



**City of Black Hawk
City Council**

May 10, 2017

MEETING MINUTES

The meeting began immediately after the Joint Work Session with the Gilpin County Commissioners

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, May 10, 2017, at 2:35 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, Finance Director Hillis, Public Works Director Isbester, Baseline Consultant Harris, Community Planning and Development Administrator Linker, NV5 Consultant McClelland, Police Chief Cole, 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. **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 Johnson to adjourn into Executive Session at 2:36 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 3:05 p.m.

MOTION PASSED

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

The open, regular session of the meeting resumed at 3:05 p.m.

4. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed there were no agenda changes.

5. **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.

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

7. **APPROVAL OF
MINUTES:**

April 19, 2017 Regular Meeting
May 3, 2017 Special Meeting

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve both sets of Minutes as presented.

MOTION PASSED

There was no discussion and the motion passed unanimously.

8. **PUBLIC HEARINGS:**

- A. CB7-2017, An Ordinance Approving a Memorandum of Understanding Between the City of Black Hawk and the State of Colorado Governor's Office of Information Technology (OIT) Public Safety Communications Network (PSCN) for a Shared Communications Site**

Mayor Spellman read the title and opened the public hearing.

Police Chief Cole introduced this item. He said the State would like to update the two microwave systems on the Silver Gulch Radio Tower and the Miners Mesa Tower sites. He said currently the City owns the microwaves, and under the current Memorandum of Understanding (MOU) the State provides labor for maintaining them. The State cannot update them if they do not own them, and he said this new MOU would shift ownership to the State so that they would own and maintain them without jeopardizing our use.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB7, An Ordinance approving a Memorandum of Understanding between the City of Black Hawk and the State of Colorado Governor's Office of Information Technology (OIT) Public Safety Communications Network (PSCN) for a Shared Communications Site open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to Approve CB7, an Ordinance approving a Memorandum of Understanding between the City of Black Hawk and the State of Colorado Governor's Office of Information Technology (OIT) Public Safety Communications Network (PSCN) for a shared Communications Site.

MOTION PASSED

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

B. CB8-2017, An Ordinance Repealing and Reenacting Section 1-111 of the City of Black Hawk Municipal Code Modifying and Declaring the City's Corporate Seal

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann reminded Council that at their April 19, 2017 meeting they agreed to add the Latin word "PERSERVERANDO" above the seal and the Latin phrase "NOLI ME TANGERE" below the seal. He said a modification of the City's corporate seal is to be done by ordinance.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB8, An Ordinance repealing and reenacting Section 1-111 of the City of Black Hawk Municipal Code modifying and declaring the City's Corporate Seal open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to Approve CB8, an Ordinance repealing and reenacting Section 1-111 of the City of Black Hawk Municipal Code modifying and declaring the City’s Corporate Seal.

MOTION PASSED

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

C. Local Liquor License Authority Consideration of a New Tavern Liquor License for JE Tavern, Inc. dba JE Tavern at the Gilpin, 111 Main Street, Unit A, Black Hawk, Colorado

Mayor Spellman read the title.

City Attorney Hoffmann reminded Council that they were acting as the Local Liquor Licensing Authority and the staff report identifies the findings they are required to make, which is based on the investigation and evidence presented on whether or not the reasonable requirements of the neighborhood have been met and whether or not the applicant is qualified to be a liquor licensee. He added that this tavern is technically a replacement liquor license for when the Canyon Casino closed, as the Gilpin Casino requires another licensed premise for their Common Consumption Area.

Robert Dill, Attorney for JE Tavern, Inc., business address, 455 Sherman Street, Suite 300, Denver, CO and T. Alan Roberts, General Manager of Gilpin Casino, were available on behalf of the applicant to answer any questions.

PUBLIC HEARING:

Mayor Spellman declared the Public Hearing for the Liquor License Application for JE Tavern, Inc. open and invited anyone wanting to address the Board either “for” or “against” the license 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 Midcap to approve the New Tavern Liquor License for JE Tavern Inc., dba JE Tavern at the Gilpin at 111 Main Street, Unit A, Black Hawk, Colorado.

9. ACTION ITEMS:

- A. Local Liquor Authority Consideration of the Certification of a Promotional Association and Common Consumption Area for The Gilpin Association, Inc.**

Mayor Spellman read the title.

Robert Dill introduced himself again for the record on behalf of the applicant The Gilpin Association, Inc.

City Attorney Hoffmann explained this request as a continuation of the Tavern application that was just approved. He said if City Council chooses to allow another Promotional Association, all necessary requirements have been met, and again this request is prompted by the closure of the Canyon Casino.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve the Certificate for a Promotional Association and Common Consumption Area for The Gilpin Association, Inc.

MOTION PASSED

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

B. Resolution 36-2017, A Resolution Approving the Total Base Construction Bid and Project Budget for the Rehabilitation and Site Work for the Property Located at 241 DuBois Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker and NV5 Consultant McClelland introduced this item. Linker said if approved the project would begin May 12 and the completion date is scheduled for February 6, 2018.

The applicant Derek Blake was present and asked if City Council had received his letter dated May 5, 2017, of which they confirmed they had.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 36-2017, a Resolution approving the total base construction bid and project budget for the rehabilitation and site work for the property located at 241 DuBois Street.

MOTION PASSED

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

C. Resolution 37-2017, A Resolution Accepting a Petition for the Disconnection of the Arends Property from the City of Black Hawk, Preliminarily Approving Said Disconnection, and Setting a Public Hearing for June 14, 2017 Concerning Said Disconnection

Mayor Spellman read the title.

Baseline Engineering Consultant Harris explained this was the first step in the new Disconnection process that was just recently approved by City Council. City Attorney Hoffmann confirmed this step is to simply find that the applicant is eligible for disconnection and to set the public hearing date for June 14, 2017.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 37-2017, a Resolution approving the contract with Kaiser Permanente in the estimated accepting a Petition for the Disconnection of the Arends Property from the City of Black Hawk, preliminarily approving said Disconnection, and setting a Public Hearing for June 14, 2017 concerning said Disconnection.

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 noting to report.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 3:20 p.m.



Michele Martin
Deputy City Clerk



David D. Spellman
Mayor

