



**City of Black Hawk
City Council**

May 11, 2016

MEETING MINUTES

Fleet Technician Aide Wynter Kasch rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, May 11, 2016, 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, Community Planning and Development Administrator Linker, Baseline Engineering Consultant Harris, Public Works Director Isbester, Fire Chief Taylor, and Deputy City Clerk Martin.

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

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. INTRODUCTION OF NEW EMPLOYEE: Wynter Kasch, Fleet Technician Aide

Steve Jackson introduced Wynter Kasch as the newly hired Fleet Technician Aide.

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

7. APPROVAL OF MINUTES April 27, 2016.

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

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

8. PUBLIC HEARINGS:

A. CB8-2016, An Ordinance Amending Chapter 10 of the City of Black Hawk Municipal Code by the Addition of New Article XIV Prohibiting Sexual Predators and Certain Sex Offenders from Establishing Residency Near Areas Where Children Congregate

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann stated that earlier this year the Colorado Supreme Court issued a decision authorizing Home Rule Municipalities to regulate residency of sex offenders who are required to register under Colorado Law. He said this Ordinance would prohibit residency where children congregate, yet existing sex offenders who have already established residency would be grandfathered in, but he doesn't believe that is the case in Black Hawk.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB8, An Ordinance Amending Chapter 10 of the City of Black Hawk Municipal Code by the Addition of New Article XIV Prohibiting Sexual Predators and Certain Sex Offenders from Establishing Residency Near Areas Where Children Congregate 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 CB8, An Ordinance Amending Chapter 10 of the City of Black Hawk Municipal Code by the Addition of New Article XIV Prohibiting Sexual Predators and Certain Sex Offenders from Establishing Residency Near Areas Where Children Congregate.

MOTION PASSED

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

B. Resolution 36-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Construction of the Lady Luck Casino Stair Replacement and Hydronic Snow Melt System

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris introduced this application. He said it was for the replacement of the stairs on the east side of the Lady Luck Casino building and the installation of a new snow melt system. Staff recommends approval with two conditions as listed on the resolution.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 36-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Construction of the Lady Luck Casino Stair Replacement and Hydronic Snow Melt System 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 Torres **MOVED** and was **SECONDED** by Alderman Moates to Approve Resolution 36-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Construction of the Lady Luck Casino Stair Replacement and Hydronic Snow Melt System, with staff recommendations.

MOTION PASSED

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

C. Resolution 37-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for Construction of an Exterior Replacement Deck and Stairs at 211 Gregory Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained the applicant’s request to replace the rear deck and walkway at the Eureka building. Staff recommends approval and originally had three conditions listed. Harris said staff has stricken condition #2 as it related to all stairs having closed risers. He said that condition came from the Commercial Design Guidelines and that the stairs should not be enclosed; the Guidelines have been updated to reflect this.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 37-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for Construction of an Exterior Replacement Deck and Stairs at 211 Gregory 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 Bennett **MOVED** and was **SECONDED** by Alderman Armbright to Approve Resolution 37-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for Construction of an Exterior Replacement Deck and Stairs at 211 Gregory Street, with staff recommendations.

MOTION PASSED

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

9. ACTION ITEMS:

A. Resolution 38-2016, A Resolution Approving the Purchase and Installation of a New Vehicle Exhaust System for the Black Hawk Fire Station from Airpro, Inc. for the Amount of \$78,650.00

Mayor Spellman read the title.

Fire Chief Taylor explained the replacement of the Fire Department’s 19 year old vehicle exhaust system. He said he has met the advertising procurement guidelines, installation will be in early June, and the cost is \$2,350.00 under budget. He said there will be minor electrical changes, but has coordinated those with the Public Works Facilities Maintenance Department and they will still be within budget. He added that there is an out-of-date, disconnected heating system in the ceiling and when Airpro pulls out the old exhaust system they will pull this out too.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 38-2016, A Resolution Approving the Purchase and Installation of a New Vehicle Exhaust System for the Black Hawk Fire Station from Airpro, Inc. for the Amount of \$78,650.00.

MOTION PASSED

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

B. Resolution 39-2016, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and the Gilpin County Education Foundation as Lessee for Property Located at 137 Clear Creek Street, Unit A, Black Hawk, Colorado

Mayor Spellman read the title.

City Attorney Hoffmann said this was the final form of the proposed lease for the convenience store. He noted the fixtures in Exhibit A become part of the premises after the lease.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 39-2016, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and the Gilpin County Education Foundation as Lessee for Property Located at 137 Clear Creek Street, Unit A, Black Hawk, Colorado.

MOTION PASSED

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

10. CITY MANAGER REPORTS:

City Manager Lewis had nothing to report.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 2 for Executive Session regarding legal advice for potential tax policy.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:20 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).

MOTION PASSED

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

MOTION TO ADJOURN

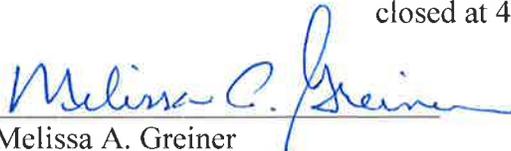
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:00 p.m.

MOTION PASSED

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

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:00 p.m.


Melissa A. Greiner
City Clerk


David D. Spellman
Mayor

