

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, June 2, 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 May 21 & 28; and
City Council minutes: May 19, 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. 15-04: An ordinance of the City Council of the City of Central, Colorado amending Sections 6-5-10 and 6-5-40 of the Municipal Code concerning the transportation portion of the Gaming Device Fee and clarifying that such fee is imposed and collected by the Central City Transportation Enterprise. (McAskin)

ACTION ITEMS: NEW BUSINESS –

8. 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)

9. Resolution No. 15-12: A resolution appropriating additional sums of money in relation to the creation of the Transportation Enterprise Fund not appropriated in the 2015 Budget for the City of Central. (Adame)
10. Resolution No. 15-13: A resolution of the City Council of the City of Central, Colorado, establishing the Main Street Central City Commission. (McAskin)
11. Ordinance No. 15-05: An ordinance of the City Council, acting as the governing body of the Central City Transportation Enterprise (the "Enterprise"), authorizing the Enterprise to enter into a loan agreement and related documents with the Colorado Department of Transportation for a principal amount not to exceed \$1,521,693 and an interest rate not to exceed 2.5%. (Adame)

REPORTS –

12. 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).

EXECUTIVE SESSION –

Pursuant to C.R.S. 24-6-402(4)(e) for the purposes of developing positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators regarding historic property located on Eureka Street in Central City.

ADJOURN. Next Council meeting July 7, 2015.

Posted 5/29/15

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
5/28/2015**

Total Beginning ENB Cash on Hand 05/14/15	578.94
Deposits to ENB	
Wires Out ENB	-
Cleared Checks	-
<u>5/28/2015</u>	<u>578.94</u>
<less previously approved & outstanding>	288.13
Total ENB Cash on Hand 5/28/15	290.81

Total COB Cash on Hand 5/14/15	365,943.35
Deposits to COB	18,698.07
Wires Out COB	49,816.13
Cleared Checks	(99,466.23)
<u>5/28/2015</u>	<u>235,359.06</u>
<less previously approved & outstanding>	(170,619.95)
Device Fees Received	
Total COB Cash on Hand 5/28/15	64,739.11

Total Beginning Colotrust Cash on Hand 05/14/15	799,713.82
Wires into Account	4,794.77
Wires out of Account	
Total Colotrust Cash on Hand 05/28/2015	804,508.59

TOTAL CASH ON HAND 05/28/15	869,538.51
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CASH FLOW
CHECK LISTING

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
5/18/15	11202714	5/21/15	129800	Bobcat of the Rockies	Glass and Oil Filter	314.60	
5/21/15	052115	5/21/15	129801	Central City Local Events	Lou Bunch Support	1,500.00	
5/15/15	W15262	5/21/15	129802	Cirsa	PW Claim	193.16	
5/4/15	102744001	5/21/15	129803	Office Stuff	Apparel for FD	440.54	
5/1/15	9007396432	5/21/15	129804	Cintas	AED View Lease	99.00	
5/11/15	D827952	5/21/15	129805	HD Supply Waterworks	Risers and Lids	167.08	
5/8/15	9737630849	5/21/15	129806	Grainger	Wire Rope Clips and Turnbuckle	386.53	
5/14/15	6723	5/21/15	129807	Colorado Code Consulting	Elevator Inspections	9,320.00	
5/18/15	1251380058	5/21/15	129808	Transwest Truck Trail	Filter	107.72	
5/8/15	D70799-1506	5/21/15	129809	Yesco	Sign Maintenance	80.00	
5/15/15	051515	5/21/15	129811	Black Hawk Publishing	Books for VC	59.70	
5/9/15	050915	5/21/15	129812	Sprint	Long Distance Fax Service	13.35	
5/21/15	129356	5/21/15	129813	Air O Pure	Restroom at City Shop	95.00	
5/12/15	9584	5/21/15	129814	L A W S	Instal Stripes on 86 GMC	584.00	
5/12/15	051215	5/21/15	129815	John Cutler	Partial Audit Billing	12,000.00	
5/12/15	CC15106	5/21/15	129816	Robison Advertising	Brochures, Banners, Decals	6,750.00	
5/14/15	16971	5/21/15	129817	Ideal Fencing	Posts, Blocks and Beams	5,310.00	
5/12/15	539	5/21/15	129818	Mountain Tool	Thrust Washer	88.56	
5/5/15	S209066100	5/21/15	129819	Pirtek North Valley	Hose	62.05	
4/22/15	042215	5/21/15	129820	JKQ BBQ	Employee Lunch	238.25	
5/9/15	45574795	5/21/15	129821	De Lage Landen	Copier Leases	522.08	
5/21/15	052115	5/21/15	129822	Robert Davis	Refund of Bond	75.00	
5/21/15	052115	5/21/15	129823	Gilpin Art Studio Tour	2015 Art Tour	200.00	
5/22/15	125711248	5/28/15	129824	ETS Development	Court Software	1,431.67	
5/22/15	13083896	5/28/15	129825	Bobcat of the Rockies	Gas Spring Door	36.54	
5/19/15	1095793	5/28/15	129826	Drive Train Industries	Cylinder	288.69	
5/16/15	051615	5/28/15	129827	MCI	Toll Free Phone Service	15.63	
5/20/15	334822	5/28/15	129828	Napa Auto Parts	Halogen Lamp and Air Filter	105.06	
5/19/15	LN314337	5/28/15	129829	Neves Uniforms	Uniforms for Young	413.75	
5/19/15	D921707	5/28/15	129830	HD Supply Waterworks	Valve Box Riser	14.99	
5/16/15	051615	5/28/15	129831	Century Link	Phone Service	929.73	
5/16/15	9745766191	5/28/15	129832	Verizon Wireless	Internet for Water General	81.10	
4/30/15	3464898	5/28/15	129833	Galls Inc	Lapel Mic	96.45	
5/20/15	54001	5/28/15	129834	J & S Contractors Supply	Signs	236.26	
5/21/15	June2015	5/28/15	129835	Vision Service Plan	Vision Insurance	271.48	
4/30/15	21412	5/28/15	129836	Widner Michow	General Counsel, Gaming Revenue	10,051.35	
5/28/15	10746	5/28/15	129837	Allen Technology	Monthly IT Maintenance	3,420.00	
5/18/15	2559	5/28/15	129838	Three Brothers Printing	Court Forms	160.00	
5/28/15	129411	5/28/15	129839	Air O Pure	Restroom at Reservoir	95.00	
4/28/15	9744749683	5/28/15	129840	Verizon Wireless	Cell Phone Service	1,095.44	
5/20/15	D562886	5/28/15	129841	Accutest	Water Testing	377.00	
5/20/15	501182053	5/28/15	129842	Modular Space	PW Office	136.60	

CASH FLOW
CHECK LISTING

5/28/2015

5/20/15 401739	5/28/15	129843 Rex Oil	Fuel	2,590.48
5/11/15 37645	5/28/15	129844 Flatirons Inc	Upper Apex Rd	5,148.75
5/1/15 13568	5/28/15	129845 Lexipol	Law Enforcement Procedure Manuals	3,592.00
5/27/15 2542	5/28/15	129846 Colorado Coach	June Shuttle Service	25,479.45
5/18/15 June2015	5/28/15	129847 Assurant	Dental and Disability Insurance	1,451.49
Outstanding through ENB	288.13		Total Issued:	170,908.08
Outstanding through COB	170,619.95		Approved & Sent Checks:	74,782.55
			Pending Approval:	96,125.53
			Total Pending Approval 05/19/2015	96,125.53

**CITY OF CENTRAL
CITY COUNCIL MEETING
May 19, 2015**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:05 p.m., in City Hall on May 19, 2015.

ROLL CALL

Present: Mayor Engels
Mayor Pro Tem Heider
Alderman Voorhies
Alderman Gaines
Alderman Laratta

Absent: None

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Adame
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 of May 7 and 14, and the City Council minutes for the meeting on May 5, 2015. Mayor Pro Tem Heider 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. 15-04: An ordinance of the City Council of the City of Central, Colorado amending Sections 6-5-10 and 6-5-40 of the Municipal Code concerning the transportation portion of the Gaming Device Fee and clarifying that such fee is imposed and collected by the Central City Transportation Enterprise.

Resolution No. 15-11: *A resolution of the City Council of the City of Central, Colorado establishing the Central City Transportation Enterprise and authorizing the establishment of the Central City Transportation Enterprise Fund.*

City Attorney McAskin gave the background as follows:

Ordinance No. 15-04 proposes minor revisions to Article V of Chapter 6 of the Municipal Code. The minor revisions are being proposed by the City in order to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and spent by the Central City Transportation Enterprise, if and as formed.

Resolution No. 15-11 establishes the Central City Transportation Enterprise (the "Enterprise"). The purpose of the Enterprise will be to pursue innovative and efficient means of completing transportation infrastructure projects within the City, and to finance such improvements. The governing body of the Enterprise will be City Council. The Resolution vests the Enterprise with the following powers and duties:

- (1) To impose and collect the Transportation Fees set forth in Article V of Chapter 6 of the Municipal Code;
- (2) To issue or reissue revenue bonds or incur other forms of debt payable from the revenues and other available moneys of the Enterprise pledged for their payment;
- (3) To contract with any other governmental or nongovernmental source of funding for loans or grants to be used to support Enterprise functions; and
- (4) To seek out and enter into public-private partnerships.

Resolution 15-11 also establishes the Transportation Enterprise Fund. Following establishment of the Fund, the Finance Director will ensure that all revenues received by the Enterprise, including any revenues from the Transportation Fees will be deposited into the Transportation Enterprise Fund.

Once formed, the Enterprise will constitute an enterprise for purposes of Section 20 of Article X of the Colorado Constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined.

City Attorney McAskin added that there will not be any new or different fees only that the transportation device fee revenue will flow into this fund. The city shuttle service can operate outside this fund from revenue in the General Fund.

Mayor Pro Tem Heider moved to approve Ordinance No. 15-04: An ordinance of the City Council of the City of Central, Colorado amending Sections 6-5-10 and 6-5-40 of the Municipal Code concerning the transportation portion of the Gaming Device Fee and clarifying that such fee is imposed and collected by the Central City Transportation Enterprise on first reading and further move to set second reading and public hearing on ordinance 15-04 for Tuesday, June 2, 2015, at 7:00 p.m. in these chambers. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Alderman Gaines moved to approve Resolution No. 15-11: A resolution of the City Council of the City of Central, Colorado establishing the Central City Transportation Enterprise and authorizing the establishment of the Central City Transportation Enterprise Fund. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

COUNCIL COMMENTS

Mayor Pro Tem Heider asked if the City has hired a new Public Works Director. City Manager Miera explained that Sam Hoover formerly the Public Works Director for Commerce City will be starting on June 1st.

Alderman Voorhies asked for an update on the Knights of Pythias stabilization. City Manager Miera offered that we received a letter from the property owners stating that they will move forward with the contractor to get the stabilization scheduled.

Mayor Pro Tem Heider asked about the progress on the Main Street repairs. City Manager Miera answered that Public Works identified the 3 worst areas of concern and has done a temporary fix with lifting the pavers and leveling those areas. Also, the lights are going up this week as well.

Alderman Gaines asked if Community Pride Day will still have large item pick-up for residents. City Manager Miera clarified that we are steering away from the crew picking up large items as they can use the Gilpin Transfer Station and make this more of a community involvement event. Staff will post that on Channel 20 and Facebook.

Mayor Engels read a recent article from the Longmont Times about Brad Snedeker titled “*Man Convicted of Securities Fraud*”. Snedeker’s sentencing is scheduled for June 26.

PUBLICFORUM/AUDIENCEPARTICIPATION

No one requested time to address the Council.

At 7:26 p.m., Mayor Engels adjourned the meeting.
The next Council meeting is scheduled for June 2, 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: May 28, 2015

ITEMS: Ordinance 15-04 Amending Sections 6-5-10 and 6-5-40 of the Municipal Code Concerning the Transportation Directed Portion of the Gaming Fee and Clarifying that Such Fee is Imposed and Collected by the Central City Transportation Enterprise

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. **REQUEST OR ISSUE:** Ordinance No. 15-04 proposes minor revisions to Article V of Chapter 6 of the Municipal Code.

The minor revisions are being proposed by the City in order to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and spent by the Central City Transportation Enterprise.

Ordinance No. 15-04 was approved by City Council on first reading on May 19, 2015.

II. **RECOMMENDED ACTIONS / NEXT STEPS:** Approve Ordinance No. 15-04 on second reading following a public hearing.

III. **FISCAL IMPACTS:** None.

IV. **BACKGROUND INFORMATION:** As set forth above, the minor revisions to Article V of Chapter 6 of the Municipal Code are being proposed by the City in order to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and

spent by the Central City Transportation Enterprise, which was formed pursuant to Resolution 15-11 dated May 19, 2015.

A **legislative version** of the changes proposed to Article V of Chapter 6 of the Code (specifically Sections 6-5-10 and 6-5-40) is included in this Council Communication Form at pages three and four.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

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

- (1) Adopt Ordinance No. 15-04 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 15-04 (for second reading)
- Legislative version of 15-04 (pages 3-4 of this CCF)

Legislative Version of Changes to Sections 6-5-10 and 6-5-40 of the Municipal Code

Section 1. Section 6-5-10 shall be amended to include a definition of “City” as set forth herein. No other definitions or language of Section 6-5-10 are amended hereby.

City means the City of Central or, as to the portion of the device fee reserved for transportation services and improvements, the City’s transportation enterprise, as and if formed.

Section 2. Section 6-5-40 is hereby amended to read in its entirety as follows:

Sec. 6-5-40. Device fee imposed.

(a) In addition to, and separate and apart from, the license fee imposed under this Article, each gaming establishment shall be required to pay a monthly device fee for each gaming device operated within a gaming establishment. The purposes of the device fee are: (1) to assist the City **or its transportation enterprise, as and if formed,** in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and (2) to assist the City in funding certain marketing and advertising costs in calendar year 2015 that are related to promoting the limited gaming industry. The monthly device fee is directly related to the need for increased transportation services and improvements necessary to serve the customers, employees and users of gaming establishments, the need for advertising and marketing efforts to promote the limited gaming industry within the City, and will provide a significant and proportional benefit to such businesses.

(b) That portion of the device fee allocated to transportation improvements (the “Transportation Fee”) shall be twenty-two dollars and eight cents (\$22.08) per month for each gaming device. In order to ensure sufficient revenue collections, that portion of the device fee allocated to advertising and marketing expenses (the “Marketing Fee”) shall be adjustable based upon the number of gaming devices in operation and the amount of revenue needed. The base Marketing Fee shall be five dollars (\$5.00) per month for each gaming device and the maximum Marketing Fee shall be seven dollars (\$7.00) per month for each gaming device. The adjustable Marketing Fee for each gaming device shall be effective through December 31, 2015, unless an extension of the same is approved by ordinance of City Council. If no extension of the Marketing Fee is approved by City Council, the device fee shall be reduced to twenty-two dollars and eight cents (\$22.08) commencing January 1, 2016.

(1) Revenues collected from imposition of the Transportation Fee shall be **imposed, collected and spent by the City’s transportation enterprise, as and if formed, and** used exclusively for transportation services and improvements primarily serving or benefitting the gaming areas, and shall not be used for general operating expenses of the City.

(2) Revenues collected from imposition of the Marketing Fee shall be used exclusively to defray the costs of advertising and marketing that are expected to be provided pursuant to an intergovernmental agreement between the City and the Central City Business Improvement District (“CCBID”), and shall not be used for general operating expenses of the City.

(3) The amount of the Marketing Fee shall be determined each month by the City Manager based upon the current number of gaming devices in the City and the expected amounts of the costs of advertising and marketing for 2015.

(c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City with providing transportation services and improvements and funding advertising and marketing expenses, the City Council is authorized to establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council, **except that no such waiver or reduction shall be authorized at any time when the device fee is pledged to the repayment of any City or City transportation enterprise outstanding obligation.**

(d) All revenues collected by the City from the Marketing Fee may be remitted to the CCBID or paid to the CCBID’s contractors pursuant to the terms of an intergovernmental agreement by and between the City and the CCBID, which agreement shall memorialize the advertising and marketing efforts to be provided by the CCBID, or shall otherwise be appropriated and spent by the City as approved by City Council.

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING SECTIONS 6-5-10 AND 6-5-40 OF THE MUNICIPAL CODE
CONCERNING THE TRANSPORTATION DIRECTED PORTION OF THE GAMING
DEVICE FEE AND CLARIFYING THAT SUCH FEE IS IMPOSED AND COLLECTED
BY THE CENTRAL CITY TRANSPORTATION ENTERPRISE**

WHEREAS, the City of Central (“City”) is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of the public health, safety and welfare; and

WHEREAS, the City previously adopted Ordinance 273, Article 4, 1991 (codified at Article V of Chapter 6 of the City of Central Municipal Code) which established a gaming device fee, one purpose of which is to assist the City in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and

WHEREAS, the gaming device fees are currently codified in Article V of Chapter 6 of the Municipal Code; and

WHEREAS, the City Council has, by resolution, established an enterprise known as the Central City Transportation Enterprise which is a government owned business authorized to pursue innovative and efficient means of completing surface transportation infrastructure projects and to impose, collect and spend, in furtherance of its purposes, that portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and

WHEREAS, City Council desires to amend Article V of Chapter 6 of the Municipal Code to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and spent by the Central City Transportation Enterprise.

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

Section 1. Section 6-5-10 shall be amended to include a definition of “City” as set forth herein. No other definitions or language of Section 6-5-10 are amended hereby.

City means the City of Central or, as to the portion of the device fee reserved for transportation services and improvements, the City’s transportation enterprise, as and if formed.

Section 2. Section 6-5-40 is hereby amended to read in its entirety as follows:

Sec. 6-5-40. Device fee imposed.

(a) In addition to, and separate and apart from, the license fee imposed under this Article, each gaming establishment shall be required to pay a monthly device fee for each gaming device operated within a gaming establishment. The purposes of the device fee are: (1) to assist the City or its transportation enterprise, as and if formed, in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and (2) to assist the City in funding certain marketing and advertising costs in calendar year 2015 that are related to promoting the limited gaming industry. The monthly device fee is directly related to the need for increased transportation services and improvements necessary to serve the customers, employees and users of gaming establishments, the need for advertising and marketing efforts to promote the limited gaming industry within the City, and will provide a significant and proportional benefit to such businesses.

(b) That portion of the device fee allocated to transportation improvements (the "Transportation Fee") shall be twenty-two dollars and eight cents (\$22.08) per month for each gaming device. In order to ensure sufficient revenue collections, that portion of the device fee allocated to advertising and marketing expenses (the "Marketing Fee") shall be adjustable based upon the number of gaming devices in operation and the amount of revenue needed. The base Marketing Fee shall be five dollars (\$5.00) per month for each gaming device and the maximum Marketing Fee shall be seven dollars (\$7.00) per month for each gaming device. The adjustable Marketing Fee for each gaming device shall be effective through December 31, 2015, unless an extension of the same is approved by ordinance of City Council. If no extension of the Marketing Fee is approved by City Council, the device fee shall be reduced to twenty-two dollars and eight cents (\$22.08) commencing January 1, 2016.

(1) Revenues collected from imposition of the Transportation Fee shall be imposed, collected and spent by the City's transportation enterprise, as and if formed, and used exclusively for transportation services and improvements primarily serving or benefitting the gaming areas, and shall not be used for general operating expenses of the City.

(2) Revenues collected from imposition of the Marketing Fee shall be used exclusively to defray the costs of advertising and marketing that are expected to be provided pursuant to an intergovernmental agreement between the City and the Central City Business Improvement District ("CCBID"), and shall not be used for general operating expenses of the City.

(3) The amount of the Marketing Fee shall be determined each month by the City Manager based upon the current number of gaming devices in the City and the expected amounts of the costs of advertising and marketing for 2015.

(c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City with providing transportation services and improvements and funding advertising

and marketing expenses, the City Council is authorized to establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council, except that no such waiver or reduction shall be authorized at any time when the device fee is pledged to the repayment of any City or City transportation enterprise outstanding obligation.

(d) All revenues collected by the City from the Marketing Fee may be remitted to the CCBID or paid to the CCBID's contractors pursuant to the terms of an intergovernmental agreement by and between the City and the CCBID, which agreement shall memorialize the advertising and marketing efforts to be provided by the CCBID, or shall otherwise be appropriated and spent by the City as approved by City Council.

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 19th day of May, 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 2nd day of June, 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 May 21, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on June 4, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk



AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

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

DATE: June 2, 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 July 7, 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.



MEMO

To: Reba Bechtel, City of Central City Clerk
From: Gary Pringey, Plan Analyst
Date: 12 May, 2015
Re: 2015 I-code Adoption

Several questions developed at the 1st reading of the ordinance to adopt the 2015 I-codes regarding provisions in the codes for historic buildings. This memo is to address those questions and present the actual language in the codes regarding historic structures. The following code sections are excerpts from the building code, existing building code, and energy conservation code that directly affect historic buildings. These code excerpts reference the definitions of historic buildings, the waiving of general code requirements to maintain historically significant elements, and the code provisions that will be evaluated as more critical or significant in historic buildings.

International Building Code (IBC)

101.4.7 Existing buildings. The provisions of the *International Existing Building Code* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

202 Definitions

Historic Buildings. Buildings that are listed in or eligible for listing in the National Register of Historic Places or designated as historic under appropriate state or local law.

International Existing Building Code (IEBC)

101.3 Intent. The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

202 General Definitions

Historic Building. Any building or structure that is one or more of the following.

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register, state designated or locally designated historic district.

Prescriptive provisions for historic buildings in the IEBC

SECTION 408 HISTORIC BUILDINGS

408.1 Historic buildings. The provisions of this code that require improvements relative to a building's existing condition or, in the case of repairs, that require improvements relative to a building's predamage condition, shall not be mandatory for historic buildings unless specifically required by this section.

This code section includes provisions regarding:

- Life-safety hazards and
- Flood hazard areas.

Performance provisions for historic buildings in the IEBC.

CHAPTER 12 HISTORIC BUILDINGS

SECTION 1201 GENERAL

1201.1 Scope. It is the intent of this chapter to provide means for the preservation of historic buildings. Historical buildings shall comply with the provisions of this chapter relating to their repair, alteration, relocation and change of occupancy.

1201.2 Report. A historic building undergoing repair, alteration, or change of occupancy shall be investigated and evaluated. If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the code official by a registered design professional when such a report is necessary in the opinion of the code official. Such report shall be in accordance with Chapter 1 and shall identify each required safety feature that is in compliance with this chapter and where compliance with other chapters of these provisions would be damaging to the contributing historic features. For buildings assigned to Seismic Design Category D, E or F, a structural evaluation describing, at a minimum, the vertical and horizontal elements of the lateral force-resisting system and any strengths or weaknesses therein shall be prepared. Additionally, the report shall describe each feature that is not in compliance with these provisions and shall demonstrate how the intent of these provisions is complied with in providing an equivalent level of safety.

This code section includes provisions regarding:

- Special occupancy exceptions and
- Flood hazard areas.

SECTION 1202 REPAIRS

1202.1 General. Repairs to any portion of an historic building or structure shall be permitted with original or like materials and original methods of construction, subject to the provisions of this chapter. Hazardous materials, such as asbestos and lead-based paint, shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

1202.2 Unsafe conditions. Conditions determined by the code official to be unsafe shall be remedied. No work shall be required beyond what is required to remedy the unsafe conditions.

1202.4 Replacement. Replacement of existing or missing features using original materials shall be permitted. Partial replacement for repairs that match the original in configuration, height, and size shall be permitted.

Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Chapter 24 of the International Building Code.

SECTION 1203 FIRE SAFETY

1203.2 General. Every historic building that does not conform to the construction requirements specified in this code for the occupancy or use and that constitutes a distinct fire hazard as defined herein shall be provided with an approved automatic fire-extinguishing system as determined appropriate by the code official. However, an automatic fire-extinguishing system shall not be used to substitute for, or act as an alternative to, the required number of exits from any facility.

This code section includes provisions regarding:

- Means of egress,
- Transoms,
- Interior finishes,
- Stairway enclosure,
- One-hour fire-resistant assemblies,
- Glazing in fire-resistance-rated systems,
- Stairway railings,
- Guards,
- Exit signs, and
- Automatic fire-extinguishing systems.

SECTION 1204 ALTERATIONS

1204.1 Accessibility requirements. The provisions of Sections 705, 806 and 906, as applicable, shall apply to facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, entrances or toilet rooms would threaten or destroy the historic significance of the building or facility, as determined by the code official, the alternative requirements of Sections 1204.1.1 through 1204.1.4 for that element shall be permitted.

This code section includes provisions regarding:

- Site arrival points,
- Multilevel buildings and facilities,
- Entrances, and
- Toilet and bathing facilities.

SECTION 1205 CHANGE OF OCCUPANCY

1205.1 General. Historic buildings undergoing a change of occupancy shall comply with the applicable provisions of Chapter 10, except as specifically permitted in this chapter. When Chapter 10 requires compliance with specific requirements of Chapter 7, Chapter 8 or Chapter 9 and when those requirements are subject to the exceptions in Section 1102, the same exceptions shall apply to this section.

This code section includes provisions regarding:

- Building area,
- Location on property,
- Occupancy separation,
- Roof covering,
- Means of egress,
- Door swing,
- Transoms,
- Finishes,
- One-hour fire-resistant assemblies,
- Stairs and railings,
- Exit signs,
- Exit stair live load,
- Natural light, and
- Accessibility requirements.

SECTION 1206 STRUCTURAL

1206.1 General. Historic buildings shall comply with the applicable structural provisions for the work as classified in Chapter 5.

Exception: The code official shall be authorized to accept existing floors and approve operational controls that limit the live load on any such floor.

1206.2 Dangerous conditions. Conditions determined by the code official to be dangerous

shall be remedied. No work shall be required beyond what is required to remedy the dangerous condition.

International Energy Conservation Code (IECC)

Section C202 Definitions (relative to energy conservation requirements for commercial buildings)

Historic Building. Any building or structure that is one or more of the following.

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register, state designated or locally designated historic district.

C501.6 Historic buildings. No provisions of this code relating to the construction, repair, alterations, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings provided a report has been submitted to the code official and signed by a registered design professional, or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.

Proposed amendment to this section in the IECC.

(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.

Section R202 Definitions (relative to energy conservation requirements for residential buildings)

Historic Buildings. Buildings that are listed in or eligible for listing in the National Register of Historic Places or designated as historic under appropriate state or local law.

R501.6 Historic buildings. No provisions of this code relating to the construction, repair, alterations, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings provided a report has been submitted to the code official and signed by a registered design professional, or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.

Proposed amendment to this section in the IECC.

- (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.

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 verses 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



AGENDA ITEM 9

CITY COUNCIL COMMUNICATION FORM

FROM: Abigail R. Adame, Finance Director

DATE: June 2, 2015

ITEM: Resolution 15-12: A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY IN RELATION TO THE CREATION OF THE TRANSPORTATION ENTERPRISE FUND NOT APPROPRIATED IN THE 2015 BUDGET FOR THE CITY OF CENTRAL

NEXT STEP: Make a motion to adopt Resolution 15-12, A Resolution Appropriating Additional Sums of Money in Relation to the Creation of the Transportation Enterprise Fund Not Appropriated in the 2015 Budget for the City of Central

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The City's 2015 Budget was adopted by Resolution 14-20 on December 2, 2014. At the time of the adoption of the 2015 Budget the creation of the Transportation Enterprise Fund was not anticipated. With the creation of the Transportation Enterprise Fund, it is required for City Council to appropriate the sum of monies anticipated to be expended. Therefore, an additional supplemental appropriation is necessary in order to remain in compliance with statutory budget law.

- II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to adopt Resolution 15-12.

- III. **FISCAL IMPACTS:** The Transportation Enterprise Fund of the City requires the supplemental budget appropriations for anticipated expenses throughout the year. The fund and amounts of additional appropriations needed are shown below.

Transportation Enterprise Fund

<u>Original</u>	<u>Supplemental</u>	<u>Increase</u>
\$ 0	\$1,546,000	<u>\$ 1,546,000</u>
Total Increase in Appropriations		\$ 1,546,000

The requested increase in allocations for the fund is reflective of the anticipated costs during the 2015 year. A brief description of the fund's requested increase is shown below.

<u>Transportation Enterprise Fund</u>	
Capital Outlay	\$1,521,642
Loan issue costs	10,000
<u>Contingency</u>	<u>14,358</u>
TOTAL REQUESTED INCREASE IN ALLOCATIONS	\$ <u>1,546,000</u>

IV. BACKGROUND INFORMATION:

- The expenditures for capital outlay are representative of the anticipated use of the loan proceeds for the Storm Water Drainage Master Plan, Central City Parkway Repairs, Nevada Street Retaining Wall Repairs and the Central City Parkway Rock Fall Mitigation projects.
- The expenditure for the Loan Issue Costs is an estimate at this time. The actual amounts will not be known with specificity until the anticipated loan with The Colorado Department of Transportation is in final form.
- The expenditure for Contingency is included to appropriate funds for any unforeseen expenditures from the Transportation Enterprise Fund in 2015.

V. LEGAL ISSUES: None. City Council is authorized pursuant to Section 10.10 of the City's Home Rule Charter and C.R.S. § 29-1-109 to amend the budget after it is adopted Adoption of Resolution 15-12 is necessary to ensure that the City remains in compliance with applicable state budget laws.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: None

VII. SUMMARY AND ALTERNATIVES:

City Council has the following options:

- (1) Adopt Resolution No. 15-12, as presented;

- (2) Direct staff to make revisions to the Resolution and schedule consideration of the Resolution on a future City Council agenda; or
- (3) Reject or deny the resolution.

RECOMMENDED MOTION: "I MOVE TO APPROVE RESOLUTION 15-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, APPROPRIATING ADDITIONAL SUMS OF MONEY IN RELATION TO THE CREATION OF THE TRANSPORTATION ENTERPRISE FUND NOT APPROPRIATED IN THE 2015 BUDGET FOR THE CITY OF CENTRAL."

Attachments:

- Resolution 15-12

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 15-12**

**A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY IN
RELATION TO THE CREATION OF THE TRANSPORTATION ENTERPRISE
FUND NOT APPROPRIATED IN THE 2015 BUDGET FOR THE CITY OF
CENTRAL**

WHEREAS, the City Council of the City of Central, Colorado adopted the 2015 budget by Resolution No. 14-20; and

WHEREAS, the City Council is authorized pursuant to Section 10.10 of the Home Rule Charter and C.R.S. § 29-1-109 to amend the budget after it is adopted; and

WHEREAS, the creation of the Transportation Enterprise Fund was not anticipated, nor the expenditures in such Fund appropriated when the 2015 Budget was adopted; and

WHEREAS, the City Council desires to amend the 2015 Budget and to appropriate additional funds for such increased expenditures; and

WHEREAS, the City provided notice of a public hearing concerning this Resolution in accordance with C.R.S. § 29-1-106 by publishing notice once in a newspaper of general circulation and held such public hearing as required by state statute,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:

Section 1. The City Council hereby amends the 2015 Budget for the following funds as follows:

	<u>Original</u>	<u>Amended</u>
Transportation Enterprise Fund	\$ 0	\$1,546,000

Section 2. The City Council hereby approves the following Supplemental Appropriations:

<u>Transportation Enterprise Fund</u>	\$1,546,000
<u>TOTAL Supplemental Appropriations</u>	\$1,546,000

Section 3. The Finance Director of the City of Central is authorized to make mathematical computations to the 2015 Budget to ensure that the amendments provided by this Resolution are properly accounted for and such Budget properly reflects the approved amendments.

Section 4. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 2nd DAY OF JUNE, 2015.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
Reba Bechtel, City Clerk

By: _____
Marcus A. McAskin, City Attorney



AGENDA ITEM # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: May 22, 2015

ITEMS: Resolution 15-13 Establishing the Main Street Central City Commission

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. **REQUEST OR ISSUE:** Proposed Resolution No. 15-13 establishes the Main Street Central City Commission. City Council previously adopted Resolution No. 14-18 establishing the Main Street Steering Committee and the Steering Committee has completed its report to City Council.

City Council also previously adopted Resolution No. 15-10 on April 21, 2015, authorizing participation in the Main Street® Program and supporting the operation of Main Street Central City.

If formed, the Main Street Commission would be an advisory commission to City Council.

II. **RECOMMENDED ACTIONS / NEXT STEPS:** Approve Resolution 15-13. No public hearing is required prior to adoption of the Resolution.

III. **FISCAL IMPACTS:** None.

IV. **BACKGROUND INFORMATION:** The proposed Resolution establishes the Main Street Central City Commission (the "Main Street Commission"). As set forth in Resolution 15-13, the Main Street Commission will consist of five (5) members and one (1) alternate member, each of whom will be a resident of the City, own property within the City, or be employed by a City business.

The five (5) regular members and one (1) alternate member will be appointed by the Mayor, upon confirmation by majority of the City Council. The Commission members will have four year staggered terms. The Resolution requires the Main Street Commission to undertake the following functions:

- A. Promote and encourage the development, public awareness of and interest in Main Street Central City;
- B. Advise the City Council in connection with all matters relating to Main Street Central City and the Main Street® Program, including the following areas:
 - (1) The organization of the community into a strong team that works cooperatively toward the common goal of improving and revitalizing downtown Central City;
 - (2) The promotion of downtown Central City, promoting and marketing the image of Central City to potential visitors, shoppers, investors, business prospects and members of the community at large;
 - (3) The design of the downtown Central City area through appropriate development and streetscape improvements, maintaining, reusing and renovating existing historic structures and ensuring that new development is sensitive to the design guidelines promulgated by the City's Historic Preservation Commission;
 - (4) The economic restructuring of downtown Central City by assisting the City, the Central City Business Improvement District, and other stakeholders with new business recruitment, filling vacant or underutilized space with new or expanded business enterprises;
- C. Perform such other functions associated with Program as the City Council may from time to time direct;
- D. Make recommendations to the City Council with respect to annual budget appropriations for the activities of the Main Street Commission;
- E. Assist in the preparation of applications for grants or other sources of funding for the Main Street Commission and the Program;
- F. Establish, at a minimum, the following committees: (1) organization committee; (2) promotion committee; (3) design committee; and the economic restructuring committee;
- G. Make recommendations to City Council on such other downtown-revitalization efforts as may be referred to the Main Street Commission by City Council;
- H. Make a recommendation to the City Manager regarding the individual that will serve (in a part time capacity) as the Executive Director of the Main Street Commission;
- I. Elect a chair and vice-chair from among its members in accordance with Section 9.1(c) of the Home Rule Charter; and
- J. Adopt procedures and rules of order.

V. **LEGAL ISSUES:** None. Section 9.1 of the Home Rule Charter vests City Council with the authority to create advisory commissions by resolution.

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

VII. **SUMMARY AND ALTERNATIVES:**

City Council has the following options:

- (1) Adopt Resolution No. 15-13, as presented;
- (2) Direct staff to make revisions to the Resolution and schedule consideration of the Resolution on a future City Council agenda; or
- (3) Reject or deny the resolution.

RECOMMENDED MOTION: "I MOVE TO APPROVE RESOLUTION 15-13 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, ESTABLISHING THE MAIN STREET CENTRAL CITY COMMISSION."

Attachments:

- Resolution 15-13

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 15-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO, ESTABLISHING THE MAIN STREET CENTRAL CITY COMMISSION**

WHEREAS, City Council previously adopted Resolution No. 14-18 establishing the *Main Street Steering Committee*; and

WHEREAS, the Steering Committee has completed its report to City Council; and

WHEREAS, the Colorado Main Street® Program (the “Program”) is a program to revitalize traditional downtown districts within the context of historic preservation; and

WHEREAS, the Program is designed to assist Colorado communities in revitalizing their traditional downtown or neighborhood commercial districts and helps local governments and other interested stakeholders create an economically diverse business environment while preserving local character and important historic resources; and

WHEREAS, City Council adopted Resolution No. 15-10 on April 21, 2015, authorizing participation in the Main Street® Program and supporting the operation of Main Street Central City; and

WHEREAS, City Council desires to establish the Main Street Central City Commission (the “Main Street Commission”) as an advisory commission to City Council in accordance with Section 9.1 of the Home Rule Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:

Section 1. There is hereby established an advisory commission to be known as the Main Street Central City Commission.

Section 2. Commencing on July 1, 2015, the Main Street Commission shall consist of five (5) members and one (1) alternate member, each of whom shall maintain his or her primary residence within the City, or who shall own property within or be employed by a business in downtown Central City.

Section 3. The five (5) regular members and one (1) alternate member shall be appointed by the Mayor, the appointment of whom shall be confirmed by a majority of the City Council. Each member of the Main Street Commission shall be appointed to a four-year staggered term. Three (3) of the initial regular members and the alternate member shall be appointed to serve until June 30, 2019, and two (2) of the initial regular members shall be appointed to serve until June 30, 2017.

Section 4. The Main Street Commission shall:

- A. Promote and encourage the development, public awareness of and interest in Main Street Central City;
- B. Advise the City Council in connection with all matters relating to Main Street Central City and the Main Street® Program, including the following areas:
 - (1) The *organization* of the community into a strong team that works cooperatively toward the common goal of improving and revitalizing downtown Central City;
 - (2) The *promotion* of downtown Central City, promoting and marketing the image of Central City to potential visitors, shoppers, investors, business prospects and members of the community at large;
 - (3) The *design* of the downtown Central City area through appropriate development and streetscape improvements, maintaining, reusing and renovating existing historic structures and ensuring that new development is sensitive to the design guidelines promulgated by the City's Historic Preservation Commission;
 - (4) The *economic restructuring* of downtown Central City by assisting the City, the Central City Business Improvement District, and other stakeholders with new business recruitment, filling vacant or underutilized space with new or expanded business enterprises;
- C. Perform such other functions associated with Program as the City Council may from time to time direct;
- D. Make recommendations to the City Council with respect to annual budget appropriations for the activities of the Main Street Commission;
- E. Assist in the preparation of applications for grants or other sources of funding for the Main Street Commission and the Program;
- F. Establish, at a minimum, the following committees: (1) organization committee; (2) promotion committee; (3) design committee; and the economic restructuring committee;
- G. Make recommendations to City Council on such other downtown-revitalization efforts as may be referred to the Main Street Commission by City Council;

- H. Make a recommendation to the City Manager regarding the individual that will serve (in a part time capacity) as the Executive Director of the Main Street Commission;
- I. Elect a chair and vice-chair from among its members in accordance with Section 9.1(c) of the Home Rule Charter; and
- J. Adopt procedures and rules of order.

Section 5. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 6. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CENTRAL by a vote of _____ in favor and _____ against this ____ day of June, 2015.

CITY OF CENTRAL, COLORADO

By: _____
 Ronald E. Engels, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
 Reba Bechtel, City Clerk

By: _____
 Marcus A. McAskin, City Attorney



AGENDA ITEM #11

CITY COUNCIL COMMUNICATION FORM

FROM: Daniel R. Miera, City Manager

DATE: June 2, 2015

ITEM: Ordinance 15-05: AN ORDINANCE OF THE CITY COUNCIL, ACTING AS THE GOVERNING BODY OF THE CENTRAL CITY TRANSPORTATION ENTERPRISE AUTHORIZING THE ENTERPRISE TO ENTER INTO A LOAN AGREEMENT AND RELATED DOCUMENTS WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR A PRINCIPAL AMOUNT NOT TO EXCEED \$1,521,693 AND AN INTEREST RATE NOT TO EXCEED 2.5%

NEXT STEP: Make a motion to adopt Ordinance 15-05, and set a Public Hearing for June 19, 2015, at 5pm.

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The City Council has determined a need for a loan to ensure adequate cash flow for current transportation-related projects as such the Transportation Enterprise Fund has requested a loan from the SIB in the amount of \$1,521,693.
- II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to adopt Ordinance 15-05 and set a Public Hearing for June 19, 2015.
- III. **FISCAL IMPACTS:** The Colorado Department of Transportation and the City have agreed to the terms and conditions of a loan agreement and related documents for a principal amount of \$1,521,693 at a rate interest of 2.5% payable from revenues available to the Transportation Enterprise Fund.

IV. BACKGROUND INFORMATION:

- The anticipated use of the loan proceeds are for the Storm Water Drainage Master Plan, Central City Parkway Repairs, Nevada Street Retaining Wall Repairs and the Central City Parkway Rock Fall Mitigation projects.

V. LEGAL ISSUES: None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: None

VII. SUMMARY AND ALTERNATIVES:

City Council has the following options:

- (1) Adopt Ordinance No. 15-05, as presented;
- (2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda; or
- (3) Reject or deny the ordinance.

Attachments:

- Ordinance 15-05

**CITY OF CENTRAL, COLORADO
ORDINANCE NO. 15-05**

**AN ORDINANCE OF THE CITY COUNCIL, ACTING AS THE
GOVERNING BODY OF THE CENTRAL CITY TRANSPORTATION
ENTERPRISE (THE “ENTERPRISE”), AUTHORIZING THE
ENTERPRISE TO ENTER INTO A LOAN AGREEMENT AND
RELATED DOCUMENTS WITH THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR A PRINCIPAL AMOUNT NOT TO EXCEED
\$1,521,693 AND AN INTEREST RATE NOT TO EXCEED 2.5%**

WHEREAS, the City Council, as the governing body of the Central City Transportation Enterprise (the “Enterprise”) has determined that a need exists for a loan to ensure adequate cash flow for current transportation-related projects; and

WHEREAS, the Colorado State Infrastructure Bank (“SIB”) is a revolving fund administered by the Colorado Department of Transportation (“CDOT”) with the ability to make loans to public and private entities for the funding of public transportation projects within the state; and

WHEREAS, the Enterprise has requested a loan from the SIB in the amount of \$1,521,693 for eligible transportation projects; and

WHEREAS, in accordance with Section 5.8 of the Home Rule Charter of the City, every act creating an indebtedness requires approval by ordinance; and

WHEREAS, CDOT and the City have agreed to the terms and conditions of a loan agreement and related documents for a principal amount of \$1,521,693 at a rate of interest of 2.5% payable from revenues available to the Enterprise, in substantially the form attached hereto as Exhibit A (collectively the “Loan Agreement”); and

WHEREAS, the City Council, as the governing body of the Enterprise, has reviewed the form of the Loan Agreement and has found the terms and conditions thereof acceptable.

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

Section 1. The City Council of the City of Central, acting in its capacity as the governing body of the Enterprise, finds that the meetings at which this ordinance was considered and adopted were properly noticed and conducted as open meetings in accordance with Colorado law.

Section 2. The terms of said Loan Agreement are in the best interests of the Enterprise for the acquisition of funding for transportation-related projects, as more specifically described therein.

Section 3. The City Council, as the governing body of the Enterprise, designates and confirms that the Mayor has the authority to execute and deliver the Loan Agreement and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement in substantially the form attached hereto as **Exhibit A** for and on behalf of the Enterprise. The Mayor, in consultation with the City Attorney, may make such non-material changes to the Loan Agreement as necessary or desirable and that do not materially increase the obligation(s) of the Enterprise, such approval to be conclusively evidenced by the execution and delivery of the Loan Agreement.

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. 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 2nd day of June, 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 _____ 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

Exhibit A
Loan Agreement

LOAN AGREEMENT

THIS LOAN AGREEMENT (“LOAN AGREEMENT”), is made this _____ day of _____, 2015 by and between the State of Colorado for the use and benefit of THE COLORADO DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the “Lender”, and the Central City Transportation Enterprise established by the City of Central, Colorado, by City Council Resolution 2015-11, Colorado, hereinafter referred to as the “Borrower.”

FACTUAL RECITALS:

1. The Colorado State Infrastructure Bank (CO SIB) is a revolving fund administered by the Colorado Department of Transportation with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and
2. The General Assembly has passed legislation that made certain provisions for the CO SIB and established within the CO SIB, a highway account, a transit account, an aviation account and a rail account; and
3. The Transportation Commission has adopted rules, pursuant to 43-1-113.5, CRS, regarding the CO SIB; and
4. The Borrower has requested a loan from the CO SIB in the amount of \$1,521,693 for an eligible transportation project or purchase as described in Rule III, section 2, 2CCR 605-1, (CO SIB Rules); and
5. The Transportation Commission has approved the loan request and authorized the Lender to make a loan to the Borrower from the CO SIB in the amount of \$1,521,693; and
6. Authority exists in the law and a sufficient unencumbered balance thereof remains available in Fund 715 to lend to the Borrower; and
7. This Agreement is executed under the authority of Sections 29-1-203, 43-1-110, and 43-1-113.5 C.R.S., as amended, and by resolution of the City Council of the City of Central Colorado acting in its capacity as the governing body of the Central City Transportation Enterprise.

NOW, THEREFORE, IT IS HEREBY AGREED THAT:

ARTICLE I
LOAN AND CLOSING

Section 1.01. Loan and Promissory Note. The Lender hereby agrees to loan \$1,521,693 (the “principal amount of the Loan”) to the Borrower and the Borrower agrees to pay the Lender the principal amount of the Loan plus interest on the terms described herein (collectively, the “Loan”). The Borrower’s obligation to pay the Lender the principal of and interest on the Loan is evidenced by a promissory note (the “Note”) in the form attached as Exhibit A.

Section 1.02. Closing. The Lender shall deliver the principal amount of the Loan to the fiduciary agent (the “Escrow Agent”), described in the form attached as Exhibit B (“the Escrow Agreement”), by means of a financial instrument or transfer acceptable to the Lender (referred to as the “Closing”) on a date mutually agreed to by the Borrower and the Lender (such date is referred to as the “Closing Date”)

ARTICLE II
LOAN OBLIGATIONS

Section 2.01. Principal and Interest Payments. The Borrower shall pay to the Lender the principal amount of the Loan plus accrued interest on such principal amount on _____ (the “Maturity Date”) or an earlier date on which the Loan is prepaid in accordance with Section 2.04 hereof (a “Prepayment Date”).

Section 2.02. Lender Invoice and Reports. The Lender shall forward an invoice, that includes the amount of principal and interest that shall be due, to the Borrower at least thirty days before the next scheduled payment is due.

Section 2.03. Interest. Interest shall accrue on the principal amount of the Loan from the Closing Date through the day preceding the Maturity Date or Prepayment Date at the Interest Rate (defined below), computed on the basis of a 360-day year of twelve 30-day months.

Section 2.04. Interest Rate. “Interest Rate” means the rate of interest established and adopted by resolution by the Colorado Transportation Commission pursuant to 2 CCR 605-1, Rule V (2). The Interest rate for this Loan shall be two and a half percent (2.5%).

Section 2.05. Optional Prepayment. The Borrower, at its option, may prepay the Loan in whole by paying the Lender the outstanding principal amount of the Loan, plus accrued interest to the Prepayment Date as selected by the Borrower (Prepayment).

Section 2.06. Resource Pledge for Repayment. The Borrower’s obligation to pay the principal and interest on the Loan and any other amounts payable by the Borrower hereunder (the “Loan Obligations”) are extraordinary limited obligations of the Borrower payable with annual Transportation Fees from

gaming devices within the City as set forth in Article V of Chapter 6 of the City of Central Municipal Code, together with any other revenues in Borrower’s enterprise fund, subject to annual appropriation by the City Council of the City of Central, Colorado acting as the governing body of Borrower (Repayment Source(s)).

Section 2.07. Repayment Schedule. The Borrower shall make equal installments of \$173,866.76 to the Lender each year beginning _____, and each year thereafter for ten consecutive years further described in the form attached as Exhibit C (the “Repayment Schedule”).

Section 2.08. Remittance. All loan payments shall be made payable to the Colorado Department of Transportation, and sent to the Lender’s accounting branch at 4201 East Arkansas Avenue, Rm. 212, Denver, CO 80222, or to such other place or person as may be designated by the Lender in writing.

**ARTICLE III
LOAN ACCOUNT**

Section 3.01. Creation of Loan Account. A Loan account (the “Loan Account” or “Escrow Fund”) is hereby created by the Escrow Agent for the purpose of funding the Storm Water Drainage Master Plan, Central City Parkway Repairs, Nevada Street Retaining Wall Repairs, and Central City Parkway Rock Fall Mitigations described in Exhibit D (the “Scope of Work”), all of which are transportation and related improvements and repairs within the authority of the Borrower. The Loan Account shall be held and administered by the Escrow Agent in accordance with the provisions of this Agreement and the Escrow Agreement. In the event of any conflict between this Agreement and the Escrow Agreement, this Agreement shall prevail.

Section 3.02. Deposits to Loan Account. There shall be deposited into the Loan Account: a) the proceeds of the Loan; b) earnings from the investment of moneys in the Loan Account; and c) other moneys delivered to the Escrow Agent that the Borrower directs the Escrow Agent to deposit into the Loan Account.

Section 3.03. Uses of and Loan Account. Moneys in the Loan Account shall be used, subject to Section 3.05 hereof, to the pay project costs associated with the Scope of Work, as directed by the Borrower.

Section 3.04. Total Actual Project Cost. At the completion of the Scope of Work, the total actual allowable cost of the projects that constitute the Scope of Work shall be equal to or greater than the principal amount of the Loan. If at the completion of the projects that constitute the Scope of Work, the total actual allowable cost of such projects is less than the principal amount of the Loan, the Escrow Agent shall return the loan surplus created by this situation to the Lender. The Lender shall then make all

necessary adjustments to the Repayment Schedule.

Section 3.05. Limit on Withdrawals from Loan Account upon Event of Default. Notwithstanding any other provision of this Agreement or the Escrow Agreement, if an Event of Default has occurred, and so long as it is continuing, the Borrower shall not withdraw moneys from the Loan Account without express written consent of the Lender. The Lender will provide immediate written notice to the Borrower and the Escrow Agent of each event of Default.

Section 3.06. Investment of Moneys in Loan Account. Moneys in the Loan Account shall be invested by the Escrow Agent as directed by the Lender as provided in paragraph 3 of the Escrow Agreement.

ARTICLE IV

REMEDIES IN EVENT OF DEFAULT

Section 4.01. Event of Default. Any of the following shall constitute an “Event of Default” under this Agreement: a) failure by the Borrower to pay the principal and interest on the loan in accordance with Section 2.01 and Exhibit C hereof; b) failure of the Borrower to pay any other Loan Obligation not referenced in clause (a) above within thirty days of its receipt of written notice that the payment is due; c) failure of the Borrower to comply with any other of its covenants in this Agreement not referenced in (a) and (b) above for a period of thirty days after written notice, specifying such failure and requesting remedy; and d) any misrepresentation by the Borrower in this Agreement that materially adversely affects the ability of the Borrower to repay the Loan Obligations.

Section 4.02. Remedies. Whenever any Event of Default shall have occurred and be continuing, the Lender may take one or any combination of the following remedial steps: a) file any suit, action or special proceeding to collect the unpaid Loan Obligations; b) enforce any provision of this Loan Agreement by equitable remedy, including, but not limited to, by specific performance, writ of mandamus or other injunctive relief; and c) take whatever actions at law or in equity may appear necessary or desirable to enforce its rights under this Loan Agreement. In the event of any failure of Borrower to meet its Loan Obligations hereunder, the Lender may request, and if so requested Borrower shall direct, all Transportation Fees from gaming devices within the City as set forth in Article V of Chapter 6 of the City of Central Municipal Code to be paid to Lender in an amount sufficient to make any payment due pursuant to Section 2.07 and Exhibit C. In addition to the foregoing remedies, which are not exclusive, Lender’s approval shall be required prior to the issuance of any new parity obligations by Borrower during the term of this Agreement.

Section 4.03. Remedies Neither Exclusive Nor Waived. No remedy under Section 4.02

hereof is intended to be exclusive, and each such remedy shall be cumulative and in addition to the other remedies. No delay or failure to exercise any remedy shall be construed to be a waiver of an Event of Default.

Section 4.04. Waivers. The Lender may waive any Event of Default and its consequences. No waiver of any Event of Default shall extend to or affect any subsequent or any other then existing Event of Default.

ARTICLE V GENERAL PROVISIONS

Section 5.01. All federal and state statutes, regulations, specifications, administration checklists, directives, procedures, documents, and publications that are specifically identified and/or referenced in this Loan Agreement, together with all exhibits and attachments and addenda to this Loan Agreement, are incorporated herein by this reference as terms and conditions of this Loan Agreement as though fully set forth.

Section 5.02. The Lender reserves the right to inspect the completed projects that constitute the Scope of Work or any completed portion thereof in which loan proceeds pursuant to this Agreement were applied. Notwithstanding any consents or approvals given by the Lender for the project, the Lender will not be liable or responsible in any manner for the structural design, details or construction of any improvements or structures described in Exhibit D that are designed or constructed by the Borrower using the Loan.

Section 5.03. Neither the commitment of CO SIB funds to the Borrower through this Loan Agreement nor any other security or debt financing instrument issued or executed in connection with the Loan to the Borrower shall constitute a commitment, guarantee, or obligation of the United States.

Section 5.04. This Loan Agreement may be terminated as follows:

(a) Termination for Cause. If, through any cause, the Borrower shall fail to fulfill, in a timely and proper manner, its obligations under this Loan Agreement, or if the Borrower shall violate any of the covenants, agreements, or stipulations of this Loan Agreement, the Lender shall thereupon have the right to terminate this Loan Agreement for cause by giving written notice to the Borrower of its intent to terminate and at least thirty (30) days opportunity to cure the Event of Default or show cause why termination is otherwise not appropriate. In the event of termination, the Borrower shall return any funds that have been disbursed to the Borrower as part of the Loan and any accrued interest thereon within 45 days of the date of termination. Notwithstanding above, the Borrower shall not be relieved of liability to the Lender for any damages sustained by the Lender by virtue of any breach of the Loan Agreement by

the Borrower.

(b) Termination for Convenience. The Lender may terminate this Loan Agreement at any time the Lender determines that the purposes of the distribution of funds under the Loan Agreement would no longer be served by completion of the Scope of Work. The Lender shall effect such termination by giving written notice of termination to the Borrower and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination. Upon termination pursuant to this paragraph, Escrow Agent shall return to Lender all undisbursed funds.

(c) Termination Due to Loss of Funding. The parties hereto expressly recognize that the Loan is made to the Borrower with federal and/or State funds which are available to the Lender for the purposes of making a loan for the Scope of Work described in Exhibit D herein, and therefore, the Borrower expressly understands and agrees that all its rights, demands and claims to the Loan arising under this Loan Agreement are contingent upon availability of such funds to the Lender. In the event that such funds or any part thereof are not available to the Lender, the Lender may immediately terminate or amend this Loan Agreement.

Section 5.05. This Loan Agreement is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this Loan Agreement on the effective date of such change as if fully set forth herein. Except as specifically provided otherwise herein, no modification of this Loan Agreement shall be effective unless agreed to in writing by both parties in an amendment to this Loan Agreement that is properly executed and approved in accordance with applicable law.

Section 5.06. To the extent that this Loan Agreement may be executed and performance of the obligations of the parties may be accomplished within the intent of the Loan Agreement, the terms of this Loan Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

Section 5.07. This Loan Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written contract executed and approved pursuant to the State Fiscal Rules.

Section 5.08. Except as herein otherwise provided, this Loan Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Section 5.09. If a conflict occurs between the provisions of this Loan Agreement proper and the attachments hereto, the priority to be used to resolve such a conflict shall be as follows:

- 1) The Colorado State Infrastructure Bank Rules and Regulation 2CCR 605-1
- 2) The Escrow Agreement
- 3) This Loan Agreement proper
- 3) Other contract attachments and exhibits

Section 5.10. It is expressly understood and agreed that the enforcement of the terms and conditions of this Loan Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the parties hereto, and nothing contained in this Loan Agreement shall give or allow any such claim or right of action by any other or third person on such contract. It is the express intention of the parties that any person or entity other than the parties receiving services or benefits under this Loan Agreement be deemed to be an incidental beneficiary only.

Section 5.11. The Borrower assures and guarantees that it possesses the legal authority to enter into this Loan Agreement. The Borrower warrants that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Loan Agreement and to bind the Borrower to its terms. The person(s) executing this Loan Agreement on behalf of the Borrower warrants that they have full authorization to execute this Loan Agreement. The Borrower covenants that it will annually request an appropriation in an amount sufficient to make payments pursuant to Section 2.07 and Exhibit C, it being expressly understood by the parties that the City Council of the City of Central, acting as the governing body of Borrower, retains authority, in its sole and absolute discretion, to appropriate sums necessary to make payments on the Loan Obligation.

Section 5.12. The Borrower shall maintain all books, documents, papers, accounting records and other evidence pertaining to the projects that constitute the Scope of Work or any cost incurred, and if requested by the Lender, make such materials available to the Lender for three years from the execution date of this Loan Agreement.

Section 5.13. This Loan Agreement shall not be deemed valid until the Controller of the State of Colorado or such assistant as he may designate shall have approved it.

Section 5.14. Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

Section 5.15. Indemnity: To the extent authorized by law the Borrower shall indemnify, save, and hold harmless the Lender against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the Borrower, or its employees,

agents, subcontractors, or assignees pursuant to the terms of this Loan Agreement. No term or condition of this Loan Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the parties, of the Colorado Governmental Immunity Act, Section 24-10-101 et seq. C.R.S. or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. as applicable, as now or hereafter amended.

Section 5.16. The Borrower agrees to comply with the letter and the spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.

Section 5.17. The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this Loan Agreement. Any provision of this Loan Agreement, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this Loan Agreement to the extent that the agreement is capable of execution.

At all times during the performance of this Loan Agreement, the Borrower shall strictly adhere to all applicable federal and state laws, rules, and regulations that have been or may hereafter be established.

Section 5.18. The signatories aver that, to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

APPROVED:
CYNTHIA H. COFFMAN
Attorney General

STATE OF COLORADO
JOHN HICKENLOOPER, Governor

By _____
Assistant Attorney General

By _____
Executive Director
DEPARTMENT OF TRANSPORTATION

ATTEST: (SEAL)

CENTRAL CITY TRANSPORTATION
ENTERPRISE

By _____

By _____
Ron Engels, Mayor, on behalf of the City
Council of the City of Central acting as the
governing body of the Borrower

Federal Employer Identification Number:

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS24-30-202 requires that the State Controller approve all contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

ROBERT JAROS, CPA, MBA, JD
State Controller

By _____
LILIYA GERSHMAN
Department Controller

Date _____

Exhibit A
NOTE

\$ 1,521,693 _____

For VALUE RECEIVED, The Central City Transportation Enterprise, an enterprise of the City of Central, Colorado (The Maker) promises to pay to Colorado Department of Transportation (the Holder) the principal sum of \$1,521,693 with interest from date at the rate of 2.50% per annum on the balance from time to time remaining unpaid. The said principal and interest shall be payable in lawful money of the United States of America at 4201 East Arkansas Avenue, Rm. 212, Denver, CO 80222 or at such place as may hereafter be designated by written notice from the Holder to the Maker hereof, on the date and in the manner following:

The Maker shall make equal installments of \$173,866.76 to the Lender each year beginning _____, and each year thereafter for nine consecutive years.

CENTRAL CITY TRANSPORTATION
ENTERPRISE

By: _____

Ron Engels, Mayor, on behalf of the City Council of the City of Central acting as the governing body of the Borrower

Attest: _____

Exhibit B
ESCROW AGREEMENT

THIS ESCROW AGREEMENT, dated as of _____, 2015, is hereby entered into by and between the Central City Transportation Enterprise, an enterprise of the City of Central, Colorado, a political subdivision duly organized and existing under the laws of the State of Colorado (the "Borrower"), and Colotrust acting as escrow agent (the "Escrow Agent").

WHEREAS, Borrower and Colorado Department of Transportation acting as Lender (the "Lender") have entered into a Loan Agreement dated _____ (the "Loan Agreement"); and

WHEREAS, under the Loan Agreement, the Lender will provide a loan for funding the acquisition, equipping and constructing a Storm Water Drainage Master Plan, Central City Parkway Repairs, Nevada Street Retaining Wall Repairs, and Central City Parkway Rock Fall Mitigations (the "Project") in the sum of \$1,521,693, to be available in periodic draws for the payment of the costs of such acquisition; and

WHEREAS, the Borrower and the Lender now desire to provide for the safekeeping, investment and disbursement of such monies advanced by the Lender;

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. There is hereby created and established with the Escrow Agent an irrevocable escrow fund designated for the Borrower (the "Escrow Fund" or "Loan Account") to be held in the custody of the Escrow Agent separate and apart from other funds of the Escrow Agent or Lender.

2. The Lender shall, as of _____ deposit into the Escrow Fund the sum of \$1,521,693 representing the principal amount of the obligation of the Borrower under the Loan Agreement.

3. Monies held in the Escrow Fund shall be promptly invested and reinvested by the Escrow Agent, at the written direction of the Lender, in any security or deposit account authorized by law. No investment shall be made in a security maturing later than the date on which Borrower reasonably anticipates needing such funds for the payment of the costs of the Project. Borrower shall notify the Escrow Agent as to the dates on which funds are needed for disbursement and the estimated amount of each such disbursement and the Escrow Agent may rely upon this information in connection with all investment or reinvestment of funds.

4. All interest earnings from such investment shall be remitted to Borrower periodically, as mutually agreed upon by Borrower and the Escrow Agent. In such event, Borrower shall use such amounts to pay loan payments next owing under the Loan Agreement. Unless otherwise agreed by the

Borrower and the Escrow Agent, the Escrow Fund shall be held in a _____, and it shall earn interest at the daily rate established by the Escrow Funds.

5. The Escrow Agent shall disburse funds from the Escrow Fund upon receipt of a written request and certification from Borrower, approved in writing by Lender, setting forth the following: (1) the amount to be disbursed, (2) the address to which such funds are to be forwarded, (3) a brief description of the purpose of the payment, and (4) a statement that the expenditure for which disbursement is requested was properly incurred in connection with the acquisition of the Project and that the amounts being paid pursuant to that disbursement were not subject to a previous draw. The request shall contain as attachments the bills, receipts, invoices, or other documents acceptable to Escrow Agent evidencing the amount and purposes for which the disbursement is requested. Borrower agrees to submit to the Escrow Agent such disbursement request in form and substance satisfactory to the Escrow Agent pursuant to the Requisition Certificate attached hereto in Exhibit A and such other documents and certificates as the Escrow Agent may reasonably request to evidence the proper expenditure of the monies in the Escrow Fund for the purposes of acquiring the Project. The Escrow Agent has no duty to ascertain the correctness of any documents submitted in connection with any direction to disburse funds.

6. Upon making the final disbursement as provided in Section 5 of this Agreement, the Escrow Agent shall pay to Lender any balance on deposit in the Escrow Fund

7. In the event that an Event of Default occurs under the Loan Agreement, upon notice from Lender of such default, the Escrow Agent shall forthwith disburse all monies on deposit in the Escrow Fund to the Lender. The Borrower agrees that in the event such transfer to the Lender is to be made, it shall pay immediately and directly to the Lender an amount equal to all expenses, legal fees and other costs incurred by the Lender in connection with the enforcement of this Escrow Agreement.

8. This Agreement may be modified or amended only with the written consent of all parties hereto and the Lender.

9. In the event of the Escrow Agent's failure to account for any of the funds received by it, said funds shall be and remain the property of the Borrower in trust for the purposes set forth in this Agreement. Such funds shall be impressed with a trust for the amount thereof and the Borrower shall be entitled to a preferred claim upon such assets until such identification is made.

10. This Agreement shall terminate when all transfers required to be made with respect to the Escrow Fund by the Escrow Agent under the provisions hereof shall have been made. In the event that all amounts held by the Escrow Agent hereunder shall have not been expended as provided therein by the date that is three (3) years from the date of this Agreement, this Agreement shall terminate and such

unexpended amounts shall be remitted to the Lender. In such event, the Borrower shall use such amounts to pay loan payments next owing under the Loan Agreement.

11. If any one or more of the covenants or agreements provided in this Agreement on the part of the Escrow Agent or the Borrower to be performed shall be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

12. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

13. This Agreement shall be construed and enforced in accordance with the laws of the State of Colorado

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _____ day of _____, 20_____.

CENTRAL CITY TRANSPORTATION ENTERPRISEAS BORROWER

By: _____

Ron Engels, Mayor, on behalf of the City Council of the City of Central acting as the governing body of the Borrower

Attest: _____

Colotrust
AS ESCROW AGENT

By: _____

Authorized Representative

Its: Assistant Vice President

ACKNOWLEDGED AND APPROVED BY:

COLORADO DEPARTMENT OF TRANSPORTATION, as Lender

By: _____
Chief Financial Officer or designee

EXHIBIT A to ESCROW AGREEMENT
Requisition Certificate

Date:

COLOTRUST

999 18th Street, Suite 1230

Denver, CO 80202

RE: Disbursement of Funds Pursuant to Escrow Agreement/Loan Agreement
between Colorado Department of Transportation and City of Central

Dear Escrow Agent:

Pursuant to the terms of the Escrow Agreement dated _____, between the City of Central, Colorado and Colotrust, which is a part of the Loan Agreement between the Colorado Department of Transportation (Lender) and the City of Central, Colorado (Borrower) dated _____, please disburse the sum of \$_____, payable to the City of Central for payment of expenses associated with (describe purpose of payment) which expenses were properly incurred as part of the Project funded under the Loan Agreement.

Sincerely,

Abigail Adame
Finance Director, Central City

Approved:

Colorado Department of Transportation

Exhibit C

REPAYMENT SCHEDULE

	Payment Due Dates	Annual Payment Amounts	Interest	Principal	Outstanding Balance
1		173,866.76	38,042.33	135,824.43	1,385,868.57
2		173,866.76	34,646.71	139,220.05	1,246,648.52
3		173,866.76	31,166.21	142,700.55	1,103,947.97
4		173,866.76	27,598.70	146,268.06	957,679.91
5		173,866.76	23,942.00	149,924.76	807,755.15
6		173,866.76	20,193.88	153,672.88	654,082.27
7		173,866.76	16,352.06	157,514.70	496,567.57
8		173,866.76	12,414.19	161,452.57	335,115.00
9		173,866.76	8,377.88	165,488.88	169,626.12
10		173,866.76	4,240.65	169,626.12	(0.00)

Exhibit D

SCOPE OF WORK

Storm Water Drainage Master Plan (\$185,000): Central City has two separate major drainage basins. The main basin is approximately 220 acres and directs runoff towards the city center. The second basin is approximately 1,900 acres and collects and redirects water to a supply reservoir to the north. Streetscapes, Storm Water Management, and Erosion Control are significant operational and environmental water quality issues for the City. Central City Parkway creates substantial runoff and erosion control issues through the City, due to its lack of storm water infrastructure. The proposed storm water drainage infrastructure will help mitigate runoff issues and flooding while also enhancing the quality of the storm water collected in the basins. The Central City Transportation Enterprise (“Enterprise”) has applied for a SIB loan in order to assist the City with the match portion of a Water Quality Improvement Fund (WQIF) grant received in 2013 to develop and implement a Storm Water Master Plan and Design.

Central City Parkway Repairs (\$56,639): In September 2013, Colorado experienced flooding all over the state, including Central City and its major thoroughfare, Central City Parkway. The City has been awarded a FEMA grant to repair the damage caused to the roadway and is seeking the necessary amount of grant match in order to complete the repairs. The Enterprise is requesting a loan in the amount of the required grant match for this repair project.

Nevada Street Retaining Wall Repairs (\$650,003): Repairs to the Nevada Street Retaining Wall to be undertaken by the Enterprise will include all necessary labor, supervision, equipment, tools, and materials to repair the existing wood and rock retaining wall located adjacent to Nevada Street and the Big T parking lot. Work includes but is not limited to the construction of a new shot-crete retaining wall; concrete curb and gutter; installation of tie back anchors; and replacement asphalt paving.

Central City Parkway Rock Fall Mitigation (\$630,000): Central City Parkway experienced a rock slide in August of 2014. The initial slide amount was 1200-1500 cubic yards, which were immediately removed by Hammerlund Construction. After removing the initial debris, the City contracted Yeh and Associates and Flatirons construction to construct a long term remediation and mitigation plan. The City subsequently contracted Hammerlund to remove roughly 30,000 cubic yards of soil and rock, as described by the design elements of the survey outlined in the remediation and mitigation plan. The City offset the cost of the work by performing the hauling of debris and providing traffic control; reducing the cost of the total removal project by almost half. The requested SIB loan would be utilized by the Enterprise to reimburse the City for the City’s out of pocket expenses already incurred for these transportation-related mitigation improvements.



To: Mayor and Council
From: Daniel R. Miera, City Manager
Date: June 2, 2015
Re: Staff Report

❖ **General**

- Conducted regular Staff Meetings (Weekly Management Team Meeting).
- Various meetings with staff and community members.
- Attended a Metro City & County Management Association (MCCMA) Meeting at the CML offices in Denver.
- Attended Rotary Meetings.

❖ **Legal**

- Met with City Attorney McAskin to work on the Water Service Line Ordinance.
- Worked with City Attorney McAskin to develop Resolution No. 15-13, which establishes the *Main Street Central City Commission*.
- Worked with City Attorney McAskin to finalize contract for Tanner, LLC (Strategic Planning Services).

❖ **Finance / Human Resources**

- Continued work with Finance Director Adame and City Attorney McAskin to move the SIB Loan Application forward.
- Met with Century Casino General Manager Rosenbaum to begin negotiations regarding the Device Fee Rebate Agreement.
- Attended the Annual Gaming Commission Tax Hearings in Golden.

❖ **Community Development**

- Worked on planning for the Community Pride Day event.
- Worked with Sign Code Contractor to schedule initial Community Meetings (June 11th and 25th at 6pm).
- Worked with the Pit Rally organizers to address administrative requirements for this year's event.
- Worked with Alderman Gaines on Farmer's Market related planning.

- Worked with Kara Tinnuci and Community Development Coordinator Duffy to plan and prepare for Central City's "First Fridays" events (July, August and September).
- Worked with contract planner Greg Thompson on planning-related work.
- Attended a Main Street Central City Meeting.

❖ **Intergovernmental**

- Attended Quarterly Joint-Meeting between the Council and the BID Board.
- Began discussions with the Black Hawk City Manager regarding the transportation (shuttle) program.
- Met with County Manager Baker and County Planner Rears to discuss the joint plans for the Belvidere Theater. We also discuss various joint efforts (ATV parking, Community Development, and Public Safety).
- Met with BID Director Behm to discuss partnership projects, and general administrative items.

❖ **Public Services**

- The Main Street paver rehabilitation project has been completed.
- Flower baskets have been installed around town. Additional flowers and planters will continue to be installed over the next couple weeks.
- The Main Street Lighting pilot program has commenced with the installation of the string lights along the roadway.
- Various cleaning activities were conducted by Public Works in preparation for the Community Pride Day cleanup event.
- Met with City Engineer Vecchiarelli (JVA) to continue planning work for the potential redirection of traffic on Main Street.
- Sam Hoover begins his employment as Public Works Director on Monday, June 1st.



Public Works Superintendent Aaron Behring has done an exceptional job in the interim managing Public Works since Mr. Griffith departed. And, the entire Public Works team has done a tremendous job maintaining quality services in many areas.

❖ **Public Safety**

- Started discussion with the Gilpin County Sheriff's Office to explore ways to increase operational effectiveness and efficiencies for both of our entities through a possible partnership.
- Began the initial process of moving toward the creation of a Strategic Plan for the Fire Department.

City Clerk's Office

To: Mayor Engels, City Council, and Manager Miera

From: Reba Bechtel, City Clerk

Date: June 2, 2015

Re: Bi-weekly Report

- Prep for Work Session and Regular Council meeting.
- Processed and issued liquor renewal for Charles Odiorne Gaming LLC dba Blu and Charlie's at 118 Main Street for a Tavern Liquor License.
- Processed and issued liquor renewal for Dostal Alley Inc dba Dostal Alley Saloon and Gambling Emporium at 1 Dostal Alley for a Brew Pub Liquor License.
- Issued Retail Marijuana License to Alternative Holistic Healing LLC dba Rocky Mt Organics following final inspections.
- Met with staff and contractor on sign code.
- Misc information regarding: sign permits, special events, building permits, code questions, HP, records research, liquor, marijuana, and zoning information.
- **Important meeting dates:**
 - June 11 – Community Sign Code at 6:00pm**
 - June 25 – Community Sign Code at 6:00pm (attend either)**
 - June 19 – Special Council meeting at 5:00pm**
 - June 29 – Opera Picnic at Russell Park**

To: Daniel R. Miera, City Manager
Cc: Mayor and Council
From: Abigail R. Adame, Finance Director
Date: June 2, 2015
Re: Staff Report

➤ **Finance**

- Attended the annual gaming tax hearings in Golden.
- Participated in a conference call regarding the next steps with the SIB loan.
- Prepared a letter addressed to SIB regarding questions they had with the City's budget.
- Executed a professional services agreement with CliftonLarsonAllen for financial consulting services.
- Met with the City's representative from ColoTrust Bank.
- Reviewed a proposal regarding data migration from Caselle.
- Prepared a resolution establishing a supplemental appropriation in relation to the newly established Transportation Enterprise Fund.
- Prepared a resolution which outlines the Council's forgiveness of the \$1.2 million loan from the General Fund to the Water Fund.
- 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**

- Prepared employee orientation packets for two new hires; a police officer and public works director.

- Participated in a conference call with a COBRA representative regarding the City's requirements.
- Worked with the attorney on several personnel matters.
- Coordinated background investigations per the City's hiring policy.
- Researched on-call/stand by policies.
- Re-advertised for the position of Police Officer.

MEMORANDUM

DATE: 28 May, 2015
TO: Daniel Miera / City Manager
FROM: Gary Allen / Fire Chief
RE: **Activity Report**

The Fire Department has responded to 113 incidents as of 28 May, 2015 with 12 incidents being out of city, and of those 7 incidents was for Mutual Aid (MA) to other agencies. Following are the activities the department responded to and conducted for this reporting period.

Thursday 30 April, 2015 - 10:15 AM / Agency Assist GCSO / MA, MM 14 Hwy 119

Saturday 2 May, 2015 - 03:21 AM / Fire Alarm, 321 Gregory St.

Saturday 2 May, 2015 - 12:14 PM / Medical, 132 Lawrence St.

Tuesday 5 May, 2015 - 14:16 PM / Smoke Investigation, MM 10 - Hwy 119

Tuesday 5 May, 2015 - 19:22 PM / Medical, 321 Gregory St.

Wednesday 6 May, 2015 - 06:55 AM / Smoke Investigation, MM 3.5 CCP

Friday 8 May, 2015 - 17:45 PM / MVC, MA to BHFD MM 4.5 Hwy 119 / 2 car

Wednesday 13 May, 2015 - 06:24 AM / Medical/Death, Bald Mountain Road.

Wednesday 13 May, 2015 - 10:51 AM / Elevator Rescue, 118 Main St.

Sunday 17 May, 2015 - 07:43 AM / Fire Alarm, 321 Gregory St.

Monday 18 May, 2015 - 03:11 AM / Haz-Mat – Gas odor Investigation, 131 Main St.

Tuesday 19 May, 2015 - 12:02 PM / Medical, 321 Gregory St.

Thursday 21 May, 2015 - 23:34 PM / Medical, 321 Gregory St.

Friday 22 May, 2015 - 08:29 AM / MVA, 300 BLK of Lawrence St. with a power pole down, vehicle was gone on arrival.

Friday 22 May, 2015 - 19:49 PM / Medical, 321 Gregory St.

Monday 25 May, 2015 - 15:20 PM / Medical, 321 Gregory St.

Training

Conducted the Alive @ 25 enactment at the Gilpin School and Gilpin County Courts on the ramifications and repercussions of teen texting and driving. A mock car crash was staged with students involved and a mock trial followed to find the student driver guilty of texting and driving and of killing a fellow student.

Conducted a field day for the S130/190 Wildland class on Saturday 2 May at Station 2.

Continue to conduct S130/190 Wildland class.

Conducted a class lecture with other agencies at the Gilpin County School auditorium in preparations of school safety day and then stuff bags at station 2 for the event.

Conducted a Wildland pack test on Apex Valley Road at Station 2 on 7 May, at 18:00 PM and 26 May.

Conducted monthly truck and station maintenance at Station 2 on 7 May, at 19:00 PM

Attended the Scott Safety seminar at West Metro Fire Training Center and air packs and PPE along with a speaker on the 9 Firefighters that were killed in Charleston S.C. in 2007.

Attend and Conduct with all county agencies a school safety day at Gilpin School. We set it up like a relay race with each agency having a station and asked the kids who were line up in lanes representing each grade and the Monostorie class. We took the class grade by 3's and asked questions on safety pertaining to that agency until they got two answers correct, then they went on to the next station and the next 3 students would come until the entire class finished. The first class to finish the obstacle course and complete a puzzle with pictures of the agencies trucks, helicopters etc won and won an ice cream party with the agencies. This took place on 8 May and the ice cream party took place on 26 May at 11:30.

Conduct monthly department training on state JPR 3F & 3B Ground Ladders and Coordinating an Interior Attack.

Conducted the final test on the S130/190 Wildland class

Meetings

Attended a meeting for the Awakening event slated to take place up Pickle Gulch at the County Courthouse with all the other agencies involved.

Attend Staff meetings at City Hall.

Met with Daniel on department issues pertaining to Captain Headrick's accident and absence.

Attend City Council meetings.

Attended a webinar on Lexipol, which is a policy & procedure writing company.

Attend a radio coverage meeting in Black Hawk with Black Hawk Fire & Police and Timberline Fire and Steven Watson with GCSO on the newer code requirement on radio coverage inside buildings.

Attend an After Action Review (AAR) on the Alive @ 25 event at the Gilpin School with the school principals, Diane Stundon with GAA and Deputy/School Resource Officer Lee Ramsey. WE will have another one at a little later date with the agencies that participated in the event.

Met with Firefighter Mrachek and Lieutenant Allen on the 501(c) 3 alternative funding idea. So we can go after other funding sources and/or grants that require a 501 (c) 3.

Attend the Metro Chiefs meeting in Westminster.

Apparatus

Prep and take down C-31 (06 Dodge) to Christopher Dodge on 4 May, with a power brake hydra-booster leak that was leaking inside the cab under the dash board. We will need to take it to an auto detailer to see if we can get the carpet clean on the inside.

Pick up C-31 from Christopher Dodge.

Took E-31 down to LAWS for some striping repair and rear chevron for NFPA compliance. And picked it up the next day.

Took E-31 down to Front Range Fire for its yearly ISO pump test and truck service and some repairs.

General

Conducted interviews of 2 new members.

I had Jury Duty on 5 May, got out at noon.

Inspect and assist with fire suppression line repair for Dostal Alley at Main St. & Gregory St.

Attended the Fallen Firefighters Memorial in Lakewood with E-32 and four personnel on Saturday 9 May, at 10:00 AM

Attended and conducted School Safety day at the Gilpin School for grades K through 5 on fire safety issues and other child safety related subjects with other Gilpin agencies.