



**City of Black Hawk  
City Council**

**November 9, 2016**

**MEETING MINUTES**

The Mountain-Ear Reporter John Scarffe rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, November 9, 2016, 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, City Clerk/Administrative Services Director Greiner, Community Planning and Development Administrator Linker, Finance Director Hillis, Public Works Director Isbester, 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. **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. 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:** Deputy City Clerk Martin confirmed that no one had signed up to speak.
  
6. **APPROVAL OF MINUTES** October 26, 2016.

**MOTION TO APPROVE**

Alderman Johnson **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. 2017 Budget Adoption**

- a. **Resolution 77-2016, 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 2017 and Ending on the Last Day of December 2017, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth within the Attached 2017 Budget**
- b. **CB30-2016, An Ordinance Levying General Property Taxes for the Year 2016 to Help Defray the Costs of Government for the City of Black Hawk, Colorado, for the 2017 Budget Year**

Mayor Spellman read the titles and opened the public hearing.

Finance Director Hillis introduced the budget and Mill Levy and said the Mill Levy rate will stay the same and there were no changes to the budget from the workshop held a few weeks ago.

**PUBLIC HEARING:**

Mayor Spellman declared a public hearing on Resolution 77-2016, 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 2017 and Ending on the Last Day of December 2017, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth within the Attached 2017 Budget and CB30, An Ordinance Levying General Property Taxes for the Year 2016 to Help Defray the Costs of Government for the City of Black Hawk, Colorado, for the 2017 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 Bennett **MOVED** and was **SECONDED** by Alderman Moates to Approve Resolution 77-2016, 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 2017 and Ending on the Last Day of December 2017, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth within the Attached 2017 Budget and CB30, An Ordinance Levying General Property Taxes for the Year 2016 to Help Defray the Costs of Government for the City of Black Hawk, Colorado, for the 2017 Budget Year.

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

**B. CB31-2016, An Ordinance Adopting the City of Black Hawk 2017 Compensation Plan**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner introduced these enhancements to the Compensation Plan as an ongoing effort to make the City of Black Hawk an employer of choice.

**PUBLIC HEARING:** Mayor Spellman declared a public hearing on CB31, An Ordinance Adopting the City of Black Hawk 2017 Compensation Plan 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 Moates **MOVED** and was **SECONDED** by Alderman Armbright to Approve CB31, An Ordinance Adopting the City of Black Hawk 2017 Compensation Plan.

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

**C. CB32-2016, An Ordinance Approving an Addition to the City of Black Hawk Fire Department Standard Operating Guidelines**

Mayor Spellman read the title and opened the public hearing.

Fire Chief Taylor had some requests from job applicants to meet the shift and participate in a ride-along. He said the Fire Department has a visitor policy and waiver form, but never had a true ride-along policy.

**PUBLIC HEARING:** Mayor Spellman declared a public hearing on CB32, An Ordinance Approving an Addition to the City of Black Hawk Fire Department Standard Operating Guidelines 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 Torres to Approve CB32, An Ordinance Approving an Addition to the City of Black Hawk Fire Department Standard Operating Guidelines.

**MOTION PASSED**

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

8. ACTION ITEMS:

**A. Resolution 78-2016, A Resolution Authorizing the Donation of Self Contained Breathing Apparatus (SCBA) and Associated Equipment**

Mayor Spellman read the title.

Fire Chief Taylor stated that both the Fire and Water Departments have been able to replace their older apparatus with new, and their serviceable older equipment can now be donated to a smaller department in need.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 78-2016, A Resolution Authorizing the Donation of Self Contained Breathing Apparatus (SCBA) and Associated Equipment.

**MOTION PASSED**

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

**B. Resolution 79-2016, A Resolution Approving the License Agreement from the City of Black Hawk to Derek Blake for the Property at 241 DuBois Street**

**C. Resolution 80-2016, A Resolution Approving the Temporary Construction Easement from Derek Blake to the City of Black Hawk for Rehabilitation of the Property at 241 DuBois Street**

Mayor Spellman read the titles.

Community Planning and Development Administrator Linker explained that the License Agreement addresses the property that encroaches into the City right-of-way, and the Temporary Construction Easement is a condition of their Preservation Easement. The Mayor asked for an umbrella motion.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 79-2016, A Resolution Approving the License Agreement from the City of Black Hawk to Derek Blake for the Property at 241 DuBois Street and Resolution 80-2016, A Resolution Approving the Temporary Construction Easement from Derek Blake to the City of Black Hawk for Rehabilitation of the Property at 241 DuBois Street.

**MOTION PASSED**

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

**D. Resolution 81-2016, A Resolution Approving the Temporary Construction Easement from Bonanza Land, LLC to the City of Black Hawk for Retaining Wall Demolition and Construction Associated with the Construction of Gregory Street**

Mayor Spellman read the title.

City Manager Lewis introduced this item. He said a Temporary Construction Easement was needed to execute the demolition and new construction of a retaining wall on Gregory Street and the owner of the property has granted the City the easement for a sum of \$10.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 81-2016, A Resolution Approving the Temporary Construction Easement from Bonanza Land, LLC to the City of Black Hawk for Retaining Wall Demolition and Construction Associated with the Construction of Gregory Street.

**MOTION PASSED**

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

**E. Resolution 82-2016, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Bull Durham Saloon and Casino as Lessee for Ten (10) Parking Spaces Located at 562 Gregory Street, otherwise known as the Briggs Lot**

Mayor Spellman read the title.

Finance Director Hillis explained that the exhibit showing exactly which 10 spaces has not been finalized at this time.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 82-2016, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Bull Durham Saloon and Casino as Lessee for Ten (10) Parking Spaces Located at 562 Gregory Street, otherwise known as the Briggs Lot.

**MOTION PASSED**

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

**F. Resolution 83-2016, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and PCL Construction Services, Inc. as Lessee for Property Located at 440 Gregory Street, Black Hawk, Colorado**

Mayor Spellman read the title.

Finance Director Hillis explained PCL’s request to lease this building for the winter during the demolition project. Mayor Spellman noted that it is not the “Reeves House” as noted in the lease, but rather the “Briggs House.”

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 83-2016, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and PCL Construction Services, Inc. as Lessee for Property Located at 440 Gregory Street, Black Hawk, Colorado.

**MOTION PASSED**

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

**9. CITY MANAGER REPORTS:**

City Manager Lewis said that every year City Council authorizes an annual bonus check of 3% of an employee’s salary and a Christmas stipend of \$300. He said he would like to have that authorization on record for the auditors. A motion was made by Alderman Moates, seconded by Alderman Johnson, to approve both the bonus and stipend. All were in favor.

**10. CITY ATTORNEY:**

City Attorney Hoffmann had nothing to report.

**11. EXECUTIVE SESSION:** City Attorney Hoffmann recommended items number 2 and 5 for Executive Session for specific legal issues both related to potential legislation.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:12 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 Moates 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 A. Greiner  
City Clerk

  
David D. Spellman  
Mayor

