

**CITY OF CENTRAL  
CITY COUNCIL MEETING  
June 5, 2012**

**CALL TO ORDER**

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 6:06 p.m., in City Hall on June 5, 2012.

**ROLL CALL**

Present: Mayor Engels  
Alderman Spain  
Alderman Voorhies  
Alderman Lee  
Alderman Giancola

Absent: None

Staff Present: Manager Lanning  
Attorney Michow  
City Clerk Bechtel  
Finance Director Flowers  
CDD/HPO Thompson  
Operations Director Kisselman  
Water Department Manager Griffith  
Police Chief Krelle  
Fire Chief Allen

**EXECUTIVE SESSION**

At 6:09 p.m., Alderman Voorhies moved to convene the Executive Session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice on waters matters with Attorney Steve Williamson and Consultant Dan Ault. Alderman Spain seconded and, without discussion, the motion carried unanimously.

At 7:08 p.m., Mayor Engels reconvened regular session.

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 Spain moved to approve the consent agenda containing the regular bill lists May 3, 10, 17, 24, 31; the April Monthly Report; and the City Council minutes of May 1, 2012. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

## ***PUBLIC FORUM/AUDIENCE PARTICIPATION***

No one requested time to address the Council.

## **LIQUOR LICENSE AUTHORITY**

Alderman Giancola moved to open the Liquor Licensing Authority. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Alderman Voorhies moved to approve the renewal of Debra L Boring dba Annie's Liquors for a Retail Liquor Store License at 135 Nevada Street effective June 11, 2012. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

Alderman Voorhies moved to approve the renewal of Dostal Alley Inc dba Dostal Alley Saloon & Gambling Emporium at 1 Dostal Alley effective June 24, 2012. Alderman Spain seconded. In discussion, Police Chief Krelle explained that they have had some reporting violations and that the owner has done remedial training to correct this issue. When Mayor Engels called the question, the motion carried unanimously.

Alderman Voorhies moved to approve the Special Event Liquor Permit for Central City Opera (Yellow Rose Ball) at 100 Block of Eureka St on June 30, 2012 from 4:45-6:00pm. Alderman Giancola seconded. In discussion, Alderman Giancola questioned the rerouting of traffic during this event. Mayor Engels reminded the Council that the approval of liquor is separate from the staff approval which will handle the street closure. Operations Director Kisselman offered to assist with a detour map and signs. When Mayor Engels called the question, the motion carried unanimously.

Alderman Voorhies moved to approve the Special Event Liquor Permit for Central City Government (Opera Picnic) at Russell Park on June 25, 2012 from 12:00-8:00pm. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Alderman Voorhies moved to approve the Special Event Liquor Permit for Gilpin County Democratic Party (Fundraiser) at 117 Eureka Street on June 24, 2012 from 4:00-7:00pm. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Alderman Voorhies moved to approve the Special Event Liquor Permit for Central City Local Events (Lou Bunch Day) on Main Street on June 16, 2012 from 8:00am-8:00pm. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Alderman Giancola moved to close the Liquor Licensing Authority. Alderman Spain seconded and, without discussion, the motion carried unanimously.

## **NEW BUSINESS**

### **Appointment of Municipal Judge**

Mayor Engels explained that Council has spent several months evaluating, observing, and interviewing the candidates for Municipal Judge. Mayor Engels introduced Judge Gloss and welcomed him. Mayor Engels moved to appoint Judge David Gloss as the Central City Municipal Judge. Alderman Giancola seconded and, without discussion, the motion carried unanimously. Judge Gloss thanked Council and stated that he plans to do the best job possible and is looking forward to working with everyone in Central City.

Ordinance No.12-05: *An ordinance of the City Council of the City of Central, Colorado, amending Section 10-25 of the Municipal Code concerning licensee responsibility for conduct of liquor licensed establishments and reporting of unlawful activity in licensed establishments by liquor licensees.*

Police Chief Krelle explained that the Police Department has experienced recent situations in which they were not timely informed of disturbances in liquor licensed establishments. In addition, previously the obligation to report only attached when there was disorderly conduct at the establishment, which is a defined offense. We have identified a need to tighten the loopholes and broaden the types of activity which trigger the reporting requirement and explaining that the full premise of the property includes the parking lot as well.

Attorney Michow explained that this ordinance amends Section 10-25 of the Municipal Code which previously made it unlawful for any manager or employee of a liquor licensed establishment to fail to immediately report to the Police any disorderly conduct on the premises. Ordinance 12-05 expands that responsibility, requiring:

(1) that licensees conduct their establishments in a decent, orderly and respectable manner and not permit within or upon the licensed premises the loitering of habitual drunkards or visibly intoxicated persons, lewd or indecent acts, obscene profanity, rowdiness, undue noise or other unlawful activity offensive to the residents or occupants of the neighborhood in which the establishment is located;

(2) immediate reporting to the Police Department of any disorderly or unlawful activity under federal, state or local law occurring on or within the licensed premises or the property surrounding such licensed premises which is under the ownership or control of the licensee; and

(3) the posting of a sign on the premises informing the public of the establishment's obligation to immediately report such activity.

Alderman Spain moved to adopt Ordinance No.12-05: An ordinance of the City Council of the City of Central, Colorado, amending Section 10-25 of the Municipal Code concerning licensee responsibility for conduct of liquor licensed establishments and reporting of unlawful activity in licensed establishments by liquor licensees and set the Public Hearing for June 27, 2012 at 7:00 pm. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

Ordinance No. 12-06: *An ordinance of the City Council of the City of Central, Colorado, amending Article VII of Chapter 10 of the Municipal Code to create an Entertainment District in which common areas for the consumption of alcohol may be operated by Promotional Associations and to allow administrative approvals for certain liquor related applications.*

Attorney Michow explained the purpose of the Ordinance is to create an entertainment district in which common consumption areas are allowed to be designated for customers to carry and consume alcohol beverages. A secondary purpose of the Ordinance is to allow administrative approvals of certain liquor related applications, as previously authorized by City Council.

In regards to the administrative approvals, the following liquor-related applications may be decided by the City Clerk, subject to appeal or referral to the Local Licensing Authority:

1. Transfer of ownership of existing license;
2. Change of corporate structure of existing license;

3. Renewal of existing license;
4. Manager registration for existing license;
5. Special events permit;
6. Change of corporate or trade name permit for existing license;
7. Bed and breakfast permits;
8. Recertification of Promotional Associations; and
9. All other City license-related applications not requiring a public hearing by the Colorado Liquor Code.

The City Clerk may refer to the Local Licensing Authority for a decision regarding any administrative application when, as determined in the discretion of the City Clerk, the public interest would be best served by the determination of the matter by the Local Licensing Authority. Administrative applications denied by the City Clerk may be appealed to the Local Licensing Authority. Appeals must be submitted in writing to the City Clerk within ten (10) days of denial, and may request a hearing. Appeals to the Local Licensing Authority will be decided de novo. Also, as authorized pursuant to Section 12-48-107(5) of the Colorado Revised Statutes, approval by the City of a special event permit application shall not require the state's approval or disapproval. Within ten (10) days of issuance of a special event permit, the City Clerk shall notify the state liquor enforcement division of the name of the organization to which a special event permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

For common consumption regulations, the designation of common consumption areas may increase police patrols and enforcement. Notably, however, a promotional association is required to provide security and to provide liquor server training to all of the security personnel. It is anticipated that a promotional association will bear the cost of enforcement through the provision of security plans.

State legislation passed in 2011, known as Senate Bill 11-273, authorizes local governments in Colorado to opt-in to the creation of "common consumption areas" – which would operate much like an ongoing special event. In order to opt-in, City Council is required to designate an "entertainment district" by ordinance or resolution. An entertainment district may not exceed 100 acres and must contain ". . . at least twenty thousand square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner's restaurant when the [entertainment] district is created." C.R.S. § 12-47-103(7.5) (as added by S.B. 11-273).

The proposed Ordinance designates the entirety of the Historic Downtown Gaming and Gregory Gulch Gaming districts as the Central City Entertainment District. A common consumption area may only be located within the designated entertainment district and must be operated by a certified "promotional association," which is defined in the bill as an association incorporated in Colorado that "organizes and promotes entertainment activities within a common consumption area, and is organized or authorized by two or more people who own or lease property within an entertainment district." C.R.S. § 12-47-103(24.5) (as added by S.B. 11-273).

In order to operate a common consumption area, property owners (or lessees) or property within the designated entertainment district will need to create a promotional association and seek certification of such association through the City Council, sitting as the Local Licensing Authority, to operate within the common consumption area.

This ordinance also sets forth the criteria for establishing a common consumption area, qualifications for certification of a promotional association, application procedures, criteria of approval, operational requirements and enforcement mechanisms.

Alderman Giancola asked if these regulations will be acceptable to the Division of Gaming. Joe Behm, BID President, explained that there are precautions in place to keep from violating any gaming rules such as: they will contract with a private security company; use wrist bands and logoed cups: and have casino servers that are trained not to over serve.

Alderman Giancola moved to adopt Ordinance No. 12-06: An ordinance of the City Council of the City of Central, Colorado, amending Article VII of Chapter 10 of the Municipal Code to create an Entertainment District in which common areas for the consumption of alcohol may be operated by Promotional Associations and to allow administrative approvals for certain liquor related applications and set the Public Hearing for June 27, 2012 at 7:00 pm. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

Ordinance No.12-07: An ordinance of the City Council of the City of Central, Colorado, amending certain provisions of Article VI of Chapter 10 of the Central City Municipal Code regarding Offenses Against Public Peace: and adopting sound-amplification equipment regulations for the Historic Downtown Gaming (HDG) Zoning District.

CDD Thompson explained that Joe Behm, BID President, has approached the City about allowing coordinated music to be permitted along Main Street. Currently the Municipal Code is written to prevent this from occurring. The proposed ordinance provides changes to allow the sound amplification to occur in the Historic Downtown Gaming and Gregory Gulch Gaming zones and states the process and procedure to allow the use.

Staff has proposed allowing the music to occur from 10 a.m. to 10 p.m. every day of the week with a maximum of two permits in each zone district with the noise level at what is currently stated in the code.

Alderman Giancola moved to adopt Ordinance No.12-07: An ordinance of the City Council of the City of Central, Colorado, amending certain provisions of Article VI of Chapter 10 of the Central City Municipal Code regarding Offenses Against Public Peace: and adopting sound-amplification equipment regulations for the Historic Downtown Gaming (HDG) Zoning District and set the Public Hearing for June 27, 2012 at 7:00 pm. with an amendment to one permit per year per zone district. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Purchase of Dodge Ram 5500 Regular Cab Chassis in the amount of \$42, 297

Operations Director Kisselman explained that in continuation of the Public Works Fleet assessment, it has been determined that it is in the City's best interest to sell at public auction two (2) of our vehicles and replace them with one new one. The two (2) vehicles in question are both 2006 models and are on the brink of major repairs. We have been fairing very well at the public auction and believe we will draw favorable prices for these two vehicles. Since the City has already expended all budgeted funding for vehicle purchases, the Public Works Department will be making approximately \$30,000 in additional revenues from the auction of two (2) used Public Works Vehicles and recyclable materials collected from the City shops. It is proposed that these additional revenues be used toward the purchase of the proposed vehicle. The balance of the truck's cost will come from line item #01-431-6504 (Mechanic/Preventative Maintenance) which has an unused budget allocation of \$20,000. Based on the above, the Public Works Department has approximately \$50,000 towards the purchase of this truck.

Alderman Spain moved to approve the purchase of a Dodge Ram Regular Cab Chassis in the amount of \$42, 297. Alderman Lee seconded and, without discussion, the motion carried unanimously.

### Council Stipend Policy

Alderman Lee stated that with the CML conference coming up, she wanted to understand the policy of what expenses are covered. Manager Lanning explained that staff expenses are covered in the employee handbook but that we do not have a policy for elected officials. Alderman Voorhies stated that she had attended the CML conference last year and did not ask for reimbursement of any expenses.

Alderman Lee moved to extend the same reimbursement policy to elected officials as staff currently receives in the employee handbook. Alderman Giancola seconded and, without discussion, the motion carried 4 votes to 1 with Mayor Engels voting no.

### **STAFF REPORTS**

Manager Lanning reported the following:

Parkway Fence – staff has provided a landscaping proposal that PW will support with much of the work in house and will also put up slats along the bottom of the guardrail to block light.

Alderman Spain moved to approve the landscaping proposal. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

Resignation on HPC and PC – Chris Rogers has resigned his seat on both commissions.

Higher Ground Music Festival – this is expected to have 2500 attendees August 24, 25, 26 up at the Greek Lots with music as late as midnight. Staff will work closely with the organizer and we expect this event be the kind of event that would be welcomed back.

Sinkhole – state agencies are making good progress and we have traffic 2 way again with concrete scheduled for next week and about 2 weeks to completion. Black Hawk and the County have also been onsite to offer assistance.

### **COUNCIL COMMENTS**

Alderman Voorhies thanked staff for removing the speed bumps and noted how good downtown looks as well as the new sidewalk on Lawrence. She expressed concern for the condition of the Knights of Pythias building and asked about enforcement and cleanup of the Century parking garage. Attorney Michow stated she would look into this matter.

Alderman Lee thanked Kent, the Mayor and the crew for all their hard work for the City cleanup day. She also extended a welcome to the new business downtown, Harley Hippies Coffee Café. She also asked staff about the status of the east entrance sign. CDD Thompson stated it will be coming forward soon.

Mayor Engels stated that he has had many compliments from residents about Public Works efforts.

Alderman Giancola gave kudos to Public Works for mobilizing on the sinkhole.

### **PUBLIC FORUM/AUDIENCE PARTICIPATION**

Joe Behm, BID President, offered a suggestion that Council propose a salary increase for themselves since they work really hard and there is value for that.

Hearing no further business, Mayor Engels adjourned the meeting at 8:42 p.m.  
The next meeting will be a special Council meeting scheduled for June 27, 2012 at 7:00 p.m.

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Ronald E. Engels, Mayor

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Reba Bechtel, City Clerk