



**City of Black Hawk
City Council**

January 22, 2020

MEETING MINUTES

City Attorney, Corey Hoffmann, rang the bell to open the meeting.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, January 22, 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, and Community Planning & Development Director Linker.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.
3. AGENDA CHANGES: City Clerk Greiner confirmed there were no changes to 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. 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.
5. PUBLIC COMMENT: City Clerk Greiner confirmed that no one had signed up to speak.
6. APPROVAL OF MINUTES: January 8, 2020

**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.

7. PUBLIC HEARINGS:

None

8. ACTION ITEMS:

- A. Resolution 4-2020, A Resolution Approving the Agreement for Mold Remediation for the Structures Located at 221 Gregory Street with Weecycle Environmental Consulting, Inc. in a Total Amount Not to Exceed \$28,206.00**

Mayor Spellman read the title.

Community Planning & Development Director Linker explained Weecycle would hire the lowest bid from the most responsible subcontractor and oversee the site and work because Weecycle is familiar with environmental laws.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** Midcap by Alderman to approve Resolution 4-2020, a Resolution approving the agreement for mold remediation for the structures located at 221 Gregory Street with Weecycle Environmental Consulting, Inc. in a total amount not to exceed \$28,206.00.

MOTION PASSED

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

- B. Resolution 5-2020, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Black Hawk Bean & Coffee LTD as Lessee**

Mayor Spellman read the title.

Finance Director Hillis presented a lease for a new tenant to the coffee shop to serve coffee, ice cream, and basic staples. The lease has some revised language for additional City oversight. The new tenant purchased the equipment owned by the previous tenant. Alderman Midcap asked why the previous tenant failed. Director Hillis explained the business has tight profit margins, and the business needs a working owner. The previous owner lived in Littleton and thought he could pay

employees and not work in the shop. The new tenant lives in Gilpin County and will work in the shop with his son who has worked for one of the previous owners.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 5-2020, a Resolution approving the Agreement of Lease between the City of Black Hawk as lessor and Black Hawk Bean & Coffee LTD as lessee.

MOTION PASSED

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

C. Resolution 6-2020, A Resolution Approving Certain Service Agreements for Calendar Year 2020

Mayor Spellman read the title.

Public Works Director Isbester explained this was the annual renewal of on-call contracts for the Public Works Department.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 6-2020, a Resolution approving certain Service Agreements for calendar year 2020.

MOTION PASSED

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

D. Resolution 7-2020, A Resolution Approving Amendment No. 4 to the Construction Manager/General Contractor Agreement Executed on February 27, 2019 Between the City of Black Hawk and Roche Constructors, Inc., Increasing the Guaranteed Maximum Price (GMP) by \$96,800 for the Purpose of Procuring and Installing an Elevator in the Gregory Street Commercial Building Located at 221 Gregory Street

Mayor Spellman read the title.

Senior Civil Engineer Reed explained this amendment to the original agreement is for procuring and installing the elevator at 221 Gregory Street. This proposal is presented separately because of the required lead time for the manufacturing of the elevator. Senior Civil Engineer Reed explained an additional amendment to the agreement for the final build design and cost proposal would be submitted for Council's review in a future meeting.

MOTION TO

APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 7-2020, a Resolution approving Amendment No. 4 to the Construction Manager/General Contractor Agreement executed on February 27, 2019 between the City of Black Hawk and Roche Constructors, Inc., increasing the Guaranteed Maximum Price (GMP) by \$96,800 for the purpose of procuring and installing an elevator in the Gregory Street commercial building located at 221 Gregory Street.

MOTION PASSED

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

9. CITY MANAGER
REPORTS:

City Manager Cole had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann stated that under the Colorado Municipal Annexation Act, C.R.S. § 31-12-107(f), "The Clerk shall refer the petition to the governing body as a communication. The governing body, without undue delay, shall then take appropriate steps to determine if the petition so filed is substantially in compliance with this subsection (1)." So today, on behalf of the City Clerk, we are letting you know as a communication that the Council/City has received Annexation Petitions from the property owner of record, RSM, and the contract purchaser, an entity known as Proximo Spirits. The property is located in the Black Hawk growth area. Under the language of the statute, the next step is evaluating the petitions that were filed to determine if they are in substantial compliance with the Annexation Act. When it is determined the petitions are substantially compliant with the statute, the matter will be brought forward to you for consideration, and a hearing will be set. This is the first step in a long process, but we are obligated to let you know and refer it to you as a communication.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item numbers 2 and 5 only for Executive Session, and the specific legal issues related to Metropolitan Districts and potential legislation.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:07 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) and 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 4:00 p.m.

MOTION PASSED

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

City Council resumed its regular open meeting.

**MOTION TO
APPROVE**

Alderman Moates made a **MOTION** and was **SECONDED** by Alderman Torres, to approve a land exchange agreement with Miners Mesa, LLC.

MOTION PASSED

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

**MOTION TO
APPROVE**

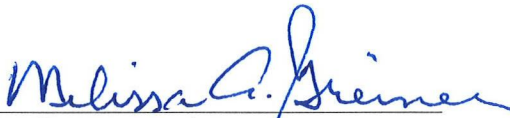
Alderman Moates made a **MOTION** and was **SECONDED** by Alderman Bennett, to approve the conveyance of property to the Black Hawk Silver Dollar Metropolitan District Directors.


MOTION PASSED

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

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:05 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

