



**City of Black Hawk
City Council**

February 12, 2020

MEETING MINUTES

A memorial wreath sat on an empty chair next to Julie Seitzinger's photo, and Mayor Spellman opened the meeting letting folks know that he had planned to dispense with the ringing of the bell today out of respect for Julie, but then realized that Julie would want to welcome the City's new employees as ambassadors for the City, as she was a true ambassador with her outgoing willingness to help and serve. She was a perfect fit for the City, and after the Pledge of Allegiance, there will be a moment of silence to honor Julie. He added there would be a memorial luncheon on February 20th at 11:30 at Crook's Palace for all who can attend.

The two new employees Kellie Johnson and Dustin Rust, rang the bell to open the meeting.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, February 12, 2020, 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 Cole, Fire Chief Woolley, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineer Reed, Community Planning & Development Director Linker, Baseline Engineering Consultants Harris and Watel, and a large gathering of staff to honor Julie.

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

3. MOMENT OF SILENCE: In remembrance of Julie Seitzinger, Executive Administrative Assistant.

4. AGENDA CHANGES: City Clerk Greiner confirmed there were no changes to the agenda.

5. 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.

6. INTRODUCTION OF
NEW EMPLOYEES:

Dustin Rust, Police Officer III
Kellie Johnson, Communications Officer I

Police Chief Lloyd introduced two new employees who come to Black Hawk, both from Texas. He said Kellie is an Army Reserves Sergeant Colonel and has been on two deployments, and Dustin has over 20 years of law enforcement, is a graduate of the FBI Command School, and holds several certifications as a Firefighter, first responder, and SWAT operator. Both employees bring a wealth of experience to their positions. Council warmly welcomed them.

7. PUBLIC COMMENT:

City Clerk Greiner stated that resident, Tom Feeney, had signed up to speak on three different topics.

Tom Feeney, of Black Hawk, reiterated that Julie was an incredible employee and will be missed from his public perspective, he also wanted to acknowledge the great job Public Works has been doing on the snow removal, and lastly, he asked for Council to consider putting out competitive bids on certain future contracts.

8. APPROVAL OF
MINUTES:

January 22, 2020

**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.

9. PUBLIC HEARINGS:

A. Resolution 8-2020, A Resolution Adopting the Comprehensive Plan of the City of Black Hawk, Dated February 2020

Mayor Spellman read the title and opened the public hearing.

Community Planning & Development Director Linker introduced this item by stating this was a group effort of nearly two years between the City and Baseline Engineering. She added that Julie Seitzinger was very instrumental in the cover, as well as the design of how it was laid out.

Baseline Engineering consultant Harris noted that a Comprehensive Plan is a state-mandated requirement, and the last one was done in 2004. He went on to list the names of everyone involved in the update. He said this Comprehensive Plan is the City's vision and roadmap for the future.

Alderman Midcap had a correction and a few questions/suggestions. He said the date of 1991 for gambling should be 1990 and questioned the building height of 75 feet on page 19 in the Transitional GOLD District. Baseline consultants discussed the existing PUD that has been submitted for that site already, and they said they understand his concerns and will work with the property owners when they submit their proposal.

Alderman Midcap said he liked the radius called out on the map on page 40 and suggested to perhaps add a footnote noting approximately 2.8 people in the Denver Metro Area are within a 50-foot radius of the City of Black Hawk. Baseline agreed that can be added.

Alderman Midcap also asked about the growth area and the description of uses, Baseline consultants said it is addressed on the map on page 16. Alderman Torres added that the IGA expires in a few years, and we may not want to get into too much detail on something that could change in the next few years. Mayor Spellman said that all those uses are still taken into account. All agreed the Comprehensive Plan turned out very nice.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 8-2020, a Resolution adopting the Comprehensive Plan of the City of Black Hawk, dated February 2020 open and invited anyone wanting to address the Board either "for" or "against" the proposed resolution to come forward.

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

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 8-2020, a Resolution adopting the Comprehensive Plan of the City of Black Hawk, dated February 2020.

MOTION PASSED

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

10. ACTION ITEMS:

A. Resolution 9-2020, A Resolution Adopting the Comprehensive Plan of the City of Black Hawk, Dated February 2020 as the City's Three-Mile Annexation Plan

Mayor Spellman read the title.

City Attorney Hoffmann explained that the Annexation Act requires the City to have a Three-Mile Plan for potential growth of the City and since the recently adopted Comprehensive Plan is the roadmap and vision for the City's future, it is recommended, and typical he added, for municipalities to adopt their Comprehensive Plan as their Three-Mile Annexation Plan.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 9-2020, a Resolution adopting the Comprehensive Plan of the City of Black Hawk, dated February 2020 as the City's Three-Mile Annexation Plan.

MOTION PASSED

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

B. Resolution 10-2020, A Resolution Accepting the Petitions for Annexation and Establishing March 25, 2020 as the Date of Public Hearing on the Requested Annexation of Parcels of Unincorporated Territory Located in the County of Gilpin (Lake Gulch Whiskey Resort Annexations)

Mayor Spellman read the title.

City Attorney Hoffmann said this resolution would set the public hearing date for the Lake Gulch Whiskey Resort Annexations for March 25; he said it was previously known as RSM Partners Annexation when presented to Council at a prior meeting. He said if approved, then a specific noticing process of the entire resolution plus Exhibit A would be published. He noted that Exhibit A in the packet includes maps plus the legal descriptions and that he would suggest the Clerk publish just the legal descriptions as Exhibit A as the maps don't publish well.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 10-2020, a Resolution accepting the Petitions for Annexation and establishing March 25, 2020, as the date of the public hearing on the requested annexation of parcels of

unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexations).

MOTION PASSED

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

C. Resolution 11-2020, A Resolution Cancelling the April 7, 2020 Regular Election and Declaring Candidates Elected

Mayor Spellman read the title.

City Attorney Hoffmann cited Colorado Law that to cancel an election, and there must be no more candidates than open positions and no ballot questions proposed for the ballot. He said that is the case as the City has received the exact number of candidates as positions open and there are no proposed ballot questions so the April election can be cancelled, notice will be published, and those candidates can be sworn in. Mayor Spellman noted this had been the case for the last two regular municipal elections.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 11-2020, a Resolution cancelling the April 7, 2020, Regular Election, and declaring candidates elected.

MOTION PASSED

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

D. Resolution 12-2020, A Resolution Approving a Purchase and Sale Agreement for the Acquisition of the PM Lode Mining Claim U.S. Mineral Survey No. 4556

E. Resolution 13-2020, A Resolution Approving a Purchase and Sale Agreement for the Acquisition of the Bates Lode Mining Claim U.S. Mineral Survey No. 941 AM

Mayor Spellman combined these action items and read the titles.

City Manager Cole introduced these items for purchase. He said they are two small parcels adjacent to the Briggs lot of the Colvin Tract, and the City intends to build a trail system from that area over Bates Hill and ultimately connecting to Maryland Mountain.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 12-2020, a Resolution approving a Purchase and Sale Agreement for the acquisition of the PM Lode Mining Claim U.S. Mineral Survey No. 4556, and Resolution 13-2020, a Resolution approving a Purchase and Sale Agreement for the acquisition of the Bates Lode Mining Claim U.S. Mineral Survey No. 941 AM.

MOTION PASSED

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

- F. Resolution 14-2020, A Resolution Approving the Professional Services Agreement Between the City of Black Hawk and PEH Architects in an Amount Not To Exceed \$72,925.00 for Design Services Pertaining to the Grand Staircase**
- G. Resolution 15-2020, A Resolution Approving the Professional Services Agreement Between the City of Black Hawk and PEH Architects in an Amount Not To Exceed \$99,503.00 for Design Services Pertaining to the Mountain City Railing Replacement and Elevator Installation Project**
- H. Resolution 16-2020, A Resolution Approving the Professional Services Agreement Between the City of Black Hawk and PEH Architects in an Amount Not To Exceed \$54,861.00 for Design Services Pertaining to the Lace House Rehabilitation Project**

Mayor Spellman combined these items and read the titles.

Senior Civil Engineer Reed introduced these design contracts and provided the background for each project. He said the grand staircase would replace the existing temporary staircase, the 20-year old Mountain City railing would be replaced and an elevator installed for upper-tier access, and to restore the Lace House to open it to the public.

PEH Architects Peter Heinz and Nathan Pillatzke were present to go through their presentation of each project. The grand staircase project includes a welcome sign and a rest area. The metal stairs are designed for underground drainage to connect to the existing flume. The lighting features on the welcome sign and entrance pillars will match the historic Crooks Palace lamps. The design showed the areas where the future elevator and bridge are being considered. The livery lot asphalt walkway will be removed and replaced with meandering colored concrete sidewalk and pedestrian lighting.

Alderman Midcap asked if the scope of work for the design of the grand staircase included the design of the grand staircase, the plaza area, the sidewalk, and lighting throughout the plaza and the livery areas. Peter Heinz confirmed that it did.

The Mountain City railing replacement and elevator installation project include guardrails, handrails, and fencing. There are three terraces of Mountain City and all three levels will have a different railing. There was a discussion on the location of the elevator. PEH consultants said they did an extensive study of the possible locations and this one seems to be the best for many reasons. It is just a hard location in general.

The Lace House rehabilitation project includes the whole interior, including a convenience bathroom for the attendant and bringing the utilities back in; there are very few exterior finishes to be restored/replaced. The goal was to figure out how to get it open to the public. PEH Architects will be partnering with Pinyon Environmental, as the City's historical consultant, on this project.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 14-2020, a Resolution approving the Professional Services Agreement between the City of Black Hawk and PEH Architects in an amount not to exceed \$72,925.00 for design services pertaining to the Grand Staircase, Resolution 15-2020, a resolution approving the Professional Services Agreement between the City of Black Hawk and PEH Architects in an amount not to exceed \$99,503.00 for design services pertaining to the Mountain City Railing Replacement and Elevator Installation Project, and Resolution 16-2020, a resolution approving the Professional Services Agreement between the City of Black Hawk and PEH Architects in an amount not to exceed \$54,861.00 for design services pertaining to the Lace House Rehabilitation Project.

MOTION PASSED

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

I. Resolution 17-2020, A Resolution Approving Amendment No. 3 to the CMGC Contract Executed on May 22, 2019 Between the City of Black Hawk and Taylor Kohrs LLC, Increasing the Guaranteed Maximum Price (GMP) by \$162,314.03 for Completion of Electrical Work and Changed Site Conditions for the Hidden Treasure Trailhead Project

Mayor Spellman read the title.

Public Works Director Isbester introduced this item. He said the delays from CDOT on approvals had pushed us into the winter months. He said this third amendment primarily includes the final electrical scope. When asked, he replied that the City would not be charged for remobilization once things get started back up again. He added there will be another change order for the rock stabilization on the Creekside landing for the bridge, as it is just exposed rock right now, and it will not hold up as originally anticipated.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 17-2020, a Resolution approving Amendment No. 3 to the CMGC Contract executed on May 22, 2019, between the City of Black Hawk and Taylor Kohrs LLC, increasing the Guaranteed Maximum Price (GMP) by \$162,314.03 for completion of electrical work and changed site conditions for the Hidden Treasure Trailhead Project.

MOTION PASSED

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

J. Resolution 18-2020, A Resolution Approving the Soil Nail and Stabilization Easement Agreement with the Rocky Mountain Evangelical Free Church for the Property at 331 Gregory Street

Mayor Spellman read the title.

Senior Civil Engineer Reed made known that the contractor reconstructing the drainage flume identified risk to the structural integrity of the Church building, a soil nail system was used to shore up the building foundation. He said this easement is necessary to memorialize the system in place. Mayor Spellman asked for a traffic update due to the flume construction, and Reed explained that the week of February 24 Gregory Street would be down to one lane with temporary traffic signals operating 24 hours a day for approximately 5-7 days. He noted that High Street traffic would be able to get through at all times.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 18-2020, a Resolution approving the Soil Nail and Stabilization Easement Agreement with the Rocky Mountain Evangelical Free Church for the property at 331 Gregory Street.

MOTION PASSED

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

K. Resolution 19-2020, A Resolution Approving the Professional Services Agreement Between the City of Black Hawk and Alpine Artisan Studios for the 2020 Christmas Décor Program in an Amount Not To Exceed \$175,000.00

Mayor Spellman read the title.

Public Works Director Isbester explained that the contractor would like to clean and refurbish the decorations now before putting them in storage so that the salt and dirt won't sit on them for months. He confirmed that this price includes installing, taking down, cleaning, and refurbishing, as well as some new items.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 19-2020, a Resolution approving the Professional Services Agreement between the City of Black Hawk and Alpine Artisan Studios for the 2020 Christmas Décor Program in an amount not to exceed \$175,000.00.

MOTION PASSED

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

11. CITY MANAGER
REPORTS:

City Manager Cole had nothing to report.

12. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

13. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended items number 5 only for Executive Session.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:53 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 4:20 p.m.

MOTION PASSED

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

14. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:20 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

