



**City of Black Hawk  
City Council**

**June 26, 2019**

**MEETING MINUTES**

Black Hawk resident, Thomas L. Feeney, II rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, June 26, 2019, at 3:00 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 Cole, Police Chief Lloyd, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineers Ford and 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 there were no agenda changes.

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. APPROVAL OF  
MINUTES:

June 12, 2019

**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. **CB12, A Bill for an Ordinance Adding a New Article XV to Chapter 10 of the Black Hawk Municipal Code Regarding Unlawful Conduct on Public Property**
- B. **CB13, A Bill for an Ordinance Amending the Black Hawk Municipal Code by the Addition Thereto of a New Section 10-136 Prohibiting Sitting or Lying Down on Public Sidewalks and Rights-of-Way in Designated Areas**

Mayor Spellman read the titles and opened the public hearings.

City Attorney Hoffmann explained that both of these ordinances seek to address conduct that could make visitors to Black Hawk uncomfortable and impair the experience. The first ordinance prohibits camping on public property which can be parks in the City, on streets, or parking lots. However, the ordinance provides a process if people are camping and leaves their belongings. The City is required to give notice and to store the items so that if someone leaves the site, they can get their belongings back. The second ordinance prohibits not using the right-of-way for its intended purpose. The right-of-way is intended unless there are actually places to sit, for people to walk as ped or drive vehicles. Sitting in the right-of-way is not the intended purpose of the right-of-way, and this prohibits that conduct. This ordinance helps with enforcement related to issues associated with people that may be traveling through town, looking to make money, panhandling perhaps, but the ordinance does not specifically target anybody, it just addresses the conduct that makes the visitors' experiences less than desirable.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB12, a Bill for an Ordinance adding a new Article XV to Chapter 10 of the Black Hawk Municipal Code regarding Unlawful Conduct on Public Property and CB13, a Bill for an Ordinance amending the Black Hawk Municipal Code by the addition thereto of a new Section 10-136 Prohibiting Sitting or Lying Down on Public Sidewalks and Rights-of-Way in Designated Areas open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinances to come forward.

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

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve CB12, a Bill for an Ordinance adding a new Article XV to Chapter 10 of the Black Hawk Municipal Code regarding Unlawful Conduct on Public Property and CB13, a Bill for an Ordinance amending the Black Hawk Municipal Code by the addition thereto of a new Section 10-136 Prohibiting Sitting or Lying Down on Public Sidewalks and Rights-of-Way in Designated Areas.

**MOTION PASSED**

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

**C. CB14, An Ordinance Approving a Water Storage Agreement Between the City of Black Hawk and the City of Golden**

Mayor Spellman read the title and opened the public hearing.

Senior Civil Engineer, Water Resources Ford explained the City of Golden is required to deliver 100-acre feet of water to the City of Black Hawk each year. This water is typically provided from the Vidler Tunnel, which is trans-basin water that can be used to extinction without return flow requirements. In some years, the City of Black Hawk takes delivery of the Vidler water into Green Lake or Georgetown Lake. Because of the wet spring, storage space in these reservoirs is not available. As in past years, the City of Golden has agreed to store our Vidler water in Guanella Reservoir until we can exchange it to Green Lake or Georgetown Lake. The cost of the storage is 50% of the water put into the Guanella Reservoir. For example, if we store 100-acre-feet in Guanella, we keep 50-acre-feet, and Golden gets 50-acre-feet. There is no monetary cost to the City. The alternative is to let the water go downstream and make no use of it. This agreement has been in effect since 2015 and needs to be renewed for 2019.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB14, an Ordinance approving a Water Storage Agreement between the City of Black Hawk and the City of Golden 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 CB14, an Ordinance approving a Water Storage Agreement between the City of Black Hawk and the City of Golden.

**MOTION PASSED**

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

**D. Resolution 39-2019, A Resolution Conditionally Approving a Certificate of Architectural Compatibility to Allow the Renovation of Four (4) Existing Buildings, the Addition of a Deck to One (1) Existing Building and the Construction of Two (2) New Buildings Located on Gregory Street**

Mayor Spellman read the title and opened the public hearing.

Julie Esterl with Baseline Corporation explained the City of Black Hawk had submitted an application requesting a Certificate of Architectural Compatibility to allow renovations and new construction of buildings located at 311, 321, 341, 351, 361, 400 & 426 Gregory Street. The work is proposed as part of the Gregory Street Sub-Area Plan adopted by the City Council on October 23, 2013, by Resolution No. 40-2013. The vision of the Gregory Street Sub-Area Plan is to renovate existing buildings and establish new buildings, all located near each other, to establish a personal, commercial experience that will be an additional asset within the City.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 39-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow the renovation of four (4) existing buildings, the addition of a deck to one (1) existing building and the construction of two (2) new buildings located on Gregory 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 Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 39-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow the renovation of four (4) existing buildings, the addition of a deck to one (1) existing building and the construction of two (2) new buildings located on Gregory Street.

**MOTION PASSED**

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

8. ACTION ITEMS:

**A. Resolution 40-2019, A Resolution Approving the Exterior Paint Program Contracts in a Total Amount Not To Exceed \$87,518.25**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained the purpose of these Requests for Qualifications/Request for Proposals was to solicit two (2) separate proposals from qualified firms to establish a contract for Painting Services on behalf of the City of Black Hawk.

RFP No. 2019-05 was intended for the Municipal owned properties located in Mountain City on Gregory Street and the Historic Presbyterian Church/City Council Chambers on Church Street.

RFP No. 2019-06 was intended for the privately-owned Residential properties located at 231 Dubois Street and 261 High Street.

City staff did not seek the lowest bid, but the most qualified and responsible Painting Contractor. Therefore, staff is recommending RFP-2019-05 – Municipal be awarded to Gonzales Custom Painting, Inc., and RFP-2019-06 – Residential be awarded to Aspect Painting & Roofing LLC. The City has previously worked with both contractors and feels that each are well suited to perform the work as proposed.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 40-2019, a Resolution approving the Exterior Paint Program Contracts in a total amount not to exceed \$87,518.25.

**MOTION PASSED**

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

**B. Resolution 41-2019, A Resolution Approving the Proposal from HR Green for an Assessment of Public Works and Community Planning and Development**

Mayor Spellman read the title.

Public Works Director Isbester and Community Planning and Development Administrator, Linker explained that the City of Black Hawk is at a pivotal time regarding current and future Capital Improvement Projects and potential future commercial development. Staff has requested an operational and organizational assessment of the Public Works and Community Development departments which will provide the City with options to evaluate a number of municipal

functions to help ensure maximum organizational and operational effectiveness.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 41-2019, a Resolution approving the proposal from HR Green for an assessment of Public Works and Community Planning and Development.

**MOTION PASSED**

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

**C. Resolution 42-2019, A Resolution Ratifying the Phone Poll Approving a First Amendment to the Taylor Kohrs CMGC Contract and the Payment of \$60,000 to Taylor Kohrs for the Design of the Hidden Treasure Trail Head Bridge**

Mayor Spellman read the title.

Public Works Director Isbester explained Taylor Kohrs had selected Big R Bridge to fabricate the Hidden Treasure Trailhead Bridge. To secure a production slot and finalize the engineering required to start fabrication, Big R is requesting a deposit. This deposit will reserve a production slot such that the bridge should be fabricated and ready for install in late fall.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 42-2019, a Resolution ratifying the phone poll approving a First Amendment to the Taylor Kohrs CMGC Contract and the payment of \$60,000 to Taylor Kohrs for the design of the Hidden Treasure Trail Head Bridge.

**MOTION PASSED**

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

**D. Resolution 43-2019, A Resolution Approving the First Amendment to the Agreement of Lease Between the City of Black Hawk as Lessor and Gilpin County Education Foundation as Lessee for Property Located at 137 Clear Creek Street, Unit A, Black Hawk, Colorado**

Mayor Spellman read the title.

City Attorney Hoffmann explained the First Amendment to the Lease provides for a "Rent Credit" equal to the 4.50% City of Black Hawk Sales Tax generated at 137 Clear Creek Street, Unit A.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 43-2019, a Resolution approving the First Amendment to the Agreement of Lease between the City of Black Hawk as lessor and Gilpin County Education Foundation as lessee for property located at 137 Clear Creek Street, Unit A, Black Hawk, Colorado.

**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:

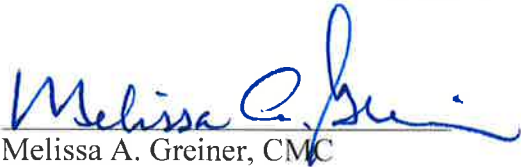
City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION:

None

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 3:30 p.m.



Melissa A. Greiner, CMC  
City Clerk



David D. Spellman  
Mayor

