



**City of Black Hawk
City Council**

February 14, 2024

MEETING MINUTES

New firefighter Crystal Wilson 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, February 14, 2024 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 Chief Moriarty, Fire Chief Woolley, Fire Captain Ingle, Fire Lieutenant Christian, Fire Engineer Stone, Firefighters Olivas, Roybal, and Wilson, Fire Admin Blondo, Administrative Services Director/City Clerk Greiner, Finance Director Hillis, Public Works Maintenance Services Manager Jackson, Water Resource Engineer Dallam, City Engineer Reed, Community Planning & Development Director Linker, Development Services Coordinator Richards, Baseline Engineering Consultants Harris and Esterl, Pinyon Environmental Consultant Gilbert, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in reciting the Pledge of Allegiance.

3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed no agenda changes.

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
INTRODUCTION: Crystal Wilson, Firefighter

Fire Chief Woolley introduced the newest firefighter to the department. Crystal Wilson comes to the City with experience from volunteering with the City of Golden and Pleasant View. He said she is a good fit and a contributing part of the family. She was warmly greeted by all.

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

7. APPROVAL OF
MINUTES: January 24, 2024

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.

8. PUBLIC HEARINGS:

A. CB4, An Ordinance Repealing Article XX of the City of Black Hawk Municipal Code, Prohibiting Short-Term Rental Properties in the City of Black Hawk

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this first of two Ordinances prohibiting short-term rentals. This Ordinance was for the licensing piece; the next Ordinance at the Council's next meeting would be the zoning code change.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB4, an Ordinance repealing Article XX of the City of Black Hawk Municipal Code, prohibiting Short-Term Rental properties in the City of Black Hawk open and invited anyone wanting to address the Board either "for" or "against" the 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 CB4, an Ordinance repealing Article XX of the City of Black Hawk Municipal Code, prohibiting Short-Term Rental properties in the City of Black Hawk.

MOTION PASSED

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

B. Resolution 7-2024, A Resolution Conditionally Approving a Certificate of Architectural Compatibility to Allow for the Partial Demolition and Rehabilitation of a Structure Located at 121 Marchant Street

Mayor Spellman read the title and opened the public hearing.

Daniel Gilbert, the City’s Historic Preservation Consultant from Pinyon Environmental, went through his report. The Historic Preservation Commission has reviewed the application and recommended approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 7-2024, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow for the partial demolition and rehabilitation of a structure located at 121 Marchant Street open and invited anyone wanting to address the Board either “for” or “against” the 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 Moates to approve Resolution 7-2024, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow for the partial demolition and rehabilitation of a structure located at 121 Marchant Street.

MOTION PASSED

After some discussion, the motion **PASSED** unanimously.

9. ACTION ITEMS:

C. Resolution 8-2024, A Resolution Acknowledging the Legal Nonconforming Structure Located at 121 Marchant Street

Mayor Spellman read the title.

Baseline Engineering Consultant Harris introduced this item to acknowledge the structure at 121 Marchant as a legal nonconforming structure in its current location.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 8-2024, a Resolution acknowledging the legal nonconforming structure located at 121 Marchant Street.

MOTION PASSED

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

D. Resolution 9-2024, A Resolution Approving the City of Black Hawk Fee Schedule, as Amended

Mayor Spellman read the title.

Community Planning & Development Director Linker is asking to update the fee schedule to bring elevator fees into compliance with the state.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 9-2024, a Resolution approving the City of Black Hawk Fee Schedule, as amended.

MOTION PASSED

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

E. Resolution 10-2024, A Resolution Cancelling the April 2, 2024 Regular Election and Declaring Candidates Elected

Mayor Spellman read the title.

Deputy City Clerk Martin introduced this Resolution to cancel the April 2nd election and officially declare the incumbent candidates re-elected to four-year terms.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 10-2024, a Resolution cancelling the April 2, 2024 Regular Election and declaring candidates elected.

MOTION PASSED

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

F. Resolution 11-2024, A Resolution Approving the Professional Services Agreement with PEH Architects, Inc. for the Design and Architectural Construction Services Associated with the Restoration and Rehabilitation of 311 High Street in an Amount not to Exceed \$141,928.00

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this pre-design and construction agreement. She said she added three additional site visits at \$1,849.00/piece just in case, which brought the total to \$141,928.00. She noted that if we don't use them, we wouldn't be billed for them.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 11-2024, a Resolution approving the Professional Services Agreement with PEH Architects, Inc. for the design and architectural construction services associated with the restoration and rehabilitation of 311 High Street in an amount not to exceed \$141,928.00.

MOTION PASSED

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

G. Resolution 12-2024, 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 February 2024

Mayor Spellman read the title.

Community Planning & Development Director Linker explained the changes.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 12-2024, 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 February 2024.

MOTION PASSED

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

H. Resolution 13-2024, A Resolution Approving the Construction Manager/General Contractor Agreement Between the City of Black Hawk, Lloyd Larsen as Owner and White Construction Group for the Residential Rehabilitation Program Preconstruction Phase for Property Located at 311 High Street in an Amount not to Exceed \$10,000.00

Mayor Spellman read the title.

Community Planning & Development Director Linker explained the selection process. She noted that at the end of the design phase, White Construction would come back with their Guaranteed Maximum Price (GMP) so that the Agreement could be amended having them serve as the General Contractor on the construction phase of the project.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 13-2024, a Resolution approving the Construction Manager/General Contractor Agreement between the City of Black

Hawk, Lloyd Larsen as Owner and White Construction Group for the Residential Rehabilitation Program Preconstruction Phase for property located at 311 High Street in an amount not to exceed \$10,000.00.

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

I. Resolution 14-2024, A Resolution Authorizing the Abandonment of Sanitary Sewer Taps on Various City-Owned Properties

Mayor Spellman read the title.

City Manager Cole introduced this item. There are eight taps total that the City no longer needs.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 14-2024, a Resolution authorizing the abandonment of sanitary sewer taps on various City-Owned properties.

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

J. Resolution 15-2024, A Resolution Approving the Professional Services Agreement with Lumin8 Transportation Technologies for the Replacement of Signal Cabinets, Controllers and Uninterrupted Power Sources for Three City Intersections in an Amount not to Exceed \$186,675.00

Mayor Spellman read the title.

Water Engineer Dallam explained the replacement of the cabinets. He noted a plan to upgrade the signal poles, but that will come back under a separate contract.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 15-2024, a Resolution approving the Professional Services Agreement with Lumin8 Transportation Technologies for the replacement of signal cabinets, controllers and uninterrupted power sources for three City intersections in an amount not to exceed \$186,675.00.

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

K. Resolution 16-2024, A Resolution Approving the Service Agreement Between the City of Black Hawk and Centurylink Communication, LLC d/b/a Lumen Technologies Group for Internet Access to City Properties

Mayor Spellman read the title.

Finance Director Hillis explained the agreement approved back in November included an outdated contract; this is their new contract with the same terms.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 16-2024, a Resolution approving the service agreement between the City of Black Hawk and Centurylink Communication, LLC d/b/a Lumen Technologies Group for internet access to City properties.

MOTION PASSED

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

L. Resolution 17-2024, A Resolution Approving a Contract for the Installation of Two 2-Inch Pressure Reducing Valves Within the Black Hawk Water Distribution System in the Amount of \$28,300.00

Mayor Spellman read the title.

Water Resource Engineer Dallam explained the fluctuation of pressure when the Rick Thomas Distillery came on board; it was determined that the existing 4" PRV was too large for the system.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 17-2024, a Resolution approving a contract for the installation of two 2-Inch pressure reducing valves within the Black Hawk Water Distribution System in the amount of \$28,300.00.

MOTION PASSED

After some discussion, the motion **PASSED** unanimously.

M. Resolution 18-2024, A Resolution Approving the Purchase of Three Ford Ranger Pickup Trucks in the Amount of \$122,070.00

Mayor Spellman read the title.

Maintenance Services Manager Jackson introduced this item for the Water Department.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 18-2024, a Resolution approving the purchase of three Ford Ranger pickup trucks in the amount of \$122,070.00.

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

N. Resolution 19-2024, A Resolution Approving the Purchase of a Utility Body Truck for Public Works in the Amount of \$70,950.00

Mayor Spellman read the title.

Maintenance Services Manager Jackson introduced this item.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 19-2024, a Resolution approving the purchase of a utility body truck for Public Works in the amount of \$70,950.00.

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

O. Resolution 20-2024, A Resolution Approving the Purchase of Two Trucks for Public Works in the Amount of \$171,722.00

Mayor Spellman read the title.

Maintenance Services Manager Jackson introduced this item.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 20-2024, a Resolution approving the purchase of two trucks for Public Works in the amount of \$171,722.00.

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

P. Motion to Approve Letter to Central City

City Attorney Hoffmann introduced this unique proposal, which includes the signatures of all of Council instead of only the Mayor. He explained this was a formal offer to Central City with terms and conditions for disconnecting and annexing property.

Mayor Spellman said this offer would benefit both municipalities, residents, and visitors of both cities and is looking forward to a positive and meaningful response from the City of Central.

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 and the specific legal issues related to potential litigation and potential legislation, legal advice regarding intergovernmental relations, and the negotiations regarding City-owned land on Gregory Hill, the Gregory Street HARD District, and other City-owned property.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:35 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 hold a conference with the City's Attorney 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 4:12 p.m.

MOTION PASSED


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

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:12 p.m.



Melissa A. Greiner, CMC
City Clerk



David D. Spellman
Mayor

