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,
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 Armbright 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 Armbright **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 Armbright **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.


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.

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.


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

MOTION PASSED

There was no discussion and the motion PASSED unanimously.


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 Armbright to approve Health Insurance Renewal Proposal for 2014-2015.

MOTION PASSED

There was no discussion and the motion PASSED unanimously.


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