



**City of Black Hawk
City Council**

September 23, 2020

MEETING MINUTES

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, September 23, 2020, 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, Acting Police Chief Cooper, Fire Chief Woolley, Finance Director Hillis, Public Works Director Isbester, Senior Civil Engineer Reed, Community Planning & Development Director Linker, Development Services Coordinator Wilson, Baseline 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. 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: City Clerk Greiner confirmed that no one had signed up for public comment.

6. APPROVAL OF
MINUTES:

September 9, 2020

**MOTION TO
APPROVE**

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

MOTION PASSED

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

7. PUBLIC HEARINGS:

A. Council Bill 19, A Bill for an Ordinance Rezoning Certain City-Owned Properties to the History Appreciation Recreation Destination (HARD) District and the Public Facilities (PF) District (continued from August 26, 2020)

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris went through his presentation. He explained this was a City initiated rezone project of 15 City-owned properties. He thanked City Manager Cole, Community Planning & Development Director Linker, Public Works Director Isbester, Baseline Planners Stonberg and Watel, and Baseline Surveyor Lancaster for their hard work on this project. He said the project was separated into two parts, Part A to include ten properties being rezoned to the HARD District, and Part B includes five properties being rezoned to the PF District. He added that the criteria called out in the Municipal Code had been evaluated, and staff believes the need exists for rezoning and meets the criteria outlined in the Code, they recommend approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Council Bill 19, a Bill for an Ordinance rezoning certain City-owned properties to the History Appreciation Recreation Destination (HARD) District and the Public Facilities (PF) District 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.

Alderman Midcap asked why Property 4 (Millsite 52) was being changed to the HARD district while Millsite 51 and 53 on either side of it were not included for the rezoning. Mayor Spellman replied that it is a parking area, and all parking lots associated with Maryland Mountain have been rezoned to the HARD District. Mr. Harris suggested that perhaps those properties are not City-owned or were already rezoned; he will look into it.

Alderman Midcap then asked about Property 14 to be rezoned to the PF District, as it is a parking area in a residential area and wondered if it

could be rezoned back if ever sold. City Hoffmann confirmed property can always be rezoned.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Council Bill 19, a Bill for an Ordinance rezoning certain City-owned properties to the History Appreciation Recreation Destination (HARD) District and the Public Facilities (PF) District.

MOTION PASSED

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

B. Resolution 46-2020, A Resolution Denying a Variance to Allow a Height Variance which would Allow a Structure 103 Feet in Height, but Allowing a Variance to 55 Feet in Height (continued from June 10, 2020)

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris introduced this item and went through his presentation. He provided the background on Vertical Bridge's License Agreement over a year ago for this City-owned property, and the June 10 Council meeting to start utilizing it. At that meeting, he said staff had recommended denial of the original proposal of a 103-foot tower, but the applicant agreed to rethink the height by discussing options with Proximo as the neighboring property owners. The applicant has come back with smaller heights of 55-foot, 65-foot, and 75-foot proposals for consideration. After reviewing the Municipal Code's variance criteria, he said that staff is willing to recommend for approval the 55-foot tower, which would be a height variance request of ten feet. The Code allows for a total height of 45 feet. Mr. Harris said a 55-foot tower would allow for three cell phone carriers. He added that the tower's design would be a barrel at the top, as shown in the packet.

Doug Barker of Woodstock, Georgia, representing Vertical Bridge, and Matt Grugan of Vertical Bridge, were present for any questions. Mr. Barker said that any additional height would equal additional carriers if Council were so inclined, but they are happy with the 10-foot variance to 55 feet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 46-2020, a Resolution denying a variance to allow a Height Variance which would allow a structure 103 feet in height, but allowing a variance to 55 feet in height 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 Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 46-2020, a Resolution denying a variance to allow a Height Variance, which would allow a structure 103 feet in height, but allowing a variance to 55 feet in height.

MOTION PASSED

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

C. Resolution 47-2020, A Resolution Conditionally Approving a Certificate of Architectural Compatibility and a Site Development Plan for the T Mobile Facility Located at 821 Miners Mesa Road (continued from June 10, 2020)

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris introduced this item that now pertains to a 55-foot tower. He explained that the criteria for a Certificate of Architectural Compatibility and a Site Development Plan had been met, and they will work with the applicant to change any reference to the height to be 55 feet, as approved.

Applicants Barker and Grugan were present for any questions. Mr. Harris added that the Lease Agreement approved in 2019 would have to be updated before any building permits are issued.

Mayor Spellman asked about the timeline to construct the tower, and Mr. Grugan replied as soon as they can pull a building permit, they will be ready, so hopefully before the end of the year.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 47-2020, a Resolution conditionally approving a Certificate of Architectural Compatibility and a Site Development Plan for the T Mobile Facility located at 821 Miners Mesa Road 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 Armbright to approve Resolution 47-2020, a Resolution conditionally approving a Certificate of Architectural Compatibility and a Site Development Plan for the T Mobile Facility located at 821 Miners Mesa Road.

MOTION PASSED

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

D. Council Bill 26, An Ordinance Approving an Intergovernmental Agreement (IGA) Between Gilpin County, the City of Black Hawk, and the City of Central Regarding Lake Gulch Road

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said this resulted from the Term Sheet that the City entered into with Gilpin County prior to the public hearing on the Proximo Annexation. That term sheet, he said, are the obligations by the City to maintain Lake Gulch Road. He stated that what occurred subsequently as part of the settlement between Black Hawk, Central City, and Proximo is that Central City wanted to take over maintenance of Lake Gulch Road that is within its growth area and ultimately an IGA between the City of Black Hawk and Gilpin County through the Term Sheet has now morphed into a three-party IGA. He noted that Black Hawk and Central City are getting conveyed to them by Quit Claim Deed that portion of Lake Gulch Road that falls within their respective growth areas. He went on to say that the packet, at the time of posting, did not have Appendix 4, which are the road standards that Black Hawk and Central City are subject to. He informed Council that he just received it from Gilpin County's attorney only 35 minutes before today's meeting, so Gilpin County did approve the IGA on September 15, but before Appendix 4 even existed. He said the recommendation is to approve this ordinance with its condition being subject to final approval by the City Manager and City Attorney after reviewing Appendix 4.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Council Bill 26, an Ordinance approving an Intergovernmental Agreement between Gilpin County, the City of Black Hawk, and the City of Central regarding Lake Gulch Road 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 Johnson to approve Council Bill 26, an Ordinance approving an Intergovernmental Agreement between Gilpin County, the City of Black Hawk, and the City of Central regarding Lake Gulch Road.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 61-2020, A Resolution Approving the City of Black Hawk Fee Schedule, As Amended

Mayor Spellman read the title.

Community Planning and Development Director Linker explained that her department has cleaned up some language in the building, electrical, and land use sections, and now that her department has reduced staffing, she has asked the Conveyance Consultant to take over some of the duties that were previously performed in-house, so administrative fees, to be passed on to the applicant, have been added to that section.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 61-2020, a resolution approving the City of Black Hawk Fee Schedule, as amended.

MOTION PASSED

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

B. Resolution 62-2020, A Resolution Making Certain Address Changes Within the City for Certain Properties on State Highway 119, Chase Street, Gregory Street, and Miners' Mesa Road

Mayor Spellman read the title.

Baseline Consultant Esterl introduced this item, which was necessitated by the improvements on Gregory Street. After working with the City to identify any other addresses that may need adjustment, the packet's attachment is proposed. She explained they suggest Highway 119 carry an additional name of Clear Creek Boulevard only within the City limits to separate it from any relation to Clear Creek Street. She said they are also proposing changing the numbers on Highway 119 from three digits to four digits to match the County's numbering system.

Mayor Spellman elaborated on what precipitated the Clear Creek Boulevard name's need because commercial truckers were going up Marchant Street looking for Clear Creek Street. He said Boulevard's use elevates those addresses to a commercial level versus residential houses with the Clear Creek Street name.

Ms. Esterl also noted that Transportation Avenue would be eliminated as there was no need to have addresses on this road; those addresses will be changed to Miners Mesa Road addresses. All changes are to take effect by January 1, 2021.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 62-2020, a resolution making certain address changes within the City for certain properties on State Highway 119, Chase Street, Gregory Street, and Miners' Mesa Road.

MOTION PASSED

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

C. Resolution 63-2020, A Resolution Approving Amendment No. 1 to the Design-Build Contract Executed on April 8, 2020 Between the City of Black Hawk and Roche Constructors, Inc., Establishing the Guaranteed Maximum Price (GMP) of \$269,600 for Construction of the Police Station 2nd Level Renovation Project

Mayor Spellman read the title.

Senior Civil Engineer Reed introduced this item. He said the Design-Build contract was approved in April, and this amendment is to construct those improvements. He said additional features include a high-density mobile storage unit and a set of pre-fab evidence lockers. The price includes their design fee of \$12,650 already included in the contract, and they can begin in mid-October and probably finish in January.

Alderman Armbright wondered if this was a necessary project at this time, and City Manager Cole answered yes, they need more capacity now and for the future.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 63-2020, a resolution approving Amendment No. 1 to the Design-Build Contract executed on April 8, 2020, between the City of Black Hawk and Roche Constructors, Inc., establishing the Guaranteed Maximum Price (GMP) of \$269,600 for Construction of the Police Station 2nd Level Renovation Project.

MOTION PASSED

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

D. Resolution 64-2020, A Resolution Approving the Proposal from the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2021 Property Casualty Coverage

Mayor Spellman read the title.

Administrative Services Director/City Clerk Greiner explained this was the annual renewal for property-casualty insurance. She said it is a 6.4% increase over 2020 coverage due to certain conditions. She added that the preliminary quote was reduced by the City's loss experiences and credits, which reduced the amount to \$262,761.97.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 64-2020, a resolution approving the proposal from the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2021 Property Casualty Coverage.

MOTION PASSED

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

Mayor Spellman wanted to note that a few weeks ago, both local newspapers printed a very nice letter from Patrick Byrd in regards to Maryland Mountain. He went on to say that if it weren't for the commitment and shared vision of the City Council and all employees of the City, this would not have happened; it was a unified effort of everyone involved. He said it was a long time in making, but they are gaining ground every day!

9. CITY MANAGER
REPORTS:

City Manager Cole reminded Council that Police Chief Michelle Moriarty would start work for the City on October 5.

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 relating to City properties.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:48 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**

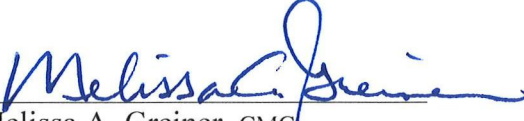
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:10 p.m.


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 4:10 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

