CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, June 4, 2013 @ 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 access channel, on the City Hall bulletin board, at the Post Office and at Washington Hall the Friday prior to the Council meeting.

7:00pm Council Meeting

1. Call to Order.

2. Roll Call.

Mayor	Ron Engels
Mayor Pro-Tem	Bob Spain
Council members	Shirley Voorhies
	Glo Gaines
	Kathy Heider

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 23 & 30; and
   City Council minutes: May 21, 2013.

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.

ACTION ITEMS: NEW BUSINESS –

7. Ordinance No. 13-07: An ordinance of the City Council of the City of Central, Colorado repealing and replacing Chapter 15 of the Municipal Code in its entirety; specifically to adopt annexation policies and procedures, to adopt regulations pertaining to disconnection, and to supplement the Colorado Municipal Annexation Act of 1965. (McAskin)

8. Resolution No. 13-06: A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement with the City of Black Hawk, the Timberline Fire Protection District, and the Gilpin Ambulance Authority authorizing the joint purchase of a Respirator Fit Testing Machine (McAskin)

9. Resolution No. 13-07: A resolution of the City Council of the City of Central, Colorado approving a Memorandum Of Agreement with the Colorado Department of Labor and Employment, Division f Oil and Public Safety, related to the regulation of conveyances. (Kisselman)

REPORTS –

10. Staff updates –

COUNCIL COMMENTS - limited to 5 minutes each member.

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

ADJOURN. Next Council meeting July 2, 2013.

Posted 5/31/3/13

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
5/30/2013

Total Beginning ENB Cash on Hand 5/16/2013	**3,980.80**
Deposits to ENB	-
Wires Out ENB	-
Cleared Checks	-
5/30/2013	*3,980.80*
<less previously approved & outstanding>	(3,570.70)
Total ENB Cash on Hand 5/30/2013	**410.10**

Total Beginning CO Biz Cash on Hand 5/16/13	**291,705.47**
Deposits to COB	404,868.60
Wires Out COB	(111,703.58)
Cleared Checks	(212,788.06)
5/30/2013	**372,082.43**
<less previously approved & outstanding>	**(98,542.54)**
Total COB Cash on Hand 5/30/2013	**273,539.89**

Total Beginning Colotrust Cash on Hand 5/16/2013	**912,678.24**
Wires into Account	40.43
Wires out of Account-Into CO Biz Bank	-
Total Colotrust Cash on Hand 5/30/13	**912,718.67**

***The City is currently in the process of switching the operating account from Evergreen National Bank to Colorado Business Bank. As such, you will see less and less activity out of Evergreen National and on the next cash flow report both of the operating accounts will be reflected. Once all transactions have cleared Evergreen National Bank, it will be removed from this sheet.

TOTAL CASH ON HAND 5/30/2013	**1,186,668.66**

CITY OF CENTRAL
DEBIT CREDIT CARD PURCHASES
5/17/13 thru 5/30//13

Date	Vendor	Description	Amount
5/28/2013	Millie's	Manager Lunch Mtg	20.00
5/29/2013	Jewelry by Marks	Jewely for Resale at VC	165.73
TOTAL for Debit Cards			**165.73**

TOTAL for Credit Cards	**-**
Grand Total	**165.73**

CASH FLOW
CHECK LISTING

5/30/2013

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
			126538	Payroll 5/24		370.11	clrd
			126539	State Collections	Garnishments	229.38	clrd
			126540-126541	Employee	Employee Payroll	1,100.62	clrd
			126542	CO Dept of Revenue	Garnishments	305.92	
			126543	IMCA-401	Retirement Contributions	2,124.76	clrd
			126544	ICMA-457	Retirement Contributions	2,282.97	clrd
			126545	ICMA-IRA	Retirement Contributions	281.00	clrd
5/14/13	51352	5/30/13	126546	Av-Tech Electronics	Rotator Lights	172.06	
5/11/13	5751142215	5/30/13	126547	Clear Creek Supply	Auto Parts for Repair	35.66	
5/23/13	1stQtr2013	5/30/13	126548	CO Dept of Revenue	Sales Tax for VC 1st Qtr	17.00	
5/21/13	2222456	5/30/13	126549	Idaho Springs Lumber	PW Supplies	36.66	
5/16/13	51613	5/30/13	126550	MCI	Toll Free Telephone	28.39	
8/7/13	78275	5/30/13	126551	Merrill Axle and Wheel	06 Dodge Repair	1,631.63	
4/10/13	42158	5/30/13	126552	Mountain Muffler	FD Muffler Repair	749.85	
5/9/13	97436583	5/30/13	126553	Nalco Chemical	Water Plant Chemcials	1,946.70	
5/7/13	2013033163	5/30/13	126554	National Interagency Fire Center	FD Training Materials	429.94	
5/10/13	278924	5/30/13	126555	Neve's Uniforms	PD Uniforms	726.70	
5/20/13	93983	5/30/13	126556	Office Stuff	Paper and Batteries	370.42	
5/20/13	52013	5/30/13	126557	Postmaster	Bulk Mail Permit	200.00	
5/23/13	52313	5/30/13	126558	Xcel Energy	Electricity	66.02	
5/21/13	521130	5/30/13	126559	Purchase Power	Postage	619.99	
5/13/13	51313	5/30/13	126560	Town Office Supply	Business Cards	52.95	
5/13/13	228332219	5/30/13	126561	US Bank	Photocopier Lease	427.61	
5/16/13	51613	5/30/13	126562	Century Link	Telephone and Fax Lines	981.91	
5/14/13	624649	5/30/13	126563	Galls Inc.	Digital Video Surveillance	145.48	
5/20/13	CCPD1302	5/30/13	126564	Colorado Code Publishing	Municipal Code	71.70	
5/20/13	Jun-13	5/30/13	126565	Vision Service Plan	Vision Premiums	379.15	
4/30/13	30684	5/30/13	126566	CO Dept of Public Health	April 2013 Toxicology	135.00	
5/7/13	13799	5/30/13	126567	Pioneer Products	Hand Wipes and Sanitizer	2,368.46	
5/24/13	8194	5/30/13	126568	Deere & Ault	Water Accounting and Engineering	5,644.00	
5/15/13	100019	5/30/13	126569	DEWCO Pumps	Water Plant Supplies and Parts	107.31	
5/21/13	8610	5/30/13	126570	Allen Technology	Computer for PW, Laptop for Manager	2,548.48	
5/10/13	D707991306	5/30/13	126571	YESCO	Sign Maintenance	80.00	
5/16/13	167225	5/30/13	126572	Sanborn LTD	Calendars for Resale at VC	93.14	
4/25/13	152303	5/30/13	126573	Arvada Rent Alls	Chain Saw Tune Ups	72.05	
5/23/13	118049	5/30/13	126574	Air-O-Pure Portables	Restroom Sanitation at PW and Chase	190.00	
5/16/13	9704965477	5/30/13	126575	Verizon Wireless	Internet for Water General	85.07	
5/15/13	6301	5/30/13	126576	LAWS	05 Dodge Equipment	325.00	
5/13/13	D537529	5/30/13	126577	Accutest	Water Testing	25.00	
5/30/13	53013	5/30/13	126578	Alan Lanning	June Base Mileage and May Additional	287.00	
5/16/13	39738	5/30/13	126579	Peak Performance Imaging	Metered Photocopies	531.16	
5/21/13	10925176	5/30/13	126580	Integra Telecom	Phone Service	698.38	

CASH FLOW
CHECK LISTING

5/30/2013

4/24/13	42413	5/30/13	126581	UMB Bank NA	Debt Service Interest Payment	15,206.25	
5/17/13	5288143	5/30/13	126582	Cogent	Water Plant Parts	8,644.20	
5/23/13	MMI095812	5/30/13	126583	Modern Marketing	Evidence Supplies	821.32	
5/30/13	Jun-13	5/30/13	126584	Liberty National	Life Insurance Premiums	125.85	
5/10/13	725686000	5/30/13	126585	Pentair Valves and Controls	Water Parts	29.34	
5/14/13	51413	5/30/13	126586	High Prairie Hydro-Seed	Seeds	2,205.00	
5/23/13	52313	5/30/13	126587	Khalid Mohmand	Restitution for Municipal Court	106.75	
5/23/13	52313	5/30/13	126588	Tiffany Demers	Restitution for Municipal Court	120.00	
5/23/13	2232	5/30/13	126589	Colorado Coach Transportation	Shuttle for June	34,770.60	
5/17/13	13-Jun	5/30/13	126590	Assurant Employee Benefits	Dental Insurance Premiums	3,929.14	
					Total Issued:	**197,046.32**	
					Approved & Sent Checks:	102,113.24	
					Clrd & Pending Approval:	6,388.84	
					Voided Checks:	-	
					Total Pending Approval 6/4/13	**94,933.08**	

Outstanding through ENB	3,570.70
Outstanding through COB	98,542.54

CITY OF CENTRAL
CITY COUNCIL MEETING
May 21, 2013

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:00 p.m., in City Hall on May 21, 2013.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Voorhies
Alderman Gaines
Alderman Heider

Absent: None

Staff Present: Manager Lanning
City Clerk Bechtel
Attorney McAskin
Finance Director Flowers
Operations Director Kisselman
Utilities Superintendent Griffith
Police Chief Krelle

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

Alderman Gaines disclosed that she has interest in a couple of the grant applications but will not benefit personally.

CONSENT AGENDA

Alderman Gaines moved to approve the consent agenda containing the regular bill lists for May 9 and 16, 2013; and the City Council minutes of May 7, 2013. Alderman Spain seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

NEW BUSINESS

Appointment of HPC Alternate

Mayor Engels appointed Richard Willett to the Historic Preservation Commission as an alternate. Alderman Spain moved to ratify the appointment of Richard Willett. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

2013 Historic Preservation Grant Program Recommendations
Manager Lanning explained the request for Council to approve the 2013 Historic Preservation Grants as prepared by staff and recommended by the HPC. The total expenditure, as budgeted for 2013, totals $100,000 and in this cycle, all funds have been awarded. Therefore, the total fiscal impact will be up to $100,000 provided all awards are satisfied. Over the past several years, the City Council has appropriated funds, intended to be used as competitive grants for the restoration and improvement of Central City homes and businesses. The process has been refined over the years and divided into minor grants ($10,000 or <) and significant grants ($10,000 up to $30,000). This year, the City received 31 applications, with 5 being in the significant grant category. Staff reviewed each application, completed a site visit and ranked each application based upon an established scoring methodology. A master spreadsheet was provided to HPC along with complete packets of the applications just like those currently provided to Council members. Each application was discussed individually and some changes were made by HPC. Those changes are reflected in the spreadsheet currently before the Council. Of the 26 minor grant applications, 16 received funding, although not everyone received full funding. The total funding in the minor category was $79, 498. Of the 5 significant grant applications, 2 received funding, although not everyone received full funding. The total funding in the significant category was $20,502. It is noted that partial funding is mostly the result of paint being taken out of the proposed bid.

Manager Lanning commended the HPC for their preparation and review of each grant.

Alderman Spain moved to approve the HPC recommendations for the 2013 Grant Program. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Ordinance No. 13-07: *An ordinance of the City Council of the City of Central, Colorado repealing and replacing Chapter 15 of the Municipal Code in its entirety; specifically to adopt annexation policies and procedures, to adopt regulations pertaining to disconnection, and to supplement the Colorado Municipal Annexation Act of 1965.*
Alderman Voorhies moved to table Ordinance No. 13-07: An ordinance of the City Council of the City of Central, Colorado repealing and replacing Chapter 15 of the Municipal Code in its entirety; specifically to adopt annexation policies and procedures, to adopt regulations pertaining to disconnection, and to supplement the Colorado Municipal Annexation Act of 1965 to the June 4th meeting. Alderman Spain seconded, and without discussion, the motion carried unanimously.

STAFF REPORTS
Manager Lanning reported the following:
Development Standards – sent out as requested to HPC and PC
Parking structure community meeting – set for May 30 at 6:00pm

COUNCIL COMMENTS
Alderman Gaines expressed kudos to PW and the crew for working with the Arts Association to prepare the Visitor Center space. She stated that the tour of the Gilpin Command Center was very interesting. She asked Alan to express congratulations to the Gilpin Ambulance Board on the award for the design of equipment and added that she would like to have a discussion about parking around fire hydrants at an upcoming work session.

Alderman Spain expressed thanks to the Public Works crew for the installation and work on the monument sign. The area looks very nice.

Alderman Voorhies thanked Utilities Superintendent Griffith for answering questions about the Spring Street runoff and thanked all the first responders for their assistance in a medical emergency at the Post Office.

Mayor Engels also thanked the crew for their support of the Arts Association and added that there are some excellent artists represented in the new space. It is noted that this space will be open every day starting May 25th with the Washington Hall exhibits opening June 8.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Harv Mastalir, President of Gilpin Arts Association, thanked the City for their participation and support for the new location at the Visitor Center. All the city staff has been helpful and responsive and they hope this will be a good partnership for the future.

Hearing no further business, Mayor Engels adjourned the meeting at 7:42 p.m.
The next regular Council meeting is scheduled for June 4, 2013 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 30, 2013**

ITEM: **Ordinance 13-07 Repealing and Replacing Chapter 15 of the Municipal Code In Its Entirety; Specifically to Adopt Annexation Policies and Procedures and to Adopt Regulations Pertaining to Disconnection**

__X__ ORDINANCE
_____ MOTION
_____ INFORMATION

I. **REQUEST OR ISSUE:** Chapter 15 of the Municipal Code addresses municipal annexation of property and requires, even before an annexation petition is filed, a preliminary, two phase annexation impact study process which is not necessary or advantageous to the City. Ordinance No. 13-07 proposes to repeal and replace the entirety of Chapter 15 to remove this cumbersome process and to provide a disconnection process in cases where property is sought to be detached from the City.

Following the May 21, 2013 worksession, certain provisions of Ordinance No. 13-07 were amended.

II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 13-07 on first reading and set a public hearing and second reading of the Ordinance to a time and date certain.

III. **FISCAL IMPACTS:** There will likely be no negative fiscal impacts associated with the adoption of Ordinance No. 13-07. To the contrary, through Ordinance No. 13-07, the City will retain clear authority to impose annexation-related fees on property owners petitioning for annexation (subject to mutual agreement). In addition to legislatively imposed impact fees currently set forth in Article XI of Chapter 4 of the Municipal Code, Ordinance No. 13-07 will authorize the City to recover all costs associated with the annexation process, as well as other annexation impact related fees as may be negotiated between the City and a property owner.

IV. **BACKGROUND INFORMATION:** Currently, Chapter 15 mandates a preliminary annexation impact analysis process before an annexation petition can be filed with the City. It requires:

- Submittal of a statement of intent from the annexing property owner to the City Council,

- An annexation impact statement prepared by the City Manager, based on a form on file with the City;
- Referral of the statement of intent and impact statement to the Planning Commission for a recommendation;
- After Planning Commission recommendation, a proposed annexation agreement addressing all impacts identified is required to be submitted with the annexation petition.

This process is legally unnecessary and cumbersome as it requires an annexation request to be presented to the Planning Commission for a recommendation and requires the City Manager to prepare an annexation impact statement. Ordinance No. 13-07 proposes to remove certain of the locally-imposed steps outlined above. The process for annexation under Ordinance No. 13-07 would follow the Colorado Municipal Annexation Act requirements, including an annexation petition, annexation impact report for land over ten acres in size, annexation public hearing, and an ordinance to approve of any annexation.

In addition to cleaning up the Code provisions on annexation, Ordinance No. 13-07 proposes to authorize the City Council *on its own petition* to disconnect any property if the Council finds that the property meets the following requirements:

- The land is contiguous to the border or boundaries of the City of Central; and
- If the land is not owned or controlled by the City, the written consent of the owner of record shall be required as a condition of disconnection.

It is important to note that Ordinance No. 13-07 does not authorize a landowner to petition for disconnection. Only through the City Council may a petition be prepared and submitted. This limited petition opportunity ensures that disconnection will be a very restricted limited proceeding only undertaken when the Council as the governing body of the City desires to consider disconnection. The City Council can modify or amend this ordinance in the future should other circumstances arise that would necessitate disconnection.

V. **LEGAL ISSUES:** Annexation and disconnection are legislative acts authorized by the Colorado Municipal Annexation Act of 1965 (Section 31-12-101 *et seq.*, C.R.S.), and through the City's Home Rule Charter (Section 1.2). The Municipal Annexation Act of 1965 is not declared to be a matter of statewide concern, and the City, as a home rule municipality, may enact annexation and disconnection procedures that are not expressly set forth in state law.

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

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

(1) Adopt Ordinance No. 13-07 on first reading, as may or may not be amended;

(2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or

(3) Reject or deny the Ordinance.

CITY OF CENTRAL, COLORADO
ORDINANCE NO. 13-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO REPEALING AND REPLACING CHAPTER 15 OF THE MUNICIPAL CODE IN ITS ENTIRETY; SPECIFICALLY TO ADOPT ANNEXATION POLICIES AND PROCEDURES AND TO ADOPT REGULATIONS PERTAINING TO DISCONNECTION

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 governmental administration and the City's police powers; and

WHEREAS, Article XX of the Colorado Constitution provides that the people of the City of Central are vested with all powers necessary, requisite or proper for the government and administration of its local and municipal matters; and

WHEREAS, Section 2.2 of the Central City Home Rule Charter expressly provides that the city shall have all powers, functions, rights and privileges in the operation of a municipality except those expressly forbidden to home rule municipal corporations and cities by the Constitution or statute; and

WHEREAS, the Colorado Municipal Annexation Act of 1965 found at Sections 31-12-101 et seq., C.R.S., is not a legislatively declared matter of statewide concern and the courts of the state have not found annexation to be a matter of purely statewide concern; and

WHEREAS, the City Council finds that the annexation of property and the method and manner of extending the boundaries of its community is a matter of local concern or, if not purely local, then annexation is a matter of mixed state and local; and

WHEREAS, annexation is recognized by the Colorado courts as a legislative and discretionary act by the municipality and that a municipality may deny or reject an annexation for no reason. *City of Colorado Springs v. Kitty Hawk Development Co.*, 392 P.2d 467 (Colo. 1964); and

WHEREAS, parts 5 and 6 of Article 12, Title 31, C.R.S., (the "Disconnection Provisions") provide for two statutory procedures to disconnect property from a municipality; and

WHEREAS, disconnection of lands from a municipality is not a legislatively declared matter of statewide concern and the courts of the state have not found disconnection to be a matter of purely statewide concern; and

WHEREAS, the Disconnection Provisions are not stated as exclusive means for the disconnection of property; and

WHEREAS, the Colorado Court of Appeals in *Allely v. City of Evans*, 124 P.3d 911 (Colo. App. 2005) found that the process of statutory disconnection of lands within cities does not apply to home rule municipalities; and

WHEREAS, the disconnection of land from a municipality is a legislative act. *Allely v. City of Evans*, 124 P.3d 911 (Colo. App. 2005); and

WHEREAS, the City Council finds that the disconnection of property and the method and manner of reducing the boundaries of its community is a matter of local concern and there exists no statutory or constitutional laws governing the legislative act of disconnection of land from a home rule municipality; and

WHEREAS, the City Council finds that disconnection should be limited to circumstances where the disconnection makes rational sense in terms of the efficient and cost-effective delivery of municipal services, creating readily recognizable and logical boundaries to the municipality, and equitable distribution of service responsibility by governments that deliver municipal services; and

WHEREAS, the City Council has determined, based on the evidence and testimony presented at the public hearing, that the Code, as may be 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. Chapter 15 of the Central City Municipal Code, titled "Annexations" is hereby repealed in its entirety and replaced to read in full as follows:

CHAPTER 15
Annexation and Disconnection

Article I Annexation Policies and Procedures

Sec. 15-1 Title
Sec. 15-2 Authority
Sec. 15-3 Acknowledgment, purpose and interpretation.
Sec. 15-4 Definitions
Sec. 15-5 Three-mile limitation and Three-Mile Plan
Sec. 15-6 Fees and charges for annexation petitions
Sec. 15-7 Annexation process; ordinance
Sec. 15-8 Referral to City Planning Commission
Sec. 15-9 Annexed property subject to all laws
Sec. 15-10 Annexation agreements

Article II Disconnection

Sec. 15-21 Title
Sec. 15-22 Authority
Sec. 15-23 Purpose
Sec. 15-24 Method of petition for disconnection
Sec. 15-25 Petition for disconnection by City Council
Sec. 15-26 Processing of disconnection petition
Sec. 15-27 Standard for approval of disconnection

Sec. 15-28 Lands subject to tax for prior indebtedness

ARTICLE I

Annexation Policies And Procedures

Sec. 15-1. Title.

The provisions of this Article shall be known and cited as the "Central City Annexation Policies and Procedures."

Sec. 15-2. Authority.

This Article is authorized pursuant to the powers of the City of Central as a home rule municipal corporation conferred by Article XX of the Colorado Constitution. Section 1.2 of the City Home Rule Charter authorizes the City to annex property in accordance with the Colorado Municipal Annexation Act of 1965.

Sec. 15-3. Acknowledgement, purpose and interpretation.

(a) The City acknowledges the applicability of the Colorado Municipal Annexation Act of 1965, Sections 31-12-101, et seq., C.R.S. for annexations to the City of Central except to the extent otherwise permitted by law or as may be modified pursuant to the City's home rule authority conferred by Article XX of the Colorado Constitution.

(b) This Article is intended to implement and supplement the Colorado Municipal Annexation Act of 1965 and shall be liberally construed for the following purposes:

(1) To encourage a natural and well-ordered development of the City;

(2) To distribute fairly and equitably the costs of municipal services among those persons who benefit from such services;

(3) To extend municipality, services, and facilities to eligible areas which form a part of the whole community;

(4) To simplify governmental structure in urban areas;

(5) To provide an orderly system for extending municipal regulations to newly annexed areas;

(6) To reduce friction among contiguous or neighboring municipalities;

(7) To increase the ability of municipalities in urban areas to provide their citizens with the services they require; and

(8) To exercise to the greatest extent possible the City's powers conferred by Article XX of the Colorado Constitution.

Sec. 15-4. Definitions.

The meaning of words and phrases contained in this Chapter 15 shall have the meanings ascribed to them by Section 31-12-103, C.R.S. unless the context clearly indicates a different meaning.

Sec. 15-5. Three-Mile Limitation and Three-Mile Plan.

(a) Except as otherwise provided in this section, no annexation may take place that would have the effect of extending the City's municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within the three-mile area, the contiguity required by Section 31-12-104(1)(a), C.R.S., may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one (1) year without regard to such mileage limitation.

(b) The City of Central Comprehensive Development Plan, as amended, shall serve as and shall constitute the "plan in place" referenced in Section 31-12-105(1)(e), C.R.S., unless a different plan, supplement, or revision is expressly adopted to serve as a plan in place. The plan in place may also be commonly referred to as the "Three-Mile Plan" and such plan shall be deemed automatically updated annually on January 1 of each year without further action by the City unless a change or modification is necessary and is adopted by resolution or ordinance by the City Council. The absence of a specific reference in such plan to a particular parcel of land proposed for annexation shall not be interpreted as a statement of intent to not annex such parcel of land; it is the plan and intent of the City Council to evaluate and to consider for potential annexation all property within three miles of the City's then existing municipal boundaries upon submission of a petition or as otherwise permitted by this Article and the Colorado Municipal Annexation Act of 1965. The absence in the plan of a specific reference to any character or extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City and the proposed land uses for the area shall not be interpreted as a failure to comply with Section 31-12-105(1)(e), C.R.S., but shall be interpreted as a plan by the City to determine the appropriate character or extent of land uses and services through the City's applicable processes of annexation, planning, and development approvals on a case by case basis. The plan in place may also be amended or modified to more specifically identify the character or extent of land uses and services at any time or contemporaneously with any annexation.

Sec. 15-6. Fees and charges for annexation petitions.

(a) The City Manager may administratively establish and modify as needed application and consultant reimbursement fees for the processing of an annexation petition. In setting such fees, the City Manager shall consider the costs incurred by the City in reviewing and processing the annexation and obtaining necessary data, studies, and reports. No petition shall be processed

unless accompanied by the applicable application and consultant reimbursement fees and such petition shall be deemed incomplete until such fees are paid in full.

(b) The City may require as a condition of annexation the payment of additional amounts by the petitioners or others deemed necessary, beneficial, or advantageous by the City, including but not limited to payments to offset anticipated costs or expenses of providing services to the annexed property or residents of the annexed area, mitigate anticipated impacts to the annexed area or to surrounding lands, to upgrade infrastructure within the City, or to defray any costs or expenses of the City.

(c) The City may waive all or any portion of a fee or charge for annexation where the City Council administratively finds in its sole discretion that the proposed annexation will provide substantial benefits or advance important economic or other goals and objectives of the City.

Sec. 15-7. Annexation process; ordinance.

All annexations shall be accomplished in general accordance with the procedures set forth in the Colorado Municipal Annexation Act, as amended, through an ordinance duly adopted by the City Council. Any petitions for annexation or petitions for annexation election shall contain the information required by the Municipal Annexation Act of 1965, as the same may be amended from time to time. The city may institute the procedure to zone land proposed for annexation on or after the submittal of an annexation petition, provided that the proposed zoning ordinance shall not be passed on final reading prior to the date when the annexation ordinance is adopted on final reading.

Sec. 15-8. Referral to City Planning Commission.

Following the date on which any petition for annexation or petition for annexation election has been submitted to the City, the City Council shall refer the proposed annexation to the Planning Commission for its review and recommendation. The Planning Commission shall submit is written recommendation regarding the proposed annexation to City Council on or before the date of the eligibility hearing scheduled pursuant to Section 31-12-108, C.R.S.

Sec. 15-9. Annexed property subject to all laws.

Unless otherwise provided by an agreement or by ordinance governing the annexation of property into the City, the ordinances, resolutions, rules, and regulations of the City shall remain fully valid and effective as to any property annexed into the City.

Sec. 15-10. Annexation agreements.

(a) The City is authorized to enter into one or more agreements with property owners memorializing understandings of the landowner and the City and/or imposing terms, conditions, obligations, and rights upon annexation mutually acceptable to the parties. An annexation agreement is not required as a condition of all annexations. Nothing contained in such agreement shall supersede any provision of any ordinance, resolution, rule, or regulation of the City unless:

(1) such agreement explicitly identifies a provision of an ordinance, resolution, rule or regulation of the City that is intended to be superseded by the agreement; or

(2) a provision of such agreement directly and irreconcilably conflicts with obligations and rights of the parties otherwise made applicable by a provision of an ordinance, resolution, rule, or regulation of the City.

(b) Annexation agreements shall be approved by ordinance.

ARTICLE II

Disconnection

Sec. 15-21. Title.

The provisions of this Article shall be known and cited as the "Central City Disconnection Policies and Procedures."

Sec. 15-22. Authority.

This Article is authorized pursuant to the powers of the City of Central as a home rule municipal corporation conferred by Article XX of the Colorado Constitution.

Sec. 15-23. Purpose.

This Article is intended to provide for policies and procedures for the disconnection of lands from the corporate boundaries of the City. This Article shall be liberally construed for the following purposes:

(1) To create logical, uniform, and identifiable boundaries for the City;

(2) To best organize and manage lands within the City to ensure efficient and cost effective delivery of municipal services;

(3) To reasonably demarcate the locations at which the City's responsibility for the delivery of municipal services begin and end as a means of reducing confusion among the citizens and to provide for reasonable City identity; and

(4) To distribute fairly and equitably the costs of City services among those persons who most directly use City resources and most directly benefit from such services.

Sec. 15-24. Method of petition for disconnection.

Proceedings for disconnection may be initiated only by petition of the City Council. Disconnection is a legislative act and the City Council shall exercise its sole discretion in the disconnection of land.

Sec. 15-25. Petition for disconnection by City Council.

A petition for disconnection shall meet or satisfy the following requirements:

(1) The petition shall propose disconnection of land contiguous to the border or boundaries of the City; and

(2) Where land proposed for disconnection is not owned or controlled by the City, the written consent of the owner of record shall be required as a condition of disconnection; and

(3) The petition shall be signed by a majority of the members of the City Council and shall state the reason or reasons justifying the proposed disconnection.

Sec. 15-26. Processing of disconnection petition.

(a) Following submission of a completed petition from the City Council, the City Clerk shall cause to be published a notice of a public meeting at which the City Council shall consider such petition and determine whether such disconnection should be approved. No other notice shall be required. Notice shall be published at least ten (10) days prior to the public meeting. Persons interested in such disconnection may submit written comments and such comments shall be provided to the City Council if received by the City at or prior to the meeting. The City Council may, at its discretion, accept comments at the public meeting from interested parties.

(b) Approval of any disconnection shall be made by ordinance. No disconnection shall be approved by emergency ordinance.

(c) Following approval of an ordinance disconnecting land from the City, the City Clerk shall cause to be mailed or otherwise delivered the following:

(1) Two (2) certified copies of the disconnection ordinance to the county clerk and recorder of the county in which the disconnected property is located, together with instruction to the county clerk to file one copy with the Colorado division of local government in the department of local affairs pursuant to Section 24-32-109, C.R.S.

(2) A copy of the ordinance to the county assessor of the county in which the disconnected property lies;

(3) A copy of the ordinance to the county surveyor of the county in which the disconnected property lies; and

(4) A certified copy of the ordinance to the Colorado division of local government in the department of local affairs.

Mailing of the disconnection ordinance shall not be a pre-condition to the effective date of the ordinance or the disconnection of the property described in the disconnection ordinance.

Sec. 15-27. Standard for approval of disconnection.

Approval of disconnection shall require a finding by the City Council that:

(a) The petition for disconnection meets the purposes and requirements of this Article; and

(b) The disconnection is in the best interests of the City.

Sec. 15-28. Lands subject to tax for prior indebtedness.

Land disconnected in accordance with this Article shall not be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the City while such land was within the limits of the City and which remains unpaid and for the payment of which said land could be lawfully taxed.

Section 2. 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 3. 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 4. 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 4th day of June, 2013, 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 July, 2013.

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 June 6, 2013.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on July 4, 2013.

CITY OF CENTRAL, COLORADO

_____

Ronald E. Engels, Mayor

ATTEST:

_____

Reba Bechtel City Clerk

AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: **Marcus McAskin, City Attorney**

DATE: **May 30, 2013**

ITEM: **Resolution 13-06 Approving Intergovernmental Agreement Authorizing Joint Equipment Purchase**

__X__ RESOLUTION
_____ MOTION

I. **REQUEST OR ISSUE:** The City's Fire Department is required to annually test its Self Contained Breathing Apparatus ("SCBA"). The City, together with the City of Black Hawk, the Timberline Fire Protection District and the Gilpin Ambulance Authority (the "Participating Entities") desire to jointly purchase testing equipment that will allow the City and the remaining Participating Entities to test their respective SCBA equipment on an annual basis. A memorandum dated May 29, 2013 from the City's Fire Chief, Mr. Gary Allen, is attached to this Communication Form and is incorporated herein by reference.

II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution No. 13-06 following discussion at the June 4, 2013 regular meeting.

III. **FISCAL IMPACTS:** The City's share of the equipment, as set forth in the intergovernmental agreement is $1,000.00. These funds are available in the 2013 Budget (specially, the Fire Department's Equipment budget – budget line item 01-421-6109).

IV. **BACKGROUND INFORMATION:** Reference Fire Chief memorandum dated May 29, 2013.

V. **LEGAL ISSUES:** None.

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

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

(1) Adopt Resolution No. 13-06, as presented.

(2) Direct staff to make revisions to the Resolution and/or the Intergovernmental Agreement authorizing the joint equipment purchase and schedule consideration of the Resolution approving the IGA on a future City Council agenda; or

(3) Reject or deny the Resolution.

CITY OF CENTRAL, COLORADO
RESOLUTION NO. 13-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF BLACK HAWK, THE TIMBERLINE FIRE PROTECTION DISTRICT, AND THE GILPIN AMBULANCE AUTHORITY AUTHORIZING THE JOINT PURCHASE OF A RESPIRATOR FIT TESTING MACHINE

WHEREAS, the City's Fire Department is required to annually test its Self Contained Breathing Apparatus ("SCBA") equipment; and

WHEREAS, the City, in cooperation with the City of Black Hawk, the Timberline Fire Protection District, and the Gilpin Ambulance Authority (collectively, the "Participating Entities") desires to authorize the joint purchase of an OHD Quantifit Respirator Fit Testing Machine (the "Equipment"); and

WHEREAS, the Equipment will be made available to, and used by, the Participating Entities to test their respective SCBA equipment; and

WHEREAS, the City Council desires to authorize the joint purchase of the Equipment in accordance with the terms and conditions of the Intergovernmental Agreement Regarding the Purchase of Certain Equipment by and between the City and the remaining Participating Entities (the "IGA"), a copy of which is attached and incorporated into this Resolution as **Exhibit A**; and

WHEREAS, the City and the remaining Participating Entities have agreed upon the terms of the IGA.

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

Section 1. The City Council hereby (a) approves the IGA, in substantially the form attached hereto as **Exhibit A**; (b) authorizes the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the IGA as may be appropriate that do not substantially increase the obligations of the City, and (c) authorizes the Mayor or City Manager to execute the same on behalf of the City with the approval of the City Attorney.

Section 2. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 4th DAY OF June, 2013.

CITY OF CENTRAL, COLORADO

By:_____
Ronald E. Engels, Mayor

ATTEST:

By:_____
Reba Bechtel, City Clerk

APPROVED TO FORM:

By:_____
Marcus A. McAskin, City Attorney

Resolution Exhibits:

Exhibit A – IGA Regarding the Purchase of Certain Equipment (3 pages)

MEMORANDUM

DATE : 29 May 2013

TO : Mr. Mayor and Members of Council

FROM : Gary Allen / Fire Chief

RE : **Fit Testing machine IGA**

I apologize for not being able to bring this request forward in person but I will be in Montrose and Olathe at the Colorado Wildfire and Incident Management Academy the first full week in June and therefore I will not be here during the next council meeting of which I hope this will be on the agenda.

In my absence I am writing this memo to you to enlighten you on the attached IGA. As per the National Fire Protection Association (NFPA) standard 1852 chapter 7.5, we are required to fit test all of our Firefighters and Self Contained Breathing Apparatus (SCBA) at least once a year minimum to ensure the face masks fit the face size of each individual Firefighter, as well as, confirm that the SCBA itself is flowing the required amount of air through the system and into the air mask. The face fit is a leak test on each firefighter and is paramount in order to keep contaminated air out of the mask so the firefighter is not inhaling the bad air into his or her lungs. The testing also shows whether or not the SCBA is in compliance with the required air flow that the firefighter has to breathe, and will confirm that the SCBA is in compliance with the NFPA Standard that was in effect at the time of the pack's manufacture date. The SCBA pack is the air pack we wear on our backs during operations within unsafe and hazardous breathing atmospheres like interior attack on fires, Hazardous Materials etc.

This IGA is between all the Gilpin County fire departments and Gilpin Ambulance as they too have certified structural firefighters within their system, and may or could be used to fight fires as well. This machine has a cost of approximately $14,000 and as all agencies that have SCBA's are required to comply with this testing requirement it was decided to share the cost on one machine instead of having each agency come up with the purchase amount on their own. The machine has a five (5) year warranty and after that, if the machine does not need to be replaced by then, then the maintenance and upkeep will be shared as well on an annual basis. I must add however, that even though we will be complying with this standard and we will be testing to the manufacturer specifications that the air pack was originally manufactured to, (2005 in our case), this will not keep us from having to add and/or replace our SCBA air packs as NFPA standards change. The NFPA standards change every three (3) years much like building and fire codes do.

As you will see within the agreement the monetary structure is stepped and uneven. This was agreed to based on number of SCBA packs, members and/or usage and available budget. Our share of the purchase is $1,000.00.

The plan is to have each agency approve and sign the signature page as soon as possible and then the pages will be scanned and placed within the document and then dispersed back out to each agency for a completed copy.

Thank you,

Gary Allen
Fire Chief

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BLACK HAWK AND THE TIMBERLINE FIRE PROTECTION DISTRICT REGARDING THE PURCHASE OF CERTAIN EQUIPMENT

THIS INTERGOVERNMENTAL AGREEMENT ("the Agreement") is made and entered into this 8th day of May, 2013, by and between the CITY OF BLACK HAWK, COLORADO, a Colorado home rule municipality (the "Black Hawk"), TIMBERLINE FIRE PROTECTION DISTRICT, a fire protection district authorized pursuant to Title 32 of the Colorado Revised Statutes (the "District"), the CITY OF CENTRAL, COLORADO ("Central City"), and the GILPIN AMBULANCE AUTHORITY, a body corporate and politic, a separate governmental entity, a political subdivision and a public corporation of the State of Colorado, pursuant to Section 18(2)(a) and (2)(b) of Article XIV, Constitution of the State of Colorado, and pursuant to C.R.S. § 29-1-203 (the "Authority"), collectively, the Parties.

WHEREAS, C.R.S. § 29-1-203 authorizes governmental entities to enter into mutual aid agreements and to cooperate or contract with one another to provide any function or service that each is lawfully authorized to provide; and

WHEREAS, Black Hawk, the District, Central City and the Authority have determined that it is in the best interests of each party, and of the residents and property owners within the jurisdictions of each party, to jointly purchase a OHD Quantifit Respirator Fit Testing Machine (the Equipment").

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between each of the parties as follows:

1. Purchase of the Equipment.

Purchase shall be divided by the agencies: City of Black Hawk ($6,705.00), Gilpin Ambulance Authority ($1,500), Timberline Fire Protection District ($4,000), and Central City ($1,000.00). Purchase will be through the City of Black Hawk with the Authority, the District and Central City reimbursing the Black Hawk for their individual shares.

2. Storage/Maintenance of Equipment.

Equipment shall be maintained at the Black Hawk Fire Department and available for use at Black Hawk Fire Department or the respective agency's facility. Any repairs shall be the responsibility of the agency who damages the equipment. After the five (5) year warranty, the yearly maintenance/calibration shall be divided equally. Each agency shall be responsible for maintaining its own fit testing records.

3. Term; Termination.

a. The initial term of this Agreement shall be through and until December 31, 2013.

b. This Agreement shall renew automatically on January 1 of each year

under the same terms and conditions set forth herein unless either party provides at least thirty (30) days' advance written notice of non-renewal.

c. In addition, either party shall have the right to terminate this Agreement at any time for any reason by providing the other party with ninety (90) days' advance written notice of its desire to terminate this Agreement.

4. Notices. Any notices or demand under which the terms of this Agreement and under any statute must or may be given or made by Black Hawk, the District, the Authority, or Central shall be in writing and shall be given or made by personal service, first class mail, or by certified or registered mail to the parties:

City of Black Hawk
P.O. Box 68
201 Selak
Black Hawk, CO 80422

Timberline Fire Protection District
660 Highway 46
Black Hawk, CO 80422

Gilpin Ambulance Authority
PO Box 638
Black Hawk, CO 80422

City of Central
PO Box 249
141 Nevada Street
Central City, CO 80427

5. Entire Agreement. This Agreement contains the entire agreement between the Parties and no modifications to this Agreement shall be effective unless in writing and signed by all Parties.

6. Assignment. No party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other parties.

7. Severability. Should any provision of this Agreement be declared null and void by a court of competent jurisdiction, such provision shall be deemed severed and the remaining provisions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, this Agreement is executed by Black Hawk, the District, the Authority, and Central City as of the date first above written.

CITY OF BLACK HAWK, COLORADO

By: _____
David D. Spellman, Mayor

ATTEST:

_____
Jeanie Magno, City Clerk

TIMBERLINE FIRE PROTECTION DISTRICT

By: _____

ATTEST:

_____

GILPIN AMBULANCE AUTHORITY

By: _____

ATTEST:

_____

CITY OF CENTRAL CITY, COLORADO

By: _____
Ron Engels, Mayor

ATTEST:

_____
Reba Bechtel, City Clerk

AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: **Kent Kisselman, Operations Director**

DATE: **June 4, 2013**

ITEM: **Ordinance No. 13-07. An ordinance of the City Council of the City of Central, Colorado approving a memorandum agreement with the Colorado Department of Labor and Employment, Division of Oil and Public Safety, related to the regulation of conveyances.**

NEXT STEP: **A Motion Approving Ordinance No. 13-07. An ordinance of the City Council of the City of Central, Colorado approving a memorandum agreement with the Colorado Department of Labor and Employment, Division of Oil and Public Safety, related to the regulation of conveyances.**

_____ORDINANCE
__X__MOTION
__X__INFORMATION

I. REQUEST OR ISSUE:
Staff is requesting Council to approve the adoption of the proposed ordinance.

II. RECOMMENDED ACTION / NEXT STEP:
Our recommendation is to approve Ordinance.

III. FISCAL IMPACTS:
None

IV. BACKGROUND INFORMATION:
The previous MOA with the Division of Oil and Public Safety is set to expire, this is an updated MOA beginning in July 1, 2013 effective until June 30, 2018. The regulations are related to conveyances within the City (elevators and escalators). We currently contract the inspection services for conveyances with Colorado Code. The MOA has been reviewed by staff, legal, and Colorado Code.

V. LEGAL ISSUES:
None

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:
None

VII. SUMMARY AND ALTERNATIVES:
Council may take one of the following actions:

- Approve as presented
- Deny
- Amend

CITY OF CENTRAL, COLORADO
RESOLUTION NO. 13-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO APPROVING A MEMORANDUM OF AGREEMENT WITH THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF OIL AND PUBLIC SAFETY, RELATED TO THE REGULATION OF CONVEYANCES

WHEREAS, the City of Central City previously entered into a memorandum of agreement with the Colorado Department of Labor and Employment, Division of Oil and Public Safety ("OPS") having an effective date of July 1, 2008 (the "Previous MOA"); and

WHEREAS, the Previous MOA is scheduled to terminate on June 30, 2013; and

WHEREAS, the Elevator and Escalator Certification Act, C.R.S. §§ 9-5.5-101 *et seq.* (the "Act") authorizes the City and OPS to enter into a memorandum of agreement to regulate "conveyances" that are located within the City's territory; and

WHEREAS, the term "conveyances" is defined in the Act and includes elevators, escalators and other moving walkways; and

WHEREAS, the City Council desires to approve a memorandum of agreement with OPS related to the regulation of conveyances located within the City; and

WHEREAS, a copy of the memorandum of agreement (the "MOA") is attached and incorporated into this Resolution as **Exhibit A**; and

WHEREAS, the City and OPS have agreed upon the substantive terms of the MOA.

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

Section 1. The City Council hereby (a) approves the MOA, in substantially the form attached hereto as **Exhibit A**; (b) authorizes the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the MOA as may be appropriate that do not substantially increase the obligations of the City, and (c) authorizes the Mayor to execute the same on behalf of the City with the approval of the City Attorney.

Section 2. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 4th DAY OF JUNE, 2013.

CITY OF CENTRAL, COLORADO

By:_____
Ronald E. Engels, Mayor

ATTEST:

By:_____
Reba Bechtel, City Clerk

APPROVED TO FORM:

By:_____
Marcus A. McAskin, City Attorney

Resolution Exhibits:

Exhibit A – Memorandum of Agreement (MOA) (4 pages)

MEMORANDUM OF AGREEMENT-CMS #56831
FOR LOCAL JURISDICTION REGULATION OF CONVEYANCES
Pursuant to the Elevator and Escalator Certification Act
Title 9 Article 5.5, Colorado Revised Statutes

THIS MEMORANDUM OF AGREEMENT ("MOA") is entered into this 21st day of May 2013, between the Colorado Department of Labor and Employment, Division of Oil and Public Safety ("OPS"), 633 17th Street, Suite 500, Denver, Colorado 80202-3610 and the City of Central City ("Authority Having Jurisdiction" or "AHJ"), located at 141 Nevada Street, Central City, Colorado 80427 (collectively referred to as the "Parties").

I. BACKGROUND

The Elevator and Escalator Certification Act (the 'Act'), Title 9, Article 5.5, Sections 101 through 120, Colorado Revised Statutes (C.R.S.), declares that "in order to ensure minimum safety standards throughout Colorado, the regulation of conveyances is a matter of statewide concern". Conveyance Regulations, 7 Colorado Code of Regulations [CCR] 1101-8, have been promulgated to implement the requirements in the Act, and associated policies and guidance have been developed to further clarify requirements in regulations.

The Act allows a local authority having jurisdiction (AHJ) to enter into an MOA with OPS to regulate conveyances that are located within its territory (city, county or city and county) of authority. Following OPS's approval of the AHJ's conveyance standards and execution of this MOA, the AHJ will be considered an Approved AHJ.

Documents incorporated herein and by reference to this MOA are Appendix A, Elevator and Escalator Certification Act, and Appendix B, Conveyance Regulations.

II. AUTHORITY AND PURPOSE

The principle authority for this MOA is contained in §9-5.5-112 (2), C.R.S. The Parties have entered into this MOA to:

- Identify the responsibilities of each party for ensuring the safety of conveyances within the State of Colorado through compliance with the Act, regulations, and associated policies and guidance;
- Formalize the cooperative working relationships between the Parties; and
- To provide procedures for communications, exchange of information, and resolution of problems as necessary to carry out the provisions of the Act and regulations.

III. EFFECTIVE DATE AND TERM

This MOA shall be effective on July 1, 2013 upon the satisfaction of OPS that the AHJ has developed a program that can adequately regulate conveyances within its territory. This MOA will terminate on June 30, 2018, unless terminated sooner as specified herein.

IV. RESPONSIBILITES OF OPS

A. OPS shall approve the AHJ entering into this MOA.
B. OPS shall adopt nationally recognized conveyance safety standards.
C. OPS shall require that all newly installed and existing conveyances in the State of Colorado are registered with OPS. This process will include the collection of a one-time registration fee from the conveyance owner.
D. OPS shall require that all conveyance contractors, mechanics, and inspectors conducting work in the State of Colorado are licensed through OPS.

E. Prior to the effective date of this MOA, OPS will accept and process submittals and fees for installation and alteration permits, certificates of operation, and Alternate Materials and Methods Requests (variances to code) regarding conveyances located in the territory of the AHJ. For submittals received on or after the effective date of this MOA, OPS will notify the owner or contractor to re-submit these documents to the AHJ.

V. RESPONSIBILITES OF THE AHJ

A. The AHJ shall operate and enforce a conveyance regulation program within its territory of authority with standards equal to or more stringent than those within current OPS statute and regulation.
B. The AHJ shall be responsible for relaying information regarding conveyances within its territory to the OPS on an annual frequency. This information shall be submitted to OPS no later than February 28th of each calendar year and shall include information from the previous calendar year. The information and information format shall be determined by the OPS and shall be incorporated by reference herein to this MOA.
C. The AHJ shall, in cooperation with OPS, establish a schedule for the AHJ to initially adopt standards listed in §9-5.5-112 (1), C.R.S. Following this initial adoption, the AHJ shall remain current in adoption of future standard versions within 90 days from the date at which OPS adopts the standard.
D. The AHJ shall be responsible for ensuring that all new and existing conveyances regulated by OPS within the territory of the AHJ are registered with OPS prior to issuing a Certificate of Operation for those conveyances.
E. The AHJ shall be responsible for ensuring that all entities described in IV. D. above are licensed with OPS prior to conducting work in its territory. Information regarding unlicensed entities shall be reported to OPS immediately in order that OPS enforcement be initiated.
F. Within 24 hours of notification received by the AHJ, the AHJ shall notify OPS of any accident resulting in injury to an individual.
G. If the AHJ utilizes a subcontractor in the performance of its responsibilities under this MOA, the AHJ shall ensure that the subcontractor holds all required licenses and/or certification to perform their responsibilities, and maintains adequate insurance coverage at all times while performing their responsibilities.
H. If allowed per AHJ regulations, the AHJ shall review and make determination of approval or denial for all Alternate Materials and Methods Requests (AMMR - code variances) submitted by conveyance owners or contractors. The AHJ must notify the OPS on all AMMR determinations.
I. The AHJ will honor permits issued, certificates of operations issued, and AMMRs granted by OPS prior to the effective date of this MOA.

VI. ACCESS TO INFORMATION

A. To the extent allowed by law, each party shall make available to each to the other party, at no cost, information regarding conveyances within its possession. Requests for information shall not impose an unreasonable resource burden on the other party.
B. Upon reasonable notice to the AHJ during the term of this MOA, OPS may inspect and review AHJ's records with regard to this MOA.

VII. TERMINATION

The Parties may terminate this MOA for their convenience by notifying the other party in writing, as described in Section VIII C of this MOA, of their intent to terminate this MOA. Such termination shall be effective thirty (30) calendar days following notice. Notwithstanding the above, OPS may terminate this MOA immediately if the AHJ fails to satisfactorily perform its responsibilities hereunder during the term of this MOA.

VIII. GENERAL PROVISIONS

A. Legal Authority

The parties warrant that each possesses actual, legal authority to enter into this MOA. The parties further warrant that each has taken all actions required by its applicable law, procedures, rules, or by-laws to exercise that authority, and to lawfully authorize its undersigned signatory to execute this MOA and bind that party to its terms. The person or persons signing this MOA, or any attachments or amendments hereto, also warrant(s) that such person(s) possesses actual, legal authority to execute this MOA, and any attachments or amendments hereto, on behalf of that party.

B. Notice of Pending Litigation

Unless otherwise provided for in this MOA, the AHJ shall notify the OPS individuals, as listed below in C, within five (5) working days after being served with a summons, complaint, or other pleading in a case which involves any services provided under this MOA and which has been filed in any federal or state court or administrative agency.

C. Notice Procedure

All notices required to be given under this MOA shall be in writing and shall be deemed given when personally served or three (3) days after deposit in the United States Mail, certified mail, return receipt requested, and addressed to the following parties or to such other addressee(s) as may be designated by a notice complying with the foregoing requirements. If sent by facsimile, notice shall be deemed given at the time of completion of the transmission of the facsimile with facsimile machine confirmation of transmission to the correct facsimile number of all pages of the notice.

For the AHJ:

Name & Title:	City of Central City Attn: City Manager
Address:	141 Nevada Street Central City, Colorado 80427
Phone:	303-582-5251
Fax:	303-582-5210

For OPS:

Name & Title:	Lisa Eze, Purchasing Director
Address:	Colorado Department of Labor & Employment 633 17th Street, Suite 1100, Denver CO 80202
Phone:	303-318-8054
Fax:	303-318-8068

With a copy to:

Name & Title:	Greg Johnson, Conveyance Section Manager
Address:	Colorado Department of Labor & Employment Oil & Public Safety Division 633 17th Street, Suite 500, Denver CO 80202
Phone:	303-318-8536
Fax:	303-318-8534

D. Independent Contractor

Neither AHJ nor any agent or employee of AHJ shall be or shall be deemed to be an agent or employee of OPS.

E. Third-Party Claims
Only to the extent that indemnification is consistent with any constitutional or statutory limitations on the AHJ's ability to indemnify others, the AHJ shall indemnify and hold OPS harmless against any third party claims that may arise under this MOA as a direct result of the AHJ's performance or non-performance of its responsibilities hereunder.

F. Adherence To Applicable Laws.
At all times during the term of this MOA, both parties shall comply with all applicable federal and state laws, regulations, rules, or procedures, as these provisions currently exist or may hereafter be amended, all of which are incorporated herein by reference and made a part of the terms and conditions of this MOA.

G. Venue.
The Parties agree that exclusive venue for any action related to this MOA shall be filed in the City and County of Denver, Colorado.

H. Governmental Immunity Act
No term or condition of this MOA shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions, of the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq., as applicable, as now or hereafter amended.

I. Entire Understanding
This MOA is 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 in 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 by the Parties.

IX. APPROVALS

The Parties hereto have executed this MOA.

The City of Central City	Colorado Department of Labor and Employment Division of Oil and Public Safety
By: _____ Ronald E. Engels Mayor Date: _____	By: _____ Mahesh Albuquerque, Director Date: _____

FINANCE DEPARTMENT WEEKLY REPORT

DATE: May 30, 2013

TO: Alan Lanning, City Manager
Mayor & Council

FROM: Shannon Flowers, Finance Director/Treasurer

Following is an update of the Finance Department's activities from Friday, May 17th through Thursday, May 30th, 2013.

- Met with insurance brokers to review quotes for health and dental insurance plans
- Began May Bank Reconciliation
- Filed property casualty claim on retaining wall on Nevada CIRSA
- Reviewed notes and comments from Auditors on draft of Financial Statements and began edits for completion
    - Still have not received the BID's audit or even draft audit. City's audit cannot be completed until these have been received and reviewed.
- Worked with City Attorney on possible claim and how to proceed as well as oversize vehicles on parkway discussion
- Met with Legal Shield to discuss possibility of offering employees their services (employee paid)
- Began CIRSA renewals for Workers Compensation and Property Casualty Insurance
- Began drafting Management Discussion letter for inclusion in audited financial statements
- Prepared check listing
- Processed Bi-weekly payroll and all associated tax and retirement filings
- Finance Clerk Processed Accounts Payable
- Finance Clerk processed Accounts Receivable and prepared weekly deposits
- Finance Clerk administered Court

CITY OF CENTRAL
Public Works Department
Kent Kisselman, P.E., Director

May 2013

Special points of interest:

- Lou Bunch Day June 15th
- Central City Picnic June 17th
- Congratulations to Cindy Moore in the water department for passing the Class D water certification.
- We would like to welcome Andrea Campos to the street/facilities staff. Andrea is a local resident and has a CDL license.
- Robert and I went to the most recent BID meeting to inform them of the existing sign code regulations that we are beginning to enforce.

Personal Message: Looking forward to the upcoming month and watching the transformation of planned projects. We have a great team who works together with various skill sets to handle nearly any project that comes up. Thanks to them:

Water: Shawn, Royce and Cindy

Planning: Robert

Streets/Facilities: Joe, Carlton, Fred, Tim, Russ, Patrick, Aaron and Andrea

PUBLIC WORKS DEPARTMENT

Just color inside the lines...

As you can see above the new monument area is complete. Staff did a great job and had terrific ideas to enhance the area. Staff has also completed the placement of the banners, flags and flowers for the downtown. In addition we placed the new smoker stations along Main Street to unify the area.

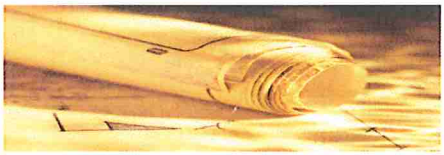
Public Works is just getting started with projects. Staff has been out potholing and patching areas with asphalt. Starting in June, milling will begin on Spring Street and resurfacing and striping operations should get under way.

Work has been completed at the City Park Pond. New road base, gravel and hydro seeding was recently done. The City has ordered small minnows to be placed in the pond and that is expected in June. Gilpin County will be stocking the pond for the Fathers Day fishing derby.

We had a record day for this year's Spring Cleanup. Staff picked up items from 25 residents and nobody had a problem with the new $5 fee. At the Boodle Mill over 50 trips were counted. The single stream recycle bin was filled, we filled the steel bin twice and sent a truckload of E-waste to Denver.

The Water Department worked diligently to maintain water quality while pumping from Chase Gulch as the line to fill the reservoir remained frozen for most of the month. The 6 mile line still has some issues we are working on, but the reservoir is nearly full again. One of the trips out to Miners can be seen in the photo below; the new water truck is performing as intended.

Staff has worked on a couple of problem service lines along Lawrence Street. More information on this issue will be presented in the upcoming week.



In the Planning Department Robert has been working with the building permits and is preparing for the recently approved grants to be coming in for permits. In addition, he has been working on the GIS system trying to enter valid data and make it even more useable. We hope to have an agreement with Gilpin County to share information soon.

Please contact Kent Kisselman with any PW related issues you may have, communication is the key to success. Have a great month!

opdirector@cityofcentral.co

303-598-1936 day cell