



**City of Black Hawk  
City Council**

**April 24, 2019**

**MEETING MINUTES**

New employee Ellie Younger rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, April 24, 2019, 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, City Manager Cole, Acting 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, 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 that a second Executive Session was added to the end of the agenda.

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. INTRODUCTION OF  
NEW EMPLOYEES:

Ellie Younger, Communications Officer

Acting Police Chief Lloyd introduced Ellie Younger to Council. She comes to Black Hawk with dispatcher experience from CDOT. She was welcomed by all.

6. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended item number 2 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 3:03 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 RESUME  
TO OPEN, REGULAR  
SESSION OF MEETING**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to continue the Executive Session to the end of the meeting in order to resume to the open, regular session at 3:10 p.m.

**MOTION PASSED**

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

7. PUBLIC COMMENT:

Deputy City Clerk Martin confirmed no one had signed up to speak.

8. APPROVAL OF  
MINUTES:

April 10, 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.

9. PUBLIC HEARINGS:

None

10. ACTION ITEMS:

**A. Resolution 22-2019, A Resolution Amending the City of Black Hawk 2018 Budget**

Mayor Spellman read the title.

Finance Director Hillis explained that in 2017 the City had budgeted \$1.5 million from the Parking Impact Fund to partially fund the St. Charles parking structure and since that project did not get started until 2018, this resolution is just a housekeeping measure.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 22-2019, a Resolution amending the City of Black Hawk 2018 Budget.

**MOTION PASSED**

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

**B. Resolution 23-2019, A Resolution Awarding the Bid and Approving the Design-Build Contract Between the City of Black Hawk and Concrete Express, Inc. in an Amount Not To Exceed \$108,500.00 for Pre-Construction Services Pertaining to the Bobtail Street Rail Slab Project**

Mayor Spellman read the title.

Senior Civil Engineer Reed explained where the existing rail slab on the edge of Bobtail Street would be extended and continued around the bend to where it meets Gregory Street. He said this proposal is to authorize the pre-construction costs and he would then come back to Council with a Guaranteed Maximum Price for construction of the project. He said Concrete Express, Inc. are the contractors who successfully realigned Gregory Street and they were the lowest of the two contractors who were asked to submit proposals, out of the four contractors who submitted bids. He noted a few late revisions to the contract, so any approval would be pending City Attorney review.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 23-2019, a Resolution awarding the bid and approving the Design-Build Contract between the City of Black Hawk and Concrete Express, Inc. in an amount not to exceed \$108,500.00 for pre-construction services pertaining to the Bobtail Street Rail Slab Project, pending City Attorney review.

**MOTION PASSED**

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

**C. Resolution 24-2019, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Grapes & Sons Excavating in an Amount Not To Exceed \$58,300.00 for Construction of the Gregory Street Phase 2 Excavation Project**

Mayor Spellman read the title.

Senior Civil Engineer Reed introduced this item to remove debris, trees, and non-historic building features, as necessary, from behind Gregory Street in order to let the City and the design team see what that rock wall behind the excavation will look like and what treatment will be needed to stabilize it. Staff had decided to sole source with Grapes & Sons, as they have done countless projects with the City and are often the lowest bidder.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 24-2019, a Resolution awarding the bid and approving the contract between the City of Black Hawk and Grapes & Sons Excavating in an amount not to exceed \$58,300.00 for construction of the Gregory Street Phase 2 Excavation Project.

**MOTION PASSED**

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

**11. CITY MANAGER REPORTS:**

City Manager Cole had nothing to report.

**12. CITY ATTORNEY:**

City Attorney Hoffmann discussed the Sports Betting HB19-1327 Bill, which has passed through committee and is now passing through the house, with plans to go before Senate next week. He said if approved, this bill will allow sports betting to be based in Colorado's three limited gaming cities subject to local voter approval, and subject to statewide vote on the 10% tax that would be imposed at the state level on the proceeds from sports betting. He said sports betting would have the ability to be based within a licensed brick and mortar casino, yet the only nuance is that sports betting is not by definition considered limited gaming, so casinos can use areas outside of their gaming floors to house the kiosks and/or areas of the sports betting. He added that horse tracks are not part of this bill.

He added that states nationwide are looking at sports betting because the US Supreme Court decided last year that sports betting was no longer limited to Nevada and New Jersey. Since the three Colorado host cities for limited gaming already have limited gaming, he said what this legislation does is, even though sports betting is technically not limited gaming, and because the Colorado voters have traditionally voted to support limited gaming, support that betting-like activities

should be limited, and that there should not be geographical expansion, act consistently with the Limited Gaming Act.

13. EXECUTIVE SESSION:

City Attorney Hoffmann recommended items 2 and 5 only for Executive Session and the specific legal questions relate to potential legislation.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:23 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 Johnson to adjourn the Executive Session at 4:00 p.m.

**MOTION PASSED**

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

14. 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

