



**City of Black Hawk
City Council**

April 25, 2018

MEETING MINUTES

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, April 25, 2018, at 2:35 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, City Manager Lewis, Police Chief Cole, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Engineer Ford, Senior Engineer Reed, and Community Planning and Development Administrator Linker.

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

3. **AGENDA CHANGES:** City Clerk Greiner confirmed the title to Item 8D changed to remove the conditional approval.

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. No conflicts were 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 COMMENT:** City Clerk Greiner confirmed that no one had signed up to speak.

6. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session for specific legal questions related to potential legislation and legal advice regarding a land use matter.

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 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.

The open, regular session of the meeting reconvened at 3:15 p.m.

7. APPROVAL OF MINUTES:

April 11, 2018

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the Minutes as presented.

MOTION PASSED

There was no discussion and the motion passed unanimously.

8. PUBLIC HEARINGS:

A. CB5, An Ordinance Adopting a New Article XV of Chapter 4 of the Black Hawk Municipal Code Regarding the Implementation of the City’s Five Percent (5%) Marijuana Sales Tax for the Purposes of Promotion the General Purposes of the City of Black Hawk

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained this ordinance memorializes and codifies the approval already made.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Council Bill 5, An Ordinance Adopting a New Article XV of Chapter 4 of the Black Hawk Municipal Code Regarding the Implementation of the City’s Five Percent (5%) Marijuana Sales Tax for the Purposes of Promotion the General Purposes 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 came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve Council Bill 5, An Ordinance Adopting a New Article XV of Chapter 4 of the Black Hawk Municipal Code Regarding the Implementation of the City's Five Percent (5%) Marijuana Sales Tax for the Purposes of Promotion the General Purposes of the City of Black Hawk.

MOTION PASSED

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

B. CB6, An Ordinance Repealing and Reenacting Sections 1-191, Subsection (b) of the Black Hawk Municipal Code

Mayor Spellman read the title and opened the public hearing.

City Manager Lewis explained this ordinance allows City staff to utilize all the available tools for contracting City projects by adding Guarantee Maximum Price contracting.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Council Bill 6, An Ordinance Repealing and Reenacting Sections 1-191, Subsection (b) 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 Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Council Bill 6, An Ordinance Repealing and Reenacting Sections 1-191, Subsection (b) of the Black Hawk Municipal Code.

MOTION PASSED

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

C. CB7, An Ordinance Approving an Agreement Between the City of Black Hawk and the Colorado Historical Society, Department of Higher Education, State of Colorado

Mayor Spellman read the title and opened the public hearing.

Senior Engineer Ford explained this is a continuation of an agreement from five years ago which allows usage of the City's Church Ditch

augmentation station. This will extend the agreement for another five years.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Council Bill 7, An Ordinance Approving an Agreement Between the City of Black Hawk and the Colorado Historical Society, Department of Higher Education, State of Colorado 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 Bennett to approve Council Bill 7, An Ordinance Approving an Agreement Between the City of Black Hawk and the Colorado Historical Society, Department of Higher Education, State of Colorado.

MOTION PASSED

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

D. Resolution 28-2016, A Resolution Approving a Certificate of Appropriateness for the Rehabilitation of the Exterior Façade of the Black Hawk City Hall at 201 Selak Street

Mayor Spellman read the title and opened the public hearing.

CP&D Administrator Linker explained the rehabilitation is recommended by HPC in their last meeting.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 28-2016, A Resolution Approving a Certificate of Appropriateness for the Rehabilitation of the Exterior Façade of the Black Hawk City Hall at 201 Selak Street 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 Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 28-2016, A Resolution Approving a Certificate of Appropriateness for the Rehabilitation of the Exterior Façade of the Black Hawk City Hall at 201 Selak Street

MOTION PASSED

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

9. ACTION ITEMS:

A. Resolution 29-2018, A Resolution Awarding the Bid and Authorizing the Execution of the Contract with Hydro-Tech, Inc. for the Black Hawk City Hall Façade Restoration in the amount of \$195,725

Mayor Spellman read the title.

Public Works Director Isbester was available for questions from Council, which there were none.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Tores to approve Resolution 29-2018, a Resolution Awarding the Bid and Authorizing the Execution of the Contract with Hydro-Tech, Inc. for the Black Hawk City Hall Façade Restoration in the amount of \$195,725.

MOTION PASSED

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

B. Resolution 30-2018, A Resolution Approving the Revised Title VI Plan for the Black Hawk Central City Tramway Operations

Mayor Spellman read the title.

Public Works Director Isbester explained this was an update to the Civil Rights policy for the tramway.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 30-2018, A Resolution Approving the Revised Title VI Plan for the Black Hawk Central City Tramway Operations.

MOTION PASSED

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

C. Resolution 31-2018, A Resolution Approving Change Order #25 for the Gregory Street Relocation Project, in the Amount of 300,285.22

Mayor Spellman read the title.

Alderman Bennett asked if Council had already approved this change order. Mayor Spellman explained this is a final reconciliation of all of the additional work on the project and the Sanitation District's portion of the change order was in excess of \$140,000. Alderman Midcap asked if this took care of the difference between what was budgeted and what was not. Senior Engineer Reed explained that this change order is

to reconcile quantities that were not incorporated in any previous change orders. Mayor Spellman stated the contingency for the project was still available. City Attorney Hoffmann confirmed the amount of this change order is within the contingency.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 31-2018, A Resolution Approving Change Order #25 for the Gregory Street Relocation Project, in the Amount of 300,285.22.

MOTION PASSED

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

D. Resolution 32-2018, A Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of \$1,019,682 for Group Health Insurance

Mayor Spellman read the title.

Administrative Services Director Greiner explained that this is for the annual group health insurance contract with an increase of 6.5%.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 32-2018, A Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of \$1,019,682 for Group Health Insurance.

MOTION PASSED

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

E. Resolution 33-2018, A Resolution Approving the Contract with Delta Dental in the Estimated Amount of \$120,845 for Group Dental Insurance

Mayor Spellman read the title.

Administrative Services Director Greiner explained this is the renewal of the City's group dental insurance with an increase of 8%.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 33-2018, A Resolution Approving the Contract with Delta Dental in the Estimated Amount of \$120,845 for Group Dental Insurance.

MOTION PASSED

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

10. CITY MANAGER
REPORTS:


City Manager Lewis had nothing to report.

11. CITY ATTORNEY:

City Attorney Hoffmann explained while the City currently has regulations regarding Bed and Breakfast establishments, the City does not currently have any regulations for vacation rentals. He reported the City has received a number of inquiries from residential property owners regarding vacation rentals. Staff is concerned about potential impacts caused by vacation rentals that the City needs to study. City Attorney Hoffmann recommended Council provide direction for staff to begin work on a long-term vacation rental ordinance but in the short term, to bring forth an ordinance which makes vacation rentals subject to the same rules for Bed and Breakfast establishments. This will allow staff to study potential issues pertaining to vacation rentals in more detail. With a consensus from Council, staff can work with individuals applying for a business license to identify the pending legislation as forthcoming regulations. Council agreed unanimously.

12. ADJOURNMENT:

Mayor Spellman adjourned the Regular Meeting of the City Council at 3:30 p.m. and thanked everyone for attending.


Melissa A. Greiner, CMG
City Clerk


David D. Spellman
Mayor

