



**City of Black Hawk
City Council**

April 27, 2022

MEETING MINUTES

Gary Moore, Executive Director of the Colorado Mountain Bike Association (COMBA), rang the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order immediately following the Elected Official Training on Wednesday, April 27, 2022 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, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, HR Generalist Brubaker, Public Works Director Isbester, City Engineer Reed, Community Planning & Development Director Linker, Baseline Consultants Harris and Rivas, 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 there were no changes to 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. EMPLOYEE
INTRODUCTION:

Carrie Brubaker, HR Generalist

City Clerk/Administrative Services Director Greiner introduced the City's new HR Generalist Carrie Brubaker. Carrie is a local of Gilpin County and just recently came from Eldora Ski Resort, where she was in charge of all the hiring, including 600 annual seasonal workers. She was warmly welcomed.

6. PRESENTATION:

Mayor Spellman presented Executive Director Gary Moore of the Colorado Mountain Bike Association (COMBA) a check for \$25,000 as a donation on behalf of the City, representing COMBA's work on the Hard Money and Fast Money trails and their single handling of the marketing of those trails through their website and word of mouth. The Hidden Treasure trailhead and Maryland Mountain/Quartz Valley have become very popular, and the Hard Money mountain bike trail has become the most popular trail in the state right now. The City is very appreciative of their efforts.

7. PUBLIC COMMENT:

Deputy City Clerk Martin stated three people had signed up to speak.

Tom Feeney, resident and business owner, thanked the Mayor and City Council for their presentation to COMBA and said he thinks our trails will compete with Moab within 10 years. He went on to say he thinks the houses at Mountain City should be used for retail or offices, not storage. Mayor Spellman commented that we now refer to that area by its true historical name of Gregory Point. He confirmed that is the plan, and the design is complete, with a little tweaking still needed in front of the barn area, and once those renovations are finished, it can be opened to new tenants. He added that most of what is stored in those historic houses is from the Lace House, and once the Lace House Museum is completed then that storage will free up those houses for retail or office space; it is a process. Mr. Feeney was happy to hear the Lace House would be made into a museum and thought the City also needed a visitor center. He then asked for an update on the Post Office area signs that Council had already approved for those businesses.

Mayor Spellman asked Vince Harris from Baseline Engineering to provide an update on the signs. Mr. Harris said they met yesterday with a potential sign company for the two free-standing signs. There are still some electrical items to work through and fix, but he is hopeful within the next couple of weeks to have a contract, and then a four-five week install. He noted the banner proofs are out to be fabricated, and the poles are ordered, so they are in process.

Tyrone Nagle, of 231 Chase Street, spoke on the bear problem on Chase Street of tipping over garbage cans and opening car doors. He said he walks home after work late at night and has come face to face with the bear several times. He has called the Police Department and the Division of Wildlife. He said even though the City does provide bear-proof trash cans, not everyone is using them correctly. Mayor Spellman suggested a notice be sent to residents as a reminder of bear season and for the City to purchase bear spray to make available to the residents. Chief Moriarty said the officers, when called, will not haze the bears but will shoo them along and encouraged continuing to educate the neighbors. She said she will be at a meeting with the Division of Wildlife tomorrow and will bring it up with them. Mr. Nagle thanked everyone and mentioned that it was the same bear from the last few years.

John Burtschi, the owner of B&C Coffee Shop, thanked the City for their continued assistance but voiced his concern that it has been two years since opening his shop, and he still has the same complaint about the lighting. As he extends his hours to accommodate for summer, his employees are not wanting to work until 10:30 at night and then walk outside in a dark parking lot, and even though his shop lights are on and his open sign is on, the dim lights of the building make it look like the business is closed. Public Works Director Isbester said they had replaced four globe lights on the wall with LED lights, and all the other fixtures are on order with long delays. City Manager Cole said it is a process as they update the street lighting first, then upgrade the fixtures on the building, and then reviewing to see where to add more lighting. Mr. Burtschi thanked everyone for their time and reiterated that it just needs to be brighter.

8. APPROVAL OF
MINUTES:

April 13, 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.

9. PUBLIC HEARINGS:

A. CB6, An Ordinance Repealing Section 8-111 of the City of Black Hawk Municipal Code

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this Ordinance that would eliminate the current restrictions and restrictive routes for bicycles; all roads will

now be open to all traffic. Mayor Spellman noted it is a trial to see if there are any future safety and traffic concerns; if so Council can always come back and reinstate it.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB6, an Ordinance repealing Section 8-111 of the City of Black Hawk Municipal Code 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 Moates to approve CB6, an Ordinance repealing Section 8-111 of the City of Black Hawk Municipal Code open.

MOTION PASSED

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

B. CB7, An Ordinance Amending Section 6-78 of the Black Hawk Municipal Code Relating to Festival Permits

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained minor revisions to the Festival Permit process, which would create festival hours to be consistent with special event hours and to request an initial 30 days’ submission prior to the event vs. the state’s 10-day requirement. He said all subsequent festivals would stay at 10 days.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB7, an Ordinance amending Section 6-78 of the Black Hawk Municipal Code relating to Festival Permits open and invited anyone wanting to address the Board either “for” or “against” the proposed Ordinance to come forward.

Tom Feeney, City resident and business owner, voiced his appreciation of simplifying the process, and he supports the changes.

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

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve CB7, an Ordinance amending Section 6-78 of the Black Hawk Municipal Code relating to Festival Permits.

MOTION PASSED

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

C. CB8, An Ordinance Amending Section 4-192(b)(25) of the Black Hawk Municipal Code Regarding Occupational Taxes for Liquor-Licensed Establishments

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann stated that this Ordinance is a significant simplification and a cost reduction for those liquor licenses not in gaming. He explained that licensees within gaming establishments or located within a gaming district would pay \$700 for their annual liquor tax, whereas those outside of gaming would pay \$50 annually. He continued that this was a de minimis increase and did not require a vote under TABOR.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB8, an Ordinance amending Section 4-192(b)(25) of the Black Hawk Municipal Code regarding Occupational Taxes for Liquor-Licensed Establishments 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 Johnson to approve CB8, an Ordinance amending Section 4-192(b)(25) of the Black Hawk Municipal Code regarding Occupational Taxes for Liquor-Licensed Establishments.

MOTION PASSED

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

D. CB9, An Ordinance Approving the FTA Section 5311 American Rescue Plan (ARP) Act Grant Administered by Colorado Department of Transportation, Division of Transit and Rail with the City of Black Hawk dba Black Hawk and Central City Tramway in an Amount not to Exceed \$166,039.00

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester received another grant through CDOT for the operation of the tramway and asked Council to accept it.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB9, an Ordinance approving the FTA Section 5311 American Rescue Plan (ARP) Act Grant Administered by Colorado Department of Transportation, Division of Transit and Rail with the City of Black Hawk dba Black Hawk and Central City Tramway in an amount not to exceed \$166,039.00 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 Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve CB9, an Ordinance approving the FTA Section 5311 American Rescue Plan (ARP) Act Grant Administered by Colorado Department of Transportation, Division of Transit and Rail with the City of Black Hawk dba Black Hawk and Central City Tramway in an amount not to exceed \$166,039.00.

MOTION PASSED

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

E. Resolution 27-2022, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for the Gregory Street Comprehensive Sign Plan Amendment

Mayor Spellman read the title and opened the public hearing.

Baseline Consultants Harris and Rivas presented this item for additional signage at Crook's Palace, the Livery Lot, St. Charles Carriage House, Gregory Street Plaza, the Bobtail Mine, and Gregory Point, all of which were included in the packet. Also, the Gregory Street HARD District Business Marketing Association has the authority to organize and promote events within their District and can propose temporary signs for approval from the HARD District Sign Committee. Mr. Harris said all the signs would be black painted metal letters except for the St. Charles Carriage House, which will be painted directly onto the brick.

Alderman Midcap asked where the sandwich board signs will be allowed because the City typically doesn't allow them. Mr. Harris replied that they are now permitted within the HARD District for each of the businesses located at the plaza due to the larger space available there. He said they would be allowed on Gregory Point as well, but they can't impede ADA or sidewalk access. It was confirmed that the determining factor is if there is enough of an area to display them. Mr. Harris said there are some extra sandwich board signs for the Marketing Association if they need some for various events.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 27-2022, a Resolution conditionally approving a Certificate of Architectural Compatibility for the Gregory Street Comprehensive Sign Plan amendment open and invited anyone wanting to address the Board either "for" or "against" the proposed Resolution 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 Resolution 27-2022, a Resolution conditionally approving a Certificate of Architectural Compatibility for the Gregory Street Comprehensive Sign Plan amendment.

MOTION PASSED

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

F. Resolution 28-2022, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for an Amendment to the Comprehensive Sign Plan for the Isle Horseshoe Casino and Hotel

Mayor Spellman read the title and opened the public hearing.

Baseline Consultants Harris and Rivas went through their presentation for the rebranding of the Isle Casino to the Isle-Horseshoe Casino, which was included in the packet.

Tyrone Nagle, resident at 231 Chase Street, was concerned about the new self-park sign made of brick by the shotcrete near Miners Road. He said he shovels the snow and wondered what kind of drift that would create over the roadway. City Attorney Hoffmann interjected that Council is only reviewing the signs themselves, and any maintenance caused by the signs is the property owner's obligation.

Norris Hamilton, Vice-President and General Manager for the Isle and Lady Luck Casinos, was present to discuss the rebranding. He said the Horseshoe brand is a better name recognition for this market here in the City, and that rewards guests understand the value. He added that the Horseshoe brand would fit in much nicer in the mountains of Black Hawk than the Isle brand ever did.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 28-2022, a Resolution conditionally approving a Certificate of Architectural Compatibility for an amendment to the Comprehensive Sign Plan for the Isle Horseshoe Casino and Hotel open and invited anyone wanting to address the Board either "for" or "against" the proposed Resolution to come forward.

Tom Feeney, City resident and business owner, congratulated everyone on the rebranding, and he thought it would be a big benefit for the City on so many levels. He went on to say that having Caesar's here in Black Hawk is incredible.

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

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 28-2022, a Resolution conditionally approving a Certificate of Architectural Compatibility for an amendment to the Comprehensive Sign Plan for the Isle Horseshoe Casino and Hotel.

MOTION PASSED

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

10. ACTION ITEMS:

A. Resolution 29-2022, A Resolution Approving an Agreement for Professional Services Between the City of Black Hawk and Independent Painting

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this item. She said the previous paint contractor notified her department that he is concentrating only on commercial projects at this time and respectfully declined to work on the City's residential paint program, aside from his warranty obligations. She contacted Eric Miller of Independent Painting, a local painter in Gilpin County. She said they conducted site inspections yesterday, and he is very excited to be involved in the program.

Alderman Midcap asked about the process and the cost. Ms. Linker explained that the homeowner is responsible for all of the repairs required by her department prior to approval in the program. If approved by the homeowner, then she will share those with Mr. Miller, who will provide individual proposals per property. Once she determines which property owners still want to participate in the program, she will bring those proposals before Council at their second meeting in May.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 29-2022, a Resolution approving an agreement for Professional Services between the City of Black Hawk and Independent Painting.

MOTION PASSED

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

B. Resolution 30-2022, A Resolution Approving a Change Order on a Time and Materials Basis with Grapes and Sons for Stacking Boulder Retaining Walls and Hydroseeding Slopes in the Amount Not to Exceed \$134,320.75

Mayor Spellman read the title.

Public Works Director Isbester explained the new storage area in the Public Works area created by Grapes and Sons as they moved rock up there from the cleanup off Highway 119. He said they started stacking boulder retaining walls that now require some seeding to this area and other sloped areas.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 30-2022, a Resolution approving a Change Order on a time and materials basis with Grapes and Sons for stacking boulder retaining walls and hydroseeding slopes in the amount not to exceed \$134,320.75.

MOTION PASSED

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

C. Resolution 31-2022, A Resolution Approving the General License Between the City of Black Hawk, Colorado and the Gregory Street Hard District Business Marketing Association

Mayor Spellman read the title.

City Attorney Hoffmann introduced this general license agreement for the Gregory Street Plaza to the Gregory Street HARD District Business Marketing Association. He said the Association would be the gatekeepers for the plaza in terms of events and approving licenses to sub-licensees, subject to City Manager approval. He added that the City would still have priority for the right to use the plaza and that this agreement avoids Council from having to approve every license agreement for the many events potentially planned for that space.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 31-2022, a Resolution approving the General License between the City of Black Hawk, Colorado and the Gregory Street Hard District Business Marketing Association.

MOTION PASSED

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

D. Resolution 32-2022, A Resolution Approving the 2022-2023 Contract with Delta Dental in the Estimated Amount of \$118,938 for Group Dental Insurance

E. Resolution 33-2022, A Resolution Approving the 2022-2023 Contract with Kaiser Permanente in the Estimated Amount of \$1,004,978 for Group Health Insurance

Mayor Spellman combined these items and read the titles.

City Clerk/Administrative Services Director Greiner introduced these items. She was happy to report that every benefits carrier gave us a rate pass, which means no increases. She said she was anticipating double-digit increases to make up losses from Covid, but with the help of the City's broker, IMA of Colorado, the rates were negotiated down due to an overall decrease in claims by the great work of our employee's claim management in keeping those claims down.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 32-2022, a Resolution approving the 2022-2023 contract with Delta Dental in the estimated amount of \$118,938 for Group Dental Insurance, and Resolution 33-2022, a Resolution approving the 2022-2023 contract with Kaiser Permanente in the estimated amount of \$1,004,978 for Group Health Insurance.

MOTION PASSED

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

F. Resolution 34-2022, A Resolution Approving the First Amendment to Commercial Lease with JKQ Consolidated, LLC for the Property Located at 200 Gregory Street, Black Hawk, Colorado

Mayor Spellman read the title.

Finance Director Hillis recommended this amendment to JKQ's lease to shift the financial responsibility for the water service from the tenant to the City. He said the larger tap monthly base fees would be a hardship for the new tenant, and the City would like to help them be successful.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 34-2022, a Resolution approving the First Amendment to Commercial Lease with JKQ Consolidated, LLC for the property located at 200 Gregory Street, Black Hawk, Colorado.

MOTION PASSED

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

**11. CITY MANAGER
REPORTS:**

City Manager Cole was pleased to announce the Certificate of Achievement for Excellence in Financial Reporting award for the 2021 audit of the year 2020. He wanted to recognize Finance Director Hillis and all staff for a job well done; it's a great accomplishment.

12. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

13. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended items number 2 and 5. The specific legal issues related to potential legislation, and the issues for instructing negotiators related to City owned land and City owned property.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 4:02 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 4:25 p.m.

MOTION PASSED

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

14. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:25 p.m.



Michele Martin, CMC
Deputy City Clerk



David D. Spellman
Mayor

