



**City of Black Hawk
City Council**

March 23, 2022

MEETING MINUTES

On his 60th birthday, Alderman Hal Midcap and his wife Karen 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, March 23, 2022, at 3:00 p.m.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff Present: Acting City Attorney Vera, City Manager Cole, Fire Chief Woolley, Police Chief Moriarty, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, City Engineer Reed, Community Planning & Development Director Linker, Development Services Coordinator Richards, Baseline Consultants Harris, Jones, and Rivas, 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 Martin said the agenda was revised by adding a topic under the City Manager Reports section.

4. **CONFLICTS OF INTEREST:** Acting City Attorney Vera 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.

Acting City Attorney Vera 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 that resident and business owner Tom Feeney had signed to speak on agenda item 8A.

6. APPROVAL OF
MINUTES:

March 23, 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. CB4, An Ordinance Repealing and Reenacting Article VI of Chapter 18 of the Black Hawk Municipal Code, Entitled Flood Damage Prevention

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Vince Harris and Matt Jones introduced this item. Mr. Jones, PE, resident floodplain expert, went through his presentation. He said FEMA and the Colorado Conservation Board contracted with AECOM to redo all of the floodplains within Gilpin County, effective April 6. From that review, Black Hawk now qualifies for 60.3(c) of the National Flood Insurance Program because the City has more than one floodplain and modeled flood elevations. He said as per FEMA policy, whenever a study and maps are updated, the community is required, at a minimum, to come into compliance. After review, the City's code was not adequate. The approval of this Ordinance would bring the City into compliance.

Alderman Midcap asked why two of the houses were back in the floodplain, to which Mr. Jones replied the flood elevation was determined to be higher.

Alderman Midcap also asked about vents in a crawl space, and Mr. Jones said that during a flood, hydraulic forces would be the same on both sides of the house so that water would flow through and, yes, possibly flood the crawlspace, but not physically move the house.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB4, an Ordinance repealing and reenacting Article VI of Chapter 18 of the Black Hawk Municipal Code, entitled Flood Damage Prevention 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 CB4, an Ordinance repealing and reenacting Article VI of Chapter 18 of the Black Hawk Municipal Code, entitled Flood Damage Prevention.

MOTION PASSED

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

B. CB5, An Ordinance Amending Certain Provisions of the Black Hawk Municipal Code Regarding Off Street Parking

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained the proposed updates to the parking code to include standards for distilleries, tasting rooms, and distillery warehouses. He mentioned the Site Development Plan for the Rick Thomas Distillery, which had to request a parking variance last year because the City did not have specific standards outlined in the code for this particular use.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB5, an Ordinance amending certain provisions of the Black Hawk Municipal Code regarding off street parking 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 Torres to approve CB5, an Ordinance amending certain provisions of the Black Hawk Municipal Code regarding off street parking.

MOTION PASSED

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

C. Resolution 19-2022, A Resolution Approving a Site Development Plan for the City-Owned Building Located at 221 Gregory Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Vince Harris and Alyssa Rivas introduced this item. Ms. Rivas went through the presentation. She said the Site Development Plan was not approved when Council approved the minor subdivision and Certificate of Architectural Compatibility in 2020. She added that this is the final land use approval required for the property’s renovation of converting the building into four retail spaces with a shared common area, including restrooms and an elevator.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 19-2022, a Resolution approving a Site Development Plan for the City-owned building located at 221 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 Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 19-2022, a Resolution approving a Site Development Plan for the City-owned building located at 221 Gregory Street.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 20-2022, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Work Proposed to Crook’s Palace Located at 200 Gregory Street

Mayor Spellman read the title.

Community Planning & Development Director Linker and Historic Preservation consultant Ashley Bushey from Pinyon Environmental presented this item. Ms. Bushey explained that Crook’s Palace is on the National Historic Landmark registry and falls under Chapter 16 of the Black Hawk Municipal Code for historic renovation guidelines. She noted that the Certificate of Appropriateness did meet the requirements and pointed out that the proposed covered patio attaches to the non-historic addition, not to the historic building, so it could revert back and not affect the historic portion of the building. The Historic Preservation Commission met on March 15, 2022, and unanimously agreed to recommend conditional approval to City Council.

Alderman Midcap asked if any changes to the design would cause this to come back before Council again. Ms. Bushey replied it has to match the design plans approved on February 25, 2022; if there is a slight change, for example, what is etched in the glass, then no, but if a change is made to the footprint, then yes. Mayor Spellman informed Council that the left and the right column lights on the patio would be removed because the one on the right is too low for the sidewalk, and to make it symmetrical, they will remove the left one as well, leaving only the two center column lights. Ms. Bushey confirmed this type of change does not need approval.

Resident and business owner, Tom Feeney, asked to speak on the stone wall feature proposed around the new patio. He said he doesn't think the stone veneer would look good and recommends using real stone.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 20-2022, a Resolution conditionally approving a Certificate of Appropriateness for the exterior work proposed to Crook's Palace located at 200 Gregory Street.

MOTION PASSED

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

B. Resolution 21-2022, A Resolution Approving a Professional Services Agreement with Weecycle Environmental Consulting, Inc. for Environmental Testing and Abatement Consulting Services in the Amount Not to Exceed \$50,000

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this housekeeping item. She said staff was unsure of what Weecycle services would be needed at the beginning of the year when on-call agreements are typically approved, but now there are a few City programs requiring their services. She said the January 11, 2023 expiration date would match the other on-call agreements.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 21-2022, a Resolution approving a Professional Services Agreement with Weecycle Environmental Consulting, Inc. for environmental testing and abatement consulting services in the amount not to exceed \$50,000.

MOTION PASSED

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

**9. CITY MANAGER
REPORTS:**

City Manager Cole discussed a change to City operations. He said there are multiple departments now with varied schedules, and with the rising fuel prices, he suggests the City move from a five-day workweek of Monday through Friday to a four-day workweek Monday through Thursday, closed on Fridays. He added it is hard to recruit and retain employees, and this will also boost moral. He said the employees would still work 40 hour weeks with 30-minute on-the-clock lunches. Of course, he said, Fire, Police and some Public Works will still be operating 24/7 and already have flexibility within their departments. He suggests trying it out and, by September 1, reviewing what the impact has been on residents and workloads. Mayor Spellman added that if any residents

still needed to conduct City business on Fridays, staff would accommodate by making an appointment. Aldermen Armbright and Bennett thought it was a great idea and asked what took so long? There was unanimous support for this idea.

10. CITY ATTORNEY: Acting City Attorney Vera had nothing to report.

11. EXECUTIVE
SESSION:

Acting City Attorney Vera recommended item number 5 only for Executive Session to instruct negotiators regarding City-owned land on Gregory Hill, the Gregory Street HARD District, and other City-owned property, as well as the potential for acquisitions of other property.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:25 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**

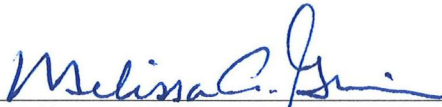
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:00 p.m.

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 4:00 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

