

**CITY OF CENTRAL
CITY COUNCIL MEETING
June 4, 2013**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:11 p.m., in City Hall on June 4, 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

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

Staff asked to amend the agenda to include the minutes for the Special meeting on May 31, a Proclamation to declare the 2013 Opera picnic Sergeant Al Kidd Day, and approval for repair of the Nevada Street rock wall.

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 for May 23 and 30, 2013; and the City Council minutes for the regular meeting on May 21, 2013 and the special meeting on May 31, 2013. Alderman Voorhies seconded. In discussion, Alderman Gaines asked that the minutes for May 31 show that Attorney Michow was present. When Mayor Engels called the question, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

NEW BUSINESS

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.*

Attorney McAskin gave the background as follows: 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 work session, certain provisions of Ordinance No. 13-07 were amended.

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.

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

- a. Submittal of a statement of intent from the annexing property owner to the City Council;
- b. An annexation impact statement prepared by the City Manager, based on a form on file with the City;
- c. Referral of the statement of intent and impact statement to the Planning Commission for a recommendation;
- d. 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 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.

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.

Alderman Gaines moved to approve 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 including amendments as discussed on 1st reading and set the Public Hearing for July 2, 2013 at 7:00. Alderman Spain seconded, and without discussion, the motion carried unanimously.

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.*

Attorney McAskin gave the background as follows: 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.

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).

Alderman Voorhies moved to approve 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. Alderman Gaines seconded, and without discussion, the motion carried unanimously.

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.*

Operations Director Kisselman explained that the previous MOA with the Division of Oil and Public Safety is set to expire. This is an updated MOA beginning 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.

Alderman Gaines moved to approve 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. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Proclamation for Sergeant Al Kidd Day

Mayor Engels read the Proclamation designating the 2013 annual “Opera Picnic” be renamed Sergeant Al Kidd Day. Alderman Spain moved to accept the proclamation. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Nevada Street Rock Wall

Alderman Gaines moved to authorize staff to proceed with the stabilization repair at the Nevada St/Big T lot wall not to exceed \$200k with a 10% contingency. Alderman Spain seconded, and without discussion, the motion carried unanimously.

STAFF REPORTS

Manager Lanning reported the following:

Road repairs – the bump on Eureka is fixed and Main Street work is in process

Parking Structure meeting – set for 6/27 at 4:00 pm will cover financial information

COUNCIL COMMENTS

Alderman Gaines asked Finance Director Flowers about the BID audit requirement still outstanding. Finance Director Flowers explained that the City audit cannot be completed without the BID audit. Alderman Gaines stated that she has gotten excellent comments about Public Works and the Water department and congratulated Cindy Moore passing the Class D water certification.

Alderman Voorhies thanked the City for opening the Art gallery at the Visitor Center.

Mayor Engels commented on the excellence and talent of the Opera performers.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Joe Behm, President of the BID, stated that the BID agreement requires inclusion into the district for any commercial annexation as well as any property sold in the District. He also stated that a change to GASB 61 may change the requirement that the City needs the BID audit to for their audit. Lastly, Mr. Behm thanked Council for hosting the Parking Structure meeting as it was well attended.

Hearing no further business, Mayor Engels adjourned the meeting at 7:54 p.m.
The next Council meeting is scheduled for July 2, 2013 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk