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CITY OF CENTRAL
CITY COUNCIL MEETING
July 2, 2013

CALL TO ORDER
A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:05 p.m., in City Hall on July 2, 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
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 for June 6, 13, 20 and 27, 2013; and the City Council minutes for the regular meeting on June 4 and the special meeting June 24, 2013. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION
No one requested time to address the Council.

SECOND READING AND PUBLIC HEARING
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 explained that this ordinance was approved on first reading on June 4th. 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.

Mayor Engels opened the public hearing at 7:09 p.m. for Ordinance No. 13-07 and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:10 p.m.

Alderman Gaines moved to adopt 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 Heider seconded, and without discussion, the motion carried unanimously.

NEW BUSINESS

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.*

Attorney McAskin gave background as follows: Council is asked to consider and approve Ordinance 13-08 which 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 proposed Ordinance was discussed at the July 2, 2013 work session.

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. A copy of the bill is attached to the Communication Form as Attachment 1 and is incorporated herein by reference.

In recognition of inflation, this legislation increases the maximum fine amount which a municipal court may impose for violation of a municipal ordinance to Two Thousand Six Hundred Fifty ($2,650.00), adjusted for inflation annually on January 1st (based on the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics, CPI for Denver-Boulder).

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.

The City's Municipal Court Presiding Judge, David Gloss, has reviewed the form of this proposed ordinance and has no objection to the increased discretionary 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.

The proposed Ordinance is authorized by House Bill 13-1060.

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 and set the Public Hearing for July 16, 2013 at 7:00 p.m. Alderman Spain seconded, and without discussion, the motion carried unanimously.

<u>Central City Promise Program</u> for Maria Rodriguez Garcia and Tyrus Schmalz
Finance Director Flowers explained that the Central City Promise Program was initiated by City Council to encourage high school graduates and G.E.D. recipients of Central City to make post-secondary education a priority. The Promise Program helps make it possible for Central City residents to attend a university, community college or trade school by providing assistance with the costs associated with attending one of these educational institutions.

Both applicants graduated from Gilpin County Re-1 High school on May 18, 2013 and both have lived in Central City long enough to qualify for full Promise Program benefits.

Ms. Rodriguez Garcia has submitted all of the required information and paperwork and is requesting Promise Program funds in the amount of $15,000 over the four (4) year course of her education. As requests must be made annually, Ms. Rodriguez Garcia is requesting $3,750.00 with this application for 2013. This is Ms. Rodriguez Garcia's first application to the Promise Program and the amount requested is $1,750 below the maximum annually allowed.

Mr. Schmalz has submitted all of the required information and paperwork and is requesting Promise Program funds in the amount of $20,000 over the four (4) year course of his education. As requests must be made annually, Mr. Schmalz is requesting $5,000.00 with this application for 2013. This is Mr. Schmalz first application to the Promise Program and the amount requested is the maximum allowed for the year.

The 2013 Budget has $15,000 allocated for the Promise Program. Granting the above requests will leave this line item with a remaining budget of $6,250. This is the first request of the year for funding from this program. Allocated funding can support both requests and leave $6,250 remaining to fund other requests that may come in during the rest of the year.

Mayor Engels added that he was very impressed with the quality of the packet by each applicant.

Alderman Gaines moved to award post-secondary educational tuition assistance to Maria Rodriguez Garcia for $3,750 and to Tyrus Schmalz for $5,000. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Lawrence Street Waterline Funding

Utilities Superintendent Griffith explained that at the June 4th work session, Council asked staff to bring a request for repair to the next meeting. As Manager Lanning stated in the work session, the budget does not have funds for the Lawrence Street repair this year. Due to the condition of this line and the lack of fire protection, the Water Department is requesting approval for the distribution of RFP's (Request for Proposals) for contractors to install 1800 feet of water line on Lawrence Street. The engineers estimate is approximately $250, 000. This section between C Street and D Street on Lawrence has been identified as a priority line replacement. Preliminary engineering has been conducted by JVA and with some additional work should be ready for installation in relatively short order.

The following chain of events, indicators and mitigating circumstances are as follows:

- 330, 360, and 400 Lawrence have been identified with significant curb stop issues. It is believed that all of these stops are either damaged, concealed or nonfunctional. There may be others, but these stops are certain.
- There is a fire hydrant on this main that services this area. It is connected to the restricted/damaged 4 inch line. It provides a flow of about 30 gpm.
- The existing 4 inch main is galvanized and is believed to be close to 50 years old.
- On May 22nd, we excavated a service line at 360 Lawrence for the purpose of putting in a meter pit. During that excavation the curb stop located in the middle of the street was able to be shut off, but not turned on without leaking. The meter pit installation was halted, as the integrity of the service was questioned. However, during the course of shutting off the service line, rust and detritus broke loose and restricted the flow to a trickle. The line had to be cut, and flushed in both directions to return water movement. We were about 15 feet from the stop.

- As with all service lines in the City, the regulations place the responsibility on the tap owner. We have/are requiring 222 Eureka and 105 H ST to repair/replace their damaged service lines. In fact they have applied for HP grants. It should be noted that their service lines terminate on a main line that is in good condition and has integrity. The tap owners on Lawrence do not have this luxury.

To conclude, if we require new service lines on Lawrence the property owner will be connecting to a line that is likely to fail and if the pipe is disturbed or tapped it is also likely to fail. Requiring new service saddles is likely to result in the City having to replace the main line under emergency conditions. The Lawrence Street line is an accident waiting to happen. We now have firsthand knowledge of the poor condition of the pipe as well as the seriously deficient fire hydrant. The City can replace this line under one of two scenarios. We can replace the line in an orderly fashion, with proper engineering, non-emergency mobilization, and proper RFP's. An RFP will take 4-6 weeks. Or, we can replace the line when it fails which is extremely likely, and under emergency situations with adverse financial consequences.

Operations Director Kisselman explained that we received a grant for the design of Lawrence Street. This preliminary engineering has been done by JVA. The grant also includes project management. This project will be ready to go as soon as funds are available.

Council consensus is to direct staff to come back with low interest financing options to move this project forward as soon as possible rather than let it sit on the shelf.

STAFF REPORTS

Manager Lanning reported the following:

Parking Structure meeting – rescheduled for July 18th at 6:00 pm to cover financial information
Water Information meeting – scheduled for August 1st at 6:00 pm
Operations Director – thanked Kent Kisselman for his service and hard work for the City and stated that an ad for that position is posted and we are getting resumes back

Alderman Gaines asked Finance Director Flowers to explain how the BID audit being late affects our audit. Flower explained that the City can have one more extension with August 31 as a final date at which time we will be found in violation. She will look into the possibility of not considering them as a companion audit for 2013.

COUNCIL COMMENTS

Alderman Gaines reminded residents that there will be trash pick-up on July 4th. She asked staff to bring a options for parking solutions on July 16th for the residents on Lawrence Street that are challenged by business users of those parking spaces. Also, she asked Council to look at revisions to the sign code for buntings and flags.

Alderman Heider stated her concern for traffic on the Casey on July 4th. Police Chief Krelle stated that the street will be closed at 6:00 p.m.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Joe Behm, President of the BID, stated that they will be using a new accountant which will correct the problems of the delinquent audit. Mr. Behm questioned the Council decision to postpone the previous Parking Garage Community meeting as different schedules are always a challenge to work for

everyone and stated that he will choose to attend this meeting on the 18th rather than a meeting he already had scheduled.

Hearing no further business, Mayor Engels adjourned the meeting at 7:44 p.m.
The next Council meeting is scheduled for July 16, 2013 at 7:00 p.m.

Ronald E. Engels, Mayor	Reba Bechtel, City Clerk