



**City of Black Hawk
City Council**

March 11, 2015

MEETING MINUTES

Community Planning and Development Administrative Assistant and Permit Technician Sara Lang rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, March 11, 2015 at 3:00 p.m. by Mayor Spellman.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Torres and Moates. Alderman Midcap arrived after roll call.

Staff present: City Attorney Hoffmann, City Manager Lewis, Fire Chief Taylor, City Clerk/Administrative Services Director Greiner, Police Chief Cole, Public Works Director Isbester, Community Planning and Development Administrator Linker, Finance Director Hillis, 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 changes to 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. 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. INTRODUCTION OF
NEW EMPLOYEES:

Community Planning and Development Administrator Linker introduced the new CP&D Administrative Assistant/Permit Technician Sara Lang who started three weeks ago.

Finance Director Hillis introduced Terri Lupo, the City Accountant, who has been with the City since October. They both received a warm welcome.

6. PUBLIC COMMENTS:

Deputy City Clerk Martin stated no one had signed up for public comments.

7. APPROVAL OF
MINUTES

February 25, 2015.

**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.

8. PUBLIC HEARINGS:

A. CB6, An Ordinance Amending Chapters 4 and 6 of the Black Hawk Municipal Code

Mayor Spellman read the title and opened the public hearing.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB6, An Ordinance Amending Chapters 4 and 6 of the Black Hawk Municipal Code 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.

City Clerk/Administrative Services Director Greiner explained the need to clean up inconsistent and contradictory wording, define a more clear process for licensing, delete a few occupational taxes, such as a mobile home park, and suggested changes to some fees in preparation of the draft Fee Schedule.

City Attorney Hoffmann supplemented that explanation by saying that the occupational taxes in the Code were created almost 30 years ago and predates TABOR. The changes better reflect the City’s tax

structure post gaming. He went on to say this was the first attempt to make the Code consistent with the Charter.

Mayor Spellman asked the City Attorney to prepare an exemption for the next meeting for residential contractors who do not need to pull a building permit; their occupational tax and business license fee will be waived.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve CB6, An Ordinance Amending Chapters 4 and 6 of the Black Hawk Municipal Code.

MOTION PASSED

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

B. CB7, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for Municipal Parking and Recreational Purposes within the Meaning of C.R.S. § 38-6-101 and C.R.S. § 31-25-201

Mayor Spellman read the title and opened the public hearing.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB7, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for Municipal Parking and Recreational Purposes within the Meaning of C.R.S. § 38-6-101 and C.R.S. § 31-25-201 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.

City Attorney Hoffmann explained this Ordinance would give the City approval to start formal negotiations to acquire the Cyclops Lode Mining Claim, and allow for eminent domain, if necessary. He said the property owners are aware of the process, and he has been in communication with their legal counsel.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve CB7, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for Municipal Parking and Recreational Purposes within the Meaning of C.R.S. § 38-6-101 and C.R.S. § 31-25-201.

MOTION PASSED

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

9. ACTION ITEMS:

C. Resolution 19, A Resolution Approving Professional Agreements with the City of Black Hawk for 2015

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that these were the same consultants that CP&D has always used to supplement staff time, provide expertise as required, and act as technical advisor when needed. She said the consultants are used on a time and material basis and are a budgeted item.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 19, A Resolution Approving Professional Agreements with the City of Black Hawk for 2015.

MOTION PASSED

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

D. Resolution 20, A Resolution Adopting the 2015 City of Black Hawk Fee Schedule

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that fees set by resolution were called out in various places in the Code, and as part of the amendments to Chapters 4 and 6; staff consolidated all the fees into a Fee Schedule, which will be reviewed during the annual budget process, to be approved by Council with the budget.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 20, A Resolution Adopting the 2015 City of Black Hawk Fee Schedule. Council thanked staff for their work on this.

MOTION PASSED

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

E. Resolution 21, A Resolution Approving the Fireworks Production Contract Between the City of Black Hawk and Western Enterprises, Inc.

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained this was for the City's annual Boom Town production and had already been budgeted and approved.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 21, A Resolution Approving the Fireworks Production Contract Between the City of Black Hawk and Western Enterprises, Inc.

MOTION PASSED

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

F. Resolution 22, A Resolution Approving and Adopting the City of Black Hawk's Scholarship Program

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained these recommendations were a result of a review in the Clerk's Office to streamline the process to be consistent for every award granted.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 22, A Resolution Approving and Adopting the City of Black Hawk's Scholarship Program.

Alderman Midcap added that as a resident of the City and County, this was a great program provided by the City and Council. Mayor Spellman acknowledged that the City has provided \$600,000 worth of scholarships to date.

MOTION PASSED

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

10. CITY MANAGER REPORTS:

City Manager Lewis extended his gratitude to all staff, department heads, and the City Attorney for all their work on the amendments to the Code and the Fee Schedule. He said this was a good exercise to go through and gives staff the courage needed to enforce what's in the Code.

11. CITY ATTORNEY:

City Attorney Hoffmann shared good news in regards to a House Bill that expands the types of licensed premises that can attach to an entertainment district; it is on its way the Governor's desk for signature.

12. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item numbers 2 and 5 for Executive Session, specifically for legal issues regarding the Historic Restoration Program.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:25 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**

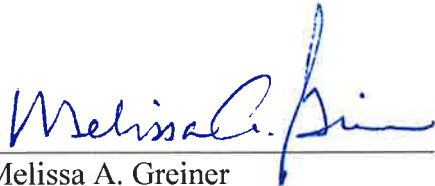
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:15 p.m.

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 4:15 p.m.



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

