- 1711 – Material and Test Standards – Requirements for testing joist hangers has been deleted – Testing of concrete and clay roof tiles relocated to 1504
- 1803.5 – Investigated Conditions – The requirements addressing the evaluation of rock materials have been updated to align with current geotechnical engineering practice – Underpinning and excavation requirements have been added
- 1810.2.5 – Group Effects – Clarification of the requirements on uplift of grouped deep foundation elements
- 1810.3 - Design and Detailing – Addition – Provisions for structural steel piles have been added to clarify intent
- 1904 – Durability Requirements – IBC requirements have been deleted and replaced by a reference to ACI 318's (2014) requirements
- 1905.1.3 – Modifications to ACI 318, Section 18.5 - IBC requirements have been deleted and replaced by a reference to ACI 318's (2014) requirements
- 1905.1.8 – Extensive modifications have been made to the concrete anchorage provisions to achieve consistency with Chapter 17 of ACI 318's (2014) requirements
- 2101.2 - Masonry Design Methods – References to the MSJC have been deleted because the 2013 edition of TMS 402/ACI 530/ASCE 5 have been substantially reorganized to be more user-friendly – Section now simply references these documents
- 2103 – Masonry Construction Materials – Provisions have been deleted because they are now contained in TMS 602/ACI 530.1/ASCE 6
- 2104 – Masonry Construction – Provisions have been deleted because they are now contained in TMS 602/ACI 530.1/ASCE 6
- 2105 – Quality Assurance – Provisions have been deleted because they are now contained in TMS 602/ACI 530.1/ASCE 6 and the special inspection and testing requirements of Chapter 17
- 2111 & 2113 – Masonry Fireplaces and Chimneys – Definitions relocated to 202 – Reinforcement and anchorage requirements updated to clarify intent

- 2210 – Cold-formed Steel – A new SDI standard for composite decks has been added to Chapter 35
- 2211 - Cold-formed Steel Light-frame Construction – A new AISI standard (S220) is now referenced for non-structural products
- 2303.1.4 – Structural Glued Cross-laminated Timber – Abbreviated CLT – New definition added to 202 – New standard ANSI/APA PRG 320
- 2303.1.13 – Engineered Wood Rim Board - New definition added to 202 – Two new referenced standards in Chapter 35
- 2304.10.6 – Load Path – Requirements for steel straps modified to align with AISI Product Data Standard S201
- 2304.12 – Protection against Decay and Termites – Modifications clarify where waterborne preservatives are required and where they are not required
- Chapter 25 – Gypsum Panel Products – Definition of gypsum board revised and a new definition for gypsum panel products added to 202 – Terms aligned throughout Chapter

2009 -2015 IECC Residential Significant Changes Summary

Tier I

R401.2 – Compliance – options for compliance are now prescriptive path, Total UA (which is part of prescriptive), Performance and the new “Energy Rating Index” path or “HERS” path.

Table R402.1.2 – Insulation and fenestration requirements by component. For Climate zone 5, the thermal envelope requirements changed as follows:

Fenestration U-Factor: from .35 to .32

Skylight U-Factor: From .60 to .55

Ceiling R-Value: From R38 to R49

Basement or Crawl Space Walls: Changed from R10/13 to R15/19

The rest of the components remained the same. Footnotes changed considerably, most significant was footnote h, which removed wording about, “when using exterior sheathing...” That actually became its own code section instead of a footnote.

402.4 – Air Leakage (Mandatory) – components of the thermal envelope must be installed in accordance with Table R402.4.1.1, inspected per that same table, as well as be tested with a blower door test with an air leakage rate not to exceed 3 ACH(50).

R402.4.4 -- Rooms containing fuel-burning appliances – open combustion space conditioning fuel-burning appliances and their combustion air openings must be outside the building envelope or enclosed in a room isolated from inside the thermal envelope.

R403.3.3 – Duct testing (mandatory) – Ducts located in unconditioned spaces must be tested for air leakage. The test can be held at rough in or final and is done to total duct leakage, not just leakage to the outdoors. The rate at which they must comply is found in Section R403.3.4.

R403.3.4 – Duct Leakage (prescriptive) – the rate of 4cfm per 100 square feet of conditioned floor area for total duct leakage is allowed to be traded off using the simulated performance path or the ERI path.

R404.1 – Lighting equipment (mandatory) – not less than 75% of the lamps in permanently installed lighting fixtures must be high-efficacy lamps or not less than 75% of the permanently installed fixtures must contain high efficacy lamps. Also, fuel gas lighting systems cannot have continuously burning pilot lights.

R406 – Energy Rating Index Compliance Alternative – a new compliance path that allows an energy rating index score to verify code compliance. Climate zone 5 would need a passing score of 55, which is equal to the HERS index score. There is a backdrop built in that does not allow you to trade off any worse than the 2009 IECC values.

Chapter 5 – Existing Buildings – New chapter dealing with additions, alterations and repairs to existing buildings, including historical buildings.

R501.6, 202 – The definition of a historical building has changed, making it a bit tougher to be considered historic. Also, all provisions of the code apply to historic buildings unless the registered design profession or a representative of the State Historic Preservation Office or the historic preservation authority provides a report to the code official demonstrating that compliance would threaten, degrade or destroy the historic form, fabric or function of the building.

R503.1.1.1 – New! If you replace a window in an alteration, where some or all of the fenestration unit is replaced it must comply as new. Used to be only if you replaced entire assembly. BE sure to look at R504.2 though for repairs.

Tier II

R102.1 – the provisions for alternate materials has been modified to state the proposed design must comply with the intent of the code and the material, method or work must be at least equivalent of that prescribed in the code.

R104 -- Inspections – Now calls out required inspections and when you should be able to verify energy code requirements while looking at other items. It brings in third party testing and inspections as permitted by the code official.

R402.2.7 – this is where footnote h landed. Deals with how to handle when exterior insulation is used and there is structural sheathing used so that you can maintain an even surface for exterior finishes.

Table R402.2.6 – updated requirements for insulation in steel framed walls, floors and ceilings

R402.2.8 – gives new exception to allow floor cavity insulation to not be in contact with the subfloor if insulation meeting the above grade wall values is installed from the bottom to top of all perimeter floor framing.

Table R402.4.1.1 – The table was divided into two columns to separate the requirements for air barriers from the requirements for insulation. All of the provisions remained the same within the table.

R402.4.2 – New wood burning fireplaces must have tight fitting flue dampers and doors as well as combustion air. The doors must be listed for the fireplace they are used on.

R403.1.1 Duct insulation (prescriptive) – clarifies that there are different insulation values for ducts in the attic versus ducts in other unconditioned spaces in the building. R-Value of the insulation is now based on duct size as well.

R403.3.5 – Building Cavities (mandatory) – building framing cavities shall not be used as ducts or plenums for supply or return air.

R403.4.1 – HVAC piping that is required to be insulated must have insulation protected from elements.

R403.5 – Service hot water system requirements moved out of 403.4 for mechanical and into its own section 403.5. Heated-water circulating and temperature maintenance systems – New requirements for circulations systems, heat trace systems and controls for hot water storage.

R403.5.2 -- water distribution systems with recirculation pumps that pump water from a heated water supply to the heated water source through a cold water supply must be demand recirculation water systems with specific controls.

R403.5.3 – Hot water pipe insulation (prescriptive) – R3 insulation on hot water pipe over ¾ inch or serving more than one dwelling unit, or located outside the conditioned space, or from the water heater to a distribution manifold, or located under a floor slab or buried piping as well as supply and return piping in recirculating systems other than demand controlled systems.

R403.5.4 – a new section is brought in for drain water heat recovery units. The code doesn't reflect that the entire section is new, only portions, but it is all new. Drain water heat recover units must comply with CSA B55.2 and cannot have a potable water press loss more than 10psi at maximum design flow.

R403.6 – Whole House Mechanical Ventilation – this code gives a pointer to the IRC requirements for mechanical ventilation and doesn't contain any requirements other than the fans used to meet the requirement must be efficient per Table R403.6.1.

R403.7 – Equipment sizing (mandatory) – heating and cooling equipment must be sized using ACCA Manual S, based on the loads calculated using ACCA Manual J or other approved methodologies.

R405.4.2 – clarifies what must be in a compliance report if using the simulated performance path and prohibits batch sampling of buildings to determine compliance. Also clarifies that worst-case scenario may be used when using the same design on varying lots facing different cardinal directions as well as worst case building air leakage and duct leakage.

Table R405.5.2(1) – was updated to reflect any changes in prescriptive requirements for the standard reference design.

R502.1.1.1 – Building envelopes of additions must comply prescriptively as new construction. If non-conditioned space becomes conditioned, the thermal envelope of the addition must comply if the total building's UA is less than or equal to the UA of just the addition.

R502.1.1.2 – Heating and cooling systems for additions must comply as new except ducts from an existing heating and cooling system that extend into the addition less than 40 linear feet are not required to be tested.

R502.1.1.3, 502.1.1.4 – Service hot water systems and new lighting systems for additions must comply as new construction.

R502.1.2 – performance approach for existing plus addition – if the annual energy cost or energy use of the addition and the existing building is less than or equal to that of the existing building the addition shall comply with the full performance path requirements.

R503.1 – Alterations -- Alterations cannot make the existing structure any less conforming to the provisions of the code that it was prior to the alteration. There is a list of 6 items that need not comply with the envelope provisions provided the energy use of the building is not increased.

R503.1.2 – Heating and cooling systems in alterations must comply as new with the same exception for ducts as found in additions.

R503.1.3 – Service hot water systems that are new must comply as new.

R503.1.4 – lighting in alterations – new lighting must comply as new construction with the exception of alterations that replace less than 50% of the luminaires in a space provided installed interior lighting power is not increased.

R505 – Change of occupancy or use – spaces undergoing a change in occupancy that would increase the demand of fossil fuel or electrical energy must comply. Spaces that are converted to a dwelling unit or portion thereof from another use or occupancy must comply. If the simulated performance path is used to verify compliance the annual energy cost of the proposed design is permitted to be 110% of the annual energy cost allowed by Section R405.3.

Tier III

IECC Residential significant changes 2009-2015

R101.2 – Scope changed so that code applies to buildings and their associated sites.

R101.3 – Intent changed to state that the design and construction shall be regulated for the effective use and conservation of energy over the useful life of each building.

R103.1 – construction documents must be submitted in one or more sets and code official has the right to ask that they be done by a registered design professional.

R103.2 – The information on the construction documents must include everything in order to verify compliance with the thermal envelope, mechanical, service hot water, and lighting requirements, including air sealing details, duct sealing details, mechanical system design, etc.

R103.2.1 – The building's thermal envelope must be depicted on the plans so that the reviewer knows what is inside the envelope or not in order to verify compliance.

R103.3 – Code official has authority to use a registered design professional or other approved entity to review the plans for compliance.

R103.4 – Any changes made in the field must be corrected on updated set of construction documents and submitted for reapproval.

R108 – Stop Work Orders – clarifies when and how stop work orders are to be issued as well as failure to comply provisions.

202 – There are so many new or revised definitions, they will be talked about with the code section they relate to.

R301.4 – New Tropical Climate Zone added

Table R301.1 – Colorado Climate Zones – Added County of Broomfield as it was missing from the table.

R303.1.4.1 – Insulated Siding – Because the code now allows some insulated siding to count as a certain level of continuous insulation the section is brought in to give referenced standard for calculating R-Value.

R401.3 – Certificate (mandatory) – the certificate that used to be on the electrical panel to show what R and U values went into the house is now posted on a wall in the space where the furnace is located or a utility room or other approved location inside the building. It also must contain much more information including duct and blower door test results, equipment efficiencies, where any gas fired unvented room heater, electric furnace or baseboard electric might be, etc.

R402.1 – The provisions for low energy use buildings has moved to this location from Chapter 1.

R402.1.1 – A pointer was brought in reminding you to go to the IRC or IBC for vapor retarder provisions.

R402.1.3 – brings in a reduction of R-Value if using insulated siding to meet the envelope requirements.

R402.2 – clarifies that the specific insulation requirements are in addition to those found throughout Section R402.1.

R402.2.1 – clarifies that if using the trade for lower insulation if using raised heel trusses, the lower insulation can be used over 100% of the roof area, not just at the eaves.

R402.2.3 – Eave baffles are required if air permeable insulation is used in vented attics.

R402.2.4 – When using vertical doors for access doors into unconditioned space they are permitted to use the fenestration requirements instead of R-Value method.

R402.2.13 – changed from Thermally Isolate Sunrooms to just sunrooms but brings thermally isolated back into the exception.

R402.3.2 – Dynamic glazing isn't required in the code but if you use it there are specific provisions for their use.

R402.3.5 – speaks to sunroom fenestration requirements, again bringing back thermal isolation into the exception.

R402.4.5 -- Recessed Lighting – in addition to IC rating and air leakage rates, must also be sealed with gasket or caulk between the housing and interior wall or ceiling covering.

R403.1.1 – changed from requiring programmable thermostat only if you have forced air furnace to now requiring it on any primary heating or cooling system and gives specifics on control settings.

R403.2 – Hot water boilers that supply heat to the building must have outdoor setback controls that lower boiler temp based on outdoor temp. (new section)

R403.3.2 – Air handlers have to come from the manufacturer meeting specific air leakage requirements.

R403.10 – Energy consumption of pools and permanent spas (mandatory) – readily accessible on/off switches, time switches to turn off heaters when not in use or on a preset schedule, vapor retardant pool cover, exception for pools deriving at least 70% of energy for heating from site-recovered energy.

Pools and permanent spas that are accessory to detached homes and townhomes less than 3 stories in height and only available to the household shall be in accordance with APSP-145.

R403.11 -- portable spas shall follow APSP 14

R403.12 – Same exact wording as 403.10.1 except that it references APSP-15 instead of APSP-145.

R501.3 -- Maintenance – All buildings and structures and parts thereof must be maintained in a safe and sanitary condition. Devices and systems that are required by the code must also be maintained in conformance to the code edition under which they were installed.

R504 – Repairs -- most routine maintenance, repairs exempt from permit and abatement of wear due to normal service conditions is not subject to the requirements. Glass only replacements in an existing sash and frame are considered repairs as well as roof repairs.

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-03**

AN ORDINANCE REPEALING AND REENACTING ARTICLE I OF CHAPTER 18 OF THE CITY OF CENTRAL MUNICIPAL CODE TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2015 EDITION; THE *INTERNATIONAL FIRE CODE*, 2015 EDITION; THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2015 EDITION; THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION; THE INTERNATIONAL PLUMBING CODE, 2015 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION; THE INTERNATIONAL EXISTING BUILDING CODE, 2015 EDITION; AND THE INTERNATIONAL FUEL GAS CODE, 2015 EDITION; AND, MAKING SPECIFIC AMENDMENTS TO THE ABOVE REFERENCED CODES

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the City of Central (“City”), the City Council desires to update its ordinances to include the latest versions of the international building codes (“International Codes”); and

WHEREAS, Section 5.14 of the City’s Home Rule Charter permits the contemplated adoption by reference of such codes in accordance with the ordinance adoption procedures set forth in Section 5.10 of the Charter; and

WHEREAS, the City Council held a public hearing, with proper notice provided, to consider adoption of such International Codes as required by law; and

WHEREAS, copies of said International Codes are available in the City Clerk’s office at City Hall, 141 Nevada Street, City of Central, Colorado for review and inspection by the public; and

WHEREAS, a public hearing was conducted on the date, time and place noticed; and

WHEREAS, the City Council has determined, based on the evidence and testimony presented at the public hearing, that the International Codes, as amended herein, will further the health, safety and welfare of the inhabitants of the City.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO:

Section 1. Article I of Chapter 18 of the City of Central Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE I
International Building Code

Sec. 18-1-10. Title.

The provisions of the ordinance codified herein shall be known and cited collectively as the "City of Central Building Code" or "International Codes."

Sec. 18-1-20. Codes Adopted.

(a) The City adopts by reference the following codes:

(1) *International Building Code*, 2015 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(2) *International Fire Code*, 2015 Edition (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(3) *International Residential Code for One- and Two-Family Dwellings*, 2015 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(4) *International Mechanical Code*, 2015 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(5) *International Plumbing Code*, 2015 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(6) *International Energy Conservation Code*, 2015 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(7) *International Existing Building Code*, 2015 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(8) *International Fuel Gas Code*, 2015 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(b) The subject matter of the aforementioned codes concern regulations to provide minimum standards to safeguard life or limb, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings, structures, plumbing systems and mechanical systems in the City. Unless otherwise noted, the adoption includes all supplements to the codes.

Sec. 18-1-30. Jurisdiction defined.

(a) Whenever the word *jurisdiction* is used in the *International Building Code*, it shall be held to mean that area included within the corporate limits of the City or any area hereafter annexed to the City.

(b) Unless otherwise established by resolution of the City Council, the Board of Appeals provided for in the *International Building Code* to hear appeals relating to the International Codes shall be the City Council.

Sec. 18-1-40. Penalty.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of any of the International Codes adopted in this Chapter. In addition to other sanctions set forth in the adopted International Codes, a person or entity who violates the provisions of any such International Code shall be subject to the penalties as set forth in Section 1-4-20 of this Code.

Sec. 18-1-50. Additions and modifications.

(1) Amendments to the International Building Code

(a) Section 101.1 of the *International Building Code* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code of the City of Central*, hereinafter referred to as 'this code'.

NOTE: For the purposes of the City of Central Building Code, the administrative provisions of the *International Building Code*, *International Residential Code*, *International Mechanical Code*, *International Plumbing Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Existing Building Code*, and *National Electrical Code* are provided under the amended administrative provisions of Chapter 1 of the *International Building Code*.

(b) Section 101.2.1 of the *International Building Code* is amended to add the following appendices:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) are specifically adopted and made part of the *City of Central Building Code*:

1. Appendix Chapter I, Patio Covers
2. Appendix Chapter J, Grading

(c) Section 101.4.4 of the *International Building Code* regarding the *International Property Maintenance Code* is deleted in its entirety.

- (d) Section 101.4 of the *International Building Code* is amended by the addition of a new subsection 101.4.8 to read as follows:

101.4.8 Electrical. The provisions of the most current edition of the *National Electrical Code* as enforced by the Colorado State Electrical Board shall apply to the installation of electrical systems, including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto.

- (e) Section 105.1.1 of the *International Building Code* regarding annual permits is deleted in its entirety.
- (f) Section 105.1.2 of the *International Building Code* regarding annual permit records is deleted in its entirety.
- (g) Section 109.2 of the *International Building Code* is amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees as established by resolution of the City Council.

- (h) Section 109.2 of the *International Building Code* is amended by the addition of the following Subsections to read as follows:

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees as established by resolution of the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged in accordance with the Schedule of Fees as established by resolution of the City Council.

- (i) Section 109.4 of the *International Building Code* is amended by adding the following Subsections to read as follows:

109.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made by the City Manager, or his or her designee, into why a permit was not obtained before a permit may be issued for such work.

109.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the permit fee in accordance with the

Schedule of Fees as established by resolution of the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- (j) Section 109.6 of the *International Building Code* is amended to read as follows:

109.6 Fee Refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the building official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

- (k) Section 901.5 of the *International Building Code* is amended by addition of a new subsection to read as follows:

901.5.1 Special inspection required. Fire protection systems shall have the systems inspected and tested by a special inspector for compliance with the requirements of this code and the *International Fire Code*. The special inspector shall be an authorized representative of the fire department or another qualified individual with prior approval of the building official. Approval of special inspectors and reports by special inspectors shall be in accordance with Section 1704.

Additional amendments to Chapter 9 of the IBC are provided to correlate with the amendments to the IFC and as prepared by the Central City fire Department.

- (l) 2015 Edition, *International Building Code*, Automatic Sprinkler Systems, is amended to add Section 903.2

Section 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section. Automatic sprinkler systems shall be provided throughout buildings and structures of the following building groups. Group A-1, Group A-2, Group A-3, Group A-4, Group B, Group E, Group F-1, F-2, Group H, Group I, Group M,

Group R-1, Group R-2, Group R-3, Group R-4, Group S-1, and Group S-2 where one of the following conditions exist.

1. The fire area exceeds 3600 square feet.
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor area other than the level of exit discharge.

All Group H and I occupancies shall be provided with an approved automatic sprinkler system regardless of size.

Fire sprinkler systems shall meet the requirements of the most current edition of NFPA 13, 13D, or 13R and the requirements of this code.

- (m) 2015 Edition, *International Building Code*, Section 903.2.1 thru Section 903.2.10.1 Delete in their entirety. The remainder of section 903.2 not affected by the above shall remain unchanged.
- (n) 2015 Edition, *International Building Code*, Automatic Sprinkler System, Add Section 903.2.1.

903.2.1 Group A-2 Casino. An automatic sprinkler system shall be provided throughout every building containing Group A-2 Casino occupancy regardless of size. Such sprinkler system shall be provided throughout the entire building including the casino, offices, multipurpose areas, storage areas, parking garages, hotels and other spaces contiguous and accessory to the building.

- (o) 2015 Edition, *International Building Code*. Amend Section 905 Standpipe Systems.

Section 905.3 Required Installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6, Only Class I Standpipe systems with 1 ½" x 2 ½" National Hose adaptors as determined by the Authority Having Jurisdiction shall be installed. Standpipe systems are permitted to be combined with automatic sprinkler systems. In structures, 3 stories or more shall have standpipe systems installed all the way to the roof if needed as determined by the Authority having Jurisdiction.

- (p) 2015 Edition, *International Building Code*. Amend Section 905 Standpipe Systems.

Add Section 905.3.9, Locking Caps. New standpipes and fire department connections (FDC's) shall be equipped with locking caps approved by the Authority Having Jurisdiction.

- (q) 2015 Edition, *International Building Code*, Fire Alarm and Detection Systems, Amend Section 907 Fire Alarm and Detection Systems.

Add Section 907.2.1.1 Group A-2 Casino. An automatic and manual fire alarm system shall be installed in accordance with the most current edition of NFPA 72 and the provisions of this code throughout every building containing a casino regardless of size. Such fire alarm systems shall be provided throughout the casino and in offices, stages, storage areas, parking garages and on each elevator floor landing of a parking garage, hotels and other accessory spaces contiguous and accessory to such casino.

Exception: New parking garages that are protected throughout by an automatic sprinkler system.

- (r) 2015 Edition, *International Building Code*. Amend Section 907 Fire Alarm and Detection Systems. Delete Section 907.2.1, Exception.

- (s) 2015 Edition, *International Building Code*. Amend Section 907 Fire Alarm and Detection Systems. Amend and change 907.2.1.1 to 907.2.1.2, and 907.2.1.2 to 907.2.1.3.

- (t) Section 1608.2 of the *International Building Code* is deleted in its entirety and replaced with the following:

1608.2 Ground Snow Loads. The design ground snow load in the City of Central is 70 pounds per square foot.

- (u) Section 1609.3 of the *International Building Code* is deleted in its entirety and replaced with the following:

1609.3 Ultimate Design Wind Speed. The ultimate design wind speed, V_{ult} , for the determination of wind loads for any site within the limits of the City of Central shall be 155 miles per hour.

- (v) Section 1612.3 of the *International Building Code* is deleted in its entirety and replaced with the following:

1612.3 Establishment of Flood Hazard Areas. Section 1612.3 is amended to read as follows:

Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled 'The Flood Insurance Study for the City of Central,' dated October 1991, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) Panel Number – 080077 0001 C dated February 16, 1994, and Flood Boundary and Floodway Map (FBFM) and related supporting data, along with

any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this Section.

- (w) Section 1703.1 of the *International Building Code* is amended to read as follows:

1703.1 Approved agency. An approved agency shall provide all information as necessary for the building official to determine that the agency meets the applicable requirements. The fire department with personnel that are certified fire suppression systems inspector by the State of Colorado Division of Fire safety shall be an approved agency for special inspection of fire protection systems required by this code.

- (x) Section 1704.2.4 is amended by adding an exception to read as follows:

Exception: Special inspection by the fire department of fire protection systems shall not require reporting or a final report to the building official, but will require a final sign-off approving inspected systems for conformance to the approved construction documents.

- (y) Section 1809.5, Item 1 of the *International Building Code* is deleted in its entirety and replaced with the following:

1. Extending below the frost line of 36 inches.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I.
2. Area of 600 square feet (56 m²) for light-frame construction or 400 square feet (37 m²) or less for other than light-frame construction.
3. Eave height of 10 feet (3048 mm) or less.

- (z) Section 3001.1 of the *International Building Code* is amended to read as follows:

3001.1 Scope. This chapter governs the design, construction, installation, alteration, maintenance, and repair of elevators, escalators, dumbwaiters, wheelchair lifts, and other regulated conveying systems; requires permits therefor; and provides procedures for the inspection and maintenance of such conveyances.

- (aa) Section 3001.2 of the *International Building Code* is amended to read as follows:

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators, escalators, dumbwaiters, wheelchair lifts and other regulated conveying systems and their components shall conform to ASME A17.1/CSA B44, ASME A17.3, ASME A90.1, ASME B20.1, ASME A18.1-2008, ASME A17.2-2005, ASME A17.3-2005, ALI ALCTV, ASCE 21 Parts 1, 2, 3, and 4, and ASCE 24 for

construction in flood hazard areas established in Section 1612.3. The provisions of the most current editions of these standards as enforced by the Colorado State Department of Labor and Employment Elevator Section shall apply to these regulated conveyances.

(2) Amendments to the *International Fire Code*

- (a) 2015 Edition, *International Fire Code*. Section 101.1 is amended to read as follows.

101.1 Title. These regulations shall be known as the Fire Code of the City of Central City, hereinafter referred to as “this code”.

- (b) 2015 Edition, *International Fire Code*. Section 101.2.1 is amended to add the following appendices.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices and NFPA standards shall be adopted and made part of the Fire Code of the City of Central City.

Appendix B, Fire Flow Requirements for Buildings, Appendix C, Fire Hydrant Locations and Distribution, Appendix D, Fire Department Access Roads, and Appendix I, Fire Protection Systems – Noncompliant Conditions, and the most current editions of the National Fire Protection Association (NFPA) Standards are specifically adopted and made a part of the Fire Code of the City of Central City .

- (c) 2015 Edition, *International Fire Code* is amended to add the following Section 103 Central City Fire Department, Division of Fire Prevention.

103.2 Appointment. The fire code official shall be appointed by the Central City Fire Chief.

- (d) Section 109.4 of the International Fire Code is amended to read as follows:

109.4 Penalty. A person or entity who violates the provisions of this code shall be subject to the penalties as set forth in Section 1-4-20 of the City of Central Municipal Code.

- (e) 2015 Edition, *International Fire Code*. Amend Section 403 Emergency Preparedness Requirements.

In addition to Section 403.12.1.1 and 403.12.1.2 add new subsections 403.12.1.3 through 403.12.1.7 Required Fire Watch Permit

403.12.1.3 When required. A fire watch permit shall be required:

1. When required by other sections of this code.

2. When the Fire Code Official deems a condition essential for public safety.
3. When the Fire Code Official determines that conditions may result in a rekindle.
4. When the fire alarm system is off-line or out of service for repairs or maintenance.
5. When the fire suppression system is off-line or out of service for repairs or maintenance.
6. Fire Watch Permits shall be valid for a period not to exceed 24 hours unless otherwise authorized by the fire chief or the fire code official.

403.12.1.4 Financial responsibility. The property owner, the tenant or occupant in control of the premises shall be responsible for the cost of providing a fire watch.

403.12.1.5 Qualifications. Personnel assigned to fire watch duties shall possess the following minimum qualifications:

1. Shall be at least 18 years of age.
2. Shall be able to speak, read, and understand English.
3. Shall be capable of executing the duties and responsibilities as specified in Sections 403.12.1.1 and 403.12.1.7.
4. Shall be capable of operating a mobile telephone and/or portable radio.
5. Shall be capable of walking the assigned watch area.

403.12.1.6 Number and hours. The Fire Code Official shall specify the number of fire watch personnel required and the hours during which they must be present based on the conditions and size of the facility.

403.12.1.7 Duties and responsibilities. Fire watch duties and responsibilities include, but are not limited to the following:

1. Know the address of the facility being watched.
2. Shall be equipped with a mobile telephone that can be used to contact 9-1-1 or a portable radio that can be used to communicate with a constantly attended security/communications center.
3. Continuously make rounds and monitor all assigned areas.

4. Immediately report any sign of smoke, fire or other emergency to 9-1-1 or to the security/communications center.
5. In the event of any sign of fire or smoke shall activate the fire alarm system when the building is equipped with such a system or notify those present to evacuate the building or area.
6. Shall assist with the evacuation of people present in the area.
7. Keep a fire watch log that includes the following information:
 - Identifies the building or area by name and address that is under watch.
 - The date and time each round or tour is completed, plus comments on what was observed.
 - Each entry shall contain the name and signature of the person conducting the watch.
 - Fire watch logs shall be immediately accessible for review by the Fire Code Official. A copy of the fire watch log shall be submitted to the Central City Fire Department, Fire Prevention Division when the watch is concluded.

Fire watch personnel shall not be assigned additional duties during their fire watch tour.

- (f) 2015 Edition, *International Fire Code*, Section 507 Fire Protection Water Supplies. Add Section 507.5.3.1 and 507.5.3.2

507.5.3.1 Fire mains. Fire mains and appurtenances shall be sized to accommodate the calculated fire flow but shall not be less than 6 inches (152 mm) in diameter.

507.5.3.2 Dead-end fire mains. Dead-end fire mains shall not be less than 8 inches (203 mm) in diameter unless calculations determine otherwise and authorized by the authority having jurisdiction.

- (g) 2015 Edition, *International Fire Code*, Section 607 Elevator Operation, Maintenance, and Fire Service Keys is amended to add Section 607.8.1.1 Elevator Switch Keys.

607.8.1.1 Elevator Switch Keys. The key switches required for all elevators in a building shall be operable by the same key. The keys shall comply with the requirements determined by the authority having jurisdiction. There shall be a key for each switch provided. All elevator switch keys shall be kept on the

premises in a location specified by the authority having jurisdiction. The keys shall not be accessible to the public.

- (h) 2015 Edition, *International Fire Code*, Section 901.5 Installation acceptance testing is amended to add Section 901.5.2

901.5.2 Special inspection required. Fire protection systems shall have the systems inspected and tested by a special inspector for compliance with the requirements of this code and the *International Fire Code*. The special inspector shall be an authorized representative of the fire department or another qualified individual with prior approval of the building official. Approval of special inspectors and reports by special inspectors shall be in accordance with Section 1704.

- (i) 2015 Edition, *International Fire Code*, Automatic Sprinkler Systems, is amended to add Section 903.2

Section 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section. Automatic sprinkler systems shall be provided throughout buildings and structures of the following building groups. Group A-1, Group A-2, Group A-3, Group A-4, Group B, Group E, Group F-1, F-2, Group H, Group I, Group M, Group R-1, Group R-2, Group R-3, Group R-4, Group S-1, and Group S-2 where one of the following conditions exist.

1. The fire area exceeds 3600 square feet.
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor area other than the level of exit discharge.

All Group H and I occupancies shall be provided with an approved automatic sprinkler system regardless of size.

Fire sprinkler systems shall meet the requirements of the most current edition of NFPA 13, 13D, or 13R and the requirements of this code.

- (j) 2015 Edition, *International Fire Code*, Section 903.2.1 thru Section 903.2.10.1 Delete in their entirety. The remainder of section 903.2 not affected by the above shall remain unchanged.
- (k) 2015 Edition, *International Fire Code*, Automatic Sprinkler System, Add Section 903.2.1.

903.2.1 Group A-2 Casino. An automatic sprinkler system shall be provided throughout every building containing Group A-2 Casino occupancy regardless of

size. Such sprinkler system shall be provided throughout the entire building including the casino, offices, multipurpose areas, storage areas, parking garages, hotels and other spaces contiguous and accessory to the building.

- (l) 2015 Edition, *International Fire Code*. Amend Section 905 Standpipe Systems.

Section 905.3 Required Installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6, Only Class I Standpipe systems with 1 ½” x 2 ½” National Hose adaptors as determined by the Authority Having Jurisdiction shall be installed. Standpipe systems are permitted to be combined with automatic sprinkler systems. In structures, 3 stories or more shall have standpipe systems installed all the way to the roof if needed as determined by the Authority having Jurisdiction.

- (m) 2015 Edition, *International Fire Code*. Amend Section 905 Standpipe Systems.

Add Section 905.3.9, Locking Caps. New standpipes and fire department connections (FDC's) shall be equipped with locking caps approved by the Authority Having Jurisdiction.

- (n) 2015 Edition, *International Fire Code*, Fire Alarm and Detection Systems, Amend Section 907 Fire Alarm and Detection Systems.

Add Section 907.2.1.1 Group A-2 Casino. An automatic and manual fire alarm system shall be installed in accordance with the most current edition of NFPA 72 and the provisions of this code throughout every building containing a casino regardless of size. Such fire alarm systems shall be provided throughout the casino and in offices, stages, storage areas, parking garages and on each elevator floor landing of a parking garage, hotels and other accessory spaces contiguous and accessory to such casino.

Exception: New parking garages that are protected throughout by an automatic sprinkler system.

- (o) 2015 Edition, *International Fire Code*. Amend Section 907 Fire Alarm and Detection Systems. Delete Section 907.2.1, Exception.

- (p) 2015 Edition, *International Fire Code*. Amend Section 907 Fire Alarm and Detection Systems. Amend and change 907.2.1.1 to 907.2.1.2, and 907.2.1.2 to 907.2.1.3.

(3) Amendments to the International Residential Code

- (a) Table R301.2(1) of the *International Residential Code* is amended by the addition of the following design criteria to the table:

Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	70 PSF
Wind Speed	120 MPH (3-second gust velocity)
Wind Topographical Effects	No reported history
Special Wind Region	No reported history
Wind-borne Debris Zone	No
Seismic Design Category	B
Weathering Damage	Severe
Frost Line depth	36"
Termite Damage	Slight to Moderate
Winter Design Temp	0°F
Ice Barrier Underlayment Required	Yes
Flood Hazards	The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled, "The Flood Insurance Study for the City of Central," dated October 1991, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) Panel Number – 080077 0001 C dated February 16, 1994, and Flood Boundary and Floodway Map (FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this Section."
Air Freezing Index	2000
Mean Annual Temp	40°

- (b) Section R313 regarding automatic fire sprinkler systems is deleted in its entirety.
- (c) Section R321.1 of the International Residential Code is amended to read as follows:

R321.1 Elevators. Where provided, passenger elevators, limited-use/limited-application elevators or private residence elevators shall comply with ASME A17.1. The provisions of the most current editions of this standard as enforced by the Colorado State Department of Labor and Employment Elevator Section shall apply to this regulated conveyance.
- (d) Section 321.2 of the *International Residential Code* is amended to read as follows:

R321.2 Platform lifts. Where provided, platform lifts shall comply with ASME A18.1. The provisions of the most current editions of this standard as enforced by the Colorado State Department of Labor and Employment Elevator Section shall apply to this regulated conveyance.
- (e) Section R326 of the *International Residential Code* regarding swimming pools, spas, and hot tubs is deleted in its entirety.

- (f) Section N1102.4.1.2 of the *International Residential Code* regarding air leakage testing is deleted in its entirety.
- (g) Section N1103.3.3 of the *International Residential Code* regarding duct testing is deleted in its entirety.
- (h) Section G2445 of the *International Residential Code* regarding unvented room heaters is deleted in its entirety.
- (i) Section P2603.5.1 of the *International Residential Code* is amended to read as follows:

P2603.5.1 Sewer Depth. Building sewers shall be not less than 48 inches (1219 mm) below grade.

(4) Amendments to the International Mechanical Code

- (a) Section 903.3 of the *International Mechanical Code* is amended to read as follows:

903.3 Unvented gas log heaters. An unvented gas log heater shall not be installed in a factory-built fireplace.

(5) Amendments to the International Plumbing Code

- (a) Section 305.4.1 of the *International Plumbing Code* is amended to read as follows:

305.4.1 Sewer Depth. Building sewers shall be not less than 48 inches (1219 mm) below grade.

- (b) Section 903.1 of the *International Plumbing Code* is amended to read as follows:

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 12 inches (305 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (21345 mm) above the roof.

(6) Amendments to the International Energy Conservation Code

- (a) Section C501.6 of the *International Energy Conservation Code* is amended to read as follows:

C501.6 Historic Building. No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.

- (b) Section R402.4.1.2 of the *International Energy Conservation Code* regarding air leakage testing is deleted in its entirety.

- (c) Section R 403.3.3 of the *International Energy Conservation Code* regarding duct testing is deleted in its entirety.
- (d) Section R501.6 of the *International Energy Conservation Code* is amended to read as follows:

R501.6 Historic Building. No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.

(7) Amendments to the International Existing Building Code.

- (a) Section 1401.2 of the *International Existing Building Code* is amended to read as follows:

1401.2 Applicability. These provisions shall not apply to buildings with occupancies in Group H or I-1, I-3 or I-4.

(8) Amendments to the International Fuel Gas Code.

- (a) Section 621 of the *International Fuel Gas Code* regarding unvented room heaters is deleted in its entirety.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

City Clerk's Office

To: Mayor Engels, City Council, and Manager Miera

From: Reba Bechtel, City Clerk

Date: May 5, 2015

Re: Bi-weekly Report

- Prep for work session and Regular Council meeting.
- Attended work session on water service lines and presentation of the historic re-survey.
- Attended sexual harassment training.
- Ongoing work with Building Official and staff on abatement of KOP.
- Misc information regarding: sign permits, special events, building permits, code questions, HP, records research, liquor, marijuana, and zoning information.

To: Daniel R. Miera, City Manager
Cc: Mayor and Council
From: Abigail R. Adame, Finance Director
Date: May 5, 2015
Re: Staff Report

➤ **Finance**

- Completed and submitted the annual gaming report.
- Participated in a conference call regarding the status of data migration for our upcoming financial software.
- Reviewed the SIB loan agreement.
- Reviewed a Public Services Agreement prepared by the attorney for financial consulting services to be provided by CliftonLarsonAllen (CLA). CLA is currently reviewing the agreement.
- Worked with the auditors and provided information requested during their visit.
- Deputy Finance Director processed Accounts Payable, bi-weekly payroll and all associated tax and retirement filings.
- Deputy Finance Director processed Accounts Receivable and prepared weekly deposits.

➤ **Human Resources**

- Continued coordinating the hiring process for the Police Officer position.
- Held interviews for the position of Public Works Director.
- Attended non-supervisor and supervisor sexual harassment training provided by CIRSA.
- Worked with the attorney on several personnel matters.

To: Mayor Engels, City Council, and City Manager

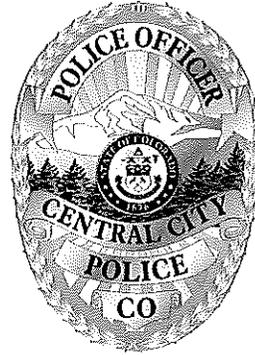
From: Aaron Behring, Public Works Foreman

Date: April 30, 2015

Re: Bi-weekly Report

- **Snow removal**, April has been one of the snowiest months yet this year. Crews have been working hard to keep up with the above average amounts of snow.
- **City beautification**, for the last couple week's PW has been working on painting and staining all wooden trash receptacles. PW is also gearing up for the installation of string lighting down Main Street.
- **Eureka/Prosser Xcel project**, with the snow starting to clear Xcel and its sub-contractors will be finishing their underground utilities project. They hope to be done within the next month.
- **New banners**, new welcoming banners are being made to hang from the Virginia Canyon Rd bridge as well as in front of Scarlets.

To: Daniel Miera, City Manager
From: Terry Krelle, Police Chief
Date: 04/30/15
Subject: Bi-Weekly Report



Attended Senior Staff Meetings

Completed normal administrative duties, processed and filed paperwork

The Lexipol software has been ordered and we will soon be switching over our policy manual to this new format. We hope to obtain our accreditation through the Colorado Association of Chiefs of Police for professional standards before the end of the year.

We conducted interviews and finished testing on one of our applicants. We should have an offer for employment issued by the time this memo has been read.

I have attended several meetings, including work sessions and Council meetings throughout the period.

We have worked on several schedule changes to maximize our coverage using our current staff.

I have worked on wording for warning/advisory signs that Public Works will be putting out by Chase Gulch and Wm. C. Russell Park, regarding moose that are in the area.

We have also put out advisories in the area between Reserve and the apartments for a lion and her kittens that have been seen in the area.

We have been seeing increased bear activity in the City; we have given Patrick information to post on Channel 20, with information regarding that.

I attended a DA's breakfast meeting and also met with the people from the Pit Rally.