



**City of Black Hawk
City Council**

June 9, 2021

MEETING MINUTES

Gilpin County Attorney Brad Benning rang the bell to open the meeting.

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, June 9, 2021, at 3:00 p.m.

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

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Police Chief Moriarty, Commander Cooper, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, City Engineer Reed, Community Planning & Development Director Linker, Baseline Engineering Consultants Harris and Esterl, 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. 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 stated that no one had signed up to speak during public comment, but Gilpin County Attorney Benning had signed up to speak during the public hearing for the Disconnection Item 7A.

6. APPROVAL OF
MINUTES: May 26, 2021

**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. CB14, An Ordinance Approving and Accomplishing the Disconnection of Property Known as the Dory Hill Road Properties

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris introduced this item and went through his presentation. He said that 12 public hearing notices were mailed to surrounding property owners on May 19, 2021, via first-class mail. He noted a question about the county receiving theirs, and he confirmed it was on that list. He added that three property owners had contacted him, and once he provided information on the project, there was no further communication from them. He went through the list of criteria listed in our Municipal Code, and staff recommended approval. Mayor Spellman asked if it were true that any development in the City would require a tie into City water, to which Mr. Harris replied yes, that is correct.

Public Works Director Isbester provided some history on the maintenance of Dory Hill Road. He said the City had hired the county about 7-8 years ago to maintain the road, but the county did not want to do that the last few years. He said the City has no grader or similar equipment to maintain the road and has been just filling in potholes. He said it is a struggle, and it only represents about 10% or 1500 feet of the whole road that the county already maintains. Mayor Spellman added that it is also the only dirt road within the City and reiterated that it would be costly to tie into the City's utilities.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB14, an Ordinance approving and accomplishing the Disconnection of property known as the Dory Hill Road Properties open and invited anyone wanting to address

the Board either “for” or “against” the proposed Ordinance to come forward.

Gilpin County Attorney Brad Benning testified on behalf of the Board of County Commissioners in opposition to the Disconnection. He disputed the last criteria of the Code because the Disconnection would create a hardship or impairment to Gilpin County or any Special District. He went on to say how steep and narrow the road was, which makes it one of the more expensive roads to maintain. He said he doesn’t know why the county never continued to work with Black Hawk to maintain that portion. Still, there is a financial hardship to maintain it due to budget cuts in the Public Works Department. He also mentioned that he talked to Timberline Fire, though he would not speak on their behalf, and said that the Black Hawk Fire Department currently covers this area, and if disconnected, it is then no longer covered by anyone. Timberline can annex it in, but it is a process to go through. He also mentioned that the county has a warranty through their permitting process with Xcel Energy to lay their new gas lines, but this section may not be under warranty.

Mayor Spellman asked if Mr. Benning would agree that the road doesn’t serve any Black Hawk properties. He responded, in his understanding, that was the case.

Alderman Moates questioned why, if the county was already maintaining the rest of the 4-mile road, they couldn’t add the last 1500 feet? Mr. Benning said Public Works had told him that the last 1500 feet are the most challenging part of maintaining its topography.

City Attorney Hoffmann reminded Council that their consideration comes from the testimony from City staff, Baseline Consultant Harris, and now Mr. Benning’s comments regarding the criteria. Regarding the hardship or impairment criteria, he said that Alderman Moates was spot on that the county is already maintaining the rest of the road, so is it a hardship for them to add 1500 feet, which Council is to determine based on evidence in the record? As it relates to a Special District, he said that if the Disconnection occurs, then it will not be in a Special District as Mr. Benning noted, so then there is no Special District to consider. Finally, regarding Xcel, he said that the City has a Franchise Agreement with Xcel, and to the extent, there are any issues with the roadway, he believes the City could assign our rights as per the Franchise Agreement.

Mr. Benning added that the county did find the notice; the Clerk and Recorder’s Office had it. Timberline Fire sent him a copy; he said he would not be pursuing anything further on that. Mayor Spellman commented that he did have lunch with Commissioner Sill and Mayor Fey, and they were aware of it.

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

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve CB14, an Ordinance approving and accomplishing the Disconnection of property known as the Dory Hill Road Properties.

MOTION PASSED

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

B. CB15, An Ordinance Approving an Off-Site Partnership Memorandum of Understanding Between the City of Black Hawk and PorchLight, a Family Justice Center

Mayor Spellman read the title and opened the public hearing.

Police Chief Moriarty introduced this new partnership that serviced Jefferson and Gilpin Counties and said it is important to Black Hawk for many reasons; it serves as a Family Justice Center in one location for victims. Since many victims are in the Metro area, it allows them one-stop for all their victim services support instead of visiting multiple sites. She said it does not eliminate the Gilpin County Victim Services, but it collaborates with them.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB15, an Ordinance approving an off-site Partnership Memorandum of Understanding between the City of Black Hawk and PorchLight, a Family Justice Center 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 Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve CB15, an Ordinance approving an off-site Partnership Memorandum of Understanding between the City of Black Hawk and PorchLight, a Family Justice Center.

MOTION PASSED

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

C. CB16, An Ordinance Approving the Receipt of a Grant from the Colorado Auto Theft Prevention Authority (CATPA) and the Metropolitan Auto Theft Task Force (C-MATT) for Automated License Plate Readers in an Amount Not to Exceed \$67,000.00

Mayor Spellman read the title and opened the public hearing.

Police Commander Cooper presented this item to continue the City's partnership and outreach with Metro area agencies to combat auto theft. He said there had been an increase in auto thefts which the City is noticing. He pulled the Stolen Vehicle Reports, and in 2019 there were 14 auto thefts in the City; in 2020, there were 16, and from January 1 until today, June 9, there have been 15 reported cases. He said we see the same increase as the Metro area. He went on to say he reached out to Commander Greenwell of CATPA for resources to combat this. Commander Greenwell told him the Automatic License Plate Reader (ALPR) is what the Metro area uses. Commander Greenwell provided a portion of the grant awarded to C-MATT be transferred to Black Hawk for a mobile ALPR, not to exceed \$67,000. The City is responsible for the purchase and installation and then gets reimbursed the total amount. Commander Cooper said they received a quote from Leonardo for two ALPRs for the original amount of \$52,000. Commander Greenwell went back to his Board to ask for additional money to help with interfacing for the patrol cars, which is why the amount is now \$67,000. He said they would be installed on the patrol cars to quickly scan vehicles in parking lots to see if they show up on the stolen auto database. It ties into the Lumen joint law enforcement data sharing system recently approved by Council.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB16, an Ordinance approving the receipt of a Grant from the Colorado Auto Theft Prevention Authority (CATPA) and the Metropolitan Auto Theft Task Force (C-MATT) for Automated License Plate Readers in an amount not to exceed \$67,000.00 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 Midcap to approve CB16, an Ordinance approving the receipt of a Grant from the Colorado Auto Theft Prevention Authority (CATPA) and the Metropolitan Auto Theft Task Force (C-MATT) for Automated License Plate Readers in an amount not to exceed \$67,000.00.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 41-2021, A Resolution Approving the Purchase of a 2021 Ford F150 Police Vehicle in an Amount Not to Exceed \$60,000.00

Mayor Spellman read the title.

Police Chief Moriarty and Maintenance Services Manager Steve Jackson presented this item. Chief Moriarty said that vehicle #10 was involved in an accident on the Mesa during an ice storm back in March and the insurance company deemed it "totaled" and provided a check for \$15,613.00. She is asking for the replacement of the vehicle back into the fleet. She asked Council to consider the age of the fleet and how difficult it is to get vehicles nowadays. She said she is afraid that it may take a while to get a new one if not ordered now. She added the last time ordering a marked car was 2019; two were ordered for 2020 but canceled due to Covid. City Manager Cole said there is enough money in the capital budget to fund this vehicle.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 41-2021, a Resolution approving the purchase of a 2021 Ford F150 Police vehicle in an amount not to exceed \$60,000.00.

MOTION PASSED

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

B. Resolution 42-2021, A Resolution Approving the Purchase of the Allie Lode Mining Claim #4975

Mayor Spellman read the title.

City Manager Cole said to expand the open space and park system, the City could purchase this lode with closing costs.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 42-2021, a Resolution approving the purchase of the Allie Lode Mining Claim #4975.

MOTION PASSED

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

9. CITY MANAGER
REPORTS:

City Manager Cole had nothing to report.

10. CITY ATTORNEY: City Attorney Hoffmann thanked Council for allowing him to miss the last meeting.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item number 5 only for Executive Session to negotiate a potential land purchase and land development issues.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:33 p.m. 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 adjourned at 4:05 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

