



**City of Black Hawk
City Council**

May 24, 2023

MEETING MINUTES

Corey Colombin, the City's Information Specialist and artist extraordinaire, 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, May 24, 2023 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, Fire Marshal Walsh, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, City Engineer Reed, Community Planning & Development Director Linker, Development Services Coordinator Richards, Baseline Engineering Consultants Harris, Charles, and Rivas, and Deputy City Clerk Martin.

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

3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed that agenda items 7D and 7E, Resolutions 42 and 43, were pulled from the agenda.

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 Midcap recused himself from agenda item 8C regarding the City's Paint Program. No other member from Council noted a conflict.

City Attorney Hoffmann asked the audience if there were any objections to any member of the Council voting on any issue on the agenda this afternoon. There were no objections noted.

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

6. APPROVAL OF
MINUTES: May 10, 2023

**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. CB12, An Ordinance of the City of Black Hawk Amending the Black Hawk Municipal Code Regarding Smoke and Carbon Monoxide Detectors and Fire Extinguishers in Short-Term Rental Properties

Mayor Spellman read the title and opened the public hearing.

Deputy City Clerk Martin introduced this item. She said the International Fire Code reference in the Short-Term Rental Code was irrelevant and can be removed. Also, she said, staff recommended adding smoke detectors and fire extinguishers to the Carbon Monoxide Code to give SAFEbuilt the authority to inspect all three safety devices when inspecting short-term rental properties.

Alderman Midcap had a few questions, which Fire Marshal Walsh answered.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB12, an Ordinance of the City of Black Hawk amending the Black Hawk Municipal Code regarding Smoke and Carbon Monoxide Detectors and Fire Extinguishers in Short-Term Rental Properties open and invited anyone wanting to address the Board either “for” or “against” the proposed 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 Bennett to approve CB12, an Ordinance of the City of Black Hawk amending the Black Hawk Municipal Code regarding Smoke and Carbon Monoxide Detectors and Fire Extinguishers in Short-Term Rental Properties.

MOTION PASSED

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

B. Resolution 40-2023, A Resolution Approving the Site Development Plan and Certificate of Architectural Compatibility for the Garage at 311 Chase Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Charles went through the presentation for a new 3-car garage at 311 Chase Street. The variance for this property for a front setback and minor subdivision were approved back in January.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 40-2023, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the garage at 311 Chase Street open and invited anyone wanting to address the Board either “for” or “against” the proposed Resolution to come forward.

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

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 40-2023, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the garage at 311 Chase Street.

MOTION PASSED

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

C. Resolution 41-2023, A Resolution Approving a Site Development Plan for the City-owned Properties Located at 200-496 Gregory Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Rivas went through their presentation. This is for City-owned buildings in the HARD District that already received Certificates of Architectural Compatibility for improvements, some have been completed, and others have not, but there was no Site Development Plan (SDP) established at the time. Mr. Harris added that this SDP lays the framework for the subdivision plat they are working on, which recreates a new right-of-way on Gregory Street and a reconfiguration of the extra land needed for the roadway. It will come before Council in a future meeting.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 41-2023, a Resolution approving a Site Development Plan for the City-owned properties located at 200-496 Gregory Street open and invited anyone

wanting to address the Board either “for” or “against” the proposed Resolution to come forward.

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

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 41-2023, a Resolution approving a Site Development Plan for the City-owned properties located at 200-496 Gregory Street.

MOTION PASSED

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

D. Resolution 42-2023, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for the Copper Kitchen Pizzeria Located at 307 Gregory Street

Pulled from the agenda.

E. Resolution 43-2023, A Resolution Conditionally Approving a Certificate of Architectural Compatibility to Allow an Elevator and Exterior Improvements for Gregory Point at Mountain City Located at 410-496 Gregory Street

Pulled from the agenda.

F. Resolution 44-2023, A Resolution Approving the Gregory Hill Subdivision for Property Located at 987 Miners Road in Order to Reconfigure Lot, Tract, Parcel, and Right-Of-Way Lines on Gregory Hill

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Rivas went through their presentation for City-owned property zoned PF. As the title suggests, the subdivision intends to reconfigure lot, tract, parcel, and right-of-way lines on Gregory Hill. Ms. Rivas pointed out that the Miners Road extension shown on the plat will connect down to Lake Gulch Road.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 44-2023, a Resolution approving the Gregory Hill Subdivision for property located at 987 Miners Road in order to reconfigure lot, tract, parcel, and right-of-way lines on Gregory Hill open and invited anyone wanting to address the Board either “for” or “against” the proposed Resolution to come forward.

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

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 44-2023, a Resolution approving the Gregory Hill Subdivision for property located at 987 Miners Road in order to reconfigure lot, tract, parcel, and right-of-way lines on Gregory Hill.

MOTION PASSED

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

G. Local Liquor Licensing Authority Consideration of a Special Event Liquor Permit for Team Evergreen Cycling - TENTATIVE

Mayor Spellman read the title and opened the public hearing.

Deputy City Clerk Martin introduced this placeholder item in case any objections were received regarding a Special Event Liquor Permit for a bike race hosted by Team Evergreen Cycling at Hidden Treasure Parking Lot. They plan to have beer after the event on June 30th. She said no objections were received by today's deadline, so technically, there was no need for a public hearing.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on the Local Liquor Licensing Authority's consideration of a Special Event Liquor Permit for Team Evergreen Cycling open and invited anyone wanting to address the Board either "for" or "against" the Special Event Liquor Permit to come forward.

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

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve the Special Event Liquor Permit for Team Evergreen Cycling.

MOTION PASSED

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

Alderman Johnson asked to be recused from agenda item 8C regarding the City's Paint Program.

8. ACTION ITEMS:

A. Resolution 45-2023, A Resolution Conditionally Approving a Certificate of Appropriateness for the Interior Renovation to the City of Black Hawk Police Station Located at 221 Church Street

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this item. As per Code, she said, this project went before the Historic Preservation Commission (HPC) because it is landmarked as the old Black Hawk School House constructed in 1870. The HPC met on May 16, 2023 and recommended conditional approval as outlined in the Resolution.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 45-2023, a Resolution conditionally approving a Certificate of Appropriateness for the interior renovation to the City of Black Hawk Police Station located at 221 Church Street.

MOTION PASSED

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

B. Resolution 46-2023, A Resolution Approving the Request of the New Property Owner of 101 Horn Street to Remain in the Queue for Participation in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs for a Rehabilitation and Preservation Easement

Mayor Spellman read the title.

Community Planning & Development Director Linker said she received a request from the current owner of 101 Horn Street, who is in the Air Force stationed in South Korea, to remain in the queue. She said due to a miscommunication problem, the 45-day deadline to submit a Letter of Intent was missed. She said staff recommends waiving the requirement due to the breach in communication and to keep the home in the program's queue, subject to budget and appropriations, as explained in the program.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 46-2023, a Resolution approving the request of the new property owner of 101 Horn Street to remain in the queue for participation in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs for a Rehabilitation and Preservation Easement.

MOTION PASSED

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

C. Resolution 47-2023, A Resolution Approving Expenditures in the Total Amount Not to Exceed \$116,326.55 for the City's Exterior Paint Program

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this item. She said six residents want to participate in the program. She said the approved budget was \$100,000, but the bids received from Independent Painting exceeded that amount. Staff asked Independent Painting to revisit his bids, and he returned with a 5% reduction for each property. She said that if Council approves this Resolution, staff recommends reviewing the Program Guidelines to determine costs saving measures for the program's future.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 47-2023, a Resolution approving expenditures in the total amount not to exceed \$116,326.55 for the City's Exterior Paint Program.

MOTION PASSED

There was no discussion, and the motion was **PASSED**, noting recusals from Aldermen Johnson and Midcap.

D. Resolution 48-2023, A Resolution Approving the Second Amendment to Subdivision and Development Agreement Between the City of Black Hawk and Club Vista Properties II, LLC Regarding the Black Hawk Park Subdivision

Mayor Spellman read the title.

City Manager Cole introduced this item. He said Club Vista redesigned their Black Hawk Park plan, which included only airstreams, by adding 45 geodesic domes and eliminating 45 of the airstreams. He said the previous agreement had an attachment describing the process for the airstreams, and since they are going with the domes, the process has changed, and so must the agreement to clarify the new process.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 48-2023, a Resolution approving the Second Amendment to Subdivision and Development Agreement between the City of Black Hawk and Club Vista Properties II, LLC regarding the Black Hawk Park Subdivision.

MOTION PASSED

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

**9. CITY MANAGER
REPORT:**

City Manager Cole had nothing to report.

**10. CITY ATTORNEY
REPORT:**

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 5 only for Executive Session to instruct negotiators regarding City-owned land in the Gregory Street HARD District.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:22 p.m. 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**

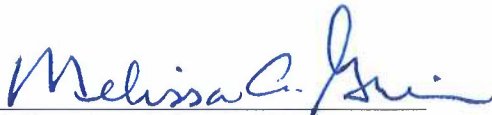
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:45 p.m.

MOTION PASSED

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

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:45 p.m.



Melissa A. Greiner, CMC
City Clerk



David D. Spellman
Mayor

