



**City of Black Hawk
City Council**

January 13, 2016

MEETING MINUTES

Patti Torres, Historic Preservation Commissioner, rang the bell for today's meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, January 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, Public Works Director Isbester, Senior Civil Engineer Ford, 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 moved item 8D under 7C so that when Council convenes as the Local Liquor Licensing Authority both items may be heard, even though a Public Hearing is not required for 8D.

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

6. APPROVAL OF
MINUTES

December 9, 2015.

**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. CB1-2016, An Ordinance Repealing Ordinance Number 98-10

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said that election laws have changed significantly since 1998 and by repealing this ordinance the City gains the flexibility to determine, on an election-by-election basis, whether to conduct an election by mail-in or polling place.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB1, An Ordinance Repealing Ordinance Number 98-10 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 CB1, An Ordinance Repealing Ordinance Number 98-10.

MOTION PASSED

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

B. Resolution 1-2106, A Resolution Approving a Certificate of Appropriateness for the Demolition of Non-Historic Structures Located at 400 Chase Street

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker explained this request from the homeowners Josh Smith and Mary Keehfuss. She said the homeowners are currently in the Historic Preservation program for their home at 400 Chase Street, and any structures on the property not deemed historical are required to be brought up to code or to be demolished. Linker said that due to financial reasons, the applicants

have chosen to demolish the structures which consist of the two car garage, addition that connects the garage to the house, as well as another shed-like addition; all were built in the 1970s-1980s. The Historic Preservation Commission met on this application and recommends conditional approval. Linker said the condition is to remove, record, and salvage the two historic doors and historic porch balusters prior to demolition, and the applicant is in agreement. She said the City has received the State demolition permit and the demolition work could be scheduled within the next month.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 1-2016, A Resolution Approving a Certificate of Appropriateness for the Demolition of Non-Historic Structures Located at 400 Chase 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 Torres **MOVED** and was **SECONDED** by Alderman Johnson to Approve Resolution 1-2016, A Resolution Approving a Certificate of Appropriateness for the Demolition of Non-Historic Structures Located at 400 Chase Street.

MOTION PASSED

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

C. Local Liquor License Authority Consideration of a New Tavern License for Ameristar Lake Charles Holdings, LLC dba Altitude Bar, 111 Richman Street, Ste. A

Mayor Spellman read the title and opened the Public Hearing to convene as the Local Liquor Licensing Authority.

City Attorney Hoffman introduced the item and stated that on December 9, the Local Liquor Licensing Authority set the Public Hearing to January 13, and now is required to determine the eligibility of the applicant to hold a license and whether the needs and desires of the neighborhood are not currently being met by other existing establishments.

Robert Dill, attorney for the applicant, and Sean Demeule, General Manager of the Ameristar Casino, were present to explain the application, their pending Promotional Association/Common Consumption Area application, and provide their supportive findings.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on the Local Liquor License Authority’s Consideration of a New Tavern License for Ameristar Lake Charles Holdings, LLC dba Altitude Bar, 111 Richman Street, Ste. A

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 a New Tavern License for Ameristar Lake Charles Holdings, LLC dba Altitude Bar, 111 Richman Street, Ste. A.

MOTION PASSED

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

D. Local Liquor License Authority Consideration of a Request for a New Tavern License for Jan’s Tavern, LLC at 101 Gregory Street, Unit #1, to Set the Boundaries of the Neighborhood and to Set a Date for Public Hearing

Mayor Spellman read the title and reminded Council that they were still acting as the Local Liquor Licensing Authority.

City Attorney introduced this item and said the next date to set the Public Hearing is February 24 and normally the entire City is considered the neighborhood boundary.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve setting the neighborhood boundaries as the entire City of Black Hawk and setting the Public Hearing date of February 24, 2016.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 2-2016, A Resolution Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained this was a housekeeping measure brought forth every year as required by law. The designated public place is City Hall.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 2-2016, A Resolution Establishing a

Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law.

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

B. Resolution 3-2016, A Resolution Approving the Amended and Restated Temporary Construction Easement Between the City of Black Hawk as Grantee and Grantor Lloyd Larsen

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. She said the owner Lloyd Larsen of 301 High Street currently has a Temporary Construction Easement from his property on 311 High Street for access to 301 High Street for rehabilitation of that property. This amended and restated Temporary Construction Easement would replace the previous easement dated January 28, 2015. This amendment has been expanded to include the original 5' along with the front stairs and front yard.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 3-2016, A Resolution Approving the Amended and Restated Temporary Construction Easement Between the City of Black Hawk as Grantee and Grantor Lloyd Larsen.

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

C. Resolution 4-2016, A Resolution Approving a Trade Contractor Agreement for the Dory Hill Treatment Plant Fire Suppression System with L. Nothhaft & Son, Inc., in the Amount of \$151,000

Mayor Spellman read the title.

Senior Civil Engineer Jim Ford introduced this item and explained that they went out to bid and only received one bid back for \$218,000, which was much higher than expected, so they went out a second time and again received one bid, from the same bidder, L. Nothhaft & Sons. Staff met with them to revise the project to get the cost down, and was able to save \$67,000.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 4-2016, A Resolution Approving a Trade Contractor Agreement for the Dory Hill Treatment Plant Fire Suppression System with L. Nothhaft & Son, Inc., in the Amount of \$151,000.

MOTION PASSED

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

9. CITY MANAGER
REPORTS:

City Manager Lewis has nothing to report, but offered his time to Police Chief Cole to discuss a new software program.

Chief Cole explained that the City has budgeted for the Lexipol Policy Software program, which provides comprehensive, defensible, State-specific policies – written by legal and public safety professionals – by constantly monitoring and reviewing government legislation and case decisions. Chief Cole said that currently the Police Department obtains this information manually and is behind in receiving updates and changing the policy manual, which Council then has to approve every several years. He said that the Police Department would still have the flexibility to determine if the updates relate to the City before incorporating them into policy, and they would continue to maintain their Standard Operating Procedures.

Further discussion ensued. City Attorney Hoffman added that CIRSA has endorsed this system, and they are the one defending any claims against the Police Department. Hoffmann stressed how important he felt it was from a potential liability standpoint to move forward with this system. Chief Cole is asking for the authority to buy this system, and proposing a change to how current policies are approved.

| 10. CITY ATTORNEY: City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item numbers 2 and 5 for Executive Session in regards to potential legislation.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:50 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 negotiators, 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

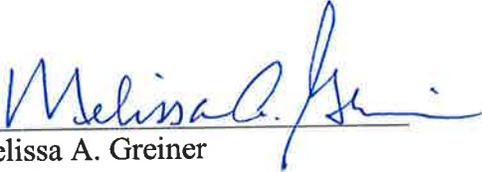
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 5:00 p.m.

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 5:00 p.m.



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

