



**City of Black Hawk
City Council**

July 28, 2021

MEETING MINUTES

City of Black Hawk resident, Sean Conway, 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, July 28, 2021, 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, Fire Chief Woolley, Police Chief Moriarty, Finance Director Hillis, Public Works Director Isbester, Community Planning & Development Director Linker, 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 that Agenda Item #5, the introduction of the new employee, and Agenda Item #9A, Resolution 50-2021, were pulled from the agenda.

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 EMPLOYEE:

Alicia Marotti, Communications Officer

This item was removed from today's agenda.

6. PUBLIC COMMENT:

Deputy City Clerk Martin confirmed Sean Conway had signed up to speak.

Mr. Conway, resident of 151 Marchant Street, introduced himself for the record. He wanted to thank the City for the wonderful paint program and how much it was appreciated. He also wanted to thank staff, namely Cynthia Linker, for her diligent work on the program. He acknowledged Gregory Street Plaza and told Council to keep up the good work and that they are doing a great job, thanking them for their public service. He added he was very honored to ring the bell today.

7. APPROVAL OF
MINUTES:

July 14, 2021

**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. CB20, An Ordinance Amending the City's Non-Exclusive Cable Television Franchise Agreement with CAP Cable, LLC, Known Locally as USA Communications

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann said this was a clean-up to the existing Franchise Agreement. There is a Headend Lease for the cable facilities located on City property, but the lease was never referenced in the Agreement. He said nothing else changed in the Agreement.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB20, an Ordinance amending the City's Non-Exclusive Cable Television Franchise Agreement with CAP Cable, LLC, known locally as USA Communications open and invited anyone wanting to address the Board either "for" or "against" the proposed Ordinance to come forward.

No one else 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 CB20, an Ordinance amending the City's Non-Exclusive Cable Television Franchise Agreement with CAP Cable, LLC, known locally as USA Communications.

MOTION PASSED

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

9. ACTION ITEMS:

A. Resolution 50-2021, A Resolution Approving the Trademark License Agreement Between the Colorado Mountain Bike Association and the City of Black Hawk

This was removed from today's agenda.

B. Resolution 51-2021, A Resolution Approving the Memorandum of Understanding Between the Colorado Mountain Bike Association (COMBA) and the City of Black Hawk

Mayor Spellman read the title.

City Manager Cole explained this Memorandum of Understanding was at the request of COMBA for fundraising purposes. He said it does not obligate the City for anything, yet it does lay the groundwork for a successful relationship between the City and COMBA.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 51-2021, a Resolution approving the Memorandum of Understanding between the Colorado Mountain Bike Association and the City of Black Hawk.

MOTION PASSED

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

C. Resolution 52-2021, A Resolution Approving the Contract to Buy and Sell Real Estate Between the City of Black Hawk as Buyer and Bonanza Land LLC as Seller

Mayor Spellman read the title.

City Manager Cole is asking permission to purchase five additional lots to expand of the City's open space and park system. He noted that the

purchase price is \$77,000, yet he is asking for up to \$90,000 to cover the cost of surveying and title work. He added that the owner has not signed the contract yet but has found it to be satisfactory.

Mayor Spellman said what's unique about these mining claims is that a portion of them are within our growth area, and the balance is in Central City, so that is why surveying to verify the acreage involved is so important.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 52-2021, a Resolution approving the contract to buy and sell real estate between the City of Black Hawk as buyer and Bonanza Land LLC as seller, subject to final review of the survey by the City Attorney and City Manager.

MOTION PASSED

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

D. Resolution 53-2021, A Resolution Reappointing Three (3) Regular Members to the City of Black Hawk Historic Preservation Commission

Mayor Spellman read the title.

Community Planning & Development Director Linker recommended the re-appointment of three HPC member terms expiring August 1. She said all three current members, Lynnette Hailey, Tonya Cadena-Barnett, and Karen Midcap, are in good standing and have submitted letters of interest.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 53-2021, a Resolution reappointing three (3) regular members to the City of Black Hawk Historic Preservation Commission.

MOTION PASSED

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

**10. CITY MANAGER
REPORTS:**

City Manager Cole had nothing to report.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 2 for Executive Session. The specific legal issues were in regards to potential legislation.

Mayor Spellman said the dedication of the Gregory Street Plaza would be rescheduled to next Spring to combine it with a future event.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:12 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 3:32 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 3:32 p.m.



Michele Martin, CMC
Deputy City Clerk



David D. Spellman
Mayor

