



**City of Black Hawk
City Council**

September 13, 2017

MEETING MINUTES

Lynnette Hailey, District Manager of the Business Improvement District and the Silver Dollar Metropolitan District, rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, September 13, 2017, at 3:00 p.m. by Mayor Spellman.

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

Absent: Alderman Jim Johnson.

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, Fire Chief Taylor, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Street Superintendent Schaller, Community Planning and Development Administrator Linker, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance and asked everyone to continue to stand for a Moment of Respect for the passing of 4th generation Black Hawk resident Roy Blake. Roy grew up in Black Hawk, went off to serve his country for 20 years in the Navy, and upon his return purchased the house of his great-grandfather.

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. Alderman Torres noted his conflict with Action Item 8B Resolution 57-2017. No additional 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 COMMENTS: Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. APPROVAL OF MINUTES: August 23, 2017

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

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

7. PUBLIC HEARINGS:

A. CB20-2017, An Ordinance Approving the 2018 Operating Plan and Budget of the Black Hawk Business Improvement District

Mayor Spellman read the title and opened the public hearing.

Lynnette Hailey, District Manager of the Black Hawk Business Improvement District and the Silver Dollar Metropolitan District, introduced this item. She provided an overview of the Mill Levy increase and confirmed they were in compliance with their Intergovernmental Agreement with the City. She noted that the Business Improvement District had approved the Operating Plan and Budget at their August 29 meeting. She said the marketing amount for 2018 is \$1,066,600 and the only other change in the plan is the inclusion of the Lodge property, which is the next agenda item.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB20, an Ordinance approving the 2018 Operating Plan and Budget of the Black Hawk Business Improvement District 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 Moates to approve CB20, an Ordinance approving the 2018 Operating Plan and Budget of the Black Hawk Business Improvement District.

MOTION PASSED

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

B. CB21-2017, An Ordinance Approving the Inclusion of Property into the Black Hawk Business Improvement District and Changing the Boundaries of the District Consistent Therewith

Mayor Spellman read the title and opened the public hearing.

Lynnette Hailey, District Manager of the Black Hawk Business Improvement District and the Silver Dollar Metropolitan District, described the location as the Lodge property located on Main Street, across from the Lodge Casino, which was the old School of Arts site, and that the District also approved this item at their August 29 meeting.

City Attorney Hoffmann wanted to note for the record that there was also a corresponding inclusion into the Silver Dollar Metropolitan District, but that was already approved by the District Court, and that only inclusions into the Business Improvement District come before City Council for approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB21, an Ordinance approving the inclusion of property into the Black Hawk Business Improvement District and changing the boundaries of the District consistent therewith 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 Armbright to approve CB21, an Ordinance approving the inclusion of property into the Black Hawk Business Improvement District and changing the boundaries of the District consistent therewith.

MOTION PASSED

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

C. CB22-2017, An Ordinance Amending Section 2-132 of the Black Hawk Municipal Code Regarding the Imposition of Court Costs to Cover Fees Associated with Sealing Records

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said the 2017 Legislative Session recently passed a Bill authorizing municipal courts to seal certain records. This Ordinance would allow the City to charge court costs authorized by the Bill to seal those records.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB22, an Ordinance amending Section 2-132 of the Black Hawk Municipal Code regarding the Imposition of Court Costs to cover fees associated with sealing records 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 CB22, an Ordinance amending Section 2-132 of the Black Hawk Municipal Code regarding the Imposition of Court Costs to cover fees associated with sealing records.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 56-2017, A Resolution Approving the City of Black Hawk Fee Schedule, as Further Amended

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained the housekeeping proposal to the Fee Schedule: to update the electrical fees by removing the 15% administrative fee from the permit portion of the fee schedule, as the City already collects a portion of the permit that goes back to the City; to rearrange the Land Use fees for better clarity, and to add the Private Social Club Permit fee.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 56-2017, a Resolution approving the City of Black Hawk Fee Schedule, as further amended.

MOTION PASSED

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

B. Resolution 57-2017, A Resolution Approving a Change Order in the Total Amount of \$112,515.00 for the Rehabilitation and Site Work for the Property Located at 211 Horn Street

Mayor Spellman read the title and noted that Alderman Torres had left the dais.

Community Planning and Development Administrator Linker introduced this item. She said this change order is for alternate #7 and #8 of the original bid package. Alternate #7 is for the full rehabilitation of the historic shed and alternate #8 is for the installation of the conduit to the shed. She said she had a conversation with the homeowners and to maintain the historic integrity of the historic portion of the shed, and to make it structurally sound and watertight, the homeowners elected to demolish the non-historic portion of the shed, keeping the concrete foundation in place. She confirmed this change order includes that demolition and it is strictly stabilizing the structure, there is no interior work being done.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 57-2017, a Resolution approving a Change Order in the total amount of \$112,515.00 for the rehabilitation and site work for the property located at 211 Horn Street.

MOTION PASSED

There was no discussion and the motion **PASSED** 5-0 with Alderman Torres recusing himself.

C. Resolution 58-2017, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Apex Pavement Solutions in an Amount Not to Exceed \$149,744.00, Plus a Materials Testing Allowance of \$4,000.00 for Construction of Miscellaneous Asphalt Paving

Mayor Spellman read the title.

Public Works Director Isbester and Street Superintendent Schaller explained the asphalt paving project of a 30' wide strip across Miners Mesa and the overflow parking area at the Annex.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 58-2017, a Resolution awarding the bid and approving the contract between the City of Black Hawk and Apex Pavement Solutions in an amount not to exceed \$149,744.00, plus a materials testing allowance of \$4,000.00 for construction of miscellaneous asphalt paving.

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 had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item number 2 for Executive Session for specific legal questions related to Senate Bill 16-73, the Excel Franchise Agreement, and potential legislation.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 3:05 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).


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 3:55 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 3:55 p.m.


Melissa A. Greiner
City Clerk


David D. Spellman
Mayor

