



**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 Armbricht, 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 Armbricht **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 Armbricht 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.

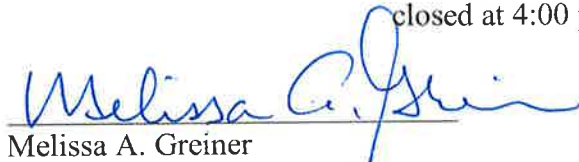
**MOTION TO
ADJOURN**

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.


Melissa A. Greiner
City Clerk


David D. Spellman
Mayor

