RINGING OF THE BELL:

1. CALL TO ORDER:

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

3. AGENDA 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: August 9, 2017

7. PUBLIC HEARINGS:

   A. CB19, An Ordinance Approving a Memorandum of Understanding Between the Colorado Department of Public Health and Environment and the City of Black Hawk for Fire Services to the North Clear Creek Water Treatment Plant

8. ACTION ITEMS:

   A. Resolution 55-2017, A Resolution Approving the Second Addendum to the Professional Services Agreement with WL Contractors, Inc.

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.
New Employee, Accountant Leslie Hall, rang the bell.

1. CALL TO ORDER: The meeting of the City Council was called to order, after the tour of Chase Gulch, on Wednesday, August 9, 2017, at 2:10 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, 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: Mayor Spellman suggested Council go into Executive Session after agenda item #5, due to the 3:00 p.m. time listed on the agenda. Deputy City Clerk Martin confirmed there were no other 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: Leslie Hall, Accountant

Finance Director Hillis introduced the City’s new accountant Leslie Hall. He said she is from Evergreen and has stepped right into the position and is doing a great job. It was noted that she went to the same high school as City Manager Lewis – Palmer High School in Colorado Springs. She was warmly welcomed.

At this time Council adjourned into Executive Session:

EXECUTIVE SESSION: City Attorney Hoffmann recommended item number 2 for Executive Session for specific legal issues related to expenditure of preservation and restoration funds and pending litigation.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: Alderman Bennett MOVED and was SECONDED by Alderman Johnson to adjourn into Executive Session at 2:11 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 Armbright to adjourn the Executive Session at 2:50 p.m.

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

The open regular meeting resumed at 3:00 p.m. Mayor Spellman explained to those present that Council had toured the Quartz Valley/Chase Gulch area at 1:00 p.m. and upon their early return decided to go into Executive Session prior to the meeting start time of 3:00 p.m. He then went on to acknowledge Street Superintendent Mike Schaller and his Public Works crew for having done an excellent job on the clean-up of the Quartz Valley/Chase Gulch area.

6. PUBLIC COMMENTS: Deputy City Clerk Martin confirmed that no one had signed up to speak.
7. APPROVAL OF MINUTES: July 26, 2017

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. CB14-2017, Rehearing of an Ordinance Amending Section 16-67 of the Black Hawk Municipal Code Regarding the Requirement to Connect to the Municipal Water System

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said this was a rehearing, as the public hearing notice was published for today’s date; staff had inadvertently put this item on the July 26 agenda. He confirmed that nothing has changed in the Ordinance.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB14, the rehearing of an Ordinance amending Section 16-67 of the Black Hawk Municipal Code regarding the requirement to connect to the Municipal Water 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 Moates MOVED and was SECONDED by Alderman Torres to approve CB14, the rehearing of an Ordinance amending Section 16-67 of the Black Hawk Municipal Code regarding the requirement to connect to the Municipal Water System.

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

B. CB18-2017, An Ordinance Calling a November 7, 2017 Special Election to be Conducted as an Independent Polling Place Election Pursuant to the Colorado Municipal Election Code, Submitting a Ballot Question and Setting the Ballot Title Therefor

Mayor Spellman read the title and opened the public hearing.
City Attorney Hoffmann introduced this item which calls for a Special Election to take place on November 7, 2017 as a Polling Place Election and to place a ballot question on its ballot. He said at the July 26 meeting, Council approved an Intergovernmental Agreement (IGA) with the County of Gilpin to coordinate the mailing of the TABOR notice, as per the Colorado Constitution, other than that coordination the City will conduct the election independently. He stated, that if approved by the voters, this would create a new category of Occupational Tax, or Device Tax, calculated at four times the current rate for live table games.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB18, an Ordinance calling a November 7, 2017 Special Election to be conducted as an independent Polling Place Election pursuant to the Colorado Municipal Election Code, submitting a Ballot Question and setting the Ballot Title therefor 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.

Mayor Spellman provided additional background that went into this proposal. He said that Council was originally leaning towards five times the current rate and that is what he presented at a Business Improvement District (BID) meeting. The Mayor stated after discussing with BID members, Council then considered additional information and compromised to the four times amount proposed.

Alderman Bennett stated Council had determined that five times the current device tax was a reasonable level of tax on live games given the fact that there are more than five gaming stations at each of the live games, for example six on Black Jack; nine on Poker; ten on Roulette; and 12 on Craps. He went on to say that City Council wants to make it clear that the BID Marketing Program must remain in place as per their amended IGA and that if the BID terminates the Marketing Program, then Council will make it a policy to collect the Lodging Tax on complimentary rooms beginning in 2018.

Mayor Spellman added that this tax was contemplated a year ago when Council amended the Marketing IGA with the BID. He said the IGA states that Council could not increase device fees on slot machines for two years, but it was understood that the tax on live games would be increased. He further elaborated on the data provided the City has 7,081 slot machines today, but in 2007 the City had a high of 10,168 devices, which was prior to Amendment 50 and the addition of Craps and Roulette, which were not allowed in 2007. The Mayor’s point was to emphasize the considerable drop in the number of devices since the passing of Amendment 50 and the addition of Craps and Roulette. Two
of the reasons for the drop in the total number of devices is because table games take up more space in the facilities and right sizing for their customer base. Also, when casinos look at revenues generated, as well as their overall tax burden, they assess per gaming station as Alderman Bennett previously described. The Mayor noted that the City has never taken an aggressive tax position, but there are reasonable and appropriate levels of taxation that will help achieve City projects, such as Maryland Mountain Open Space and Gregory Street improvements, which are a reinvestment back into the City and will bring more visitors into the City of Black Hawk. To further demonstrate that a 300% tax increase is warranted on these live games, the Mayor stated the casinos have represented that revenues from their live table game have increased over 300% (when referring to non-taxation on free play) since Amendment 50. This is exactly the increase the City is proposing for in device taxes for live games. The Mayor provided the breakdown of the proposed four times the device fee increase as approximately $11.50 per day, per live game. The current the rate is $2.87 per day, per live game, which results in an increase of $8.61 per day which Council feels is not very substantial.

Mayor Spellman noted that three General Managers submitted letters voicing their concerns, but City Council unanimously feels they have ample support and sound reason to increase the tax, if voter approved, to four times the device fees and have made a reasonable compromise from the five times first considered.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve CB18, an Ordinance calling a November 7, 2017 Special Election to be conducted as an independent Polling Place Election pursuant to the Colorado Municipal Election Code, submitting a Ballot Question and setting the Ballot Title therefor.

**MOTION PASSED**

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

9. **ACTION ITEMS:**

   None

10. **CITY MANAGER REPORTS:**

    City Manager Lewis had nothing to report.

11. **CITY ATTORNEY:**

    City Attorney Hoffmann had nothing to report.
12. EXECUTIVE SESSION: Already held after Agenda Item #5.

13. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 3:10 p.m.

____________________________
Melissa A. Greiner
City Clerk

____________________________
David D. Spellman
Mayor
COUNCIL BILL 19
ORDINANCE 2017-19
AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE CITY OF BLACK HAWK FOR FIRE SERVICES TO THE NORTH CLEAR CREEK WATER TREATMENT PLANT
TITLE:  AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE CITY OF BLACK HAWK FOR FIRE SERVICES TO THE NORTH CLEAR CREEK WATER TREATMENT PLANT

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

Section 1. The City of Black Hawk hereby approves the Memorandum of Understanding between the Colorado Department of Public Health and Environment and the City of Black Hawk for Fire Services to the North Clear Creek Water Treatment Plant, as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, and authorizes the Mayor to execute the same on behalf of the City.

Section 2. 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 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 23rd day of August, 2017.

___________________________________
David D. Spellman, Mayor

ATTEST:

___________________________________
Melissa A. Greiner, City Clerk
MEMORANDUM OF UNDERSTANDING

BETWEEN

THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

AND

THE CITY OF BLACK HAWK FIRE DEPARTMENT

Purpose

The purpose of this Memorandum of Understanding (MOU) is to clarify the City of Black Hawk Fire Department policies and practice of fire code review, inspections, and final approval of new construction and alterations to the existing facilities at the North Clear Creek Water Treatment Plant (NCCWTP) owned by the Colorado Department of Public Health and Environment (Department) located in the City of Black.

Applicability: Term

This MOU will be in effect and apply to all new and existing construction at the NCCWTP on the date this MOU is executed by all parties, and shall expire upon the date which is one year following the Effective Date, unless this MOU is earlier terminated as provided herein or replaced with an updated MOU entered into by the parties.

The parties acknowledge that as of the Effective Date, the State of Colorado (State) requires the Department to provide a memorandum of understanding with its local fire district on an annual basis. The City of Black Hawk Fire Department agrees to cooperate with the Department in updating and replacing this MOU on an annual basis, or earlier if the State’s deadline so requires, in order for the Department to satisfy the State’s requirements.

The parties agree that this MOU may be subject to amendments jointly approved, and either party may terminate this MOU upon written notice.

Relationship

It is understood that the Department falls under the jurisdiction of the City of Black Hawk Fire Department. It is also understood that the City of Black Hawk Fire Department’s initial responsibilities shall lie with the City of Black Hawk.
Applicable Codes and Regulations

As of the Effective Date, all new construction and alterations to existing buildings at the NCCWTP are subject to the 2009 International Fire Code, which Code may be amended in the future by the City of Black Hawk Fire Department (the Code).

New Construction Plan Review

The City of Black Hawk Fire Department shall timely review plans for all new construction and alterations to any existing buildings and approve such plans if in compliance with the Code, including but not limited to, fire department access and hydrant water supply. Applicable fees will apply for this service.

Fire Inspections

The City of Black Hawk Fire Department shall conduct inspections on an as-needed basis and subject to applicable fees for such inspections to the extent permitted by the Code and may issue warnings or citations for Code violations.

Building Inspections

The City of Black Hawk Fire Department shall inspect and approve new construction and alterations to existing buildings for Code compliance prior to the issuance of a Notice of Approval of Use/Occupancy. Applicable fees will apply for this service.

Authorized Representatives

By signature below, the party certifies that the individuals listed in this document as representatives of each party are authorized to act in their respective areas for matters related to this MOU.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

State Buildings Program Delegate
Steve Laudeman
4300 Cherry Creek Drive
Denver, Colorado 80246
303-692-3381

Signature

Date

8/8/2017

CITY OF BLACK HAWK

Signature

Date
CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Memorandum of Understanding between the Colorado Department of Public Health and Environment and the City of Black Hawk for Fire Services to the North Clear Creek Water Treatment Plant.

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

MOTION TO APPROVE Council Bill 2017-19, an Ordinance approving an Memorandum of Understanding for fire services to be provided by the City of Black Hawk to the North Clear Creek Water Treatment Plant.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: The Colorado Department of Public Health and Environment is operating the North Clear Creek Water Treatment Plant located on the east end of the City on Hwy 119. The fire department was determined to be the Authority Having Jurisdiction (AHJ) during the construction of the water treatment plant. This agreement provides fire services to be provided to the plant by the City of Black Hawk Fire Department.

AGENDA DATE: August 23, 2017

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: X Yes [ ]No

STAFF PERSON RESPONSIBLE: Fire Chief Don Taylor

DOCUMENTS ATTACHED: Yes

RECORD: [ ]Yes X No

CITY ATTORNEY REVIEW: X Yes [ ]N/A

SUBMITTED BY: REVIEWED BY:

Don Taylor, Fire Chief/Emergency Manager Jack D. Lewis, City Manager
RESOLUTION 55-2017
A RESOLUTION
APPROVING THE SECOND
ADDENDUM TO
PROFESSIONAL
SERVICES AGREEMENT
WITH
WL CONTRACTORS, INC.
STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 55-2017

TITLE:  A RESOLUTION APPROVING THE SECOND ADDENDUM TO THE PROFESSIONAL SERVICES AGREEMENT WITH WL CONTRACTORS, INC.

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 Second Addendum to the Professional Services Agreement with WL Contractors, Inc. to include maintenance and repair of eleven (11) City-owned highway lights, (the “Second Addendum”), and authorizes the Mayor to sign the Second Addendum on behalf of the City.

RESOLVED AND PASSED this 23rd day of August, 2017.

______________________________
David D. Spellman, Mayor

ATTEST:

______________________________
Melissa A. Greiner, City Clerk
SECOND ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT

THIS SECOND ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT is made and entered into this ______ day of 2017, by and between the City of Black Hawk, Colorado (hereinafter referred to as the "City") and W.L Contractors, Inc. (hereinafter referred to as "Contractor").

RECATILS:

A. On December 9, 2015 the City and Contractor entered into a Professional Services Agreement (the "Agreement").

B. The parties agreed to extend the Agreement with the First Addendum for one additional year.

AGREEMENT

NOW, THEREFORE, it is hereby agreed that for the consideration hereinafter set forth, that Contractor shall provide to the City, the additional work as needed in the manner provided in this Second Addendum.

1. The contract term for the Agreement remains unchanged and valid through and including December 31, 2017.

2. Contractor shall perform all work as set forth in the Agreement in accordance with Contractor’s rate schedule attached to the First Addendum as well as all work referenced hereto as Exhibit B, and incorporated by this reference.

3. The original Agreement is in full force and effect and is hereby ratified by the City and the Contractor. The original Agreement, the First Addendum and this Second Addendum constitute all of the agreements between the City and the Contractor.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same in duplicate.

CITY OF BLACK HAWK, COLORADO

By: ____________________________
   David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk
City Clerk

APPROVED AS TO FORM:

______________________________
Corey Y. Hoffmann
City Attorney
City Attorney

ATTEST:

By:  Matt Bernard

Print Name: Matt Bernard
Title: Project Administrator
Date: 8/14/2017

CONTRACTOR

By:  Leach

Print Name: Operations Manager
Title: Date: 8/16/2017
Exhibit B

Work includes the maintenance and repair of eleven (11) Highway lights along Highway 119 from just within the eastern edge of the City limits to Main Street. Lights consist of nine (9) double mast arm galvanized poles with breakaway bases and Phillips LED light fixtures. The remaining two (2) poles are single mast arm galvanized poles with Phillips LED fixtures. The light poles are identified on the attached map as M-A through M-K.

Repair and maintenance of the lights includes 24/7 emergency response to address knock downs and non-operation. Work will consist of securing all wiring, removing the pole from the roadway and hauling it to the City’s storage area on the mesa, ordering replacement parts and reinstalling the repaired pole including any necessary wiring. Work may also include repairs to the concrete base and anchor bolts. City of Black Hawk Police Dispatch will notify WL of the issue.

All work will be completed in accordance with the existing Traffic Signal Maintenance contract terms and conditions.
SUBJECT: Approve Resolution 55-2017, a Resolution authorizing the City to execute the second addendum to the professional services agreement with WL to include maintenance and repair of eleven city owned highway lights.

RECOMMENDATION:
If City Council chooses to approve Resolution 55-2017, the recommended motion is as follows: “Approve Resolution 55-2017, a Resolution authorizing the execution of the second amendment to the professional services agreement with WL to include maintenance and repair of eleven city owned highway lights.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER:
When the highway was widened below lower Main Street, the project included the installation of eleven highway lights. These lights are all fed from a meter and the City pays the electricity. We have determined that the City owns the poles. The City has utilized WL for on call traffic signal work and have the equipment and ability to maintain and repair these poles as well. They also have the 24/7 on call capability. This addendum adds the eleven poles to the list of other traffic signals that WL maintains so that when they get a call they know that they are to respond. Currently there are two poles down.

FUNDING SOURCE: 010-3101-431-4101 utilities

WORKSHOP DATE: August 23, 2017

ORIGINATED BY: Thomas Isbester

STAFF PERSON RESPONSIBLE: Thomas Isbester

PROJECT COMPLETION DATE: December 31, 2017

DOCUMENTS ATTACHED: second addendum

CITY ATTORNEY REVIEW: [ ] Yes [ ] No [ ] N/A INITIALS__________

SUBMITTED BY: REVIEWED BY:

Thomas Isbester, Public Works Director Jack D. Lewis, City Manager