



**City of Black Hawk
City Council**

December 13, 2023

**SPECIAL
MEETING MINUTES**

Brian Watts, owner of the Rick Thomas Distillery, rang the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the special meeting of the City Council to order on Wednesday, December 13, 2023 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, Fire Chief Woolley, Administrative Services Director/City Clerk Greiner, Finance Director Hillis, Public Works Director Isbester, City Engineer Reed, Maintenance Services Manager Jackson, Water Resource Engineer Dallam, Community Planning & Development Director Linker, Development Services Coordinator Richards, and Deputy City Clerk Martin.

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

3. **EXECUTIVE SESSION:** City Attorney Hoffmann recommended items number 1, 2, and 5 only for Executive Session.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 2:32 p.m. to hold a conference with the City Attorney to receive legal advice on specific legal issues pursuant to C.R.S. § 24-6-402(4)(b), and to instruct negotiators pursuant to C.R.S. § 24-6-402(4)(e) regarding City-owned land in and adjacent to the Gregory Street HARD District; to instruct negotiators regarding the potential acquisition of property by the City pursuant to C.R.S. § 24-6-402(4)(a) and C.R.S. § 24-6-402(4)(e); to instruct negotiators pursuant to C.R.S. § 24-6-402(4)(e) regarding the use of City-owned land in the Gregory Street HARD District and regarding other City-owned property; and to hold a conference with the City

Attorney to receive legal advice on specific legal issues pursuant to C.R.S. § 24-6-402(4)(b) regarding false alarms.

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 3:10 p.m.

MOTION PASSED

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

**RESUME BACK INTO
REGULAR OPEN
SESSION**

Mayor Spellman resumed the regular session at 3:10 p.m., noting there were no decisions made.

4. AGENDA CHANGES:

Deputy City Clerk Martin confirmed item 9D, Resolution 91 was taken off this agenda and postponed to a future meeting; there were no other changes.

**5. 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.

6. PUBLIC COMMENT:

Deputy City Clerk Martin stated three people signed up to speak: Brian Watts, Chuck Spencer, and Leza Spencer.

Brian Watts, owner of the Rick Thomas Distillery at 830 Miners Road, wanted to thank the City for all their support and to let Council know that he has reached out to the industry to find another distillery and is telling them how great of a community partner Black Hawk is. When asked, he provided an inventory of his products now and over time.

Chuck and Leza Spencer were signed up to speak on the Copper Kitchen agenda item later in the agenda.

7. APPROVAL OF
MINUTES:

November 8, 2023

**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.

8. PUBLIC HEARINGS:

A. Resolution 85-2023, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the City of Black Hawk, Colorado, for the Calendar Year Beginning on the First Day of January 2024 and Ending on the Last Day of December 2024, and Appropriating Sums of Money to Various Funds and Spending Agencies in the Amount, and for the Purposes Set Forth Within the Attached 2024 Budget

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis noted a small amendment for the Gilpin Ambulance based on an update received.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 85-2023, a Resolution summarizing expenditures and revenues for each fund and adopting a budget for the City of Black Hawk, Colorado, for the calendar year beginning on the first day of January 2024 and ending on the last day of December 2024, and appropriating sums of money to various funds and spending agencies in the amount, and for the purposes set forth within the attached 2024 Budget 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 Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 85-2023, a Resolution summarizing expenditures and revenues for each fund and adopting a budget for the City of Black Hawk, Colorado, for the calendar year beginning on the first day of January 2024 and ending on the last day of December 2024, and appropriating sums of money to various funds and spending agencies in the amount, and for the purposes set forth within the attached 2024 Budget.

MOTION PASSED

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

B. CB34, An Ordinance Amending Various Sections of the Black Hawk Employee Handbook

Mayor Spellman read the title and opened the public hearing.

Administrative Services Director/City Clerk Greiner noted the major changes were the additional paid time off accrual hours for employees who have completed 15 and 20 years and some legislative changes requested by the City Attorney.

The City Manager and City Attorney will schedule a meeting with Council to discuss future handbook changes.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB34, an Ordinance amending various sections of the Black Hawk Employee Handbook 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 Johnson to approve CB34, an Ordinance amending various sections of the Black Hawk Employee Handbook.

MOTION PASSED

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

C. CB35, An Ordinance Adopting the City of Black Hawk 2024 Pay Plan and Revised Job Descriptions

Mayor Spellman read the title and opened the public hearing.

Administrative Services Director/City Clerk Greiner stated the City’s in-house survey result was a 6.65% increase.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB35, an Ordinance adopting the City of Black Hawk 2024 Pay Plan and Revised Job Descriptions 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 Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve CB35, an Ordinance adopting the City of Black Hawk 2024 Pay Plan and Revised Job Descriptions.

MOTION PASSED

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

D. CB36, An Ordinance Approving the FTA Section 5311 Operating Grant Agreement Between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk dba Black Hawk and Central City Tramway for 2024 in an Amount Not to Exceed \$116,271.00

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester said there were no changes.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB36, an Ordinance approving the FTA Section 5311 Operating Grant Agreement between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk dba Black Hawk and Central City Tramway for 2024 in an amount not to exceed \$116,271.00 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 Moates **MOVED** and was **SECONDED** by Alderman Torres to approve CB36, an Ordinance approving the FTA Section 5311 Operating Grant Agreement between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk dba Black Hawk and Central City Tramway for 2024 in an amount not to exceed \$116,271.00.

MOTION PASSED

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

E. CB37, An Ordinance Approving the Intergovernmental Agreement Between the City of Black Hawk and the Gilpin Ambulance Authority Regarding Maintenance of the Authority’s Ambulances

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester said there were no changes.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB37, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and the Gilpin Ambulance Authority regarding maintenance of the Authority's Ambulances 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 Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve CB37, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and the Gilpin Ambulance Authority regarding maintenance of the Authority's Ambulances.

MOTION PASSED

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

F. CB38, An Ordinance Approving the Cooperative Agreement Between the Gilpin County Department of Human/Social Services and the City of Black Hawk Through the Black Hawk Police Department

Mayor Spellman read the title and opened the public hearing.

Police Chief Moriarty introduced this item.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB38, an Ordinance approving the Cooperative Agreement between the Gilpin County Department of Human/Social Services and the City of Black Hawk through the Black Hawk Police Department 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 Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve CB38, an Ordinance approving the Cooperative Agreement between the Gilpin County Department of Human/Social Services and the City of Black Hawk through the Black Hawk Police Department.

MOTION PASSED

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

G. Resolution 86-2023, A Resolution Conditionally Approving a Certificate of Architectural Compatibility to Allow for Demolition of a Structure Located at 271 Gregory Street

Mayor Spellman read the title and opened the public hearing.

Community Planning & Development Director Linker introduced this item. Daniel Gilbert, the City's historic preservation consultant from Pinyon Environmental, provided the structure's history.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 86-2023, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow for demolition of a structure located at 271 Gregory 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 Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 86-2023, a Resolution conditionally approving a Certificate of Architectural Compatibility to allow for demolition of a structure located at 271 Gregory Street.

MOTION PASSED

After much discussion, the motion **PASSED** 4-2, with Aldermen Midcap and Torres voting against it.

H. Resolution 87-2023, A Resolution Conditionally Approving a Revised Certificate of Architectural Compatibility for the Copper Kitchen Pizzeria Located at 307 Gregory Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Vince Harris and Alyssa Rivas introduced this item and provided a presentation. Peter Heinz & Josh Zinnecker from PEH Architects were also present for questions. The only change was the addition of the corbels on the parapet, which are the white decorative pieces on the top.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 87-2023, a Resolution conditionally approving a revised Certificate of Architectural Compatibility for the Copper Kitchen Pizzeria located at 307 Gregory Street open and invited anyone wanting to address the Board either "for" or "against" the Resolution to come forward.

Leza and Chuck Spencer, owner of Mountain Poppy Boutique and Wine Bar located at 317 Gregory Street, stated their names and address for the record. Their questions were: during construction, what areas along Gregory will be closed, for how long, and are there any construction start dates yet? Civil Engineer/Project Manager Reed replied the construction start date is April 1, and the end date is the end of June 2025. The area most affected besides the construction site will be the staircase at the east end of the plaza; he estimated it would be closed to pedestrians for one month. Mr. Reed will reach out to the Spencer's during contractor meetings to discuss pedestrian traffic, blocked view of the shops, and signage.

Eric Myhre, owner of Basin & Bend, located at 357 Gregory Street, noted the same concerns of visibility, timing, and business disruption.

No one else 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 Resolution 87-2023, a Resolution conditionally approving a revised Certificate of Architectural Compatibility for the Copper Kitchen Pizzeria located at 307 Gregory Street.

MOTION PASSED

After discussion, the motion **PASSED** 5-1, with Alderman Midcap voting against it.

9. ACTION ITEMS:

A. Resolution 88-2023, A Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023 Between the City of Black Hawk and MW Golden Constructors, Establishing the Guaranteed Maximum Price (GMP) of \$6,501,189.00 for Construction of the Copper Kitchen Pizzeria Project

Mayor Spellman read the title.

City Engineer Reed introduced this item. Peter Heinz & Josh Zinnecker from PEH Architects showed interior color boards. Mr. Reed reiterated that contractor discussions would include pedestrian access, visibility, and pedestrian signage for the existing Gregory Street stores.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 88-2023, a Resolution approving Amendment No. 1 to the General Contractor Agreement executed on April 12, 2023 between the City of Black Hawk and MW Golden Constructors,

establishing the Guaranteed Maximum Price (GMP) of \$6,501,189.00 for construction of the Copper Kitchen Pizzeria Project.

MOTION PASSED

After discussion, the motion **PASSED** 5-1, with Alderman Midcap voting against it.

B. Resolution 89-2023, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Grapes & Sons Excavating, LLC in an Amount Not to Exceed \$97,900.00 for Demolition of the Structure Located at 271 Gregory Street and Excavation of a Portion of the Livery Lot

Mayor Spellman read the title.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 89-2023, a Resolution awarding the bid and approving the contract between the City of Black Hawk and Grapes & Sons Excavating, LLC in an amount not to exceed \$97,900.00 for demolition of the structure located at 271 Gregory Street and excavation of a portion of the Livery Lot.

MOTION PASSED

After discussion, the motion **PASSED** 4-2, with Aldermen Midcap and Torres voting against it.

C. Resolution 90-2023, A Resolution Approving the Eighth Addendum to the Agreement for Transit Related Services for the Black Hawk & Central City Tramway for 2024 Between MV Transportation, Inc. and the City of Black Hawk

Mayor Spellman read the title.

Public Works Director Isbester said there were no changes.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 90-2023, a Resolution approving the Eighth Addendum to the Agreement for Transit Related Services for the Black Hawk & Central City Tramway for 2024 between MV Transportation, Inc. and the City of Black Hawk.

MOTION PASSED

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

D. Resolution 91-2023, A Resolution Approving a Professional Services Agreement with WW Wheeler and Associates, Inc. for the Pickle Gulch Reservoir Site Evaluation Study in the Amount Not to Exceed \$48,300.00

This was the item pulled from the agenda and postponed to a later date.

E. Resolution 92-2023, A Resolution Approving the Twelfth Addendum to Personal Services Agreement with 5280 Strategies, LLC

Mayor Spellman read the title.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 92-2023, a Resolution approving the Twelfth Addendum to Personal Services Agreement with 5280 Strategies, LLC.

MOTION PASSED

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

F. Resolution 93-2023, A Resolution Adopting the 2024 City Council Regular Meeting Schedule

G. Resolution 94-2023, A Resolution Adopting the 2024 Holiday Schedule

H. Resolution 95-2023, A Resolution Adopting the 2024 Historic Preservation Commission Meeting Schedule

Mayor Spellman read the titles.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 93-2023, a Resolution adopting the 2024 City Council Regular Meeting Schedule, Resolution 94-2023, a Resolution adopting the 2024 Holiday Schedule, and Resolution 95-2023, a Resolution adopting the 2024 Historic Preservation Commission Meeting Schedule.

MOTION PASSED

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

I. Resolution 96-2023, A Resolution Approving the 2024 Contract with Pinnacol Assurance for Workers' Compensation Insurance

Mayor Spellman read the title.

Administrative Services Director/City Clerk Greiner introduced this item.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 96-2023, a Resolution approving the 2024 contract with Pinnacol Assurance for Workers' Compensation Insurance.

MOTION PASSED

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

J. Resolution 97-2023, A Resolution Authorizing the Mayor to Execute a Quitclaim Deed on Behalf of the City to a Newly Registered Elector Qualified to Serve on the Silver Dollar Metropolitan District

Mayor Spellman read the title.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 97-2023, a Resolution authorizing the Mayor to execute a Quitclaim Deed on behalf of the City to a newly registered elector qualified to serve on the Silver Dollar Metropolitan District.

MOTION PASSED

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

**10. CITY MANAGER
REPORT:**

City Manager Cole said the county has applied for a grant to conduct a housing study and has asked Black Hawk and Central City to contribute 1/3 of the \$21,700.00 matching grant each. Each share would be \$7,200.00. The consensus of Council was yes to participate.

City Manager Cole was also seeking approval of an end-of-year Team Member Gratitude Dividend of \$1,000.00, plus 2% of their base earnings for all team members, based on \$250/per quarter for their employment. It was **MOVED** by Alderman Bennett, **SECONDED** by Alderman Johnson, and **PASSED** unanimously to approve the Team Member Gratitude Dividend.

**11. CITY ATTORNEY
REPORT:**

City Attorney Hoffmann had nothing to report.

Mayor Spellman allowed public comment at the end of the meeting for Mason Sidling from Idaho Springs, who missed the sign-up at the beginning of the meeting. He works at the dispensary next door and was interested in renting the unit across the hall from Litwood Creations for a Yoga Studio. Mayor Spellman let him know the City already has a potential tenant for that space.

**12. EXECUTIVE
SESSION:**

City Attorney Hoffmann recommended items number 1, 2, and 5 only to continue the previous Executive Session.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 4:20 p.m. to receive legal advice on specific legal issues pursuant to C.R.S. § 24-6-402(4)(b), and to instruct negotiators pursuant to C.R.S § 24-6-402(4)(e) regarding City-owned land in and adjacent to the Gregory Street HARD District; to instruct negotiators regarding the potential acquisition of property by the City pursuant to C.R.S § 24-6-402(4)(a) and C.R.S § 24-6-402(4)(e); to instruct negotiators pursuant to C.R.S § 24-6-402(4)(e) regarding the use of City-owned land in the Gregory Street HARD District and regarding other City-owned property; and to hold a conference with the City Attorney to receive legal advice on specific legal issues pursuant to C.R.S. § 24-6-402(4)(b) regarding false alarms.

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 4:47 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 4:47 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

