

**CITY OF CENTRAL  
CITY COUNCIL MEETING  
July 16, 2013**

**CALL TO ORDER**

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:02 p.m., in City Hall on July 16, 2013.

**ROLL CALL**

Present: Mayor Engels  
Alderman Voorhies  
Alderman Gaines  
Alderman Heider

Absent: Alderman Spain

Staff Present: Manager Lanning  
City Clerk Bechtel  
Attorney McAskin  
Finance Director Flowers  
Planner/HPO Fejeran  
Police Chief Krelle  
Fire Chief Allen  
Utilities Superintendent Griffith  
Streets/Facilities Superintendent Braccio

**ADDITIONS AND/OR AMENDMENTS TO THE AGENDA**

The agenda was approved as presented.

**CONFLICTS OF INTEREST**

No Council Member disclosed a conflict regarding any item on the agenda.

**CONSENT AGENDA**

Alderman Gaines moved to approve the consent agenda containing the regular bill lists for July 4 and 11, 2013; and the City Council minutes for the regular meeting on July 2, 2013. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

**PUBLIC FORUM/AUDIENCE PARTICIPATION**

Kathleen Ashpugh, 440 Spring Street, stated that the ordinance to increase the fine maximum should not be an automatic increase annually that is tied CPI and would prefer to see it adjusted with a set dollar amount every few years.

**SECOND READING AND PUBLIC HEARING**

*Ordinance No. 13-08: An ordinance of the City Council of the City of Central, Colorado amending provisions of the Municipal Code to increase the maximum fine for Municipal Ordinance violations to the amount authorized by Section 13-10-113, C.R.S., as amended.*

Attorney McAskin explained that this ordinance increases the maximum fine amount that the Central City Municipal Court may impose from \$1,000 to \$2,650, subject to an annual inflationary adjustment.

The City established and operates a municipal court of record to hear and try alleged violations of the City's ordinances. For more than twenty years, by state law, every municipal court was authorized to impose fines up to a maximum of One Thousand Dollars (\$1,000.00). The City's Municipal Code reflects this state authorized maximum fine amount in several provisions of the Code, including the general penalty provision set forth in Section 1-4-20(a) of the Code (discussed in additional detail below).

During the 2013 legislative session, House Bill 13-1060 was adopted and signed into law by the Governor. City Staff is bringing forward Ordinance 13-08 to authorize the Municipal Court to impose a fine up to and including the revised maximum fine limit if, in the judge's discretion and within minimum and maximum fine amounts as may be set for some specific violations, a violation should ever warrant a higher fine.

As the maximum fine limit is set forth in numerous sections of the Municipal Code, the ordinance amends those sections by referring back to the general penalty provision which sets forth this increased fine authority.

A legislative version (strikethrough/uppercase additions) of the general penalty provision set forth in Section 1-4-20(a) of the Municipal Code is set forth below:

- (a) All violations of any provision of this Code or any other ordinance of the City are hereinafter deemed noncriminal offenses and are civil matters, except those violations that are expressly designated as criminal offenses in Chapter 10 of this Code and which are punishable by imprisonment under any counterpart state statute. Trial of noncriminal offenses shall be to the Court. No defendant found civilly liable for a noncriminal offense shall be punished by imprisonment for said offense, but may be fined any amount not to exceed ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650.00), AS SHALL BE ADJUSTED FOR INFLATION ON JANUARY 1, 2014, AND ON JANUARY 1 OF EACH YEAR THEREAFTER BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX. Any person convicted of a criminal violation of any section of this Chapter shall be fined in a sum not more than ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650.00), AS SHALL BE ADJUSTED FOR INFLATION ON JANUARY 1, 2014, AND ON JANUARY 1 OF EACH YEAR THEREAFTER BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX, or imprisoned not to exceed one (1) year or both so fined and so imprisoned, except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all court costs imposed by the court.

Mayor Engels opened the public hearing at 7:11 p.m. for Ordinance No. 13-08 and invited comment. Kathleen Ashpaugh, 440 Spring Street, stated her opposition to the increase being

automatic and tied to the CPI and feels it need public review. Hearing no additional comment, Mayor Engels closed the public hearing at 7:13 p.m.

Attorney McAskin stated that City Council can adopt without the CPI increase although most municipalities are adopting with the proposed language. Mayor Engels offered that the judge rarely imposes the maximum fine and so this increase will not have any impact on the lower fines imposed under the judge's discretion.

Alderman Gaines moved to adopt Ordinance No. 13-08: An ordinance of the City Council of the City of Central, Colorado amending provisions of the Municipal Code to increase the maximum fine for Municipal Ordinance violations to the amount authorized by Section 13-10-113, CR.S., as amended. Alderman Heider seconded, and without discussion, the motion carried unanimously.

## **NEW BUSINESS**

### Quartz Hill Tailings Impoundment Project

Steve Laudeman, Colorado Department of Public Health and Environment, explained the project and responded to questions and concerns. The highlights of this discussion are that this has been identified as a superfund site since 1989. If the City elects to not proceed, the funds allocated may not be available later and they do want community support for the project or they will prioritize other projects.

Resolution No.13-08: *A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement with Gilpin County, Colorado regarding GIS data sharing.*

Planner Fejeran explained that this is an Intergovernmental Agreement (IGA) between Central City and Gilpin County to help establish and maintain a Basemap of pertinent spatial data layers that will help the City manage its infrastructure and assets. Although most of the County's data is available to the City, the IGA goes further in improving coordination and communication regarding development activities within Gilpin County, and maintaining consistency with the GIS database.

The IGA will help reduce data redundancy and inaccuracies while saving time and cost in preparing and maintaining a GIS Basemap. Previous efforts in establishing and maintaining a GIS basemap has been almost non-existent. Recently, the City has implemented a GIS system that has gravely lacked useful and accurate data. This IGA will help improve coordination and communication for current and future development within the City and the County.

Alderman Voorhies moved to approve Resolution No.13-08: A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement with Gilpin County, Colorado regarding GIS data sharing. Alderman Gaines seconded, and without discussion, the motion carried unanimously.

Resolution No.13-09: *A resolution of the City Council of the City of Central, Colorado authorizing the City Manager to negotiate a lease agreement with AT&T for location of wireless facilities on City-owned property; and authorizing the Mayor to execute said lease agreement conditioned on the City's issuance of a Special Review Use Permit.*

Planner Fejeran explained that AT&T has approached the City to locate a 75' stealth wireless communication tower and related facilities on City owned property with a lease of 25 years. Staff is seeking approval of the resolution delegating authority to the City Manager to negotiate a final lease agreement with AT&T upon the approval of the Special Review Use Permit by the Planning

Commission. The resolution will allow expedition of the approval process following the planning commission's approval of the SRU.

The special review use permit filing fee shall be one-half (1/2) of the zoning amendment fee (\$250.00). This will provide annual revenue to be negotiated. The proposed use is consistent in all respects with the spirit and intent of the comprehensive plan and lends economic stability, compatible with the character of the surrounding established areas.

AT&T has evaluated several sites throughout Central City determining the best coverage located above the City, adjacent to the "Greek Lots" off Nevadaville Road. Although the site is located high above the City, the location lends itself to being highly visible from most areas within the City. AT&T has

The Special Review Use permit allows for a particular use, in this case, Utility Facility, that has not originally been intended for the current zoned property. The property is owned and maintained by the City, which serves no other use than an easement for natural surface water run-off. This will be a long-term lease at this location. The tower will be a faux tree with hidden antennae and a 12x25 building structure for the equipment.

Alderman Gaines moved to Resolution No.13-09: A resolution of the City Council of the City of Central, Colorado authorizing the City Manager to negotiate a lease agreement with AT&T for location of wireless facilities on City-owned property; and authorizing the Mayor to execute said lease agreement conditioned on the City's issuance of a Special Review Use Permit. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Resolution No.13-10: *A resolution of the City Council of the City of Central, Colorado supporting the City's Great Outdoors Colorado (GOCO) grant application for the Chase Gulch Reservoir Trail Park and supporting the completion of said project conditioned upon award of the GOCO grant.*

Planner Fejeran gave the background as follows: the City will be submitting a grant application to Great Outdoors Colorado (GOCO) requesting a GOCO grant in the amount of \$220,337. If awarded, the grant funds will be used to complete the Central City Chase Gulch Reservoir Trail improvements that will provide enhanced recreational and park facilities to the public (the "Project"). As part of the grant application process, GOCO requires a City Council resolution expressing support for the grant application process and completion of the Project.

If the grant is awarded, the City will receive \$220,337 from GOCO to be used toward the completion of the Project in 2014. The total cost of the project is \$330,000 with \$124,000 in City match of which will be \$60,000 in cash from the Conservation Trust Fund and \$64,000 of in-kind match.

The Chase Gulch Reservoir Trail Park was designed in 2006 but the Project has not been implemented due to funding and budget constraints. The City's trail master plan was updated and identified the Project as a priority capital improvement project for the City. If the grant is awarded, the City will be in a position to commence the construction of the Project.

The Project was designed by DHM and Environmental Specialist, Wright Water Engineers, ensuring that the Project is environmentally friendly and provides re-vegetation, parking, and trail development along specified portions of the Chase Gulch reservoir perimeter. City residents have

voiced a high level of local support for the Project. There are no known conflicts or environmental issues.

Alderman Heider moved to approve Resolution No.13-10: A resolution of the City Council of the City of Central, Colorado supporting the City's Great Outdoors Colorado (GOCO) grant application for the Chase Gulch Reservoir Trail Park and supporting the completion of said project conditioned upon award of the GOCO grant. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

#### Appointment to Gilpin County Emergency Services Council

Manager Lanning explained that we need a Council person to serve in an advisory capacity. Meetings will be on the 4<sup>th</sup> Thursday at 10:00a.m. at the Sheriff's Department. Alderman Gaines volunteered to serve. Alderman Voorhies moved to appoint Glo Gaines to serve in an advisory position on the Gilpin County Emergency Services Council. Alderman Heider seconded, and without discussion, the motion carried unanimously.

#### **STAFF REPORTS**

Manager Lanning reported the following:

Rain event – thanked Superintendent Braccio and his crew for their clean-up work

Parking Garage meeting – scheduled for July 18<sup>th</sup> at 6:00p.m.

#### **COUNCIL COMMENTS**

Alderman Voorhies questioned the cut out on the parkway and recent work in that area. Manager Lanning explained that it is a permitted access at that location and the work was halted. She also asked to have the plan for Johnson Reservoir to move forward as well as staff to find some options to mitigate the lights and noise on the Parkway.

Alderman Gaines attended the 1-70 Coalition meeting held in Central City at the Teller House and explained that the Coalition website will have ads for deals from businesses encouraging travelers to travel on I-70 during off-peak travel times. She also thanked the crew for their extra work after the recent heavy rainstorm and thanked the Fire Chief for his departments response to flooding in a downtown business.

Alderman Heider thanked the Opera and Historic Society for their cooperation for Central City Days.

Mayor Engels thanked staff for their continued efforts to bring the various non-profits together.

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

Kathleen Ashpaugh, 440 Spring Street, had comments on various issues as follows: would like the council packets and minutes available on the website; the Finance Director has more important things to do than “poke and prod” the BID to provide their audit; residents “deserve” parking in front of their homes; the sign code should be simplified and not be intrusive; and thank you to the Police Chief for working with her on vaccination/dog license.

Judy Laratta, 113 Spruce Street, stated that since the meter project has been complete, her bill has been very high and does not see how it is possible for one person to use 9,000 gallons in one month.

Joe Behm, President of the BID, thanked the City crew for their assistance with the event and stated that he would like more investigation on the Quartz Hill Tailings project before it moves forward.

Lisa Artz, 103 Hooper Street, spoke as the closest property owner to the Quartz Hill Tailings project and would definitely like to see this project move forward even though it will have a temporary impact during the construction.

Hearing no further business, Mayor Engels adjourned the meeting at 9:06 p.m.  
The next Council meeting is scheduled for August 6, 2013 at 7:00 p.m.

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Ronald E. Engels, Mayor

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Reba Bechtel, City Clerk