

City of Black Hawk
City Council Minutes
April 23, 2014

Judge Ron Carlson rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order by Mayor Spellman Wednesday, April 23, 2014 at 3:00 p.m.

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

OATH OF OFFICE FOR
ALDERMEN

Judge Ron Carlson administered the Oath of Office to Alderman Armbright, Alderman Johnson, and Alderman Midcap who were elected to serve four-year terms.

Mayor Spellman presented Diane Cales with a plaque for her services as Alderman.

Mayor Spellman presented plaques, as part of the Sesquicentennial Celebration, to City Manager Lewis, City Attorney Hoffmann, Department Chairs, Administrative Assistant Archer, Administrative Assistant to City Manager Romero, and Deputy Clerk Stevens.

Mayor Spellman requested a recess at 3:07 p.m. for a short reception for Diane Cales.

Meeting reconvened at 3:15 p.m.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, City Clerk Magno, Assistant to City Manager for Administration Greiner, Community Planning and Development Administrator Linker, IT Director Young, Fire Chief Taylor, Police Chief Cole, and Public Works Director Isbester.

PLEDGE OF
ALLEGIANCE:

Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: City Clerk Magno informed Council item 8-H, 101 Marchant Street – Roadway Easement has been moved to the May 14, 2014 meeting.

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. Alderman Johnson recused himself from item 8-H, 101 Marchant Street – Temporary Construction Easement.

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; with the conflict of Alderman Johnson. The audience had no objections.

5A.INTRODUCTION OF NEW EMPLOYEES:

Police Chief Cole introduced Officers James Randall, Kory Peterson, and Taylor Taggart. Council welcomed the new officers.

5B.PUBLIC COMMENTS:

Diane Cales, formerly a Council Member, thanked Mayor and Staff on the Sesquicentennial Celebration. She stated she really enjoyed herself.

6. APPROVAL OF MINUTES for April 9, 2014
MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes of the April 9, 2014 meeting as presented.

MOTION PASSED

There was no discussion and the motion **PASSED**. Alderman Midcap Abstained.

7. PUBLIC HEARINGS:

A. CB 7, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for the Construction, Expansion and Improvement of Gregory Street. A City Street and Roadway Pursuant to C.R.S. §38-6-101, C.R.S. §31-25-201, Article XX, §1 of the Colorado Constitution,

and Article 8, Section
4 of the City of Black
Hawk Home Rule
Charter

Mayor Spellman read the title.

Alderman Midcap Abstained.

City Attorney Hoffmann explained there were two typo errors on the cover sheet. He stated please look at the ordinance it is very important.

City Attorney Hoffmann stated the City moved to acquire the convenience store and the closing will be next week. He explained this property is next to the convenience store and the City needs to acquire it for the expansion of Gregory Street.

City Attorney Hoffmann explained if the City could not negotiate with property owner, this ordinance would start condemnation.

Mayor Spellman inquired if Alderman Midcap is abstaining because he was not here to hear the facts on this item. Alderman Midcap stated yes.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB 7, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for the Construction, Expansion and Improvement of Gregory Street. A City Street and Roadway Pursuant to C.R.S. §38-6-101, C.R.S. §31-25-201, Article XX, §1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter 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 Moates to approve CB 7, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for the Construction, Expansion and Improvement of Gregory Street. A City Street and Roadway Pursuant to C.R.S. §38-6-101, C.R.S. §31-25-201, Article XX, §1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter.

MOTION PASSED

There was no discussion and the motion **PASSED**. Alderman Midcap Abstained.

B. CB 8, An Ordinance
Amending Section
11-35(d) of the
Black Hawk
Municipal Code
Concerning
Required Insurance
for Street Cut
Permits

Mayor Spellman read the title.

City Attorney Hoffmann explained this is a cleanup ordinance. He stated the insurance would increase to cover the City from any claims or damages.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB 8, An Ordinance Amending Section 11-35(d) of the Black Hawk Municipal Code Concerning Required Insurance for Street Cut Permits 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 Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve CB 8, An Ordinance Amending Section 11-35(d) of the Black Hawk Municipal Code Concerning Required Insurance for Street Cut Permits.

MOTION PASSED

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

C. Resolution 22-2014,
A Resolution Conditionally
Approving a Certificate
of Appropriateness for
Exterior Rock Wall
Improvements for
the Property at
271 Church Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained the homeowner has requested a Certificate of Appropriateness for scope of work and exterior alterations.

Administrator Linker stated the brick wall is crumbling; therefore, the lower two to 5 courses of brick will be replaced with mortared stone.

Mayor Spellman inquired if there was any consideration of stripping the brick and not painting it. Jessica Killian, Consilium Partners, explained the appearance of the brick would be lost.

Administrator Linker explained this Certificate of Appropriateness is for cosmetic improvements not structural.

Administrator Linker stated HPC approved with the following conditions: 1) historic photographic evidence showing east elevation fascia with gingerbread to be reviewed and approved by Three Gables Preservation and Consilium Partners. If photographic evidence is not available, item will be removed from scope of work; 2) final color selection for concrete drainage swale to be approved by Three Gables Preservation and Consilium Partners; 3) alterations to approved fence design to be reviewed and approved by Three Gables Preservation and Consilium Partners; 4) resolution of a Boundary Line Agreement between the homeowner and adjacent property owners of 261 Church Street to determine final east rock wall layout prior to approval of construction documents, with final approval by Consilium Partners and City Staff; and 5) HPC recommends that a structural engineer review the existing south brick foundation wall to determine if recommended work, described as removal and replacement of a load bearing section, will produce a finished condition that serves to structurally support the building for continued use and preservation.

Council inquired if the firm that did the initial inspection were engineers. Administrator Linker stated yes they were.

Administrator Linker explained with the boundary line dispute, Staff has given the homeowner until April 25 to work the problem out or that portion will be removed from the scope of work.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 22-4014, A Resolution Conditionally Approving a Certificate of Appropriateness for Exterior Rockwall Improvements for the Property at 271 Church Street open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution to come forward.

Jeannie Larkins, owner of 271 Church Street, thanked Council for reviewing the brick. She stated there had been pictures of the gingerbread; however, she was unable to locate a photo at this time.

Ms. Larkins explained she would like to have an extension regarding the boundary line agreement. Council stated she could

have until May 7 to get a letter from the adjacent property owner stating the two parties are working on it. If a letter from adjacent property owner is not obtained by May 7 it will removed from the scope of work.

Terry Peterson, resident, explained he felt a structural engineer needed to look at the brick to make sure it is structurally sound. He stated HPC did not have the same information as what was presented today. Administrator Linker stated HPC received the same reports and information as Council.

No one else came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 22-4014, A Resolution Conditionally Approving a Certificate of Appropriateness for Exterior Rockwall Improvements for the Property at 271 Church Street without the condition that final color selection for concrete drainage swale be approved by Three Gables Preservation and Consilium Partners.

MOTION PASSED

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

D. Resolution 23-2014,
A Resolution Conditionally
Approving a Certificate
of Appropriateness for
Demolition of 251
Gregory Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained the City is requesting the complete demolition of 251 Gregory Street. All the documentation has been completed for demolition to happen.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 23-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for Demolition of 251 Gregory Street open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution to come forward.

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 Armbright to approve Resolution 23-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for Demolition of 251 Gregory Street.

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

8. ACTION ITEMS:

E. Resolution 24-2014,
A Resolution Approving
the Contributed
Funds Agreement
Between the City of
Black Hawk and the
Bureau of Land
Management

Mayor Spellman read the title.

Public Works Director Isbester explained this was basically an IGA to work with the Bureau of Land Management on property up Chase Gulch.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 24-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for Demolition of 251 Gregory Street.

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

F. Resolution 25-2014,
A Resolution Approving
the Agreement for
Purchase and Sale of
Water Rights Between
the City of Black Hawk
as Seller and the
Consolidated Mutual
Water Company
as Buyer

Mayor Spellman read the title.

Senior Civil Engineer/Water Resources Ford explained these are rights the City obtained from Coors Brewery. The water rights are problematic with regards to return flow valves.

Mr. Ford stated the City would regain their money back from the original purchase with Coors. He explained it would also relieve pressure on City's water right case in court right now.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 25-2014, A Resolution Approving the Agreement for Purchase and Sale of Water Rights Between the City of Black Hawk as Seller and the Consolidated Mutual Water Company as Buyer.

MOTION PASSED

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

G. Dory Hill Water Treatment Plant – Construction Contract Bid

Mayor Spellman read the title.

Senior Civil Engineer/Water Resources Ford explained Staff received four bids. Staff then sat down with the two lowest bidders going over all the aspects.

Mr. Ford stated Staff recommends RN Civil Contractors with the project being funded over this year and next.

Mr. Ford stated Superintendent Fredricks and the operators have been doing a good job keeping Dory Hill Water Treatment Plant open.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Dory Hill Water Treatment Plant – Construction Contract Bid.

MOTION PASSED

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

H. 101 Marchant Street – Temporary Construction Easement

Mayor Spellman read the title.

Alderman Johnson recused himself.

Community Planning and Development Administrator Linker explained this is a request for a temporary construction easement for 101 Marchant Street. Property owners of 111 Marchant, Jim Johnson and Curtis Linder, are allowing the easement.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve 101 Marchant Street – Temporary Construction Easement.

MOTION PASSED There was no discussion and the motion **PASSED**. Alderman Johnson Abstained.

Alderman Johnson returned.

I. 101 Marchant Street –
Roadway Easement Postponed to May 14, 2014 Council Meeting.

J. Monarch Casino –
Temporary Construction
Easement Mayor Spellman read the title.

Vince Harris, Baseline, explained this was a temporary construction easement for Monarch Casino. The easement requested is directly south of the proposed garage in Main Street right-of-way.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Monarch Casino– Temporary Construction Easement.

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

K. Personnel Issue –
Reclassification AA –
Office of City
Manager to
AA – HR
Generalist

Mayor Spellman read the title

Assistant to City Manager for Administration Greiner explained every year Staff goes through the job descriptions. If the job description is not correct, it is corrected to reflect the duties of that job.

Ms. Greiner stated cross training has been going on in Employee Services so all the needs of Staff are met if the Director is out. Administrative Assistant Romero has finished her AA degree in HR and feels she will be able to do the job when Director is out.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Personnel Issue – Reclassification AA – Office of City Manager to AA – HR Generalist.

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

L. Dental Insurance
Renewal Proposal
for 2014-2016

Mayor Spellman read the title.

Assistant to City Manager for Administration Greiner stated employees have requested an increase on orthodontic care. Delta agreed to increase orthodontic care with a 1.5% premium increase.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Johnson to approve Dental Insurance Renewal Proposal for 2014-2016.

MOTION PASSED

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

M. Vision Insurance
Renewal Proposal
for 2014-2015

Mayor Spellman read the title.

Assistant to City Manager for Administration Greiner explained there has not been an increase in vision insurance. This is a 3% increase.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve Vision Insurance Renewal Proposal for 2014-2015.

MOTION PASSED

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

N. Health Insurance
Renewal Proposal
for 2014-2015

Mayor Spellman read the title.

Assistant to City Manager for Administration Greiner explained Kaiser has gone up 5.3% for the 2014-2015 coverage.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbricht to approve Health Insurance Renewal Proposal for 2014-2015.

MOTION PASSED

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

O. Short Term Disability
Insurance Renewal
Proposal for
2014-2015

Mayor Spellman read the title.

Assistant to City Manager for Administration Greiner explained short term disability insurance will have a 15.4% increase for the 2014-2015 year.

City Manager Lewis stated this seems like a lot; however, dollar wise it is rather small.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Short Term Disability Insurance Renewal Proposal for 2014-2015.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Lewis congratulated the new Alderman and the rest of Council.

10. CITY ATTORNEY:

City Attorney Hoffmann requested an Executive Session regarding potential legislation and potential litigation.

11. EXECUTIVE SESSION:

MOTION TO ADJOURN

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session 4:55 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(b).

MOTION PASSED

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

MOTION TO RECONVENE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson at 5:35 p.m.

MOTION PASSED

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

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to authorize the City to file a brief with the Supreme Court opposing gaming initiative titles.

MOTION PASSED

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

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Bennett to authorize City Attorney to draft a resolution providing

already earned rebate to the casinos instead of the previously authorized rebate in 2015.

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

12. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 5:40 p.m.



Kelly K. Stevens, CMC
Deputy City Clerk



David D. Spellman
Mayor