

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, July 21, 2015 @ 6:30 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

The City Council meeting packets are prepared several days prior to the meetings and available for public inspection at City Hall during normal business hours the Monday prior to the meeting. This information is reviewed and studied by the City Council members, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. Agendas are posted on the City's website, the City Hall bulletin board and at the Post Office the Friday prior to the Council meeting.

6:30pm Council Meeting

1. Call to Order.
2. Roll Call.

Mayor	Ron Engels
Mayor ProTem	Kathy Heider
Council members	Shirley Voorhies
	Glo Gaines
	Judy Laratta
3. Pledge of Allegiance
4. Additions and/or Amendments to the Agenda.
5. Conflict of Interest.

SECOND READING AND PUBLIC HEARING –

6. Resolution No. 15-17: A resolution of the City Council of the City of Central, Colorado, authorizing two (2) single family detached units to be served by a common service line and tap in accordance with Section 13-1-150 of the Municipal Code. (Miera)

ADJOURN. Next Council meeting August 4, 2015.

Posted 7/17/15



AGENDA ITEM # 6

CITY COUNCIL COMMUNICATION FORM

FROM: Daniel Miera, City Manager

DATE: July 21, 2015

ITEM: Resolution No. 15-16: A Resolution of the City Council of the City of Central, Colorado Authorizing Two (2) Single Family Detached Units to be Served by a Common Service Line and Tap in Accordance with Section 13-1-150 of the Municipal Code.

NEXT STEP: Council Action on Resolution No. 15-16.

ORDINANCE
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

The City received a request from Mr. Jack Hidahl (206 E. Third High Street) to permit multiple meter settings on a single water service line, tap, and meter pit or curb stop box. Historically, the above-referenced property and an adjacent property (211 E. Fourth High Street) have been served by a single service line, tap, and meter. The request is to allow the two (2) properties to continue to transport water from the single existing tap and service line, but into two (2) separate meters instead of one (1), and that both meters may be located within the same meter pit or curb stop box.

II. BACKGROUND INFORMATION:

The current setup where the two (2) subject properties are both served by the same tap, service line, and meter has been a long-standing problem for the property owners, as well as the City. In fact, there was a lawsuit between the two property owners to establish the appropriate easements that would allow the aforementioned request to be implemented. The lawsuit established a water service line easement for Property #1 that bisects Property #2, which allows Property #1 to receive water from the Main Water Line located on E. Fourth High St. The lawsuit also established an easement for a sewer line for Property #2 that bisects Property #1, which allows Property #2 to dispose of its sewage into a Main Sewer Line located on E. Third High St.

There are essentially two (2) ways to solve the existing problem. The first option would require Property #1 to abandon the existing water service line running through Property #2, and install a new water service line and backflow preventer that would connect to a new meter in a new meter pit or curb stop box, which would be fed from a new single service line and tap off of the Main Water Line on E. Third High St. The second option (“the request”) would allow the existing water service line to remain within Property #2, and the current single service line from the existing tap off of the Main Water Line on E. Fourth High St. would remain in place; however, instead of one meter serving both properties, there would be another (second) meter installed within the existing meter pit or curb stop box, including a new backflow preventer, which would result in both properties being separately metered.

III. FISCAL IMPACTS:

In either scenario, the City would not receive the plant investment fee (“tap fee”), as Chapter 13 of the Municipal Code essentially waives said fee when this type of cure or remedy is implemented. However, other related licensing and/or permitting and inspection fees will be paid to the City by Mr. Hidahl. Additionally, Mr. Hidahl will be required to pay a one-time water charge of \$780.00, which represents 13 months (July 2014 – July 2015) at \$60.00 per month. This charge will make the City whole for the stated time period, as Mr. Hidahl has not been billed for any monthly water bills, although he has been receiving metered water during that same period.

From this point forward, the City’s Water Fund will recognize additional revenue, as either solution would add an additional water account to the system. That is a minimum increase in revenue to the Water Fund of \$720/year using the current fee structure.

IV. RECOMMENDED ACTION / NEXT STEP:

Option #2 as described above is the recommended solution, and as such, it is presented within Resolution No. 15-16 for your consideration and approval. This option achieves the most important end result (two properties that are separately metered and separately billed), and accomplishes it in the most reasonable and economically-sensible way.

V. LEGAL ISSUES: None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: None

VII. SUMMARY AND ALTERNATIVES:

1. Move to adopt Resolution 15-16.
2. Adopt Resolution 15-16 with amendments.
3. Table for further discussion.
4. Do not adopt Resolution 15-16.

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 15-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO, AUTHORIZING TWO (2) SINGLE FAMILY DETACHED UNITS TO BE
SERVED BY A COMMON SERVICE LINE AND TAP IN ACCORDANCE WITH
SECTION 13-1-150 OF THE MUNICIPAL CODE.**

WHEREAS, the City of Central, Colorado (the “City”), is a home rule city and political subdivision of the State of Colorado, duly organized and operating under the constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Article I of Chapter 13 of the Municipal Code, specifically Section 13-1-150 of the Municipal Code, each independent structure requiring water service shall be individually licensed and metered and served by a separate tap and service line unless the City, in the exercise of its reasonable discretion, determines that other means are more suitable in the operation of the City water system; and

WHEREAS, Section 13-1-150(a) of the Municipal Code sets forth that any City authorization for more than one (1) structure on a common service line, meter or tap must be approved by written resolution of the City Council and must specifically identify all structures to be served by the common service line, meter or tap; and

WHEREAS, the following two (2) single family detached units have historically been served by a common service line, tap, and meter:

Property One: 206 E. Third High Street
 (R002551; Parcel Number 183512301042)
 Current owner of record: Jack Hidahl

Property Two: 211 E. Fourth High Street
 (R002316; Parcel Number 183512301043)
 Current owner of record: Deutsche Bank National
Trust Company

(together, the “Subject Properties”); and

WHEREAS, the current owner of record of Property One identified above, Mr. Jack Hidahl, has requested that City Council formally approve a resolution authorizing the two Subject Properties to continue to be served by the existing common service line, tap, and meter pit or curb stop box; and

WHEREAS, Mr. Hidahl is specifically requesting that the City permit multiple meter settings on a single service line, tap, and meter pit or curb stop box; and

WHEREAS, the City Manager has reviewed this matter and is recommending conditional approval of this Resolution; and

WHEREAS, City Council, in the exercise of its reasonable discretion and following the review of the Staff recommendation, has determined that the Subject Properties may continue to be serviced from the existing common service line, tap and meter pit or curb stop box, provided that Mr. Hidahl comply with the conditions of approval set forth in this Resolution,

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

Section 1. From and after the effective date of this Resolution, and in accordance with Section 13-1-150(a) of the Municipal Code, the Subject Properties specifically identified in this Resolution may continue to be served by the existing common service line, tap and meter pit or curb stop box.

Section 2. Within ninety (90) days of the effective date of this Resolution, unless an extension of time is authorized in writing by the City Manager, Mr. Hidahl shall perform or cause to be completed the following in coordination with the City's Public Services Department, at Mr. Hidahl's sole cost and expense:

- (A) Provide the City Manager or his designee with a copy of the water line easement granted by the former owner of Property Two to the owner of Property One in Gilpin County District Court Case No. 2012CV97 (*Hidahl v. Rogers*); and
- (B) Provide the City Manager or his designee with a copy of the wastewater easement granted by the owner of Property One to the former owner of Property Two in Case No. 2012CV97; and
- (C) Install a water meter and approved backflow prevention assembly in accordance with the requirements of Section 13-1-120 and other applicable provisions of Chapter 13 of the Municipal Code sufficient to measure potable water consumption to 206 E. Third High Street; and
- (D) Ensure that the water meter and backflow prevention assembly servicing 211 E. Fourth High Street is properly installed and functioning; and
- (E) Ensure that both meters (measuring the water consumption at both Property One and Property Two) are neatly arranged in one meter pit or curb stop box, if possible, or otherwise within two separate meter pits or curb stop boxes, and permanently tagged or marked to denote the dwelling unit that each meter serves; and
- (F) Undertake any other modifications to the common service line, tap, meters, meter pit(s) or curb box(es), or backflow prevention assemblies as deemed necessary by the City Manager or his designee.

Section 3. Mr. Hidahl shall be required to obtain all necessary licenses and/or permits for the work, and shall be responsible to pay any and all applicable City fees.

Section 4. Mr. Hidahl shall not be required to pay a plant investment fee; however, Mr. Hidahl shall pay the City a one-time water charge of seven hundred and eighty dollars (\$780.00), representing the water fees due for the period of July 1, 2014 through July 31, 2015, for 206 E. Third High Street.

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

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

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CENTRAL by a vote of _____ in favor and _____ against this 21st day of July, 2015.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
Reba Bechtel, City Clerk

By: _____
Marcus A. McAskin, City Attorney