



**City of Black Hawk
City Council**

December 10, 2014

MEETING MINUTES

IT Director Jeffrey Young rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, December 10, 2014 at 3:00 p.m. by Mayor Spellman.

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

Absent: Alderman Moates

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, Fire Chief Taylor, IT Manager Muhammad, HR Generalist Romero, and Executive Administrative Assistant Blondo

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

PRESENTATION AND RECEPTION: Mayor Spellman, on behalf of the City, acknowledged the retirement of the City's IT Director, Jeffrey Young and presented Young with a plaque expressing the City's appreciation of his dedication and commitment through the years. Cake and refreshments were offered. Young thanked the current Council and the previous Council for all their support over his tenure.

3. AGENDA CHANGES: City Clerk Greiner stated there was one revision made: Item 8J was removed from the agenda to be rescheduled in January.

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: City Clerk Greiner stated no one had signed up for public comments.

6. APPROVAL OF MINUTES: November 12, 2014.

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

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

7. PUBLIC HEARINGS:

A. Recreational Marijuana Center Business License Application – 5B1S, LLC, dba 1859 at 231 Gregory Street

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann confirmed that it was up to the applicant to justify the need for this type of business under the City’s Licensing Ordinance, and that the City Clerk had conducted an investigation, which was outlined in the Preliminary Findings Report.

The applicants, Managing Partner Pat Pericak of Boulder and Director of Compliance Alex Valvassori of Denver, were present to answer any questions.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on the Recreational Marijuana Center Business License Application – 5B1S, LLC dba 1859 at 231 Gregory 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 Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve the Recreational Marijuana Center Business License Application – 5B1S, LLC dba 1859 at 231 Gregory Street.

MOTION PASSED

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

B. Resolution 92, 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 2015 and Ending on the Last Day of December 2015, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth within the Attached 2015 Budget

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis stated this was an updated budget, which incorporated all changes from Council’s previous work session.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 92, 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 2015 and Ending on the Last Day of December 2015, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth within the Attached 2015 Budget 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 92, 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 2015 and Ending on the Last Day of December 2015, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth within the Attached 2015 Budget

MOTION PASSED

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

C. CB26, An Ordinance Levying General Property Taxes for the Year 2014 to Help Defray the Costs of Government for the City of Black Hawk, Colorado for the 2015 Budget Year

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis explained that the assessed value changed by 1% due to County request for the City to drop off the last digit of the mill levy to work within their system. Hillis said there are no significant changes to the property tax or revenues.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB26, An Ordinance Levying General Property Taxes for the Year 2014 to Help Defray the Costs of Government for the City of Black Hawk, Colorado for the 2015 Budget Year 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 Armbright to approve CB26, An Ordinance Levying General Property Taxes for the Year 2014 to Help Defray the Costs of Government for the City of Black Hawk, Colorado for the 2015 Budget Year.

MOTION PASSED

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

D. Resolution 93, A Resolution Approving a Certificate of Appropriateness for Full Exterior Rehabilitation and Site Work for the Property Located at 301 High Street

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker explained the application submitted by Lloyd and Christina Larsen, who were present for any questions. Linker asked for further direction on the replacement of a historic window on the west elevation. Due to configuration on the interior of the house, the applicants have asked for it not to be replaced, but retain it as is on the exterior and encapsulate it on the interior. Linker said the Historic Preservation Commission (HPC) was in agreement with this decision and recommends to Council for approval. Council was in favor of HPC’s recommendation.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 93, A Resolution Approving a Certificate of Appropriateness for Full Exterior Rehabilitation and Site Work for the Property Located at 301 High 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 Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 93, A Resolution Approving a Certificate of Appropriateness for Full Exterior Rehabilitation and Site Work for the Property Located at 301 High Street, along with HPC's decision to leave that particular window on the west elevation as is on the exterior, and to encapsulate it on the interior.

MOTION PASSED

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

E. Resolution 94, A Resolution Approving a Certificate of Appropriateness for Full Exterior Rehabilitation and Site Work for the Property Located at 401 Chase Street

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker explained the application submitted by Josh Smith and Mary Keefhus. Discussion ensued on the tailing pile/mine waste on the site. Linker said that only the minimum required for the rehabilitation would be removed. City Manager Lewis commented that at one time there was an opportunity for the State to clean up the site, but the property owner had opted out, so the City should not feel obligated to do so. Linker added that HPC recommended approval of this application. Council was in favor of HPC's recommendation.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 94, A Resolution Approving a Certificate of Appropriateness for Full Exterior Rehabilitation and Site Work for the Property Located at 401 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 Midcap to approve Resolution 94, A Resolution Approving a Certificate of Appropriateness for Full Exterior Rehabilitation and Site Work for the Property Located at 401 Chase Street.

MOTION PASSED

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

8. ACTION ITEMS:

F. Resolution 95, A Resolution Authorizing the Change of Use of the Sanitary Sewer Tap on City-Owned Property Located on 211 Gregory Street and Described as Lots 3-5, Block 28, City of Black Hawk

G. Resolution 96, A Resolution Authorizing the Change of Use of the Sanitary Sewer Tap on City-Owned Property Located on 260 Gregory Street and Described as Lots 2-7, Block 33, City of Black Hawk

Mayor Spellman combined agenda items 8F and 8G and read the titles.

City Attorney Hoffmann stated that these were just a formality as the uses of sanitary sewer taps were no longer needed and approval would allow them to be downgraded to the type of taps they would be used for. Mayor Spellman noted there were considerable savings to the City by the downgrade.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve Resolutions 95, A Resolution Authorizing the Change of Use of the Sanitary Sewer Tap on City-Owned Property Located on 211 Gregory Street and Described as Lots 3-5, Block 28, City of Black Hawk 89, and Resolution 96, A Resolution Authorizing the Change of Use of the Sanitary Sewer Tap on City-Owned Property Located on 260 Gregory Street and Described as Lots 2-7, Block 33, City of Black Hawk.

MOTION PASSED

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

H. Resolution 97, A Resolution Adopting the 2015 Holiday Schedule

Mayor Spellman read the title.

City Clerk Greiner explained the request, which included pulling Veterans' Day from the holiday list as a cost savings measure and replacing the eight hour holiday with an additional eight hour Floating Holiday for employees. City Manager Lewis added that this was not intended to take away the importance of Veterans' Day, but reiterated that it would be a cost savings to the City, and history has shown that the majority of employees come into work that day and provides more flexibility.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolutions 97, A Resolution Adopting the 2015 Holiday Schedule.

MOTION PASSED

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

I. Resolution 98, A Resolution Adopting the 2015 City Council Regular Meeting Schedule

Mayor Spellman read the title.

City Clerk Greiner explained the request indicating that a footnote was added to the schedule clarifying the meetings in November and December.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 98, A Resolution Adopting the 2015 City Council Regular Meeting Schedule.

MOTION PASSED

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

J. Resolution 99, A Resolution Establishing a Designated Public Place for the Posting of 2015 Meeting Notices as Required by the Colorado Open Meetings Law

Mayor Spellman noted this item was deferred until January.

K. Resolution 100, A Resolution Authorizing the Placement of a Veterans' Memorial Plaque at Dory Hill Cemetery

Mayor Spellman read the title.

City Clerk Greiner explained the request from the Mountain Rendezvous Chapter of the Daughters of the American Revolution to place a memorial plaque at the cemetery to honor all fallen Gilpin County veterans. For consistency, Mayor Spellman suggested the plaque be bronze as are other plaques at the cemetery. He also suggested that the City would pay for the cost of the plaque, and build a monument to place it on. All were in agreement with the suggestions.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 100, A Resolution Authorizing the Placement of a Veterans' Memorial Plaque at Dory Hill Cemetery, with the condition for it to be bronze, and the cost for it paid by the City along with a monument for the plaque.

MOTION PASSED

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

L. Resolution 101, A Resolution Approving the Agreement for the Management and Operation of the Transportation Services for the Black Hawk Tramway between MV Public Transportation and the City of Black Hawk

Mayor Spellman read the title.

Public Works Director Isbester was available for any questions. He confirmed there was no increase in price.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 101, A Resolution Approving the Agreement for the Management and Operation of the Transportation Services for the Black Hawk Tramway between MV Public Transportation and the City of Black Hawk.

MOTION PASSED

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

M. Resolution 90, A Resolution Adopting and Entering into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and Taking Other Actions in Connection Therewith (Continued from November 12, 2014, recommend tabling indefinitely)

Mayor Spellman read the title.

City Clerk Greiner explained the reasoning to table this item indefinitely as the State of Colorado Division of Insurance has approved a line of insurance that will satisfy the requirement in the Senate Bill, and the City has just recently made an application to move in this direction away from the Trust.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve tabling Resolution 90, A Resolution Adopting and Entering into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and Taking Other Actions in Connection Therewith indefinitely.

MOTION PASSED

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

9. RECESS TO BLACK HAWK URBAN RENEWAL AUTHORITY:

N. Resolution 102, A Resolution Approving the Commercial Lease for the Property Located at 211 and 221 Gregory Street Between 5B1S, LLC and the Black Hawk Urban Renewal Authority

Mayor Spellman recessed the Council, which was then reseeded as the Urban Renewal Authority.

ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, and Torres

Absent: Alderman Moates

City Attorney Hoffmann explained to the Commissioners of the Authority that this was the old Eureka site, and this resolution would approve a commercial lease for the property. The lease term is 5 years in exchange for certain renovations.

MOTION TO APPROVE

Commissioner Johnson **MOVED** and was **SECONDED** by Commissioner Torres to approve Resolution 102, A Resolution Approving the Commercial Lease for the Property Located at 211 and 221 Gregory Street Between 5B1S, LLC and the Black Hawk Urban Renewal Authority.

MOTION PASSED

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

Mayor Spellman then reconvened back into the Board of Aldermen, City Council.

10. CITY MANAGER REPORTS:

City Manager Lewis said there were extra seats available for the Colorado Preservation, Inc. Saving Places 2015 Conference on February 4-6 in Denver, and to let Community Planning and Development Administrator Linker know if interested in attending. The City is a gold sponsor of the conference.

Also, Lewis asked if Council wanted to continue with Channel 22 on the US Cable station. It is antiquated, especially with the City's new website, and it is requiring an upgrade to the system at this time. There was consensus to stop the Cable station and direct the public to the website for information.

Lastly, Lewis asked Council to take a moment for Public Works Director Isbester to present the proposed bus stop sign, which was setup in Council Chambers.

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

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item number 2 for Executive Session.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 4:00 p.m. to conference with the City Attorney to receive legal advice on specific legal questions pursuant to C.R.S., § 24-6-402(b).

MOTION PASSED

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

**MOTION TO
ADJOURN**

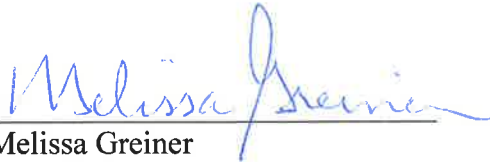
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:10 p.m.

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 4:10 p.m.



Melissa Greiner
City Clerk



David D. Spellman
Mayor

