



**City of Black Hawk
City Council**

May 13, 2020

MEETING MINUTES

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, May 13, 2020, at 3:00 p.m. by Mayor Spellman.
2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Commander Jantz, Fire Chief Woolley, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning & Development Director Linker, Baseline Engineering Consultants Harris and Esterl, IT Manager Muhammad, 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. No conflicts were noted from City Council.

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 no one had signed up to speak.

6. APPROVAL OF
MINUTES:

April 22, 2020

**MOTION TO
APPROVE**

Alderman Bennett **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. CB12, A Bill for an Ordinance Rezoning Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4 from Hillside Development (HD) to Commercial/Business Services (CBS) Zoning District, and Amending the City's Zoning Map to Conform Therewith

Mayor Spellman read the title and opened the public hearing.

Baseline Planning Consultants Harris and Esterl were present to go through the application. Mr. Harris explained that the owner, Ventana Capital, wishes to rezone their lot from Hillside Development to Commercial/Business Services to allow for more commercial and recreation uses. He said it is a vacant lot that has been mainly used for parking and construction staging areas. He added there is a portion of the lot earmarked for a helipad, which is another agenda item for today, and that he has been working with Fire Chief Woolley on the release of the helipad because there is no desire on the City's part to have it stay on the property. He noted that a Helipad License Agreement was called out on the plat, but an Agreement cannot be found. The applicant, Bryan Horan, was online for any questions. Staff recommends approval, and their report was included in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB12, a Bill for an Ordinance rezoning Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4 from Hillside Development (HD) to Commercial/Business Services (CBS) Zoning District, and amending the City's Zoning Map to conform therewith 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 Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve CB12, a Bill for an Ordinance rezoning Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4 from Hillside Development

(HD) to Commercial/Business Services (CBS) Zoning District, and amending the City's Zoning Map to conform therewith.

MOTION PASSED

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

B. Resolution 26-2020, A Resolution Approving the Minor Subdivision for the Property Located on Gregory Street and More Particularly Described as Portions of Lots 2, 3 and 4 and All of Lots 5 Through 8, Block 28, City of Black Hawk, Colorado to be Known as City of Black Hawk, Block 28, Amendment No. 1 (continued from March 25, 2020)

Mayor Spellman read the title and continued the public hearing.

Baseline Planning Consultant Harris went through his presentation. He identified the properties as 211 and 221 Gregory Street and 201 Selak Street (City Hall) and owned by the Black Hawk Urban Renewal Authority and the City of Black Hawk. Historically, he said, the City had many smaller narrow lots, and this minor subdivision would eliminate all of those lot lines to create two lots known as 201 Selak Street to consist of City Hall and the parking lot, and 221 Gregory Street to consist of the existing buildings, thereby eliminating the 211 Gregory Street address. He said all criteria had been met, and staff recommends approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 26-2020, a Resolution approving the minor subdivision for the property located on Gregory Street and more particularly described as portions of Lots 2, 3 and 4 and all of Lots 5 through 8, Block 28, City of Black Hawk, Colorado to be known as City of Black Hawk, Block 28, Amendment No. 1 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 Bennett **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 26-2020, a Resolution approving the minor subdivision for the property located on Gregory Street and more particularly described as portions of Lots 2, 3 and 4 and all of Lots 5 through 8, Block 28, City of Black Hawk, Colorado to be known as City of Black Hawk, Block 28, Amendment No. 1.

MOTION PASSED

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

C. Resolution 27-2020, A Resolution Approving a Certificate of Architectural Compatibility for the Building Located at 221 Gregory Street (Continued from March 25, 2020)

Mayor Spellman read the title and continued the public hearing.

Baseline Planning Consultant Esterl introduced this item. She explained this is the recently subdivided lot known as 221 Gregory Street and the applicant, the Black Hawk Urban Renewal Authority, is requesting this Certificate of Architectural Compatibility to renovate the existing buildings into four retail spaces with a shared common area including restrooms and an elevator to be developed as part of the Gregory Street Pedestrian Mall. Staff recommends approval with the conditions outlined in the resolution.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 27-2020, a Resolution approving a Certificate of Architectural Compatibility for the 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 Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 27-2020, a Resolution approving a Certificate of Architectural Compatibility for the building located at 221 Gregory Street.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 37-2020, A Resolution Consenting to and Extending the Order Declaring a Local Disaster Emergency In and For the City of Black Hawk

Mayor Spellman read the title.

City Attorney Hoffmann introduced the extension of the declaration as indefinitely until City Council comes back with a resolution to terminate it. He said there is no downside to continue the declaration, and it may allow eligibility for Federal assistance.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 37-2020, a Resolution consenting to and extending

the Order Declaring a Local Disaster Emergency in and for the City of Black Hawk.

MOTION PASSED

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

B. Resolution 38-2020, A Resolution Approving the Release of the City's Interest in the Helipad License Agreement Located on Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4

Mayor Spellman read the title.

Baseline Planning Consultant Harris explained this was the helipad item previously mentioned in the Miners Mesa rezoning application approved on CB12. He said it is a helipad location registered with the FAA, but as staff was going through the rezoning application, they could never find an approved or recorded license agreement for this property. In working with Fire Chief Woolley, he said there is no need, requirement, or desire to keep this helipad, and it just clouds the owner's title and use for other purposes, so staff recommends release of the helipad. If approved, it would be relinquished off the FAA website as well.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 38-2020, a Resolution approving the release of the City's interest in the Helipad License Agreement located on Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4.

MOTION PASSED

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

C. Resolution 39-2020, A Resolution Approving the License Agreement Between the City of Black Hawk, Colorado and Isle of Capri Black Hawk, LLC

Mayor Spellman read the title.

Baseline Planning Consultant Esterl explained that this item satisfies a condition of approval for the rebranding of the Isle of Capri/Eldorado Casino when they were approved for their amended Comprehensive Sign Plan (CSP) in 2019, which included a new blade sign and a monument sign. At that time, she said, there were two conditions for approval, the first was in regards to the blade sign protruding into the Main Street right-of-way. She said this is not the case now that the property line has been added to the CSP. However, the monument sign will be entirely in the Miners Mesa right-of-way and therefore requires this License Agreement.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 39-2020, a Resolution approving the License Agreement between the City of Black Hawk, Colorado and Isle of Capri Black Hawk, LLC.

MOTION PASSED

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

D. Resolution 40-2020, A Resolution Approving a Telephonic Participation Policy for Historic Preservation Commission Meetings

Mayor Spellman read the title.

Community Planning and Director Linker stated this was a housekeeping item to have in place for Historic Preservation Commission meetings in case they cannot hold in-person meetings.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 40-2020, a Resolution approving a Telephonic Participation Policy for Historic Preservation Commission Meetings.

MOTION PASSED

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

E. Resolution 41-2020, A Resolution Approving the Proposal from CIGNA for 2020-2023 Ancillary Coverage

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item. She said CIGNA came back after negotiations with a little increase, so the brokers went out and shopped the market. CIGNA then agreed to reduce our rate and give the City a three-year rate guarantee with rates lower than our current premiums.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 41-2020, a Resolution approving the proposal from CIGNA for 2020-2023 Ancillary Coverage.

MOTION PASSED

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

F. Resolution 42-2020, A Resolution Approving the Contract with Delta Dental in the Estimated Amount of \$122,522 for Group Dental Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that Delta Dental had imposed rate increases for all of their renewals in 2020. She noted that last year the City was moved to a larger group plan, which allowed for more options. This year, she said, in addition to Delta's increase, the City's claims were high, which results in a 12.5% rate increase for the current benefit. She added that the City had expressed interest in increasing benefits, so she had added those proposals with the current benefit proposal. Staff recommends staying with the current benefit proposal due to budgetary restraints due to COVID-19. Also, she said that Delta offered that if we renew with them, they will forgive ½ of two months' premiums, which totals \$9,000 due to COVID-19.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 42-2020, a Resolution approving the contract with Delta Dental in the estimated amount of \$122,522 for Group Dental Insurance.

MOTION PASSED

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

G. Resolution 43-2020, A Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of \$1,116,622 for Group Health Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner presented Kaiser's quote with a rate increase of 6.9%, and no plan changes, staff had budgeted for 15%. She said they anticipate increases next year to offset the COVID-19 fallout and could even raise their cap on their increases.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 43-2020, a Resolution approving the contract with Kaiser Permanente in the estimated amount of \$1,116,622 for Group Health Insurance.

MOTION PASSED

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

H. Resolution 44-2020, A Resolution Revising a Job Description for Police Chief

Mayor Spellman read the title.

City Manager Cole introduced this item. He explained that the City had hired KRW Associates to recruit for Police Chief, and they suggested changes to the job description. One change, he said, was to require the applicant to have a total of 15 years of experience, including command experience, instead of 15 years' experience + five years of command experience. He said this would broaden the number of people that can apply. Another change was to add "regionally" to the Bachelor's degree accredited college or university requirement and remove "or the equivalent of" to the years of experience. He said in the first week of posting, they have already received 15 applications. There was a discussion on the hiring committee and a meet and greet reception. It was agreed that meet and greet receptions have not worked in the past.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 44-2020, a Resolution revising a job description for Police Chief.

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 had nothing to report.

11. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session, and the specific legal issues related to the pending litigation, personnel matters, and potential legislation.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:36 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).

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 4:50 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 closed at 4:50 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

