



**City of Black Hawk  
City Council**

**April 27, 2016**

**MEETING MINUTES**

City Council and Historic Preservation Commission Members participated in a Public Officials Liability Training Session at 2:00 p.m.

Public Works Street Maintenance Worker, and soon-to-be retiree, Ron Howle rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, April 27, 2016, 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 Lewis, Police Chief Cole, Fire Chief Taylor, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Community Planning and Development Administrator Linker, Public Works Director Isbester, Senior Civil Engineer Reed, Street Superintendent Schaller, Street Maintenance Employees Howle, Ludivig, Meyer, and Espinosa, 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. There were no conflicts 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. PRESENTATION: Retirement of Ronald Howle, Street Maintenance Worker

Mayor Spellman thanked Ron Howle for his 16 years of service to the City. He then read a plaque and presented it to Ron on behalf of the City. Ron said it has been a great place to work and his only complaint was that he didn't start sooner!

6. PUBLIC COMMENT: Deputy City Clerk Martin confirmed that no one had signed up to speak.

7. APPROVAL OF MINUTES April 13, 2016.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

**MOTION PASSED**

There was no discussion and the motion passed unanimously, noting Alderman Johnson's abstention.

8. PUBLIC HEARINGS:

**A. CB7, An Ordinance Amending the City of Black Hawk 2016 Pay Plan by Revising the 2016 Hiring Range and Retitling the Position of Police Lieutenant to Police Commander**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner said that while processing the pay increases that were just approved a few of the positions were not consistent with what was used in 2015, prompting this revision. In regards to the retitling of the Police Department positions, Greiner said this change was for consistency with other survey cities Black Hawk uses in their salary survey.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB7, An Ordinance Amending the City of Black Hawk 2016 Pay Plan by Revising the 2016 Hiring Range and Retitling the Position of Police Lieutenant to Police Commander 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 CB7, An Ordinance Amending the City of Black Hawk 2016 Pay Plan by Revising the 2016 Hiring Range and Retitling the Position of Police Lieutenant to Police Commander.

**MOTION PASSED**

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

9. ACTION ITEMS:

**A. Resolution 30-2016, A Resolution Approving a Certificate of Appropriateness for the Exterior Rehabilitation of Property Located at 400 Chase Street**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. The applicants Josh Smith and Mary Keehfuss have submitted this application to the Historic Preservation Commission (HPC) for the rehabilitation of their historic house, site, and outbuilding; the non-historic buildings have already been demolished. Linker said there were three items not in compliance with the design guidelines: existing windows, siding, and porch railings.

From the HPC meeting, Linker said staff was to determine whether to use modern Thermopane true divided light windows or simulated divided light windows and handed out a printout from PEH Architects on the discussion. HPC and staff recommended the simulated divided light windows as they truly resemble what historic windows look like. HPC also recommended allowing a frosted glass window in the back bathroom since it is not visible from the road.

Linker said HPC recommended repurposing the house siding onto the shed/carriage house and to then replace the house siding with new uniform period style siding.

The porch was discussed next. Linker said the existing porch is not original as the original porch was not as deep as the present porch and the applicant agreed to take it back to its original footprint. Mayor Spellman and Alderman Armbright agreed that it may not be original to the house, but were convinced it meets the 50 year requirement. It was agreed to keep the porch's existing footprint. Linker said the porch railings will be addressed through building code.

Alderman Midcap was concerned about the foundation and maybe having to rehabilitate the house in another 10 years, but Linker said the structural engineer did sign off on it.

**MOTION TO**

**APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 30-2016, Resolution Approving a Certificate of Appropriateness for the Exterior Rehabilitation of Property Located at 400 Chase Street and to keep the existing footprint of the porch.

**MOTION PASSED**

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

**B. Resolution 31-2016, A Resolution Approving a Certificate of Appropriateness for Retaining Walls on Multiple City-Owned Properties on the North Side of Gregory Street Between Selak and Church Streets, and on the South Side of Gregory Street Between Bobtail Road and High Street**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker and Senior Civil Engineer Reed were present to answer any questions. Linker said this is part of the Gregory Street realignment project. Reed brought examples of what the stone would look like; the colors will match the St. Charles Carriage House for a consistent theme along Gregory Street.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 31-2016, Resolution Approving a Certificate of Appropriateness for Retaining Walls on Multiple City-Owned Properties on the North Side of Gregory Street Between Selak and Church Streets, and on the South Side of Gregory Street Between Bobtail Road and High Street.

**MOTION PASSED**

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

**C. Resolution 32-2016, A Resolution Approving the City of Black Hawk's Amended 401(A) Adoption Agreement Known as the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust Adoption Agreement, as Amended Effective April 27, 2016**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that the IRS has changed their review process and now each plan sponsor is required to execute a new agreement restating their plan. Greiner said the new agreement has been revised to incorporate legislative and regulatory changes, whereas the old agreement had them separated out.

**MOTION TO**

**APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 32-2016, Resolution Approving the City of Black Hawk's Amended 401(A) Adoption Agreement Known as the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust Adoption Agreement, as Amended Effective April 27, 2016.

**MOTION PASSED**

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

**D. Resolution 33-2016, A Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of \$787,745 for Health Insurance**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner said that Kaiser Permanente proposed to increase their rate by 13.8% for the 2016-2017 plan year with no change to plan design. Staff directed the City's benefit broker IMA to shop the market for competitive bids on similar coverage. She said IMA met with Kaiser to let them know what they found and Kaiser then came back with a reduction in their increase to only 1.5%. Greiner said the estimated amount is based on the current enrollment and is subject to change.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 33-2016, Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of \$787,745 for Health Insurance.

**MOTION PASSED**

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

**E. Resolution 34-2016, A Resolution Approving the Contract with Delta Dental in the Amount of \$104,518 for Group Dental Insurance**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner said that Delta Dental gave the City a rate pass on their renewal with no plan design change and no increase. She said the estimated amount is based on current enrollment.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 34-2016, Resolution Approving the Contract with Delta Dental in the Amount of \$104,518 for Group Dental Insurance.

**MOTION PASSED**

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

**F. Resolution 35-2016, A Resolution Awarding the Bid and Approving the Agreement Between the City of Black Hawk and Concrete Express, Inc. for Construction of the Gregory Street Relocation Project in an Amount Not To Exceed \$7,765,950.50, Plus a Materials Testing Allowance of \$180,000.00**

Mayor Spellman read the title.

Public Works Director Isbester and Senior Civil Engineer Reed introduced this item. Council reminisced that this was a long awaited project that started eight years ago. Isbester said the project can start within 30 days and would take approximately 18 months to finish. He also noted that \$200,000 was set aside, in addition to what was listed on the Resolution, for construction management in case City staff is unavailable. Mayor Spellman added that the Sanitation District approved \$1,396,402.25 on Monday for work related to this project, that amount would be deducted from the City's portion.

On behalf of City Council, Mayor Spellman gave credit to Isbester and Reed and thanked them for all their work in seeing this project through.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 35-2016, Resolution Awarding the Bid and Approving the Agreement Between the City of Black Hawk and Concrete Express, Inc. for Construction of the Gregory Street Relocation Project in an Amount Not To Exceed \$7,765,950.50, Plus a Materials Testing Allowance of \$180,000.00.

**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 had nothing to report.

**12. EXECUTIVE SESSION:** City Attorney Hoffmann recommended item number 2 for Executive Session regarding potential legislation and legal issues regarding the City's Fire Alarm Ordinance and legal issues related to parking.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:30 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.

**MOTION TO  
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:18 p.m.

**MOTION PASSED**

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

**13. ADJOURNMENT:**

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:18 p.m.



Melissa A. Greiner  
City Clerk



David D. Spellman  
Mayor

