



**City of Black Hawk
City Council**

November 11, 2015

MEETING MINUTES

Marine Corps Veteran and Alderman Paul Bennett rang the bell on this Veteran's Day Holiday.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, November 11, 2015, at 3:00 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Community Planning and Development Administrator Linker, Baseline Consultant Vince Harris, Finance Director Hillis, Public Works Director Isbester, Fire Chief Taylor, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance and asked for a moment of silence to reflect on those who have served our country and for those who are still serving.

3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed there were no agenda changes.

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 confirmed that no one had signed up to speak.

6. APPROVAL OF
MINUTES

October 28, 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.

7. PUBLIC HEARINGS:

A. CB 24, An Ordinance Vacating Certain Municipally Owned Tract and Certain Right-of-Way Subject to the Reservation of Easements Thereunder

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Vince Harris explained the proposal to vacate platted Tract B of Monarch Casino Filing No. 1 and a portion of Main Street Right-of-Way for the Monarch Casino to install underground tanks for grease and oil separators. Monarch Casino will need to utilize this property above ground as well for maintenance and inspection of these underground facilities.

City Attorney Hoffman stated for the record that none of the City of Black Hawk's rights are changing; all the rights the City had before, they will still have after this approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB24, An Ordinance Vacating Certain Municipally Owned Tract and Certain Right-of-Way Subject to the Reservation of Easements Thereunder 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 CB24, An Ordinance Vacating Certain Municipally Owned Tract and Certain Right-of-Way Subject to the Reservation of Easements Thereunder.

MOTION PASSED

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

B. Resolution 71, A Resolution Adopting a Three Mile Plan for the City of Black Hawk

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffman said this item does not require a public hearing, yet it is required to be updated prior to hearing the following Ordinances CB25 through CB35 for annexation. He said as per state statute the City is to have updated, at least once annually, their three-mile plan when it comes to annexing property. The original Intergovernmental Agreement with the City of Central, County of Gilpin and Black Hawk-Central City Sanitation District is dated September 29, 1999.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to Approve Resolution 71, A Resolution Adopting a Three Mile Plan for the City of Black Hawk.

MOTION PASSED

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

- C. CB 25, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 1 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- D. CB 26, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 2 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- E. CB 27, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 3 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- F. CB 28, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 4 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- G. CB 29, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 5 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- H. CB 30, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 6 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- I. CB 31, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 7 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- J. CB 32, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 8 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**

- K. CB 33, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 9 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- L. CB 34, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 10 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- M. CB 35, An Ordinance Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 11 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**

Mayor Spellman combined agenda items 7C through 7M, read the titles and opened the public hearing.

Baseline Consultant Harris explained that more acreage was acquired in the Quartz Valley/Maryland Mountain area to fill in various gaps since the last annexations of this area back in April of 2013. Harris pointed out that the City of Black Hawk is the sole owner of these eleven (11) parcels and each annexation individually meets state standards for contiguity.

City Attorney Hoffmann confirmed these parcels are municipally owned property and, because of that, just a public hearing was required; a courtesy notice was sent to the City of Central and the County of Gilpin with no comments received back.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Ordinances 25 through 35 Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 1 through Annexation No. 11 of Contiguous Unincorporated City-Owned Property Located in Gilpin County 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 Moates to Approve Ordinances 25 through 35 Approving and Accomplishing the Annexation of Quartz Valley/Maryland Mountain 2015 Annexation No. 1 through Annexation No. 11 of Contiguous Unincorporated City-Owned Property Located in Gilpin County.

MOTION PASSED

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

N. CB 36, A Bill for an Ordinance Zoning Certain City-Owned Property (Quartz Valley/Maryland Mountain 2015 Annexation Parcels) to the HARD – History Appreciation Recreation Destination District

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris first wanted to compliment Doug Lancaster of CCS Consultants for conducting the research and pulling together all the plats for the last agenda items. Harris said the City is now required to zone those parcels after annexing. He said the current zoning is the HARD District, and staff recommends the initial zoning of these 11 annexations to also be in the HARD District.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Ordinance 36, A Bill for an Ordinance Zoning Certain City-Owned Property (Quartz Valley/Maryland Mountain 2015 Annexation Parcels) to the HARD – History Appreciation Recreation Destination District 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 Armbricht to Approve Ordinance 36, A Bill for an Ordinance Zoning Certain City-Owned Property (Quartz Valley/Maryland Mountain 2015 Annexation Parcels) to the HARD – History Appreciation Recreation Destination District.

MOTION PASSED

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

O. CB 37, An Ordinance Repealing Section 10-133 of the Black Hawk Municipal Code

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained some recent case law that potentially views panhandling ordinances as being unconstitutional and a violation under the First Amendment Right. He went on to say that in no way does repealing this ordinance prevent police from enforcing other code violations.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Ordinance 37, An Ordinance Repealing Section 10-133 of the Black Hawk Municipal Code 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 Moates to Approve Ordinance 37, An Ordinance Repealing Section 10-133 of the Black Hawk Municipal Code.

MOTION PASSED

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

P. CB 38, An Ordinance Amending Section 4-175 of the Black Hawk Municipal Code Regarding Imposition of the Transportation Device Fee

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that this was a clean-up to reflect the current structure for computing the Transportation Device fee based on the City's current practice and the need to have it done before the end of year.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Ordinance 38, An Ordinance Amending Section 4-175 of the Black Hawk Municipal Code Regarding Imposition of the Transportation Device Fee 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 Midcap to Approve Ordinance 38, An Ordinance Amending Section 4-175 of the Black Hawk Municipal Code Regarding Imposition of the Transportation Device Fee.

MOTION PASSED

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

Q. CB 39, An Ordinance Amending Section 4-177 by the Addition Thereto of a New Subsection (c) Providing that the City of Black Hawk Transportation Device Fee Trust Fund is and shall be Operated as an Enterprise Fund within the meaning of Colorado Law

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that the City, under the current code, already operates the transportation fund as a separate fund. This Ordinance is a clean-up to confirm the fund is to be operated as an

enterprise fund, much like a business where revenues and expenses need to off-set one another. He said this is part of the framework and structure for the future IGA with the City of Central for transportation, so that it is a self-sufficient fund.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Ordinance 39, An Ordinance Amending Section 4-177 by the Addition Thereto of a New Subsection (c) Providing that the City of Black Hawk Transportation Device Fee Trust Fund is and shall be Operated as an Enterprise Fund within the meaning of Colorado Law 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 39, An Ordinance Amending Section 4-177 by the Addition Thereto of a New Subsection (c) Providing that the City of Black Hawk Transportation Device Fee Trust Fund is and shall be Operated as an Enterprise Fund within the meaning of Colorado Law.

MOTION PASSED

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

R. 2016 Proposed Budget

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann said this public hearing meets the requirement, under the local government budget law, to make the proposed budget available to the public for their opportunity to comment on it. A work session is scheduled for November 18.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on the 2016 Proposed Budget 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.

8. ACTION ITEMS:

S. Resolution 72-2015, A Resolution Approving a Professional Service Agreement with FileHold Systems, Inc. for Document Management Software

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner stated that under the 2015 budget work session meeting, Council approved the Clerk's office to purchase a Document Management Software System. She explained the many benefits of the FileHold system and the exhaustive search process that led up to choosing them. This system will replace the current Windows based filing system and allow read and print capabilities to all departments.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 72-2015, A Resolution Approving a Professional Service Agreement with FileHold Systems, Inc. for Document Management Software.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

Finance Director Hillis asked for approval of the \$300 holiday bonus for staff, HPC, and Council members, as well as the 2015 annual bonus, both of which were budgeted in 2015. A motion to approve was made by Alderman Bennett, and seconded by Alderman Moates.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 2 and 5 for Executive Session, specific legal issue relates to potential policy revisions.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:27 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant 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 4:05 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 4:05 p.m.



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

