



**City of Black Hawk
City Council**

December 7, 2022

SPECIAL MEETING MINUTES

Alderman Paul Bennett had the honor of ringing the bell for the last time in 2022 to open the meeting. Alderman Bennett just celebrated his 85th birthday.

1. CALL TO ORDER: Mayor Spellman called the special meeting of the City Council to order on Wednesday, December 7, 2022 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, Police Commanders Cooper and Jantz, Fire Chief Woolley, Fire Marshal Walsh, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, City Engineer Reed, Community Planning and Development Director Linker, Development Services Coordinator Richards, SAFEbuilt Building Consultant Wester, and Deputy City Clerk Martin.

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

Mayor Spellman asked for everyone to remain standing for a moment of silence on behalf of Gilpin County Commissioner Web Sill, who recently passed away on November 29, 2022; he added that he was a true friend to the City of Black Hawk.

3. AGENDA CHANGES: Mayor Spellman said there would be an additional agenda item added after the action items regarding team member gifts.

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 no one had signed up to speak.

6. APPROVAL OF
MINUTES: November 9, 2022

**MOTION TO
APPROVE** Alderman Bennett **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. CB25, An Ordinance Repealing Article II of Chapter 18 and Repealing and Reenacting Article I of Chapter 18 of the City of Black Hawk Municipal Code to Adopt By Reference the International Building Code, 2021 Edition; the International Fire Code, 2021 Edition; the International Residential Code for One and Two Family Dwellings, 2021 Edition; the International Mechanical Code, 2021 Edition; the International Plumbing Code, 2021 Edition; the International Energy Conservation Code, 2021 Edition; the International Existing Building Code, 2021 Edition; the International Fuel Gas Code, 2021 Edition; the International Swimming Pool and Spa Code, 2021 Edition, the International Property Maintenance Code, 2021 Edition, Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, ICC/ANSI A117.1 American National Standard – Accessible and Usable Buildings and Facilities, Most Current Edition; ASME A17.1-2019/CSA B44-19 American National Standard Safety Code for Elevators and Escalators, Most Current Edition Adopted by the State of Colorado; the National Electrical Code, Most Current Edition Adopted by the State of Colorado; and Making Specific Amendments to the Above Referenced Codes and Providing Penalties for Violations of the Ordinance

Mayor Spellman read the Ordinance number and opened the public hearing.

Community Planning and Development Director Linker introduced this second reading of the Ordinance to adopt the codes collectively known as the International Code, 2021 Edition.

PUBLIC HEARING: Mayor Spellman declared Public Hearing on CB25 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 Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve CB25, an Ordinance repealing Article II of Chapter 18 and repealing and reenacting Article I of Chapter 18 of the City of Black Hawk Municipal Code to adopt by reference the International Building Code, 2021 Edition; the International Fire Code, 2021 Edition; the International Residential Code for One and Two Family Dwellings, 2021 Edition; the International Mechanical Code, 2021 Edition; the International Plumbing Code, 2021 Edition; the International Energy Conservation Code, 2021 Edition; the International Existing Building Code, 2021 Edition; the International Fuel Gas Code, 2021 Edition; the International Swimming Pool and Spa Code, 2021 Edition, the International Property Maintenance Code, 2021 Edition, Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, ICC/ANSI A117.1 American National Standard – Accessible and Usable Buildings and Facilities, most current edition; ASME A17.1-2019/CSA B44-19 American National Standard Safety Code for Elevators and Escalators, most current edition adopted by the State of Colorado; the National Electrical Code, most current edition adopted by the State of Colorado; and making specific amendments to the above referenced codes and providing penalties for violations of the Ordinance.

MOTION PASSED

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

B. 2023 Budget Adoption

- I. Resolution 69-2022, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the City of Black Hawk, Colorado, for the Calendar Year Beginning on the First Day of January 2023 and Ending on the Last Day of December 2023, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth Within the Attached 2023 Budget**
- II. CB26, An Ordinance Levying General Property Taxes for the Year 2022 to Help Defray the Costs of Government for the City of Black Hawk, Colorado for the 2023 Budget Year**

Mayor Spellman read the titles and opened the public hearings.

Finance Director Hillis introduced these items and said there were a few minor changes from the work session, such as reducing the device fee revenue expected for 2023 by \$210,000 based on the last few months of numbers coming in and the City's contribution to the Gilpin Ambulance Authority due to the additional Gaming Impact Grant funding, which also

reduced the revenue from the Silver Dollar Metro District.

Mayor Spellman recommended two changes in the Mayor & Council budget: an increase in the Scholarship Fund to \$2,200/year from \$1500/year and an increase to Charlie's Place Shelter to \$9,000/year from \$6,000/year. He said it had been quite some time since the City had increased these amounts and recommended that Mr. Hillis come up with a plan, so we don't fall behind and move with the pace of inflation. Council agreed, and Mr. Hillis said he would make those changes.

Finance Director Hillis then confirmed that the City maintained its .036 mills as there was no change to the assessed value from the previous year.

PUBLIC HEARING:

Mayor Spellman declared Public Hearings on Resolution 69-2022, a Resolution summarizing expenditures and revenues for each fund and adopting a budget for the City of Black Hawk, Colorado, for the calendar year beginning on the first day of January 2023 and ending on the last day of December 2023, and appropriating sums of money to various funds and spending agencies in the amount, and for the purposes set forth within the attached 2023 Budget, and CB26, an Ordinance levying general property taxes for the year 2022 to help defray the costs of government for the City of Black Hawk, Colorado for the 2023 Budget Year open and invited anyone wanting to address the Board either "for" or "against" the proposed Resolution or Ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearings closed.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 69-2022, a Resolution summarizing expenditures and revenues for each fund and adopting a budget for the City of Black Hawk, Colorado, for the calendar year beginning on the first day of January 2023 and ending on the last day of December 2023, and appropriating sums of money to various funds and spending agencies in the amount, and for the purposes set forth within the attached 2023 Budget.

MOTION PASSED

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

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve CB26, an Ordinance levying general property taxes for the year 2022 to help defray the costs of government for the City of Black Hawk, Colorado for the 2023 Budget Year.

MOTION PASSED

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

C. CB27, An Ordinance Amending Section 107 and Section 502 of the City of Black Hawk Employee Handbook

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann said there were some changes in state law, so this Ordinance brings the Employee Handbook into conformance with state law.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB27, an Ordinance amending Section 107 and Section 502 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 Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve CB27, an Ordinance amending Section 107 and Section 502 of the City of Black Hawk Employee Handbook.

MOTION PASSED

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

D. CB28, An Ordinance Adopting the City of Black Hawk 2023 Pay Plan and Revised Job Descriptions

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner said the Pay Plan has not changed since discussed at the budget work session but explained there were job description changes for Fire, a reclassification for Community Planning & Development, and a new part-time executive assistant for Administrative Services.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB28, an Ordinance adopting the City of Black Hawk 2023 Pay Plan and revised job descriptions 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 Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve CB28, an Ordinance adopting the City of Black Hawk 2023 Pay Plan and revised job descriptions.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 70-2022, A Resolution Approving the City of Black Hawk Fee Schedule, as Amended

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner recommended changes to the City's Fee Schedule on behalf of the Clerk's office and Community Planning & Development.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 70-2022, a Resolution approving the City of Black Hawk Fee Schedule, as amended.

MOTION PASSED

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

B. Resolution 71-2022, A Resolution Approving the Eleventh Addendum to Personal Services Agreement with 5280 Strategies, LLC

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner noted there was no proposed fee increase once again.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 71-2022, a Resolution approving the eleventh addendum to Personal Services Agreement with 5280 Strategies, LLC.

MOTION PASSED

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

C. Resolution 72-2022, A Resolution Adopting the 2023 City Council Regular Meeting Schedule

D. Resolution 73-2022, A Resolution Adopting the 2023 Holiday Schedule

E. Resolution 74-2022, A Resolution Adopting the 2023 Historic Preservation Commission Meeting Schedule

Mayor Spellman combined the items and read the titles.

City Clerk/Administrative Services Director Greiner introduced the items.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 72-2022, a Resolution adopting the 2023 City Council Regular Meeting Schedule, Resolution 73-2022, a Resolution adopting the 2023 Holiday Schedule, and Resolution 74-2022, a Resolution adopting the 2023 Historic Preservation Commission Meeting Schedule.

MOTION PASSED

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

F. Resolution 75-2022, A Resolution Approving the 2023 Contract with Pinnacol Assurance for Workers' Compensation Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner recommended staying with Pinnacol and explained the 34% increase in premiums was due to the City's 14% increase in salaries, experience modifications that have caught up with us, and an increase in overall rates for high-risk job classes across all municipalities. She added it still falls under the budgeted amount.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 75-2022, a Resolution approving the 2023 contract with Pinnacol Assurance for Workers' Compensation Insurance.

MOTION PASSED

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

Alderman Moates made a Motion to approve a Team Member Appreciation Gift of a \$500 after-tax check for all full-time team members and board members; it was seconded by Alderman Bennett.

Alderman Moates made a Motion to approve a Team Member Gratitude Dividend of a \$2000 after-tax check for all full-time team members, pro-rated based on the number of quarters of employment in 2022, with each quarter valued at \$500 for an annual total of \$2000; it was seconded by Alderman Midcap.

9. CITY MANAGER
REPORT:

City Manager Cole, on behalf of the management team and staff, thanked Council for a great year and looks forward to 2023.

10. CITY ATTORNEY
REPORT:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended items number 2 and 5 only for Executive Session to receive legal advice on specific legal questions regarding City-owned buildings and pending litigation and to instruct negotiators regarding potential property acquisition.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:17 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions regarding City-owned buildings and regarding pending litigation pursuant to C.R.S § 24-6-402(4)(b), and to instruct negotiators regarding the potential property acquisition pursuant to C.R.S § 24-6-402(4)(e).

MOTION PASSED

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

**MOTION TO ADJOURN
EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:55 p.m.

MOTION PASSED

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

**MOTION TO RESUME
REGULAR OPEN
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to resume back into regular session at 3:55 p.m.

City Attorney Hoffmann stated it was Council's desire to make a motion to authorize the purchase of a portion of the AM 4556 mining claim, not to exceed \$24,000, plus closing costs. Mayor Spellman added that this was one of the parcels necessary to establish the trailhead leading from the Briggs Lot trailhead on Gregory Street up and over Bates Hill, which will tie into the Maryland Mountain/Quartz Valley open space area of Mountain Park.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to authorize the purchase.

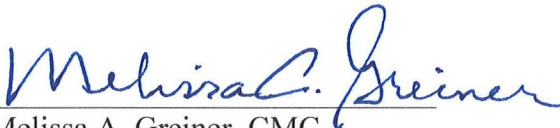
MOTION PASSED

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

Mayor Spellman concluded by wishing everyone a Merry Christmas and happy holidays!

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 3:57 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

