



**City of Black Hawk  
City Council**

**March 13, 2024**

**MEETING MINUTES**

John Scraffe, a reporter from the MountainEar, rang the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, March 13, 2024, at 3:00 p.m.

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 Moriarty, Fire Chief Woolley, Administrative Services Director/City Clerk Greiner, Finance Director Hillis, City Engineer Reed, Public Works Director Isbester, Water Resources Engineer Dallam, Community Planning & Development Director Linker, and Information Specialist Colombin.

**PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in reciting the Pledge of Allegiance.

3. **AGENDA CHANGES:** City Attorney Hoffmann stated there was one minor agenda change to the Executive Session call, which should read as follows:

Executive Session to hold a conference with the City Attorney to receive legal advice on specific legal issues regarding potential employee handbook revisions and regarding potential City legislation, **and regarding litigation**, pursuant to C.R.S. § 24-6-402(4)(b), and to hold a conference with the City Attorney to receive legal advice on specific legal issues pursuant to C.R.S. § 24-6-402(4)(b), and to instruct negotiators pursuant to C.R.S. § 24-6-402(4)(e) regarding City-owned land on Gregory Hill, the Gregory Street HARD District, other City-owned property and regarding negotiations with other governmental entities.

4. **CONFLICTS OF INTEREST:**

City Attorney Hoffmann stated that this is the portion of the agenda where Council can disclose a conflict of interest on any matter on today's agenda, in addition to what is currently on file with the Secretary of

State's Office and the City Clerk's Office. Attorney Hoffmann asked the Council if they had any Conflicts of Interest and he asked members of the audience if anyone objected to any Council member voting on any item on today's agenda.

No conflicts were noted from the Council and no objections were received from the audience.

5. PUBLIC COMMENT: City Clerk Greiner confirmed no one had signed up to speak.

6. APPROVAL OF  
MINUTES: February 28, 2024

**MOTION TO  
APPROVE**

Alderman Armbright **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. CB6, An Ordinance Amending the City of Black Hawk Municipal Code Regarding Length of Stay in Lodging Facilities**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that this ordinance is intended to assure that the City's lodging facilities are not used as extended-stay hotels. Extended-stay hotels have certain additional building code attributes to protect personal property stored in permanent residences. This ordinance ensures that hotels and other lodging facilities which have less stringent building codes do not become permanent residences which is in excess of thirty days.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB6, an Ordinance Amending the City of Black Hawk Municipal Code Regarding Length of Stay in Lodging Facilities open, and invited anyone wanting to address the Board either "for" or "against" the Ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve CB6, an Ordinance Amending the City of Black Hawk Municipal Code Regarding Length of Stay in Lodging Facilities

**MOTION PASSED**

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

**B. CB7, An Ordinance Approving the 2023 FTA Section 5311 Grant for Three (3) ADA Accessible BOC Replacement Buses Administered by the Colorado Department of Transportation, Division of Transit and Rail, for the Black Hawk and Central City Tramway**

Mayor Spellman read the title and opened the public hearing.

Public Works Director Tom Isbester explained the City was awarded a 2023 FTA 5311 grant for three buses. The grant is administered by CDOT. The estimated delivery is June 2024. The grant is for \$599,850 of which the City/Tramway will be reimbursed for 80% or \$479,880 for a net cost of \$119,970 for three new buses.

The City approved the 2022 FTA 5311 grant for 2 BOX replacement buses in January. These are due to arrive about the same time.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB7, An Ordinance Approving the 2023 FTA Section 5311 Grant for Three (3) ADA Accessible BOC Replacement Buses Administered by the Colorado Department of Transportation, Division of Transit and Rail, for the Black Hawk and Central City Tramway open, and invited anyone wanting to address the Board either “for” or “against” the Ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve CB7, An Ordinance Approving the 2023 FTA Section 5311 Grant for Three (3) ADA Accessible BOC Replacement Buses Administered by the Colorado Department of Transportation, Division of Transit and Rail, for the Black Hawk and Central City Tramway

**MOTION PASSED**

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

**8. ACTION ITEMS:**

**C. Resolution 25-2024, A Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023, Between the City of Black Hawk and Roche Constructors, Inc., Establishing the Guaranteed Maximum Price (GMP) of \$497,058 for Construction of the Lace House Rehabilitation Project**

Mayor Spellman read the title.

City Engineer Reed explained the work would rehabilitate the Lace house for guided tours with completion expected later this fall. All interior finishes must be restored to bring the Laced House up to museum-quality standards. Structural, electrical, HVAC, and plumbing systems will also need to be modified to meet current building code requirements.

The original General Contractor Agreement with Roche Constructors, Inc. was approved by City Council on April 12, 2023. Approval of this amendment would establish the GMP for the construction of the Lace House Rehabilitation project and authorize construction to begin.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 25-2024, a Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023, Between the City of Black Hawk and Roche Constructors, Inc., Establishing the Guaranteed Maximum Price (GMP) of \$497,058 for Construction of the Lace House Rehabilitation Project

**MOTION PASSED**

After a brief discussion, the motion **PASSED** unanimously.

**8. ACTION ITEMS:**

**D. Resolution 26-2024, A Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023, Between the City of Black Hawk and Roche Constructors, Inc., Establishing the Guaranteed Maximum Price (GMP) of \$1,708,558 for Construction of the Gregory Point Site Improvements Project**

Mayor Spellman read the title.

City Engineer Reed introduced the scope of work for the project. All deteriorating railings will be replaced with new decorative metal railings. Damaged sections of the stone retaining walls and concrete sidewalks will be replaced. All stand-alone "Hawk" light poles will be replaced. Exterior speakers and other audio equipment will be added. WiFi system and security cameras will be added. The patio area outside of the Barn will be enlarged.

While an elevator was originally proposed to reach the upper-level of Gregory Point, this elevator has been eliminated and will not be constructed with the Gregory Point Site Improvements.

The General Contractor Agreement with Roche Constructors, Inc. was approved by City Council on April 12, 2023. Approval of this Amendment would establish the GMP for construction of the Gregory Point Site Improvement project and authorize construction to begin.

**MOTION TO  
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 26-2024, a Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023, Between the City of Black Hawk and Roche Constructors, Inc., Establishing the Guaranteed Maximum Price (GMP) of \$1,708,558 for Construction of the Gregory Point Site Improvements Project

**MOTION PASSED**

After some discussion, the motion **PASSED** unanimously.

**E. Resolution 27-2024, A Resolution Approving an On-Call Service Agreement with Grasmick Electric Corporation in an Amount not to Exceed \$25,000.00 for Calendar Year 2024**

Mayor Spellman read the title.

Water Resources Engineer Dallam explained Grasmick Electrical Corp has personnel with significant experience working in/on/around the City of Black Hawk water plant, pump stations, and vaults. The City utilizes on-call contractors to supplement our existing staff. Having an additional electrical contractor was felt to be in the best interest of the City.

**MOTION TO  
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 27-2024, a Resolution Approving an On-Call Agreement with Grasmick Electric Corporation in an Amount not to Exceed \$25,000.00 for Calendar Year \$25,000.00

**MOTION PASSED**

After no discussion the motion **PASSED** unanimously.

**F. Resolution 28-2024, A Resolution Approving the Purchase of One (1) Ford Ranger Pickup Truck in the Amount of \$60,000**

**G. Resolution 29-2024, A Resolution Approving the Purchase of Three (3) Fully Equipped Marked Dodge Durango Police Patrol Vehicles in the Amount of \$204,114.00**

Mayor Spellman stated he was combining items 8 F and 8 G and read the titles.

Public Works Director, Isbester accompanied by Chief Woolley and Chief Moriarty, explained one replacement vehicle for the Fire Department was approved for purchase in the 2024 budget, which will be a replacement vehicle for the Chief. His current vehicle will be repurposed for the Fire Captains. The three replacement patrol vehicles

for the Police Department were approved for purchase in the 2024 budget.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 28-2024, a Resolution Approving the Purchase of Three (3) Fully Marked Dodge Durango Police Patrol Vehicles in the Amount of \$204,114.00 and Resolution 29-2024, A Resolution Approving the Purchase of Three (3) Fully Equipped Marked Dodge Durango Police Patrol Vehicles in the Amount of \$204,114.00

**MOTION PASSED**

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

**H. Resolution 30-2024, A Resolution Amending the Residential Exterior Paint Program – Guide to Programs**

Mayor Spellman read the title.

CP&D Director Linker explained the City created the Residential Exterior Paint Program Guide to Programs to provide recommendations, interpretations, administrative instructions, best practice guidance, and the Exterior Paint Program framework. CP&D performed a complete audit of the Exterior Paint Guide to Programs adopted by Resolution 13-2021 on March 17, 2021, and found the Guide redundant, cumbersome, and difficult to navigate. Because the document repeated much of the information many times, Staff altered the Guide to make it simpler, more manageable, and more efficient.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 30-2024, a Resolution Amending the Residential Exterior Paint Program – Guide to Programs

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously. The Mayor commented that the revisions were nicely done and good job!

**9. CITY MANAGER  
REPORT:**

City Manager Cole had nothing to report.

**10. CITY ATTORNEY  
REPORT:**

City Attorney Hoffmann had nothing to report.

**12. EXECUTIVE**



SESSION:

City Attorney Hoffmann recommended items number 2 and 5 only for Executive Session and that the specific legal issues related to potential Employee Handbook revisions, potential City legislation, litigation, and specific legal issues regarding intergovernmental relations as well.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:17 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), to determine positions and to hold a conference with the City's Attorney 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**

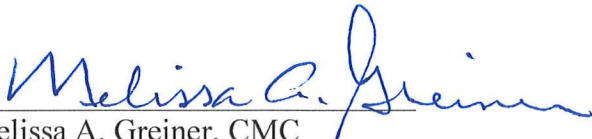
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:15 p.m.

**MOTION PASSED**

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

**13. ADJOURNMENT:**

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:15 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

