



**City of Black Hawk
City Council**

January 25, 2023

MEETING MINUTES

Master Distiller Declan Watts, from the Rick Thomas Distillery, 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, January 25, 2023 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, City Clerk/Administrative Services Director Greiner, Maintenance Services Manager Jackson, City Engineer Reed, Water System Superintendent Fredericks, Community Planning & Development Director Linker, Baseline Consultants Harris and Charles, and Deputy City Clerk Martin.

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

3. **AGENDA CHANGES:** City Attorney Hoffmann corrected the Executive Session language to read Executive Session to instruct negotiators regarding City-owned land on Gregory Hill, the Gregory Street HARD District, other City-owned property, and potential property acquisition pursuant to C.R.S. § 24-6-402(4)(e), and to hold a conference with the City Attorney to receive legal advice on a specific legal issue regarding a contract dispute pursuant to C.R.S. § 24-6-402(4)(b).

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 confirmed no one had signed up to speak.

6. APPROVAL OF
MINUTES: January 11, 2023

**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.

7. PUBLIC HEARINGS:

A. CB3, An Ordinance Amending Article IV of Chapter 4 and Article I of Chapter 6 of the Black Hawk Municipal Code Regarding Business Licensing

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item pertaining to the Senate Bill passed in 2022 prohibiting the City from requiring a Business License for those businesses without a physical location in the City. He said the City still desires to license and track our brick-and-mortar businesses but will not charge a fee, so this Ordinance will eliminate the need to license those without a physical presence and not charge a fee for those who do have a physical presence and still require a license.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB3, an Ordinance amending Article IV of Chapter 4 and Article I of Chapter 6 of the Black Hawk Municipal Code regarding Business Licensing 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 Torres to approve CB3, an Ordinance amending Article IV of Chapter 4 and Article I of Chapter 6 of the Black Hawk Municipal Code regarding Business Licensing.

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

B. Resolution 6-2023, A Resolution Conditionally Approving the Minor Subdivision Titled City of Black Hawk, Block 16, Amendment No. 1

C. Resolution 7-2023, A Resolution Approving a Variance to the Front Yard Setback for Property Located at 311 Chase Street from 18 Feet to 2 Feet

Mayor Spellman read the titles and opened the public hearings.

Baseline Consultants Harris and Charles introduced these items and went through their presentation. The minor subdivision request is to eliminate all lot lines and create a single lot, to be recorded with the County.

The variance request is for the construction of a new garage and the anticipated significant topographic hardships pending a geotechnical report. The applicants, Larry and Cynthia Linker, propose having the front of the garage constructed in line with the front of the existing house (8-foot setback) but wish to have the flexibility, if the geotechnical report and excavation prove more challenging, to build two feet from the property line.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 6-2023, a Resolution conditionally approving the Minor Subdivision titled City of Black Hawk, Block 16, Amendment No. 1, and Resolution 7-2023, a Resolution approving a variance to the front yard setback for property located at 311 Chase Street from 18 feet to 2 feet open and invited anyone wanting to address the Board either “for” or “against” the proposed Resolutions to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearings closed.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 6-2023, a Resolution conditionally approving the Minor Subdivision titled City of Black Hawk, Block 16, Amendment No. 1.

MOTION PASSED

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

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 7-2023, a Resolution approving a variance to the front yard setback for property located at 311 Chase Street from 18 feet to 2 feet.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 8-2023, A Resolution to Temporarily Waive the Payment of Certain Enumerated Occupational Taxes as Otherwise Imposed Pursuant to Article IX of Chapter 4 of the Black Hawk Municipal Code

Mayor Spellman read the title.

City Attorney Hoffmann introduced this item, also related to SB22-032, and explained that the City would like to temporarily waive the Occupational Taxes related to certain limited and enumerated businesses and added that the taxes have a de minimis impact on the City. He noted that a few of the taxes would stay in place.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 8-2023, a Resolution to temporarily waive the payment of certain enumerated Occupational Taxes as otherwise imposed pursuant to Article IX of Chapter 4 of the Black Hawk Municipal Code.

MOTION PASSED

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

B. Resolution 9-2023, A Resolution Approving the Waiver of Water Fees for One Year for the Rick Thomas Distillery Located on Lot 7 of the Black Hawk Park Subdivision

Mayor Spellman read the title.

Finance Director Hillis introduced this incentive to waive all water consumption fees for the first year.

Brian and Declan Watts, owners of the Rick Thomas Distillery at 830 Miners Road, provided a status update on the distillery. They plan to ask the City for a TCO in February and want to invite everyone for a tour before opening. They wanted to thank the City, staff, Safebuilt, and Baseline for the great partnership and that it has been a wonderful project to work on with the City. They also offered tours to any potential investors the City may want to bring in.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 9-2023, a Resolution approving the waiver of water fees for one year for the Rick Thomas Distillery located on Lot 7 of the Black Hawk Park Subdivision.

MOTION PASSED

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

C. Resolution 10-2023, A Resolution Approving Certain Service Agreements for Calendar Year 2023 (Public Works)

Mayor Spellman read the title.

City Engineer Reed explained the annual contracts used by Public Works throughout the year.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 10-2023, a Resolution approving certain service agreements for calendar year 2023 (Public Works).

MOTION PASSED

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

D. Resolution 11-2023, A Resolution Approving the Purchase of 3 Pick-Up Trucks

E. Resolution 12-2023, A Resolution Approving the Purchase of 2 Dodge Durango Police Vehicles

Mayor Spellman combined these items and read the titles.

Public Works Maintenance Services Manager Jackson and Police Chief Moriarty presented these requests. Jackson said two pick-up trucks were for Public Works and one for the Water Department. They are all budgeted for and will replace older vehicles in the fleet.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 11-2023, a Resolution approving the purchase of 3 pick-up trucks, and Resolution 12-2023, a Resolution approving the purchase of 2 Dodge Durango Police vehicles.

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.

11. EXECUTIVE SESSION:

City Attorney Hoffmann recommended items number 2 and 5 only for Executive Session with the specific legal issue related to a contract

dispute, and the item subject to negotiations is related to City-owned property in 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 3:22 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 4:00 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 adjourned at 4:00 p.m.



Melissa A. Greiner, CMC
City Clerk



David D. Spellman
Mayor

