



**City of Black Hawk
City Council**

June 22, 2022

MEETING MINUTES

New Senior Firefighter Justin Quador 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, June 22, 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 Commander Troy Cooper, Fire Chief Woolley, fellow firefighters, 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: Deputy City Clerk confirmed that City Attorney Hoffmann changed the executive language section of the agenda to add C.R.S. § 24-6-402(4)(b) for legal advice 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. EMPLOYEE

INTRODUCTIONS: Justin Quador, Senior Firefighter

Fire Chief Woolley introduced Justin, who comes to the City with over 15 years of fire experience, most recently from Adams County Fire. He said Justin was looking for a close-knit organization, and Black Hawk has that family feel he was looking for. He was welcomed by all.

6. PUBLIC COMMENT: Deputy City Clerk Martin noted that no one had signed up to speak.

7. APPROVAL OF
MINUTES:

June 8, 2022

**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** 5-1, noting the abstention from Alderman Moates.

8. PUBLIC HEARINGS:

A. CB14, An Ordinance Approving the Intergovernmental Agreement with the Board of County Commissioners of Gilpin County Regarding the Gilpin County Community Center

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained the agreement to provide Community Center (rec center) memberships to City residents at no cost. He said the City would pay the County on behalf of its citizens to use the rec center, and children could join leagues and other services at the expense of the City. The Gilpin County Commissioners approved the agreement at their meeting yesterday.

Mayor Spellman noted that the only difference from when he first mentioned this to Council is that he found out the rec center also offers something similar to a day care in addition to the sports leagues, and the City is covering that as well. He went on to say there are such few families in the City that he's sure they will take advantage of it.

PUBLIC HEARING:

Mayor Spellman declared Public Hearings on CB14, an Ordinance approving the Intergovernmental Agreement with the Board of County Commissioners of Gilpin County regarding the Gilpin County Community Center 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 Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve CB14, an Ordinance approving the Intergovernmental Agreement with the Board of County Commissioners of Gilpin County regarding the Gilpin County Community Center.

MOTION PASSED

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

9. ACTION ITEMS:

A. Resolution 44-2022, A Resolution Electing to Opt the City Out From Participation in the State of Colorado Family and Medical Leave Insurance (FAMLI) Program

Mayor Spellman read the title.

City Attorney Hoffmann introduced this item by stating that at the November 2020 election, Colorado voters approved the FAMLI Act State Plan, which is in addition to the federal FAMLI Leave Act. Staff recommends opting out of the program for various reasons, including the fact that the City already offers a robust leave plan equal to or greater than those required by law. He added that employees may still participate in the plan and have to pay their own premiums to the state, similar to being self-employed. He said there had been some confusion on when the City is to notify the state of their decision, but based on the original rules that were promulgated, the decision had to be done 180 days prior to when premiums would start to be collected, which is January 1, 2023, so the City is meeting the deadline of June 30.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 44-2022, a Resolution electing to opt the City out from participation in the State of Colorado Family and Medical Leave Insurance Program.

MOTION PASSED

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

B. Resolution 45-2022, A Resolution Amending the Community Restoration and Preservation Program Documents by Adopting the Historic Preservation Program Fund Guide to Programs and Rehabilitation Guide to Programs, Revised June 2022

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this item. In a continual effort to streamline the program, staff has proposed several changes. A few major changes include the funding source modified from the State Historical Fund to the Black Hawk General Fund, reference from a Certificate of Appropriateness (COA) to a Certificate of Architectural Compatibility (COAC), and introducing a new design concept of changing from a General Contractor (GC) to a Construction Manager/General Contractor (CM/GC).

She explained that changing the project delivery method of having a CM/GC at the beginning of the design phase and then overseeing the entire project should eliminate any frustration for the homeowner when a GC may not be able to meet the design specs that were finalized in the design phase, overbidding by the GC to accommodate for those issues, and the ability to identify risks early on.

Another change she mentioned was removing the 10-year timeframe of the Preservation Easement to keep it in perpetuity instead. Alderman Midcap questioned why that was needed, and Ms. Linker replied that the easement is granted for the exterior in exchange for the City doing all the work, and the property must be maintained in a satisfactory condition; the City can enforce the maintenance with the easement in place.

City Attorney Hoffmann added that the City is basically buying the upkeep of the property in perpetuity to keep it looking like the investment the City expects with this program, and he noted that the grant is tax-exempt. Alderman Midcap asked how the tax reimbursement piece worked. Mr. Hoffmann explained the grant is considered income and emphasized that it is a one-time reimbursement on the income tax due for receipt of the grant.

Alderman Torres voiced his concern over the definition of an owner's representative. He said that based on previous experience in the grant program, a City's advocate title would be more realistic, and the name of the owner's representative was misleading. Ms. Linker said they did change the definition, as they also had found problems in the past, and she feels this will lessen those issues. City Attorney Hoffmann agreed that this position really does serve two masters as it relates to the City and the homeowner, yet their only job is to the approved plans and to make sure they are being followed. The hope is that the new CM/GC contract will minimize conflict. Mayor Spellman suggested seeing how it works and revisiting it if problems arise. The plan is to have one CM/GC per budgeted project. He added that conflicts are typically on interior/exterior finishes and by having a design prepared by one contractor, then pieced out for bid, and then another contractor comes on board and says they can't supply particular elements, a conflict starts between a homeowner and the City. Also, it was noted that previous contractors would overbid for a worst-case scenario because they weren't

involved in the design at the beginning, so this model should reduce those issues and help with a more accurate bid price.

Ms. Linker stated the RFQ is currently on Rocky Mountain BidNet, and 25 companies had downloaded the document already.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 45-2022, a Resolution amending the Community Restoration and Preservation Program Documents by adopting the Historic Preservation Program Fund Guide to Programs and Rehabilitation Guide to Programs, revised June 2022.

MOTION PASSED

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

**10. CITY MANAGER
REPORT:**

City Manager Cole had nothing to report.

**11. 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; the specific legal advice relates to potential legislation, and the negotiations relate to City owned property.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:27 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 3:50 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 adjourned at 3:50 p.m.



Melissa A. Greiner, CM®
City Clerk



David D. Spellman
Mayor

