



**City of Black Hawk
City Council**

January 11, 2023

MEETING MINUTES

Fire Chief Chris Woolley rang the bell to open the year's first meeting.

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, January 11, 2023 at 3:00 p.m.

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

Staff Present: City Attorney Hoffmann, City Manager Cole, Police Chief Moriarty, Fire Chief Woolley, Fire Marshal Walsh, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, City Engineer Reed, Community Planning & Development Director Linker, Development Services Coordinator Richards, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: City Attorney Hoffmann noted a change to the Executive Session language on the agenda to add holding 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) regarding City-owned land in the Gregory Street Hard District and regarding potential legislation.

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. City Council noted no conflicts.

City Attorney Hoffmann asked the audience if there were any objections to any member of the Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. PUBLIC COMMENT: Deputy City Clerk Martin confirmed that Bob Sweeney had signed up to speak under agenda item 7A.

6. APPROVAL OF
MINUTES: December 7, 2022 Special Meeting

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

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

7. PUBLIC HEARINGS:

A. CB1, An Ordinance Amending Article VIII of Chapter 1 of the Black Hawk Municipal Code Regarding the Official Newspaper of the City of Black Hawk

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner introduced this item to remove reference to the Gilpin County News, which is no longer in existence, to remove The Mountain-Ear, which is not published in Gilpin County, and to name the Weekly Register-Call (WRC) as the official newspaper for publication of the City's legal notices.

City Attorney Hoffmann confirmed the above and added that The Mountain-Ear does not hold a United States Postal Service Periodical Permit within Gilpin County. He referenced the state law definition of a newspaper and the requirements. The WRC is the only paper that meets the requirements.

Mayor Spellman stated that besides the legal requirements noted, using the WRC maintains community continuity of public interest and community continuity of public notice since most governmental entities and districts in Gilpin County use the WRC, such as the City of Black Hawk, the City of Central, Black Hawk Central Sanitation District, Gilpin RE-1 School District, Gilpin Ambulance Authority, Silver Dollar Metropolitan District, Central City Business Improvement District, and Miners Mesa Metropolitan District. He went on to say there is also historical community continuity, with the WRC being a Gilpin County Newspaper published since 1862, and he feels that Gilpin County and the County Commissioners have now severed its community continuity by selecting a newspaper outside of Gilpin County published in a suburb of Boulder County. He said this Ordinance reinforces that the WRC is part of the community continuity by having a local publication carrying the public notices for many other entities within the county.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB1, an Ordinance amending Article VIII of Chapter 1 of the Black Hawk Municipal Code regarding the official newspaper of 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 wished to speak, and Mayor Spellman declared the Public Hearing closed.

Bob Sweeney, Publisher of the WRC, wished to thank the Mayor, City Attorney, and all of the Council for their support. He said that history smacked him in this room and was grateful and refreshed to have the support.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve CB1, an Ordinance amending Article VIII of Chapter 1 of the Black Hawk Municipal Code regarding the official newspaper of the City of Black Hawk.

MOTION PASSED

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

B. CB2, An Ordinance Amending Section 212 and Section 305 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 the changes in response to labor market challenges to allow hiring managers a larger salary range when making offers for employment, along with the City Manager’s approval. Also, she said the holiday pay is being updated to match our 10-hour work day from 8 hours.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB2, an Ordinance amending Section 212 and Section 305 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 wished to speak, and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve CB2, an Ordinance amending Section 212 and Section 305 of the City of Black Hawk Employee Handbook.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 1-2023, A Resolution Establishing a Designated Public Place for Posting of Meeting Notices Pursuant to C.R.S. § 24-6-402(2)(c)

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this annual housekeeping item, required pursuant to statute.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 1-2023, a Resolution establishing a designated public place for posting of meeting notices pursuant to C.R.S. § 24-6-402(2)(c).

MOTION PASSED

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

B. Resolution 2-2023, A Resolution Approving Certain Service Agreements for Calendar Year 2023 (Community Planning & Development)

Mayor Spellman read the title.

Community Planning & Development Director Linker requested approval of Professional and Personal Services Agreements for on-call consultants that her department will work with during 2023.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 2-2023, a Resolution approving certain service agreements for calendar year 2023 (Community Planning & Development).

MOTION PASSED

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

C. Resolution 3-2023, A Resolution Approving the City of Black Hawk Fee Schedule, as Amended

Mayor Spellman read the title.

Community Planning & Development Director Linker recommended changes to the City's Fee Schedule based on discussions with their consultants while finalizing on-call agreements. They requested the fees be structured differently. She said one small change in the Building Fee section related to larger projects: if they exceed the timeline, they are charged per inspection fee, which may help projects stay on schedule.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 3-2023, a Resolution approving the City of Black Hawk Fee Schedule, as amended.

MOTION PASSED

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

D. Resolution 4-2023, A Resolution Appointing Chris Woolley and Ratifying the Appointment of Lynnette Hailey as Members of the Board of Directors of the Gilpin Ambulance Authority

Mayor Spellman read the title.

City Attorney Hoffmann amended the Resolution to add an alternate member, Police Chief Michelle Moriarty. He provided the background when the Intergovernmental Agreement was originally put together, which gave the three members the authority to determine, as they deemed appropriate, how to and who to appoint as members to the Gilpin Ambulance Authority (GAA) Board of Directors. The City is recommending appointing Fire Chief Chris Woolley and ratifying the appointment of District Manager Lynnette Hailey of the Silver Dollar Metro District, which was made at the beginning of last year. The terms are no longer staggered and are three-year terms.

Mayor Spellman wished to thank Jim Johnson, former President of the GAA, for his 12 years of service, with a round of applause.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 4-2023, a Resolution appointing Chris Woolley and ratifying the appointment of Lynnette Hailey as members of the Board of Directors of the Gilpin Ambulance Authority, and with the addition of Police Chief Moriarty as an alternate member.

MOTION PASSED

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

E. Resolution 5-2023, A Resolution Approving the Purchase of an Enforcer Fire Engine, Stock #39702, from Pierce Manufacturing, Inc. in the Amount of \$953,605.00

Mayor Spellman read the title.

Fire Chief Woolley explained the typical process of maintaining a fire apparatus fleet. Typically, he said, there is a 10-year front-line apparatus plan and 10 years in reserve for a total of 20 years. He said the current front-line truck is from 2012, and a few others have exceeded their reserve, one of which is the ladder truck that now needs a new \$40,000

pump. He added that COVID-19 disrupted the plans to order a new fire engine in 2020 for delivery in 2022. He said Captain Schaller found a stock unit on the assembly line right now that could be delivered sometime in April or May, which meets their needs and reduces the amount of time to have to wait for a new truck, which could be anywhere from 24-40 months due to supply chain delays. He noted that it is a first come, first serve purchase, so he is anxious for approval.

There was discussion and concern about the retirement of the ladder truck. Chief Woolley said that fire suppression systems are so high-tech nowadays that there is no need to rely on a 75' ladder truck anymore, plus the use of it over its 26-year span does not justify the need to purchase a new one, and the City will save over \$40,000 on its repair. It will be sold at auction.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 5-2023, a Resolution approving the Purchase of an Enforcer Fire Engine, Stock #39702, from Pierce Manufacturing, Inc. in the Amount of \$953,605.00.

MOTION PASSED

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

**9. CITY MANAGER
REPORT:**

City Manager Cole had nothing to report.

**10. CITY ATTORNEY
REPORT:**

City Attorney Hoffmann had nothing to report.

**11. EXECUTIVE
SESSION:**

City Attorney Hoffmann recommended item number 2 only for Executive Session and reiterated from the Agenda Changes section at the beginning of the meeting; it is regarding City-owned land in the Gregory Street Hard District and potential legislation

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres 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).

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 3:50 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 adjourned at 3:50 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

