



**City of Black Hawk  
City Council**

**October 10, 2018**

**MEETING MINUTES**

Gail Maxwell, candidate for Gilpin County Deputy Clerk and Recorder position, rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, October 10, 2018, 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 Lewis, Police Chief Cole, Fire Chief Woolley, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, 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 stated that Action Item 8A Resolution 64-2018 had been added to the agenda.

City Attorney said another change was to add an additional Executive Session that he recommends after Conflicts of Interest. He said the City had received correspondence late this morning from the Town of Georgetown that requires immediate attention.

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. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended item number 5 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 3:01 p.m. 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 RESUME  
TO OPEN, REGULAR  
SESSION OF MEETING**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to reconvene to the open, regular session of the meeting at 3:10 p.m.

**MOTION PASSED**

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

6. PUBLIC COMMENT:

Deputy City Clerk Martin stated that Gail Maxwell had signed up to speak.

Current Gilpin County Deputy Clerk and Recorder Gail Maxwell provided a status update on the upcoming election, as well her candidacy for the position of Gilpin County Clerk, due to the current clerk retiring. She said she'd like for the Clerk to make more of a regular appearance in Black Hawk and have increased communication with Black Hawk in order to help each other. She asked for folks to please remember her on November 6. Council thanked Gail for stopping by.

7. APPROVAL OF  
MINUTES:

September 26, 2018

**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 with Alderman Johnson abstaining.

**8. PUBLIC HEARINGS:**

**A. CB22, An Ordinance Amending Chapter 5, Article V, of the Black Hawk Municipal Code to Expand the City’s Use Tax to all Tangible Property and All Taxable Services, Upon Approval of the Voters**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann said this Ordinance would implement the Use Tax question currently on the ballot for this November 6 election. He said it would become effective December 1, 2018, only by voter approval.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB22, an Ordinance amending Chapter 5, Article V, of the Black Hawk Municipal Code to expand the City’s Use Tax to all tangible property and all taxable services, upon approval of the voters open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

Craig Pleva, General Manager of Monarch Casino, had a few questions on what specific goods and services would be taxed. City Attorney Hoffmann and Finance Director Hillis provided examples and explained that the City would not be taxing something new; the current Use Tax rate is 4%, and it would be raised to 6% to be consistent with the City’s Sales Tax rate of 6%.

No one else came forward to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve CB22, an Ordinance amending Chapter 5, Article V, of the Black Hawk Municipal Code to expand the City’s Use Tax to all tangible property and all taxable services, upon approval of the voters.

**MOTION PASSED**

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

9. ACTION ITEMS:

**A. Resolution 64-2018, A Resolution Opposing Amendment 74, an Attempt to Amend the Colorado Constitution to Drastically Limit State and Local Government Services at a High Cost to Taxpayers**

Mayor Spellman read the title.

City Attorney Hoffmann noted Colorado Municipal League's opposition to Amendment 74, and as a City, Black Hawk is only able to take positions on ballot questions by adopting a resolution. He went on to describe how Amendment 74 would literally impact the City's ability to provide services to its constituents because anytime the City would take any action a resident could sue the City if they felt it affected their property negatively. If passed, this Amendment would lead to increased legal exposure and costly litigation. He said it is being pushed by the oil and gas industry.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 64-2018, a Resolution opposing Amendment 74, an attempt to amend the Colorado Constitution to drastically limit State and Local Government Services at a high cost to taxpayers.

**MOTION PASSED**

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

**B. Action to Consider the First Amendment to the Memorandum of Understanding with the Town of Georgetown**

Mayor Spellman read the title.

City Attorney Hoffmann said that under the Colorado Open Meetings Law the posting of the agenda shall include specific information where possible, and that this was impossible to add to the agenda because the City was just in receipt of the information this morning. City Manager Lewis said the Town of Georgetown met last night and has agreed to this First Amendment which caps the City of Black Hawk's expense to \$675,000 for the dredging project, and confirms that Georgetown can use grant money from CWCB for their portion of the project.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve the First Amendment to the Memorandum of Understanding between Town of Georgetown, Colorado and City of Black Hawk, Colorado for the design and construction of Georgetown Lake Lagoon Dredging Project.

**MOTION PASSED**

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

**10. CITY MANAGER  
REPORTS:**

City Manager Lewis introduced the proposed 2019 Budget that had been placed on Council's dais prior to the meeting. He said as per State Statute the City is obligated to submit a draft budget by October 15. There is a Work Session planned for the October 24 meeting at 2:00 p.m. to go through the budget with Council. It is anticipated to adopt the budget in November.

**11. CITY ATTORNEY:**

City Attorney Hoffmann had nothing to report.

**12. EXECUTIVE  
SESSION:**

City Attorney Hoffmann recommended item number 2 only for Executive Session for specific legal issues related to a potential claim against the city.

**MOTION TO  
ADJOURN INTO  
EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 3:26 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 Johnson to adjourn the Executive Session at 4:10 p.m.

**MOTION PASSED**

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

**13. ADJOURNMENT:**

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:10 p.m.

Melissa A. Greiner, CMC  
City Clerk

David D. Spellman  
Mayor

