



**City of Black Hawk
City Council**

April 19, 2017

MEETING MINUTES

Resident Joann Kerr rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, April 19, 2017, 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, Finance Director Hillis, Public Works Director Isbester, Executive Administrative Assistant Scully, Baseline Consultants Harris and Hooper, Community Planning and Development Administrator Linker, Executive Administrative Assistant Lang, Permit Technician Beecher, Police Chief Cole, Fire Chief Taylor, Executive Administrative Assistant Blondo, 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. **PUBLIC COMMENTS:** Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. APPROVAL OF
MINUTES:

April 5, 2017

**MOTION TO
APPROVE**

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

MOTION PASSED

There was no discussion and the motion passed 4-0, with Aldermen Johnson and Torres abstaining.

7. PUBLIC HEARINGS:

- A. Resolution 27-2017, A Resolution Conditionally Approving (1) a Certificate of Appropriateness for the Demolition of Remnant Walls, Building Structures, and Foundations; (2) a Variance from the Requirement to Construct a 10-Foot Wide Landscape Strip Pursuant to Sec. 16-282(h)(1); (3) a Certificate of Appropriateness for Excavation and Construction of Improvements Including a Parking Lot and Associated Slope Stabilization; and (4) the Site Development Plan for Construction of a Parking Lot**

- B. Resolution 28-2017, A Resolution Approving the Minor Subdivision Plat Titled Dakota Blackhawk Subdivision Filing No. 1 Amendment 1**

Mayor Spellman read the titles and opened the public hearings.

Baseline Consultant Harris introduced both items. Due to the many pieces of this project, Harris went through a slide presentation to overview what was contained in the packet. He said the Subdivision/Site Improvement Agreement was just signed today and provided Council with a copy.

Harris explained each section of the resolutions and elaborated on the request for the variance from the ten-foot wide set back requirement from the street and the planting of trees in that area. He said the applicant would have to excavate deeper into the hillside in order to comply, and they are willing to relocate the required streetscape trees to both ends of the parking lot near to the street instead. Harris said the applicant does not have the final Landscape Plan at this time and it is listed as one of the conditions of approval.

The discussion then centered on the proposed sculpted concrete of the excavated hillside. Harris said that staff has recommended that the sculpted concrete be placed over the entirety of the exposed hillside from the top to bottom, and not the safety mesh that was originally proposed over the lower layer, which will then change their Slope Stabilization Plan. City Council unanimously preferred the look of the sculpted concrete at the Post Office site.

City Attorney Hoffmann pointed out that the City's Code requires specific securities for excavation and public improvements, and wanted to note that both were included in the Subdivision/Site Improvement Agreement.

Dave Grunenwald, Vice President of Development and Leasing in Ohio, was present on behalf of the applicant. He agreed that the applicant will provide the sculpted concrete from top to bottom and plans to give Council the look they prefer, but would like to look into different options due to costs. He is concerned about spending a lot of money on the look only for this area to be redeveloped again in the near future. City Attorney Hoffmann suggested that Resolution 28-2017 can be approved pending staff's negotiations with the applicant regarding a new Exhibit C-1 to the Subdivision/Site Improvement Agreement, since Exhibit C-1 lists the safety wire mesh, which has now been changed to the full sculpted concrete. He added that if they can't reach an agreement then they will have to come back before Council. He said that Exhibit C-1 is also what the Performance Guarantee is based off of.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 27-2017, A Resolution Conditionally Approving (1) a Certificate of Appropriateness for the Demolition of Remnant Walls, Building Structures, and Foundations; (2) a Variance from the Requirement to Construct a 10-Foot Wide Landscape Strip Pursuant to Sec. 16-282(h)(1); (3) a Certificate of Appropriateness for Excavation and Construction of Improvements Including a Parking Lot and Associated Slope Stabilization; and (4) the Site Development Plan for Construction of a Parking Lot and Resolution 28-2017, A Resolution Approving the Minor Subdivision Plat Titled Dakota Blackhawk Subdivision Filing No. 1 Amendment 1 open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 27-2017, a Resolution Conditionally Approving (1) a Certificate of Appropriateness for the Demolition of Remnant Walls, Building Structures, and Foundations; (2) a Variance from the Requirement to Construct a 10-Foot Wide Landscape Strip Pursuant to Sec. 16-282(h)(1); (3) a Certificate of Appropriateness for Excavation and Construction of Improvements Including a Parking Lot and Associated Slope Stabilization; and (4) the Site Development Plan for Construction of a Parking Lot.

MOTION PASSED

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

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 28-2017, a Resolution approving the Minor Subdivision Plat Titled Dakota Blackhawk Subdivision Filing No. 1 Amendment 1 with modifications to Exhibit C-1, Section 2 for sculpted concrete to be similar to the Post Office site.

MOTION PASSED

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

C. CB6-2017, An Ordinance Creating a New Article XI Within Chapter 1 of the Black Hawk Municipal Code, Creating a Process for Disconnecting Territory from the City

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He explained that there is a current Land Use applicant who owns a lot ½ in the County and ½ in the City, and if the City would like to disconnect a property then they need a process in place. This particular property, he said, is not located next to any City services or public utilities and staff recommends it would be better suited as a large residential lot in unincorporated Gilpin County.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB6, An Ordinance Creating a New Article XI Within Chapter 1 of the Black Hawk Municipal Code, Creating a Process for Disconnecting Territory from the City open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to Approve CB6, an Ordinance Creating a new Article XI within Chapter 1 of the Black Hawk Municipal Code, creating a process for Disconnecting Territory from the City.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 29-2017, A Resolution Approving a Purchase and Sale Agreement Between the City of Black Hawk and Mark N.G. Hichar for the Paymaster Load

Mayor Spellman read the title.

City Attorney Hoffmann explained that this was another one of the properties on Maryland Mountain subject to the City’s Ordinance of Intent to Acquire. He said the property owner retained local counsel,

looked at the City's appraised value, and instead of getting their own appraisal, chose to take the City's offer.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 29-2017, a Resolution approving a Purchase and Sale Agreement between the City of Black Hawk and Mark N.G. Hichar for the Paymaster Load.

MOTION PASSED

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

B. Resolution 30-2017, A Resolution Approving On-Call Service Agreements with Choice Electric Corporation and Encore Electric for Calendar Year 2017

Mayor Spellman read the title.

Public Works Director explained that the City calls on these two contractors regularly to provide services.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 30-2017, a Resolution approving On-Call Service Agreements with Choice Electric Corporation and Encore Electric for Calendar Year 2017.

MOTION PASSED

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

C. Resolution 31-2017, A Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of \$906,060 for Health Insurance

D. Resolution 32-2017, A Resolution Approving the Contract with Delta Dental in the Estimated Amount of \$110,338 for Group Dental Insurance

E. Resolution 33-2017, A Resolution Approving the Proposal from CIGNA for 2017-2019 Ancillary Coverage

Mayor Spellman read the titles.

City Manager Lewis sat in for City Clerk/Administrative Services Director Greiner to introduce these items. He explained that the Kaiser quote came in at 9.85% over last year's rate, and though the increase is normally in the 3-4% range, it is well within the budgeted range. He said the Delta rate increased 5% over last year, again within their budgeted projection, and there was no increase to CIGNA, which has been consistent for the last few years.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 31-2017, a Resolution approving the contract with Kaiser Permanente in the estimated amount of \$906,060 for Health Insurance, Resolution 32-2017, a Resolution approving the contract with Delta Dental in the estimated amount of \$110,338 for Group Dental Insurance, and Resolution 33-2017, a Resolution approving the proposal from CIGNA for 2017-2019 Ancillary Coverage.

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 provided an update on the Maryland Mountain acquisitions. He said there were a total of 11 properties to acquire and only five are currently remaining. He said there is a significant disagreement on one; the Surprise Lode is still in negotiations; and the other three are in a partnership dispute, they have agreed to the amount, they just can't provide a clear title at this time.

He also updated Council on the Amicus case the City has chosen to participate in on whether cities have to pay for medical expenses of those in custody. He said the case has been set by the Supreme Court for oral argument on June 6 and will report back after that.

11. CELEBRATING THE HISTORY OF THE CITY OF BLACK HAWK:

Recognition of the 153rd Anniversary of the City of Black Hawk's Corporate Seal

A. Presentation by the Mayor

Mayor Spellman said he chose this date to hold the City Council meeting because today marks the 153rd anniversary of the City adopting its Corporate Seal back on April 19, 1864. The Mayor has been researching the City Seal's history since the Sesquicentennial in 2014, and has come across some false information. He was determined to find the truth behind the naming of Black Hawk and the devices, or symbols that make up the Seal, such as the Indian, the eagle, and the tiger. He thought the Indian represented Chief Black Hawk and the eagle represented patriotism, but really had no idea on the reason behind the tiger. He then provided the history of three gentlemen William L. Lee, Dr. Frederick H. Judd, and Mylo Lee who were entrepreneurs from Rock Island, Illinois, home of Chief Black Hawk. They had heard about the Gregory Diggings in Colorado Territory, so hitched up 40 yoke of oxen to bring out their quartz stamp mill, and by 1860 they had established their mill and christened it the Black

Hawk Mill named for a promontory on Rock River, which was named for the Sauk Indian Chief Black Hawk, in Rock Island, Illinois; it was located in the heart of Black Hawk Point. They men were so successful that in 1862 they ended up making \$3,000 per month and a \$120,000 dividend, which by today's standards would equal \$69,000 per month with a \$2.75 million dividend.

Mayor Spellman continued on to the history of the Gregory and the Enterprise Mining Districts that were established and which served as the structured government at the time, and the mining camps within were considered the polling places or precincts. He said in 1862 Civil Engineers and Surveyors John J. Pratt and Bela S. Buell produced a lithograph map and identified Black Hawk Point as Enterprise City. Mr. Lee, Dr. Judd, and Mr. Lee then had artist John E. Dillingham, who sketched scenes on Pratt and Buell's map, create another lithograph and call it "View of Black Hawk Point" to ensure the community surrounding their mill would be known as Black Hawk Point and not Enterprise, and had Dillingham fashion a symbolic vignette at the bottom of the lithograph which included the three devices of the Seal to reference his benefactors, and included the Latin word "PERSERVERANDO", which means that Black Hawk Point would persevere and the Latin phrase "NOLI ME TANGERE", which means do not meddle, interfere, or don't tread on me. In 1863 when it was released, it became the first marketing tool for Black Hawk and was an instant success.

In 1864, it was decided to incorporate the City and Dr. Judd evidently was very influential and got his son elected to the Territorial Legislature, and also formed a mining company with Territorial Governor John Evans to ensure the signing of Bill 22 to incorporate the City. Mayor Spellman also added that Black Hawk's first Mayor John Kenny was Dr. Judd's son-in-law. The second ordinance passed was to adopt the City Seal, and now we know that the three devices represent the three mills those gentlemen owned: the Black Hawk Mill, the Eagle Mill and the Tiger Mill.

Mayor Spellman asked Executive Administrative Assistant Rebecca Blondo to come up to help him with the unveiling of an oil painting, painted by artist Matt Brownson, of the actual vignette that was on the original lithograph. It is a beautiful painting that will hang in Council Chambers.

Mayor Spellman then asked his mother, Dolores Spellman, to come up to help with the unveiling of the City Seal installed in Council Chambers. Deputy City Clerk Martin handed out a prepared Resolution by the Mayor, which he read for the record and is attached to these minutes.

He then asked City Council if they would like to be the City Council to modify, by ordinance, the City's Corporate Seal by adding those two Latin phrases to the Seal at the next meeting or shortly thereafter. There was unanimous agreement.

He then went on to thank the following contributors:

Rebecca Blondo - art and graphic design

Ryan Blenker - computer keyboard and IT Coordinator

Rory Miller - installer extraordinaire

Michele Martin - meeting coordinator and keeper of the resolution

Cindy Linker, Sara Lang, and Janice Beecher - festivity coordinators and cake cutters

Corey Hoffman - Legal Advisor
Melissa Greiner – assistant, trusted advisor and punctuation overseer
Jack Lewis - gracious lender of staff

The meeting adjourned to thunderous applause and the cutting of special Seal and Vignette designed, delicious, and beautiful cakes!

B. Resolution 34-2017, A Special Resolution

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 34-2017, a Resolution Affirming the History of the John E. Dillingham Lithograph Entitled “View of Black Hawk Point”; the History of the Official Corporate Seal of the City of Black Hawk; and Ordaining the Latin Phrase “Noli Me Tangere” as the City’s Official Motto.

MOTION PASSED

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

12. EXECUTIVE SESSION:

There was no Executive Session.

13. ADJOURNMENT:

The meeting was adjourned at the cutting of the cakes.



Michele Martin
Deputy City Clerk



David D. Spellman
Mayor



STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 34-2017

TITLE: A RESOLUTION AFFIRMING THE HISTORY OF THE JOHN E. DILLINGHAM LITHOGRAPH ENTITLED "VIEW OF BLACK HAWK POINT"; THE HISTORY OF THE OFFICIAL CORPORATE SEAL OF THE CITY OF BLACK HAWK; AND, ORDAINING THE LATIN PHRASE "NOLI ME TANGERE" AS THE CITY'S OFFICIAL MOTTO

WHEREAS, in 1862, John J. Pratt and Bela S. Buell produced a lithographed map entitled *Map of the Gold Regions in the Vicinity of Central City, Gilpin County, Colorado Territory* and upon said map egregiously and affrontingly identified the nascent community of Black Hawk Point as Enterprise; and,

WHEREAS, John E. Dillingham was the accomplished young artist who sketched the Colorado Territorial scenes which adorn the border of the Pratt and Buell map. Dillingham, during this same time period, also created a crayon sketch of Black Hawk Point; and,

WHEREAS, William L. Lee, Dr. Fredrick H. Judd, and Mylo Lee were the owners of the largest, best equipped, and most impressive quartz stamp mill in the gold regions of the Colorado Territory, known as the Black Hawk Mill, said mill being located in the heart of Black Hawk Point; and,

WHEREAS, because Lee, Judd, and Lee were determined and committed to ensuring the community surrounding their mill would be known as Black Hawk Point and not Enterprise, they became the subscribers or benefactors for Dillingham to have a lithograph produced of his crayon sketch which would be entitled "*View of Black Hawk Point*". Being astute and sagacious businessmen Lee, Judd, and Lee realized the significant marketing value and influence just such a lithograph would have in advancing future investment and community growth within Black Hawk Point; and,

WHEREAS, Lee, Judd, and Lee instructed Dillingham to fashion a symbolic vignette at the bottom of the Black Hawk Point lithograph which although cryptic, would upon keen observation definitively reveal whom the artist subscribers were. Whereupon, Dillingham very cleverly and wittily designed a vignette which included an American Indian, an eagle, and a tiger, which devices symbolized the three mills owned by Lee, Judd, and Lee; the Black Hawk, the Eagle, and the Tiger, all located within Black Hawk Point. Dillingham inscribed his work "Respectfully dedicated to the subscribers by the artist"; and,

WHEREAS, Lee, Judd, and Lee aptly instructed Dillingham to surmount the vignette with the Latin word "PERSEVERANDO" to establish certitude and make prominent to the general public that Black Hawk Point would persevere, push forward, and be preserved; and,

WHEREAS, Lee, Judd, and Lee wanted to admonish Pratt and Buell and their supports from hindering and impeding the future of Black Hawk Point, therefore they instructed Dillingham to include within the vignette the Latin phrase "NOLI ME TANGERE", which translates into do not meddle, or do not interfere, or don't tread on me; and,

WHEREAS, the admonishment from Lee, Judd, and Lee was heeded, for other than the egregious and affronting Pratt and Buell map, all forthcoming maps would signify Black Hawk Point or Black Hawk; and,

WHEREAS, John E. Dillingham's lithograph of Black Hawk Point met with rave reviews, becoming a focal marketing piece for Lee, Judd, and Lee as well as other business leaders in Black Hawk Point, bolstering growth, investment, and civic pride in the nascent community; and,

WHEREAS, on March 11, 1864, Black Hawk Point was incorporated as The City of Black Hawk, making Black Hawk the second oldest incorporated city in the State of Colorado. On April 19, 1864, the vignette on the Black Hawk Point lithograph served as the archetype and was ordained as the official corporate seal for The City of Black Hawk; and,

WHEREAS, ordaining the vignette as the City seal was the second ordinance passed by the inaugural city council thereby acknowledging the gratitude, respect, and admiration the citizens of Black Hawk held for William L. Lee, Dr. Frederick H. Judd, and Mylo Lee; and,

WHEREAS, from time to time since 1862, extraneous forces have sought to hinder and impede or criticize and condemn, what is in the best interest of The City of Black Hawk; and,

WHEREAS, the indomitable spirit and unwavering pride and commitment that existed in Black Hawk from its establishment as a mining camp is as prevalent today as it was at that time; and,

WHEREAS, The City of Black Hawk now desires to admonish, in true historical and traditional Black Hawk character, any future extraneous forces from attempting to hinder or impede what is in the best interest of The City of Black Hawk

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, THAT:

Section 1. The Mayor and Board of Aldermen find cause and determine for the aforementioned accounting that the Latin phrase "NOLI ME TANGERE" be ordained as The City of Black Hawk's official motto; and,

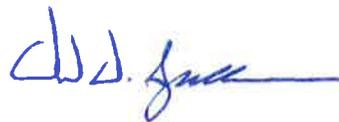
Section 2. That the City Clerk shall cause to be affixed in the Black Hawk Council Chambers appropriate bronze castings, in "rocker" configuration the motto and the Latin word "PERSEVERANDO". The Latin word "PERSEVERANDO" shall surmount and the motto placed beneath the bronze casting of the City's corporate seal; and,

Section 3. That the City Clerk shall cause this Resolution to be delivered to the Office of the Gilpin County Clerk and Recorder for recordation and also cause to be published in the City's newspaper of record; and,

Section 4. That the City Clerk shall cause the content of this Resolution to be inscribed on a plaque and said plaque to be affixed in the Black Hawk Council Chambers as a notice that The City of Black Hawk shall not abrogate nor abdicate any authority or ability to self-govern and as a demonstration of civic pride in The City of Black Hawk's past, present and future.

Further the Mayor and Board of Aldermen sayeth naught.

RESOLVED AND PASSED this 19th day of April, 2017.



David D. Spellman, Mayor

ATTEST:



Melissa A. Greiner, City Clerk

