



**City of Black Hawk
City Council**

January 11, 2017

MEETING MINUTES

New employees Joe Trujillo and Tony Roybal both took a turn in ringing the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, January 11, 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, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, Baseline Engineering Consultant Harris, Fire Captain Schaller, Senior Civil Engineer Reed, Fire Engineer Williams, Fire Engineer Olivas, Fire Engineer Hollenbeck, Commander Jantz, and Water Superintendent Fredricks.

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

3. AGENDA CHANGES: City Attorney Hoffman asked to remove Action Item 10.F.c., Resolution 8-2017, from the agenda.

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. INTRODUCTION OF NEW EMPLOYEES: Joe Trujillo, Facilities Maintenance

Public Works Director Isbester introduced new Facilities Maintenance worker Joe Trujillo who has been with the City since September; he provided a brief background.

Tony Roybal, Firefighter

Fire Captain Schaller introduced new Firefighter Tony Royball and provided his previous experience.

Trujillo and Roybal were warmly welcomed.

6. PUBLIC COMMENTS: City Clerk Greiner confirmed that no one had signed up to speak.

7. APPROVAL OF
MINUTES

December 14, 2016.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

MOTION PASSED

There was no discussion and the motion passed unanimously.

8. 2016 IN REVIEW

Mayor Spellman wanted to commend City staff on their excellent job on the Monarch parking garage implosion project. He said between the Monarch team and City staff it was executed tremendously.

He also wanted to acknowledge, on behalf of City Council, the appreciation from many City employees as they reached out to City Council to say thank you for the Holiday Bonus, Holiday Gift, and the new tenure pay. He said they thought it was very nice to hear the responses.

City Manager Lewis also wanted to acknowledge some items. First, he wanted to recognize Public Works Director Isbester and Senior Civil Engineer Reed on a change order that is rare to see. He said the first change order for the Gregory Street project came in and it showed a \$245,000 credit based on the wall designs. He said that was a great accomplishment on behalf of Reed and Isbester working together with the contractor to come up with different options.

Secondly, he wanted to note that the Denver Post ran a story on the top business stories of 2016 and Black Hawk came in at #8 for the Gregory Street project. He said that was impressive for all of the stories the Post had covered in 2016, and Black Hawk ranked up there as #8.

Lastly, he wanted to mention Black Hawk's ISO rating, which affects everyone in Black Hawk, especially the homeowners with insurance. He said Black Hawk was rated as Category five before and now is rated a three. He said he asked Chief Taylor what he thought the change was due to, and the chief explained it was a combination of the Police Department dispatch, Public Works Water Department, and the Fire Department, and that the bottom line was the people and the training that really stood out to ISO to make that change. Lewis congratulated those departments to a round of applause.

9. PUBLIC HEARINGS:

A. CB1-2017, An Ordinance Approving the Application for Local Landmark Designation of the City Hall Property Located at 201 Selak Street

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker introduced this item. She thanked Chairman Hailey of the Historic Preservation Commission, Mayor Spellman, and Historic Preservation Consultant Deon Wolfenbarger for all their historical research gathered for the application. She said the Historic Preservation Commission met, heard the application and recommended approval noting the necessary criteria had been met. Linker noted that two names in the staff report of the packet were recently corrected.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB1, An Ordinance Approving the Application for Local Landmark Designation of the City Hall Property Located at 201 Selak Street 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 Moates to Approve CB1, An Ordinance Approving the Application for Local Landmark Designation of the City Hall Property Located at 201 Selak Street.

Alderman Midcap thanked staff for the great report, it was very comprehensive.

MOTION PASSED

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

B. Resolution 1-2017, A Resolution Conditionally Approving a Certificate of Appropriateness for the Installation of a Rooftop Unit and Ductwork at the Saratoga Casino

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris introduced the application. The applicant was present to answer any questions. The details of the application were included in the packet. Staff recommended approval with three conditions as outlined in the resolution.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 1-2017, A Resolution Conditionally Approving a Certificate of Appropriateness for the Installation of a Rooftop Unit and Ductwork at the Saratoga Casino 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 Johnson **MOVED** and was **SECONDED** by Alderman Torres to Approve Resolution 1-2017, A Resolution Conditionally Approving a Certificate of Appropriateness for the Installation of a Rooftop Unit and Ductwork at the Saratoga Casino.

MOTION PASSED

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

10. ACTION ITEMS:

- 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.

City Attorney Hoffmann explained that ordinances under the Black Hawk City Charter only require one reading, yet under State law two

readings are required for a franchise with a public utility. He said this particular ordinance does not require a public hearing at this time, but prior to the second reading a public hearing will be noticed.

Preston Gibson, Xcel Energy Area Manager from Arvada, stated his name and address for the record. Alderman Moates asked about the continual power outages that occur every couple of months and if there was a plan to address those. Mr. Gibson said he would look into the causes of those outages as they are normally due to the adverse weather seen in this area, or due to older equipment. He said there is a plan to replace equipment over the next few years. He will report back on his findings.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve 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.

MOTION PASSED

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

B. Resolution 2-2017, A Resolution Approving Certain Service Agreements for Calendar Year 2017

Mayor Spellman read the title.

Public Works Director Isbester explained that these were annual on-call service providers as used in the past.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 2-2017, A Resolution Approving Certain Service Agreements for Calendar Year 2017.

MOTION PASSED

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

C. Resolution 3-2017, A Resolution Approving the Agreement for 2017-2018 Holiday Decorations with Alpine Artisan Studios in the Amount Not To Exceed \$135,000.00

Mayor Spellman read the title.

Public Works Director Isbester introduced this item. He said staff will begin the process to prepare the program for this year. Mayor Spellman reminded Council that there were fewer decorations this year, strategically placed and brought down to the pedestrian level and asked if Council was agreeable to this arrangement in order to provide direction to staff. Council unanimously agreed.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 3-2017, A Resolution Approving the Agreement for 2017-2018 Holiday Decorations with Alpine Artisan Studios in the Amount Not To Exceed \$135,000.00.

MOTION PASSED

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

D. Resolution 4-2017, A Resolution Establishing a Designated Public Place for Posting of Meeting Notices as Required by the Colorado Open Meetings Law

Mayor Spellman read the title.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 4-2017, A Resolution Establishing a Designated Public Place for Posting of Meeting Notices as Required by the Colorado Open Meetings Law.

MOTION PASSED

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

E. Resolution 5-2017, A Resolution Designating the City of Black Hawk Fire Chief as the City's Designated Emergency Response Authority Pursuant to C.R.S. § 29-22-102(3)(a)

Mayor Spellman read the title.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 5-2017, A Resolution Designating the City of Black Hawk Fire Chief as the City's Designated Emergency Response Authority Pursuant to C.R.S. § 29-22-102(3)(a).

MOTION PASSED

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

F. Maryland Mountain Purchase and Sale Agreements

- a. Resolution 6-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and Oracle Carr for Government Lot 72**
- b. Resolution 7-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and Allison S. Reagan for the Alma Lode**
- c. Resolution 8-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and Silver Age Exploration, LLC for Government Lot 65**
- d. Resolution 9-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Clack Hawk and Steven A. Workman and Cheryl D. Workman for the Buckeye Lode**

Mayor Spellman read the titles and said they would make an umbrella motion for these with the exception of Resolution 8-2017, which was pulled from the agenda.

Public Works Director Isbester introduced this item. He said these were the first three parcels out of the eleven needed for the Maryland Mountain open space project. City Attorney Hoffman updated Council on the other parcels by stating that two owners rejected the third party negotiator's offers, and a couple of owners are currently having their own appraisals done.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 6-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and Oracle Carr for Government Lot 72, Resolution 7-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and Allison S. Reagan for the Alma Lode, and Resolution 9-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Clack Hawk and Steven A. Workman and Cheryl D. Workman for the Buckeye Lode.

MOTION PASSED

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

11. CITY MANAGER REPORTS:

City Manager Lewis had nothing to report.

12. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

13. EXECUTIVE SESSION: City Attorney Hoffmann recommended items number 2 and 5 for Executive Session for specific legal issues related to pending litigation, potential litigation and potential legislation.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:30 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).

MOTION PASSED

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

**MOTION TO
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:30 p.m.

MOTION PASSED

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

14. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:14 p.m.


Melissa A. Greiner
City Clerk


David D. Spellman
Mayor

