



**City of Black Hawk
City Council**

March 8, 2023

MEETING MINUTES

New employee Charleeda Sprinkle 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, March 8, 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, Public Works Director Isbester, Water Resource Engineer Dallam, City Engineer Reed, Maintenance Services Manager Jackson, 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. **AGENDA CHANGES:** Deputy City Clerk Martin noted that the City Attorney wished to change the Executive Session language of the agenda. City Attorney Hoffmann said in addition to what is currently set for Executive Session, there is another purpose: to receive legal advice on specific legal questions pursuant to C.R.S. § 24-6-402(4)(b) regarding both pending and potential litigation.

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. EMPLOYEE
INTRODUCTION:

Charleeda Sprinkle, Executive Administrative Assistant

Community Planning & Development Director Linker introduced our previous temp employee hired by the City part-time. Her main job is working on standard operating procedures, but is now also helping out the City Manager on projects related to mining claims. She provided her vast background as a teacher, author, and missionary. Charleeda is a delightful addition to the City, and everyone was pleased to welcome her.

6. PUBLIC COMMENT: Deputy City Clerk Martin confirmed no one had signed up to speak.

7. APPROVAL OF
MINUTES:

February 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. CB4, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for the Construction, Expansion, and Improvement of City Streets and Roadways, Pursuant to C.R.S. §38-6-101, C.R.S. § 31-25-201, Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter

Mayor Spellman noted that this item would be continued to the April 12, 2023 meeting but could be on as soon as March 22nd.

B. CB6, 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 2023 in an Amount not to Exceed \$112,884.00

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester introduced the same Grant the City has participated in since 2018 to offset the cost of our tramway provider.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB6, 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 2023 in an amount not to exceed \$112,884.00 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 Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve CB6, 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 2023 in an amount not to exceed \$112,884.00.

MOTION PASSED

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

C. CB7, An Ordinance Approving an Affiliation Agreement with Coalitions and Collaborative (COCO) for Fiscal Hosting Services for Projects Facilitated Through the Clear Creek Watershed & Forest Health Partnership

Mayor Spellman read the title and opened the public hearing.

Water Resource Engineer Dallam presented this item and explained that the City became a partner in the Clear Creek Watershed and Forest Health organization last July. The organization had no funding mechanism to spend money if they wanted to, so COCO is the group that will allow affiliate members to receive any funds for projects they would like to participate in and confirmed that by joining, it does not commit or obligate the City in any way.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB7, an Ordinance approving an Affiliation Agreement with Coalitions and Collaborative (COCO) for Fiscal Hosting Services for projects facilitated through the Clear Creek Watershed & Forest Health Partnership 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 Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve CB7, an Ordinance approving an Affiliation Agreement with Coalitions and Collaborative (COCO) for Fiscal Hosting Services for projects facilitated through the Clear Creek Watershed & Forest Health Partnership.

MOTION PASSED

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

D. CB8, An Ordinance Approving the Memorandum of Agreement for Local Jurisdiction Regulation of Conveyance Between the Colorado Department of Labor and Employment, Division of Oil and Public Safety and the City of Black Hawk

Mayor Spellman read the title and opened the public hearing.

Community Planning & Development Director Linker introduced this agreement that the City originally entered into back in 2008, for the ability to operate and enforce our program more stringent than the state's since our conveyances run 24/7 at the casinos. The agreement, if approved, runs from July 1, 2023 to June 30, 2028.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB8, an Ordinance approving the Memorandum of Agreement for Local Jurisdiction Regulation of Conveyance between the Colorado Department of Labor and Employment, Division of Oil and Public Safety and the City of Black Hawk 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 CB8, an Ordinance approving the Memorandum of Agreement for Local Jurisdiction Regulation of Conveyance between the Colorado Department of Labor and Employment, Division of Oil and Public Safety and the City of Black Hawk.

MOTION PASSED

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

9. ACTION ITEMS:

A. Resolution 16-2023, A Resolution Authorizing a Change in the City's 457 Governmental Deferred Compensation Plan with Mission Square Retirement

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner received a request from a staff member to lower the age of in-service distributions from 70.5 to 59.5, so they could take their investments out of Mission Square to invest in more options than just mutual funds. She confirmed there is no penalty as long as it is rolled over. She added that Mission Square also permitted this for the 401 accounts and asked them for more research

regarding IRS rules; if allowed by the IRS, she will also bring that forward to Council.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 16-2023, a Resolution authorizing a change in the City's 457 Governmental Deferred Compensation Plan with Mission Square Retirement.

MOTION PASSED

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

B. Resolution 17-2023, A Resolution Approving the Professional Services Agreement Between the City of Black Hawk and PEH Architects in an Amount Not To Exceed \$291,170.00 for Design Services on the Copper Kitchen Pizzeria

Mayor Spellman read the title.

City Engineer Reed introduced this project to relocate the green Edwards House at the bottom of Church Street to the plaza's east end and transform it into a pizzeria with a copper theme and bar. He said that PEH completed the conceptual design, and this approval would authorize a complete set of building plans. Peter Heinz of PEH went through preliminary renderings of the building. He added that street improvements and a retaining wall would be built once the building is moved.

Alderman Midcap asked if it would be wood-fired pizza, to which Mr. Heinz replied that it is a dual cooking system to have that quick cooking ability. He confirmed that his fee includes all engineering, moving the building, kitchen consultant, specification writer, and interior designer.

Mr. Reed concluded by saying he had four contractors interested in bidding on the project and hoped to get some numbers back by the end of the month. Mayor Spellman said ideally, we may break ground in spring and have this ready to open by June of next year, and it frees up the livery lot for an entirely new structure.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 17-2023, a Resolution approving the Professional Services Agreement between the City of Black Hawk and PEH Architects in an amount not to exceed \$291,170.00 for design services on the Copper Kitchen Pizzeria.

MOTION PASSED

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

C. Local Liquor Authority Consideration of a Request for a New Retail Liquor Store License for Peak to Peak Market, LLC dba Peak to Peak Liquors at 7320 Black Hawk Blvd., Suite 1A and to set the Boundaries of the Neighborhood and Set a Date for Public Hearing

Mayor Spellman read the title.

Deputy City Clerk Martin introduced this item and reminded City Council that they were now acting as the City's Local Liquor Authority. The City Clerk's office received a new Retail Liquor Store application on February 9th from Peak to Peak Market, LLC dba Peak to Peak Liquors, to be located at 7320 Black Hawk Blvd., Suite 1A. She said this meeting was to set the boundaries of the neighborhood, which is the entire City, and to schedule the public hearing date for April 12, 2023. She said the applicant, Nick Spencer, was present and had requested of Council that they consider allowing him to use the previous petition results to satisfy the desires of the adult inhabitants of the neighborhood. She added that they were favorable results from January 2022 for the same license type at the same location and that store had recently closed in January 2023.

City Attorney Hoffmann said that the code reads that the desires of the neighborhood be evidenced by petitions or other evidence. He suggested Council could send a message to the applicant, without prejudging the hearing in April, that the previous petitions could be construed as other evidence and thus submitted at the time of the hearing if there were no objections by Council in doing so. There were no objections noted.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the request for a new Retail Liquor Store License for Peak to Peak Market, LLC dba Peak to Peak Liquors at 7320 Black Hawk Blvd., Suite 1A, to set the boundaries of the neighborhood as the whole City of Black Hawk, and to set the public hearing date for April 12, 2023.

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 for Executive Session and reiterated from the Agenda Changes section at the beginning of the meeting that the specific items for negotiations were listed on the agenda and the specific legal issues related to both pending and potential litigation.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:25 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 4:15 p.m.

**MOTION TO
RECONVENE THE
REGULAR OPEN
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to reconvene into the regular open session at 4:20 p.m.

**MOTIONS TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve the City Manager execute a Purchase and Sale Agreement for the Democrat for \$30,000.00 plus closing costs.

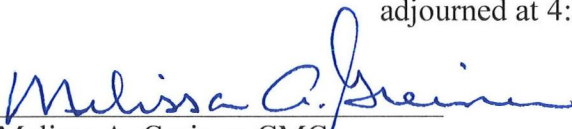
Alderman Moates also **MOVED** and was **SECONDED** by Alderman Torres to approve the settlement of the Freedom condemnation in the amount of \$45,500.00.


MOTIONS PASSED

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

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:22 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

