



**City of Black Hawk
City Council**

May 10, 2023

MEETING MINUTES

District #1 Gilpin County Commissioner Marie Mornis 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, May 10, 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 Marshal Walsh, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, City Engineer Reed, Community Planning & Development Director Linker, Development Services Coordinator Richards, Baseline Engineering Consultants Harris and Rivas, 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 confirmed no agenda changes.

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:

April 26, 2023

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

MOTION PASSED

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

7. PUBLIC HEARINGS:

A. CB11, An Ordinance of the City of Black Hawk Amending Section 6-80 of the Black Hawk Municipal Code to Permit Tastings at Fermented Malt Beverage and Wine Retailers

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item and said that in November of 2022, voters approved a ballot measure converting Fermented Malt Beverage licenses to Fermented Malt Beverage and Wine Retailer licenses and authorized those licenses to conduct tastings. This Ordinance would allow those license types to have tastings within the City.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB11, an Ordinance of the City of Black Hawk amending Section 6-80 of the Black Hawk Municipal Code to permit tastings at fermented malt beverage and wine retailers 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 Moates to approve CB11, an Ordinance of the City of Black Hawk amending Section 6-80 of the Black Hawk Municipal Code to permit tastings at fermented malt beverage and wine retailers.

MOTION PASSED

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

B. Resolution 32-2023, A Resolution Approving the Site Development Plan and Certificate of Architectural Compatibility for the Development of an Outdoor Event Venue and Beer Garden at 100 Richman Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Rivas went through their presentation. Ameristar plans to redevelop the parking lot area of the Richman Building into an outdoor event venue and beer garden. Ms. Rivas said the application met the code and zoning regulations and Design Guidelines, so staff is recommending approval.

Alderman Midcap asked about parking. Ms. Rivas confirmed they would use the existing Ameristar parking garage.

Ameristar General Manager Sean Demeule and Architect Jim Murray were present on behalf of the applicant. They explained the only public use of the building is for the restrooms, and the plan is to update the interior of the building only to accommodate ADA restrooms. They concluded by saying this was another non-gaming entertainment amenity to offer the community seasonally in the evenings and weekends.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 32-2023, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the development of an outdoor event venue and beer garden at 100 Richman Street 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 Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 32-2023, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the development of an outdoor event venue and beer garden at 100 Richman Street.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 33-2023, A Resolution Approving the 2023-2024 Contract with Delta Dental in the Estimated Amount of \$134,536.00 for Group Dental Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item and said there was an increase of 7%, but since the City received a rate pass for 2022-2023, this is technically 7% over two years, which is still below what was budgeted.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 33-2023, a Resolution approving the 2023-2024 contract with Delta Dental in the estimated amount of \$134,536.00 for Group Dental Insurance.

MOTION PASSED

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

B. Resolution 34-2023, A Resolution Approving the 2023-2024 Contract with Kaiser Permanente in the Estimated Amount of \$1,147,258.00 for Group Health Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner was happy to introduce this rate increase of only 1.7% with the addition of gastric bypass surgery to the plan design.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 34-2023, a Resolution approving the 2023-2024 contract with Kaiser Permanente in the estimated amount of \$1,147,258.00 for Group Health Insurance.

MOTION PASSED

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

C. Resolution 35-2023, A Resolution Approving the Proposal from Symetra for 2023-2025 Ancillary Coverage

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that this line of coverage is changing quite a bit, especially with the industry moving towards eliminating the Employee Assistance Program (EAP). She said Symetra quoted a two-year renewal rate keeping our EAP but added a 50% increase in premiums for both Short Term Disability and Long Term Disability due to the City's loss ratio. She said we had a 225% loss ratio for the short term and a 500% loss ratio for the long term. She contacted IMA, the City's insurance brokerage firm, and Symetra was still the best option.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 35-2023, a Resolution approving the proposal from Symetra for 2023-2025 Ancillary Coverage.

MOTION PASSED

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

D. Resolution 36-2023, 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.

City Attorney Hoffmann explained this Quitclaim Deed was the mechanism to allow new representation, in this case from Maverick Casino, to have an undivided interest in the Director's Parcel of the City and to serve on the Silver Dollar Metropolitan District.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 36-2023, 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.

E. Resolution 37-2023, A Resolution Approving the Commercial Lease with Hearts and Legends, LLC for the Property Located at 221 Gregory Street, Unit A, Black Hawk, Colorado

F. Resolution 38-2023, A Resolution Approving the Commercial Lease with Heat and Sweet Classics, Corp. for the Property Located at 221 Gregory Street, Unit B, Black Hawk, Colorado

G. Resolution 39-2023, A Resolution Approving the Commercial Lease with LitWood Creations, LLC for the Property Located at 221 Gregory Street, Unit D, Black Hawk, Colorado

Mayor Spellman read the title.

Finance Director Hillis introduced these leases, which include three of the four units available at 221 Gregory Street. He said the only variation has to do with square footage and allowance based on the square footage. He said the lessees have asked for three additional items to be included in the lease, which are not in the packet. The first was for automatic three-

year renewal with a sales tax credit, as long as all provisions of the lease have been met for those first three years; the second was a provision to allow flexibility to the standards of operations during winter weather events; and the third was to ask the City not to lease to businesses with the same product. Mayor Spellman noted it is a good faith effort to stay open as much as possible, but it would have to be a judgment call on weather, and as for the non-compete clause, he explained as long as the primary revenue isn't derived by that similar business model, it shouldn't be a problem, but again would have to be on a case by case basis.

Each lessee was present, and the first introduced were Omar and Valerie Garcia of Hearts and Legends, LLC. They said they started in 2009 and have done powwows all over the state. They specialize in beadwork and silversmithing and plan to have western and southwestern apparel and décor.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 37-2023, a Resolution approving the Commercial Lease with Hearts and Legends, LLC for the property located at 221 Gregory Street, Unit A, Black Hawk, Colorado.

MOTION PASSED

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

Eddie and Terri Miller of Heat & Sweet Classics, Corp. were next for introductions. They specialize in classic old-fashioned candies, Colorado hot sauces, and vintage sodas. They said they want their store to be a happy place for tourists and locals alike.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 38-2023, a Resolution approving the Commercial Lease with Heat and Sweet Classics, Corp. for the property located at 221 Gregory Street, Unit B, Black Hawk, Colorado.

MOTION PASSED

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

Last up was Jason & Michele Flesher of LitWood Creations, LLC, who live in Gilpin County. They specialize in fractal high-voltage electricity wood creations. They plan to invite artisan friends such as potters, etc. Mayor Spellman noted that Jason was the first to approach the City about a lease and he reminded everyone that there was still one space available.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 39-2023, a Resolution approving the

Commercial Lease with LitWood Creations, LLC for the property located at 221 Gregory Street, Unit D, Black Hawk, Colorado.

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 reported that since Council's last meeting SB23-213, the assault on local control was unsuccessful and died on the last day of the legislative session. He said they expect some variation to come back and are already working on how to prevent it.

**11. EXECUTIVE
SESSION:**

City Attorney Hoffmann recommended items number 2 and 5 for Executive Session and the specific legal issues related to potential litigation, and under negotiations, the items regard City-owned property and the attempt to acquire additional property for the City's trail system.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:29 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 4:15 p.m.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve the acquisition of property from Ed and Shirley Smith at Bates Hill in the amount of \$75,000.00 plus the cost of surveying the property being acquired and the remaining property. Mayor Spellman clarified that Bates Hill is located in the City of Central.

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 4:16 p.m.



Melissa A. Greiner, CMC
City Clerk



David D. Spellman
Mayor

