



REGULAR MEETING AGENDA

City of Black Hawk City Council
211 Church Street, Black Hawk, CO
July 27, 2016

Budget Workshop
1:00 p.m.

RINGING OF THE BELL:

1. CALL TO ORDER
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. ADENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. PUBLIC COMMENT: *Please limit comments to 5 minutes*
6. APPROVAL OF MINUTES: July 13, 2016
7. PUBLIC HEARINGS
 - A. CB16, An Ordinance Calling a November 8, 2016 Special Election to be Coordinated with the County, Submitting a Ballot Question, and Setting the Ballot Title Therefor
 - B. CB17, An Ordinance Amending Article IV of Chapter 4 of the Black Hawk Municipal Code to Clarify the Location of the Retail Sale of a Gaming Device or Gaming Equipment
 - C. Resolution 57-2016, A Resolution Approving a Certificate of Appropriateness for Roof Alterations at 201 Selak Street
8. ACTION ITEMS:
 - A. Resolution 58-2016, A Resolution Accepting City of Black Hawk 2015 Audit
 - B. Resolution 59-2016, A Resolution Awarding the Bid for Construction of the Central City Parking Lot Lighting Project to Encore Electric, Inc. in the Amount of \$81,830
9. CITY MANAGER REPORTS:
10. CITY ATTORNEY:
11. EXECUTIVE SESSION:
12. ADJOURNMENT:

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community.



**City of Black Hawk
City Council**

July 13, 2016

MEETING MINUTES

Affinity Gaming Black Hawk's Regional Vice President and General Manager North Grounsell rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, July 13, 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, Finance Director Hillis, Community Planning and Development Administrator Linker, Baseline Engineering Consultant Harris, Senior Civil Engineer Reed, Fire Chief Taylor, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance and asked everyone to continue to stand for a moment of silence in memory of a community member who recently passed.

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. Mayor Spellman noted that he had a conflict with agenda item 8C and would ask Alderman Moates to run the meeting at that time. No other conflicts were 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 June 22, 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.

7. PUBLIC HEARINGS:

A. CB14-2016, An Ordinance Amending Article XVIII of Chapter 16 of the Black Hawk Municipal Code Regarding Height Limits for Commercial Mobile Radio Service Facilities

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained this proactive action to restrict height limits on cell towers, as telecommunication companies, by State law, now have the right to erect towers anywhere and up to 120-feet. He said once they apply for consent to a political subdivision, that political subdivision is only given 90 days to act on the application. After 90 days, if there are no restrictions in place, their request could be deemed granted.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB14, An Ordinance Amending Article XVIII of Chapter 16 of the Black Hawk Municipal Code Regarding Height Limits for Commercial Mobile Radio Service Facilities 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 CB14, An Ordinance Amending Article XVIII of Chapter 16 of the Black Hawk Municipal Code Regarding Height Limits for Commercial Mobile Radio Service Facilities.

MOTION PASSED There was no discussion and the motion **PASSED** by a vote of 4-1, with Alderman Midcap voting against.

B. CB15-2016, An Ordinance Approving the First Amendment to an Intergovernmental Agreement Concerning the Marketing and Promotion of Black Hawk Between the City of Black Hawk and the Black Hawk Business Improvement District (BID)

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item and explained the obligations by both the City and the BID to improve marketing of the City as a whole. BID members David Farahi from Monarch and North Grounsell from Mardi Gras were both in the audience, and the Mayor thanked each of them for their efforts in the negotiations.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB15, An Ordinance Approving the First Amendment to an Intergovernmental Agreement Concerning the Marketing and Promotion of Black Hawk Between the City of Black Hawk and the Black Hawk Business Improvement District 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 CB15, An Ordinance Approving the First Amendment to an Intergovernmental Agreement Concerning the Marketing and Promotion of Black Hawk Between the City of Black Hawk and the Black Hawk Business Improvement District.

MOTION PASSED

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

C. Resolution 51-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Façade Remodel of the Monarch Casino Property Located at 488 Main Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained in detail the project and also walked Council through a PowerPoint presentation. He said the entire existing façade of the casino will be lifted off and replaced with a new one to match the materials of the new garage and new tower, and there will also be a variety of other changes made. The applicant and Chief Operating Officer David Farahi was present and Harris gave him and his team a special thanks for all their efforts. Staff recommends approval as submitted with three conditions as listed in the resolution.

Mayor Spellman asked about the performance of the roof coating and how the painted copper color will hold up over time. Harris said there is a special process of coating the existing roofing and it has been proven to withstand and holdup over time.

Mr. Farahi introduced their new construction manager John Raez and his brother Daniel Farahi, who is in to help with this project, but normally spends his time at their other property in Reno. He provided a progress update and thanked Council for all their support.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 51-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Façade Remodel of the Monarch Casino Property Located at 488 Main 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 Moates **MOVED** and was **SECONDED** by Alderman Torres to Approve Resolution 51-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Façade Remodel of the Monarch Casino Property Located at 488 Main Street.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 52-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk and Wood Species Identification and Consultation Services (WSICS) in an Amount Not To Exceed \$7,100.00

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. The previous consultant Anthony & Associates is too busy at this time to provide services to the City and has recommended WSICS. It was noted they would be used only as needed and if there was a question in regards to an item falling within the 50 year rule as outlined in their Scope of Work.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 52-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk

and Wood Species Identification and Consultation Services in an Amount Not To Exceed \$7,100.00.

MOTION PASSED

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

B. Resolution 53-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk and Mountain States Historical in an Amount Not To Exceed \$12,500.00

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. She said this approval will allow Mountain States Historical to finish up Section 106 inventory on land tracts proposed for disposal from BLM to Black Hawk. Mayor Spellman noted Linker and Senior Civil Engineer Ford's good job on negotiating.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 53-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk and Mountain States Historical in an Amount Not To Exceed \$12,500.00.

MOTION PASSED

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

C. Resolution 54-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Alteration of the Carriage House Located at 100 Marchant Street

Mayor Spellman recused himself from this section of the meeting. Alderman Moates read the title.

Community Planning and Development Administrator Linker introduced this item. She said the home is non-historic and non-contributing to the National Historic Landmark district and described the work to be done, as included in the packet. This application went before the Historic Preservation Commission who reviewed it, found it acceptable and within City regulations, and they recommend approval with one condition as listed in the resolution.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 54-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Alteration of the Carriage House Located at 100 Marchant Street.

MOTION PASSED

There was no discussion and the motion **PASSED**, noting an abstention by Mayor Spellman.

D. Resolution 55-2016, A Resolution Approving the License Agreement Between the City of Black Hawk and Affinity Gaming Black Hawk, LLC

Mayor Spellman read the title.

General Manager North Grounsell and Executive Administrative Assistant Anne Powe from Affinity Gaming at 300 Main Street, stated their names and address for the record. Mr. Grounsell described this year's event to be in conjunction with Gilpin County fair and rodeo with a buckle ceremony at 9:00 pm. He said they have extended invitations to local vendors and artists free of charge and expects 2500 people to come through. City Clerk/Administrative Services Director Greiner noted that Exhibit A should be revised to show the public right-of-way the applicant is requesting permission to use, not the address of the property as noted, and also the applicant is asking for the event to run over the allotted time by one hour until 11:00 pm. Mr. Grounsell added that a portion of the proceeds will go to the Alzheimer's Association, which is a national charity that Affinity Gaming partners with.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 55-2016, A Resolution Approving the License Agreement Between the City of Black Hawk and Affinity Gaming Black Hawk, LLC, with the addition of extending the hours until 11:00 pm and with a revised Exhibit A.

MOTION PASSED

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

E. Resolution 56-2016, A Resolution Approving the Lease Agreement Between the City of Black Hawk and Concrete Express, Inc. (CEI) for Property Located at 271 Gregory Street

Mayor Spellman read the title.

Senior Civil Engineer Reed explained this item for CEI to use the old sanitation building along Gregory Street for the duration of the Gregory Street project in lieu of CEI charging the City for a construction trailer to be used as office space.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 56-2016, A Resolution Approving the

Lease Agreement Between the City of Black Hawk and Concrete Express, Inc. for Property Located at 271 Gregory Street.

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 had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item numbers 2 and 5 for specific legal issues related to potential law enforcement issues and potential election issues.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:35 p.m. to hold a conference with the City attorney to receive legal advice on specific legal questions, pursuant 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 4:10 p.m.

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

12. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 4:10 p.m.

Melissa A. Greiner
City Clerk

David D. Spellman
Mayor

COUNCIL BILL 16
AN ORDINANCE CALLING A
NOVEMBER 8, 2016, SPECIAL
ELECTION TO BE
COORDINATED WITH THE
COUNTY, SUBMITTING A
BALLOT QUESTION, AND
SETTING THE BALLOT
TITLE THEREFOR

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB16

ORDINANCE NUMBER: 2016-16

TITLE: AN ORDINANCE CALLING A NOVEMBER 8, 2016, SPECIAL ELECTION TO BE COORDINATED WITH THE COUNTY, SUBMITTING A BALLOT QUESTION, AND SETTING THE BALLOT TITLE THEREFOR

WHEREAS, the City of Black Hawk desires to conduct a special election on November 8, 2016;

WHEREAS, Section 2 of Article III of the City of Black Hawk Home Rule Charter adopts by reference the Colorado Municipal Election Code of 1965; and

WHEREAS, pursuant to the provisions of the Colorado Municipal Election Code and the City's home rule authority regarding the conduct of its elections, the City desires to conduct its November 8, 2016, special election as a coordinated election.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The following ballot question shall be submitted to the registered electors of the City of Black Hawk at the November 8, 2016, special municipal election:

Ballot Question No. 1:

SHALL THE CITY OF BLACK HAWK TAXES BE INCREASED THREE HUNDRED AND TWENTY FIVE THOUSAND DOLLARS (\$325,000,000) ANNUALLY IN 2017, AND BY WHATEVER ADDITIONAL AMOUNTS ARE COLLECTED ANNUALLY IN SUBSEQUENT YEARS, BY A NEW ONE-HALF (1/2) PERCENT SALES TAX IMPOSED ON THE PURCHASE OF TAXABLE GOODS AND SERVICES, THE PROCEEDS TO BE USED TO MARKET AND PROMOTE THE CITY THROUGH FIREWORKS DISPLAYS, HOLIDAY LIGHT DISPLAYS, PUBLIC FLOWER BOXES, AND FOR OTHER GENERAL GOVERNMENTAL PURPOSES, AND SHALL THE CITY BE AUTHORIZED TO COLLECT AND SPEND THE FULL PROCEEDS OF SUCH TAX WITHOUT LIMITATION AND WITHOUT LIMITING THE EXPENDITURE OF ANY OTHER REVENUES OR FUNDS UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

Yes _____

No _____

Section 2. The November 8, 2016, special municipal election shall be coordinated with the County.

Section 3. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, 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 Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 27th day of July, 2016.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Creating a Special Election to be Coordinated with the County on November 8, 2016 and Submitting a Ballot Question.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: Ordinance 2016-16, An Ordinance Calling a November 8, 2016 Special Election to be Coordinated with the County, Submitting a Ballot Question, and Setting the Ballot Title Therefor.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: A ballot question submitted to the registered electors regarding a One-Half (1/2) Percent increase in the Sales Tax Imposed on the purchase of taxable goods and services, the proceeds to be used to market and promote the City through fireworks displays, holiday light displays, public flower boxes and other general purposes.

AGENDA DATE: July 27, 2016

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

STAFF PERSON RESPONSIBLE: Lance Hillis, Finance Director

DOCUMENTS ATTACHED: Ordinance

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

Lance Hillis

Lance Hillis, Finance Director

REVIEWED BY:

Jack D Lewis

Jack D. Lewis, City Manager

COUNCIL BILL 17
AN ORDINANCE AMENDING
ARTICLE IV OF CHAPTER 4
OF THE BLACK HAWK
MUNICIPAL CODE TO
CLARIFY THE LOCATION OF
THE RETAIL SALE OF A
GAMING DEVICE OR
GAMING EQUIPMENT

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB17

ORDINANCE NUMBER: 2016-17

TITLE: AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 4 OF THE BLACK HAWK MUNICIPAL CODE TO CLARIFY THE LOCATION OF THE RETAIL SALE OF A GAMING DEVICE OR GAMING EQUIPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 4-42 of the City of Black Hawk Municipal Code, "Definitions," is amended to read as follows with new language appearing in underline:

Sec. 4-42. Definitions.

For the purpose of this Article, and except as set forth below, the definitions of words herein contained shall be defined in Section 39-26-102, C.R.S., and said definitions are incorporated herein by this reference.

Only for the purchase or sale of a "gaming device" or "gaming equipment," as those terms are defined in Section 12-47.1-103, C.R.S., the retail sale, sale, or sale and purchase is made at the location of the retail gaming licensee's licensed premises regardless of where physical delivery or possession of the gaming device or gaming equipment is actually taken, unless the retail gaming licensee picks up (or arranges by common carrier for the pick-up of) the gaming device or gaming equipment from the retailer's location where the item is sold, in which case the sale is made at the retailer's location. For all other purchases or sales, the sale is made at the location where the item sold is received by the purchaser or as otherwise set forth in Section 39-26-102, C.R.S.

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 Black Hawk, 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 clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a

court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 27th day of July, 2016.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Clarification of the location of the retail sale of a gaming device or gaming equipment.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: Ordinance 2016-17, An Ordinance Amending Article IV of Chapter 4 of the Black Hawk Municipal Code to Clarify the Location of the Retail Sale of a Gaming Device or Gaming Equipment.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: Clarification of the Taxability of Gaming Devices and Gaming Equipment regardless of the location of the physical delivery.

AGENDA DATE: July 27, 2016

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

STAFF PERSON RESPONSIBLE: Lance Hillis, Finance Director

DOCUMENTS ATTACHED: Ordinance

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

REVIEWED BY:





Lance Hillis, Finance Director

Jack D. Lewis, City Manager

RESOLUTION 57-2016
A RESOLUTION
APPROVING A
CERTIFICATE OF
APPROPRIATENESS FOR
ROOF ALTERATIONS AT
201 SELAK STREET

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 57-2016

TITLE: A RESOLUTION APPROVING A CERTIFICATE OF APPROPRIATENESS FOR ROOF ALTERATIONS AT 201 SELAK STREET

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

Section 1. The City Council hereby determines to conditionally approve the Certificate of Appropriateness for roof alterations at 201 Selak Street provided the following condition is satisfied:

1. All applicable permits Building, Electrical, Demolition, and/or Right-of-Way shall be applied for and approved prior to the installation of any new roofing material.

RESOLVED AND PASSED this 27th day of July 2016.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a Certificate of Appropriateness for an exterior alteration on the City of Black Hawk City Hall, located on property described in Exhibit A and generally located at 201 Selak Street, pursuant to the City of Black Hawk zoning ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, July 27, 2016 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers located at 211 Church Street, Black Hawk, Colorado, 80422, or at such other time or place in the event these hearings are adjourned.

ALL INTERESTED PARTIES
MAY ATTEND

Melissa A. Greiner
City Clerk

Exhibit A

201 Selak Street –

S: 7 T: 3S R: 72W Subd: BLACK HAWK Block: 028 Lot: 006

**CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION**

SUBJECT: A Resolution approving the Certificate of Appropriateness for the removal of three chimney stacks above the roof of City Hall in order to provide a flat surface for the new roof treatment.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE RESOLUTION NUMBER 57-2016 a Certificate of Appropriateness for the removal of three chimney stacks above the roof of City Hall in order to provide a flat surface for the new roof treatment with the following condition:

1. All applicable permits Building, Electrical, Demolition and/or Right-of-Way shall be applied for and approved prior to the installation of any new roofing material.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

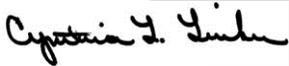
The short chimney vents are not decorative; are not character-defining features; and do not define the overall historic character of the building. Their removal will not diminish the building's character or have a negative impact on the National Historic Landmark District.

AGENDA DATE: July 27, 2016
WORKSHOP DATE: N/A
FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No
STAFF PERSON RESPONSIBLE: Cynthia Linker, CP&D
DOCUMENTS ATTACHED: Resolution No. 57-2016
Staff Report
Cultural Resource Evaluation

RECORD: Yes No
CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:



7/19/16

Cynthia L. Linker, CP&D Administrator

REVIEWED BY:



Jack D. Lewis, City Manager

Staff Report

STAFF REPORT: Certificate of Appropriateness – 201 Selak
For: City Council
Project: Certificate of Appropriateness for Exterior Alteration at 201 Selak
Property Address: 201 Selak Street
Applicants: City of Black Hawk
Zoning: History Appreciation and Preservation (HAP)
Prepared by: Deon Wolfenbarger, Historic Preservation Consultant
Reviewed by: Cynthia Linker, CP&D Administrator

BACKGROUND:

The City of Black Hawk is requesting a Certificate of Appropriateness for re-roofing the City Hall building at 201 Selak. While the re-roofing is a minor project and can be approved at staff level, the project proposes to remove three chimney stacks above the roof in order to provide a flat surface for the new roof. Removal of the three chimney stacks requires approval by City Council. The Department of Public Works will oversee the project.

The date of construction for the building at 201 Selak Street is 1877. It is purported to be the oldest continually operating municipal government building in Colorado, and is scheduled for individual landmark designation in 2016. It originally housed the Black Hawk Fire Department on the first floor, and city offices on the second floor. The property was first officially evaluated for its historic and architectural significance in 1986 when the National Park Service conducted a survey of historic resources in the communities of Black Hawk, Central City, and Nevadaville. In 1991, when Black Hawk was added to an expanded National Historic Landmark district, 201 Selak Street was counted as a “contributing” building to the historic district, meaning it had retained sufficient integrity to contribute to the historic character of the district. The building is Nineteenth-Century Commercial structure with arched entries on the first level and a bracketed brick cornice at the second story.

The intent of the CofA application as regulated by Sec. 16-368 of the City of Black Hawk Municipal Code is to ensure that all development and redevelopment is reviewed prior to construction, reconstruction, alterations or demolition. A CofA application requires Staff to review a proposed development for compliance with design and zoning standards, and deem it acceptable for review and provide a recommendation to City Council. The regulations for a CofA have been reviewed by staff and comments are included below. A description of the proposed changes for each of these features is contained in the section with excerpts from the relevant Commercial Design guidelines.

The following building features will be covered by this proposed rehabilitation:

- Roof
- Chimney

Existing Front (southeast) Elevation



Existing Northeast Elevation



Existing Southwest Elevation



Existing Rear (Southwest) Elevation: seen from Church Street



REVIEW CRITERIA:

Applicable City of Black Hawk Regulations

Certificate of Appropriateness:

Excerpts from:

**City of Black Hawk
Zoning Code
Chapter 16-368, City Council historic review process**

Sec. 16-368. City Council historic review process. Any person seeking to renovate the exterior of, add to or construct a new building shall be subject to the following procedures. Any such renovation, construction or demolition shall be subject to the City’s design standards.

16-368(3)(a). No building permit or site development plan shall be issued unless accompanied by a Certificate of Appropriateness (CofA) issued by the City Council for any of the following acts:

1. Construction of a new building, structure or improvement
2. Alteration or reconstruction of, or addition to, the exterior of any improvement;
3. Demolition of any improvement;
4. Construction or erection of or addition to any improvement upon any land located within the City;
5. Excavation requiring an excavation permit.

16-368(3)(f): Criteria for determining appropriateness of erection, construction, reconstruction, alteration. In determining the appropriateness of work (other than demolition) as proposed in an application for a site development plan or a building permit, the Board of Aldermen shall consider the following:

1. All plans, drawings and photographs as may be submitted by the applicant.
The applicant has submitted required information and photographs. The applicant proposes to remove the chimney stacks down to the roof, and enclose the chimney openings prior to re-roofing.
2. Information presented at a public hearing held concerning the proposed work.
The applicant will provide additional information at the City Council meeting if needed.
3. The purpose of this Chapter.
Staff finds the proposed development to be in conformance with the City of Black Hawk zoning and design standards.
4. Compliance with the ordinances of the City and the payment of all fees required by the ordinances of the City.
The applicant has and will continue to pay all necessary fees required by the City.

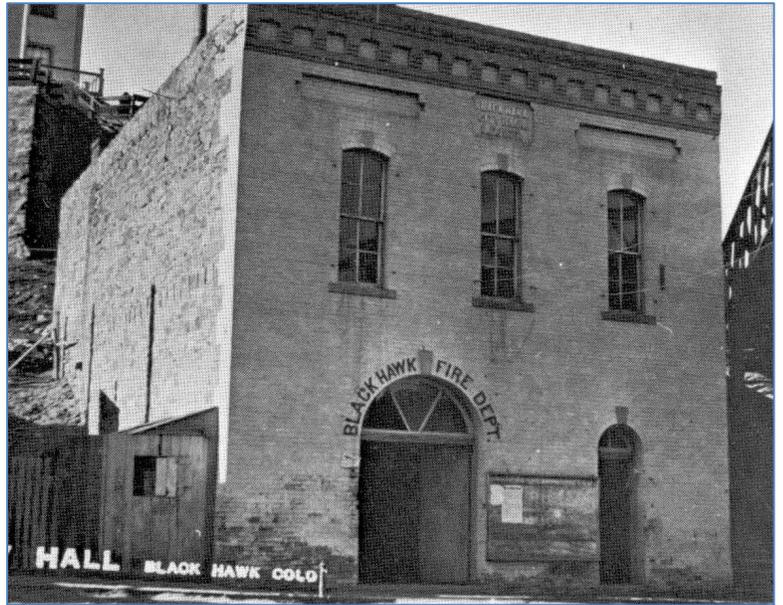
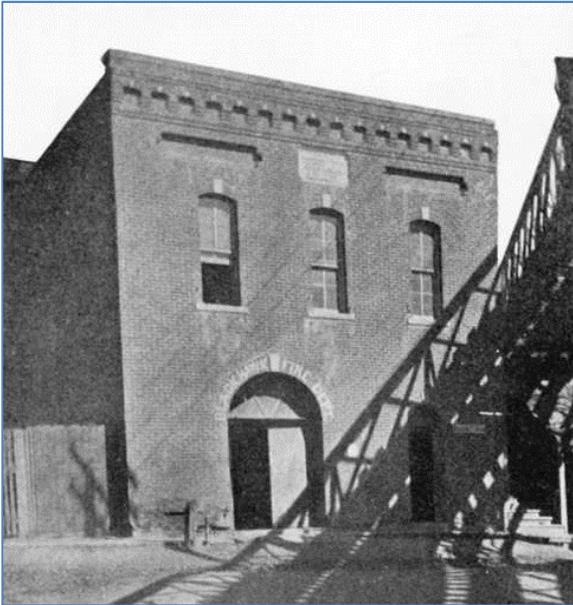
5. The historical and architectural style, the general design, arrangement, texture, materials and color of the development, building or structure in question or its appurtenance fixtures; the relationship of such features to similar features of the other buildings within the City and the position of the building, structure, park or open space in relation to public right-of-way and to other buildings and structures in the City.

The existing historic building is an example of a nineteenth century commercial building adapted on the first floor to house horse-drawn fire wagons. The key character-defining features of this building are its large round arched vehicle opening, matched on the first floor with an arched pedestrian opening. The tall, narrow upper story windows have semi-elliptical openings – all fenestrations have a keystone highlighting the arch. Other character-defining features are the corbelled brick cornice, brick façade, and stone side walls.

6. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the City which cause it to possess a special character or special historical or aesthetic interest or value.

The building at 201 Selak is contributing resource to the National Historic Landmark District. The short chimney stacks on the side elevations are not visible from the front elevation, and do not appear in all historic photographs. The removal of these chimneys in order to prevent roof leakage will not have a negative impact on this building, or on the National Historic Landmark District as a whole.

Historic photographs: no chimney visible in left photo, rear NW chimney visible in right



7. The design standards for the City.

The proposed alteration has been reviewed against the City of Black Hawk's Commercial Design Guidelines. Section 5.A. of the Commercial Design Guidelines would be the applicable section, except the guidelines do not specifically address chimneys or building features except for storefronts or windows. However, as noted in the design guidelines, the underlying guidance for reviewing projects that involve historic buildings is "The Secretary of the Interior's Standards for Rehabilitation." See below for description of proposed work, excerpts of the applicable criteria, and evaluation of the proposed alteration.

Secretary of the Interior Standards & Guidelines for Rehabilitation

Building Exterior

Masonry: Brick, stone, terra cotta, concrete, adobe, stucco and mortar

Recommended

Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and details such as tooling and bonding patterns, coatings, and color.

Not Recommended

Removing or radically changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Roofs

Recommended

Identifying, retaining, and preserving roofs--and their functional and decorative features--that are important in defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features, such as cupolas, cresting chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.

Not Recommended

Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Evaluation:

The short chimney vents are not decorative; are not character-defining features; and do not define the overall historic character of the building. Their removal will not diminish the building's character or have a negative impact on the National Historic Landmark District.

STAFF COMMENTS:

City and consulting staff have evaluated the information provided for the removal of the three chimney vents at 201 Selak Street, and has determined that the proposal will not have a negative impact on the historic character of the individual building or on the district as a whole.

FINDINGS:

City Council may *approve, conditionally approve, or deny* this Certificate of Appropriateness. To support this proposal, the following findings can be used:

1. The chimney stacks at 201 Selak are not visible from the front elevation, and are not key character-defining features of the historic building; their removal will not diminish the historic character of the building or district.
2. The proposal meets the criteria outlined in the City of Black Hawk Municipal Code, the Commercial Design Guidelines, and the Secretary of the Interior’s Standards and Guidelines for Rehabilitation, as noted and evaluated in the staff report presented to City Council.

RECOMMENDATION:

Staff recommends City Council consider a **MOTION TO APPROVE** a Certificate of Appropriateness for the roof alterations at 201 Selak Street as submitted with the following condition:

1. All applicable permits Building, Electrical, Demolition and/or Right-of-Way shall be applied for and approved prior to the installation of any new roofing material.

ATTACHMENT:

- A. Cultural Resource Evaluation Form

ATTACHMENT A: BLACK HAWK CULTURAL RESOURCE SURVEY

Cultural Resource Re-evaluation Form

(page 1 of 2)

- 1. Current Address: **201 Selak**
- 2. Resource Number: **5GL.7.356**
- 3. NHL Resource Number: **B28-5**
- 4. Resource Name: **Black Hawk City Hall**
- 5. Purpose of this current site visit (check as many as apply)
 - Site is within a current project area
 - Resurvey
 - Update of previous site form(s)
 - Surface collection
 - Testing to determine eligibility
 - Excavation
 - Other
- 6. Previous Recordings:

<input checked="" type="checkbox"/> 1986 National Park Service Survey	<input checked="" type="checkbox"/> Photograph	
<input checked="" type="checkbox"/> 1991 National Historic Landmark Nomination	No Photographs	<input checked="" type="checkbox"/> Contributing
<input checked="" type="checkbox"/> 1998 Re-survey	<input checked="" type="checkbox"/> Photograph	
<input checked="" type="checkbox"/> 2004 Photo survey	<input checked="" type="checkbox"/> Photograph	
<input type="checkbox"/> Other:	<input type="checkbox"/> Photograph	
- 7. Exterior alterations since 1986: **1997: demolish old and construct new stairs.**
- 8. Additional historical background: **One of the oldest operating municipal halls in continuous use in Colorado. Sources vary as to the cost of its original construction in 1877 – from than \$2800 to \$5000. The building housed the hand-drawn hose carts for the Black Hawk Fire & Hose Company on the ground floor and city offices upstairs.**

1877 Construction date Estimate from 1986 NPS Survey New estimate

Sources of information: *Guide to Central City & Black Hawk (Pearce & Pfaff); Central City and Black Hawk, Colorado: Then and Now (Hollenback)*

Sanborn Maps

- 1886
- 1890
- 1895
- 1900

Current Address: **201 Selak**

(page 2 of 2)

Resource Number: **5GL.7.356**

NHL Resource Number: **B28-5**

9. Changes to Location or Size Information: **n/a**

10. Revised National Historic Landmark District- Contributing Building Eligibility Assessment:

Contributing Non contributing Need data

11. National Register - Individual Eligibility Assessment:

Eligible Not eligible Need data

12. Is there National Register district potential? Yes No

Discuss: **Extensive alterations in the commercial district affect potential district eligibility**

13. Local Designation - Individual Eligibility Assessment:

Eligible Not eligible Need data

14. Is there Local district potential? Yes No

Discuss: **This would be a contributing building to a potential local district**

15. Photograph Types and Numbers: **Digital, <.jpg> format. 201 Selak-1.JPG, 201 Selak-2.JPG**

16. Report Title: **Black Hawk Historic Resource Resurvey: 2009-2010**

17. Recorder(s): **Deon Wolfenbarger**

18. Date(s): **July 20, 2010**

19. Recorder Affiliation: **Three Gables Preservation**

20. Attachments

(check as many as apply)

Photographs

Site sketch map

U.S.G.S. map photocopy

Other _____

Other _____

21. Official determination

(OAHF USE ONLY)

Determined Eligible

Determined Not Eligible

Need Data

Nominated

Listed

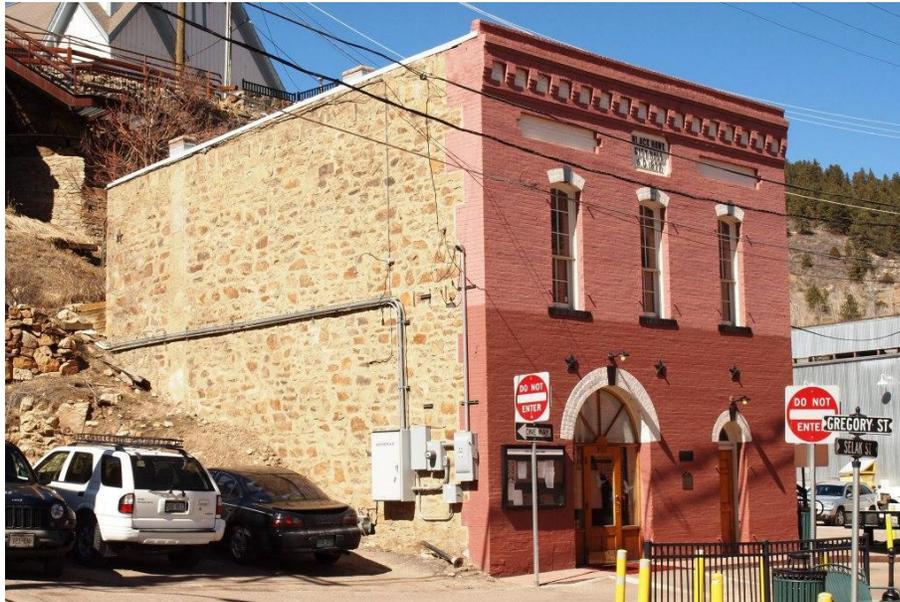
Contributing to N.R. District

Not Contributing to N.R. Dist

Current Address: **201 Selak**
Resource Number: **5GL.7.356**
NHL Resource Number: **B28-5**

Continuation Sheets

Current Photographs
Date: **03/16/2010**



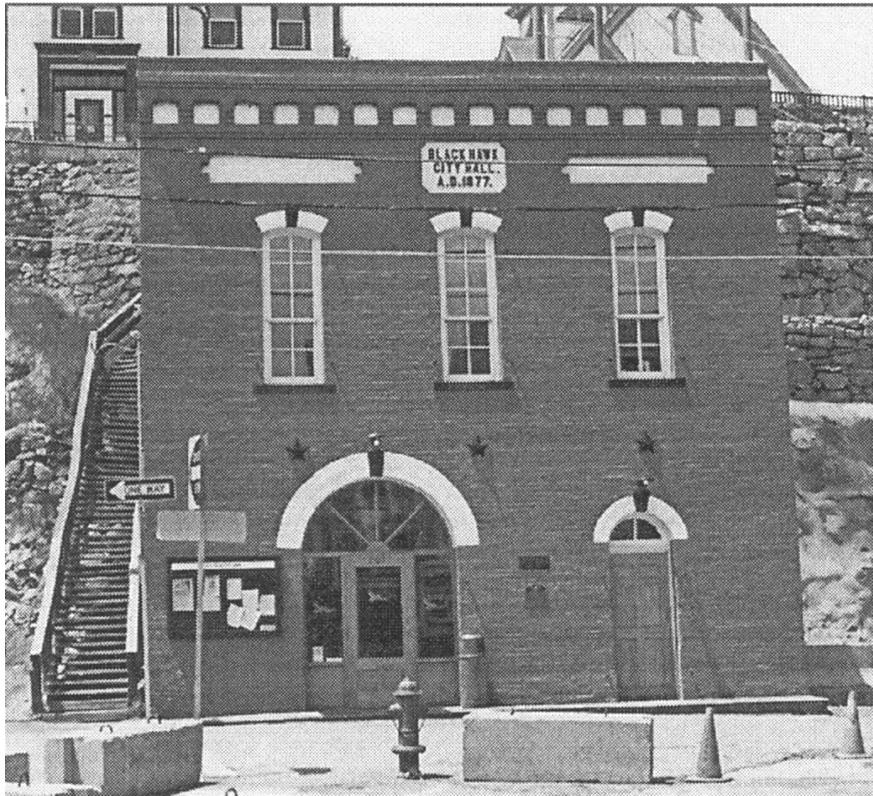
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Resource Number: **5GL.7.356**
NHL Resource Number: **B28-5**

Continuation Sheets

2004 Photograph



1998 Resurvey Photograph



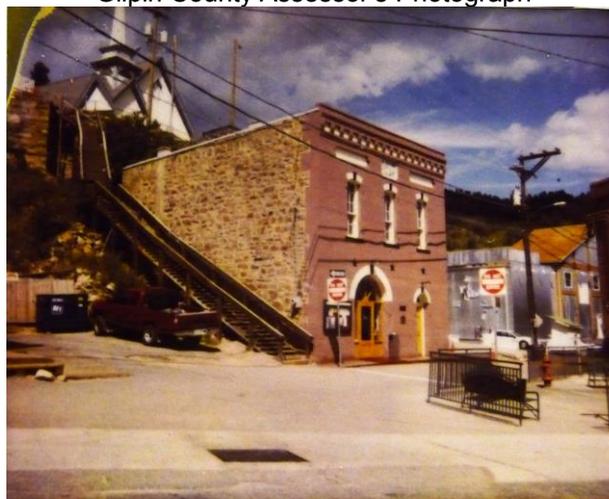
Current Address: **201 Selak**
Resource Number: **5GL.7.356**
NHL Resource Number: **B28-5**

Continuation Sheets

1986 Survey Photograph



Gilpin County Assessor's Photograph



9/9/97

Historic photographs



Current Address: 201 Selak
Resource Number: 5GL.7.356
NHL Resource Number: B28-5

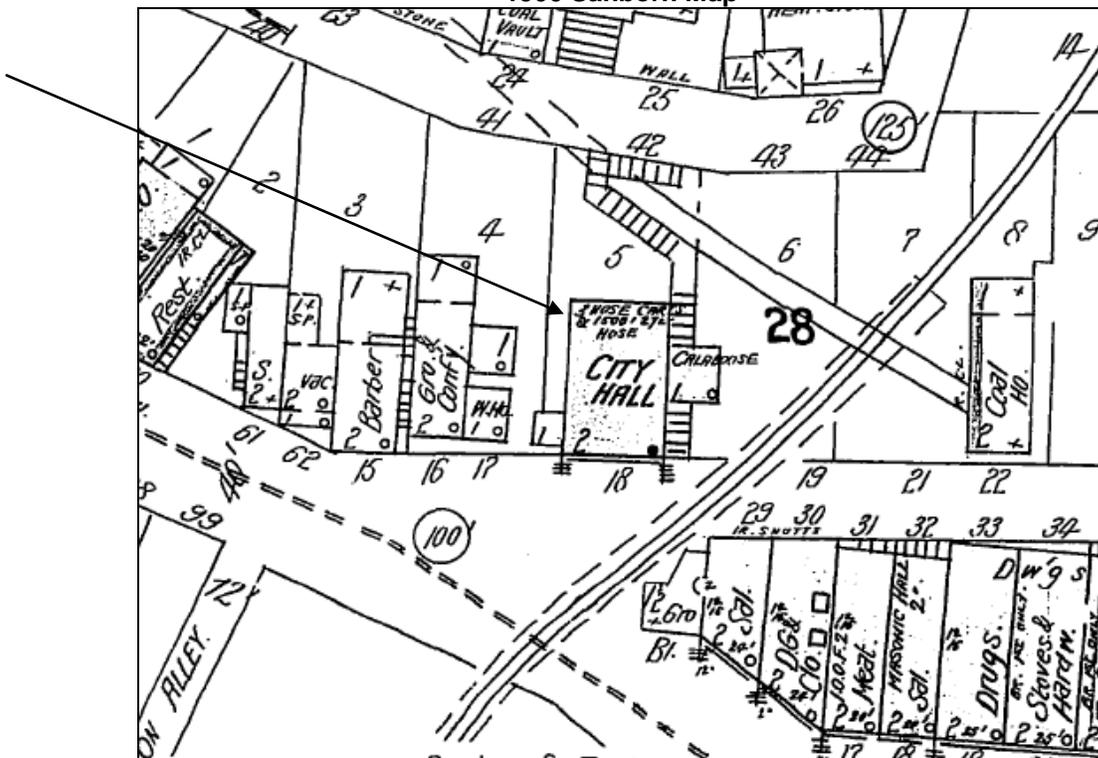
Continuation Sheets

Historic photographs (cont.)



Ca. 1910

1900 Sanborn Map



RESOLUTION 58-2016
A RESOLUTION
ACCEPTING CITY OF
BLACK HAWK 2015 AUDIT

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

Resolution No. 58-2016

**TITLE: A RESOLUTION ACCEPTING CITY OF BLACK HAWK 2015
AUDIT**

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

Section 1. The City Council hereby approves the 2015 Comprehensive Annual
Financial Report (Audit) for the City of Black Hawk.

RESOLVED AND PASSED this 27th day of July, 2016.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: 2015 Comprehensive Annual Financial Report – (Audit)

RECOMMENDATION: Staff recommends Acceptance of the 2015 Audit

MOTION TO APPROVE (or deny, etc.) N/A

SUMMARY AND BACKGROUND OF SUBJECT MATTER: Colorado State law requires that the financial statements of the City of Black Hawk be audited by an independent Certified Public Accountant. The City's auditor, John Cutler & Associates, LLC has issued a clean or unqualified opinion. This means the Financial Statements present fairly, the financial position of the City. This is the best type of opinion an auditee may receive from an external auditor.

AGENDA DATE: July 27, 2016

WORKSHOP DATE: N/A

FUNDING SOURCE: General Fund

DEPARTMENT DIRECTOR APPROVAL: Yes No

STAFF PERSON RESPONSIBLE: Lance Hillis, Finance Director

DOCUMENTS ATTACHED: 2015 Comprehensive Annual Financial Report (Audit)

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

REVIEWED BY:





Lance Hillis, Finance Director

Jack D. Lewis, City Manager

RESOLUTION 59-2016

**A RESOLUTION
AWARDING THE BID FOR
CONSTRUCTION OF THE
CENTRAL CITY PARKING
LOT LIGHTING PROJECT
TO ENCORE ELECTRIC,
INC. IN THE AMOUNT OF
\$81,830.00**

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

Resolution No. 59-2016

**TITLE: A RESOLUTION AWARDING THE BID FOR CONSTRUCTION OF THE
CENTRAL CITY PARKING LOT LIGHTING PROJECT TO ENCORE
ELECTRIC, INC. IN THE AMOUNT OF \$81,830.00**

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

Section 1. The City Council hereby awards the bid for construction of the Central
City Parking Lot Lighting Project to Encore Electric, Inc. in the amount of \$81,830.00, and
authorizes the Mayor to execute the necessary documents on behalf of the City.

RESOLVED AND PASSED this 27th day of July, 2016.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk



**CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION**

SUBJECT: Approve Resolution 59-2016, a Resolution awarding the bid for construction of the Central City Parking Lot Lighting project to Encore Electric, Inc.

RECOMMENDATION:

If City Council chooses to approve Resolution 59-2016, a Resolution awarding the bid and contract between the City of Black Hawk and Encore Electric, Inc., the recommended motion is as follows: “Approve Resolution 59-2016, a Resolution awarding the bid for construction of the Central City Parking Lot Lighting project to Encore Electric, Inc. in the amount of \$81,830.00.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The City has obtained approval from Central City to construct a parking lot at the northwest corner of Gregory and High Streets, at the old clinic site. As a condition of approval, Central City requires the City of Black Hawk to install eight pole-mounted parking lot lights. Staff contacted three electrical contractors directly to acquire bids for this work. Two bids were received and the third contractor opted not to submit a bid, as shown on the attached Bid Recording Sheet.

FUNDING SOURCE: Gregory Street Redevelopment: 305-3101-431-75-14

WORKSHOP DATE: July 27, 2016

ORIGINATED BY: Matt Reed/Tom Isbester

STAFF PERSON RESPONSIBLE: Matt Reed/Tom Isbester

PROJECT COMPLETION DATE: November 30, 2016

DOCUMENTS ATTACHED: Bid Recording Sheet

CITY ATTORNEY REVIEW: []Yes [X]No []N/A INITIALS _____

SUBMITTED BY:

Thomas Isbester, Public Works Director

REVIEWED BY:

Jack D. Lewis, City Manager

OWNER: City of Black Hawk

PROJECT: Central City Parking Lot Lighting

Contractor	Base Bid
Encore Electric, Inc.	\$81,830.00
Master Electrical Contractors, Inc.	\$89,930.00
Choice Electric Corporation	DID NOT BID