



**City of Black Hawk  
City Council**

**May 12, 2021**

**MEETING MINUTES**

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, May 12, 2021, at 3:00 p.m.

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

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Police Chief Moriarty, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Water Manager Ford, 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 Martin 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. City Council noted no conflicts.

City Attorney Hoffmann asked the virtual audience if there were any objections to any member of 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 Tom Feeney had signed up to speak. Mr. Feeney wished to express his gratitude to all the City Departments over the past year, emphasizing snow removal and

giving a shout out to the Police and Fire Departments during a recent emergency at his house.

6. APPROVAL OF  
MINUTES:

April 28, 2021

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve the Minutes as presented.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously, noting Alderman Midcap's abstention.

7. PUBLIC HEARINGS:

**A. CB13, An Ordinance Repealing and Reenacting Sections 8-1 and 8-2 of the Black Hawk Municipal Code and Adopting by Reference the 2020 Model Traffic Code**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann noted that the agenda item referenced the 2018 Model Traffic Code when this Ordinance, the notice published, and the packet items are all correct in referencing 2020. He went on to say the adoption of this Ordinance will bring the City of Black Hawk's traffic code in line with the current state traffic laws. Police Chief Moriarty concurred.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB13, an Ordinance repealing and reenacting Sections 8-1 and 8-2 of the Black Hawk Municipal Code and adopting by reference the 2020 Model Traffic Code 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 Armbright to approve CB13, an Ordinance repealing and reenacting Sections 8-1 and 8-2 of the Black Hawk Municipal Code and adopting by reference the 2020 Model Traffic Code.

**MOTION PASSED**

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

**B. Resolution 29-2021, A Resolution Amending the City of Black Hawk 2020 Budget**

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis introduced this item. He said it was in regards to Phase II of the Gregory Street Plaza project, not all the approved monies were used in 2019, so this amendment would move a portion of the 2019 funding forward to 2020 to cover the costs for 2020; he said we would have to do it again for 2021.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 29-2021, a Resolution amending the City of Black Hawk 2020 Budget 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 Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 29-2021, a Resolution amending the City of Black Hawk 2020 Budget.

**MOTION PASSED**

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

**8. ACTION ITEMS:**

**A. Resolution 30-2021, A Resolution Approving the Agreement Regarding Cost Sharing for Sanitary Sewer Line Construction Between the City and Proximo Distillers, LLC**

Mayor Spellman read the title.

City Attorney Hoffmann introduced this item. He reminded Council that the City had recently approved a large Public Works project that included approximately 2.2 million dollars for that project’s sanitary sewer line component; this agreement would confirm Proximo’s share of the project at \$560,141.78, which included a 10% contingency. It is due by May 31, 2021. He said the City received Proximo’s signed copy of the agreement last night.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 30-2021, a Resolution approving the agreement regarding cost sharing for sanitary sewer line construction between the City and Proximo Distillers, LLC.

**MOTION PASSED**

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

**B. Resolution 31-2021, A Resolution Approving the Construction Contract with Naranjo Civil Constructors and the Construction Management Contract with Merrick Company for the Green Lake Intake Project**

Mayor Spellman read the title.

Water Manager Ford introduced this item which finishes up the Green Lake intake project that replaced the pipeline over the last eight years. This approval would flow the water through the pipeline. He said this is a good team of contractors, and they have worked together before.

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 31-2021, a Resolution approving the Construction Contract with Naranjo Civil Constructors and the Construction Management Contract with Merrick Company for the Green Lake Intake Project.

**MOTION PASSED**

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

**10. CITY MANAGER  
REPORTS:**

City Manager Cole asked for consensus on a few items that were previously budgeted for. The first was the 1.5% increase for employees from 2020 put on hold due to the pandemic until the City finished the first quarter of 2021. He said they believe the revenue will be higher than projected, which was great news. He would like to award the 1.5% retroactive to January 1<sup>st</sup>. Secondly, he would like to reinstate the sick leave and vacation buyback program discontinued last year, subject to funding being available come September. City Council was unanimous in their affirmative consensus.

City Manager Cole was also looking for direction on code enforcement issues related to abandoned vehicles, trailers, and tall grass, etc., as we get closer to Clean-Up Day. As some residents may not comply, the result would be to bring them to court. City Council directed staff to enforce as necessary.

**11. CITY ATTORNEY:**

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended item numbers 2 and 5 only for Executive Session and the specific legal issues related to intergovernmental issues and the negotiation matters relate Gregory Street and property acquisitions.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:15 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**

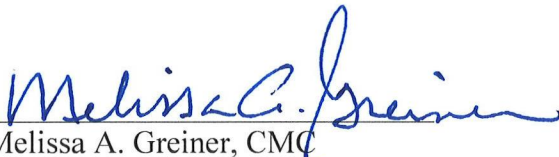
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:03 p.m.

**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 4:03 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

