



## REGULAR MEETING AGENDA

City of Black Hawk City Council  
211 Church Street, Black Hawk, CO

August 9, 2017

Tour Chase Gulch

1:00 p.m.

REGULAR MEETING

Immediately following Tour – 3:00 p.m.

### RINGING OF THE BELL:

1. CALL TO ORDER:
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. AGENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. INTRODUCTION OF NEW EMPLOYEE: Leslie Hall, Accountant
6. PUBLIC COMMENT: *Please limit comments to 5 minutes*
7. APPROVAL OF MINUTES: July 26, 2017
8. PUBLIC HEARINGS:
  - A. CB14, Rehearing of an Ordinance Amending Section 16-67 of the Black Hawk Municipal Code Regarding the Requirement to Connect to the Municipal Water System
  - B. CB18, An Ordinance Calling a November 7, 2017 Special Election to be Conducted as an Independent Polling Place Election Pursuant to the Colorado Municipal Election Code, Submitting a Ballot Question and Setting the Ballot Title Therefor
9. ACTION ITEMS:

None
10. CITY MANAGER REPORTS:
11. CITY ATTORNEY:
12. EXECUTIVE SESSION:
13. ADJOURNMENT:

### MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community.



BLACK HAWK <sup>®</sup>

## **CITY OF BLACK HAWK NEW EMPLOYEE INTRODUCTION**



### **LESLIE HALL** **ACCOUNTANT**

I was born and raised in Colorado Springs. I moved to Evergreen in May and started with Black Hawk in June. I am extremely excited to be part of The City of Black Hawk. I have a Bachelor's Degree in Accounting from Colorado Christian University. I have two children; my daughter is 20 and will be attending Red Rocks Community College this next year, and my son is a junior in high school. I have a passion for helping women that have been in domestic violent situations. As a survivor of domestic violence I enjoy empowering women and helping them build their confidence. In my spare time I can be found at car shows with my fiancé's 1951 Ford, or out on the trails on the dirt bike.



**City of Black Hawk  
City Council**

**July 26, 2017**

**MEETING MINUTES**

New Employee, Firefighter Aaron Skeen, rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, July 26, 2017, 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 Manager Lewis, City Attorney Hoffmann, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning and Development Administrator Linker, Fire Chief Taylor, Firefighter Skeen 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 the agenda had been updated to reflect the cancellation of the tour of Chase Gulch due to weather. It was determined that the tour will be rescheduled to the first meeting in August at 1:00 p.m.

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 agenda item 9B. No other 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 EMPLOYEE:

Aaron Skeen, Firefighter

Fire Chief Taylor introduced Aaron Skeen who started with the City in April. Firefighter Skeen worked for the Timberline Fire Protection District and as a Communications Officer for the Gilpin County Sherriff's office. Chief Taylor said he lives in Gilpin County and is doing a great job.

6. PUBLIC COMMENTS: Deputy City Clerk Martin confirmed that no one had signed up to speak.

7. APPROVAL OF  
MINUTES:

July 12, 2017

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve the Minutes with the correction of the spelling of Alderman Armbright's name as bell ringer.

**MOTION PASSED**

There was no discussion and the motion passed 5-1, noting the abstention by Alderman Bennett.

8. PUBLIC HEARINGS:

**A. CB14-2017, An Ordinance Amending Section 16-67 of the Black Hawk Municipal Code Regarding the Requirement to Connect to the Municipal Water System**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this second ordinance for Council's consideration, the first was approved at their last meeting on July 12. He said this ordinance required the publishing of a public hearing notice due to the proposed change amending the Zoning Code. He said this ordinance removes certain language to reinforce that all properties are to connect to the municipal water system.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB14, an Ordinance amending Section 16-67 of the Black Hawk Municipal Code regarding the requirement to connect to the Municipal Water System 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 Torres to approve CB14, an Ordinance amending Section 16-67 of the Black Hawk Municipal Code regarding the requirement to connect to the Municipal Water System.

**MOTION PASSED**

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

**B. CB15-2017, An Ordinance Approving the Adult Protective Services Memorandum of Understanding Between the City of Black Hawk and Various Governmental Entities**

Mayor Spellman read the title and opened the public hearing.

Police Chief Cole introduced this request from the Gilpin County Department of Human Services. He said it was a request for all law enforcement agencies in the County to collaborate on investigations involving criminal activity against at-risk adults.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB15, an Ordinance approving the Adult Protective Services Memorandum of Understanding between the City of Black Hawk and various governmental entities 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 CB15, an Ordinance approving the Adult Protective Services Memorandum of Understanding between the City of Black Hawk and various governmental entities.

**MOTION PASSED**

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

**C. CB16-2017, An Ordinance Amending Chapter 8, Article I, of the Black Hawk Municipal Code to Revise and Add Traffic Offenses in Conformance with 2017 State Legislation**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item which amends the municipal code to be in conformance with recently adopted state laws. This amendment will make it easier for officers to prove in court that texting caused a careless driving offense if the officer views a phone in hand when pulling someone over versus proving in court that the driver was inputting data into their phone at the time of being pulled over.

Mr. Hoffmann said the second part of the ordinance occurs when a driver does not show up for their court date a hold is put against their license, then, if they were to get pulled over with the hold on their license, it becomes a municipal violation and the City could prosecute at that time.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB16, an Ordinance amending Chapter 8, Article I, of the Black Hawk Municipal Code to revise and add Traffic Offenses in conformance with 2017 State Legislation 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 Bennett to approve CB16, an Ordinance amending Chapter 8, Article I, of the Black Hawk Municipal Code to revise and add Traffic Offenses in conformance with 2017 State Legislation.

**MOTION PASSED**

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

**D. CB17-2017, An Ordinance Approving the Intergovernmental Agreement Between the City of Black Hawk and Gilpin County Regarding the November 7, 2017 Special Election**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that though the City will conduct its own election on November 7, 2017, under Colorado law, a Tabor notice is still required to be coordinated through the County.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB17, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 7, 2017 Special Election 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 Johnson to approve CB17, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 7, 2017 Special Election.

**MOTION PASSED**

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

9. ACTION ITEMS:

**A. Resolution 51-2017, A Resolution Approving the Temporary Construction Easement from Judith Jasper to the City of Black Hawk for the Property at 251 Church Street**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. She said the easement is needed from the neighboring property in order to gain access to paint the side of the house on 251 Church Street, which is in the Exterior Paint Program.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 51-2017, a Resolution approving the temporary Construction Easement from Judith Jasper to the City of Black Hawk for the property at 251 Church Street.

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously 5-0.

**B. Resolution 52-2017, A Resolution Approving the Rehabilitation Grant Program Agreement Between the City of Black Hawk and Benito and Patti Torres for the Property Located at 211 Horn Street**

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

Community Planning and Development Administrator Linker explained that this was the interior grant Rehabilitation Grant Program Agreement that went with Resolution 49-2017 approved on July 12, 2017.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 52-2017, a Resolution approving the Rehabilitation Grant Program Agreement between the City of Black Hawk and Benito and Patti Torres for the property located at 211 Horn Street

**MOTION PASSED**

There was no discussion and the motion **PASSED** unanimously 5-0.

**C. Resolution 53-2017, A Resolution Adopting the Revised Community Restoration and Preservation Guide to Programs, Revised July 2017**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. She said the main changes were to the Preservation Easement document. She noted under the Site Work Component that her department has updated the rock wall section to be more aligned with the 2010 program that once existed and also cleaned up language in the fencing portion. She said she had a conversation with the City's Historic Preservation Consultant who recommended adding language under Outbuildings, which was provided after the packet was distributed. She read the recommendation, "The intent is stabilization and to preserve the simple historic appearance of the structure. The scope of work is limited to roof, siding, windows, doors, foundation; no other features would be covered by the program, even if existing." Mayor Spellman agreed this was in alignment with Council's policy.

Ms. Linker went on to say that minor changes were made to the Rehabilitation Grant document and that the Historic Preservation Commission did review and provide comments to both sets of documents and recommends approval and adoption of them as submitted.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 53-2017, a Resolution adopting the revised Community Restoration and Preservation Guide to Programs, revised July 2017

**MOTION PASSED**

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

**D. Resolution 54-2017, A Resolution Reappointing Three (3) Regular Members to the City of Black Hawk Historic Preservation Commission**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. She said that staff had advertised the vacancies for two weeks and the only letters of intent received were from the current members requesting to be reappointed.

Mayor Spellman asked Ms. Linker to draft a letter for his signature to each of them in appreciation for their service.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 54-2017, a Resolution reappointing



three (3) regular members to the City of Black Hawk Historic Preservation Commission

**MOTION PASSED**

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

10. CITY MANAGER  
REPORTS:

City Manager Lewis had nothing to report.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended items number 1 and 2 for Executive Session for specific legal issues related to the November 2017 election.

**MOTION TO  
ADJOURN INTO  
EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:18 p.m. to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a) and 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 4:00 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 4:00 p.m.

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Melissa A. Greiner  
City Clerk

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David D. Spellman  
Mayor

**COUNCIL BILL 14  
ORDINANCE 2017-14  
REHEARING OF AN  
ORDINANCE AMENDING  
SECTION 16-67 OF THE  
BLACK HAWK MUNICIPAL  
CODE REGARDING THE  
REQUIREMENT TO  
CONNECT TO THE  
MUNICIPAL WATER SYSTEM**

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning amending Black Hawk Municipal Code, Section 16-67 regarding the requirement to connect to the municipal water system.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, August 9, 2017 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chamber located at 211 Church Street, Black Hawk, Colorado, 80422, or at such other time or place in the event these hearings are adjourned.

ALL INTERESTED PARTIES  
MAY ATTEND

Melissa A. Greiner  
City Clerk

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB14

ORDINANCE NUMBER: 2017-14

**TITLE: AN ORDINANCE AMENDING SECTION 16-67 OF THE BLACK HAWK MUNICIPAL CODE REGARDING THE REQUIREMENT TO CONNECT TO THE MUNICIPAL WATER SYSTEM**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 16-67 of the Black Hawk Municipal Code is hereby amended to read as follows:

**Sec. 16-67. District characteristics.**

RR zoning districts are intended for and may be established in those areas on the periphery of the City, which can be served by municipal or district water and sanitation systems ~~or where lots are of sufficient size to accommodate on-site systems.~~

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 9th day of August, 2017.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, City Clerk

**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Rehearing of an Ordinance Amending Section 16-67 of the Black Hawk Municipal Code regarding the requirement to connect to the Municipal Water System.

**RECOMMENDATION:**

**MOTION TO APPROVE** CB14, Ordinance 2017-14, An Ordinance Amending Section 16-67 of the Black Hawk Municipal Code Regarding the Requirement to Connect to the Municipal Water System.

**SUMMARY OF SUBJECT MATTER:**

**Sec. 16-67. District characteristics.**

RR zoning districts are intended for and may be established in those areas on the periphery of the City, which can be served by municipal or district water and sanitation systems ~~or where lots are of sufficient size to accommodate on-site systems.~~

<b><u>AGENDA DATE:</u></b>	August 9, 2017
<b><u>WORKSHOP DATE:</u></b>	N/A
<b><u>FUNDING SOURCE:</u></b>	N/A
<b><u>STAFF PERSON RESPONSIBLE:</u></b>	Corey Y. Hoffmann, City Attorney
<b><u>DOCUMENTS ATTACHED:</u></b>	Council Bill 14
<b><u>RECORD:</u></b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b><u>CITY ATTORNEY REVIEW:</u></b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
<b><u>SUBMITTED BY:</u></b>	<b><u>REVIEWED BY:</u></b>



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Melissa A. Greiner, City Clerk/  
Administrative Services Director



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Jack D. Lewis, City Manager

**COUNCIL BILL 18  
ORDINANCE 2017-18  
AN ORDINANCE CALLING A  
NOVEMBER 7, 2017, SPECIAL  
ELECTION TO BE  
CONDUCTED AS AN  
INDEPENDENT POLLING  
PLACE ELECTION  
PURSUANT TO THE  
COLORADO MUNICIPAL  
ELECTION CODE,  
SUBMITTING A BALLOT  
QUESTION AND SETTING  
THE BALLOT TITLE  
THEREOF**

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK**

**COUNCIL BILL NUMBER: CB18**

**ORDINANCE NUMBER: 2017-18**

**TITLE: AN ORDINANCE CALLING A NOVEMBER 7, 2017, SPECIAL ELECTION TO BE CONDUCTED AS AN INDEPENDENT POLLING PLACE ELECTION PURSUANT TO THE COLORADO MUNICIPAL ELECTION CODE, SUBMITTING A BALLOT QUESTION AND SETTING THE BALLOT TITLE THEREOF**

WHEREAS, the City of Black Hawk desires to conduct a special election on November 7, 2017;

WHEREAS, Section 2 of Article III of the City of Black Hawk Home Rule Charter adopts by reference the Colorado Municipal Election Code of 1965; and

WHEREAS, pursuant to the provisions of the Colorado Municipal Election Code and the City's home rule authority regarding the conduct of its elections, the City desires to conduct its November 7, 2017, special election as an independent polling place election.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The following ballot question shall be submitted to the registered electors of the City of Black Hawk at the November 7, 2017, special municipal election:

Ballot Question No. 1 – Device Tax on Live Games:

SHALL THE CITY OF BLACK HAWK TAXES BE INCREASED SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) ANNUALLY IN 2018, AND BY WHATEVER ADDITIONAL AMOUNTS ARE COLLECTED ANNUALLY IN SUBSEQUENT YEARS BY THE CREATION OF A NEW CATEGORY OF OCCUPATIONAL TAX TO BE CALCULATED AT FOUR (4) TIMES THE OCCUPATIONAL TAX OTHERWISE LEVIED UPON GAMING DEVICES, LEVIED ANNUALLY PER TABLE ON GAMES SUCH AS, WITHOUT LIMITATION, POKER, BLACK JACK, CRAPS, AND ROULETTE, WHEN SUCH GAMES ARE CONDUCTED BY LIVE DEALERS, THE PROCEEDS TO BE USED FOR GENERAL GOVERNMENTAL PURPOSES, AND SHALL THE CITY BE AUTHORIZED TO COLLECT AND SPEND THE FULL PROCEEDS OF SUCH TAX WITHOUT LIMITATION AND WITHOUT LIMITING THE EXPENDITURE OF ANY OTHER REVENUES OR FUNDS UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

Yes \_\_\_\_\_

No \_\_\_\_\_



Section 2. The November 7, 2017, special municipal election shall be conducted as a polling place election pursuant to the Colorado Municipal Election Code of 1965, as amended.

Section 3. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 9<sup>th</sup> day of August, 2017.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, City Clerk

**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** Calling a November 7, 2017 Special Election and submitting a Ballot Question and setting the Ballot Title.

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** An Ordinance Calling a November 7, 2017, Special Election to be Conducted as an Independent Polling Place Election Pursuant to the Colorado Municipal Election Code, Submitting a Ballot Question, and Setting the Ballot Title Therefor.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

**AGENDA DATE:** August 9, 2017

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:**  Yes  No

**STAFF PERSON RESPONSIBLE:** Melissa A. Greiner

**DOCUMENTS ATTACHED:** Council Bill 18

**RECORD:**  Yes  No

**CITY ATTORNEY REVIEW:**  Yes  N/A

**SUBMITTED BY:**

**REVIEWED BY:**



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Melissa A. Greiner, City Clerk/  
Administrative Services Director

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Jack D. Lewis, City Manager