



**City of Black Hawk  
City Council**

**February 8, 2017**

**MEETING MINUTES**

Police Chief Cole rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, February 8, 2017, at 3:00 p.m. by Mayor Spellman.

2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, Fire Chief Taylor, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

The Mayor asked for a moment of silent tribute out of respect for the passing of Black Hawk's oldest resident, who made his home here for the last 62 years, his father, Bill Spellman.

3. AGENDA CHANGES: Deputy City Clerk Martin confirmed there were no agenda changes.

4. CONFLICTS OF INTEREST: City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. There were no conflicts noted from City Council.

City Attorney Hoffmann asked the audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. The audience had no objections.

5. PUBLIC COMMENTS: Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. APPROVAL OF MINUTES: January 11, 2017.

**MOTION TO APPROVE** Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

**MOTION PASSED** There was no discussion and the motion passed unanimously.

7. PUBLIC HEARINGS:

- A. CB2-2017, An Ordinance of the City Council of the City of Black Hawk Colorado Approving a Franchise Agreement with Public Service Company of Colorado, dba Xcel Energy, Granting to Xcel Energy the Non-Exclusive Right to Make Reasonable Use of City Streets, Public Utility Easements and Other City Property to Provide Gas and Electric Utility Service to the City and Its Residents; to Sell, Store, Purchase, Exchange, Transmit, Transport, and Distribute Gas and Electric Utility Services Within and Through the City all in Accordance with the Terms and Conditions of the Franchise Agreement; Specifying that the Franchise Shall Be Effective Upon the Effective Date of this Ordinance and for a Term of Twenty (20) Years Thereafter; Setting a Franchise Fee of 3% of the Gross Revenues of Xcel Energy as Defined in Said Franchise; Providing for a Surcharge Therefore; Authorizing the Mayor to Execute the Franchise Agreement for and on Behalf of the City and the City Clerk to Attest Thereto; and, Setting Forth Other Details Related Thereto**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann reminded Council that this was the required Public Hearing and second reading, as per State law. The first reading was at their January 11 meeting.

Preston Gibson, Xcel Energy Area Manager from Arvada, stated his name and address for the record. He thanked staff for all of their efforts on this project and gave appreciation to Council for their consideration of approval.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB2, An Ordinance of the City Council of the City of Black Hawk Colorado Approving a Franchise Agreement with Public Service Company of Colorado, dba Xcel Energy, Granting to Xcel Energy the Non-Exclusive Right to Make Reasonable Use of City Streets, Public Utility Easements and Other City Property to Provide Gas and Electric Utility Service to the City and Its Residents; to Sell, Store, Purchase, Exchange, Transmit, Transport, and Distribute Gas and Electric Utility Services Within and Through the City all in Accordance with the Terms and Conditions of

the Franchise Agreement; Specifying that the Franchise Shall Be Effective Upon the Effective Date of this Ordinance and for a Term of Twenty (20) Years Thereafter; Setting a Franchise Fee of 3% of the Gross Revenues of Xcel Energy as Defined in Said Franchise; Providing for a Surcharge Therefore; Authorizing the Mayor to Execute the Franchise Agreement for and on Behalf of the City and the City Clerk to Attest Thereto; and, Setting Forth Other Details Related Thereto open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to Approve CB2, An Ordinance of the City Council of the City of Black Hawk Colorado Approving a Franchise Agreement with Public Service Company of Colorado, dba Xcel Energy, Granting to Xcel Energy the Non-Exclusive Right to Make Reasonable Use of City Streets, Public Utility Easements and Other City Property to Provide Gas and Electric Utility Service to the City and Its Residents; to Sell, Store, Purchase, Exchange, Transmit, Transport, and Distribute Gas and Electric Utility Services Within and Through the City all in Accordance with the Terms and Conditions of the Franchise Agreement; Specifying that the Franchise Shall Be Effective Upon the Effective Date of this Ordinance and for a Term of Twenty (20) Years Thereafter; Setting a Franchise Fee of 3% of the Gross Revenues of Xcel Energy as Defined in Said Franchise; Providing for a Surcharge Therefore; Authorizing the Mayor to Execute the Franchise Agreement for and on Behalf of the City and the City Clerk to Attest Thereto; and, Setting Forth Other Details Related Thereto.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously.

**B. CB3-2017, An Ordinance Amending Chapter 10 of the Black Hawk Municipal Code to Prohibit Certain Activities Within the History Appreciation Recreation Destination (HARD) District and to Create Penalties for the Violation Thereof**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said this would be a new Section under Chapter 10 to address certain prohibitions, specifically within the City’s open space area, some of which already fall under other Sections of the Code.

Alderman Midcap acknowledged resident Dawn Blake’s letter to Council and discussion ensued regarding dogs on leashes vs. voice command. City Attorney Hoffmann confirmed that the existing Dog

Code calls out for dogs to be on leashes now. Alderman Bennett noted that this ordinance was not really changing anything; it was really just allowing signage to be put up.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB3, An Ordinance Amending Chapter 10 of the Black Hawk Municipal Code to Prohibit Certain Activities Within the History Appreciation Recreation Destination (HARD) District and to Create Penalties for the Violation Thereof open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to Approve CB3, An Ordinance Amending Chapter 10 of the Black Hawk Municipal Code to Prohibit Certain Activities Within the History Appreciation Recreation Destination (HARD) District and to Create Penalties for the Violation Thereof.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously.

**8. ACTION ITEMS:**

**A. Resolution 10-2017, A Resolution Approving the City of Black Hawk Fee Schedule, As Amended**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item and said this was just a housekeeping item to match what the State of Colorado has recently adopted as their new electrical fees.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 10-2017, A Resolution Approving the City of Black Hawk Fee Schedule, As Amended.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously.

**B. Resolution 11-2017, A Resolution Approving a Professional Service Agreement with SAFEbuilt Colorado LLC**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker said this agreement was in excess of \$35,000 requiring Council approval. SAFEbuilt will be providing Plan Review and Building Inspection services, as well as providing a Chief Building Official for the City, and that the excess amount is due to the Monarch Casino.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 11-2017, A Resolution Approving a Professional Service Agreement with SAFEbuilt Colorado LLC.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously.

**C. Resolution 12-2017, A Resolution Approving the Fireworks Production Contract Between the City of Black Hawk and Western Enterprises, Inc.**

Mayor Spellman read the title.

City Manager Lewis introduced the annual fireworks contract and said there was no change in costs from last year. He said there would be a bit of a surprise in store for everyone in three years when the Monarch Tower is finished.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 12-2017, A Resolution Approving the Fireworks Production Contract Between the City of Black Hawk and Western Enterprises, Inc.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously.

**D. Resolution 13-2017, A Resolution Approving the Reclassification of the Position of Executive Administrative Assistant to Administrative Assistant**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item. She said the Administrative Services Department has analyzed what they actually need after having this position for two years and they feel that this reclassification would better serve the Department.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 13-2017, A Resolution Approving the Reclassification of the Position of Executive Administrative Assistant to Administrative Assistant.

**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.

**E. Resolution 14-2017, A Resolution Approving the Purchase of a 2017 Chevrolet One-Ton Vehicle with Utility Box and Plow**

Mayor Spellman read the title.

Public Works Director Isbester said that this request is on behalf of the Water Department to replace their 1999 utility truck, which was authorized in the 2017 Budget this year, and to dispose of the old one through trade-in.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 14-2017, A Resolution Approving the Purchase of a 2017 Chevrolet One-Ton Vehicle with Utility Box and Plow.

**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.

**F. Resolution 15-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and John C. Woolum and Dorothy S. Woolum**

Mayor Spellman read the title.

Public Works Director Isbester introduced this item. He said this was one of the mining claims along the tramway on Maryland Mountain. He said the owners have agreed to sign and he is just awaiting the signatures back.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 15-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and John C. Woolum and Dorothy S. Woolum.

**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.

**G. Resolution 16-2017, A Resolution Approving an Easement Agreement on the Smith 502 Lode Parcel**

Mayor Spellman read the title.

Public Works Director Isbester said this was for another parcel on Maryland Mountain and is an easement for trails through there. He said they are very close to finalizing the agreement. City Attorney

Hoffmann suggested adding to the motion “subject to City Attorney approval”.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 16-2017, A Resolution Approving an Easement Agreement on the Smith 502 Lode Parcel, subject to City Attorney approval.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously.

9. CITY MANAGER REPORTS:

City Manager Lewis had nothing to report.

10. CITY ATTORNEY:

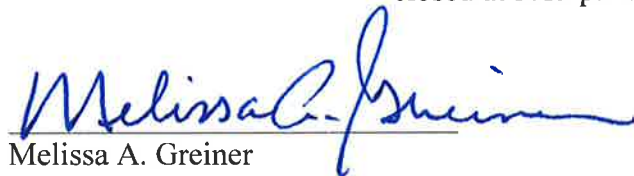
City Attorney Hoffmann provided an update on the property acquisition on Maryland Mountain. He said there were a total of eleven properties to be acquired: three appear to have some questions on ownership and may have to be acquired through eminent domain because the titles are not clear, two of the properties are getting appraisals pursuant to the property owners rights by State law, and one, known as the Surprise Lode, is going through the eminent domain process. He said everything else is done and he expects all to be finalized by the end of the year.

Mayor Spellman noted that the Monarch held their ground breaking ceremony this morning and all went well. He said he anticipates seeing construction progress at the site shortly.

11. EXECUTIVE SESSION: None

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 3:25 p.m.

  
Melissa A. Greiner  
City Clerk

  
David D. Spellman  
Mayor

