



## REGULAR MEETING AGENDA

City of Black Hawk City Council  
211 Church Street, Black Hawk, CO

February 25, 2015  
3:00 p.m.

### RINGING OF THE BELL:

1. CALL TO ORDER:
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. ADENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. PUBLIC COMMENT: *Please limit comments to 5 minutes*
6. APPROVAL OF MINUTES: February 11, 2015
7. PUBLIC HEARINGS:
8. ACTION ITEMS:
  - A. Resolution 18-2015, A Resolution Approving a Boundary Line Agreement for the Property Line Between 221 and 231 Gregory Street Between the City of Black Hawk and Culver W. Van Der Jagt and Frank J. Garofalo
9. CITY MANAGER REPORTS: Presentation: "Door Boot" – PD & PW Collaboration
10. CITY ATTORNEY:
11. EXECUTIVE SESSION:
12. ADJOURNMENT:

### MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community.



**City of Black Hawk  
City Council**

**February 11, 2015**

**MEETING MINUTES**

Acting City Attorney Kendra Carberry rang the bell.

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

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

Absent: Aldermen Midcap and Torres.

Staff present: Acting City Attorney Carberry, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning and Development Administrator Linker, Finance Director Hillis, 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:** Acting City Attorney Carberry 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.

Acting City Attorney Carberry 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 stated no one had signed up for public comments.

6. APPROVAL OF MINUTES January 28, 2015.

**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. CB5, An Ordinance Amending the Black Hawk Municipal Code by the Repeal of Article XV of Chapter 6 Concerning Medical Marijuana Dispensaries and the Revision of Certain Licensing Requirements within Article XVIII of Chapter 6 Regarding Retail Marijuana Establishments**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner explained the repeal to medical was as per Council's direction, and the revision to retail was to align with State licensing requirements.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB5, An Ordinance Amending the Black Hawk Municipal Code by the Repeal of Article XV of Chapter 6 Concerning Medical Marijuana Dispensaries and the Revision of Certain Licensing Requirements within Article XVIII of Chapter 6 Regarding Retail Marijuana Establishments.

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 Johnson to Approve CB5, An Ordinance Amending the Black Hawk Municipal Code by the Repeal of Article XV of Chapter 6 Concerning Medical Marijuana Dispensaries and the Revision of Certain Licensing Requirements within Article XVIII of Chapter 6 Regarding Retail Marijuana Establishments.

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

8. ACTION ITEMS:

**B. Resolution 12, A Resolution Approving Participation in a Multi-Agency Grant through the North Central Region for the Replacement of Breathing Apparatus**

Mayor Spellman read the title.

Fire Chief Taylor explained that the Fire Department is currently using 2002 standard apparatus, which is not interoperable with adjoining agencies and does not have the same safety features such as “buddy breathing” techniques, cannot exchange bottles, or hook up to other agencies apparatus. There is a \$5,000 match required that is not budgeted for, but Taylor said he would absorb it in the safety budget.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 12, A Resolution Approving Participation in a Multi-Agency Grant through the North Central Region for the Replacement of Breathing Apparatus.

**MOTION PASSED**

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

**C. Resolution 13, A Resolution Approving the Third Addendum to Personal Services Agreement with 5280 Strategies, LLC.**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained this was a housekeeping measure to extend the agreement for 2015, keeping the same fees as 2014. The funds have been budgeted and appropriated for 2015.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 13, A Resolution Approving the Third Addendum to Personal Services Agreement with 5280 Strategies, LLC.

**MOTION PASSED**

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

**D. Resolution 14, A Resolution Approving the Temporary Construction Easement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Maria Vela, Property Owner of 281 High Street**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that this was the final temporary construction easement necessary to rehabilitate 301 High Street allowing access to the east side. Staff recommends approval.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 14, A Resolution Approving the Temporary Construction Easement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Maria Vela, Property Owner of 281 High Street.

**MOTION PASSED**

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

**E. Resolution 15, A Resolution Approving the Temporary Construction Easement for a Temporary Construction Laydown Area Associated with the Rehabilitation of 401 Chase Street Between the City of Black Hawk and Kathryn Lorenz, Property Owner of Lot 5, Block 17**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that this was the final temporary construction easement needed for 401 Chase Street and would provide a construction laydown area for the contractor. Staff recommends approval.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 15, A Resolution Approving the Temporary Construction Easement for a Temporary Construction Laydown Area Associated with the Rehabilitation of 401 Chase Street Between the City of Black Hawk and Kathryn Lorenz, Property Owner of Lot 5, Block 17.

**MOTION PASSED**

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

**F. Resolution 16, A Resolution Directing the City Manager to Apply for Local Landmark Designation for the Property Located at 201 Selak Street and Generally Known as Black Hawk City Hall**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that this resolution directs the City Manager to approve Local Landmark Designation, which then allows the Historic Preservation

Commission to begin the research and bring the application before Council. Staff recommends approval.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbricht to approve Resolution 16, A Resolution Directing the City Manager to Apply for Local Landmark Designation for the Property Located at 201 Selak Street and Generally Known as Black Hawk City Hall.

**MOTION PASSED**

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

**G. Resolution 17, A Resolution Approving the City's Professional Service Agreements for 2015**

Mayor Spellman read the title.

Public Works Director Isbester explained that Public Works uses many select contractors during their day-to-day operations. These agreements capture those services.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 17, A Resolution Approving the City's Professional Service Agreements for 2015.

**MOTION PASSED**

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

**9. CITY MANAGER REPORTS:**

City Manager Lewis had nothing to report.

**10. CITY ATTORNEY:**

Acting City Attorney Carberry had nothing to report.

**11. EXECUTIVE SESSION:** Acting City Attorney Carberry recommended item number 5 for Executive Session.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:15 p.m. to hold a conference with the City's attorney 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 Moates to adjourn the Executive Session at 4:05 p.m.

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

The Meeting reconvened at 4:30 p.m.

12. PRESENTATION: Mayor Spellman presented former Historic Preservation Commission Chairman Richard Smith with a plaque for his years of service, as a member and also as the chairman. Smith said it had been a great six years, having joined in 2008. He said he saw many great things the City was able to do and it was an honor to serve the City and its residents.

13. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 4:32 p.m.

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Melissa A. Greiner  
City Clerk

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David D. Spellman  
Mayor

**RESOLUTION 18-2015**  
**A RESOLUTION**  
**APPROVING A**  
**BOUNDARY LINE**  
**AGREEMENT FOR THE**  
**PROPERTY LINE**  
**BETWEEN 221 AND 231**  
**GREGORY STREET**  
**BETWEEN THE CITY OF**  
**BLACK HAWK AND**  
**CULVER W. VAN DER**  
**JAGT AND FRANK J.**  
**GAROFALO**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 18-2015

**TITLE: A RESOLUTION APPROVING A BOUNDARY LINE AGREEMENT FOR THE PROPERTY LINE BETWEEN 221 AND 231 GREGORY STREET BETWEEN THE CITY OF BLACK HAWK AND CULVER W. VAN DER JAGT AND FRANK J. GAROFALO**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:

**Section 1.** The Board of Aldermen hereby approves the Boundary Line Agreement attached hereto as **Exhibit A** between the City as the owner of property located at 221 Gregory Street and Culver W. Van Der Jagt and Frank J. Garofalo as the owners in joint tenancy of the property located at 231 Gregory Street, and authorizes the Mayor to execute the same on behalf of the City.

RESOLVED AND PASSED this 25th day of February, 2015.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, City Clerk

# EXHIBIT A

## BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT (Agreement) is dated this \_\_\_\_ day of \_\_\_\_\_, 2015, and is between CULVER W. VAN DER JAGT, whose address is 1468 S. Pearl Street, Denver, Colorado 80210 and FRANK J. GAROFALO, whose address is 9 Bayberry Road, Scituate, Massachusetts 02066 ("Owners"), and the CITY OF BLACK HAWK, COLORADO ("City"), whose address is 211 Church Street, Black Hawk, Colorado 80422.

### RECITALS

A. The Owners are the owners in undivided joint tenancy of real property located at and commonly referred to as 231 Gregory Street, Black Hawk, Colorado ("Property").

B. The Property is legally described as the West 25 feet of Lot 2, Block 28, City of Black Hawk, County of Gilpin, State of Colorado per the warranty deed recorded on April 26, 2005 at Reception No. 125879 in the Gilpin County Records.

C. The Property is alternatively described in the deeds recorded on October 1, 1924 at Book 170, Page 558 and on October 5, 1964 at Book 248, Page 182 of the Gilpin County Records.

D. The City is the owner of property adjoining to the east and commonly referred to as 221 Gregory Street, being portions of Lots 3 and 4, Block 28, City of Black Hawk, County of Gilpin, State of Colorado.

E. The City, acting by and through its City Council, enacted Ordinance No. 98-1 on January 28, 1998, which adopted the map of Black Hawk surveyed by Albert Johnson, City Surveyor, dated May and June 1866 ("Johnson Survey").

F. The City and Owners entered into a Retaining Wall Easement Agreement in which the Owners granted an easement to the City in consideration of the City recognizing that the Property boundaries are as described in Book 248, Page 182 and Book 170, Page 558 of the Gilpin County Records.

G. The building located at 231 Gregory Street encroaches on City property on Lot 3 as shown by surveys prepared following the enactment of Ordinance No. 98-1.

H. The parties desire to enter into this Boundary Line Agreement to adjust the lot lines for Lots 2, 3 and 4, Block 28 so that the building located at 231

Gregory Street does not encroach into City-owned property, and to memorialize the agreement.

NOW, THEREFORE, in consideration of the recitals above, and the mutual covenants and agreements herein contained, the Parties agree as follows:

1. Ownership of Property. Owners and City warrant and represent to each other that they are the record owners of the respective properties, that the properties are free and clear of all taxes, assessments, liens and encumbrances, except for real property taxes for the current year, and that each of them is authorized to enter into this Boundary Line Agreement.

2. Common Boundary Lines. The location of the boundary line between the properties located at 231 Gregory Street and 221 Gregory Street is hereby fixed, determined, established and located as more particularly set forth in this "Boundary Line Agreement," located within Lots 2, 3, and 4, Block 28, based upon the survey map of Block 28 of the Map of Black Hawk, surveyed by Albert Johnson, City Surveyor, dated May and June 1866, City of Black Hawk, County of Gilpin, State of Colorado, more particularly described and attached hereto as **Exhibit A**, and incorporated herein by reference. Pursuant to the forgoing, the City hereby remises, releases and forever QUIT CLAIMS to the Owners any and all right, title and interest which it may have in and to all land in the possession of the City on the Southwest side of the newly established boundary line, as described in **Exhibit A**; and the Owners hereby remise, release and forever QUIT CLAIM to the City any and all right, title and interest which they may have in and to all land lying to the Northeast side of the newly established boundary line, as described in **Exhibit A**.

3. Estoppels. Upon execution of this Agreement, the parties hereto shall be estopped to dispute, challenge, or deny the location of the boundary as set forth in **Exhibit A**.

4. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto; their respective heirs, personal representatives, successors and assigns, and the agreements contained herein shall be for all purposes considered to be covenants running with the land as to each of the properties adjoining the common boundary line referred to herein.

5. Recordation. This Agreement shall be recorded in the Office of the Clerk and Recorder of Gilpin County, Colorado, and shall be a covenant running with the land in order to put prospective purchasers and other interested parties on notice as to the terms and provisions hereof.

6. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, the parties hereto subscribe the same in triplicate.





CITY OF BLACK HAWK,  
COLORADO

By: \_\_\_\_\_  
DAVID D. SPELLMAN, MAYOR

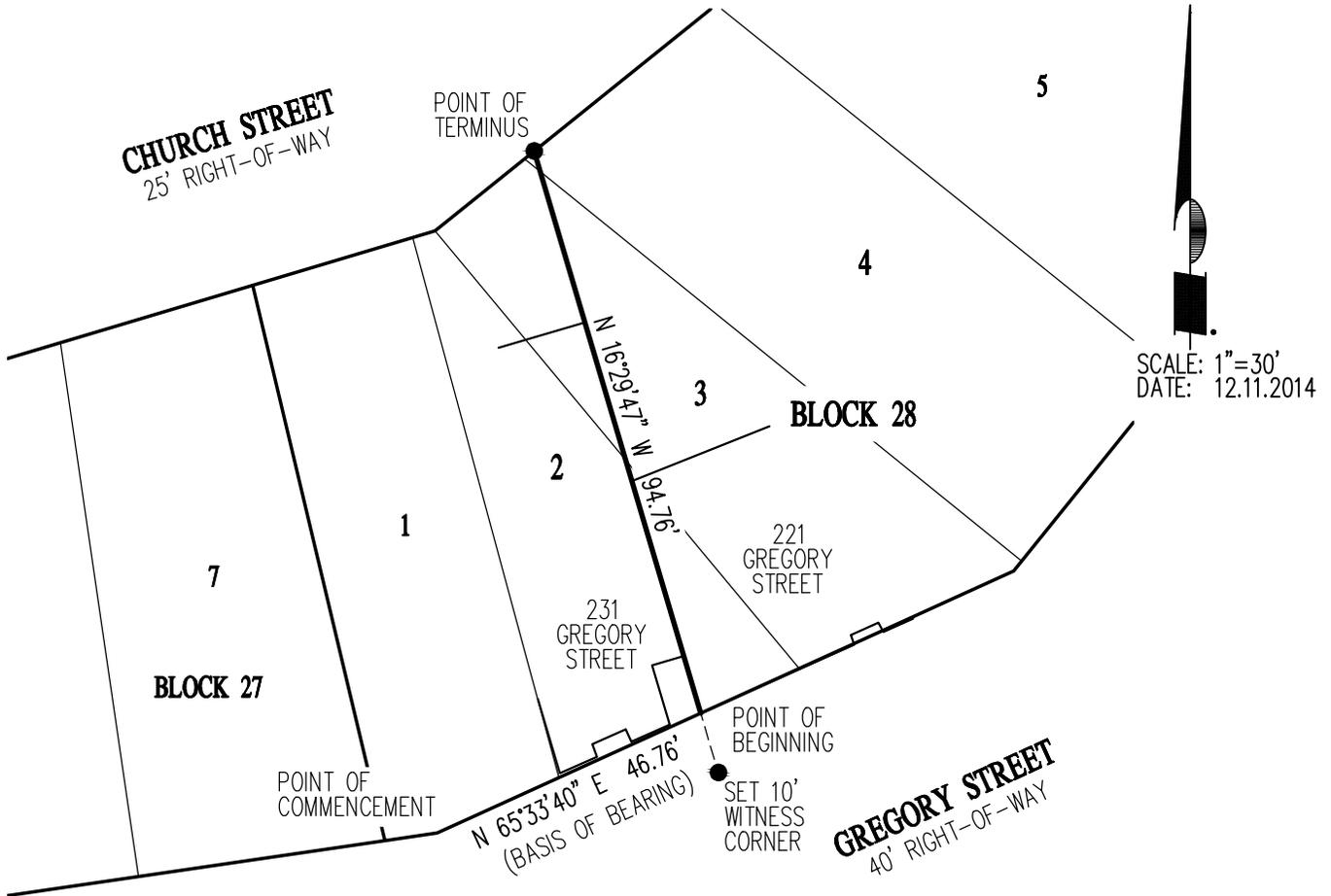
Attest:

By: \_\_\_\_\_  
Melissa Greiner, City Clerk

Date: \_\_\_\_\_

# EXHIBIT A

## A BOUNDARY LINE AGREEMENT, LOCATED WITHIN LOTS 2, 3 AND 4, BLOCK 28 CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



SCALE: 1"=30'  
DATE: 12.11.2014

**DESCRIPTION:**

A BOUNDARY LINE, LOCATED WITHIN LOTS 2, 3 AND 4, BLOCK 28, BASED UPON THE SURVEY MAP OF BLOCK 28, OF THE MAP OF BLACK HAWK, SURVEYED BY ALBERT JOHNSON CITY SURVEYOR, DATED MAY AND JUNE 1866, CITY OF BLACK HAWK, COUNTY OF GLIPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE SOUTHERLY LINE OF LOT 1 OF SAID BLOCK, THENCE ALONG SAID SOUTHERLY LINE N 65°33'40" E, 46.76 FEET TO THE POINT OF BEGINNING, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N 16°29'47" W, 94.76 FEET ALONG THE COMMON LINE OF BUILDINGS KNOWN AS 221 GREGORY STREET AND 231 GREGORY STREET TO A POINT ALONG THE NORTHERLY LINE OF SAID BLOCK AND THE POINT OF TERMINUS.

● = SET NAIL AND SHINER  
CCS PLS 26296, UNLESS  
OTHERWISE NOTED.



**C.C.S. CONSULTANTS, INC.**  
4860 Robb Street, Suite 206  
Wheat Ridge, Colorado 80033  
Phone: 303-403-4706, Fax: 303-403-0800

**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** *Boundary Line Agreement between 221 Gregory Street and 231 Gregory Street.*

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen: *I move to recommend **APPROVAL** of the Boundary Line Agreement for the Property Line between 221 and 231 Gregory Street between the City of Black Hawk and Culver W. Van Der Jagt and Frank J. Garafalo.*

**MOTION TO APPROVE (or deny, etc.):** *Resolution No. 18-2015 - A Resolution Approving A Boundary Line Agreement For The Property Line Between 221 And 231 Gregory Street Between The City Of Black Hawk And Culver W. Van Der Jagt And Frank J. Garafalo.*

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** *The property known as 231 Gregory Street is owned in joint tenancy by Culver W. Van Der Jagt and Frank J. Garafalo. The adjacent property to the northeast, 221 Gregory Street, is owned by the City of Black Hawk. During the rezoning and development of 231 Gregory Street, the City became aware that a portion of the building located on that property may be located on City property, depending upon the interpretation of the property's legal description. In addition, the City and the owners have previously entered into an easement agreement that acknowledges the boundary discrepancy. The proposed Boundary Line Agreement memorializes the agreed upon boundary and settles any encroachment issues.*

**AGENDA DATE:** February 25, 2015

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** Yes No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker, CP& D Administrator

**DOCUMENTS ATTACHED:** *Resolution 18-2015, Request for Council Action, and signed Boundary Line Agreement between Culver W. Van Der Jagt & Frank J. Garafalo and City of Black Hawk.*

**RECORD:** Yes No

**CITY ATTORNEY REVIEW:** Yes N/A

**SUBMITTED BY:**

 2/13/2015  
Baseline Engineering Corp.

**REVIEWED BY:**

  
\_\_\_\_\_  
Jack D. Lewis, City Manager