

**CITY OF CENTRAL  
CITY COUNCIL MEETING  
May 6, 2014**

**CALL TO ORDER**

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:00 p.m., in City Hall on May 6, 2014.

**ROLL CALL**

Present: Mayor Engels  
Alderman Gaines  
Alderman Spain  
Alderman Voorhies

Absent: Alderman Heider

Staff Present: City Clerk Bechtel  
Attorney McAskin  
Finance Director Flowers  
Utilities Superintendent Griffith  
Planner Fejeran  
Police Chief Krelle  
Fire Chief Allen

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 lists for April 17, 24 and May 1, 2014; and the City Council minutes for the meeting on April 15 and 23, 2014. Alderman Spain seconded, and without discussion, the motion carried unanimously.

**PUBLIC FORUM/AUDIENCE PARTICIPATION**

No one requested time to address the Council.

**LIQUOR LICENSE AUTHORITY**

New application for Tavern License for Charles Odiorne Gaming, LLC dba Blu and Charlie's  
At 7:03 p.m. Alderman Gaines moved to open the Liquor Licensing Authority. Alderman Spain seconded and, without discussion, the motion carried unanimously.

City Clerk Bechtel gave the background as follows:

This matter is before the Local Liquor Licensing Authority for a Public Hearing regarding an application for a new Tavern Liquor License for Charles Odiorne Gaming, LLC dba Blu and Charlie's at 118 Main Street. Based on testimony and evidence presented in support of, or in opposition to this application, the Local

Liquor Licensing Authority may take into consideration the following factors as more fully explained in the “Criteria for Approval” section:

1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants of this neighborhood are met including the sufficiency of the number, type, and availability of other alcoholic beverage outlets located within the boundaries of the neighborhood of the proposed establishment; and
2. The character of the Applicant.

On April 4, 2014, Charles Odiorne, owner of Charles Odiorne Gaming, LLC dba Blu and Charlie’s at 118 Main Street, filed an application for a new Tavern Liquor License. Limited Liability Company documents were submitted with the lease for 118 Main Street. Subsequently, a Notice of Public Hearing was published in the *Weekly Register Call* on April 17, 2014 and a sign was posted at the location of 129 Main Street on April 11, 2014, both not less than ten (10) days prior to this hearing.

**CONCURRENT REVIEW (Regulation 47-324, CCR):** In order to expedite this matter, the Applicant has requested a *Concurrent Review* by the State Liquor Enforcement Division (that department reviews the application at the same time as the local authority). The Applicant has paid the additional \$100 fee required by statute for that process. Copies of all documents and the appropriate fees were mailed to the Liquor Enforcement Division.

#### **CRITERIA FOR GRANTING A NEW LICENSE.**

At the regular meeting of the City Council/Liquor Licensing Authority on September 7, 2004, the City Council unanimously passed Liquor Authority Resolution 04-1 establishing the entire City of Central as the neighborhood boundaries.

*The following criteria, as discussed in this staff report, must be found by the Authority to exist in order for the license to be granted:*

1. The notice of the hearing was posted in a conspicuous place on the premises and published in a newspaper no less than 10 days before the hearing;
2. There is a need and desire for the establishment;
3. Existing liquor licenses of the same class are inadequate to serve the needs of the neighborhood.
4. Applicant is of good moral character; and for this application –Tavern Liquor – the registered manager/owner is of good moral character (proven by the background check via CCPD);
5. Applicant is in legal possession of the premises;
6. The use is permitted under the zoning classification;
7. Premises are suitable based on a review of the plans;
8. There does not exist an unlawful multiple ownership of licenses or interests.

**STAFF’S FINDINGS:** In consideration of the foregoing criteria of approval, staff makes the following findings: A minimum of thirty- (30) days has elapsed between the date the application was filed and the date set for the public hearing. The notice of hearing was duly noticed. The use is permitted in the zone district. Relating to “good moral character and suitability of the premises”:

1. Police Department: completed a background investigation through CCIC, the City of Central and the Gilpin County Sheriff’s Department on the applicant listed. Therefore, the Police Department recommendation is for approval of the application for a new Tavern liquor license. (see attached memo)
2. Building Department: Charles Odiorne Gaming, LLC dba Blu and Charlie’s at 118 Main Street does **not** have building permits pending at this time. They are expecting to do only minor changes and the Building Inspector, the Fire Chief and the Police Chief will perform inspections of the premises before a certificate of occupancy is issued.
3. Regarding the needs and desires of the neighborhood, the Authority will need to consider the evidence and testimony presented during the hearing.

Desires: To date, the City Clerk’s Office has not received any oral or written communication from other parties regarding this application.

Needs: Listed below by class of license, name, and address are **11** other liquor-licensed establishments within the previously established neighborhood boundaries:

| <b>NAME OF BUSINESS</b>                                    | <b>LOCATION</b>                    | <b>CLASS OF LICENSE</b> |
|--|------------------------------------|-------------------------|
| Annie's Liquor   | 135 Nevada Street                  | Retail Liquor Store     |
| G. F. Gaming Corp d/b/a The Famous Bonanza                 | 107 Main Street                    | Retail Gaming Tavern    |
| Grimes Gaming Corp. d/b/a Easy Street Casino               | 121 Main Street                    | Retail Gaming Tavern    |
| Doc Holliday Casino, LLC – expired 4/22/14                 | 129-131 Main Street                | Tavern                  |
| Central City Opera House Assoc. d/b/a Teller House         | 120 Eureka Street                  | Tavern                  |
| Dostal Alley, Inc.   | 1 Dostal Alley                     | Brew Pub                |
| Elks Lodge   | 113 Main St. 2 <sup>nd</sup> floor | Club                    |
| CC Tollgate LLC d/b/a Century Casino                       | 102 Main Street                    | Hotel and Restaurant    |
| RHC Colorado LLC dba Reserve Casino Hotel                  | 321 Gregory Street                 | Hotel and Restaurant    |
| The Central City Group, LLC d/b/a Central City Social Club | 112 Lawrence Street                | Hotel and Restaurant    |
| CC Gaming LLC d/b/a Johnny Z’s Casino                      | 132 Lawrence Street                | Hotel and Restaurant    |

**OPTIONS FOR LLA’S CONSIDERATION:** Members of the Liquor Licensing Authority may consider either of the following actions:

1. To *approve* or *deny* the application for a new Tavern Liquor License for Charles Odiorne Gaming, LLC dba Blu and Charlie’s at 118 Main Street (*\*The decision of the Local Licensing Authority must be mailed to the Applicant within thirty- (30) days following the public hearing at the address contained in the application. If the Authority decides to deny the application, staff recommends that the matter be continued to a date certain for purposes of consultation with the City Attorney and in order to prepare writing findings.*); or
2. Continue this Public Hearing to allow the Applicant and staff an opportunity to provide further information to the Authority regarding this matter.

Greg Wilson, GM for Blu and Charlie’s offered testimony about the plans for this new business as a nongaming entertainment hub for events in town such as weddings, live music, pool, sports and a Mexican restaurant.

Jack Hidahl, resident at 206 E 6<sup>th</sup> High, offered testimony stating a need for good tequila.

Alderman Gaines moved to approve the new application for Tavern License for Charles Odiorne Gaming, LLC dba Blu and Charlie’s at 118 Main Street. Alderman Spain seconded, and without discussion, the motion carried unanimously.

At 7:18 p.m., Alderman Voorhies moved to close the Liquor Licensing Authority. Alderman Spain seconded and, without discussion, the motion carried unanimously.

## **ACTION ITEMS: NEW BUSINESS**

Ordinance No. 14-02: An ordinance authorizing the City of Central to enter into a Municipal Lease Purchase Agreement and related documentation with Daimler Truck Financial for the lease and purchase of 2015 Freightliner Snowplow and related equipment.

Finance Director Flowers gave the background as follows:

During the 2014 Budget process one of the capital items that City Council approved for budgeting was the lease/purchase of a new snowplow for the Public Works Department. Over the course of 2013, it became apparent that a new snow plow was needed in order to properly maintain the Parkway during the winter months. Therefore, City Council approved funds in the 2014 Budget to obtain this equipment. Due to the fact that snowplows generally take several months to be delivered after an order has been placed, the 2015 Freightliner snowplow and equipment was ordered at the beginning of 2014. As the equipment is now nearing completion and delivery, it is appropriate to adopt the lease purchase agreement to complete the financing aspect of this purchase.

Although Council froze the purchase of even budgeted capital items during the 1<sup>st</sup> quarter of 2014 in order to maintain General Fund balances, this piece of equipment had already been ordered and could not therefore be cancelled. The City has secured financing with Daimler Truck Financial for the purchase of the new snowplow. The total cost of the snowplow is \$172,903. Total financed principal amount is \$142,903 (total cost reduced by a \$30,000 down payment). The annual interest rate is 3.17 % with and the term of the financing is four (4) years. Total interest paid over the lease/purchase period is \$11,501.72. Each annual payment will be \$36,601.18.

Although the 2014 Budget contemplates a three (3) year term and an initial down payment of \$40,000, the term has been extended to four (4) years and the down payment reduced to \$30,000. This has been done in order to keep the annual payment under \$45,000 and because the amount that the City received at auction for the old snowplow during the 4<sup>th</sup> quarter of 2013 was only \$34,500 (\$5,500 less than expected). This purchase adheres to the adopted funding allocations for vehicles and equipment in the Public Works Department under line item 01-431-7420 Lease Purchase Payments (budgeted amount of \$45,000). There will be an initial down payment made on the equipment in the amount of Thirty Thousand Dollars (\$30,000.00).

As TABOR does not allow the City to enter into any multiple year debt or financings, this lease purchase agreement is based upon an annual budget appropriation and annual renewal.

Alderman Gaines asked if this lease purchase allows an early payoff. Finance Director Flowers confirmed that early payoff is not a problem.

Alderman Spain moved to adopt Ordinance No. 14-02: An ordinance authorizing the City of Central to enter into a Municipal Lease Purchase Agreement and related documentation with Daimler Truck Financial for the lease and purchase of 2015 Freightliner Snowplow and related equipment set a public hearing on May 20, 2014 at 7:00 p.m. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Planning and Architectural Services for work on the Comprehensive Plan with Fentress Architects  
Planner Fejeran gave the background as follows: The Comprehensive Plan was last updated in 2003, which exceeds the State's recommended update of ten years. The necessity to update the

comprehensive plan stems from a decade of change in growth or direction of development as well as economic setbacks resulting in unanticipated loss of businesses and jobs. It is suggested that the planning commission re-evaluate the comprehensive plan elements at least every five (5) years. The comprehensive plan will address land use and zoning, heritage and creative district, infrastructure and transportation, recreation and tourism (required by Colorado Revised Statute), neighborhoods and housing and economic development and sustainability. This effort will require additional resources.

Citizen participation will be critical for the success of the comprehensive planning process, which will entail mutual education or joint fact-finding. Two additional meetings, in the form of workshops/charrettes, have been added to the schedule. These meetings will require additional resources for facilitating the evaluation of issues and derived themes that will evolve into the City's vision. In addition, six critical elements that make up the comprehensive plan will be analyzed in the workshops/charrettes and will require guidance for integration into the plan, and establishing performance measures for action-based implementation strategies.

The planning and architectural services to be provided to the City by the Consultant will be a not-to-exceed basis from the Community Development Planning and Engineering budget of \$7,000 in the 2014 Community Development budget.

Mayor Engels asked to clarify that Fentress will not be creating the content for the Plan. Planner Fejeran stated that Fentress will facilitate meetings to get community consensus.

Alderman Gaines asked if the dates have been set for the community meetings. Planner Fejeran responded with the 1<sup>st</sup> week in June and the 1<sup>st</sup> week in August on Saturday morning.

Alderman Gaines moved to approve a Professional Services Agreement with Fentress Architects, LTD to provide Comprehensive Plan Development support not to exceed. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Resolution No. 14-07: *A resolution of the City Council of the City of Central, Colorado approving a Professional Services Agreement with W2 Engineers, LLC for Engineering Services.*

Utilities Superintendent Griffith explained that this proposed resolution covers an annual contract for retaining the services for an on call water engineer. This contract was as a result of an RFP which was published appropriately for an engineer with a specific background of the Central City WTP and infrastructure.

Alderman Voorhies moved to approve Resolution No. 14-07: A resolution of the City Council of the City of Central, Colorado approving a Professional Services Agreement with W2 Engineers, LLC for Engineering Services. Alderman Spain seconded, and without discussion, the motion carried unanimously.

## **STAFF UPDATES**

Alderman Gaines directed questions to various staff:

- Audit process – Finance Director Flowers stated it went very well
- AT&T – Planner Fejeran stated that they are working with Xcel and USA for line extensions
- Water Report/Young Project – Congratulations on the report showing no violations/Utilities Superintendent Griffith stated that the City will receive \$.70 per cubic yard for hauled material and the staff is watching closely that they meet the terms set forth in the permit

Alderman Voorhies asked about work on the parkway. Utilities Superintendent Griffith responded that there has been some guard rail repair this week.

**COUNCIL COMMENTS**

Alderman Gaines thanked staff for all their efforts and hard work.

**PUBLIC FORUM/AUDIENCE PARTICIPATION**

Jack Hidahl, 206 E 6<sup>th</sup>, stated there is a 2-story garage at 217 E 1<sup>st</sup> High that is an example of demolition by neglect.

At 7:40 p.m., Mayor Engels adjourned the meeting.

The next Council meeting is scheduled for May 20, 2014 at 7:00 p.m.

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Ronald E. Engels, Mayor

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Reba Bechtel, City Clerk