



**City of Black Hawk  
City Council**

**October 26, 2022**

**MEETING MINUTES**

Local painter Eric Miller 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, October 26, 2022 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, Finance Director Hillis, Clerk/Administrative Services Director Greiner, Public Works Director Isbester, City Engineer Reed, Water System Superintendent Fredericks, Community Planning and Development Director Linker, Development Services Coordinator Richards, 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 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. PUBLIC COMMENT: Deputy City Clerk Martin noted that Eric Miller had signed up to speak.

Eric Miller of Independent Painting, located in Central City, wanted to thank the City for the recent painting work through the Exterior Paint Grant Program and how wonderful Community Planning & Development employees Cindy Linker and Emily Richards were to work with. Also, in his position as the President of the Gilpin County Arts Association, he wanted to thank the City for its donation to help pull off their 75<sup>th</sup> anniversary at the Teller House, and they look forward to the City's continued support.

6. APPROVAL OF  
MINUTES: October 12, 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. CB23, An Ordinance Dissolving the Black Hawk Business Improvement District**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said the purpose of this hearing is for Council to determine if the City would allow the dissolution of the Business Improvement District (BID), which has been a part of the City since the late 1990s. He outlined the statutory process mainly concerned with debts, indebtedness, or obligations. The policy question for Council, he added, is whether it is a good idea. He submitted two pieces of information as evidence in support of the dissolution; one was the petition, signed by property owners holding more than 50% of the taxable property within the District; and he listed the signers as the Ameristar, Gilpin and Lodge, Wild Card and Sasquatch, Maverick Gaming, Bally's, Harrah's, Monarch, and the Saratoga for the record. He said the second is an agreement of transfer and use of remaining BID funds, dated November 1, 2022. It has to be approved and signed by the BID and the Silver Dollar Metropolitan District (SDMD), and it confirms there will be no obligations or indebtedness of the BID that would be unresolved by the end of the year. He reiterated that the proposed Ordinance meets the statutory criteria and the obligations will be or have been satisfied by December 31, 2022, and the BID is anticipated to be dissolved effective on or before December 31, 2022. He added that the

hearing was properly noticed.

Mayor Spellman said it is a practical matter and that the SDMD, created after the BID, duplicates their services. He added that this would save the casinos some money by not having duplication of districts; it is no longer needed.

**PUBLIC HEARING:**

Mayor Spellman declared Public Hearing on CB23, an Ordinance dissolving the Black Hawk Business Improvement 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 Torres asked about the difference between the two districts, to which City Attorney Hoffmann explained that the BID is a component unit of the City, created at the request of the business owners to improve businesses in the area, and Council must approve their Operating Plan each year. The SDMD is a Title 32 Metropolitan District, which is a separate governmental entity; Council approves their Service Plan, but they have statutory authority independent of the City, and Council does not appoint members like they do with the BID.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve CB23, an Ordinance dissolving the Black Hawk Business Improvement District.

**MOTION PASSED**

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

**8. ACTION ITEMS:**

**A. Resolution 65-2022, A Resolution Approving the Construction Manager/General Contractor Agreement Between the City of Black Hawk and White Construction Group for the Residential Rehabilitation Program Preconstruction Phase in an Amount Not to Exceed \$14,500.00**

Mayor Spellman read the title.

Community Planning & Development Director Linker and City Engineer Reed introduced this item. They explained the \$14,500.00 was strictly for the preconstruction/design phase of the two residential home rehabilitation projects. The design team kick-off meeting is next week. If the City is satisfied with White’s performance, they will amend the agreement to include the construction fees, currently estimated at

\$518,681.00. Reed explained that a Construction Manager/General Contractor process ultimately saves money because the contractor is involved with the whole design team from the beginning; there is no overlap or over-engineering of the plans.

**MOTION TO  
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 65-2022, a Resolution approving the Construction Manager/General Contractor Agreement between the City of Black Hawk and White Construction Group for the Residential Rehabilitation Program Preconstruction Phase in an amount not to exceed \$14,500.00.

**MOTION PASSED**

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

**B. Resolution 66-2022, A Resolution Approving Change Order #3 to the Gregory Point Contract Between the City of Black Hawk and PEH Architects in the Amount of \$29,095 to Design a WiFi System Along the Gregory Street Corridor**

Mayor Spellman read the title.

City Engineer Reed introduced this item. He said the original agreement for the Gregory Street improvements was approved in 2020; since then, two other Change Orders have been approved administratively. He went on to say that this third change, to propagate WiFi throughout the Gregory Street Corridor, could also be approved administratively, but he wanted to ensure that Council was fully aware that this project would expand to approximately \$300,000-\$500,000 for its implementation to add all the necessary components. He noted that PEH is not just adding a WiFi system, but they are designing the WiFi system for the entire corridor, and with it, it will allow for many opportunities for exciting projects in the future.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 66-2022, a Resolution approving Change Order #3 to the Gregory Point Contract between the City of Black Hawk and PEH Architects in the amount of \$29,095 to design a WiFi System along the Gregory Street Corridor.

**MOTION PASSED**

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

**C. Resolution 67-2022, A Resolution Approving the Seventh Addendum to the Agreement for Transit Related Services for the Black Hawk & Central City Tramway for 2023 Between MV Transportation, Inc. and the City of Black Hawk**

Mayor Spellman read the title.

Public Works Director Isbester introduced this annual renewal for the City's transit provider and recommended approval.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 67-2022, a Resolution approving the Seventh Addendum to the Agreement for Transit Related Services for the Black Hawk & Central City Tramway for 2023 between MV Transportation, Inc. and the City of Black Hawk.

**MOTION PASSED**

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

**D. Resolution 68-2022, A Resolution Authorizing the Repair of Hidden Valley Raw Water Pump #1 by Arvada Pump Company in the Total Amount Not to Exceed \$53,300.00**

Mayor Spellman read the title.

Public Works Director Isbester and Water System Superintendent Fredericks introduced this item. They said it is the raw water pump used to pump water from the infiltration gallery to the treatment plant that is over 23 years old and just worn out.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 68-2022, a Resolution authorizing the repair of Hidden Valley Raw Water Pump #1 by Arvada Pump Company in the total amount not to exceed \$53,300.00.

**MOTION PASSED**

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

**9. CITY MANAGER REPORT:**

City Manager Cole had nothing to report.

**10. CITY ATTORNEY REPORT:**

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session and the specific legal questions regarding personnel issues and a quick update on litigation.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:27 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**

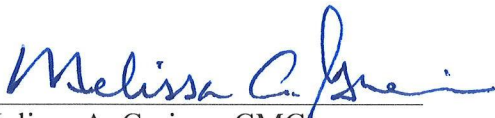
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:50 p.m.

**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 3:50 p.m.



Melissa A. Greiner, CMC  
City Clerk



David D. Spellman  
Mayor

