



**City of Black Hawk  
City Council**

**January 14, 2015**

**MEETING MINUTES**

Historic Preservation Commissioner Patti Torres rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, January 14, 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, 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 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: Police Chief Cole introduced Officer Kyle Bacon and Dispatcher Lisa Hebertson. Public Works Director Isbester introduced new Facilities Worker Shane McCuller. They all received a warm welcome.

6. PUBLIC COMMENTS: Deputy City Clerk Martin stated no one had signed up for public comments.

7. APPROVAL OF MINUTES

December 10, 2014. Mayor Spellman wanted to clarify Council's decision on Resolution 100-2014. Their intent was to pay for the entire plaque, as well as the monument itself.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve and amend the Minutes of December 10, 2014 to reflect the clarification. The motion was approved by a vote of 5-1 with Alderman Moates abstaining.

**MOTION PASSED**

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

8. PUBLIC HEARINGS:

**A. CB1, An Ordinance Amending the Black Hawk Municipal Code by the Addition Thereto of a New Section 10-144.7, Prohibiting the Use of Flammable Gas to Extract THC**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann discussed the significant explosion that happened recently in unincorporated Gilpin County, which led the City to consider having this restriction in place. Alderman Torres asked if the City could restrict this further for non-residential and Hoffmann replied that this specifically mirrors state law and a non-residential structure would come under local land use law.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB1, An Ordinance Amending the Black Hawk Municipal Code by the Addition Thereto of a New Section 10-144.7, Prohibiting the Use of Flammable Gas to Extract THC 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 Moates **MOVED** and was **SECONDED** by Alderman Torres to approve CB1, An Ordinance Amending the Black Hawk Municipal Code by the Addition Thereto of a New Section 10-144.7, Prohibiting the Use of Flammable Gas to Extract THC.

**MOTION PASSED**

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

**B. CB2, An Ordinance Approving the Intergovernmental Agreement Between the City of Black Hawk and the Gilpin Ambulance Authority Regarding Maintenance of the Authority's Ambulances**

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester introduced the item. This was an annual renewal and it went up in price by \$2.00/hour.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB2, An Ordinance Approving the Intergovernmental Agreement Between the City of Black Hawk and the Gilpin Ambulance Authority Regarding Maintenance of the Authority's Ambulances 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 Armbright to approve CB2, An Ordinance Approving the Intergovernmental Agreement Between the City of Black Hawk and the Gilpin Ambulance Authority Regarding Maintenance of the Authority's Ambulances.

**MOTION PASSED**

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

**C. CB3, An Ordinance Amending the City of Black Hawk Employee Handbook**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner explained the two parts of this ordinance: one was to amend the Employee Handbook from Council's December 10 meeting, where Veteran's Day was pulled from the Holiday Schedule and replaced with an 8 hour Floating Holiday; and the second was to amend the Handbook regarding employee personal appearance and dress code.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB3, 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.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve CB3, An Ordinance Amending the City of Black Hawk Employee Handbook.

**MOTION PASSED**

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

9. ACTION ITEMS:

**D. Introduction of an Ordinance amending the International Building Code, 2012 Edition, and the International Existing Building Code, 2012 Edition, as Adopted by the City of Black Hawk, by the addition Thereto of a new Sub-Section 18-5 (24) of the Black Hawk Municipal Code regarding Elevators**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained the introduction of this ordinance for Council’s consideration to adopt the most current code available. The state adopts newer codes every few years and this allows the city to adopt the code by reference.

City Attorney Hoffmann explained the process to adopt a code by reference as per the state. He acknowledged that the public notices have been published.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to authorize the introduction of an Ordinance amending the International Building Code, 2012 Edition, and the International Existing Building Code, 2012 Edition, as Adopted by the City of Black Hawk, by the addition Thereto of a new Sub-Section 18-5 (24) of the Black Hawk Municipal Code regarding Elevators and set the public hearing to January 28, 2015.

**MOTION PASSED**

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

**E. Resolution 1, A Resolution Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that this designation is required at the beginning of each year.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 1, A Resolution Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law.

**MOTION PASSED**

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

**F. Resolution 2, A Resolution Making Ratifying Findings of Fact in Support of the Decision to Grant a Retail Marijuana Store License to 5B1S, LLC dba 1859**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained this was a final requirement as per Ordinance 2014-10.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 2, A Resolution Making Ratifying Findings of Fact in Support of the Decision to Grant a Retail Marijuana Store License to 5B1S, LLC dba 1859.

**MOTION PASSED**

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

**G. Resolution 3, A Resolution Ratifying the Phone Poll Approving the Contract with Pinnacol Assurance for Worker's Compensation Insurance**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that the quote from Pinnacol came in late and did not make it on the last meeting agenda of the year, it became effective as per January 1, 2015 from a phone poll, and this resolution ratifies that decision.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 3, A Resolution Ratifying the Phone Poll Approving the Contract with Pinnacol Assurance for Worker's Compensation Insurance.

**MOTION PASSED**

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

**H. Resolution 4, A Resolution Ratifying the Phone Poll Approving the Adoption and Entrance into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and Taking Other Actions in Connection Therewith**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained the discussion late last year to go with a private insurance carrier in order to comply with Senate Bill 1472, as opposed to the Trust Agreement. DOLA has now decided that they could not reimburse this option, so the Trust is now the only option for compliance.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 4, A Resolution Ratifying the Phone Poll Approving the Adoption and Entrance into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and Taking Other Actions in Connection Therewith.

**MOTION PASSED**

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

**I. Resolution 5, A Resolution Approving the Boundary Line Agreement Between the City of Black Hawk and Smithloch, Inc., Block 29, Lot 1**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained the application. The city was first contemplating a license agreement for the applicant's building encroaching on city property, but after further consideration, the applicant asked if the city would consider a boundary line adjustment instead.

City Attorney Hoffmann wanted to clarify that the reason for the encroachment was that the building was built off of a different survey than the Albert Johnson survey adopted in 1998 by the city as the official survey. The different surveys are the cause of the discrepancy.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 5, A Resolution Approving the Boundary Line Agreement Between the City of Black Hawk and Smithloch, Inc., Block 29, Lot 1.

**MOTION PASSED**

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

**J. Resolution 6, A Resolution Approving the Property Exchange Agreement with Quartz Valley, LLC**

Mayor Spellman read the title.

Public Works Director Isbester explained the agreement, which has been over a year in the making. There was some discussion on various aspects of the proposal.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 6, A Resolution Approving the Property Exchange Agreement with Quartz Valley, LLC.

**MOTION PASSED**

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

**K. Resolution 7, A Resolution Appointing Two New Regular Members to the City of Black Hawk Historic Preservation Commission**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that two commissioners, Terry Peterson and Richard Smith, have resigned, and over the past month she has received two letters of interest from Lynnette Hailey and Thomas Gish to fill those positions. Linker is recommending that Council appoint these two individuals to take over the four year terms left open. Plaques have been made for Terry Peterson, who already picked his up, and Richard Smith, who will be added to an agenda for presentation.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 7, A Resolution Appointing Two New 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 item numbers 1, 2 and 5 for Executive Session.

**MOTION TO  
ADJOURN INTO  
EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 3:30 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), 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 4:53 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 4:53 p.m.

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Melissa Greiner  
City Clerk

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David D. Spellman  
Mayor