



**City of Black Hawk
City Council**

November 14, 2018

MEETING MINUTES

Baseline Engineering Consultant Vince Harris rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, November 14, 2018, 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, Acting City Manager Cole, Acting Police Chief Lloyd, Fire Chief Woolley, Finance Director Hillis, Public Works Director Isbester, Senior Civil Engineers Ford and Reed, City Clerk/Administrative Services Director Greiner, Baseline Engineering Consultants Vince Harris and Jessica Stonberg, 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. No 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 COMMENT:** Deputy City Clerk Martin confirmed that no one had signed up to speak.

Mayor Spellman took a moment to comment on the new bronze plaque of the resolution passed in 2017 to commemorate the history of the City Seal and the John Dillingham Lithograph already hanging in the back of Council Chambers. This new bronze plaque weighs over 500 lbs and he wanted to thank Rory, Joe, and Mike for doing an excellent job on installing it. He also added thanks to Public Works for the little railing around Stroehle Square; he said it turned out very nice.

6. APPROVAL OF
MINUTES:

October 24, 2018, and October 29, 2018

**MOTION TO
APPROVE**

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

MOTION PASSED

There was no discussion, and the motion passed unanimously.

7. PUBLIC HEARINGS:

A. 2019 Budget Adoption

- I. Resolution 67-2018, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the City of Black Hawk, Colorado, for the Calendar Year Beginning on the First Day of January 2019 and Ending on the Last Day of December 2019, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth Within the Attached 2019 Budget**
- II. CB26, An Ordinance Levying General Property Taxes for the Year 2018 to Help Defray the Costs of Government for the City of Black Hawk, Colorado for the 2019 Budget Year**

Mayor Spellman read the titles and opened the public hearings.

Finance Director Hillis introduced the proposed budget item and said this is the same draft budget as presented to Council two weeks ago; there have been no changes. Hillis moved on to the mill levy item set at .0356 mills, which will generate approximately \$8,000 in property tax. There were no questions from Council.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 67-2018, a Resolution summarizing expenditures and revenues for each fund and adopting a Budget for the City of Black Hawk, Colorado, for the calendar year beginning on the first day of January 2019 and ending on the last day of December 2019, and appropriating sums of money to various funds and spending agencies in the amount, and for the purposes set forth

within the attached 2019 Budget, and a Public Hearing on CB26, an Ordinance levying general property taxes for the year 2018 to help defray the costs of government for the City of Black Hawk, Colorado for the 2019 Budget Year open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution and ordinance to come forward.

No one came forward to speak, and Mayor Spellman declared the Public Hearings closed.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 67-2018, a Resolution summarizing expenditures and revenues for each fund and adopting a Budget for the City of Black Hawk, Colorado, for the calendar year beginning on the first day of January 2019 and ending on the last day of December 2019, and appropriating sums of money to various funds and spending agencies in the amount, and for the purposes set forth within the attached 2019 Budget, and CB26, an Ordinance levying general property taxes for the year 2018 to help defray the costs of government for the City of Black Hawk, Colorado for the 2019 Budget Year.

MOTION PASSED

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

B. CB27, An Ordinance Adopting the City of Black Hawk 2019 Compensation Plan

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner explained the annual Compensation Plan process, which resulted in a 2.88% increase for all employees in 2019. Staff has recommended approval.

Mayor Spellman congratulated staff on another job well done and also added that staff works hard on the budget, and has become very proficient in preparing it, that is why it always appears so seamless to approve it. Alderman Bennett seconded that gratitude.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB27, an Ordinance adopting the City of Black Hawk 2019 Compensation Plan open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinances 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 CB27, an Ordinance adopting the City of Black Hawk 2019 Compensation Plan.

MOTION PASSED

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

C. CB28, An Ordinance Extending the Expiration of the City's Non-Exclusive Cable Television Franchise Agreement with CAP Cable, LLC, Known Locally as USA Communications

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner and Barry Kisselman of USA Communications introduced this item. Greiner explained that this is an extension for another 10 years with no increase in fees. She noted that City Attorney Hoffmann said we were fortunate to have this because cable companies are withdrawing from smaller communities across Colorado. Mr. Kisselman said the future plans are to have fiber to all casinos and homes soon.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB28, an Ordinance Extending the Expiration of the City's Non-Exclusive Cable Television Franchise Agreement with CAP Cable, LLC, Known Locally as USA Communications 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 Armbright to approve CB28, an Ordinance Extending the Expiration of the City's Non-Exclusive Cable Television Franchise Agreement with CAP Cable, LLC, Known Locally as USA Communications.

MOTION PASSED

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

D. CB29, An Ordinance Approving the FTA Section 5311 Grant Agreement Between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester said the City was once again successful in obtaining this operating grant to help defray one-third of the costs of

the City's contract labor for the shuttle drivers. He confirmed it is the same grant as received last year.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB29, an Ordinance approving the FTA Section 5311 Grant Agreement between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk 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 CB29, an Ordinance approving the FTA Section 5311 Grant Agreement between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk.

MOTION PASSED

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

E. CB30, An Ordinance Repealing and Reenacting the City of Black Hawk Guidelines for Restoration and Preservation Projects

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that back in 2003, the City passed an Ordinance to identify types of projects authorized to be used with historic preservation and restoration dollars. He said just recently the City was subject to a Performance Audit, which resulted in the State Auditor believing the City had some broad expenditures authorized for use by those dollars. This ordinance is intended to update the former ordinance to reflect the opinions of the State Auditors and to set additional authorized expenditures that the City had not previously allowed, notably extended to heritage tourism.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB30, an Ordinance repealing and reenacting the City of Black Hawk Guidelines for Restoration and Preservation Projects 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 Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve CB30, an Ordinance repealing and reenacting the City of Black Hawk Guidelines for Restoration and Preservation Projects.

MOTION PASSED

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

F. CB31, An Ordinance Amending Section 16-368 of the Black Hawk Municipal Code and Amending Article XIX of Chapter 16 of the Black Hawk Municipal Code to Clarify the Roles of the Historic Preservation Commission and the City Council in Protection of the City's Architectural Assets

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann stated that one primary requirement of the City under state law, in order to receive its historic preservation and restoration dollars, is to be a Certified Local Government (CLG). He said the previous ordinance had other functions of the Historic Preservation Commission (HPC) that are not related to being a CLG and that this ordinance better aligns the roles of the HPC in every respect, as required by state law. He added that the HPC consultant had been involved in reviewing and ultimately revising this ordinance.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB31, an Ordinance amending Section 16-368 of the Black Hawk Municipal Code and amending Article XIX of Chapter 16 of the Black Hawk Municipal Code to clarify the roles of the Historic Preservation Commission and the City Council in Protection of the City's Architectural Assets 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 Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve CB31, an Ordinance amending Section 16-368 of the Black Hawk Municipal Code and amending Article XIX of Chapter 16 of the Black Hawk Municipal Code to clarify the roles of the Historic Preservation Commission and the City Council in Protection of the City's Architectural Assets.

MOTION PASSED

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

G. CB32, An Ordinance Approving a Memorandum of Understanding Between the Colorado Department of Public Health and Environment Air Pollution Control Division and the City of Black Hawk for Air Quality Monitoring

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester introduced this item and said the Department of Public Health and Environment had put up a temporary ozone monitoring station on the mesa and had great success, so now they are looking for something more permanent. The City would offer space for them to put up a Tuff Shed in the RV lot on the mesa for five years to collect more data for different aspects of air quality. He said they are responsible for everything, the City is just offering the space.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB32, an Ordinance approving a Memorandum of Understanding between the Colorado Department of Public Health and Environment Air Pollution Control Division and the City of Black Hawk for air quality monitoring 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 CB32, an Ordinance approving a Memorandum of Understanding between the Colorado Department of Public Health and Environment Air Pollution Control Division and the City of Black Hawk for air quality monitoring.

MOTION PASSED

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

H. Resolution 68-2018, A Resolution Conditionally Approving a Certificate of Appropriateness for the Construction of a 192 Square Foot Additional Pedestrian Access Point and Exterior Vestibule for the Gilpin Casino

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Stonberg introduced this item. Harris said the applicant is requesting a 192 square foot addition on the backside of the Gilpin Casino for their VIP entrance; all the details were contained in the packet. JJ Garcia, representing the applicant, was present to answer any questions. Harris said he would like to compliment Mr. Garcia and staff for including the rock foundation Harris had asked them to incorporate into the design after they had submitted.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 68-2017, a Resolution conditionally approving a Certificate of Appropriateness for the construction of a 192 square foot additional pedestrian access point and exterior vestibule for the Gilpin Casino 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 Resolution 68-2017, a Resolution conditionally approving a Certificate of Appropriateness for the construction of a 192 square foot additional pedestrian access point and exterior vestibule for the Gilpin Casino.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 69-2018, A Resolution Adopting the Black Hawk Records Retention Schedule, as Revised and the City of Black Hawk Data Disposal, Safety and Breach Policy

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that the last update to the Colorado Municipal Records Retention Schedule was Supplement 12 in 2016; this Resolution would incorporate those changes and allow the Clerk’s Office to add any additional revisions administratively. She went on to add that state law has asked municipalities to adopt written procedures to dispose of documents containing personal information and the procedures in the case of a security breach. The City Attorney’s office has drafted a policy.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 69-2018, a Resolution adopting the Black Hawk Records Retention Schedule, as revised and the City of Black Hawk Data Disposal, Safety and Breach Policy.

MOTION PASSED

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

B. Resolution 70-2018, A Resolution Repealing Resolution Number 27-2018, Repealing the Waiver of Use Tax on Renovation Projects

Mayor Spellman read the title.

City Attorney Hoffmann explained that back in April of 2018, Council had approved the waiver of use tax on certain renovation projects, but during the 2019 budget process realized this would not be a useful tool. He added this is only for commercial renovation projects.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 70-2018, a Resolution repealing Resolution Number 27-2018, repealing the waiver of Use Tax on renovation projects.

MOTION PASSED

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

C. Resolution 71-2018, A Resolution Approving an Easement Agreement with James Fahrni

Mayor Spellman read the title.

Public Works Director Isbester said this was a permanent easement for undergrounding the utilities under Chase Street and installing a switch cabinet at the corner of Chase and Dubois Streets. Alderman Midcap congratulated Isbester on getting started with the project, as he saw Xcel out there today.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 71-2018, a Resolution approving an Easement Agreement with James Fahrni.

MOTION PASSED

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

9. ACTING CITY
MANAGER
REPORTS:

Acting City Manager Cole asked for approval of a \$300 holiday bonus, which has been budgeted. Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve a \$300 holiday bonus for all boards, commissions, and employees in the City of Black Hawk. The motion **PASSED** unanimously.

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

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item number 5 only for Executive Session.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:25 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)(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 4:00 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 4:00 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

