



**City of Black Hawk
City Council**

September 14, 2022

MEETING MINUTES

Candidate Gail Maxwell Crawford, running for the County Clerk and Recorder position, 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, September 14, 2022 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, Police Commander Jantz, Fire Chief Woolley, Finance Director Hillis, Public Works Director Isbester, City Engineer Reed, Community Planning & Development Director Linker, and Deputy City Clerk Martin.

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

3. AGENDA CHANGES: City Attorney Hoffmann slightly modified the Executive Session section of the agenda, where it should have read "to receive legal advice on specific legal questions related to potential legislation."

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. City Council noted no conflicts.

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 stated that Gail Crawford had signed up to speak. Ms. Crawford introduced herself for the record, living on East Dory Hill Road. She had come to the meeting to say hello and to let Council know that she was running for the County Clerk and Recorder position as an unaffiliated candidate and would appreciate their vote.

6. APPROVAL OF MINUTES: August 24, 2022

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. CB22, An Ordinance Approving the Intergovernmental Agreement Between the City of Black Hawk and the Gilpin Ambulance Authority Regarding Maintenance of the Authority's Ambulances

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester introduced the annual maintenance agreement. He said it was supposed to be signed by the Ambulance Authority this morning at their meeting, but it missed making it to their agenda so it will be on their next meeting agenda in October.

PUBLIC HEARING: Mayor Spellman declared Public Hearings on CB22, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and the Gilpin Ambulance Authority regarding maintenance of the Authority's ambulances 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 Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve CB22, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and the Gilpin Ambulance Authority regarding maintenance of the Authority's ambulances.

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

8. ACTION ITEMS:

A. Resolution 54-2022, A Resolution Approving the Agreement for Professional Services for Holiday Decorations with Alpine Artisan Studios in the Amount Not to Exceed \$214,730.00

Mayor Spellman read the title.

Public Works Director Isbester explained that Alpine Artisan would be adding some garland and bows along Bobtail Road, lit boxes for the plaza, additional lights for the trees, and a few other items.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 54-2022, a Resolution approving the Agreement for Professional Services for holiday decorations with Alpine Artisan Studios in the amount not to exceed \$214,730.00.

MOTION PASSED

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

B. Resolution 55-2022, A Resolution Approving a Historic Preservation Easement for Excavation, Wet and Dry Utility Construction, and Rock Wall Reconstruction for the Property Located at 171 Marchant Street

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced the Historic Preservation easement as the funding source for the 171 Marchant Street project. She explained that the funds are earmarked for the project, the homeowner enters into this agreement, the agreement gets recorded, and the agreement stays with the property in perpetuity; this guarantees that the homeowner will always maintain the wall. She noted that this is not considered an emergency grant, but the homeowner has not been able to use the house since December 2021, when the water was shut off. She added that this property has six different owners, so it has been challenging to get everything in place to start the project.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 55-2022, a Resolution approving a Historic Preservation Easement for excavation, wet and dry utility construction, and rock wall reconstruction for the property located at 171 Marchant Street.

MOTION PASSED

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

- C. Resolution 56-2022, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and JD Masonry, LLC in the Amount Not to Exceed \$149,497.00 for the 171 Marchant Street Retaining Wall Reconstruction Project**
- D. Resolution 57-2022, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Grapes & Sons Excavating, LLC in the Amount Not to Exceed \$48,500.00 for Site and Utility Work Related to the 171 Marchant Street Retaining Wall Reconstruction Project**

Mayor Spellman combined these items and read the titles.

City Engineer Reed followed up on the previous agenda item and attested that the wall was failing. He solicited three bid requests, and only JD Masonry submitted a bid. If approved, JD Masonry will replace the entire retaining wall along the street frontage, and Grapes & Sons will assist in the demolition and excavating work. They will also relocate utility lines behind the new retaining wall.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 56-2022, a Resolution awarding the bid and approving the contract between the City of Black Hawk and JD Masonry, LLC in the amount not to exceed \$149,497.00 for the 171 Marchant Street Retaining Wall Reconstruction Project, and Resolution 57-2022, a Resolution awarding the bid and approving the contract between the City of Black Hawk and Grapes & Sons Excavating, LLC in the Amount Not to Exceed \$48,500.00 for Site and Utility Work Related to the 171 Marchant Street Retaining Wall Reconstruction Project.

MOTION PASSED

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

- E. Resolution 58-2022, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Grapes & Sons Excavating, LLC in the Amount Not to Exceed \$57,500.00 for Rockslide Repairs in Upper Chase Gulch**

Mayor Spellman read the title.

City Engineer Reed introduced this item. He said over the last month, a section of the historical retaining wall collapsed onto the trail; it is still passable but hazardous, and another wall is on the verge of collapsing. He explained that Grapes would install a laid back wall, not a vertical wall representing what was there historically, and will put mortar into it to stabilize it; the mortar will be blind so as not to be exposed. He noted they would also repair the drainage features to mitigate the water that caused the issue in the first place.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 58-2022, a Resolution awarding the bid and approving the contract between the City of Black Hawk and Grapes & Sons Excavating, LLC in the Amount Not to Exceed \$57,500.00 for rockslide repairs in Upper Chase Gulch.

MOTION PASSED

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

F. Resolution 59-2022, A Resolution Approving an Agreement with Arborist Prime Tree Service for the Removal of Trees Adjacent to Highway 119 Within the Black Hawk City Limits in the Amount Not to Exceed \$75,000.00

Mayor Spellman read the title.

Fire Chief Woolley began by stating that the City has seen a drastic increase in the degradation of trees since last year's tree removal along the Highway 119 corridor. Chief Woolley went on to say they solicited three bids and wish to award the bid to Arborist Prime Tree Service. Mayor Spellman added that most of the trees are located on the highway right-of-way, so it should be CDOT's responsibility. Chief Woolley said the reality is that all of those trees will die due to the magnesium chloride and the beetle kill. He said this project would increase the width of the corridor, help reduce wildfire fuels, make the forest healthier, and provide a better view of the City.

Alderman Armbright asked about the dead trees high up in the mountain, and Chief Woolley replied they are working with Xcel, but the phone and cable company is up there too, and they are separate from one another, plus there are multiple property owners involved, so it is a process. He assured Council they are working on a remedy for the future and are trying to stay on top of it.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 59-2022, a Resolution approving an agreement with Arborist Prime Tree Service for the removal of trees adjacent to Highway 119 within the Black Hawk City limits in the amount not to exceed \$75,000.00.

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 2 only for Executive Session and the specific legal issues related to potential legislation.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:20 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 3:45 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 3:45 p.m.



Michele Martin, CMC
Deputy City Clerk



David D. Spellman
Mayor

