



**City of Black Hawk  
City Council**

**November 9, 2022**

**MEETING MINUTES**

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order immediately after the Budget Work Session on Wednesday, November 9, 2022 at 2:30 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, Acting Fire Chief Walsh, Acting Fire Captain Ingle, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Water System Superintendent Fredericks, Maintenance Services Manager Jackson, Maintenance Supervisor Martinez, Community Planning & Development Director Linker, Development Services Coordinator Richards, and Baseline Consultants Harris and Esterl.  
  
PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.
3. AGENDA CHANGES: City Attorney Hoffmann noted a change to the Executive Session language on the agenda to include specific legal questions related to land use on Gregory Hill, City-owned buildings, and Charter interpretations. There were no further 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. INTRODUCTION OF  
NEW EMPLOYEES:

Firefighter Calob Perry

Acting Fire Captain Ingle introduced new firefighter Perry.

Police Officer Duncan Cross  
Police Officer Timothy Maytum  
Police Officer Joshua (JD) Smith

Police Chief Moriarty introduced the three new officers providing a brief background on each.

Public Works Water Operator II Michael Downing  
Public Works Water Operator III Travis (Royce) McLain  
Public Works Water Operator I John Null  
Public Works Utility Operator II Matthew Micklich

Public Works Water System Superintendent Fredericks introduced the new employees.

They were all warmly welcomed by Council.

6. PUBLIC COMMENT: City Clerk Greiner confirmed that no one had signed up to speak.

7. APPROVAL OF  
MINUTES:

October 26, 2022

**MOTION TO  
APPROVE**

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

**MOTION PASSED**

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

8. PUBLIC HEARINGS:

**A. 2023 Budget Adoption – Continued to December 7, 2022**

Mayor Spellman read the title to open and continue the public hearing.

PUBLIC HEARING:

Mayor Spellman continued the Public Hearing on the 2023 Budget adoption to December 7, 2022 at 3:00 p.m.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to continue the Public Hearing on the 2023 Budget Adoption to December 7, 2022 at 3:00 p.m.

**MOTION PASSED**

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

**B. CB24, An Ordinance Repealing and Reenacting Division 3 of Article III of Chapter 15 of the City of Black Hawk Municipal Code Entitled History Appreciation Recreation Destination District**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Esterl introduced this item. She explained the previous phases of amendments starting in 2019; this Ordinance reflects Phase III Amendments. The proposed changes were outlined in the packet.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB24, an Ordinance repealing and reenacting Division 3 of Article III of Chapter 15 of the City of Black Hawk Municipal Code entitled History Appreciation Recreation Destination 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.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve CB24, an Ordinance repealing and reenacting Division 3 of Article III of Chapter 15 of the City of Black Hawk Municipal Code entitled History Appreciation Recreation Destination District.

**MOTION PASSED**

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

**9. ACTION ITEMS:**

- A. Introduction of a Draft Ordinance Repealing Article II of Chapter 18 and Repealing and Reenacting Article I of Chapter 18 of the City of Black Hawk Municipal Code to Adopt By Reference the International Building Code, 2021 Edition; the International Fire Code, 2021 Edition; the International Residential Code for One and Two Family Dwellings, 2021 Edition; the International Mechanical Code, 2021 Edition; the International Plumbing Code, 2021 Edition; the International Energy Conservation Code, 2021 Edition; the International Existing Building Code, 2021 Edition; the International Fuel Gas Code, 2021 Edition; the International Swimming Pool and Spa Code, 2021 Edition, the International Property Maintenance Code, 2021 Edition,**

**Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, ICC/ANSI A117.1 American National Standard – Accessible and Usable Buildings and Facilities, Most Current Edition; ASME A17.1-2019/CSA B44-19 American National Standard Safety Code for Elevators and Escalators, Most Current Edition Adopted by the State of Colorado; the National Electrical Code, Most Current Edition Adopted by the State of Colorado; and Making Specific Amendments to the Above Referenced Codes and Providing Penalties for Violations of the Ordinance**

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced the Ordinance and asked for approval of the proposed public hearing notice.

City Attorney Hoffmann explained the process for adopting code by reference, with this being the first reading and setting the public hearing, which public hearing notice will be published twice, and the final reading/adoption of the Ordinance at the public hearing.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve the Ordinance on first reading and set the public hearing to December 7, 2022 at 3:00 p.m.

**MOTION PASSED**

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

**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 reiterated from the Agenda Changes section at the beginning of the meeting that the specific legal questions related to land use on Gregory Hill, City-owned buildings, and Charter interpretations, and the instructions to negotiators regard City-owned land on Gregory Hill, the Gregory Street HARD District, other City-owned property, and potential property acquisition.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to adjourn into Executive Session at 2:48 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) 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**

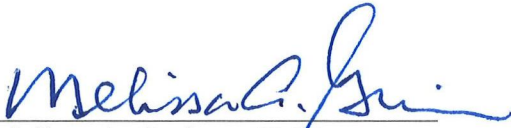
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:40 p.m.

**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 3:40 p.m.



Melissa A. Greiner, CMC  
City Clerk



David D. Spellman  
Mayor

