

**CITY OF CENTRAL, COLORADO**  
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on  
**Tuesday, August 6, 2013 @ 7:00 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 access channel, on the City Hall bulletin board, at the Post Office and at Washington Hall the Friday prior to the Council meeting.

**7:00pm Council Meeting**

1. Call to Order.
2. Roll Call.

Mayor	Ron Engels
Mayor Pro-Tem	Bob Spain
Council members	Shirley Voorhies
	Glo Gaines
	Kathy Heider
3. Pledge of Allegiance
4. Additions and/or Amendments to the Agenda.
5. Conflict of Interest.
6. Consent Agenda: The Consent Agenda contains items that can be decided without discussion. Any Council member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under Action items in the order they appear on the agenda (this should be done prior to the motion to approve the consent agenda).

Regular Bill lists of July 18, 25, and August 1; and  
City Council minutes: July 16, 2013.

**PUBLIC FORUM/AUDIENCE PARTICIPATION** – *(public comment on items on the agenda not including Public Hearing items):* the City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the City Council. Your comments should be limited to **three (3) minutes per speaker**. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the City Manager for follow-up. Thank you.

**ACTION ITEMS: NEW BUSINESS** –

7. Resolution No. 13-11: A resolution of the City Council of the City of Central, Colorado conditionally approving a Special Review Use Permit for wireless facilities to be installed on City property. (Fejeran)
8. Resolution No. 13-12: A resolution of the City Council of the City of Central, Colorado adopting an amended Volunteer Firefighter Length of Service Award Plan. (Flowers)
9. Resolution No. 13-13: A resolution of the City Council of the City of Central, Colorado approving a memorandum of understanding with the Colorado Department of Public Health and Environment regarding the Quartz Hill Remediation project. (Fejeran)
10. Letter of Support to Gilpin County for GOCO Grant Application (Lanning)

**REPORTS –**

11. Staff updates –

**COUNCIL COMMENTS** - limited to 5 minutes each member.

**PUBLIC FORUM/AUDIENCE PARTICIPATION** – for non-action items not Action or Public Hearing items on this agenda (same rules apply as outlined in the earlier Public Forum section).

**EXECUTIVE SESSION –**

**Pursuant to C.R.S. 24-6-402(4)(e)** to instruct negotiators regarding new development within the City of Central.

**Pursuant to C.R.S. 24-6-402(4)(b) and (4)(e)** to discuss specific legal questions and to instruct negotiators concerning options concerning the financing of future capital improvements within the City of Central.

**ADJOURN.** Next Council meeting August 20, 2013.

Posted 8/02/13

Please call Reba Bechtel, City Clerk at 303-582-5251 at least 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting.

**CITY OF CENTRAL  
CASH ON HAND  
7/31/2013**

<b>Total Beginning ENB Cash on Hand 7/11/2013</b>	<b>358.85</b>
Deposits to ENB	2,000.00
Wires Out ENB	(95.95)
Cleared Checks	-
<hr/>	
7/31/2013	2,262.90
<less previously approved & outstanding>	59.00
<b>Total ENB Cash on Hand 7/31/2013</b>	<b>2,321.90</b>

<b>Total Beginning CO Biz Cash on Hand 7/11/13</b>	<b>217,526.88</b>
Deposits to COB	404,596.76
Wires Out COB	(107,175.60)
Cleared Checks	(322,906.60)
<hr/>	
7/31/2013	<b>192,041.44</b>
<less previously approved & outstanding>	<b>(54,775.42)</b>
<b>Total COB Cash on Hand 7/31/2013</b>	<b>137,266.02</b>

<b>Total Beginning Colotrust Cash on Hand 7/11/2013</b>	<b>912,678.24</b>
Wires into Account	99,257.94
Wires out of Account-Into CO Biz Bank	(125,000.00)
<hr/>	
<b>Total Colotrust Cash on Hand 7/31/13</b>	<b>886,936.18</b>

\*\*\*The City is currently in the process of switching the operating account from Evergreen National Bank to Colorado Business Bank. As such, you will see less and less activity out of Evergreen National and on the next cash flow report both of the operating accounts will be reflected. Once all transactions have cleared Evergreen National Bank, it will be removed from this sheet.

<b>TOTAL CASH ON HAND 7/31/2013</b>	<b>1,026,524.10</b>
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**CITY OF CENTRAL  
DEBIT CREDIT CARD PURCHASES  
7/12/13/13 thru 7/31/13**

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
7/19/2013	Best Buy	Manager Laptop Case	48.35
7/22/2013	Millies	Manager Lunch Meeting	32.76
<b>TOTAL for Debit Cards</b>			<b>81.11</b>

6/7/2013	AFS Gand Junction	PD Conference-Fuel	70.74
6/7/2013	Williamson Dickie	PW Uniform	83.78
6/7/2013	Midwest Aqua Care	Weed Dprayer	141.95
6/10/2013	M&M Distribution	Aspahlt Heat Patcher	4,349.00
6/10/2013	Fairfield Inn & Suites	PD Conference Lodging	833.64
6/10/2013	Mid City Grille	Manager Lunch Meeeting	36.00
6/10/2013	Best Western	Fire Chief Lodging	863.92
6/12/2013	Safeway	Water Dept Supplies	8.67
6/13/2013	Botany Lane Greenhouse	Flowers for Planters	162.60
6/14/2013	South Metro Fire	Fire Chief Dues	100.00
6/14/2013	Pex Supply	Water Dept Supplies	157.78
6/17/2013	Mid City Grille	PW Staff Lunch	35.32
6/17/2013	CSU University Resource	Noxious Weed Study Guide	52.50
6/18/2013	Tommyknockers	Beer for Opera Picnic	342.42
6/20/2013	Steel Toe Shoes	Boots of PW	309.97
6/20/2013	Discount Safety Gear	Safety Gear for PW	57.00
6/20/2013	Pioneer Sand	Rock for Post Office	441.07
6/25/2013	USPS	Shipping Return	16.20
6/26/2013	TA #174	PW Auto Parts-Antenna	63.39
6/27/2013	Paypal-Redman	CB Cable for PW	12.91
7/3/2013	ASE Test Fees	PW Training	67.00
7/5/2013	Mile High Ace Hardware	PW Supplies	7.60
<b>TOTAL for Credit Cards</b>			<b>8,213.46</b>

CASH FLOW  
CHECK LISTING

7/31/2013

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
			126800	Employee	7/19 Payroll	1,478.09	clrd
			126804	ICMA-401	Retirement Contributions	2,500.84	Sent
			126805	ICMA-457	Retirement Contributions	2,165.51	clrd
			126806	ICMA-IRA	Retirement Contributions	281.00	Sent
6/30/13	7300049213	7/18/13	126808	DPC Industries	Chlorine for Plant	24.00	
5/29/13	347927979	7/18/13	126809	City of Black Hawk	OHD Respirator-FD IGA	1,000.00	
7/10/13	41787	7/18/13	126810	Exquisite Enterprises	Name Plate Willett	21.26	
7/15/13	3	7/18/13	126811	Gilpin County Arts Assoc.	Employee and Arts Sales	2,644.50	clrd
7/15/13	2223163	7/18/13	126812	Idaho Springs Lumber	Hose and Battery	23.97	
6/10/13	269427	7/18/13	126813	Mountain States Employers	3rd Qtr Dues	569.19	
7/8/13	246924	7/18/13	126814	Napa Auto Parts	Auto Parts for Repair	216.85	
7/11/13	94571	7/18/13	126815	Office Stuff	Erases, USB	37.75	
7/2/13	735027	7/18/13	126816	Stevinson Chevrolet	Auto Part Cap	9.79	
7/15/13	5023	7/18/13	126817	Colorado Code Consulting	Building Inspections	647.98	
7/11/13	8336	7/18/13	126818	Deere & Ault	Water Accounting, Dilligence Application	9,569.50	
7/17/13	71713	7/18/13	126819	CO Dept of Treasury	Colorado Payback-Uncashed Check Turnover	2,263.73	
7/4/13	469855	7/18/13	126820	Afaic	Supplemental Insurance	489.62	
7/10/13	14583	7/18/13	126821	Royce Industries	Hoes	127.19	
7/11/13	D707991308	7/18/13	126822	YESCO	Sign Maintenance	80.00	
7/16/13	27985	7/18/13	126823	One Way	Residential Trash Service Adjustment	9.68	
7/1/13	9064141	7/18/13	126824	Force America	Piston Pump	2,297.48	
6/5/13	190412	7/18/13	126825	Books West	Books for Resale at VC	121.29	
2/1/13	3094	7/18/13	126826	Teryx	Back up Drive for FD	62.50	
6/26/13	062613C	7/18/13	126827	USA Communications	Internet FD	46.94	
6/4/13	10081	7/18/13	126828	Gold Rush Enterprises	Pyrite for Resale at VC	337.20	
7/8/13	2467	7/18/13	126829	Finish Line Systems	Meter Parts and Meter Body	44.34	
5/30/13	8528B	7/18/13	126830	Safety & Construction	Post U Channel	92.90	
6/24/13	46602	7/18/13	126831	JVA	General Engineering	716.72	
7/5/13	70513	7/18/13	126832	Cardmember Services	See Detail	8,213.46	
4/18/13	464843	7/18/13	126833	Boral Aggregates	Sand and Salt	3,689.37	clrd
7/10/13	9125	7/18/13	126834	Gilpin County Service	415 Roworth HP Grant	1,388.00	
7/18/13	71813	7/18/13	126835	Bobbie Hill	132 Casey HP Grant	1,006.25	clrd
7/9/13	7370028971	7/26/13	126836	DPC Industries	Chemicals for Water Plant	606.87	
7/2/13	7000683610	7/26/13	126837	American Water Works Assoc.	Dues for Water Dept.	170.00	
7/15/13	11439	7/26/13	126838	Canyon Systems	PW Supplies and Parts	578.89	
4/3/13	5751140063	7/26/13	126839	Clear Creek Supply	PW Supplies and Parts	64.06	
7/12/13	8385622	7/26/13	126840	Hach Company	Water Plant Chemicals	457.98	
7/16/13	71613	7/26/13	126841	MCI	Toll Free Telephone	56.68	
7/9/13	247120	7/26/13	126842	Napa Auto Parts	Auto Parts for Repair	181.43	
7/15/13	53746	7/26/13	126843	OJ Watson	Chain	26.28	
7/15/13	94502	7/26/13	126844	Office Stuff	Envelopes, Folders	429.14	
7/13/13	232610071	7/26/13	126845	US Bank	Photocopier Lease	377.02	

CASH FLOW  
CHECK LISTING

7/31/2013

7/23/13	494181	7/26/13	126846	Honnen Equipment	Oil Filters and Auto Parts	246.55
7/15/13	45332	7/26/13	126847	J&S Contractors Supply	Signs	90.00
7/15/13	2013076104	7/26/13	126848	Anthem BCBS	Health Insurance	13,786.65
6/30/13	33624	7/26/13	126849	CO Dept of Public Health	Toxicology	75.00
6/25/13	A194607	7/26/13	126850	McCandless Int'l Trucks	Repair 2012 International	716.69
6/30/13	21330	7/26/13	126851	Widner Michow & Cox	General Legal Counsel	7,667.22
7/12/13	2ndqtr2013	7/26/13	126851	Phil Headrick	Volunteer Firefighter Mileage	228.48
7/25/13	29062	7/26/13	126853	One Way	Residential Trash Service	4,003.05
6/30/13	9910634226	7/26/13	126854	Airgas USA	Oxygen and Nitrogen	46.15
7/25/13	118984	7/26/13	126855	Air-O-Pure Portables	Restroom Sanitation at PW and Chase	190.00
7/17/13	D739581	7/26/13	126856	Accutest Mountain States	Water Testing	25.00
7/11/13	71113	7/26/13	126857	Morning Star Elevator	Half Down for Washington Hall Elevator	570.46
7/19/13	16597	7/26/13	126858	Ideal Fencing	Bolts and Washers	385.00
7/9/13	45323	7/26/13	126859	Alert Shirt Company	PW Uniforms	862.17
7/8/13	152	7/26/13	126860	Mountain Gateway Center	Propane	26.10
7/11/13	9474	7/26/13	126861	Safety and Construction Supply	Traffic Cones	492.75
7/10/13	44047	7/26/13	126862	Aqua Sierra	Minnows of William C. Russell	665.00
7/9/13	1781204001	7/26/13	126863	Pirtek North Valey	Hoses for Autos	97.02
7/12/13	70760	7/26/13	126864	Gard Specialists	Thinflex Cutoff	228.07
7/12/13	200788	7/26/13	126865	Rex Oil Company	Fuel	1,576.77
4/12/13	1802809940	7/26/13	126866	High Country Chemical Supply	Hand Towels	23.90
7/19/13	1604038	7/26/13	126867	Western Paper Distributors	Trash Bags	141.42
7/1/13	1587	7/26/13	126868	Shewin Williams	Paint Sprayer Part	23.10
7/15/13	8014	7/26/13	126869	Chema Tox Laboratory	Blood Alcohol Testing	20.00
7/24/13	2259	7/26/13	126870	Colorado Coach Transportation	Shuttle Service for August	35,867.62
7/19/13	Aug-13	7/26/13	126871	Assurant Employee Benefits	Dental Insurance	4,231.73
		8/2/13	126872	Employee Payroll	PR 8/2	1,138.16
		8/2/13	126873	ICMA-401	Retirement Contributions	1,821.03
		8/2/13	126874	ICMA-457	Retirement Contributions	2,066.13
		8/2/13	126875	ICMA-IRA	Retirement Contributions	281.00
7/24/13	Jul-13	7/30/13	126876	Barbara Thielemann	Planning Commission Attendance	50.00
7/30/13	Aug-13	7/30/13	126877	Gilpin Ambulance Authority	Ambulance Service for August	12,750.00
7/24/13	2223269	7/30/13	126878	Idaho Springs Lumber	PW Supplies	23.84
6/3/13	606246	7/30/13	126879	Medved	Repair '08 Chevy	328.39
7/25/13	97647365	7/30/13	126880	Nalco Chemical	Chemicals for Water Plant	1,946.70
7/25/13	947181	7/30/13	126881	Office Stuff	Toners	72.99
7/24/13	72413	7/30/13	126882	Xcel Energy	Electricity	169.12
7/21/13	72113	7/30/13	126883	Purchase Power	Postage Scale	619.99
7/16/13	71613	7/30/13	126884	Century Link	Telephone and Fax Lines	846.54
7/14/13	CC061313	7/30/13	126885	Weekly Register Call	Opera Picnic Ads	200.00
7/17/13	MRS04813	7/30/13	126886	Colorado Code Publishing	Records Retention	35.85
7/18/13	Aug-13	7/30/13	126887	Vision Service Plan	Vision Premiums	328.40
7/24/13	Jul-13	7/30/13	126888	Janet Spain	Planning Commission Attendance	50.00

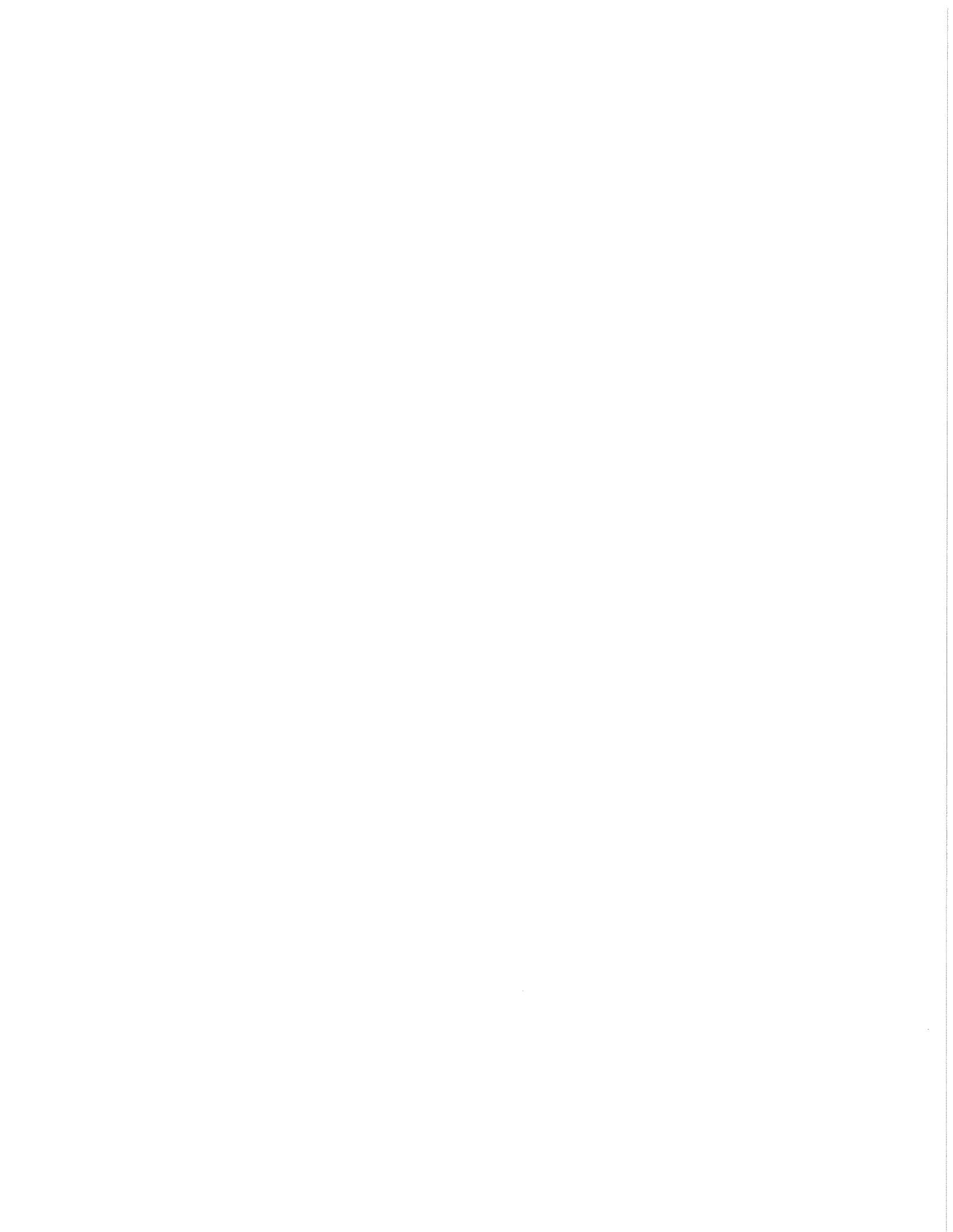
CASH FLOW  
CHECK LISTING

7/31/2013

7/30/13	900911	7/30/13	126889	Aflac Insurance	Supplemental Insurance	341.96
7/22/13	72213	7/30/13	126890	Simply Merchant Services	Credit Card Terminal	211.15
7/30/13	73013	7/30/13	126891	Skybeam	Internet for Water Plant	75.55
7/16/13	9708304277	7/30/13	126892	Verizon Wireless	Internet for Water General	80.07
7/23/13	D739772	7/30/13	126893	Accutest Mountain States	Water Testing	716.00
7/30/13	73013	7/30/13	126894	Alan Lanning	August Mileage and July Overage	407.02
7/25/13	40166	7/30/13	126895	Peak Performance Imaging	Metered Photocopies	154.63
7/21/13	1118738	7/30/13	126896	Integra Telecom	Telephone Service	715.18
7/25/13	132592	7/30/13	126897	Morning Star Elevator	Labor for Wash Hall Elevator	305.91
7/21/13	500287639	7/30/13	126898	Modular Space Corp.	PW Office Lease	136.60
6/8/13	296	7/30/13	126899	Sandstone Entertainment	2nd Half Summer Festivals	33,402.00
7/24/13	Jul-13	7/30/13	126900	Margaret Grant	Planning Commission Attendance	50.00
7/25/13	829206	7/30/13	126901	Buckeye Welding	Oxygen	84.50
7/22/13	72213	7/30/13	126902	Liberty National	Life Insurance	125.85
7/24/13	Jul-13	7/30/13	126903	Judy Laratta	Planning Commission Attendance	50.00
7/30/13	73013	7/30/13	126904	Irene Abosch	415 St. James HP Grant	2,795.41
<b>Total Issued:</b>						<b>234,625.54</b>
Outstanding through ENB						54,834.42
Outstanding through COB						46,851.34
59.00						-
54,775.42						<b>179,791.12</b>

Approved & Sent Checks:  
Cird & Pending Approval:  
Voided Checks:

**Total Pending Approval 8/6/13**



**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 Ashpaugh, 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 Nevada 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 I-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



## AGENDA ITEM # 7

### CITY COUNCIL COMMUNICATION FORM

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**FROM:** Robert Fejeran, City Planner

**DATE:** August 1, 2013

**ITEM:** Resolution No. 13-11: AT&T Wireless Facility Special Review Use Permit. Resolution conditionally approving a special review use permit for wireless facilities to be installed on City property.

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ORDINANCE  
 MOTION (TO APPROVE RESOLUTION)  
 INFORMATION

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- I. **REQUEST OR ISSUE:** AT&T has approached the City to locate a 75' stealth wireless communication tower and related facilities (the "Wireless Facilities") on City-owned property. Prior to installation of the Wireless Facilities, AT&T is requesting a Special Review Use (SRU) permit from the City. If the SRU permit is approved, AT&T will begin design and construction of the Wireless Facilities to be located on City-owned property. Staff is seeking approval of the resolution for a Special Review Use permit conditioned upon the approval SRU permit by the City. Approval of the proposed resolution will allow the finalization of the lease agreement to be expedited following the conclusion of the SRU process.
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution No. 13-11 upon deliberation of conditional approval of the following conditions:
- The SRU permit relates to the Wireless Facilities.
  - The Wireless Facility shall not exceed 75 feet in height and that the monopine will not exceed seventy-five (75) feet in height.
  - The footprint of the wireless facility will not exceed two-thousand five-hundred (2,500) Sq Ft unless approved in accordance with Section 16-4-70.
  - The equipment shelter shall not exceed three-hundred fifty (350) square feet unless approved in accordance with section 16-4-70 of the Municipal Code.
- III. **FISCAL IMPACTS:** If the SRU permit is approved by the City, the City will benefit from lease revenue (to be paid monthly). The lease payments was negotiated by the City manager.
- IV. **BACKGROUND INFORMATION:** AT&T has evaluated several sites throughout Central City and has determined to move forward with proposing to site the Wireless Facilities on adjacent to the "Greek Lots" off of Nevadaville Road. This issue was originally discussed at the July 2 worksession.

V. **LEGAL ISSUES:** The City's SRU permit process is set forth in Chapter 16 of the Municipal Code. AT&T's application will be submitted to the Planning Commission, which will make a recommendation to City Council. City Council will ultimately have the final decision as to whether or not to grant the SRU permit. The City Attorney will also review and comment on the proposed long-term lease. Section 14.4 of the Home Rule Charter requires that any conveyance of an interest in land (such as a long-term leasehold interest) be executed by the Mayor and attested by the City Clerk, under seal of the City. If the siting of the Wireless Facilities is ultimately approved from a land-use perspective, the Mayor will be required to execute the lease agreement.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

VII. **SUMMARY AND ALTERNATIVES:** City Council has the following options:

- (1) Adopt Resolution No. 13-011, as presented;
- (2) Direct staff to make revisions to the Resolution and schedule consideration of the Resolution on a future City Council agenda; or
- (3) Reject or deny the resolution.

**CITY OF CENTRAL, COLORADO  
RESOLUTION NO. 13-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO CONDITIONALLY APPROVING A SPECIAL REVIEW USE PERMIT  
FOR WIRELESS FACILITIES TO BE INSTALLED ON CITY PROPERTY**

WHEREAS, AT&T (the "Applicant") has filed an application (the "Application") with Central City seeking a special review use permit (the "SRU Permit") related to the construction, installation and location of a 75' stealth wireless telecommunications tower and related facilities (the "Wireless Facilities") on a portion of City-owned property located off of Nevadaville Road and as more specifically described in the Application (the "Subject Property"); and

WHEREAS, the City has adopted a process pertaining to the review of special review uses, and the same is codified in Article IV of Chapter 16 of the Municipal Code; and

WHEREAS, the Application was filed with the City on July 18, 2013 and the application fee required by Section 16-4-20(5) of the Municipal Code has been paid in full by the Applicant; and

WHEREAS, the Planning Commission held a public hearing on the Application on Wednesday, July 24, 2013; and

WHEREAS, following the conclusion of the public hearing the Planning Commission recommended approval of the SRU Permit, subject to certain modifications and/or conditions; and

WHEREAS, in accordance with Section 16-4-40(b) of the Municipal Code, the Application has been submitted to City Council for review; and

WHEREAS, City Council conducted a public hearing on the Application on August 6, 2013; and

WHEREAS, the City Council finds that the Application satisfies the applicable criteria and conditions for approval of the SRU Permit, as set forth in Section 16-4-60 of the Municipal Code.

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

**Section 1.** The foregoing recitals are adopted and incorporated herein as findings of the City Council.

**Section 2.** The City Council hereby approves the SRU Permit, authorizing the placement of the Wireless Facilities on the Subject Property, subject to the conditions and restrictions set forth in Section 16-4-70 of the Municipal Code, Section 3 through Section 7 of

this Resolution set forth below, and any other applicable requirements of the Central City Municipal Code.

**Section 3.** Prior to commencement of work related to the installation of the Wireless Facilities, the Applicant shall enter into an agreement with the City as required by Section 16-4-50 of the Municipal Code. The conditions set forth in Section 4 through Section 7 below shall be set forth in the written agreement and said agreement shall be executed by the Applicant prior to the commencement of any work related to the installation of the Wireless Facilities.

**Section 4.** The SRU Permit shall be subject to the following additional modifications and/or conditions, in accordance with Section 16-4-60 of the Municipal Code:

- (a) The SRU Permit relates to the Wireless Facilities shown and described with particularity in **Exhibit A**, a copy of which is attached hereto and incorporated herein by reference.
- (b) The Wireless Facilities (specifically the monopine) shall not exceed seventy five feet (75') in height. The monopine shall be the same or substantially similar to the "Ortega Example" provided by the Applicant to the City, a copy of which is attached to this Resolution as **Exhibit B** and is incorporated herein by reference.
- (c) The total footprint of the Wireless Facilities shall not exceed two thousand five hundred (2,500) square feet unless approved in accordance with Section 16-4-70 of the Municipal Code.
- (d) The equipment shelter to be installed on the site (the "Shelter Structure") shall not exceed three hundred and fifty (350) square feet unless approved in accordance with Section 16-4-70 of the Municipal Code. The building materials and color(s) of the Shelter Structure shall be submitted by the Applicant to the City Manager for review and approval prior to installation on the site.

**Section 5.** All fees and costs incurred by the City associated with pre-construction meetings, field inspections, monitoring, and final inspections, shall be at the sole expense of the Applicant.

**Section 6.** The issuance of the SRU Permit does not waive or supersede other City permit requirements that may be applicable to the Wireless Facilities.

**Section 7.** Any future consideration for a modification, physical expansion, or other alteration to the Wireless Facilities shall be subject to the City's special review use procedures applicable to the SRU Permit to this Access Permit, notwithstanding any other provision of law to the contrary, including but not limited to Section 6409(a) of the Federal Middle Class Tax Relief and Job Creation Act of 2012.

**Section 8.**     **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 6<sup>th</sup> DAY OF AUGUST, 2013.

**CITY OF CENTRAL, COLORADO**

By: \_\_\_\_\_  
Ronald E. Engels, Mayor

**ATTEST:**

**APPROVED TO FORM:**

By: \_\_\_\_\_  
Reba Bechtel, City Clerk

By: \_\_\_\_\_  
Marcus A. McAskin, City Attorney

**Exhibit A**

Wireless Facilities  
[insert application and plans]



# CITY OF CENTRAL SPECIAL REVIEW USE PERMIT

<b>For Official Use Only</b>	
SRU # <u>13-001</u>	Date Rec'd <u>7/18/13</u>
Rec'd By: <u>[Signature]</u>	
<b>PROJECT INFORMATION</b>	
SPECIAL REVIEW USE TYPE: AT&T Proposal for a new wireless facility	
PROPERTY: Parcel #1835-123-00-037 S: 12 T: 3S R: 73W Subd: CENTRAL CITY Blck: 024 Lot: 010 (PT OF)	
ZONING DISTRICT: TBD	

<b>LOCATION INFORMATION</b>		
LOCATION See description above. Located near Nevadaville Rd & Academy St.		
PROPERTY OWNER City of Central		
CONTACT Alan Lanning	PHONE: 303-582-5251 x301	E-MAIL: manager@centralcitycolorado.us

<b>APPLICANT / AUTHORIZED AGENT INFORMATION</b>		
APPLICANT AT&T / New Cingular Wireless PCS, LLC		
CONTACT PERSON Dale Hadley		
MAILING ADDRESS 1039 E. Breton Woods Ln., Orem, UT 84097		
PHONE #	801-360-3942	E-MAIL: dhadley999@gmail.com

<b>Application Description:</b>
AT&T proposes to construct a new 75' wireless tower, which will be constructed as a faux pine tree, within a new 50'x50' lease area on City owned property. AT&T will also be installing a new 12'x28' equipment shelter within the lease area to contain their equipment.
<b>Use Classification:</b>
New wireless facility proposed by AT&T to improve the wireless phone/internet service & coverage to the surrounding area.
<b>Planning Commission:</b>
<u>PC Meeting July 24, 2013</u>

If the submitted information is determined insufficient or incomplete, this application will be held in abeyance until such time as all required information is submitted or if no permit is issued within 180 days of the date of application due to an incomplete submittal shall expire. This permit becomes null and void if construction authorized is not commenced within 180 days or if construction or work is suspended or abandoned for a period of 180 days at anytime after the work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work shall be complied with whether specified herein or not. I understand that permits or inspections presuming to give authority to cancel the provisions of the above laws and ordinances or permits issued in error or the basis of incorrect information supplied by the applicant shall be invalid. Payment of the Plan Review Fee is due at time of application.

Dale Hadley \_\_\_\_\_ 7/18/2013  
 Owner/Contractor/Authorized Agent Signature (Applicant) Date

**DO NOT WRITE BELOW THIS LINE**

Departments	N/A	REQ	Apv'd By	Date
Planning				
HPO				
Public Works				
Fire Dept				
BH/CC San Dist				
XCEL Energy				

ADMINISTRATIVE FEE & TAXES	
Special Use Permit Fee	<u>\$250.00</u>
Building Permit Fee	_____
Plan Review Fee	_____
Use Tax	_____
Water Tap Fee	_____
Impact Fee	_____
<b>TOTAL</b>	<b><u>\$250.00</u></b>

[Signature]  
 Building Official - Signature (Approval)

7/18/13  
 Date



**ENGINEERING**  
 2012 INTERNATIONAL BUILDING CODE  
 2011 NATIONAL ELECTRIC CODE  
 TIA/EIA-222-G OR LATEST EDITION

**GENERAL NOTES**  
 THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT ORIGINATOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SANITARY SEWER SERVICE. POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROHIBITED.

**PROJECT DESCRIPTION**  
 THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT CABINETS FOR AT&T'S WIRELESS TELECOMMUNICATIONS NETWORK.

**SITE INFORMATION**

PROPERTY OWNER: CENTRAL CITY  
 14 N. MAIN ST.  
 CENTRAL CITY, CO 80427

SITE NAME: CENTRAL CITY

SITE NUMBER: COU5229

SITE ADDRESS: NEVADAVILLE RD & ACADEMY ST.  
 CENTRAL CITY, CO 80427

COUNTY: GIJUN COUNTY

LATITUDE (NAD 83): 39.789942 N

LONGITUDE (NAD 83): -105.11622 W

ZONING JURISDICTION: CITY OF CENTRAL

ZONING DISTRICT: LCC LIMITED COMMUNITY COMMERCIAL

PARCEL #: 18351230037

OCCUPANCY GROUP: U

CONSTRUCTION TYPE: V-B

POWER COMPANY: XSEL

TELEPHONE COMPANY: CENTURJUNK

RF ENGINEER: WINNIE LA  
 720.412.9205

ZONING CONSULTANT: DALE HADLEY  
 SITE ACQUISITION MANAGER  
 SMARTLINK  
 CELL: 801.363.9942

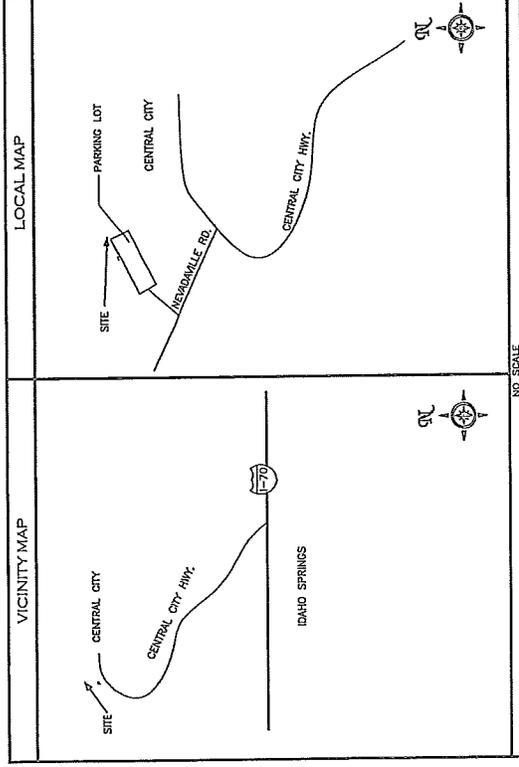
ARCHITECT: CSAI  
 5335 S. ZANE ST. SUITE 280  
 CENTRAL CITY, CO 80112  
 OFFICE: 303.932.9974

DRAWINGS ARE TO SCALE AT 24x36  
 USE BAR SCALE FOR 11x17 PLOTS

**CENTRAL CITY**  
**NEVADAVILLE RD & ACADEMY ST.**  
**COU5229**  
**FA:12775377**  
**CASPR:TBD**



**NEW BUILD**  
**RAW LAND**



**DRIVING DIRECTIONS**  
 DIRECTIONS FROM NEAREST AT&T OFFICE  
 I-70 WEST TO IDAHO SPRINGS  
 EXIT CENTRAL CITY HWY. TO CENTRAL CITY  
 TURN RIGHT ON NEVADA AVE. TO THE LEFT.  
 TO END OF PARKING LOT TO SITE ON THE LEFT.

**DO NOT SCALE DRAWINGS**  
 SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME

UNIVERSITY SERVICE ALERT  
 UTILITY NOTIFICATION CENTER OF COLORADO  
 (800) 922-1987  
 WWW.UCCO.ORG

3 WORKING DAYS UTILITY NOTIFICATION PRIOR TO CONSTRUCTION

**APPROVALS**

THE FOLLOWING PARTIES REVIEW, APPROVE AND ASSESS THESE DOCUMENTS DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND MAY IMPOSE CHANGES OR SITE MODIFICATIONS. AT&T COMPLIANCE.

AT&T RF ENGINEER: \_\_\_\_\_ DATE: \_\_\_\_\_

AT&T OPERATIONS: \_\_\_\_\_ DATE: \_\_\_\_\_

AT&T PM: \_\_\_\_\_ DATE: \_\_\_\_\_

CONSTRUCTION: \_\_\_\_\_ DATE: \_\_\_\_\_

SITE ACC: \_\_\_\_\_ DATE: \_\_\_\_\_

SITE OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_

**DRAWING INDEX**

SHEET	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ELEVATION



**Smartlink**

**CSAI**  
 CHARLES STEGELY ARCHITECTURE, INC.  
 ARCHITECTURE - PLANNING - DESIGN  
 5335 SOUTH ZANE STREET SUITE 280  
 CENTRAL CITY, CO 80112  
 OFFICE: 303.932.9974  
 FAX: 303.932.9971

PROJECT NO: COU5229  
 DRAWN BY: SEP  
 CHECKED BY: SEP

REV	DATE	DESCRIPTION
B	07/07/13	CLIENT COMMENTS
A	07/07/13	ISSUED FOR PERMIT

CONSULTANT:

SITE NAME:  
 CENTRAL CITY  
 COU5229  
 CENTRAL CITY  
 NEW BUILD

SHEET TITLE:  
**TITLE SHEET**

SHEET NUMBER:  
**T-1**



188 INDEPENDENCE DRIVE WEST  
ENGLEWOOD, CO 80112

Smartlink

PLANS PREPARED BY:



CHARLES STEEBEL ARCHITECTURE, INC.  
3000 PARKWAY DRIVE, SUITE 200  
LITTLETON, COLORADO 80127  
PHONE: 303.942.2800  
FAX: 303.942.2881

PROJECT NO: C015229

DRAWN BY: SJP

CHECKED BY: SJP

REV	DATE	DESCRIPTION	DESIGNER NO.
B	07/16/13	CLIENT CHANGE	
A	07/09/13	CONDCP	

CONSULTANT:

SITE NAME:

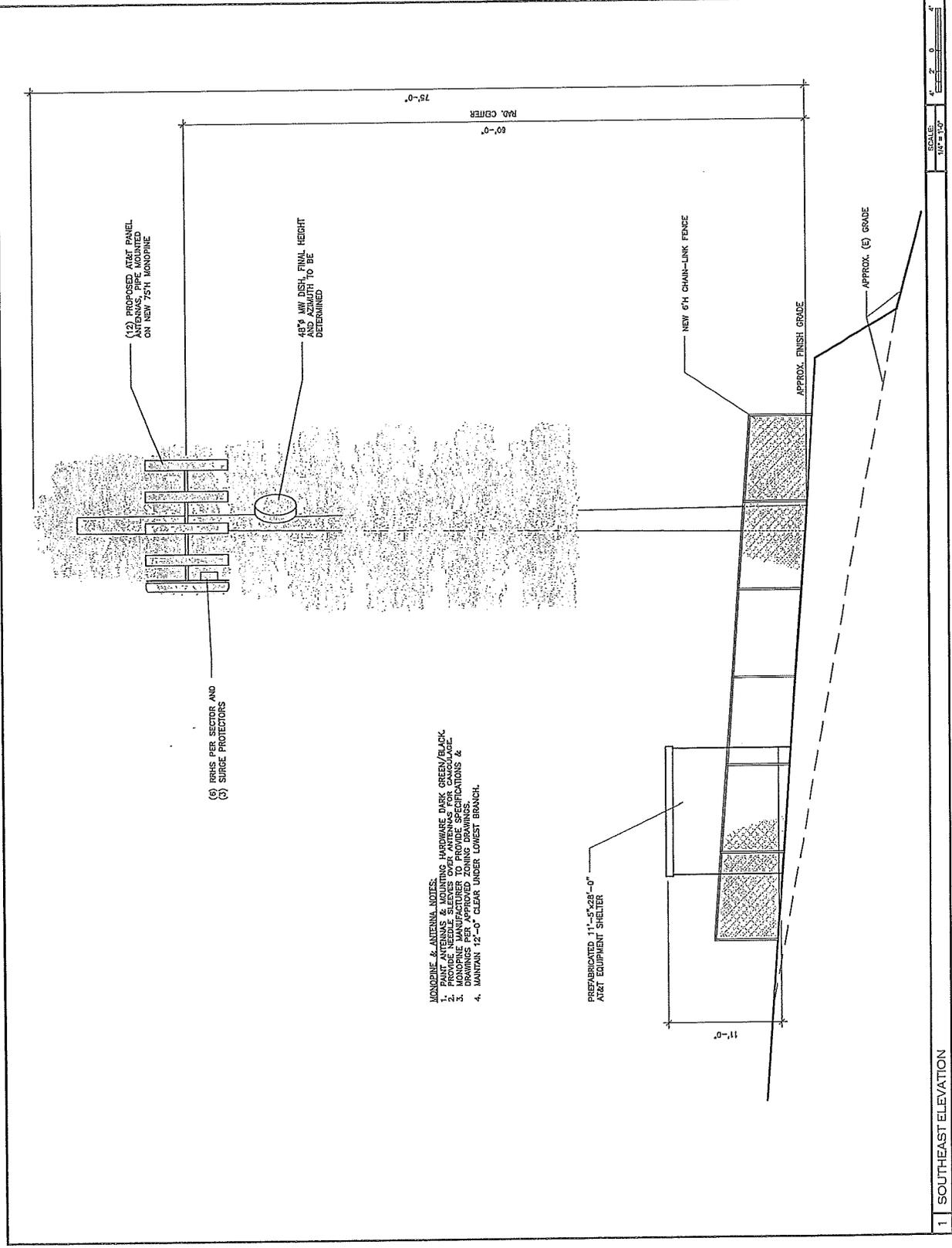
CENTRAL CITY  
C015229  
CENTRAL CITY  
COLORADO  
NEW BUILD

SHEET TITLE:

ELEVATION

SHEET NUMBER:

C-2



(6) RISER PER SECTOR AND  
(3) SURGE PROTECTORS

(12) PROPOSED AT&T PANEL  
ON NEW 75' H MONOPINE

48\"/>

- MONOPINE & ANTENNA NOTES:
1. PAINT ANTENNAS & MOUNTING HARDWARE DARK GREEN/BLACK.
  2. PROVIDE NEEDLE SLIEVES OVER ANTENNAS FOR CAMOUFLAGE.
  3. PROVIDE ANTENNA MOUNTING HARDWARE PER APPROVED ZONING & DRAWINGS PER APPROVED ZONING DRAWINGS.
  4. MAINTAIN 12'-0" CLEAR UNDER LOWEST BRANCH.

PREFABRICATED 11'-5\"/>

NEW 6\"/>

APPROX. FINISH GRADE

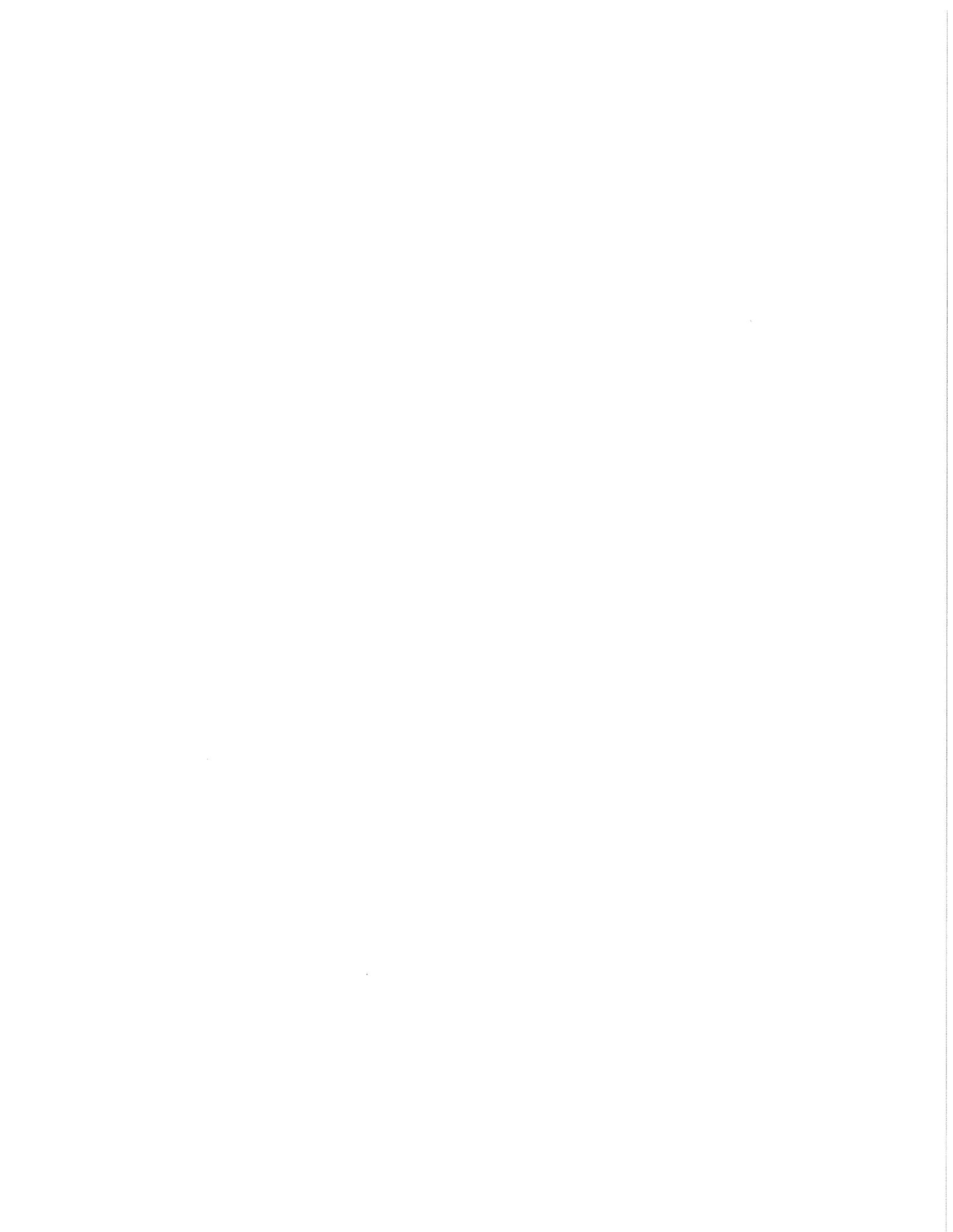
APPROX. (E) GRADE

1 | SOUTHEAST ELEVATION

SCALE:  
1/4" = 1'-0"







**Exhibit B**

Ortega Example









## AGENDA ITEM #8

### CITY COUNCIL COMMUNICATION FORM

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**FROM:** Shannon Flowers, Finance Director

**DATE:** July 31, 2013

**ITEM:** Resolution 13-12 A Resolution of the City Council of the City of Central, Colorado Amending the Volunteer Firefighter Length of Award Service Plan

**NEXT STEP:** Make a motion to adopt Resolution 13-12 A Resolution of the City Council of the City of Central, Colorado Amending the Volunteer Firefighter Length of Service Award Plan

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ORDINANCE  
 MOTION  
 INFORMATION

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- I. **REQUEST OR ISSUE:** The Central City Volunteer Firefighter Length of Service Award Plan was adopted in November of 2007 to bring the Volunteer Fire Department into compliance with Internal Revenue Service regulations on compensation. The adoption of the Plan effectively ended pay-per-call compensation for firefighters and replaced it with a scaled service awards based on firefighter participation and training criteria. The Plan became effective on January 1, 2008.

Over the course of the past year, the Fire Pension Board, Fire Chief and other City staff have recommended several revisions to the Plan to address issues that were not contemplated at the time of original adoption. Resolution 13-12 makes these revisions and/or changes to the Plan. The Fire Pension Board adopted the amended changes on July 17, 2013. Changes are described below:

Section 2.1-Expanded the definition of accountable expenses to include individual fire and/or safety equipment and gym memberships granted that the firefighter maintains the established level of fitness for the Fire Department. Removed mileage expense from the definition as accountable expense as it is separately addressed elsewhere in the Plan.

Section 4.5-Changed the date by which the Plan administrator must provide statements from March 31<sup>st</sup> of each year to May 31<sup>st</sup>.

Section 6.1-Expanded the section to establish a practice for distributions and the process by which a distribution will occur after severance from service.

Section 6.2-Added this section to establish a process for distribution after death.

Section 6.3-Included language to address how funds will be handled if no beneficiary is named or available.

Section 6.4-Added new section to address how disbursements are handled for firefighters who have been terminated for inactivity.

- II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to adopt Resolution 13-12, A Resolution of the City Council of the City of Central Amending the Volunteer Firefighter Length of Service Award Plan.
- III. **FISCAL IMPACTS:** No budgetary impacts are expected based on the amendments presented. Annual budgetary allocation for accountable expenses and mileage reimbursement is not effected by these changes, only what is considered to be an allowable expense is changed.
- IV. **BACKGROUND INFORMATION:** Please see the Exhibit A, Firefighter Length of Service Award Plan.
- V. **LEGAL ISSUES:** City Attorney has reviewed.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None
- VII. **SUMMARY AND ALTERNATIVES:**
  - 1. Make a motion to adopt Resolution 13-12.
  - 2. Make a motion to adopt Resolution 13-12 with amendments.
  - 3. Table the request.

**CITY OF CENTRAL, COLORADO  
RESOLUTION NO. 13-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO AMENDING THE VOLUNTEER FIREFIGHTER  
LENGTH OF SERVICE AWARD PLAN**

WHEREAS, the City's Volunteer Firefighter Department is dependent upon the dedication and commitment of its volunteer firefighters to provide a high level of service to the Central City community; and

WHEREAS, in 2007 the City Council established a length of service award plan (the "Plan") and also authorized the establishment of the City's volunteer firefighter service award fund (the "Fund"); and

WHEREAS, the establishment of the Plan and Fund was approved by City Council pursuant to Resolution No. 9, Series of 2007; and

WHEREAS, City Council desires to amend the Plan consistent with Section 457 of the Internal Revenue Code, and as authorized by the Colorado Volunteer Service Award Act, codified at Section 31-30-1201, et seq., C.R.S. (the "Act"); and

WHEREAS, a copy of the Plan, as amended (the "Amended Plan"), is attached to this Resolution as **Exhibit A** and is incorporated herein by reference.

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

**Section 1.** The City Council hereby adopts the Amended Plan, in substantially the form attached hereto as **Exhibit A**. The Amended Plan shall supersede the Plan in all respects. City Staff is directed to take all steps necessary to implement the Amended Plan and continue to manage the Fund in accordance with the Amended Plan and the Act.

**Section 2.** **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 6<sup>th</sup> DAY OF AUGUST, 2013.

**CITY OF CENTRAL, COLORADO**

By: \_\_\_\_\_  
Ronald E. Engels, Mayor

**ATTEST:**

**APPROVED TO FORM:**

By: \_\_\_\_\_  
Reba Bechtel, City Clerk

By: \_\_\_\_\_  
Marcus A. McAskin, City Attorney

Resolution Exhibits:

**Exhibit A** – Amended Plan (effective date of August 6, 2013)

**CITY OF CENTRAL**  
**VOLUNTEER FIREFIGHTER**  
**LENGTH OF SERVICE AWARD PLAN**

**ARTICLE I**

**NAME AND PURPOSE**

The City of Central hereby adopts the City of Central Volunteer Firefighter Length of Service Award Plan effective August 7, 2013. The Plan is established and maintained for the purpose of providing length of Service Awards for qualified volunteer firefighters. This plan is intended to be and comply with a length of service award plan under Internal Revenue Service Code Section 457(e)(11)(A)(ii), as amended. Participation by Volunteer Firefighters shall be subject to the requirements and limitations of said Section 457 (e) (11) and the applicable regulations promulgated under said Section 457.

**ARTICLE II**

**DEFINITIONS**

When used herein, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

- 2.1 "Accountable Expenses" means expenses incurred by the Participant as a result of being a volunteer firefighter and are considered a necessity in order to sufficiently fulfill the requirements of their position. Expenses included in this definition are individual fire and/or safety equipment or gear such as uniforms, name bars, boots or items for the Participant's personal vehicle and the cleaning, repair and replacement of these items. The appropriateness of the request shall be at the discretion of the Fire Chief. Membership to a gym or fitness facility will be considered an accountable expense provided the Participant achieves and maintains a basic level of fitness as defined by the Department and in accordance with the Wildland Work Capacity Standards. Items not approved by the Fire Chief will not be considered accountable expenses under this Plan.
- 2.2 "Beneficiary" means the person designated by the Participant to receive his benefit on his death, the Participant's estate or any other person whose interest in the Plan is derived from the Participant.
- 2.3 "Benefit" means a Participant's entire interest in this Plan consisting of his accrued Service Awards and the deemed earnings on investments made with such Service Awards.

- 2.4 "City" means the City of Central, Colorado
- 2.5 "Code" means the Internal Revenue Code of 1986, as it is presently constituted, as it may be amended, or any successor statute of similar purpose.
- 2.6 "Effective Date" of this Plan is January 1, 2008.
- 2.7 "Entry Date" means the first day of each calendar month.
- 2.8 "Good Standing" means the Participant meets the training and response criteria promulgated by the Division of Fire Safety of the Colorado Department of Public Safety, as may be amended and as determined in the sole discretion and exclusive discretion of the City.
- 2.9 "Participant" means a Volunteer Firefighter who has satisfied the eligibility requirements as described under Article III and is considered in Good Standing.
- 2.10 "Plan" means the City of Central Volunteer Firefighter Length of Service Award Plan as set forth in and by this document and all subsequent amendments thereto.
- 2.11 "Plan Administrator" means the City of Central's Finance Director or another employee designated by the City Manager.
- 2.12 "Plan Year" means the calendar year beginning January 1<sup>st</sup> of each year and ending December 31<sup>st</sup> of each year.
- 2.13 "Service Award" means a benefit based on length of service that a Volunteer Firefighter may legally accrue pursuant to the Code and current rulings of the Internal Revenue Service and that, while invested under this Volunteer Service Award Plan is exempt from federal income taxes on both the City's Contribution and all interest, dividends, and capital gains until the ultimate distribution to the Volunteer Firefighter.
- 2.14 "Severance from Service" or "Severs from Service" occurs when a volunteer firefighter no longer provides firefighting and prevention services and emergency medical services to the City (including as a result of death or disability). The determination of whether a severance from service occurs shall be made in the sole and exclusive discretion of the City.
- 2.15 "Volunteer" means an individual whose only compensation for performing firefighting and prevention services and emergency medical services is in the form of:

2.15.1.1 Length of Service Award benefits as described in this Plan, and/or  
2.15.1.2 Reimbursement for Accountable Expenses as described in this Plan.

2.16 "Volunteer Firefighter" for the purposes of this Plan means any person now or hereafter providing firefighting and prevention services and emergency medical services as a Volunteer for the City, as determined in the sole and exclusive discretion of the City.

2.17 "Year of Service" means the Volunteer Firefighter has completed twelve consecutive months of firefighting and prevention services and emergency medical services. In general, only whole years of service will be counted for the purposed of determining a Participant's Service Award. A Participant in his first Plan Year of participation shall be eligible to receive a prorated Service Award if such Participant is a volunteer firefighter in good standing on December 31<sup>st</sup> of the respective Plan Year. Such pro-ration shall be based on the Volunteer Firefighter's months of service for the year by applying the ratio of the respective Participant's months of service over twelve months of service to the Service Award that the respective Participant would be entitled to had he performed a full year of service. Also, to the extent permitted by Section 457(e)(11)(A)(ii), a Participant who is on approved leave of absence, as determined by the City, will be eligible to receive a Service Award and shall be considered in Good Standing.

### ARTICLE III

#### PARTICIPATION

3.1 Eligibility to Participate: Every Volunteer Firefighter shall be eligible to participate in this Plan and shall become a Participant in the Plan on the date they first perform service as a Volunteer Firefighter.

3.2 Military Service: Notwithstanding any provision of this Plan to the contrary, contributions, benefit and service credit with respect to qualified military service will be provided in accordance with Code Section 414(u).

### ARTICLE IV

#### SERVICE AWARDS, ALLOCATIONS AND VESTING

4.1 Service Awards: In any Plan Year, the City, in its sole and exclusive discretion, may credit any Participant with a Service Award. Such Service Award shall be in an amount determined in the sole and exclusive discretion of the City each Plan Year, within limitations contained in this Plan.

4.2 Eligibility to Receive a Service Award: In order to be eligible to receive a Service Award for any Plan Year, a Participant be in Good Standing on December 31 of the respective Plan Year and must have completed at least thirty-six (36) training hours as approved by the Fire Chief during the Plan Year as well as responded to at least 15% of the calls during the Plan Year. The average number of calls is 400 per year or a minimum of 60 calls per year that a Participant must respond to in order to meet eligibility. This minimum can be adjusted as required by the Fire Chief and/or Plan Administrator annually based upon actual call volume for the year. A Participant who severs from service during any Plan Year will be eligible to receive the prorated portion of the Plan Year's award if he has completed the required training hours on a prorated basis and responded to at least 15% of the calls that have been issued during the Plan Year at the time of severance.

4.3 Annual Service Award Amounts: Annual Service Award amounts shall be allocated to all eligible Participants based on years of service to the Fire Department. The annual award amounts based upon Participant start dates will be as follows:

Years of Service as of 12/31/2008	Award Amount
1	\$600
2-5	\$700
6-10	\$1,000
11-15	\$1,500
16-20	\$2,000
21+	\$3,000

4.4 Maximum Service Award: Excluding deemed earnings credited pursuant to Article V of this Plan, no Service Award may be credited in any Plan Year for a Participant in an amount in excess of three thousand dollars (\$3,000) (or as such amount is adjusted under Code Section 457(e)(11)(B)(ii)).

4.5 Separate Account: For bookkeeping purposes, the Plan Administrator shall maintain a separate account of the benefit of each Participant that shall show the dollar value of his/her current accrued benefit as of the end of the last Plan Year including deemed interest earnings. The Plan Administrator shall provide each Participant with a statement as to the balance of their account for the succeeding Plan Year no later than May 31<sup>st</sup> of the following year.

4.6 Valuation and Computation: As of the last day of each Plan Year, the Plan Administrator shall determine the value of each Participant's accrued benefit in the Plan. In addition, when a Participant's benefit becomes distributable to him the Plan Administrator shall make a special computation by which he shall adjust the dollar value of the Participant's benefit to reflect the values determined as of the date that the benefit becomes payable.

4.7 Vesting and General Assets: A Participant will be fully vested in his accrued benefit at all times. The accrued benefits under this Plan will be paid from the general assets of the City. If the City elects to set aside funds to pay the benefits under the Plan, including if such funds are placed in any trust or special account, such funds will remain subject to the City's general creditors and will not inure to the benefit of any Participant or beneficiary until such funds are distributed to the respective Participant or beneficiary.

## ARTICLE V

### EARNINGS

5.1 Earnings: On the last day of each Plan Year, and on such other valuations dates as specified in Section 4.4.2, the Plan Administrator will credit the benefit of each Participant in the plan with interest earnings. The earnings will be the amount necessary to increase or decrease the Participant's benefit to what it would have been had the account actually been invested in the investments already selected by the Plan Administrator under Section 5.2. The earnings will also be adjusted to reflect surrender or other charges that would have been incurred if the benefit had been invested in the investment options. Except for the addition of earnings to a Participant's benefit under this Section, a Participant's benefit will not be credited with any earnings, losses or changes in value in any Plan Year.

5.2 Investment Options: The Plan Administrator will determine the best available investment options in which the Participant's benefit may be invested. The available investment options and the rules for allocating the benefit among such options will be determined by the Plan Administrator in its discretion. The Plan Administrator may, in his discretion, amend the plan's investment options from time to time on a prospective basis to allow for the highest and most reliable return possible for Participants. The Participant's benefit will be treated as if invested in those investments selected by the Plan Administrator.

## ARTICLE VI

### DISTRIBUTIONS

6.1 Distribution Upon Severance From Service: A Participant's accrued benefit will be paid in a lump-sum distribution to the Participant within fifteen (15) days of providing the Plan Administrator with an executed Separation From Service Plan Distribution Request Form.

The Fire Chief shall inform the Plan Administrator in writing whenever a separation from service has occurred and the effective date of the

separation. The Fire Chief will also provide to the Plan Administrator the Participant's training hours and response to calls as of the date of separation so that any prorated benefit for the Plan Year can be accrued.

6.2 Distributions After Death: If a participant's severance from service is the result of his or her death, the Participant's accrued benefit will be distributed to the Participant's designated beneficiary in a lump-sum cash distribution within fifteen (15) days of the Plan Administrator's receipt of a written request for such a disbursement.

6.3 Transfer: A transfer of an Accrued Benefit to an individual retirement plan or other plan subject to Code Section 457 is not permitted.

Beneficiary Designation: When a volunteer firefighter becomes a Participant, he may designate a beneficiary and contingent beneficiary to receive his accrued benefit upon his death, using the form provided by the Plan Administrator. If a benefit under this Plan becomes payable on the death of a Participant, payments shall be made to his designated principal beneficiary, if one has been previously designated. If the Participant has not designated a beneficiary, or if the designated beneficiary dies and the Participant has not designated a contingent beneficiary, the undistributed portion of the Participant's benefit shall be handled in accordance with Article 13, the Unclaimed Property Act, of the Colorado Revised Statutes.

6.4 Disbursements to Inactive "Termed" Participants: When a volunteer becomes inactive to the extent that they are terminated from the Department, the same procedure as set out in Section 6.1 will be followed for disbursement of any funds in the Participant's account.

For the purposes of this Plan, a Participant shall be considered inactive with the Department if there has been no contact with the Participant for a period of three (3) months. When a Participant has not been in contact for three (3) months, the Department shall send the Participant a letter requesting the Participant's status and reason for inactivity. If no response is received by the Department the Participant shall be terminated from the Department at six (6) months of no contact or activity.

Should a Participant be terminated from the Department and cannot be reached and no current contact information is available to provide the Participant with any Plan disbursement, the funds will be handled in accordance with Article 13, the Unclaimed Property Act, of the Colorado Revised Statutes.

## ARTICLE VII

### ACCOUNTABLE REIMBURSEMENT AN MILEAGE

- 7.1 Accountable Expense Reimbursement: In addition to the Annual Length of Service Award, the City shall also reimburse Volunteer Firefighters for Accountable Expenses up to two-hundred and fifty (\$250.00) dollars per Plan Year. When a Participant has an expense that is considered to be accountable under this Plan and approved by the Fire Chief, he shall fill out an accountable expense reimbursement form and provide the receipt for said expense to the Plan Administrator. Upon review and acceptance of the request the Plan Administrator shall issue a reimbursement check to the Participant. No reimbursements shall be made in the absence of the related receipt.
- 7.2 Mileage Reimbursement: Upon becoming eligible to participate in this Plan, each Participant shall provide the Fire Chief with a certification form stating the number of miles from their place of residence to the Fire House located in Central City. Each fire call for which a Participant responds to the Central City Fire House shall be logged at the Fire House and submitted to the Plan Administrator at the end of each quarter. The Plan Administrator shall calculate the number of miles for which each Participant should be reimbursed by multiplying the current approved federal mileage rate by the number of miles between the Participant's residence by the number of calls responded to in the quarter. The Plan Administrator will than issue a mileage reimbursement check in that amount to the Participant. Participants shall be made aware at the end of each Plan Year that by receiving mileage reimbursement their mileage to calls should not be reported on individual taxes.

## ARTICLE VIII

### ADMINISTRATION

- 8.1 General: The Plan Administrator shall be responsible for the day-to-day operation of the Plan. The Plan Administrator shall operate and administer the Plan in a manner consistent with the terms contained herein.
- 8.2 Administrative Powers: The Plan Administrator shall have the exclusive right and discretionary authority, to the fullest extent provided by law, to construe and interpret the Plan, including the supplying of omissions in accordance with the intent of the Plan, deciding questions of eligibility, determining the amount of the award, manner and time of payment of any benefits hereunder, and to authorize the payment of benefits. The Plan Administrator shall keep all records and accounts that may be necessary in the administration and conduct of this Plan.

## ARTICLE IX

### CITY OBLIGATIONS

The adoption and continuance of the Plan shall not be deemed to constitute a contract between the City and any volunteer firefighter or Participant, or to be a consideration for, or inducement or condition of, the employment of any person. Nothing in this Plan shall be construed to mean that any volunteer firefighter or Participant is an employee of the City under relevant federal, state or local law.

## ARTICLE X

### AMENDMENT AND TERMINATION

At any time the City may amend or terminate this Plan. In the event of termination, no additional Service Awards shall be accrued and the accrued benefits of the Participants may either be paid pursuant to the plan or may be distributed in lump-sum payments upon termination as determined by the City.

## ARTICLE XI

### MISCELLANEOUS

- 11.1 Text To Control: The headings of articles and sections are included solely for convenience of reference. If any conflict between heading and the text of this Plan exists, the text shall control.
- 11.2 Notices: Whenever provision is made in the Plan that a Participant may exercise any option of election or designate any beneficiary, the action of such Participant will be evidenced by a written notice signed by the Participant and delivered to the Plan Administrator in person or by certified mail. If a form is furnished by the Plan Administrator for such purpose, a Participant will be given written notice of his exercise of any option or election or of his or her beneficiary on the form provided for such purpose. Written notice will not be deemed filed and will not be effective until received by the Plan Administrator.
- 11.3 Gender and Number: The masculine gender shall include the feminine and the singular shall include the plural.
- 11.4 Severability: In any provision of this Plan is illegal or invalid for any reason, such illegality or invalidity shall not affect the remaining provision. On the contrary, such remaining provisions shall be fully severable and this Plan shall be construed and enforced as if such illegal or invalid provisions had never been a part of this Plan.

11.5 Jurisdiction: This Plan shall be construed and administered under the laws of the State of Colorado to the extent that the laws of that jurisdiction are not in conflict with Federal substantive law.

**APPROVED** 6<sup>th</sup> day of August, 2013 by the City Council of the City of Central at City Hall, 141 Nevada Street, Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

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Ron Engels, Mayor





## AGENDA ITEM # 9

### CITY COUNCIL COMMUNICATION FORM

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**FROM:** Robert Fejeran, City Planner

**DATE:** August 1, 2013

**ITEM:** Resolution No. 13-13: Quartz Hill MOU. Resolution approving a Memorandum of Understanding with the Colorado Department of Public Health and Environment (CDPHE) related to the Quartz Hill remediation Project.

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ORDINANCE  
 MOTION (TO APPROVE RESOLUTION)  
 INFORMATION

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- I. **REQUEST OR ISSUE:** Central City is working with the CDPHE on the Quartz Hill Waste Pile remediation located within the City's boundaries to cap in-place the waste pile in order to minimize releases of hazardous substances into the water system. This includes re-grading significant quantities of waste to reduce the steepness of the slopes, placing rock/base course cover to isolate the waste, and installing new large diameter storm sewer under Nevada Street.
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution No. 13-13 following discussion at the August 6, 2013 regular meeting.
- III. **FISCAL IMPACTS:** If the grant is approved, the City will provide measurable public health benefits to the environment and the water quality.
- IV. **BACKGROUND INFORMATION:** The pile was placed during the 1930s and 1940s and was derived primarily from milling operations associated with Chain O mines located near the west end of the City. The waste pile covers approximately five (5) acres. The selected remedy will be implemented via a construction project at the Quartz Hill site and is anticipated to begin in the Fall of 2013.
- V. **LEGAL ISSUES:** N/A.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** If left uncovered and unmitigated, the mine tailings run-off will continue to leak into the water system releasing hazardous substances that impacts the quality of water and the health of the communities downstream.
- VII. **SUMMARY AND ALTERNATIVES:** City Council has the following options:

- (1) Adopt Resolution No. 13-13, as presented;
- (2) Direct staff to make revisions to the Resolution and schedule consideration of the Resolution on a future City Council agenda; or
- (3) Reject or deny the resolution.

**CITY OF CENTRAL, COLORADO  
RESOLUTION NO. 13-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE  
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
RELATED TO THE QUARTZ HILL REMEDIATION PROJECT**

WHEREAS, Quartz Hill is located within the corporate limits of Central City, between Nevada Street and Roworth Street; and

WHEREAS, Quartz Hill contains mine tailings and other waste which was placed on the property during the 1930's and 1940's and which waste is due primarily to milling operations associated with the Chain O Mines located near the west end of the City; and

WHEREAS, the waste pile covers approximately five acres; and

WHEREAS, the Colorado Department of Public Health and Environment ("CDPHE"), as part of the Central City Clear Creek County Superfund Site and other the authority of the federal Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), has selected a remedy for the Quartz Hill property that includes in-place remediation of the waste pile; and

WHEREAS, the remediation project, if implemented, will have measurable public health benefits; and

WHEREAS, CDPHE has communicated to the City that federal funding is currently available for the remediation project; and

WHEREAS, the City Council desires to approve a memorandum of understanding with CDPHE related to the remediation project; and

WHEREAS, a copy of the memorandum of understanding (the "MOU") is attached and incorporated into this Resolution as **Exhibit A**; and

WHEREAS, the City and CDPHE have agreed upon the substantive terms of the MOU.

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

**Section 1.** The City Council hereby (a) approves the MOU, in substantially the form attached hereto as **Exhibit A**; (b) authorizes the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the MOU as may be appropriate that do not substantially increase the obligations of the City, and (c) authorizes the Mayor to execute the same on behalf of the City with the approval of the City Attorney.

**Section 2.**     **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 6<sup>th</sup> DAY OF AUGUST, 2013.

**CITY OF CENTRAL, COLORADO**

By: \_\_\_\_\_  
Ronald E. Engels, Mayor

**ATTEST:**

**APPROVED TO FORM:**

By: \_\_\_\_\_  
Reba Bechtel, City Clerk

By: \_\_\_\_\_  
Marcus A. McAskin, City Attorney

Resolution Exhibits:

**Exhibit A** – Memorandum of Understanding (MOU)

## EXHIBIT A TO CITY OF CENTRAL RESOLUTION NO. 13-13

### MEMORANDUM OF UNDERSTANDING QUARTZ HILL WASTE PILE REMEDIATION CENTRAL CITY, COLORADO

#### **Introduction**

This Memorandum of Understanding (MOU), between the Colorado Department of Public Health and Environment (CDPHE) and the City of Central City, a home rule municipality of the State of Colorado (City) addresses potential areas of coordination and cooperation between CDPHE and the City on the upcoming Quartz Hill Waste Pile Remediation project. As detailed below, there are several components of the Quartz Hill project which will benefit from coordination between both entities.

#### **Project Description**

The Quartz Hill Waste Pile is located within the corporate limits of the City, between Nevada Street and Roworth Street. The pile was placed during the 1930s and 1940s and was derived primarily from milling operations associated with Chain O Mines located near the west end of the City. The waste pile covers approximately five (5) acres. Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as part of Operable Unit 4 of the Central City Clear Creek Superfund Site, CDPHE has selected a remedy for the Quartz Hill property that includes in-place reclamation of the waste pile. The goal of this remedy is that ongoing releases of hazardous substances will be minimized and water quality impacts from the pile will be decreased or eliminated. Primary project components of the selected remedy include:

- regrading significant quantities of waste to reduce the steepness of the slopes;
- placement of rock/base course cover to isolate the waste; and
- installation of a new large diameter storm sewer under Nevada Street.

The selected remedy will be implemented via a construction project at the Quartz Hill property. It is currently anticipated that the construction will take place during the fall of 2013, with an estimated commencement date of October 1, 2013, and will last approximately eleven (11) weeks. Construction at Quartz Hill depends on whether CDPHE receives funding from the US Environmental Protection Agency (EPA) for this work. If EPA or other federal funding is not received, the project outlined in the MOU will be delayed until adequate funding has been procured by CDPHE or until this MOU has been terminated in writing by the Parties.

#### **Coordinated Actions**

There are several project components which will benefit from coordination between CDPHE and the City. These are summarized below, along with the actions that each entity will take.

finalized and agreed upon by and between the contractor, CDPHE and the City prior to the commencement of the storm sewer installation.

### Nevada Street Storm Sewer Maintenance

After completion of the Quartz Hill project, and after completion of the one year construction warranty period, Central City will continue to perform maintenance of the storm sewer in the vicinity of Quartz Hill at a level of effort equivalent to the current (pre-construction) maintenance activities. The City will incorporate the new Nevada Street storm sewer into these maintenance activities, subject to the continuing availability of funding for said maintenance activities. The City's project manager or designee shall participate in all punch list review(s) of the Nevada Street storm sewer installation, and the City's maintenance obligation shall not commence until after the completion of the one year construction warranty period and the City's project manager acknowledging in writing that any and all punch list items have been adequately addressed by the contractor and/or CDPHE. Central City shall place an Environmental Covenant, made in accordance with C.R.S. 25-15-317 to 327, on all portions of the Quartz Hill property owned by the City and City right of way that the City owns that are affected by the storm sewer installation. Storm sewer maintenance will be incorporated into obligations set forth in the Environmental Covenant, as discussed in the following section.

### Environmental Covenants

Pursuant to C.R.S. 25-15-317 to 327, the City shall place Environmental Covenants and/or Notices of Environmental Use Restrictions on the portion of the Quartz Hill property that is owned by the City in order to operate the remedial measures necessary to maintain protectiveness of the remedial action and maintain the integrity of the implemented remedy. As the City is one of several Quartz Hill property owners, CDPHE anticipates that the City and others will be parties to the Environmental Covenants and/or Notices of Environmental Use Restrictions. Typical conditions of Environmental Covenants and/or Notices of Environmental Use Restrictions include that the owner(s) of the property take some responsibility for the maintenance of the implemented remedy. Final details of the Environmental Covenants and/or Notices of Environmental Use Restrictions will be negotiated with the property owner(s) and agreed to after completion of the implemented remedy.

### **Dispute Resolution**

Consultation between the CDPHE and the City project managers should resolve all or most technical issues related to the CERCLA remedial action. The City's project manager shall be the City Manager, or his or her designee. If the CDPHE and the City do not reach agreement of a disputed item arising from activities address in this MOU, the issue will be elevated to the appropriate senior management at both entities for further discussion and resolution.

### **Limitations and Duration of Agreement**

CDPHE reserves its rights and authorities under CERCLA, as well as other laws, the National Contingency Plan (NCP), and applicable Executive Orders. No provision of this MOU in any way limits those rights and authorities.

**Signatures:**

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Karin McGowan  
Interim Executive Director  
Colorado Department of Public Health and Environment  
Date: \_\_\_\_\_, 2013

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Ronald E. Engels  
Mayor  
City of Central, Colorado  
Date: \_\_\_\_\_, 2013



Item # 10



## City of Central City

PO Box 249  
141 Nevada Street  
Central City, CO 80427

August 6, 2013

Great Outdoors Colorado  
1600 Broadway, Suite 1650  
Denver, CO 80202

Re: Local Government Parks & Outdoor Recreation Grant

On behalf of the City Council, I wish to express our support for the grant application of the Gilpin County Parks & Recreation Department for installing a new permanent park pavilion adjacent to the County ball fields.

Our ever-growing youth baseball and soccer, and adult softball, programs utilize the fields extensively; in addition to the participants, scores of spectators attend the games and practices. This County-owned parcel is also the site of one of the few children's playgrounds in the County, and is in use as a picnic site throughout the summer months. Having a pavilion where families can meet, picnic and just take a break from participating in the summer activities will be most welcome.

We encourage full funding of the attached grant application; please feel free to contact us if there is any additional information we can provide that would be helpful.

We look forward to the opportunities receiving this grant can provide our community.

Sincerely,

Ronald E. Engels  
Mayor



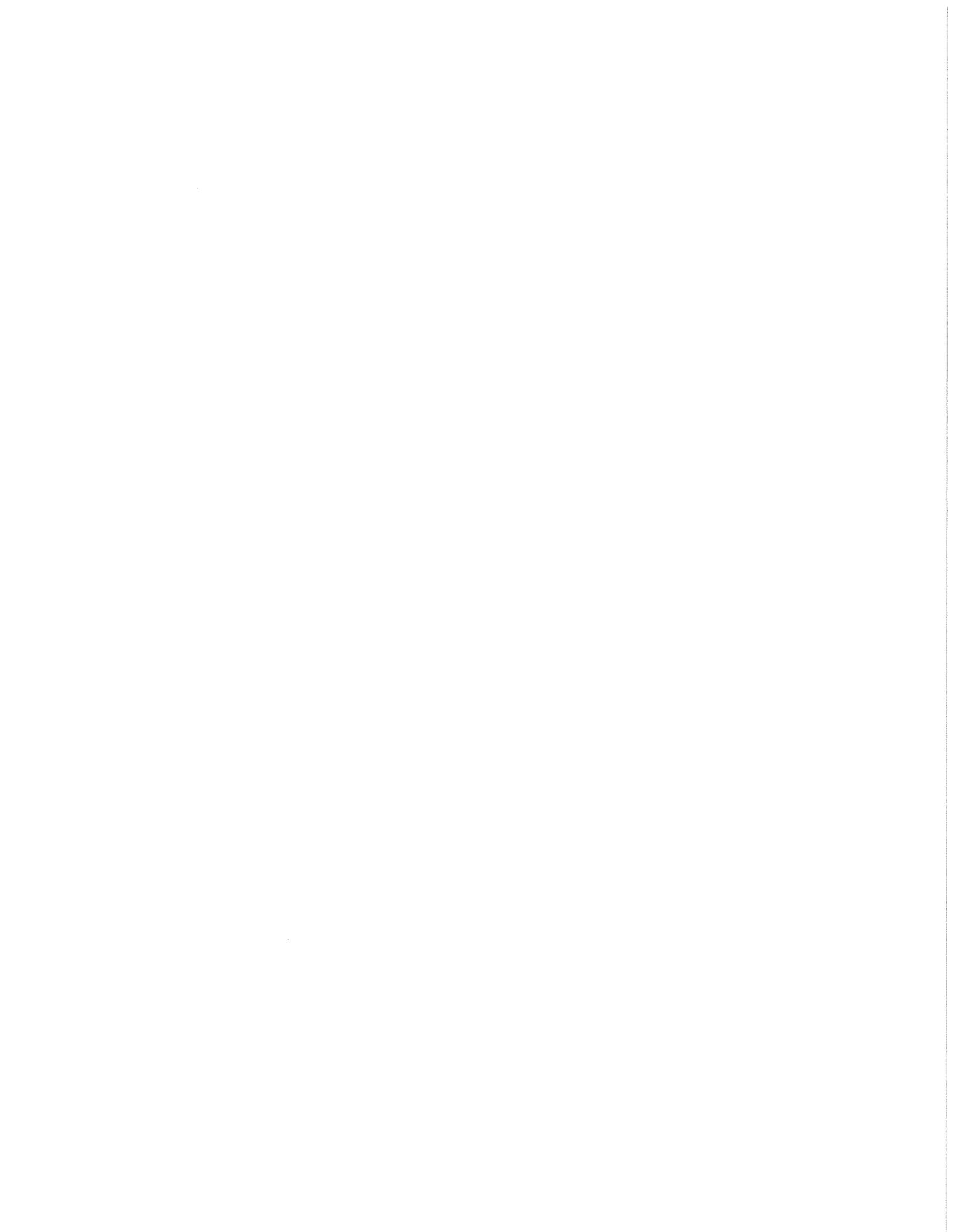
DATE: July 31, 2013

TO: Alan Lanning, City Manager  
Mayor & Council

FROM: Shannon Flowers, Finance Director/Treasurer

Following is an update of the Finance Department's activities from Monday, July 15<sup>th</sup> through Wednesday July 31<sup>st</sup>.

- Completed June Bank Reconciliation
- Began July Bank Reconciliation
- Prepared Personnel and Insurance expenditure projections for the rest of 2013 and did preliminary personnel costs for 2014
- Updated Device Fee Revenue Projection information for 2014 budget process
- Prepared Council Communication Form for Firefighter Length of Service Award Plan
- Received draft audit from BID on July 22<sup>nd</sup>-incorporated relevant information into City's financial statements and sent to City auditors for final review. Final audit should be presented to Council for acceptance at the August 20<sup>th</sup> meeting.
- Talked with Evergreen National Bank further about possibility of short term loan and increasing the amount of loan
- Worked with Water Superintendent on Water Meeting handout
- Processed new hire paperwork for new police officers
- Worked with health insurance brokers on employee issue
- Prepared check listing
- Processed Bi-weekly payroll and all associated tax and retirement filings
- Finance Clerk Processed Accounts Payable
- Finance Clerk processed Accounts Receivable and prepared weekly deposits
- Finance Clerk administered Court



## City Clerk's Office

**To:** City Manager Alan Lanning, Mayor Engels, and City Council

**From:** Reba Bechtel, City Clerk

**Date:** August 6, 2013

**Re:** Bi-weekly Report

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- Council minutes and packet prep.
- PC minutes and packet prep.
- Attended PC meeting as recording secretary.
- Met with Robert and Phyllis Adams to discuss grant possibilities and processes.
- Thank you for your consideration in my absence from a Council meeting. I will be hosting family and at a family reunion/celebration while you are in the meeting.



## Water Department

**To:** City Manager Alan Lanning, Mayor Engels, and City Council

**From:** Shawn Griffith, Utilities Superintendent

**Date:** August 6, 2013

**Re:** Bi-weekly Report

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- RFP for the Lawrence St water line improvement – BHCC Sanitation District submitted a RFP for a sewer line upgrade in the same area. There are advantages to the joint project, such as the shared costs of Mobilization/Demobilization, Traffic Control, Asphalt Paving, Base Course, and Record Drawings. There will be a resolution for an IGA for Council to approve on the shared expenses at the August 20<sup>th</sup> meeting. The resolution will be similar to the one passed for Main St. (Resolution 11-21). The final numbers and contractor for the resolution/IGA will not be known until the contract is awarded.
- Bid process – published in the Times Call, as well as in some other trades publications. The bidding is to be completed by August 22, and the bids will be opened on August 23.
- Dewatering wells – Chase Dam now has three (required and approved by the CDPHE). The pumps will be installed and this **temporary** dewatering method will commence. The **permanent** dewatering method will be installed during the next budget year and completed per engineered prints about this same time next year.
- Water Conservation – Metering and overall water conservation has resulted in a 1,200,000 gallons of less **treated** water usage than last year based on YTD January through June data. And now as a direct result of Royce bringing new recycle pumps and mixers on line in early July, the WTP is now consistently reusing about 20% of the backwash water (**raw water**) that is generated during production.



**To:** City Manager Alan Lanning, Mayor Engels, and City Council

**From:** Joe Braccio, Streets/Facilities Superintendent

**Date:** August 6, 2013

**Re:** Bi-weekly Report

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### **Completed Projects**

- Residential Parking Zone – Public Works has completed the Lawrence Street residential only parking zone and installed signage.
- Light Poles – We have removed the Gregory street poles on the south side of the road, repaired all light outages on the parkway, and kept up with the street light outages here in town by working with Xcel.
- Storm Events – Public Works has been working to keep up with the storm events that seem to hit us every afternoon leaving silt in our city's storm system. We now have an ongoing system in place to manage erosion sediment build up.
- New Bollards – We have been working on installing new bollards around fire hydrants throughout town.
- AT&T Cell Tower – We have been working with the Planning Department on the layout and location of the AT&T cell tower.
- Daily Duties – Staff has been keeping up with watering, general equipment maintenance, trash removal throughout town, weed mowing, and pothole repair.
- Saturday Events – Public Works will provide a crew for the Saturday event this weekend as well as most weekends throughout summer.

### **Upcoming Projects**

- Asphalt Patching – Parkway and Virginia Canyon along with city potholes.
- Crack Seal – Plan to crack seal as much of the city as our budget will allow.
- Sidewalk Repair – We be doing some sidewalk repair throughout the city including the sidewalk by Reserve.



**To:** City Manager Alan Lanning, Mayor Engels, and City Council

**From:** Robert Fejeran, City Planner/HPO

**Date:** August 6, 2013

**Re:** Bi-weekly Report

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## Workplan Items Completed

- **Baseline Services** –
  - **Permitting:** Updated permit tracking system, incorporated into GIS
    - 30 permits through 7/31 (compared to 45 last year)
    - 45% of grants have been permitted (8 of 18)
    - Prospector's Run has completed phase II—all final inspections & COs issued—and moving forward with phase III next year
    - Elevator/Escalator permits tracking
  - **Code administration.** Sign/Building code flyer prepared for general public
    - New signage for Coer D' Alene / McFarlane Memorial
    - Code inspections process streamlined (one-day turn-around)
  
- **Public Works / Infrastructure** –
  - 311 Havilah Bridge complete
  - Public Works Facility plan complete – seeking grant
  - AT&T facility: resolution to negotiate, PC approval, in design
  
- **Information Technology** –
  - Records management—permits, COs, resolutions now digitized
  - Web content – user friendly, fillable forms
  - GIS intergovernmental agreement signed, executed (waiting for county)
  - Communications—fiber optics laid throughout city
  
- **Grants** –
  - GOCO Grant (due 8/31). Resolution signed, awaiting letters of support
  - CLG Survey grant (due 10/31) survey Reconnaissance
  - Planning Design Grant awarded
  - WQIF Grant awarded, work plan (scope of services) signed
  - Tiger Grant submitted – Crack Seal
  - Noxious weed grant awarded
  - Grant Coordination plan

- **Project Management –**
  - Quartz Hill Reclamation
    - Design coordination
    - Inlets/storm water pipe assessment
    - Construction mitigation plan coordination
  - Nevada Street Rock Wall Remediation
    - Geotech analysis
    - Temporary support design

### **Upcoming Workplan Items**

- **Information Technology –**
  - GIS asset management – field data collection
- **Comprehensive Plan Update –**
  - October/November start date to address elements (economic development, demographic, land use, etc.)
- **Historic Design Guidelines Update –**
  - January /February start date to update historic design guidelines, to coincide with CLG grant