



**City of Black Hawk
City Council**

May 23, 2018

MEETING MINUTES

New Black Hawk resident Dan Foster rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order, immediately following a Work Session, on Wednesday, May 23, 2018, 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, Acting Fire Chief Schaller, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineer Ford, 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 the addition of Item 8B, Resolution 39-2018 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.

Alderman Midcap disclosed a conflict he has with Agenda Item 7B, Council Bill 10 (CB10) in regards to short-term rental properties as he currently owns a Bed and Breakfast at 250 Chase Street, no other conflicts were noted from City Council. City Attorney Hoffmann stated that CB10 was legislative in nature, so Alderman Midcap could still participate. Alderman Midcap decided to recuse himself.

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 COMMENT: Deputy City Clerk Martin confirmed that Dan Foster had signed up to speak in regards to Agenda Item 7B, CB10.

6. APPROVAL OF MINUTES: May 9, 2018

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.

7. PUBLIC HEARINGS:

A. CB9, An Ordinance Amending the Black Hawk Municipal Code by the Addition Thereto of a New Section 17-30 Adopting the City of Black Hawk Roadway Standards

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item by stating that Council had already started the process of updating standards to ensure that new construction would be served with City facilities, such as City water and public sewer. He said this was another step to create roadway standards to ensure roads are finished, adequate, and have fire access. There were two suggested revisions to Appendix A in the packet that City Attorney Hoffmann read into the record: to add a sentence at the very end of the minimum right-of-way provision to specify that “dry utilities will be undergrounded”, and to add a provision at the end of the draft standards that would read as follows, “the City reserves the right to impose additional requirements if necessitated by the unique attributes of any new roadway”.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB9, an Ordinance amending the Black Hawk Municipal Code by the addition thereto of a new Section 17-30 adopting the City of Black Hawk Roadway Standards 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 Johnson to approve CB9, an Ordinance amending the Black Hawk Municipal Code by the addition thereto of a new Section 17-30 adopting the City of Black Hawk Roadway Standards.

MOTION PASSED

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

B. CB10, An Ordinance Amending Section 16-24, 16-70, 16-76 and Section 16-263 of the Black Hawk Municipal Code to Address Short Term Rental Properties

Mayor Spellman read the title and opened the public hearing. Alderman Midcap recused himself from the dais.

City Attorney Hoffmann explained that this subject is being addressed across the state, yet specific impacts vary among cities. He acknowledged that City Council has requested a long-term solution that looks at all the impacts of short-term rental properties, but Ordinance 2018-10 is a temporary solution specifically for the parking impacts, allowed by the Police powers of the City. He added that the number of parking spaces required would be similar to the Bed and Breakfast (B&B) requirements.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB10, an Ordinance amending Section 16-24, 16-70, 16-76 and Section 16-263 of the Black Hawk Municipal Code to address short-term rental properties open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

Dan Foster, of 101 Horn Street in Black Hawk, had signed up to speak. He said he was planning to use his residential property as a vacation rental and was not clear on the B&B requirements for parking and wondered how it would be addressed for those guests who may carpool. The parking code was explained and further discussion ensued. City Attorney Hoffmann offered to send Mr. Foster a draft of the comprehensive long-term plan once prepared. Mr. Foster went on to say that he was very excited about living in Black Hawk and being part of the community.

No one else 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 CB10, an Ordinance amending Section 16-24, 16-70, 16-76 and Section 16-263 of the Black Hawk Municipal Code to address short-term rental properties.

MOTION PASSED There was no discussion and the motion **PASSED** 5-0, with one recusal
Alderman Midcap returned to the dais.

8. ACTION ITEMS:

A. Resolution 38-2018, A Resolution Approving a Lease Agreement with Gary Gambino for the Lease of Ten (10) Inches of Church Ditch Water for a Period of Ten (10) Years

Mayor Spellman read the title.

Senior Civil Engineer Ford explained that there is an amount of unused Church Ditch water to be put to beneficial use, which ultimately allows the City to prove diligence to the Water Court and to be a good upstream neighbor.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 38-2018, a Resolution approving a Lease Agreement with Gary Gambino for the lease of ten (10) inches of Church Ditch Water for a period of ten (10) years.

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

B. Resolution 39-2018, A Resolution Approving Change Order No. 2 in the Amount of \$176,125.00 for the City Hall Façade Restoration

Mayor Spellman read the title.

Public Works Director Isbester introduced this item and said that once the numerous layers of paint were removed from the brick, the severe damage was revealed. He said over 141 years the brick had been replaced, painted, or damaged by the weather. He also said the parapet needs to be replaced. Council agreed that it should be done right.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 39-2018, a Resolution approving Change Order No. 2 in the Amount of \$176,125.00 for the City Hall Façade Restoration.

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

9. CITY MANAGER
REPORTS:

City Manager Lewis reported on two items. He said it was good news that the BLM has published in the Weekly Register-Call the four parcels in the Chase Gulch area that the City needs for the reservoir, which gets the City closer to obtaining those parcels.

He went on to say that there is a possible sale of Mountain Mocha to a new operator and the current lease does allow assignability. He is asking for authorization from Council to allow a temporary assignment until a new lease can be drafted. Council unanimously agreed to give authorization.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session for specific legal issues 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 2:50 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**

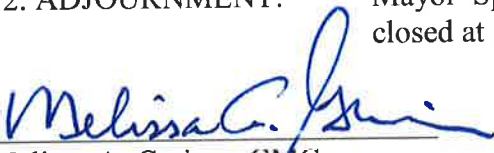
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:00 p.m.


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 3:00 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

