



**City of Black Hawk
City Council**

January 23, 2019

MEETING MINUTES

Nathan Pillatzke, AIA of PEH Architects, rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, January 23, 2019, by Mayor Spellman immediately following a work session.

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

Absent: Aldermen Johnson and Torres.

Staff present: City Attorney Hoffmann, Acting City Manager Cole, Acting Police Chief Jantz, Fire Chief Woolley, Finance Director Hillis, Accountant Hall, Public Works Director Isbester, Senior Civil Engineers Ford and Reed, Street Superintendent Schaller, Fleet Superintendent Jackson, City Clerk/Administrative Services Director Greiner, Community Planning & Development Administrator Linker, Community Planning and Development Administrative Assistant Forbes, 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 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: Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. APPROVAL OF MINUTES: January 9, 2019

MOTION TO APPROVE Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve the Minutes as presented.

MOTION PASSED There was no discussion, and the motion passed unanimously.

7. PUBLIC HEARINGS:

A. CB2, An Ordinance Amending the Black Hawk Employee Handbook Dated September 2018, by the Addition of a New Section 512 Entitled Unscheduled Pay, and a Corresponding Amendment to Section 508 Regarding Overtime Pay

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis introduced this item to benefit non-exempt hourly employees who are asked to work unplanned or unscheduled time during a week that also includes paid leave. As the policy currently reads, no one is eligible for overtime pay until the hours physically worked exceeds the required number of hours for the pay period. The new unscheduled premium pay would provide a premium for those hours worked that are outside of one's regular schedule but do not qualify for overtime. Street Superintendent Schaller said this would be a huge morale booster for his employees.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB2, an Ordinance amending the Black Hawk Employee Handbook dated September 2018, by the addition of a new Section 512 entitled Unscheduled Pay, and a corresponding amendment to Section 508 regarding overtime pay 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 Bennett to approve CB2, an Ordinance amending the Black Hawk Employee Handbook dated September 2018, by the addition of a new Section 512 entitled Unscheduled Pay, and a corresponding amendment to Section 508 regarding overtime pay.

MOTION PASSED

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

B. CB3, An Ordinance Amending Section 18-5 of the Black Hawk Municipal Code Regarding the Need for Automatic Sprinkler Systems Under the International Fire Code

Mayor Spellman read the title and opened the public hearing.

Fire Chief Woolley said this was an adjustment to the City's Fire Code to add certain occupancy groups to the sprinkler requirements.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB3, an Ordinance amending Section 18-5 of the Black Hawk Municipal Code regarding the need for automatic sprinkler systems under the International Fire 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 Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve CB3, an Ordinance amending Section 18-5 of the Black Hawk Municipal Code regarding the need for automatic sprinkler systems under the International Fire Code.

MOTION PASSED

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

C. CB4, An Ordinance Repealing Section 2-178 of the Black Hawk Municipal Code Regarding the Bylaws of the Black Hawk Fire Department

D. CB5, An Ordinance Repealing the Previously Approved City of Black Hawk Fire Department Rules and Regulations and/or Standard Operating Guidelines

Mayor Spellman read the titles to hold one public hearing on both agenda items.

Fire Chief Woolley asked to have the requirements for Council approval of Fire Department Bylaws eliminated and to have previous approval of Standard Operating Guidelines repealed. City Attorney

Hoffmann noted that the Fire Department administration seeks to utilize existing City policies and should have the ability to modify operating guidelines for daily operations.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB4, an Ordinance repealing Section 2-178 of the Black Hawk Municipal Code regarding the Bylaws of the Black Hawk Fire Department and CB5, an Ordinance repealing the previously approved City of Black Hawk Fire Department Rules and Regulations and/or Standard Operating Guidelines 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 Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve CB4, an Ordinance repealing Section 2-178 of the Black Hawk Municipal Code regarding the Bylaws of the Black Hawk Fire Department and CB5, an Ordinance repealing the previously approved City of Black Hawk Fire Department Rules and Regulations and/or Standard Operating Guidelines.

MOTION PASSED

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

E. CB6, An Ordinance Approving a Lease Agreement with Vertical Bridge Development, LLC for the Installation and Maintenance of a Cellular Tower Facility on City Property on Miners Mesa

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester explained the area to be leased was the diamond lot on Miners Mesa. The details were included in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB6, an Ordinance approving a Lease Agreement with Vertical Bridge Development, LLC for the installation and maintenance of a cellular tower facility on City property on Miners Mesa 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 Moates to approve CB6, an Ordinance approving a Lease Agreement with Vertical Bridge Development, LLC for the installation and maintenance of a cellular tower facility on City property on Miners Mesa.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 5-2019, A Resolution Approving the Professional Services Agreement Between the City of Black Hawk and PEH Architects in an Amount Not To Exceed \$840,095.00 for Design Services Pertaining to the Gregory Street Phase 2 Project

Mayor Spellman read the title.

Senior Civil Engineer Reed reminded Council that they just participated in the PEH Architect Work Session and saw their fully detailed presentation. At this time he wanted to elaborate on the items not included with their presentation; items that would have to come back to Council at a later date for separate approval, such as the Lucky Star and Eureka development, renovation of the church, and the civil engineering work on the flume, to name a few.

Alderman Micap asked about the exclusion of the 11-month walk through when finished and if the schedule gets pushed out, would PEH increase their prices. Peter Heinz, of PEH Architects, said they would honor the 11-month walk through, and if the project were to drag out of their control, they might need to come back for more money in a mutually agreed upon manner. He added that the six to nine months listed was the design scope and that construction could take up to 24 months.

Alderman Midcap also questioned the exclusion of the design review or Owner Architect Contractor (OAC) construction meeting minutes, and Mr. Heinz clarified that PEH would be at those meetings, this exclusion was only meant to put the task of taking minutes back onto the contractor. Mr. Heinz added that the architectural/engineering (A/E) fees were for all the engineering, as well as the interiors of the buildings.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 5-2019, a Resolution approving the Professional Services Agreement between the City of Black Hawk and

PEH Architects in an amount not to exceed \$840,095.00 for design services pertaining to the Gregory Street Phase 2 Project.

MOTION PASSED

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

B. Resolution 6-2019, A Resolution Approving Certain Service Agreements for Calendar Year 2019

Mayor Spellman read the title.

Public Works Director Isbester introduced this housekeeping item to add onto the others recently approved at the end of year.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 6-2019, a Resolution approving certain service agreements for calendar year 2019.

MOTION PASSED

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

C. Resolution 7-2019, A Resolution Approving the Purchase of a 2019 Nilfisk Advance SW8000 Sweeper from Ace Equipment in an Amount Not To Exceed \$53,850.00

Mayor Spellman read the title.

Public Works Director Isbester explained with the opening of the St. Charles Carriage House Parking Garage; the Public Works Department now needs equipment to maintain the facility. Mayor Spellman noted that this sweeper could also be used to maintain the new Gregory Street Plaza in the future.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 7-2019, a Resolution approving the purchase of a 2019 Nilfisk Advance SW8000 Sweeper from Ace Equipment in an amount not to exceed \$53,850.00.

MOTION PASSED

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

**9. ACTING CITY
MANAGER
REPORTS:**

Acting City Manager Cole had nothing to report.

10. CITY ATTORNEY: City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended items number 2 and 5 only for Executive Session for specific legal issues related to potential legislation.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 3:16 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), and 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 Armbright to adjourn the Executive Session at 3:57 p.m.

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

City Council resumed their regular meeting with a **MOTION** by Alderman Moates, and **SECONDED** by Alderman Midcap, to authorize the Acting City Manager not to exceed \$75,000, subject to ratification, for the interior demolition on the properties on Gregory Street; there was no discussion, and the motion **PASSED** unanimously.

12. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 4:00 p.m.



Melissa A. Greiner, CMC
City Clerk



David D. Spellman
Mayor

