



**City of Black Hawk
City Council**

June 12, 2019

MEETING MINUTES

Ryan Blenker, IT Systems Analyst, rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, June 12, 2019, at 3:00 p.m. by Mayor Spellman.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Midcap, and Moates.

Absent: Alderman Johnson

Alderman Torres arrived during the public hearing for Resolution 35.

Staff present: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineer Reed, Community Planning and Development Administrator Linker, Baseline Engineering Consultants Harris and Nieske, 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 noted resident Tom Feeney had signed up to speak. Mr. Feeney wanted to express his gratitude for the flowers this year. He was very pleased with how nice they look and would only suggest more of them over at Crook's Palace.

6. APPROVAL OF MINUTES: May 22, 2019

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. Resolution 33-2019, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for Exterior Renovations to the Existing Porte Cochere of the Isle of Capri Black Hawk, LLC

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris went through the presentation. The details were included in the packet. Staff recommends approval with the standard four conditions. The applicant's representatives were present, but had no comments to add.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 33-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility for exterior renovations to the existing Porte Cochere of the Isle of Capri Black Hawk, LLC 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 Midcap to approve Resolution 33-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility for exterior renovations to the existing Porte Cochere of the Isle of Capri Black Hawk, LLC.

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

B. Resolution 34-2019, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for Exterior Improvements to the Property Located at 241 Dubois Street

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker explained the exterior improvements in the yard on the west side of the property, which is constructed on a terrace supported by a retaining wall. She said though the proposed work does affect the street facing side of the property, due to the terrace, there is limited visibility. Staff recommends approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 34-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility for exterior improvements to the property located at 241 Dubois 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 Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 34-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility for exterior improvements to the property located at 241 Dubois Street.

MOTION PASSED

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

C. Resolution 35-2019, A Resolution Conditionally Approving a Certificate of Architectural Compatibility to Allow the Performance of Roof Repair and Replacement and Limited Demolition of the Golden Gilpin Mill Property Located at 7593 State Highway 119

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris introduced this maintenance project for the mill. He said the applicant is at the point where they must perform structural upgrades before deterioration sets in and that they intend to come back with a Special Review Use (SRU) application in the future for a mill operation. He added that the lean-to structure next to the creek would be taken down, at least on three sides, the fourth side remaining as the original wall to the mill.

JR Kaller, the Project Engineer for Palmer Engineering, who developed the Phase 1 demolition and roof repair plans, and Mike Meter, Golden Gilpin’s Mill Manager, were present to answer questions. Alderman Armbright wondered what the interior looked like. Mr. Meter

responded that it looks relatively well due to it being built in the late 1920s/early 1930s and has been sitting untouched since the mid-1980s. He said the leaking roof is causing damage, so they need to stabilize the structure to repair the roof. He said it is timber-framed construction and is essentially a gold mill still sitting in there surrounded by all the machinery, including a ball mill. Mayor Spellman invited them to come back to share their plans for its intended use.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 35-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow the performance of roof repair and replacement and limited demolition of the Golden Gilpin Mill property located at 7593 State Highway 119 open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

Lawrence James, of Golden, said he saw the notice in the paper. He is a retired mining geologist and was the operator of the Golden Gilpin years ago. He is in support of it reopening, and sees it as another potential form of income for the City and certainly an opportunity to keep mining heritage alive and preserve the future of mining.

David Grimm, Gilpin County resident, is a retired Oil and Gas Civil Engineer who now teaches at the School of Mines. He is in support of the Golden Gilpin opening and complimented the City on the retention of their historical elements.

Resident Tom Feeney brought up concerns for traffic and public safety. Mayor Spellman said all of those concerns, and more, would be addressed during the SRU process.

Baseline Engineering Consultant Harris wanted to verify for the record that the mill is owned by the George E. Otten Trust and that Matt Collins, representing the owner, is the applicant.

Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 35-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow the performance of roof repair and replacement and limited demolition of the Golden Gilpin Mill property located at 7593 State Highway 119.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 36-2019, A Resolution Reappointing Two (2) Regular Members to the City of Black Hawk Historic Preservation Commission

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item and said there are two Commissioners whose terms expire August 1. She said she published an advertisement for the vacancies in the paper on two separate dates, and received no responses. The Commissioners with the expiring terms submitted Letters of Intent for reappointment; she added that both applicants are in good standing, and staff recommends reappointment.

City Attorney Hoffmann pointed out, as per the bylaws of the Historic Preservation Commission, by advertising the vacancies the City complies with our Certified Local Government status.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 36-2019, a Resolution reappointing two (2) regular members to the City of Black Hawk Historic Preservation Commission.

MOTION PASSED

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

B. Resolution 37-2019, A Resolution Approving the Agreement to Remove and Dispose of Hazardous Materials from Property Located at 500 Chase Street with Weecycle Environmental Consulting in a Total Amount Not To Exceed \$5,500.00

Mayor Spellman read the title.

Community Planning and Development Administrator Linker is asking Council to authorize the City Manager to execute this agreement. She said that even though this amount is within the City Manager's spending limit, she felt the previous approval for the asbestos abatement, the future proposal for a full demolition, and this hazardous material removal would, in total, be over the spending limit of the City Manager.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 37-2019, a Resolution approving the agreement to remove and dispose of hazardous materials from property located at 500 Chase Street with Weecycle Environmental Consulting in a total amount not to exceed \$5,500.00.

MOTION PASSED

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

C. Resolution 38-2019, A Resolution Accepting City of Black Hawk 2018 Audit

Mayor Spellman read the title.

Finance Director Hillis said the City received the best type of opinion an auditee may receive, a clean or unqualified opinion. He said the City now just needs to accept it.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 38-2019, a Resolution accepting City of Black Hawk 2018 Audit.

MOTION PASSED

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

D. Local Liquor Licensing Authority Consideration of a Request for a New Hotel & Restaurant Liquor License for Isle of Capri Black Hawk, LLC dba Isle Casino Hotel Black Hawk at 401 Main Street to Set the Boundaries of the Neighborhood and to Set a Date for the Public Hearing

Mayor Spellman read the title.

City Attorney Hoffmann introduced this first step for a new liquor license under the City's Liquor Code. He said the Isle would like to change their class to allow for more flexibility with their hotel. This meeting is set the boundaries of the neighborhood and to set a date for the public hearing. It was agreed to set the boundaries to be the entire City and to set the public hearing date for July 24.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to set the boundaries of the neighborhood as the whole City of Black Hawk, and to set the public hearing date for July 24, 2019 to hear a New Hotel & Restaurant Liquor License application for Isle of Capri Black Hawk, LLC dba Isle Casino Hotel Black Hawk at 401 Main Street.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Cole reported that several weeks ago he, the Mayor, and Public Works Director Isbester took a look at the conditions of the commercial buildings in the City for possible code or nuisance violations. He said they have contracted with Baseline Engineering to

inspect 39 commercial facilities based on our Municipal Code. Baseline will generate a report, and the City will then work with the casinos to rectify those issues. He said the Mayor has already given the BID notice that this was taking place. Council thought it was a great idea.

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

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended items number 2 and 5 only for Executive Session, and the specific legal issues both relate to potential legislature.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 3:34 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 Torres to adjourn the Executive Session at 4:45 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 4:45 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor