



**City of Black Hawk
City Council**

November 12, 2014

MEETING MINUTES

Weekly Register Call Reporter Stacy McBrayer rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, November 12, 2014 at 3:00 p.m. by Mayor Spellman.

2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, and Moates.

Absent: Alderman Torres

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, 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 stated there was one revision made: added Holiday and Annual Bonus to the City Manager Reports.

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 stated no one had signed up for public comments.

6. APPROVAL OF
MINUTES

October 22, 2014 and November 5, 2014.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve the Minutes of both meetings as presented.

MOTION PASSED

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

7. PUBLIC HEARINGS:

A. CB23, An Ordinance
Approving a Mutual Aid
Agreement Between the
City of Black Hawk and
the Gilpin Ambulance
Authority

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann stated that this was a standard form of memorialization of the relationship between the Black Hawk Fire Department and the Gilpin Ambulance Authority.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB23, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Gilpin Ambulance Authority 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 Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve Ordinance 2014-23, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Gilpin Ambulance Authority.

MOTION PASSED

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

B. CB24, An Ordinance
Amending the Black
Hawk Municipal Code
by the Addition thereto
of a New Section 2-134
Concerning the Creation
of a Violations Bureau

Mayor Spellman read the title and opened the public hearing.

Police Chief Cole said that the Police Department and Municipal Court were looking for ways to streamline operations to reduce work load in the court and to better serve the public. He said they have identified several minor violations for first time offenders that could better be served through a penalty assessment with a fee structure, than having to appear in court.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB24, An Ordinance Amending the Black Hawk Municipal Code by the Addition thereto of a New Section 2-134 Concerning the Creation of a Violations Bureau 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 Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Ordinance 2014-24, An Ordinance Amending the Black Hawk Municipal Code by the Addition thereto of a New Section 2-134 Concerning the Creation of a Violations Bureau.

MOTION PASSED

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

C. CB25, An Ordinance Amending Section 304 of the City of Black Hawk Employee Handbook

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner explained that Council’s earlier decision to change from Columbus Day Holiday to an Employee Birthday Holiday had created an unforeseen issue of having to pay premium pay if the employee is required to work on that day. Staff is recommending changing the Employee Birthday Holiday to a regular Floating Holiday, which will save the City money, yet still allow the employee to take their full 8 hours off.

City Manager Lewis told Council that he will be looking at all the holidays from a Manager’s and Employee’s perspective and come back to Council with future recommendations.

Mayor Spellman noted a gender specific description on the first page, last paragraph. Staff will make the change.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB25, An Ordinance Amending Section 304 of the City of Black Hawk Employee Handbook

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 Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Ordinance 2014-25, An Ordinance Amending Section 304 of the City of Black Hawk Employee Handbook, noting the one correction.

MOTION PASSED

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

8. ACTION ITEMS:

D. Resolution 82, A Resolution Approving the License Agreement Between the City of Black Hawk and Edward E. Smith, Shirley J. Smith, Sherell J. Smith, Gregory Street LLC, and Smithloch LLC, as Owners of the Properties located at 125, 131, 135, and 141 Gregory Street (Recommend Tabling Indefinitely)

Mayor Spellman noted the recommendation to table the public hearing indefinitely until the applicant is ready to move forward.

MOTION TO TABLE INDEFINITELY

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to table this agenda item indefinitely.

MOTION PASSED

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

E. Resolution 88, A Resolution Making Findings of Fact in Support of the Decision to Deny the Appeal of the Decision by the Community Planning and Development

Administrator Regarding
101 Hillside Street

Mayor Spellman read the title.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 88, A Resolution Making Findings of Fact in Support of the Decision to Deny the Appeal of the Decision by the Community Planning and Development Administrator Regarding 101 Hillside Street.

MOTION PASSED

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

F. Resolution 89, A
Resolution Making
Findings of Fact in
Support of the Decision
to Deny the Appeal of
the Decision by the
Community Planning
and Development
Administrator Regarding
171 Marchant Street

Mayor Spellman read the title.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 89, A Resolution Making Findings of Fact in Support of the Decision to Deny the Appeal of the Decision by the Community Planning and Development Administrator Regarding 171 Marchant Street.

MOTION PASSED

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

G. Resolution 90, A
Resolution Adopting
and Entering into the
Trust Agreement for
the Colorado Firefighter
Health and Circulatory
Benefits Trust and
Taking Other Actions
in the Connection
Therewith

Mayor Spellman read the title.

City Manager Lewis recommended tabling this item until the December 10 meeting as there were still some outstanding details that Colorado Municipal League (CML) is working on.

City Attorney Hoffmann noted that this was a requirement by the State for the City to provide this benefit and then be reimbursed through the Department of Local Affairs (DOLA).

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Moates to table Resolution 90, A Resolution Adopting and Entering into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and Taking Other Actions in the connection Therewith to the December 10, 2014 meeting.

MOTION PASSED

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

H. Resolution 91, A Resolution Approving the Restructuring of the Information Technology Division and Approving the Associated Job Description

Mayor Spellman read the title.

Finance Director Hillis explained that after much research it was clear that the existing title of Network Administrator did not correlate with surveyed cities or with the duties this position oversees. Staff has recommended a title of IT Manager along with a new job description.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 91, A Resolution Approving the Restructuring of the Information Technology Division and Approving the Associated Job Description

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Lewis had a request from the Fire Department to ask for Council approval to dispose of some outdated fitness equipment. A **MOTION** was made by Alderman Johnson to approve the request, **SECONDED** by Alderman Bennett, and approved unanimously.

Lewis said the auditors like to see a motion for the Holiday bonus and annual bonus for employees since these expenditures fall under Council's budget. A **MOTION** was made by Alderman Moates to approve an annual Holiday bonus of \$300 for boards, commission staff and employees and for an annual bonus of 3% for all Black Hawk

working staff, **SECONDED** by Alderman Johnson, and approved unanimously.

Lewis reminded Council there were two meetings scheduled in December on the 3rd and 10th. He suggested cancelling the 3rd if there was no need from the Council to meet. A **MOTION** was made by Alderman Bennett to cancel December 3, 2014 Regular Council Meeting, **SECONDED** by Alderman Moates, and approved unanimously.

Lastly, Lewis informed Council of a survey being conducted by Fire Chief Taylor, who is also the City's Emergency Operations Manager. In preparing his Emergency Operations Plan, Taylor is requesting some data. The surveys were handed out to Council with the request to return to Chief Taylor.

10. CITY ATTORNEY: City Attorney Hoffmann informed Council that he had received a recorded copy of the final rule and order related to the Burton property.

OTHER BUSINESS: Alderman Midcap brought up the residential holiday light contest that the City used to have and asked for Council feedback to reinstate it. Discussion ensued around previous problems the City encountered to other forms of incentives rather than money. A straw poll was taken, and Council was not for reinstating it at this time. It was suggested that different ideas could be considered in advance for next year.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item numbers 1 and 5 for Executive Session.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:35 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 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 4:30 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 4:30 p.m.



Melissa Greiner
City Clerk



David D. Spellman
Mayor

