



**City of Black Hawk  
City Council**

**April 5, 2017**

**MEETING MINUTES**

Fire Captain, and soon-to-be retiree, Kevin Martschinske and his wife Daisy rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, April 5, 2017, at 3:00 p.m. by Mayor Spellman.
  
2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Midcap, and Moates.  
  
Absent: Aldermen Johnson and Torres.  
  
Staff present: City Attorney Hoffmann, City Manager Lewis, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, Police Commander Jantz, Fire Chief Taylor, Fire Captain Martschinke, 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 said the agenda had been revised to move the announcement of Fire Captain Martschinke's retirement from the City Manager's section of the agenda to its own agenda item.
  
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. PRESENTATION: Retirement of Kevin Martschinske, Fire Captain  
Mayor Spellman provided some Black Hawk history on Captain Martschinske. He said Captain Martschinske wrote the Fire Department's first Standard Operating Procedures, he was the first training officer for the newly paid Fire Department, he was instrumental in writing the new Standard Operating Guidelines, which included Line of Duty Death and the Chaplain policies, and he is a member of the Colorado and National Chaplain Association. Mayor Spellman acknowledged that Captain Martschinske held the honor and distinction of being the first Chaplain since the Black Hawk Fire Department's inception in the 1870s.

Mayor Spellman read the plaque to be presented to Captain Martschinske at his retirement party on Friday. The dates of his service to the City were from February 24, 2000 to April 7, 2017.

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

7. APPROVAL OF MINUTES: March 22, 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. CB5-2017, An Ordinance Creating a New Article XIX Within Chapter 6 of the Black Hawk Municipal Code, Creating a Permit System for Private Social Clubs**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said the purpose of this ordinance is to authorize regulations for a combined marijuana and liquor social club. He said the club would be private, not public, so there would be no "open and public consumption" and there would be no sale, or allowance of a sale, or service of marijuana or alcohol; patrons would have to bring their own. Hoffmann added that the ordinance would be consistent with the Colorado Clean Indoor Air Act, in that there would be no indoor smoking.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB5, An Ordinance Creating a New Article XIX Within Chapter 6 of the Black Hawk Municipal Code, Creating a Permit System for Private Social Clubs open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

Geoffrey Gordon, of greater Gilpin County, spoke in support of the ordinance, but asked Council to consider a “smoke eater” or air exchanger to allow for indoor smoking and still be in compliance with the Clean Indoor Air Act.

City Attorney Hoffmann recommended approving the ordinance as is and to make an amendment later, if desired.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to Approve CB5, An Ordinance Creating a New Article XIX Within Chapter 6 of the Black Hawk Municipal Code, Creating a Permit System for Private Social Clubs.

**MOTION PASSED**

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

**9. ACTION ITEMS:**

**A. Local Liquor Authority Consideration of a Request for a New Tavern Liquor License for JE Tavern, Inc. dba JE Tavern at the Gilpin at 111 Main Street, #A to set the Boundaires of the Neighborhood and to Set a Date for Public Hearing**

Mayor Spellman read the title.

City Attorney Hoffmann reminded Council that this was the first step for a new liquor license under the City’s Liquor Code. He said this new liquor license would compliment the common consumption area at the Gilpin Casino. Details were provided in the packet.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Bennett to approve the request for a New Tavern Liquor License for JE Tavern at the Gilpin at 111 Main Street, #A and to set the Boundaries of the Neighborhood as the whole City of Black Hawk, and to set the public hearing date for May 10.

**MOTION PASSED**

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

**B. Resolution 26-2017, A Resolution Approving the Temporary Construction Easement from Leon Pohl to the City of Black Hawk for the Property at 231 DuBois Street, and Repealing Resolution 23-2017**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that this was simply a cleanup from the last meeting as there was an error on the report, which caused the resolution to be incorrect.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 26-2017, a Resolution Approving the Temporary Construction Easement from Leon Pohl to the City of Black Hawk for the Property at 231 DuBois Street, and Repealing Resolution 23-2017.

**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 items number 2 and 5 for Executive Session for specific legal issues related to potential legislation and potential litigation.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 3:15 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 Armbright to adjourn the Executive Session at 3:50 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 3:50 p.m.



Michele Martin  
Deputy City Clerk



David D. Spellman  
Mayor

