CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, September 15, 2015 @ 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 website, the City Hall bulletin board and at the Post Office the Friday prior to the Council meeting.

7:00pm Council Meeting

1. Call to Order.

2. Roll Call.

Mayor	Ron Engels
Mayor *pro tem*	Kathy Heider
Council members	Shirley Voorhies
	Glo Gaines
	Judy Laratta

3. **Pledge of Allegiance**

4. Additions and/or Amendments to the Agenda.

5. Conflict of Interest.

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 September 3, 10; and
   City Council minutes: September 1, 2015.

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. 2014 Audit Presentation (Adame)

8. Resolution No. 15-19: A resolution of the City Council of the City of Central establishing certain financial procedures specific to authorized check signatories. (Adame)

9. Ordinance No. 15-7: An ordinance of the City Council of the City of Central, Colorado repealing and reenacting Chapter 14 of the City of Central Municipal Code in its entirety regarding sign regulations. (McAskin)

REPORTS –

10. Staff updates –

CELL PHONES

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) for the purposes of developing positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators regarding property located on Nevada Street in Central City; and
Pursuant to C.R.S. 24-6-402(4)(b) and (4)(e) to discuss specific legal questions regarding pending water rights litigation and for the purposes of developing positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators concerning water rights case no. 2011CW273.

ADJOURN. Next Council meeting October 6, 2015.

Posted 9/11/15

PLEASE TURN OFF CELL PHONES

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
9/11/2015

Total Beginning ENB Cash on Hand 9/1/15	**363.94**
Deposits to ENB	
Wires Out ENB	
Cleared Checks	-
9/1/2015	*363.94*
<less previously approved & outstanding>	288.13
Total ENB Cash on Hand 9/10/15	**75.81**

Total COB Cash on Hand 9/10/15	**296,643.00**
Deposits to COB	530,830.58
Wires Out COB	53,746.10
Cleared Checks	197,905.49
9/10/2015	**575,821.99**
<less previously approved & outstanding>	**(78,110.88)**
Device Fees Received	
Total COB Cash on Hand 09/10/15	**497,711.11**

Total Beginning Colotrust Cash on Hand 09/10/15	**775,171.79**
Wires into Account	-
Wires out of Account	
Total Colotrust Cash on Hand 09/10/15	**775,171.79**

TOTAL CASH ON HAND 09/10/15	**1,272,958.71**

CASH FLOW
CHECK LISTING

9/11/2015

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
9/3/15	874	9/9/15	130256	Albatross Inspections	Test Backflow Assemblies	1,307.10	
9/1/15	10943	9/9/15	130251	Allen Technology Advising	Computer Maintenance for September	3,420.00	
8/31/15	083115	9/9/15	130239	Barbara Thielman	Mileage for attendance of Mainstreet Training	85.34	
8/16/15	081615	9/9/15	130247	Century Link	Phone Bill for the month of August	947.65	
8/27/15	88729	9/9/15	130252	Complete Wireless Technologies	VP200 Radio Programmer	215.00	
8/31/15	831	9/9/15	130268	Economic Strategies	August Retainer	666.67	
8/13/15	221562	9/9/15	130267	Everist Materials	4 3500 PSI Flat Summer	556.00	
9/4/15	9/4/15	9/9/15	130240	Gilpin County Arts Association	Payroll 8/22-9/4/2015	2,260.00	
7/30/15	11221	9/9/15	130269	Griffin & Associates	Website Consulting	843.75	
9/5/15	3017	9/9/15	130258	Griffith Inc	Water & Public Works Consulting	1,068.75	
9/11/15	1968-23	9/9/15	130241	ICMA 401 Retirement Trust	ICMA payroll taxes	1,846.29	
9/11/15	1968-25	9/9/15	130242	ICMA 457 Retirement Trust	ICMA payroll taxes	1,409.50	
9/11/15	1968-33	9/9/15	130243	ICMA Vantage Point Transfer	IRA-Roth	351.00	
8/21/15	13235231	9/9/15	130257	Integra Telecom	Internet Access	733.97	
8/24/15	97868	9/9/15	130261	Intermountain Sweeper	GB Motor 210/435 E	495.00	
8/16/15	081615	9/9/15	130245	MCI	Long Distance Service	15.59	
8/18/15	596	9/9/15	130259	Mountain Tool and Feed	Fuel Pump Bulb	33.90	
8/31/15	083115	9/9/15	130265	Patrick Duffy	Mileage for attendance of Mainstreet Training	47.28	
9/1/15	83999	9/9/15	130266	Professional Management	Financial Accounting Assistance for August	2,673.75	
6/4/15	0403348-IN	9/9/15	130263	Rex Oil	RM Blue Sky Def Dr	164.24	
6/10/15	12391	9/9/15	130260	ROI Fire & Ballistics	MSA Altair O2 Sensor	219.00	
9/1/15	3017	9/9/15	130255	T and D Car Wash	Car Washes	47.18	
5/8/15	15-527	9/9/15	130262	Tactron	Engraved Named Tags for FD	80.28	
7/13/15	0167657	9/9/15	130244	The Lighthouse Inc.	Split Looms for Fire Truck	32.00	
8/31/15	21508242	9/9/15	130248	UNCC	12 RTL Transmissions	17.16	
8/26/15	8/26/15	9/9/15	130254	USA Communications	Internet	50.95	
8/16/15	9750767674	9/9/15	130253	Verizon Wireless	Cell Phone Service	80.07	
8/22/15	08222015	9/9/15	130250	Walmart Business	Oil and Supplies	156.16	
8/21/15	2146523	9/9/15	130264	Western Paper Distributors	Tissues; Air Freshner	91.89	
8/24/15	469153041	9/9/15	130246	Xcel Energy	Electricity	159.12	
8/18/15	130468557	9/19/15	130249	United Rentals	Road Plate & Bridle	501.92	

Outstanding through ENB	288.13
Outstanding through COB	78,110.88

Total Issued:	78,399.01
Approved & Sent Checks:	57,822.50
Pending Approval:	20,576.51
Total Pending Approval 08/04/15	**20,576.51**

CITY OF CENTRAL
CITY COUNCIL MEETING
September 1, 2015

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 6:00 p.m., in City Hall on September 1, 2015.

ROLL CALL

Present: Mayor Engels
Mayor *pro tem* Heider
Alderman Voorhies
Alderman Laratta

Absent: Alderman Gaines

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Adame
Public Works Director Hoover
Fire Chief Allen
Contract Planner/HPO Thompson

EXECUTIVE SESSION

Mayor *pro tem* Heider moved to go into Executive Session pursuant to C.R.S. 24-6-402(4)(e) for the purposes of developing strategies relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators regarding property located on Gregory Street in Central City and further move to reconvene the Council meeting at the conclusion of the executive session, for the purpose of continuing with the September 1, 2015 regular City Council meeting. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

At 7:00 p.m., Mayor Engels reconvened regular session.

The Pledge of Allegiance was recited by all present.

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 Voorhies moved to approve the consent agenda containing the regular bill lists of August 6, 13, 20, 27; and the City Council minutes for the meetings on August 4, 2015. Mayor *pro tem* Heider seconded. Alderman Voorhies questioned the bill from Professional Management. City

Manager Miera explained that this consultant is working with our budget and audit numbers. When Mayor Engels called the question, the motion carried unanimously.

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

LOCAL LICENSE AUTHORITY – (Central City Retail Marijuana Store Licensing Authority)
Growhouse Central City LLC 171 Lawrence for a Retail Marijuana License
Mayor *pro tem* Heider moved to open the Local License Authority. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Mayor Engels reviewed the information provided by staff as follows:
On August 4, 2015, Growhouse Central City LLC dba Growhouse Central City ("Applicant") submitted to the City Clerk a complete application seeking a license for a new retail marijuana store for premises located at 171 Lawrence Street, Central City, CO 80427.

The Authority has reviewed the application, staff report, and other materials related to this application submitted by the City Clerk as well as evidence submitted at this meeting. City staff has reviewed the application and all related materials, completed its investigation of the application, and submits this report and all supporting evidence to the Central City Retail Marijuana Store Licensing Authority for review and approval/conditional approval/denial of the application in accordance with state and local law. Currently, the City's retail marijuana store regulations require the Authority to approve, conditionally approve, or deny an application within thirty (30) days of receipt of a complete application. The City's regulations also require the Authority to make a finding and determination as to the good moral character of the Applicant in accordance with standards set forth in state law. The staff report indicates that the Applicant has fulfilled all local requirements for a retail marijuana business license, with the exception of a determination concerning Applicant's moral character.

Craig Clark, owner of Growhouse Central City responded to Council questions and explained that he also operates a store in Nederland which opened in August and one in Fraser that has been open since the first of the year. The company values compliance, a positive and educational atmosphere, and community involvement. Once the store is open, the company will have experienced staff on site to be sure all compliance is covered. Mike Swisher, Chief Operations Officer will open the store, then hire and train local employees. There will be a wide range of product so education to the public will be important. There is a plan to work with the community for fundraising and donation drives with local non-profits. Being the 5th retail marijuana store to open in Central City is not a concern as the company was careful to not over leverage on the building investment and this will allow them to build business and find a nitch. The company does not own any cultivation centers and will purchase product from the wholesale market and will choose a wide range of product price points.

Police Officer Adler stated the City has no concerns regarding the background check which came back clear and a preliminary walk through shows they are under construction and will have a final walk through once security cameras are installed.

Mayor *pro tem* Heider expressed concern for having five retail marijuana stores in our small community. Mayor Engels noted that when we decided to allow retail marijuana, we were going to

let the market decide when it was saturated and we can consider discussing if we should consider a limit on number. Alderman Laratta added that another dispensary has expressed concern regarding the number.

Mayor Engels noted that based upon the information that the Applicant has provided to the City and City staff's investigation of Applicant and all relevant information it provided as reflected in the attached staff report, and subject to the Authority's findings concerning the moral character of Applicant and associated persons, staff recommends that City Council, sitting as the members of the Central City Retail Marijuana Store Licensing Authority conditionally approve Applicant's application to operate a retail marijuana store.

Alderman Voorhies moved to conditionally approve the application of Growhouse Central City LLC dba Growhouse Central City based upon the information presented in the staff report and other information brought forth at this meeting and to direct staff to prepare a Record of Decision on this application that incorporates the findings, conclusions, and all recommended conditions in the staff report, the Authority's finding as to the Applicant's moral character, and any other conditions imposed on the application. The Authority further directs staff to provide a copy of this decision within three (3) days of today's date to both the Applicant and the State of Colorado marijuana licensing authority by certified mail at the address shown in the application. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Alderman Voorhies moved to close the Local License Authority. Mayor *pro tem* Heider seconded, and without discussion, the motion carried unanimously.

SECOND READING AND PUBLIC HEARING

Ordinance No. 15-06: *An ordinance amending Article 6 of Chapter 6 of the City of Central Municipal Code regarding Entertainment Districts.*

Attorney McAskin gave the background as follows: Ordinance No. 15-06 proposes amendments to Article 6 of Chapter 6 of the Central Municipal Code concerning entertainment districts and the hours of operation of a common consumption area.

The amendment would remove the limitation currently set forth in Section 6-6-80(e)(6) which prohibits the consumption of alcoholic beverages in any common consumption area after 10 p.m. and would further amend the Municipal Code to allow a promotional association to request extended hours of operation between 2:00 a.m. and 7:00 a.m. as part of its application for designation as a common consumption area.

In addition, Section 6-6-70(b)(6) is amended to require a promotional association to specifically identify any portion of the common consumption area that is proposed to be located outside (out of doors) and to provide a detailed description of the promotional association's plan to comply with the maximum db(A) levels established in Section 7-2-210(a) of the Municipal Code ("Maximum Permissible Noise Levels").

City Council considered this topic at the July 21, 2015 work session and considered the Ordinance on first reading on August 4, 2015.

The proposed amendments to Article 6 of Chapter 6 of the Municipal Code as set forth in Ordinance No. 15-06 include the following:

- Amend Article 6 of Chapter 6 of the Municipal Code concerning entertainment districts by removing the current 10:00 p.m. limitation on hours of operation of a common consumption area.
- Amend Article 6 of Chapter 6 of the Municipal Code to allow a promotional association to request extended hours of operation between 2:00 a.m. and 7:00 a.m. as part of its application for designation as a common consumption area.
- Amend Article 6 of Chapter 6 of the Municipal Code concerning entertainment districts to require the applicant (a promotional association) to specifically identify any portion of the common consumption area that is proposed to be located outside (out of doors) and to provide a detailed description of the promotional association's plan to comply with the maximum db(A) levels established in Section 7-2-210(a) of the Municipal Code ("Maximum Permissible Noise Levels") The burden of proof for this requirement will be on the applicant.

C.R.S. § 12-47-301(11) authorizes the expanded consumption of alcohol within common areas located within designated entertainment districts that are established by local jurisdictions. Pursuant to Ordinance No. 12-06, the City Council established the Central City Entertainment District and authorized the licensing of designated common consumption areas. The City's Entertainment District regulations are codified in Article 6 of Chapter 6 of the Municipal Code.

In accordance with C.R.S. § 12-47-301(11)(f), a local licensing authority may set hours during which a common consumption area and attached licensed premises may serve alcohol. The Liquor Enforcement Division of the Colorado Department of Revenue, in consultation with the Colorado Attorney General's Office, issued Bulletin 14-01 dated October 1, 2014, which bulletin concludes that a local licensing authority has the authority to set hours of operation outside of the 2:00 a.m. to 7:00 a.m. restriction set forth in C.R.S. § 12-47-901(5)(b).

Mayor Engels opened the public hearing at 7:22 p.m. and invited comment. Joe Behm, CCBID Director, stated that feedback in Black Hawk has been favorable and would like to be allowed to use an outdoor space for the 2nd license. Mayor Engels closed the public hearing at 7:24 p.m.

Alderman Laratta moved to adopt Ordinance No. 15-06: An ordinance amending Article 6 of Chapter 6 of the City of Central Municipal Code regarding Entertainment Districts on first reading and set the Public Hearing for September 1, 2015 at 7:00 p.m. Mayor *pro tem* Heider seconded, and without discussion, the motion carried unanimously.

ACTION ITEMS: NEW BUSINESS

Appoint Alternate to Planning Commission

Mayor *pro tem* Heider moved to ratify the appointment by Mayor Engels of Ernie Van Deuchen to the Planning Commission as alternate. Alderman Voorhies seconded, and without discussion, the motion carried unanimously. Mayor Engels thanked Mr. Van Deuchen for his willingness to serve.

Central City Promise Program Request– Tyrus Schmalz

City Manager Miera gave the background as follows: 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. Since 2006, eight different

students have utilized this program totaling $73,025.28. if approved this application will bring the total to $78,025.28.

The 2015 Budget has $10,000 allocated for the Promise Program. This is the only formal request received-to-date for FY 2015. Granting the above request will leave a remaining balance of $5,000.00.

Mr. Schmalz has submitted all of the required information and paperwork and is requesting Promise Program funds in the amount of $5,000.00. Mr. Schmalz is continuing his post-secondary education at Colorado State University and has received previous Promise Program disbursements in 2013 and 2014 for a total of $10,000.00. The Promise Program Guidelines limit the amount that an individual can receive to a total of $20,000 or four (4) years of funding.

Mayor Engels added that previous Councils have carefully guarded this program through tough budget times and have felt it to be important to the community in support of our young people.

Alderman Voorhies moved to award Tyrus Schmalz with continuing post-secondary educational tuition assistance in the amount of $5,000.00. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Resolution No. 15-17: *A resolution of the City Council of the City of Central, Colorado ratifying the City Manager's Conditional approval of the modified Revocable Access Permit for the Parkway Plaza LLC property.*
Contract Planner Thompson gave the background as follows: Parkway Plaza LLC (the "Applicant") is in the process of adding a gas station component to the existing Mountain Gateway center. The access to this property comes from the Central City Parkway, as was conditionally approved by the City in 2011 (pursuant to Resolution No. 11-13). Both the prior Resolution and the City's Parkway Access Code (Article VII of Chapter 8 of the Municipal Code) requires that a change in use or modification of the approved access requires additional review and approval of new access permit. All applicable application fees have been remitted to the City by the Applicant.

The Mountain Gateway Center is actually located in the City of Idaho Springs, but the access comes from the Central City Parkway. Idaho Springs has reviewed and approved the site plan and construction has begun on the site.

Site and Observations:

- The site plan can accommodate fuel delivery trucks as shown by the submitted site plan with a "turning template." The access point needs to be widened slightly to accommodate the proposed turning movement.
- The site contains an existing business.
- The proposed design minimizes the impact to the parkway, by making sure turning truck traffic will not be required to cross the yellow line into oncoming traffic when entering the Mountain Gateway Center site.
- The anticipated traffic increase as part of the proposed gas station is relatively minor (less than 10% increase)
- A traffic study was done when the site was originally constructed.
- Traffic on the parkway is less than was originally anticipated (has consistently been under 5000 cars per day).

- The addition of traffic associated with this use will not significantly impact the parkway.

Central City BID (District) Review:
As required by the terms of the Access Permit previously approved by the City in 2011 and in accordance with the City's Access Code, the Central City Business Improvement District reviewed the access permit request and use change on August 27, 2015. The District's recommendations have been incorporated into the conditions of approval on the modified access permit.

The City Manager is recommending conditional approval of the new access permit. In accordance with the Parkway Access Code, no access permit may be issued unless and until ratified by City Council.

Ed Smith, owner of Parkway Plaza, offered that they are working to be open within the next two months.

Mayor *pro tem* Heider noted that the cost for an access permit to the Parkway of $300 seems low so we may want to revisit this fee.

Alderman Laratta moved to approve Resolution No. 15-17: A resolution of the City Council of the City of Central, Colorado ratifying the City Manager's Conditional approval of the modified Revocable Access Permit for the Parkway Plaza LLC property. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Resolution No. 15-18: *A resolution of the City Council of the City of Central, Colorado awarding a BID for City Project No. 2015F-01 – Central city Parkway Flood Repair Project.*
Public Works Director Hoover explained that funding for these repairs comes from a FEMA Grant number 14-L4145-080 when Central City Parkway/US Highway 6 of Central City Colorado was affected by a flood incident from the period of September 11 through September 30, 2013 (FEMA Disaster Number 4145). An application to FEMA (Number PA-08-CO-4145-RPA-0309) was made for federal funding to repair Central City Parkway at five separate sites along the roadway which is approximately 8.4 miles long. Of the five sites, Site 4 has been repaired and is not to be considered in the scope of work.

Approval of this resolution will award the bid for the Project to ESCO Construction Co. (the successful bidder, hereinafter the "Contractor") in the not to exceed amount of Four Hundred Fourteen Thousand Two Hundred Fifty Five and 60/100 Dollars ($414,255.60), based on the unit price(s) set forth in the Contractor's bid and the estimated work quantities associated with the Project.

David Vallejos, Senior Estimator for ESCO, added that ESCO has been in business in Evergreen since 1944 and as soon as the Award is approved, ESCO staff will meet with City staff to set the timelines to get this started.

Alderman Voorhies moved that Council recognized that one BID received was too high. Mayor *pro tem* Heider seconded, and without discussion, the motion carried unanimously.

Alderman Voorhies moved to approve Resolution No. 15-18: A resolution of the City Council of the City of Central, Colorado awarding a BID to ESCO for City Project No. 2015F-01 – Central

City Parkway Flood Repair Project. Mayor *pro tem* Heider seconded, and without discussion, the motion carried unanimously.

STAFF UPDATES

City Manager Miera responded to Council questions on the following:

Main Street Bootcamp – this was a good program that was attended last week by Barbara Thielemann, Mary Bell, Patrick Duffy and myself

Letter for payment of water meters – will go out in the October water bills with a cost sharing policy for Council to consider at the 9/15 meeting

Gaming check received – the state is behind in their financial reporting so we will have to wait until September/October to receive the remaining portion

COUNCIL COMMENTS

Alderman Voorhies commented that the meeting with the Black Hawk Council was productive and enjoyable and added that the Beerfest event was excellent. She asked staff to review our jake-break ordinance and see if signage may help. Some items to discuss in the retreat are historic preservation grants for residential, contract consultants, and Colorado Street.

Alderman Laratta noted that Main Street looks beautiful and improved with the sheets off the windows but the DO NOT ENTER sign is still up.

Mayor *pro tem* Heider noted that Main Street was alive on Saturday with the Mexican Fiesta hosted by Easy Street Casino.

Mayor Engels added that all the events have been very successful and concurred that the meeting with Black Hawk regarding a joint shuttle program was productive due to all the prior work that the two City Managers put in to make it happen.

PUBLICFORUM/AUDIENCEPARTICIPATION

Ed Smith, owner of the Parkway Plaza property, thanked Council for approval of the access permit and stated the intention is to market all the casinos in Central City and Black Hawk at that location.

The next Council meeting is scheduled for September 15, 2015 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk

AGENDA ITEM #7

CITY COUNCIL COMMUNICATION FORM

FROM: **Abigail R. Adame, Finance Director**

DATE: **September 15, 2015**

ITEM: **2014 Audit Presentation**

NEXT STEP: **Make a motion to Accept and approve the City of Central's 2014 Audited Financial Statements.**

_____ORDINANCE
__X__MOTION
_____INFORMATION

I. **REQUEST OR ISSUE:** In April of this year, John Cutler & Associates performed an audit of the City's financial procedures, practices, and financial statements for the year ended December 31, 2014. Over the course of the past few months staff and John Cutler & Associates have worked together to draft and prepare the finalized 2014 Audited Financial Statements.

The financial statements illustrate the financial transactions of the City over the course of 2014 and present the City's financial information, in whole and as separate units, as of December 31, 2014.

State law requires the City to submit the audited financial statements to the Colorado Department of Local Affairs. It is customary for the auditor to review the statements and his opinion letter with the Council and for the Council to accept the statements as presented in the form of a motion.

II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to accept and approve the City of Central's Audited 2014 Financial Statements.

III. **FISCAL IMPACTS:** None.

IV. **BACKGROUND INFORMATION:** Please review the Audited Financial Statements that follow this Council Communication Form.

V. **LEGAL ISSUES:** None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: None

VII. SUMMARY AND ALTERNATIVES:

1. Make a motion to accept and approve the City of Central's 2014 Audited Financial Statements.

AGENDA ITEM #8

CITY COUNCIL COMMUNICATION FORM

FROM: **Abigail R. Adame, Finance Director**

DATE: **September 15, 2015**

ITEM: **Resolution 15-19 A Resolution of the City Council of the City of Central, Colorado Establishing Certain Financial Procedures Specific to Authorize Check Signatories and the Use of Credit or Debit Cards.**

NEXT STEP: **Make a motion to adopt Resolution 15-19, A Resolution of the City Council of the City of Central, Colorado Establishing Certain Financial Procedures Specific to Authorized Check Signatories and the Use of Credit or Debit Cards.**

____ORDINANCE
__X__MOTION
____INFORMATION

I. **REQUEST OR ISSUE:** Resolution 15-19 establishes those elected officials and employees that are authorized to sign checks as well as those authorized as a signatory on bank accounts for the City. Resolution 15-19 reflects the removal of former Finance Clerk Whitney Blake as an authorized signatory as she is no longer an employee with the City.

It is also necessary at times for City employees to use credit or debit cards in order to make purchases or reservations, Resolution 15-19 recognizes that in these cases, only one (1) authorized signature will be required and lists the City employees who are authorized to have and use a City credit or debit card for such purchases. Resolution 15-19 replaces Public Works Foreperson Aaron Behring with Public Works Director Sam Hoover.

II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to adopt Resolution 15-19, A Resolution of the City Council of the City of Central, Colorado Establishing Certain Financial Procedures Specific to Authorized Check Signatories and the Use of Credit or Debit Cards.

III. **FISCAL IMPACTS:** There are no immediate fiscal impacts. Indirect financial impacts

could be realized based on adherence to this recommended internal control practice.

IV. **BACKGROUND INFORMATION:** Please see Resolution 15-19.

V. **LEGAL ISSUES:** None.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None.

VII. **SUMMARY AND ALTERNATIVES:**

1. Make a motion to adopt Resolution 15-19.
2. Adopt Resolution 15-19 with amendments.
3. Table for further discussion.
4. Do not adopt Resolution 15-19.

CITY OF CENTRAL, COLORADO
RESOLUTION NO. 15-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL ESTABLISHING CERTAIN FINANCIAL PROCEDURES SPECIFIC TO AUTHORIZED CHECK SIGNATORIES

WHEREAS, it is necessary for the City of Central to issue payments to vendors, employees and others by check;

WHEREAS, in order to ensure that the checks issued are accurate and authentic, two (2) signatures are required on all checks issued; and

WHEREAS, to reduce the potential for error and/or fraud and to adhere to good internal control practices for accounting purposes it is necessary for the City Council to designate those specific persons who are authorized to sign checks; and

WHEREAS, certain staff members of the City of Central often need to make purchases at locations at which the City does not have an account; and

WHEREAS, a credit or debit card is required for some types of purchases and/or reservations and Council recognizes that obtaining two (2) signatures is not possible when using a credit or debit card but wishes to allow staff to use credit or debit cards when necessary;

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

Section 1.

1. All checks require two signatures; one of which must belong to an elected official, and one of which must belong to a City employee. Any accounts that are, or may be established to control funds from other governmental agencies, will be exempted from this requirement if they are organized as required by the funding agency. The signature of the elected official may be a stamped signature for convenience.

2. The following City officials are authorized to sign checks on the City's bank accounts: Mayor Ronald E. Engels, Mayor Pro-tem Kathryn Heider, City Manager Daniel R. Miera and Finance Director Abigail R. Adame.

3. All wire transfers will require authorizations from any two of the following: Mayor Ronald E. Engels, Mayor Pro-tem Kathryn Heider, City Manager Daniel R. Miera and Finance Director Abigail R. Adame.

4. Purchases made by credit or debit card require only *one* authorized signature.

5. City officials authorized to sign and approve purchases made using a City credit and/or debit card are as follows: Daniel R. Miera, City Manager; Abigail Adame, Finance Director; Terry Krelle, Chief of Police; Gary Allen, Fire Chief; and Sam Hoover, Public Works Director.

6. A coded and approved receipt must be furnished to the Finance Department for all purchases made using a City credit or debit card within twenty-four (24) hours of the purchase. If the individual is at another location for training or conference purposes then the receipts must be turned in within twenty-four (24) hours of returning to the City.

7. If an authorized card holder fails to submit a receipt for any purchase made then the individual shall lose the authority to use a City card. The City Manager has the authority to allow or disallow use of any City credit or debit card at any time.

Section 2. **Severability.** If any portion of this Resolution is found to be void or ineffective, it shall be deemed severed from this Resolution and the remaining provisions shall remain valid and in full force and effect.

Section 3. **Effective Date.** This Resolution shall take effect immediately upon adoption by City Council, whereupon City Staff is directed to take all steps necessary to implement the internal financial control practices set forth in this Resolution No. 15-19.

ADOPTED THIS 15th DAY OF SEPTEMBER, 2015.

CITY OF CENTRAL, COLORADO

By:_____
Ronald E. Engels, Mayor

ATTEST:

By:_____
Reba Bechtel, City Clerk

APPROVED TO FORM:

By:_____
Marcus McAskin, City Attorney

AGENDA ITEM #9

CITY COUNCIL COMMUNICATION FORM

FROM: **Marcus McAskin, City Attorney**

DATE: **September 10, 2015**

ITEM: **Ordinance 15-07 Repealing and Reenacting Chapter 14 of the City of Central Municipal Code in its Entirety Regarding Sign Regulations**

__X__ ORDINANCE
_____ MOTION
_____ INFORMATION

I. **REQUEST OR ISSUE:** Ordinance No. 15-07 proposes a new sign code for the City. In accordance with Section 8.1 of the City's Home Rule Charter, the City retained special counsel, Mr. Todd Messenger with the law firm of Fairfield & Woods, to assist the City with drafting a new sign code, on the recommendation of the City Attorney. Mr. Messenger has worked closely with the steering committee formed to provide input and recommendations on the new sign code, and also attended meetings with the City's Historic Preservation Commission ("HPC") regarding the new sign code.

City Council considered the new sign code at the September 15, 2015 work session.

The City Council is being asked to consider Ordinance 15-07 on first reading on September 15, 2015.

II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 15-07 on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.

Currently, it is anticipated that second reading of the Ordinance will occur on Tuesday, October 6, 2015.

III. **FISCAL IMPACTS:** N/A.

IV. BACKGROUND INFORMATION: Ordinance No. 15-07 proposes the adoption of a new updated sign code, which regulations are intended to balance First Amendment concerns with the City's interest in advancing important, substantial and compelling governmental interests. Elements of the new sign code include regulations addressing the following: (1) clarifying the content-neutrality of the City's sign regulations; (2) the number, area, structure and placement of signs; (3) allowed materials and design elements; (4) lighting and illumination of signs; and (5) the maintenance and duration of signs (including temporary signs).

The HPC considered the proposed Ordinance at a public hearing held on September 9, 2015. Following the conclusion of the HPC hearing, HPC recommended approval of the new sign code to City Council.

A copy of Ordinance 15-07 containing the new sign code is attached to this Council Communication Form. As of the date of this CCF, the City Attorney and Mr. Messenger are working on some final amendments to the proposed sign code. It is likely that a revised Ordinance 15-07 will be distributed to City Council at the September 15th meeting.

V. LEGAL ISSUES:

The City's special counsel, Mr. Todd Messenger, will be in attendance at the September 15th work session in order to provide an overview of the new sign code, to answer any specific questions that City Council may have, and to provide an overview of the applicable legal issues.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

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

(1) Adopt Ordinance No. 15-07 on first reading, as may or may not be amended;

(2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or

(3) Reject or deny the Ordinance.

RECOMMENDED MOTION: "I MOVE TO APPROVE ORDINANCE 15-07, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO REPEALING AND REENACTING CHAPTER 14 OF THE CITY OF CENTRAL MUNICIPAL CODE IN ITS ENTIRETY REGARDING SIGN REGULATIONS, ON FIRST READING AND FURTHER MOVE TO SET SECOND READING AND PUBLIC HEARING ON ORDINANCE 15-07 FOR TUESDAY, OCTOBER 6, 2015, AT 7:00 P.M. IN THESE CHAMBERS."

Attachments:

- Ordinance 15-07 (for first reading)

CITY OF CENTRAL, COLORADO
ORDINANCE 15-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO REPEALING AND REENACTING CHAPTER 14 OF THE CITY OF CENTRAL MUNICIPAL CODE IN ITS ENTIRETY REGARDING SIGN REGULATIONS

WHEREAS, the City of Central ("City") is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City's police powers; and

WHEREAS, the City Council previously codified the ordinances of the City via Ordinance No. 94-3 into the Municipal Code; and

WHEREAS, in furtherance of the public health, safety and welfare of the City of Central, the City Council wishes to update the Municipal Code, chapter by chapter, to create administrative efficiencies and to reflect current City practices and policies; and

WHEREAS, the City's Historic Preservation Commission has considered the proposed changes to Chapter 14 of the Municipal Code at a duly noticed public meeting held on September 9, 2015, and has provided its recommendations to City Council concerning same; and

WHEREAS, the City Council has considered the repeal and reenactment of Chapter 14 of the Municipal Code in a Council work session held on September 15, 2015; and

WHEREAS, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law; and

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO THAT:

Section 1. Chapter 14, currently titled "Sign Code" is hereby repealed and replaced to read in its entirety as follows:

CHAPTER 14
Sign Code

Article I **Findings; Purpose; Objectives; Authority; Applicability; and Exceptions**
Sec. 14-1-10 Findings of Fact
Sec. 14-1-20 Purpose
Sec. 14-1-30 Objectives
Sec. 14-1-40 Authority
Sec. 14-1-50 Applicability and Exceptions

Article II **Measurements and Calculations; General Design Standards; Content**
Sec. 14-2-10 Measurements and Calculations
Sec. 14-2-20 Prohibitions
Sec. 14-2-30 Illumination
Sec. 14-2-40 Electronic Message Centers
Sec. 14-2-50 Content

Article III **Standards for Permanent Signs**
Sec. 14-3-10 Historic Materials and Colors
Sec. 14-3-20 Standards for Attached Permanent Signs
Sec. 14-3-30 Standards for Detached Permanent Signs

Article IV **Standards for Temporary Signs**
Sec. 14-4-10 Standards for Attached Temporary Signs
Sec. 14-4-20 Standards for Detached Temporary Signs
Sec. 14-4-30 Duration of Display of Temporary Signs

Article V **Permitting Procedures; Sign Design Program Alternative**
Sec. 14-5-10 Permitting Procedures
Sec. 14-5-20 Sign Design Program Alternative

Article VI **Sign Maintenance**
Sec. 14-6-10 Sign Maintenance

Article VII **Non Conformities and Enforcement**
Sec. 14-7-10 Nonconforming Signs
Sec. 14-7-20 Enforcement

Article VIII **Definitions**
Sec. 14-8-10 Definitions

Article I
Findings; Purpose; Objectives; Authority; Applicability; and Exceptions

14-1-10 Findings of Fact.

The City Council finds as follows:

(a) This Chapter advances important, substantial, and compelling governmental interests.

(b) The regulations set out in this Chapter are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers.

(c) The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this Chapter.

(d) The City has a compelling interest in maintaining, perpetuating, and enhancing the authentic and unique historic character within the National Historic Landmark District ("NHLD"); as the NHLD is not only a nationally-significant historic resource of exceptional quality and integrity, but also a critical element of the community's identity and economic well-being.

(e) Historic character can be protected by reasonable regulation of materials and colors used for signs, without regard to the message displayed on the signs.

(f) The City has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:

(1) Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;

(2) May involve physical obstructions of streets or sidewalks, creating public safety hazards;

(3) Degrades the aesthetic and essential historic character of the City, making the City a less attractive place for tourism, commerce, and private investment; and

(4) Dilutes or obscures messages displayed along the City's streets through the proliferation of distracting structures and competing messages.

(g) The City has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community.

(h) The City has a substantial and / or compelling interest in preventing traffic accidents.

(i) Sign clutter can be reduced and prevented by reasonable sign regulations that:

(1) Do not relate to the content of the regulated signs; and

(2) Balance the legitimate needs of individuals, entities, and organizations to convey messages with the legitimate objectives of the City to promote public safety, enhance community character, protect and sustain historic character, and support and enhance private property values.

(j) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.

(k) Certain types of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

(l) The City has a compelling interest in protecting minors from speech that is harmful to them as provided by state or federal law, and such speech may be prohibited in places that are accessible to minors.

14-1-20 Purpose.

The purpose of this Chapter is to set out reasonable regulations for the design, location, installation, operation, repair, and maintenance of signs in a manner that advances the City's important, substantial, and compelling interests set out in Section 14-1-10, while simultaneously safeguarding the constitutionally protected right of free speech.

14-1-30 Objectives.

The objective of the regulations of this Chapter is to provide a balanced and fair legal framework for the design, location, installation, operation, repair, and maintenance of signs that:

(a) Promotes the safety of persons and property by ensuring that signs do not create a hazard by:

(1) Collapsing, catching fire, or otherwise decaying;

(2) Confusing or distracting motorists; or

(3) Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs; and

(b) Promotes the efficient communication of messages, and ensures that persons exposed to signs:

(1) Are not overwhelmed by the number of messages presented; and

(2) Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose; and

(c) Protects the public welfare and enhances the appearance and economic value of the landscape by reducing and preventing sign clutter;

(d) Protects the integrity and character of the City's unique, authentic historic areas;

(e) Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property or users of the public rights-of-way due to brightness, glare, reflectivity, bulk, or height; and

(f) Provides timely, fair, and consistent permitting and enforcement.

14-1-40 Authority.

(a) Generally. The City has the authority to regulate signs under the United States Constitution, the Constitution of the State of Colorado, and its home rule Charter.

(b) Marijuana Businesses. The content of signs related to the marijuana business is restricted by state laws and regulations, and both the advertising and sale of marijuana are prohibited by federal law. The City has no authority to supersede state or federal marijuana laws.

14-1-50 Applicability and Exceptions.

(a) Applicability of Chapter.

(1) *Generally.* All construction, relocation, enlargement, alteration, and modification of signs within the City shall conform to the applicable requirements of this Chapter. This Chapter applies only to signs that are integrated into, attached to, installed upon, or set upon the ground, a structure, landscaping, or a building, or installed within a building within six feet of a window. This Chapter does not apply to signs that are affixed to or painted on vehicles (except as provided in Section 14-2-20(c)) or to signs that are carried by people.

(2) *Comprehensive Sign Plans.* Comprehensive Sign Plans that are approved prior to the effective date may be carried out according to their terms. Signs permitted pursuant to an approved Comprehensive Sign Program shall be considered conforming to the requirements of this Chapter.

(3) *Signs Permitted Before Effective Date.* Except as provided in Subsection (a)(2), above, if a permit for a sign has been issued in accordance with applicable City ordinances in effect prior to the effective date of this Chapter, and provided that construction is commenced pursuant to the permit within six months of the effective date of this Article or prior to the expiration of the permit, whichever occurs first, and is diligently pursued

to completion, said sign may be completed in accordance with the approved plans on the basis of which the permit has been issued. The sign will be thereafter subject to the provisions of Section 14-7-10 regarding nonconforming signs, if applicable.

(b) Other Regulations.

(1) In addition to the regulations set out in this Chapter, signs may also be subject to applicable State laws and regulations (*e.g.*, State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building codes.

(2) Where any provision of this Chapter covers the same subject matter as other regulations of the City, the more restrictive regulation shall apply, unless the City determines that the more restrictive regulation is clearly unenforceable as a matter of law.

(3) Where any provision of this Chapter covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as provided in the state or federal law.

(c) Sign Permit Required. A Sign Permit is required prior to any repair or restoration of a Landmark Sign and for the erection, installation, or substantial modification of any sign that is not an Exempt Sign as defined in Subsection (d), below.

(d) Exemptions from Permit Requirement. The following "Exempt Signs" are not exempt from applicable provisions of this Chapter, but are exempt from the requirement of Subsection (c) that a sign permit be obtained prior to installation. Exempt Signs may require a building permit or other related permit if they are subject to a building or electrical code.

(1) *Public Signs*. Signs that are posted by:

a. The City on property owned, leased, licensed, or comparably controlled by the City; or

b. Governmental entities that are not subject to City jurisdiction.

(2) *Required Signs*. Signs that are required by law or regulation:

a. In furtherance of the performance of a public duty or function (*e.g.*, temporary or permanent traffic controls and street signs); or

b. To give legal notice (*e.g.*, notices of pending action pursuant to City ordinances); or

c. To comply with building codes (*e.g.*, address numbers); or

d. To comply with other laws or regulations.

(3) *Optional Residential Signs.* One wall sign, affixed to a residential building on its front elevation, provided that the sign does not exceed five square feet in sign area.

(4) *Flags.* Flags that are hung from not more than three rigid, building-mounted or ground-mounted flagpoles per property, provided that:

a. flags are flown full-staff, except by order of the President of The United States, by order of the Governor of Colorado, on May 15th (sunrise until sunset), on Memorial Day (sunrise until NOON), on September 11 (sunrise until sunset), on Korean War Veterans Armistice Day (sunrise until sunset), on National Firefighters Memorial Day (sunrise until sunset), and on Pearl Harbor Remembrance Day (sunrise to sunset);

b. there is at least six feet of sign clearance when flags are flown full-staff, or, in the case of building-mounted flags, the flags do not project into areas used by vehicles or pedestrians;

c. no more than three flags are flown from any one flagpole; and

d. no flag exceeds 32 square feet in area.

(5) Signs with *De Minimus* Area.

a. Signs that are affixed to a building or structure, that do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and

b. Signs that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.

(6) *Holiday Decorations.* Decorations and signs that are clearly incidental, customary, and commonly associated with a holiday.

(7) *Interior Signs.* Signs that are not visible from residential lots, abutting property, public rights of way, or property located at a higher elevation than the property upon which the sign is installed.

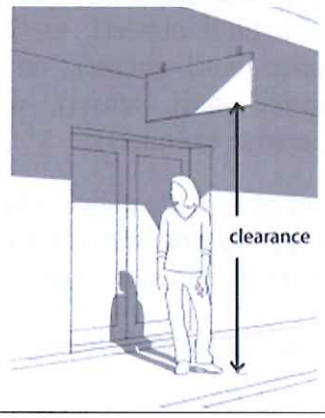
(8) *Temporary Signs.* Temporary signs that are in compliance with the applicable requirements of Article 4, *Temporary Signs*.

Article II
Measurements and Calculations; General Design Standards; Content

14-2-10 Measurements and Calculations.

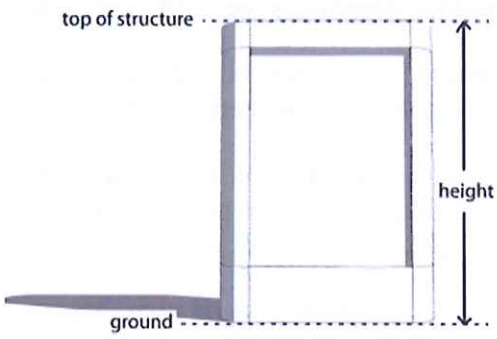
(a) Sign Clearance. Sign clearance is the distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the ground-level surface under it. *See* Figure 14-2-10(a), *Measurement of Sign Clearance*.

Figure 14-2-10(a)
MEASUREMENT OF SIGN CLEARANCE



(b) Sign Height. For detached signs (temporary and permanent), sign height is the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade around the base of the sign. *See* Figure 14-2-10(b), *Measurement of Sign Height*.

Figure 14-2-10(b)
MEASUREMENT OF SIGN HEIGHT

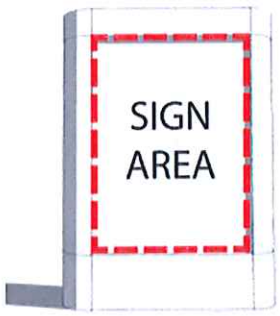


(c) Sign Area.

(1) *Generally.* Sign area is the area within a continuous polygon with up to eight straight sides that completely encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed.

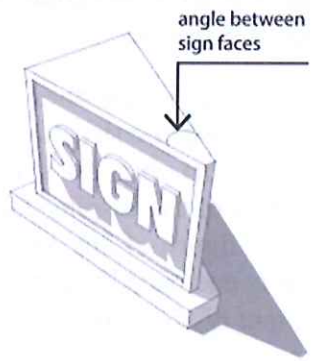
(2) *Inclusions and Exclusions.* The sign area does not include the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but does include any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not. *See* Figure 14-2-10(c), *Measurement of Sign Area, Generally.*

Figure 14-2-10(c)
MEASUREMENT OF SIGN AREA, GENERALLY



(3) *Double-Faced Signs.* For projecting, suspended, free-standing, or other double-faced signs, only one sign face is measured, provided that the sign faces are parallel or form an interior angle of less than 30 degrees and the sign faces are mounted on the same structure. If the sign faces are not equal in area, the larger sign face is measured. If the interior angle between the sign faces is more than 30 degrees, then both sign faces are measured. See Figure 14-2-10(d), *Measurement of Sign Area, Double-Faced Signs.*

Figure 14-2-10(d)
MEASUREMENT OF SIGN AREA, DOUBLE-FACED SIGNS



(d) Signable Area. Signable Area is that portion of a building façade that is uninterrupted by doors, windows or architectural details, upon which a wall-mounted sign is or may be located. Its area is calculated by selecting a continuous façade, then drawing the largest possible imaginary rectangle uninterrupted by and not including doors, windows or architectural details and computing the area of said rectangle.

14-2-20 Prohibitions.

(a) Generally. The prohibitions in this Section apply to temporary and permanent signs in all areas of the City.

(b) Prohibited Signs. The following sign structures and designs are prohibited:

(1) Signs with more than two sign faces.

(2) Signs that are a traffic hazard because they simulate or imitate (in size, color, lettering, or design) any traffic sign or signal.

(3) Animated or moving signs, including any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light, except as specifically permitted in Section 14-2-40, *Electronic Message Centers*.

(4) Portable Signs, except as specifically permitted in Article 4, *Temporary Signs*.

(5) Pole Signs.

(6) Abandoned Signs.

(c) Prohibited Design Elements. The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:

(1) Awnings that are backlit or made of plastic.

(2) Inflatable signs.

(3) Feather flags.

(4) Flags, banners, or comparable elements that are designed to move in the wind, but only when such elements are attached to another sign type (e.g., flags may be attached to flagpoles, but may not be attached to monument signs).

(5) Flashing lights, except as part of holiday displays.

(6) Manual changeable copy centers.

(7) Motor vehicles, unless:

a. The vehicles are operational, and either:

1. New; or

2. Regularly used as motor vehicles, with current registration and tags;

b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (*e.g.*, signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle while the vehicle is in motion are not allowed); and

c. The motor vehicle is legally parked in a designated off-street parking space.

(8) Semi trailers, shipping containers, or portable storage units, unless:

a. The trailers, containers, or portable storage units are:

1. Structurally sound and capable of being transported;

2. Used for their primary purpose (*e.g.*, storage, pick-up, or delivery); and

3. If subject to registration, have current registration and tags; and

b. The display of signage is incidental to the primary purpose; and

c. The semi trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site at which it is being used for its primary purpose.

(9) Stacked products (e.g., tires, soft drink cases, bagged soil or mulch).

(10) Sound, smoke, bubble, or odor emitters.

(11) Spinning or moving parts.

(12) Unshielded bare light bulbs that are larger than C9 format or brighter than 50 lumens per bulb (note that illumination of signs in any manner is subject to Section 14-2-30(d)).

(d) Prohibited Obstructions. In no event shall a sign, whether temporary or permanent, obstruct the use of:

(1) Building ingress or egress, including doors, egress windows, and fire escapes.

(2) Equipment, structures, or architectural elements that are related to public safety or utility service (e.g., standpipes, fire hydrants, and meters).

(3) Any vision clearance area that is required by Zoning Ordinance Section 16-167, Vision Clearance Area, or other applicable regulations.

(e) Prohibited Mounts. No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:

(1) Any tree or shrub.

(2) Any utility pole or light pole, unless:

a. The sign is a banner or flag that is not more than 10 square feet in area;

b. The owner of the utility pole or light pole consents to its use for the display of the banner or flag;

c. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole;

d. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight feet; and

e. The requirements of Subsection (f) are met, if applicable.

(3) Utility cabinets or pedestals (except Exempt Signs that are posted by or with the consent of the owner of the utility cabinet or pedestal).

(f) Prohibited Locations. In addition to applicable setback requirements and other restrictions of this Article, no sign shall be located in any of the following locations:

(1) In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, retaining walls, utility poles, traffic control devices, medians, and center islands that are within public rights-of-way), except:

a. Temporary or permanent signs posted by or under the authority of the City or governmental entity with jurisdiction over the right-of-way;

b. Temporary signs posted in connection with authorized work within the right-of-way, as authorized or required by the City or governmental entity with jurisdiction over the right-of-way;

c. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench;

(2) In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than the minimum clearance required by the laws of the State of Colorado and the regulations duly promulgated by agencies thereof.

(g) Landmark Signs. Landmark Signs shall not be removed, defaced or covered.

14-2-30 Illumination

(a) Generally. Illumination of signs using internal or external light sources is subject to the provisions and limitations of this Section.

(b) Wiring and Electrical Components. Junction boxes, conduits, switches, sensors, transformers, wires, and other electrical or electronic components used to illuminate signs shall be hidden from view.

(c) Light Trespass. No sign or associated luminaire shall create light spillover of more than one lux at any property line within or bounding an LDR, MDR, HDR, RCE, or TSL zoning district. Luminaires associated with sign illumination shall not create glare or sky glow.

(d) Internal Illumination.

(1) Internal illumination of signs is allowed:

a. As provided in Section 14-2-40;

b. In the GPC or LCC zoning districts provided that the sign is installed on property located in the outlying area; or

c. By approved Sign Design Program.

(2) Internally illuminated signs shall be calibrated so that they do not exceed a maximum brightness level established using the method set out in Section 14-2-40(i).

(3) Awning signs shall not be backlit or otherwise internally illuminated.

(e) External illumination. External illumination of signs shall not exceed an illuminance of more than 500 lux on any part of the sign face or surrounding surfaces. Luminaires shall be shielded and directed to prevent glare and sky glow.

(f) Hours of Illumination.

(1) In the GPC, LCC, LDR, MDR, HDR, RCE, and TSL zoning districts, illuminated signs shall be turned off each day by the later of 10:00 PM or 30 minutes after closing of the associated land use. Signs may be turned back on at 5:00 AM.

(2) In the HDG and GGG zoning districts, signs may be illuminated at any time.

14-2-40 Electronic Message Centers

(a) Generally. EMCs may only be used on the following types of signs, if and where allowed by this Chapter, and subject to the requirements of this Chapter:

(1) Monument signs

(2) Projecting signs

(3) Cabinet wall signs

(4) Window signs

(b) Prohibitions.

(1) EMCs are not allowed on nonconforming sign structures or on property that contains a nonconforming sign.

(2) EMCs are not allowed on temporary signs.

(3) EMCs are not allowed in the LDR, MDR, HDR, or RCE zoning districts, unless the property upon which the EMC is installed is both:

a. nonresidential in use; and

b. located in an Outlying Area.

(c) Wiring and Electrical Components. Junction boxes, fans, conduits, switches, sensors, transformers, wires, and other electrical or electronic components used to provide power, data, or cooling to EMCs shall be hidden from view.

(d) Number of EMCs. Not more than one sign per property shall contain an EMC. Monument signs or projecting signs that have two sign faces may include one EMC per sign face.

(e) Enclosure Required. EMC displays on monument signs, cabinet wall signs, or projecting signs shall be enclosed on all sides with a finish of brick, stone, stucco, finished metal, or other durable material that is used for that portion of surface of the sign face that is not an EMC, and the EMC display shall appear to be either recessed into the frame or flush with it. The enclosure shall extend not less than six inches outward from the display on all sides.

(f) Design. EMC displays on monument signs, cabinet wall signs, or projecting signs shall be designed as an integral part of the sign. *See* Figure 14-2-40, *EMC Integration.*

Figure 14-2-40 EMC INTEGRATION	
Allowed	Not Allowed
GRAPHIC TO BE PROVIDED	GRAPHIC TO BE PROVIDED

(g) Size and Proportions.

(1) An EMC that is incorporated into a monument sign shall not occupy more than 35 percent of the area of any sign face.

(2) An EMC that is incorporated into a projecting sign or cabinet wall sign shall not occupy more than 40 percent of the area of the sign face into which it is incorporated.

(3) An EMC that is used as a window sign shall not exceed six square feet of display area.

(h) Maximum Pixel Pitch. EMC displays shall have a pixel pitch of not more than 16 mm.

(i) Brightness. EMCs shall be equipped with ambient light sensors and programmed to automatically dim when ambient light levels drop. The maximum brightness of an EMC shall be calibrated in nighttime conditions (at least 30 minutes after sunset) as follows:

(1) From a point 40 feet in horizontal distance from the EMC, five feet above ground level, light readings shall be taken in the vertical plane, facing the EMC, as follows:

a. With the EMC turned off, an ambient light reading shall be taken to establish the Baseline Light Level;

b. With the EMC turned on, displaying all white copy, another light reading shall be taken to establish the maximum brightness of the EMC;

(2) The EMC shall be calibrated such that the difference between the maximum brightness and the baseline light level is not more than 0.3 foot-candles.

(j) Operation. EMCs shall be programmed, maintained, and / or operated as follows:

(1) EMCs shall display only static images (messages and / or graphics without motion, flashing, animation, or frame effects); and transitions between images shall be "fade through black" for a duration of ½ second.

(2) Images shall be displayed for a period of not less than five minutes.

(3) If the EMC is damaged or malfunctions such that image data is not properly displayed or such that the requirements of Subsection (i) are not met, it shall be automatically turned off.

14-2-50 Content

(a) Generally. Except as provided in this Section and Section 14-2-20(b)(2) no sign shall be approved or disapproved based on the message it displays.

(b) Prohibition on Certain Types of Unprotected Speech. The following content is prohibited without reference to the viewpoint of the individual speaker:

(1) Text or graphics of an indecent or immoral nature that is harmful to minors under state or federal law;

(2) Text or graphics that advertise unlawful activity, except as provided in Subsection (c) of this Section;

(3) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or

(4) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

(c) Commercial Speech Related to Marijuana. Federal law prohibits the advertising and sale of marijuana. Colorado law specifically allows the advertising and sale of marijuana, subject to comprehensive state regulation. As of the effective date

of this Chapter, the U.S. Department of Justice has indicated that it will use prosecutorial discretion to (in general) not enforce federal marijuana laws in states that have legalized marijuana under state law and enacted comprehensive regulations for the marijuana industry. Accordingly, the City will allow a limited exception to Subsection (a)(2) of this Section for the signs of licensed marijuana businesses, provided that the businesses are licensed and operated in compliance with applicable state statutes and regulations. The exception created by this Subsection does not create a defense to the enforcement of federal law, nor shall the City be liable for any damages caused by the enforcement of federal law. If the federal policy regarding prosecutorial discretion officially changes such that federal marijuana prohibitions are enforced in Colorado, then the limited exception created by this Section shall automatically terminate, and signs advertising marijuana shall be considered prohibited signs.

(d) Severability. The narrow classifications of content that are prohibited by this Section are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each Subsection of this Section (e.g., Subsections (b)(1), (b)(2), (b)(3), (b)(4) or Subsection (c)) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States or Colorado Constitutions.

Article III
Standards for Permanent Signs

14-3-10 Historic Materials and Colors

(a) Materials. Permanent signs in the NHLD shall be constructed from metal, stone, wood, or such other material as may be approved by the HPO or HPC upon appropriate documentation provided by the applicant.

(b) Colors. Permanent signs in the NHLD shall utilize the Historic Color Palette unless otherwise approved by the HPC as part of a Sign Design Program.

(c) Fonts. Text displayed on permanent signs in the NHLD shall utilize the Historic Fonts Palette unless otherwise approved by the HPC as part of a Sign Design Program.

14-3-20 Standards for Attached Permanent Signs

(a) Wall Signs. Wall signs are allowed according to the standards in Table 14-3-20(a), *Wall Signs*.

Table 14-3-20(a)
WALL SIGNS

Type of Sign / Standard	Zoning District							
	Gaming		Commercial			Residential		Other
	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Standards Applicable to All Wall Signs								
Max. Total Wall Sign Area ("MTWSA"), measured as % of signable area	50%				30%		5 sf.	
Location of Sign	Wall signs must be set back at least 6 inches from architectural features, and at least 18 inches from building corners, cornice or eave lines, and ground planes; architectural feature setback may be reduced to 2 inches if the signable area is a sign band that is 18 inches or less in height						Front building elevation	
Applied or Painted Wall Sign								
Max. Number of Signs	Not Limited				1 / building frontage		1	
Max. Sign Area	MTWSA, less area allocated to other types of wall signs						5 sf.	
Banner Frame Applied to Building Wall								
Max. Number of Signs	3 per building elevation		1 per building			Not Allowed		
Max. Sign Area[1] (per banner frame)	32 sf.		32 sf.			Not Applicable		
Other Restrictions	Not allowed if EMC is present; must be removed prior to installation of an approved EMC; detached banner frames along the building frontage (see Table 14-3-30) are also counted towards max. number of signs					Not Applicable		
Bulletin Board Attached to Building Wall								

Table 14-3-20(a)
WALL SIGNS

Type of Sign / Standard	Zoning District							
	Gaming		Commercial			Residential		Other
	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Max. Number of Signs	1 / building elevation, provided that signable area is greater than 50 sf.				1 / building elevation, provided that signable area is greater than 20 sf.		Not Allowed	
Max. Sign Area[1]	12 sf.				12 sf.		Not Applicable	
Other Restrictions	Not allowed if EMC is present; not allowed if other cabinet wall sign is installed on same facade				None		Not Applicable	
Cabinet Wall Sign or Channel Lettering Attached to Building Wall								
Max. Number of Signs	1 / building elevation, provided that signable area is greater than 50 sf.						Not Allowed	
Max. Sign Area[1]	32 sf.		32 sf. in NHLD 48 sf. in Outlying Area				Not Applicable	
Other Restrictions	Within NHLD, EMCs require HPC approval as part of Sign Design Program; *see* Sec. 14-2-40 for EMC standards						Not Applicable	
Channel Lettering Attached to Building Fascia								
Max. Number of Signs	Not Limited						Not Allowed	
Max. Sign Area (not counted towards MTWSA)	50% of signable area of fascia						Not Applicable	

Table 14-3-20(a) WALL SIGNS								
	Zoning District							
	Gaming		Commercial			Residential		Other
Type of Sign / Standard	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE

TABLE NOTES:

[1] The maximum sign area shown is also limited by the MTWSA. For example, if the total signable area of a building elevation in the HDG zoning district is 30 sf., then the maximum sign area of a banner frame is 15 sf. (50% of 30 sf.), not 32 sf. (the maximum sign area allowed for a banner frame, regardless of MTWSA); and if a 15 sf. banner frame is installed, no other wall signs are allowed on the same elevation.

(b) Projecting, Awning, and Bracket Signs. Projecting, awning, and bracket signs are allowed according to the standards in Table 14-3-20(b), *Projecting, Awning, and Bracket Signs*.

Table 14-3-20(b) PROJECTING, AWNING, AND BRACKET SIGNS								
	Zoning District							
	Gaming		Commercial			Residential		Other
Type of Sign / Standard	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Projecting Signs								
Max. Number of Signs	1 per building frontage (if a building is designed to appear as multiple attached buildings, then one per apparently differentiated building frontage), plus 1 per public vehicular entrance to a parking structure					1 per nonresidential building		
Max. Sign Area	30 sf.; if building frontage exceeds 60 ft. then 1 sf. per 2 lf. of building frontage, not to exceed 50 sf.					15 sf.		
Min. Sign Clearance	8 ft.					8 ft.		

Table 14-3-20(b) PROJECTING, AWNING, AND BRACKET SIGNS								
	Zoning District							
	Gaming		Commercial			Residential		Other
Type of Sign / Standard	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Other Restrictions	Within NHLD, EMCs require HPC approval as part of Sign Design Program; *see* Sec. 14-2-40 for EMC standards					None		
Awning Signs								
Max. Number of Signs	1 per awning face					Not Allowed		
Max. Sign Area (per sign)	50% of awning face					Not Applicable		
Bracket Signs								
Max. Number of Signs	1 per principal building entrance					Not Allowed		
Max. Sign Area	8 sf.					Not Applicable		
Min. Sign Clearance	8 ft.					Not Applicable		

(c) Window Signs. Window signs are allowed according to the standards in Table 14-3-20(c), *Window Signs*.

Table 14-3-20(c) WINDOW SIGNS								
	Zoning District							
	Gaming		Commercial			Residential		Other
Type of Sign / Standard	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
All Window Signs								

Min. Window Transparency ("MWT") (% of window area between 2 and 8 feet above ground level)	60%	Not Applicable
Applied or Painted Window Signs		
Other Restrictions	Permanent applied window signs shall be affixed to the window in a professional manner (*e.g.*, without wrinkles, bubbles, tape, etc.)	Not Applicable
Detached Window Signs		
Other Restrictions	If used as a window sign, EMC shall be installed not less than 2 feet behind a ground-floor window; *See* Sec. 14-2-40 for other EMC standards	Not Applicable

14-3-30 Standards for Detached Permanent Signs

Detached permanent signs are allowed according to the standards in Table 14-3-30, *Detached Permanent Signs*.

Table 14-3-30
DETACHED PERMANENT SIGNS

	Zoning District							
	Gaming		Commercial			Residential		Other
Type of Sign / Standard	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Monument Signs								
Max. Number of Signs	Not Allowed	1 per vehicular entrance to property				1 per street frontage	Not Allowed	1 per street frontage
Max. Sign Area	Not Applicable	1 sf. per 3 lf. street frontage up to and including 120 ft. of frontage, then 1 sf. per 6 lf. of street frontage thereafter, rounded down, not to exceed 100 sf.				16 sf.	Not Applicable	12 sf.

Table 14-3-30
DETACHED PERMANENT SIGNS

Type of Sign / Standard	Zoning District							
	Gaming		Commercial			Residential		Other
	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Max. Sign Height	Not Applicable	6 ft.; plus 1 ft. per 45 lf. of street frontage, not to exceed 16 ft.				6 ft.	Not Applicable	5 ft.
Min. Sign Setbacks from All Property Lines[1]	Not Applicable	3 ft.					Not Applicable	3 ft.
Min. Landscape Area around Base of Sign[1, 2]	Not Applicable	3 ft.					Not Applicable	3 ft.
Other Restrictions	Not Applicable	Within NHLD, EMCs require HPC approval as part of Sign Design Program; *see* Sec. 14-2-40 for EMC standards				None	Not Applicable	None
Banner Frames Mounted on Handrails or Retaining Walls								
Max. Number of Signs	3 per building elevation		1 per building		Not Allowed			
Max. Sign Area (per sign)	32 sf.		32 sf.		Not Applicable			
Other Restrictions	Not allowed if EMC is present; must be removed prior to installation of an approved EMC; banner frames mounted to building elevation along the building frontage (see Table 14-3-20A) are also counted towards max. number of signs				Not Applicable			

TABLE NOTES:

[1] Signs may be approved in other locations (*e.g.*, medians) by Sign Design Program alternative approval

[2] The minimum landscape area is measured as a distance from the base of the sign in all horizontal directions

Article IV
Standards for Temporary Signs

14-4-10 Standards for Attached Temporary Signs

(a) Generally. Attached temporary signs are allowed subject to the standards of this Section, for the duration that is set out in Section 14-4-30, *Duration of Temporary Signs*.

(b) Banners. Banners are permitted in the HDG, GGG, GPC, LCC, and TSL zoning districts, provided that:

(1) The property does not have a sign with an EMC; and

(2) There is not more than one banner displayed per street frontage, except that where banner frames are present, one banner may be displayed in each banner frame.

(c) Sock Signs and Temporary Wall Signs. Sock signs and temporary wall signs are permitted in the HDG, GGG, GPC, LCC, and TSL zoning districts, provided that they are used during a period not to exceed 45 days in which a new permanent sign or sign component is being fabricated and installed.

(d) Window Signs.

(1) Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the applicable transparency standards of Table 14-3-20(c), *Window Signs*, are met.

(2) Temporary window signs shall be affixed to the window such that the fastener (e.g., tape) is not highly visible, or shall be mounted vertically inside of the building for viewing through the window.

14-4-20 Standards for Detached Temporary Signs

The maximum number, maximum sign area, maximum height, and other restrictions that apply to detached temporary signs are set out in Table 14-4-20, *Standards for Detached Temporary Signs*.

Table 14-4-20
STANDARDS FOR DETACHED TEMPORARY SIGNS

	Zoning District							
	Gaming		Commercial			Residential		Other
Type of Sign / Standard	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE

Table 14-4-20
STANDARDS FOR DETACHED TEMPORARY SIGNS

Type of Sign / Standard	Zoning District							
	Gaming		Commercial			Residential		Other
	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Yard Signs								
Max. Number of Signs	Not Allowed		1 per driveway			Not limited for permitted detached and attached residential uses; 2 per driveway for multifamily and nonresidential uses; 2 per frontage for vacant property		
Max. Sign Area (per sign)	Not Applicable		5 sf.			6 sf.		
Max. Sign Height	Not Applicable		3 ft.			3 ft.		
Min. Setback from Property Lines	Not Applicable		Greater of: (i) 2 ft., or (ii) 1 ft. from interior edge of sidewalk					
Other Restrictions	Not Applicable		Must be staked within a landscape area; not allowed if an EMC is present on the property					
Site Signs								
Max. Number of Signs	1 per lot		1 per frontage				1 per parcel of at least 5 acres in area	1 per frontage
Max. Sign Area (per sign / total)	16 sf.		32 sf.				16 sf.	16 sf.
Max. Sign Height	5 ft.		5 ft.				5 ft.	5 ft.
Min. Setback from Property Lines	2 ft. if staked; 0 ft. if installed on temporary construction site fencing							

Table 14-4-20
STANDARDS FOR DETACHED TEMPORARY SIGNS

Type of Sign / Standard	Zoning District							
	Gaming		Commercial			Residential		Other
	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Other Restrictions	Not allowed if a swing sign or EMC is present on the property. Must be staked within a permeable landscape area that extends at least 18 inches in all horizontal directions from sign base; or fastened to temporary construction site fencing. If permeable landscape area or temporary construction fence is not present, Site Sign is not allowed.							
Swing Signs								
Max. Number of Signs	Not Allowed				1 per residential lot			
Max. Sign Area (per sign / total)	Not Applicable				5 sf., including riders			
Max. Sign Height	Not Applicable				5 ft.			
Min. Setback from Property Lines	Not Applicable				2 ft.			
Other Restrictions	Not Applicable				Must be staked within a permeable landscape area that extends at least 18 inches in all horizontal directions from sign base; not allowed if site sign or EMC is present on property			
Sidewalk Signs								
Max. Number of Signs	1 per primary building entrance					Not Allowed		
Max. Sign Area (per sign)	6 sf.					Not Applicable		
Max. Sign Height	4 ft.					Not Applicable		

Table 14-4-20 STANDARDS FOR DETACHED TEMPORARY SIGNS								
	Zoning District							
	Gaming		Commercial			Residential		Other
Type of Sign / Standard	HDG	GGG	GPC	LCC	TSL	HDR	LDR / MDR	RCE
Other Restrictions	Must leave at least 4 feet of clear sidewalk width for pedestrian use; must not obstruct pedestrian travel path or principal building entrance; must be weighted, anchored, or tethered to avoid movement in high winds; not allowed in public right-of-way unless licensed by City					Not Applicable		
Banners								
Max. Number of Signs	1 per frontage					Not Allowed		
Max. Sign Area (per sign)	32 sf.					Not Applicable		
Other Restrictions	Must be affixed to existing fence; retaining wall; or handrail; standards set out in Sec. 14-4-10(b) apply; not allowed if an EMC is present on the property; mounting hardware (*e.g.*, hooks, eyelets, ropes and cords) must be concealed					Not Applicable		

14-4-30 Duration of Display of Temporary Signs

(a) Generally. The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to that which is allowed by this Chapter.

(b) Classification of Temporary Sign Materials. Temporary signs are constructed from a variety of materials with varying degrees of durability. Common materials are classified in Table 14-4-30(a), Classification of Temporary Sign Materials.

Table 14-4-30(a) CLASSIFICATION OF TEMPORARY SIGN MATERIALS					
	Material Class				
Material	1	2	3	4	5

Paper, card stock, foam core board, or cardboard	✓				
Laminated paper or cardstock, polyethylene bags		✓			
Cloth, canvas, nylon, polyester, burlap, flexible vinyl, or other flexible material of comparable durability			✓		
Inflexible vinyl, hard plastic, composite, or corrugated plastic ("coroplast")				✓	
Wood or metal					✓

(c) Duration of Display.

(1) In general, a temporary sign shall be removed as of the earlier of the date that:

a. It becomes an Abandoned Sign; or

b. It falls into disrepair (*see* Section 14-6-10, *Sign Maintenance*); or

c. The number of days set out in Table 14-4-30(b), *Duration of Temporary Signs by Material Class* expires.

Table 14-4-30(b)
DURATION OF TEMPORARY SIGNS

Sign Type	Max. Duration for Individual Sign by Material Class					Max. Posting Days / Year
	1	2	3	4	5	
Yard Sign	3 days	30 days	Not Allowed	60 days	180 days	180 days
Site Sign	Not Allowed	Not Allowed	Not Allowed	60 days	180 days	300 days[1]
Swing Sign	Not Allowed	Not Allowed	Not Allowed	60 days	180 days	300 days[1]
Sidewalk Sign	Not Allowed	Not Allowed	Not Allowed	6 AM to 10 PM daily[2]		365 days
Banner	Not Allowed	Not Allowed	180 days3	Not Allowed	Not Allowed	180 days[3]
Window Sign	90 days	90 days	Not Allowed	90 days	90 days	365 days

Table 14-4-30(b) DURATION OF TEMPORARY SIGNS						
	Max. Duration for Individual Sign by Material Class					Max. Posting Days / Year
Sign Type	1	2	3	4	5	

TABLE NOTES:

[1] alternatively, the sign type may be displayed for 420 days every two calendar years

[2] or as otherwise allowed by right-of-way license

[3] banners that are mounted in banner frames may be displayed until they fade, tear, or otherwise fall into disrepair

(2) Temporary signs that are required due to governmental regulation (*e.g.*, public notices) shall be removed as required by the applicable regulation.

(d) Administrative Interpretations. Materials for signage that are not listed in this Section may be introduced into the market. When a material is proposed that is not listed in this Section, the HPO shall determine the class of materials with which the new material is comparable, based on the new material's appearance, durability, and colorfastness. No temporary sign shall be displayed for a longer period than the longest permitted period in this Section, regardless of the material.

Article V
Permitting Procedures; Sign Design Program Alternative

14-5-10 Permitting Procedures

(a) Generally. Applications for sign permits shall be submitted on a form approved by the HPO, and accompanied by the processing fee that is specified in the City's Fee Schedule established by the City Council by resolution from time to time, along with any fees that are due pursuant to the applicable building code.

(b) Administrative Sign Permits. The HPO shall approve or deny administrative sign permit applications within a processing period of fourteen (14) days after receipt of a complete application and fee. If an application is denied, the HPO shall specify the reason for denial to the applicant in writing. If the HPO does not decide the application within the processing period, the application is approved.

(c) Public Hearing Sign Permits. The HPC shall approve or deny Public Hearing Sign Permits at the first regularly scheduled hearing of the HPC after receipt of a complete application and fee, provided that said hearing occurs at least five days after the submittal. In no case shall the processing period of the HPC exceed forty-five (45) days. If an application is denied, the HPC shall specify the reason

for denial to the applicant in writing. If the HPC does not decide the application within the processing period, the application is approved.

(d) Calculation of Processing Period. For the purposes of calculating the Processing Period, the first day is not counted, and the Processing Period ends at 11:59 PM on last day of the processing period. If the end of the Processing Period is a weekend day or legal holiday, the Processing Period shall be extended until 11:59 PM on the next business day.

14-5-20 Sign Design Program Alternative

(a) Purpose. The requirements of this Article ensure that signs that meet certain minimum standards for public safety and consistency with the historic character of development in Central City may be promptly approved and displayed. In some cases, alternative standards may improve the aesthetic and functional qualities of the development. Approval of a Sign Design Program pursuant to the standards of this Section allows for unified presentation of signage throughout a development, flexibility to address unique environments, and pre-approval of designs and design elements to make processing of subsequent applications for sign permits more efficient. To these ends, a Sign Design Program alternative is hereby created.

(b) Authorization to Modify Requirements. Signage which is proposed as part of a Sign Design Program may deviate from the standards of this Chapter in terms of the types and numbers of signs allowed, the maximum sign area, and materials and illumination standards (including electronic message centers), subject to compliance with an approved Sign Design Program.

(c) Procedures. Sign Design Program applications shall be submitted on a form approved by the HPO. City Staff shall review the application for completeness and shall forward the application to the HPC for consideration at a noticed public hearing within 45 days after the date of application. The HPC shall consider the application at the public hearing, and shall either approve the application, approve the application with conditions unrelated to sign content or viewpoint, or deny the application after applying the approval criteria set out in Subsection (d) below, subject to the limitations of Subsection (e) below. Public hearings on Sign Design Program applications shall not be tabled or continued without the applicant's consent, which shall be included in the record of the hearing.

(d) Approval Criteria. The HPC may approve a Sign Design Program if it finds that the Sign Design Program results in a substantially improved, comprehensive, and unified proposal compared to what is allowed through strict compliance with the sign regulations of this Chapter.

(1) *Modification of Sign Setbacks or Required Landscape Area.* Setbacks or required landscape area for detached signs may be different from the requirements of this Chapter if it is demonstrated that there is no impact on public safety or on utility easements, the aesthetic impact of the

modification is appropriately mitigated, and all other requirements for approval of a Sign Design Program are met.

(2) *Architectural Theme.* All signs shall be architecturally integrated into or complimentary to the design and materials of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The Sign Design Program shall establish or continue an integrated architectural vocabulary and cohesive theme for the development. Within the NHLD, signs shall not degrade the historic character of the buildings to which they relate.

(3) *Height, Area, Number and Location of Signs.* The height, area, type, number and location of signs permitted through the Sign Design Program shall be determined by the HPC, based on the following criteria:

a. The overall size of the development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and / or more signs);

b. The relationship between the building setback and sign location (higher visibility signage may be appropriate for buildings with lower visibility);

c. Frontage (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter by allowing additional spacing between signs);

d. Access and visibility to the site;

e. Intended traffic circulation pattern;

f. Hierarchy of signage;

g. Relationship between the site and adjacent uses; and

h. Consistency with the objectives and design policies of the City's Comprehensive Plan and any applicable land use or design plans approved by the City Council for the area in which the Sign Design Program is proposed.

(4) *Illumination.* The HPC may approve internal illumination of signs if it finds that:

a. The illumination standards of 14-2-30 are met; and

b. Illumination of the sign with external light sources is not practicable because it would create undue glare or sky glow due to the location and configuration of the sign.

(e) Maximum Total Sign Area. The total permitted sign area approved by a Sign Design Program shall not exceed 125 percent of the sign area for permanent signs that would otherwise be permissible if the property were in strict compliance with this Article.

(f) Elimination of Nonconforming Signs. In addition to proposed new signage, all existing signs on a property for which a Sign Design Program approval is sought shall be addressed in the application. The HPC may require removal or modification of existing nonconforming signs as a condition of approval of a Sign Design Program.

(g) Temporary Signs. A Sign Design Program may address temporary signs. An applicant may propose a prohibition on temporary signs as part of a Sign Design Program.

(h) Conditions of Approval. The HPC may impose reasonable conditions on the Sign Design Program that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this Chapter and approved Sign Design Programs.

(i) Contents of Sign Design Program. A Sign Design Program shall set forth a master plan for signage for an entire development. Sign Design Programs shall set out:

(1) The boundaries of the parcel or parcels in which the program will be applied;

(2) Architectural elevations of the buildings on the parcel or parcels;

(3) Sign dimensions and approximate locations;

(4) Materials and colors;

(5) Proposed illumination, including maximum illumination levels and light sources;

(6) A design theme with illustrative examples of each sign type, the form of each sign type, and the proposed general locations of each sign type; and

(7) A demonstration that the Sign Design Program will maintain historic character (if the property is located within the NHLD), improve the aesthetics of the development, reduce sign clutter, and avoid or mitigate adverse impacts on the use, enjoyment, or value of adjacent and nearby property.

(j) Effect of Approval. Upon approval of a Sign Design Program, sign permits shall be administratively issued, based on compliance with the standards set out in the Sign Design Program for the development. Sign Design Programs may also specify types of signs that may be installed without further permits.

Article VI
Sign Maintenance

14-6-10 Sign Maintenance

(a) Generally. Signs and sign structures of all types (attached, detached, and temporary) shall be maintained as provided in this Section.

(b) Paint and Finishes. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.

(c) Mineral Deposits and Stains. Mineral deposits and stains shall be promptly removed.

(d) Corrosion and Rust. Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements (if any) is not considered rust.

(e) Damage. Permanent signs that are damaged shall be repaired or removed within 60 days. Temporary signs that are damaged (*e.g.*, broken yard signs) shall be removed within 24 hours.

(f) Level Position. Signs that are designed to be level, whether temporary or permanent, shall be installed and maintained in a level position.

(g) EMC Maintenance. If an EMC is damaged or otherwise malfunctions, it shall repaired, replaced, or removed (along with all associated electronics and mounting brackets) within 30 days.

Article VII
Nonconformities and Enforcement

14-7-10 Nonconforming Signs

(a) Generally. Any permanent sign that exists on the effective date of this Chapter but does not conform to the provisions of Chapter is a "legal nonconforming" sign, provided that it was originally approved by a sign permit, or, if no sign permit was required under applicable law, it was in all respects in conformity with the applicable law immediately prior to the effective date, or had legal nonconforming status at such time.

(b) Repairs and Alterations. Routine maintenance of nonconforming signs is permitted, including necessary non-structural repairs, paint, and incidental alterations (*e.g.*, changing the message of the sign by replacing or repainting the sign face). Structural alterations to nonconforming signs are permitted only if it is demonstrated that the alteration will eliminate the nonconformity.

(c) Termination and Removal.

(1) A nonconforming sign which has been damaged by fire, wind or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with this Article.

(2) If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element.

(3) If a nonconforming sign structure becomes an Abandoned Sign, it shall be removed or brought into conformance with this Article. For the purposes of this standard, a temporary "sock sign" may be used to display a message while a new sign face is being created.

(4) If a nonconforming sign structure is removed for any reason other than routine repair and maintenance, it shall not be replaced unless the replacement sign conforms to this Article.

(5) Nonconforming signs that are a danger to the public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this Article.

14-7-20 Enforcement

(a) Enforcement Authority. This Article shall be enforced by the City Manager or designee.

(b) Immediate Removal of Signs. Signs that are unlawfully located within public right-of-way may be summarily removed by the City and disposed of without notice.

(c) Penalty for Noncompliance. Every person convicted of a violation of any provision of this Chapter shall be punished by a fine not to exceed the maximum fine a municipal court may impose as a matter of law for each day the violation continues. The Municipal Court may further order the defendant to remove a prohibited or unlawful sign within five days or such other time period as the Court determines is reasonable, and if the defendant fails to timely do so that the City may remove such sign and charge the property owner for the cost of removal plus a five percent fee for administration, inspection, and other incidentals.

(d) Serving of notice.

(1) Notices of violation of this Chapter shall be either:

a. Sent by first-class mail, postage prepaid, to the address of the record owner of the real estate and/or person in possession and control of the property upon which the violation is alleged, or

b. Personally served upon such person.

(2) The notice of violation shall identify the sign or activity that is in violation of this Chapter, and cite the section number that is allegedly violated. The notice of violation shall provide a period of not less than five days to cure the violation, except that the period to cure allegedly unlawful installations of permanent signs or unlawful modifications of permanent signs shall be not less than 14 days.

(3) Failure to comply with the terms of the notice of violation may result in the summons to appear in Municipal Court.

(e) Lien for Collection of Fines, Penalties, and Costs. In order to collect fines, penalties, and costs that are assessed by the Municipal Court, the City may file a lien against the property upon which the prohibited or unlawful sign is located; such lien to have priority over all liens except general taxes and prior special assessments. The lien shall be placed upon the tax rolls for the current year, to be collected in the same manner as other taxes are collected. The City may file such lien at any time not less than 30 days after judgment is entered by the Municipal Court.

Division VIII
Definitions

14-8-10 Definitions

Abandoned Sign means a sign that does not contain a message, or contains a commercial or event-based message that is obviously obsolete (*e.g.*, the name of a business that is no longer operational, or an advertisement for an event that has already occurred), for a continuous period of 60 days.

Attached Sign means a sign that is attached to or located inside a building (*e.g.*, a wall sign, projecting sign, awning sign, or window sign).

Awning Sign means a sign that is mounted, painted, or attached to canvas or other material that is installed over a projecting structural framework above a building window or door.

Banner means a type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Banner Frame means a frame system that is used for stretching banners, which is designed to prevent wrinkling and movement and to conceal fasteners.

Bracket Sign means a type of permanent sign that is mounted above a principal entrance to a building, on a bracket that extends generally perpendicular to the building wall; with the bracket attached either to the building wall or to the underside of a canopy or awning structure.

Building Elevation means the external face of a building, projected onto a two-dimensional plane. For purposes of calculating allowed sign area, the building elevation is the two-dimensional representation of the side of the building upon which the sign is proposed.

Bulletin Board means a cabinet sign structure that houses a display board upon which bulletins and posters are displayed.

City means Central City, Colorado, a Colorado home-rule municipality.

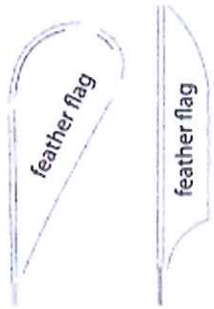
Detached Sign means a sign that is not attached to or located inside a building (*e.g.*, a monument sign or pole sign).

e.g. means "for example," and is intended to be illustrative and not exclusive

Electronic Message Center means a display surface that is composed of light emitting diodes (LEDs) that is capable of displaying variable messages and graphics, which are generally created on a computer.

Feather Flag means a flag that is mounted on a temporary flagpole (*e.g.*, a flagpole that is installed in a mount that is staked into the ground), which may be vertical, bowed, or flexible. Feather flags do not include flags that are flown from straight, rigid flagpoles that are permanently installed in the ground or temporarily or permanently attached to buildings, light poles, or utility poles.

ILLUSTRATIVE FEATHER FLAGS



Flag means a flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Foot-Candle means a unit of measurement of the intensity of light falling on a surface, equal to one lumen per square foot.

Free-Standing Sign means a pole sign or a monument sign.

Glare means light emitted from a luminaire at an angle of 0 to 30 degrees downward from the horizontal plane at which the luminaire is installed, that trespasses beyond the object that the luminaire is intended to illuminate.

Historic Color Palette means the color palettes set out in the Benjamin Moore Historic Color Palette and the Kwal Paint Historic Colors of America, and such other colors as may be approved by the Historic Preservation Commission based on appropriate documentation.

Historic Fonts Palette means a collection of fonts that is approved by the Historic Preservation Commission as identical to or consistent with the typefaces during the period of significance of the NHLD.

Landmark Sign means a sign that has been continuously displayed since 1930.

lf. means linear foot.

Lux means a measure of illuminance (a measure of light that falls upon or passes through an object), in terms of lumens per square meter

Manual Changeable Copy Center means a sign element in which letters, numbers, or symbols may be changed manually without altering the face of the sign (*e.g.*, by placement of letters into tracks). Manual changeable copy centers are sometimes known as "readerboards" or "marquee signs."

Monument Sign means a type of freestanding permanent sign generally having a low profile with little or no open space between the surface of the ground and the sign face or frame.

National Historic Landmark District ("NHLD") means the Central City/Black Hawk Historic District, a National Historic Landmark District.

Outlying Area means any area in the City which is not part of the NHLD.

Period of Significance means the period between 1859 and 1918.

Pixel Pitch means a measurement of the resolution of an electronic message center display, in terms of the distance (generally in millimeters) between the center of a light emitting diode (LED) cluster (pixel) and the center of the next LED pixel. Lower pixel pitch measurements indicate higher display resolution.

Pole Sign means a type of freestanding permanent sign that is mounted upon one or more poles.

Portable Sign means a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Principal Building Entrance means a primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (*e.g.*, for employees or deliveries).

Projecting Sign means a sign that is mounted upon a building wall such that the sign face is not roughly parallel to the building wall.

Roof Sign means a sign that is installed, in whole or in part, above an eave line or parapet of a building.

sf. means square foot.

Sidewalk Sign means a type of portable sign that is designed to be placed (but generally not anchored) upon a hard surface in order to attract the attention of pedestrians.

Sign means any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, designed to convey information to the public, that is visible from abutting property, a public street, sidewalk, right-of-way, or other property at a higher elevation than the property on which the sign is installed. The term "sign" also includes all structural members (if any).

Sign Band means an area on a building facade usually located immediately above the storefront and below the second story window sill, or below the cornice line, where signs were historically attached.

Sign Face means the surface area of a sign which is designed for placement of text, symbols, or images. The sign face does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. For wall signs, the sign face is equal to the sign area of the wall sign, or the area within any frame or color used to define, differentiate, or mount the wall sign, whichever is larger.

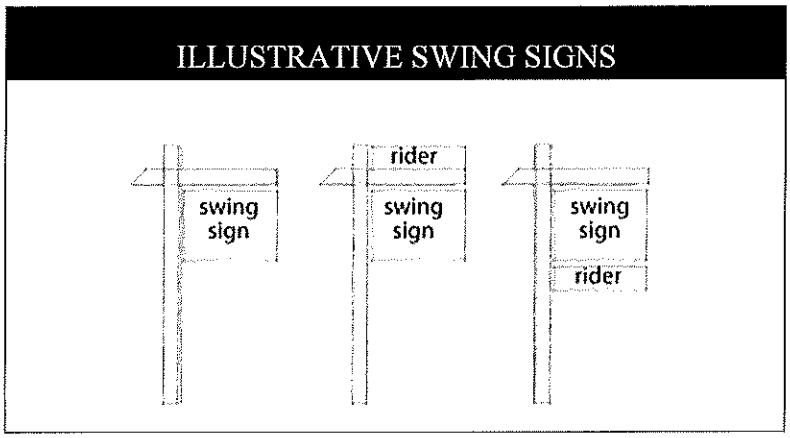
Site Sign means a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, which is displayed on a structure that includes at least two posts.

Sock Sign means a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

Street Elevation means a street-facing building elevation.

Substantial Modification means any modification of a sign that involves alteration or replacement of a structural support, enlargement of the sign area, material changes to the sign height or sign clearance, obvious changes of materials or components (*e.g.*, replacement of wood with plastic), addition of new components (*e.g.*, installation of lighting or an EMC) or repairs that cost more than fifty percent of the replacement cost of the sign. Substantial modifications do not include replacement of sign panels in a sign cabinet with comparable materials that display different messages, replacement of existing light sources with compliant light sources (unless the electrical work exceeds the repairs limit), painting, or repainting,

Swing Sign means a type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.



Uplight means light emitted from a luminaire at an upward angle from the horizontal plane at which the luminaire is installed, that trespasses beyond or away from the object that the luminaire is intended to illuminate.

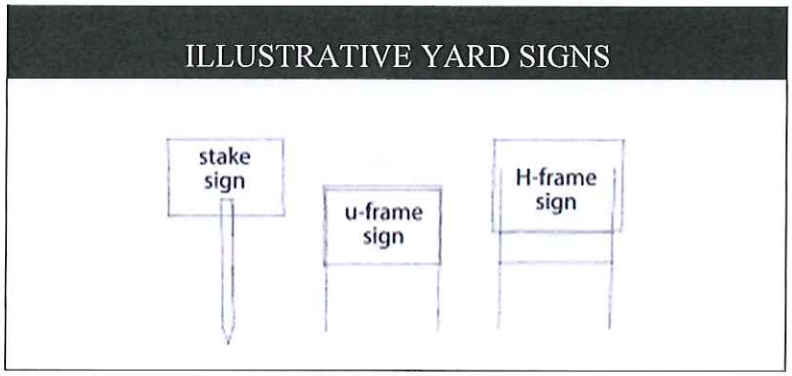
Wall Sign, Painted or Applied means a type of permanent sign that is painted on or applied to a wall of a building, which extends not more than two inches from the building wall.

Wall Sign, Cabinet means a type of permanent sign that is installed against the wall of a building, with a structure that extends more than two inches, but not more than one foot, from the building wall and a sign face that is roughly parallel to the building wall upon which the sign is mounted.

Window Sign means a type of temporary or permanent sign that is: (i) painted on, applied to, or attached to a window; or (ii) or installed or positioned within a building such that the sign face is oriented towards and highly visible through a window that is within six feet of the sign.

Window Transparency, means, for the purposes of this Chapter, any area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked. The actual visibility through the window (*e.g.*, a pedestrian's ability to overcome daytime glare) is not a factor in the determination of window transparency, provided that the window is not treated with a reflective coating.

Yard Sign means a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.



Zoning Ordinance means Chapter 16, *Zoning*, Central City Colorado Municipal Code, as amended from time to time.

Section 2. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. **Severability.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word (collectively, "Provision") of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Provision of this Ordinance. It is the intent of the City Council that: (a) severability shall apply even if severance of a Provision would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise; (b) severability shall apply to prohibited sign types and prohibited sign elements, such that as many prohibited sign types and sign elements as may be constitutionally prohibited shall continue to be prohibited; and (c) severability shall apply to any Provision that is found to be content-based and declared to be unconstitutional, such that only that portion of the provision that is found to relate to content shall be severed, and if it is not possible to strike only the portion of the provision that is found to relate to content, then all signs that would be subject to the stricken Provision shall instead be subject to the next surviving Provision for a sign of comparable geometry and character that is more restrictive than the stricken Provision in terms of sign area.

Section 4. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. **Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

_____
Ronald E. Engels, Mayor

Approved as to form:

_____
Marcus McAskin, City Attorney

ATTEST:

_____
Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ___ day of _____, 2015.

CITY OF CENTRAL, COLORADO

_____
Ronald E. Engels, Mayor

ATTEST:

_____
Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2015.

CITY OF CENTRAL, COLORADO

_____
Ronald E. Engels, Mayor

ATTEST:

_____
Reba Bechtel City Clerk

To: Mayor and Council

From: Daniel R. Miera, City Manager

Date: September 15, 2015

Re: Staff Report

❖ General

- Conducted regular Staff Meetings (Weekly Management Team Meeting).
- Various meetings with staff and community members.
- Attended Rotary Meetings.
- Attended Community Events (i.e. First Friday's and the Bourbon & Bacon Tour).
- Prepared for the City Council's Strategic Planning Retreat on September 14th.

❖ Legal

- Continued working with City Attorney McAskin on confidential (Executive Session Discussion) matters.
- Worked with City Water Attorneys regarding Case No. 10CW133 and Case No. 11CW273.
- Worked with City Attorney McAskin and City Engineer Vecchiarelli on land use verification (R.O.W.) regarding the construction of the CCP Access Project.

❖ Finance / Human Resources

- Continued preliminary budget work/discussions with Finance Director Adame and other department heads.
- The Finance Clerk position was vacated on September 1, 2015. A review of the position will be conducted prior to taking any formal action with respect to the position. Some consultant time will be used during this transition; however, all functions of the department will continue uninterrupted.

❖ Community Development / Planning

- Attended the HPC Meeting where a draft of the Sign Code Update (Rewrite) was presented by Consultant Todd Messenger and the Sign Code Steering Committee.
    - A presentation to the Council will take place during the Work Session on September 15th. A First Reading of the Ordinance may take place during the Council Meeting on the same date (a Second Reading and Public Hearing is tentatively proposed for October 6th).

- Prepared a letter for Annie Oakley's regarding the cleanup plans for the Belvidere Theater. The coordination of the related activities were planned in such a way as to provide ample notice and mitigate any adverse impacts to the businesses on Main St.
- Attended a meeting with the Belvidere Foundation ("Save the Belvidere") organizers to discuss next steps and update them on the cleanup operation.

❖ Intergovernmental

- Prepared a letter of support from Central City for Gilpin County's DOLA grant application regarding Broadband improvements (draft copy is attached).
- Sent a letter of support to U.S. Representative Polis (2nd Congressional District) regarding the reauthorization of Historic Preservation Funds (copy of the letter is attached).
- Participated in a teleconference with DOLA regarding the City's *Energy & Mineral Impact Grant* Application (Comprehensive Plan Update / Land Use Code Rewrite). A decision is expected by mid-to-late October.
- Attended a logistics meeting with the County and its representatives regarding its cleanup plan for the Belvidere Theater (taking place on or about September 18, 2015).
- Attended the monthly GAA Meeting.
- The Draft IGA for the Joint Transportation Program is scheduled to be delivered to Central City for review/comment within the next two weeks.

❖ Public Services

- Water Meter "Cost-Sharing" Policy – discovered information relating to an informal "policy" set by the City in 2010. Based on that information, as well as a related discussion that is anticipated to take place during the Council's Strategic Planning Retreat, I have decided to delay any further action on this item (including a Resolution previously planned for the September 15th Council Meeting) until further notice.
- Worked with the *New Mobility West* project management team to finalize details relating to the consultant team that will be assigned to the City's project.
- Worked with Public Works Director Hoover and others to finalize plans to begin construction on the CCP Access Project. The City has elected to self-perform the construction of this project, which is scheduled to begin later this month, and will be completed no later than Q2 2016.

❖ Public Safety

- Worked with the FD to effectuate a major repair (engine replacement) for a fire apparatus.
- Met with representatives of the Gilpin County Sheriff's Department to further discussions regarding possible contracting opportunities of mutual benefit.

City of Central
141 Nevada Street / Post Office Box 249
Central City, Colorado 80427
www.centralcitycolorado.us

September 8, 2015

The Honorable Jared Polis
United States House of Representatives
1433 Longworth Office Building
Washington, D.C. 20515

Dear Representative Polis:

We sincerely appreciate your long-standing support for historic preservation. As you know, historic preservation programs represent a true investment multiplied many times over through State and local public-private economic partnerships and ventures. For example, the recent *Historic Property Resurvey Project* in Central City would not have been possible without our State Historical Fund and the Certified Local Government grant program, which has a tremendous leveraging effect.

The driving force behind many of these ventures comes through the programs supported by the Historic Preservation Fund (HPF) which is up for reauthorization at the end of fiscal year 2015. We request you support HPF reauthorization legislation. Representatives Turner (R-OH) and Blumenauer (D-OR), the House Historic Preservation Caucus co-chairs, have introduced H.R.2817 which would reauthorize the HPF for 10 years at the current authorized amount of $150 million per year.

The HPF plays an integral role in the success of the historic preservation programs in Colorado. In FY15 the Colorado State Historic Preservation Office received just over $885,000 from the HPF which supports programs such as the National Register of Historic Places, Certified Local Government grants which are entitled to subgrants of a total of at least 10% of the HPF allocation for local preservation projects, Historic Tax Credit projects, and brings a local voice to federal decision making. The State of Colorado also provides a 40 percent match to the federal funds. The most recent National Register designation was the Downtown Loveland Historic District which joins such downtown districts in Fort Collins, Boulder, Black Hawk, Central City, Georgetown, Idaho Springs, and Breckenridge; and your district's Certified Local Governments are Fort Collins, Loveland, Lafayette, Louisville, Broomfield, Idaho Springs, Georgetown, Central City, Black Hawk, Breckenridge, Boulder County, and Gilpin County.

This small investment provides huge dividends in preserving our district, state, and the nation's historic heritage. We look forward to working with you to ensure its continuation.

Sincerely,

Daniel R. Miera
City Manager

City of Central
141 Nevada Street / Post Office Box 249
Central City, Colorado 80427
(303) 582-5251 / www.centralcitycolorado.us

September 15, 2015

The Honorable Gail Watson, Commissioner
Gilpin County Board of Commissioners, District 3
Post Office Box 366
Central City, Colorado 80427

Re: DOLA - Local Broadband Planning Grant Support

Dear Commissioner Watson,

First off, thank you for the opportunity to offer our letter of support for your $100,000 Department of Local Affairs (DOLA) planning and infrastructure grant to improve broadband availability, bandwidth flexibility, and cost competitiveness in our underserved rural community.

The City of Central has discussed the need to provide greater affordable access and increased utilization of broadband for county residents, business and government services, and has been asked by the residents of our community to address this critical issue. Our current broadband infrastructure needs to be re-engineered to connect the residents, and business and community assets with each other, the rest of the state, and the rest of the world.

In the past few years we have discussed creating a CNL (Carrier Neutral Location) similar to the effort undertaken by Steamboat Springs and Routt County. Critical to this undertaking is the thorough broadband infrastructure planning effort the County is undertaking with the grant assistance of DOLA. Central City fully supports this effort as critical in aiding the growth throughout the county. This includes aiding first responders, lowering the cost of government services by providing greater online services, and providing business with better ways to compete in our rural community through the use of greater broadband capacity at a competitive price.

Central City will support this effort wherever possible with our staff, engineering and economic development partners, and other community resources. Again, thank you for the opportunity to voice our support of the County's efforts to solve this pressing issue.

Sincerely,

Ron Engels
Mayor

City Clerk's Office

To: Mayor Engels, City Council, and City Manager Miera

From: Reba Bechtel, City Clerk

Date: September 15, 2015

Re: Bi-weekly Report

- Prep for Regular Council meeting
- Attended HPC meeting and did Packet prep for 9/9/15
- Processed and issued liquor license renewal for Central City Social Club at 112 Lawrence Street
- Attended Liquor Class hosted by Liquor Enforcement Division
- Misc information regarding: sign permits, special events, building permits, code questions, HP, records research, liquor, marijuana, and zoning information.

FINANCE DEPARTMENT
STAFF REPORT

To: Daniel R. Miera, City Manager

Cc: Mayor and Council

From: Abigail R. Adame, Finance Director

Date: September 15, 2015

Re: Staff Report

➢ Finance

- Attended a webinar regarding the City's renewal quote with CIRSA for FY 2016.
- Worked with Caselle representatives in pulling the financial data being transferred from ADG to Caselle.
- Continued working on the FY 2016 budget.
- Attended weekly FY 2016 budget preparation meetings with the City Manager.
- Processed Payroll and Accounts Payable.
- Began document preparation for Municipal Court cases.

➢ Human Resources

- Met with representatives from Moody Insurance and Cigna and reviewed the 2016 renewal quote for health insurance.

PW Department

To: Mayor Engels, City Council, and City Manager

From: Sam Hoover, Public Works Director

Date: August 26, 2015

Re: Bi-weekly Report

- **Erosion Repairs** – Staff completed erosion repairs at the 3.5 mile marker of the Parkway. Repairs included a concrete head wall at a culvert and placement of rock in a washed out area of the embankment.
- **Drop- inlet Replacement** – Staff removed and rebuilt the drainage structure located on County Road Street and 1st High Street.
- **Eureka Street/ Xcel project** - Xcel replaced the city owned culvert that was damaged as a result of the project. Xcel was contacted and asked to provide a timeline for the remainder of the project.