



**City of Black Hawk  
City Council**

**April 8, 2015**

**MEETING MINUTES**

Street Maintenance Worker Edgar Espinosa rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, April 8, 2015 at 3:00 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, Fire Chief Taylor, City Clerk/Administrative Services Director Greiner, Police Chief Cole, Public Works Director Isbester, Street Superintendent Mike Schaller, Street Maintenance Workers Michael Ludivig and Edgar Espinosa, 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 noted that items 9G and 9H have been recommended for continuation until Council's next meeting on April 22, 2015.

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: Street Superintendent Schaller introduced the newest additions to the Public Works Streets crew, which now completes the crew. Michael Ludivig and Edgar Espinosa were both warmly welcomed.

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

7. APPROVAL OF MINUTES March 25, 2015.

**MOTION TO APPROVE** Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

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

8. PUBLIC HEARINGS:

**A. CB9, An Ordinance Approving the Disconnection of Certain Property from the City of Black Hawk**

Mayor Spellman read the title and opened the public hearing.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB9, An Ordinance Approving the Disconnection of Certain Property from the City of Black Hawk 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 that this was one of the final steps in the Property Exchange Agreement between the City of Black Hawk and the Quartz Valley Ranch Company. Hoffmann said the Gilpin County Commissioners will hear the land use application on April 21 and the closing is scheduled for April 22. If approved, this Ordinance will not be effective until after the closing, once it is recorded with Gilpin County Clerk and Recorder’s Office.

**MOTION TO APPROVE** Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve CB9, An Ordinance Approving the Disconnection of Certain Property from the City of Black Hawk.

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

**B. CB10, An Ordinance Amending the City of Black Hawk Employee Handbook**

Mayor Spellman read the title and opened the public hearing.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB10, An Ordinance Amending 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.

City Clerk/Administrative Services Director Greiner explained the requested change to how the City calculates the market adjustment. She said that normally the City would take the mid-point average from survey cities; staff is proposing to take the minimum averages instead.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve CB10, An Ordinance Amending the City of Black Hawk Employee Handbook.

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

**C. CB11, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Clear Creek Fire Authority**

Mayor Spellman read the title and opened the public hearing.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB11, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Clear Creek Fire 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.

Fire Chief Taylor introduced this item. He said this Ordinance would formalize an agreement that is already in place with Clear Creek Fire Authority. Taylor confirmed that this would not affect the City of Black Hawk’s coverage in the case of an emergency.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve CB11, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Clear Creek Fire Authority.

**MOTION PASSED**

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

**D. CB12, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, the City of Central, and the Timberline Fire Protection District Regarding the Use of Certain Equipment**

Mayor Spellman read the title and opened the public hearing.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB12, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, the City of Central, and the Timberline Fire Protection District Regarding the Use of Certain Equipment 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.

Fire Chief Taylor explained that Timberline Fire Protection District had received a grant from the North Central All-Hazards Region for an air and light support unit, which is a 20’ trailer with the ability to refill air packs and provide a light tower on the scene of a major incident for safety. The grant requires it to be available to all agencies within the County, and in order to do so an IGA must be approved.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve CB12, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, the City of Central, and the Timberline Fire Protection District Regarding the Use of Certain Equipment.

**MOTION PASSED**

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

**9. ACTION ITEMS:**

**E. Resolution 29, A Resolution Approving the Contract to Buy and Sell Real Estate Between the City of Black Hawk as Buyer and the Blake Family LLC and the Bobtail Tunnel LLC Collectively as the Seller**

Mayor Spellman read the title.

City Manager Lewis explained that this contract is to purchase all of the Blake holdings (property and mineral rights) in Gilpin County, except for their personal residences and the Polar Star Mill. He said this is a huge opportunity for the City and probably the largest historic purchase ever contemplated. Mayor Spellman added arguably, the most historic mining sites in Colorado. Lewis noted it also includes the old fire hose cart currently housed at the museum in Central City. The closing is scheduled for May, and the majority of the funds are coming from the Historic Preservation Fund, in addition to the General Fund. Council congratulated staff and Lewis noted that the majority of the credit should be given to City Attorney Hoffmann.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 29, A Resolution Approving the Contract to Buy and Sell Real Estate Between the City of Black Hawk as Buyer and the Blake Family LLC and the Bobtail Tunnel LLC Collectively as the Seller.

**MOTION PASSED**

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

**F. Resolution 30, A Resolution Approving the Agreement of Lease Between the City of Black Hawk and I'll Make You Famous Tattoos, LLC**

Mayor Spellman read the title.

Finance Director Hillis introduced the lease for 430 Gregory Street in Mountain City.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 30, A Resolution Approving the Agreement of Lease Between the City of Black Hawk and I'll Make You Famous Tattoos, LLC.

**MOTION PASSED**

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

**G. Resolution 31, A Resolution Approving the Addition of a New Position Within the Black Hawk Fire Department**

**H. Resolution 32, A Resolution Adopting the 2015 City of Black Hawk Fire Department Fee Schedule for Inspections and Plan Review**

Mayor Spellman noted staff's recommendation to continue agenda items 9(G) and 9(H) to the April 22, 2015 meeting.

**I. Resolution 33, A Resolution Authorizing the Sale of Certain City of Black Hawk Merchandise**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner stated that in an effort to control costs, the City has opened wholesale accounts with vendors. She said a condition of the wholesale agreements is to offer the merchandise for resale to the public. The items will be available for sale in the Clerk's office, and of course, can still be given away at the direction of Council.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 33, A Resolution Authorizing the Sale of Certain City of Black Hawk Merchandise.

**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 item numbers 2 and 5 for Executive Session, in regards to Fire Department staffing, pending litigation, potential legislation, and the City's Grant 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 4:40 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 4:40 p.m.



Melissa A. Greiner  
City Clerk



David D. Spellman  
Mayor

