



**City of Black Hawk
City Council**

June 14, 2023

MEETING MINUTES

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, June 14, 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, Maintenance Services Manager Jackson, City Engineer Reed, Water Resource Engineer Dallam, Community Planning & Development Director Linker, Development Services Coordinator Richards, and Baseline Engineering Consultants Harris, and Rivas.
- PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in reciting the Pledge of Allegiance.
3. **AGENDA CHANGES:** City Clerk Greiner confirmed that there were no agenda changes. Mayor Spellman stated that he would group the Proximo items together during the meeting.
4. **CONFLICTS OF INTEREST:** City Attorney Hoffmann asked Council to disclose 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 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: Black Hawk resident, 151 Marchant, Sean Conway, thanked Council for the outstanding job they are doing to make Black Hawk a premier destination to recreate in Colorado.

6. APPROVAL OF
MINUTES: May 24, 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.

7. PUBLIC HEARINGS:

A. Resolution 49-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 19.

B. Resolution 50-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 20

C. Resolution 51-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 21 and 22

Mayor Spellman stated he would open a Public Hearing on items 7A – 7F, Resolutions 49-2023, 50-2023, 51-2023, and CB13, CB14, CB15, then call for one motion for items 7A – 7C, and individual motions for items 7D – 7F.

Baseline Engineering Consultant Harris thanked surveyor Doug Lancaster and Ethan Watel with Baseline for all the work they did on the Proximo annexations, then introduced these items making certain findings of facts regarding the proposed Annexation of parcels of unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexation Numbers 19, 20, 21, and 22); associated with the Ordinance approving and accomplishing the Annexation of a parcel of Lake Gulch Whiskey Resort Annexation Numbers 19, 20, 21, 22

Staff recommended approval of each annexation.

Harmon Zuckerman (Frascona, Joiner, Goodman, and Greenstein, P.C., 4750 Table Mesa Drive, Boulder, CO) representative for the co-

petitioner, Proximo Spirits, addressed Council and asked if anyone had any questions, to which there were none.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on items 7A – 7F, Resolutions 49-2023, 50-2023, 51-2023, CB13, CB14, CB15 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 Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 49-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 19; Resolution 50-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 20; Resolution 51-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 21 and 22.

MOTION PASSED

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

D. CB13, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 19, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation

Mayor Spellman called for a motion on CB 13.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Midcap to approve CB13, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 19, Consisting of Contiguous Unincorporated Territory in Gilpin County also Known as a Portion of the Lake Gulch Whiskey Resort Annexation.

MOTION PASSED

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

E. CB14, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 20, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation

Mayor Spellman called for a motion on CB 14.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve CB14 A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 20, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation.

MOTION PASSED

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

F. CB15, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel Numbers 21 and 22, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation

Mayor Spellman called for a motion on CB15.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to approve CB15, an Ordinance Approving and Accomplishing the Annexation of Parcel Nunmbers 21 and 22, Consisting of Contiguous Unincorporated Territory in Gilpin County also Known as a Portion of the Lake Gulch Whiskey Resort Annexation.

MOTION PASSED

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

Mayor Spellman jumped ahead on the agenda to item 7I, CB18

I. CB18, A Bill for an Ordinance Zoning Certain Property Within the City of Black Hawk Known as the Lake Gulch Whiskey Resort Annexations 19 Through 22 to Commercial/Business Services (C/BS) Zoning District

Mayor Spellman opened the public hearing.

Baseline Engineering Consultant Harris explained the City of Black Hawk and Proximo Distillers, LLC, are the sole owners of parcels located near and throughout the Lake Gulch Whiskey Resort Annexation area which was annexed to the City in 2020 and 2021. This new set of properties is proposed to be annexed into the City of Black Hawk by ordinance at the June 14, 2023 City Council meeting.

Per the City of Black Hawk City Charter and Municipal Code, when land is annexed into the City, it must be subsequently zoned as well. Approximately 11.19 acres are planned to be annexed through the Lake Gulch Whiskey Resort Annexations 19-22 (see separate staff report).

Per discussion with other City Staff, it is recommended that the property be zoned into the Commercial/Business Services (C/BS) zoning district.

All of the property being annexed is adjacent to other property zoned /CBS.

The purposed of the C/BS zoning district is to encourage a broad range of commercial services for visitors and residents, which are conveniently accessible by automobile, and which are designed to complement each other in character, scale and proximity. The permitted uses in the district include retail and services, automobile service stations, lodging accommodations, restaurants, indoor recreation and amusement, bars and lounges, offices, parks and common areas, area-wide transportation facilities, parking, public facilities, indoor and outdoor event centers, mini-warehouses and storage facilities, and distilleries.

The C/BS zoning district is the underlying zone district at the other Lake Gulch Whiskey Resort properties.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB18, A Bill for an Ordinance Zoning Certain Property Within the City of Black Hawk Known as the Lake Gulch Whiskey Resort Annexations 19 Through 22 to Commercial/Business Services (C/BS) Zoning District.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed and called for a motion to approve.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve CB18, A Bill for an Ordinance Zoning Certain Property Within the City of Black Hawk Known as the Lake Gulch Whiskey Resort Annexations 19 Through 22 to Commercial/Business Services (C/BS) Zoning District.

MOTION PASSED

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

Mr. Zuckerman noted that they had now completed three annexations in the City of Black Hawk and that he wanted to remind the “Alderfolk” of what a professional staff this big/little mountain town has, and that they punch way their weight. Mr. Zuckman works with municipalities across Colorado and Black Hawk’s staff, City Attorney, and consultants are among the best in the State.

G. CB16, A Bill for an Ordinance Approving and Accomplishing the Annexation of Certain Unincorporated Properties Completely Surrounded By and Within the Boundaries of the City of Black Hawk Identified as Quartz Valley/Maryland Mountain – 2023 Annexation Numbers 1-3

H. CB17, A Bill for an Ordinance Approving and Accomplishing the Annexation of Certain Contiguous Unincorporated Municipally-Owned Properties Identified as Quartz Valley/Maryland Mountain – 2023 Annexation Numbers 4 and 5

Mayor Spellman opened the public hearing for items CB16 and CB17.

Baseline Engineering Consultants Harris (thanking Consultant Rivas for her work on the annexations) and Rivas explained the City is initiating annexation proceedings on the additional parcels in unincorporated Gilpin County to “fill in the gaps.” These proposed annexations are comprised entirely of enclaves unincorporated Gilpin County: Government Lot 14 and Government Lot 15, Section 12, Township 3 South, Range 73 West, 6th P.M. (collectively **Annexation No. 1**); Government Lot 12, Government Lot 13, and Government Lot 16, Section 12, Township 3 South, Range 73 West, 6th P.M. (collectively **Annexation No. 2**); and Government Lot 22, Section 12, Township 3 South, Range 73 West, 6th P.M. (collectively **Annexation No. 3**).

All areas considered to be annexed are owned by the United States Bureau of Land Management (BLM) and cover approximately 2.93 acres (total) of land on Maryland Mountain. Each of the annexations is within the agreed upon Growth Area Boundary per the 2020 Amended and Restated Intergovernmental Agreement (IGA) with Central City.

Staff recommended approval of CB 16 and CB 17.

City Attorney Hoffmann offer a clarification that there were no petitions for Annexations 1-5 – to the extent it is municipally owned land the City can annex the land without a petition and to the extent the property is completely surrounded (CB16) for three years the City is authorized to annex without petitions (may not be voluntary).

Alderman Midcap asked if this takes care of all property on Maryland Mountain. Consultant Harris stated that there would be more annexations forthcoming.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB 16 and CB 17, A Bill for An Ordinance Approving and Accomplishing the Annexation of Certain Unincorporated Properties Completely Surrounded By and Within the Boundaries of the City of Black Hawk Identified as Quartz Valley/Maryland Mountain – 2033 Annexations Numbers 1-3.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed and called for a motion on CB16.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbricht to approve CB 16, A Bill for An Ordinance Approving and Accomplishing the Annexation of Certain Unincorporated Properties Completely Surrounded By and Within the Boundaries of the City of Black Hawk Identified as Quartz Valley/Maryland Mountain – 2033 Annexations Numbers 1-3.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.
No one wished to speak, and Mayor Spellman declared the Public Hearing closed and called for a motion on CB17.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve CB17, A Bill for an Ordinance Approving and Accomplishing the Annexation of Certain Contiguous Unincorporated Municipally-Owned Properties Identified as Quartz Valley/Maryland Mountain – 2023 Annexation Numbers 4 and 5.

MOTION PASSED

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

J. CB19, A Bill for an Ordinance Zoning Certain City Owned-Properties Known as the Quartz Valley/Maryland Mountain – 2023 Annexations 1 through 5 to the History Appreciation Recreation Destination (HARD) Zone District

Mayor Spellman opened the public hearing.

Baseline Engineering Consultant Rivas explained the City of Black Hawk is the sole owner of parcels located near and throughout the Quartz Valley/ Maryland Mountain Annexation area that was annexed to the City in 2013 and 2015, and this new set of properties is proposed to be annexed into the City of Black Hawk by ordinance at today's City Council meeting.

Per the City of Black Hawk City Charter and Municipal Code, when land is annexed into the City, it must be subsequently zoned as well. Approximately 12.15 acres are planned to be annexed through the Quartz Valley/Maryland Mountain - 2023 Annexations 1 through 5 (see separate staff reports).

Per discussion with other City Staff, it is recommended that the property be zoned into the History Appreciation Recreation Destination (HARD) zoning district. All of the property being annexed is adjacent to other city owned property zoned HARD.

The HARD zoning district is for land that is owned by the City for a public use. The permitted uses in the district include public office buildings, public parking lots, nature center/picnic area/trailhead, trails (hard or soft surface), water storage facilities, including reservoirs allowing for passive and active recreation, and public pedestrian malls, including retail facilities on said malls, regardless of whether such facilities are publicly owned so long as they are dedicated to a public use.

Mayor Spellman asked Council if there were any questions for Mr. Zuckerman, and there were none.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB 19, A Bill for an Ordinance Zoning Certain City Owned-Properties Known as the Quartz Valley/Maryland Mountain – 2023 Annexations 1 through 5 to the History Appreciation Recreation Destination (HARD) Zone District

No one wished to speak, and Mayor Spellman declared the Public Hearing closed and called for a motion on CB19.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve CB 19, A Bill for an Ordinance Zoning Certain City Owned-Properties Known as the Quartz Valley/Maryland Mountain – 2023 Annexations 1 through 5 to the History Appreciation Recreation Destination (HARD) Zone District.

MOTION PASSED

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

K. CB20, A Bill for an Ordinance Rezoning Certain Properties Known as Lots 6-12, Block 42 Within the City of Black Hawk to the History Appreciation Recreation Destination (HARD Zone District

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Rivas explained The City of Black Hawk submitted an application to rezone multiple lots within the city limits, south of Gregory Point. The lots included in the rezoning request are Lots 6-12, Block 42, in the original City of Black Hawk Subdivision. The purpose of the rezone application is to designate the properties with a zoning district that is more appropriate to each of their intended uses, and for consistency in zoning with adjacent properties. The seven (7) lots included in the rezone application are currently zone Historic Residential (HR), and are proposed to be zoned History Appreciation Recreation Destination (HARD).

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB 20, A Bill for an Ordinance Rezoning Certain Properties Known as Lots 6-12, Block 42 Within the City of Black Hawk to the History Appreciation Recreation Destination (HARD Zone District

No one wished to speak, and Mayor Spellman declared the Public Hearing closed and called for a motion on CB20.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to **approve CB20, A Bill for an Ordinance Rezoning Certain Properties Known as Lots 6-12, Block 42 Within the City of**

**Black Hawk to the History Appreciation Recreation Destination
(HARD Zone District.**

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 52-2023, A Resolution Approving a Temporary Construction Easement Between the City of Black Hawk and Larry Linker Associated with the Construction at 311 Chase Street

Mayor Spellman read the title.

Development Services Coordinator Richards introduced this item. The applicant, Larry Linker, requests a Temporary Construction Easement from the City of Black Hawk to stockpile materials while constructing a new 3-car garage at 311 Chase Street. The property owner plans to utilize the dirt and rock material stored on the City lots in the project. Upon project completion, the property owner will remove any remaining material from the City lots. Staff recommends approval of Resolution 52-2023 as proposed.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 52-2023, A Resolution Approving a Temporary Construction Easement Between the City and Larry Linker Associated with the Construction at 311 Chase Street.

MOTION PASSED

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

B. Resolution 53-2023, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Renovations to the City of Black Hawk City Hall Located at 201 Selak Street

Mayor Spellman read the title.

Alderman Armbright noted the excellent job the Mayor and Ms. Hailey did in detailing the entire history of the Black Hawk City Hall, and she hope everyone reads the information.

Development Services Coordinator Richards said the applicant, City of Black Hawk (City), requests a Certificate of Appropriateness for exterior renovations to the property at 201 Selak Street, known as the Black Hawk City Hall. This property is zoned Historic Appreciation Preservation (HAP). The Black Hawk City Hall was listed as a Black Hawk Local Landmark in 2017. The COA will allow for a copper gutter to be added

to the building per the design plans. The Historic Preservation Commission has approved the COA and make the recommendation to City Council for the conditional approval of the COA.

The conditions for approval are 1) the work proposed will match the design plans as submitted, and 2) the COA is valid for 180 days. Staff recommends conditional approval of Resolution 53-2023.

Mayor Spellman called for a motion to approved Resolution 53-2023.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 53-2023, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Renovations to the City of Black Hawk City Hall Located at 201 Selak Street.

MOTION PASSED

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

C. Resolution 54-2023, A Resolution Approving the Contract Between the City of Black Hawk and LRE Water in the Amount not to Exceed \$67,250 for Engineering Services Pertaining to the Drilling of a Water Well in or Around 4-Mile Gulch

Mayor Spellman read the title.

Water Resource Engineer Dallam introduced this item. Four Mile Gulch is a significant source of water for the City of Black Hawk. LRE have reviewed options for opportunity to expand the City raw water supply, and have found a couple of locations that are legally and hydrologically potentially viable. The 4-Mile basin is close to being fully developed, and opportunities may be lost with future residential development. To that end, LRE has provided a proposal for engineering services associated with developing one (if successful) or two (if needed) wells for additional water. The work is not budgeted for this fiscal year, but it is believed that time is of the essence with the ongoing development.

Alderman Midcap asked how deep the well would be. Water Resource Engineer Dallam said that financially, the City was prepared to go 500 feet. Mayor Spellman noted this would be the last well the City would be able to drill in the area because of development in the area and we must be 600 feet away from any other well. Mayor Spellman also stated while these wells do not yield a lot, every little bit helps and this will be our last well on Dory Hill. Staff recommends approval of Resolution 54-2023.

Mayor Spellman called for a motion to approve Resolution 54-2023.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 54-2023, A Resolution Approving the Contract Between the City of Black Hawk and LRE Water in the Amount not to Exceed \$67,250 for Engineering Services Pertaining to the Drilling of a Water Well in or Around 4-Mile Gulch.

MOTION PASSED

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

D. Resolution 55-2023, A Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023 Between the City of Black Hawk and MW Golden Constructors, Establishing the Guaranteed Maximum Price (GMP) of \$1,057,561 for Construction of the Police Station Renovation Project

Mayor Spellman read the title.

City Engineer Reed introduced this item stating this is the full construction price for renovation the police station. The first level of the Police Station contains several inefficient and wasted spaces and the Dispatch area is due for an upgrade. The Police Station Renovation project would renovate most of the lower-level of the Police Station, including Dispatch, Records, the restroom, and the prisoner holding cell. It would add a centrally-located kitchenette for Staff's convenience. A raised access floor would be added in Dispatch to allow easy access to the multitude of cables necessary for Dispatch equipment. Security measures will be included with this project to enhance Staff safety. It does not include dispatch electronics or specialized furniture.

Approval of this Amendment would establish the GMP for construction of the Police Station Renovation project and authorize construction to begin. Construction will begin June 26th and run for sixteen weeks. If all goes well it the renovation will be completed in October.

The original General Contractor Agreement with MW Golden Constructors was approved by City Council on April 12, 2023.

Alderman Midcap asked how close was the bid to the original budget. City Engineer Reed stated it was way off. \$750,000 was budgeted for the project. Mayor Spellman stated that we were 20 - 25% over budget.

Mayor Spellman added that the generous budget for the project was established well over a year ago based on the increased cost of the 221 Gregory Street renovation over the original budget, which was based (and subsequently increased) on the construction of the Gregory Street Plaza project. The cost of current capital expenditure items are becoming horrendous costs even though we are

experiencing record revenue, at least on the capital expenditure projects we are not keeping pace at all. Something is broken in our society. Mayor Spellman went on to say that the problem comes right out of Washington D.C. who continues to print money, spend money, and hand money out. The consequences of this action will soon come home to roost. It will be very difficult to move forward with projects like the Copper Kitchen with costs as they are today. The old adage, that someday it will take a wheel-borrow full of money to buy a loaf of bread but we are to the point that it takes a dump-truck full of money to complete a Public Works project, and Mayor Spellman believes it is a shame. There is something terribly out-of-whack and terribly broken in our county. Something has to give, and we are in for hard time. The Mayor stated that he hates to think the only thing that is transitory now is revenue and we may see a decline in revenue, which will only exacerbate the problem. While this project needs to be approved, we will not move forward with the other CIPs. The Mayor gave the example of the Monarch Casino, which was built for \$250 - \$300 million when it was built. The same project, if bid today at \$350 - \$500, they would not pull the trigger on the project, even with the record revenue they are receiving. Something is terribly wrong and there needs to be a correction. Alderman Midcap concurred citing current high interest rates.

Mayor Spellman restated that the egregious monetary and fiscal policies out of Washington D.C. is alarming.

The Mayor called for a motion to approve Resolution 55-2023.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 55-2023, A Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023 Between the City of Black Hawk and MW Golden Constructors, Establishing the Guaranteed Maximum Price (GMP) of \$1,057,561 for Construction of the Police Station Renovation Project.

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 a brief Executive Session with for #2 and #5. The specific legal issues are regarding potential litigation and the items subject to negotiation relate to Gregory Hill and the Proximo Distillery.

**MOTION TO
ADJOURN**

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

MOTION PASSED

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

Mayor Spellman added that Black Hawk is not the only agency that is experiencing record high cost for construction, that the BH/CC Sanitation District is also experiencing high bids. So, it is not just the Black Hawk "gouge factor."

**MOTION TO
RECONVENE THE
REGULAR OPEN
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to reconvene into the regular open session at 4:02 p.m.

Mayor Spellman announced that Council was back in regular, open session and for one brief motion.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and Alderman Johnson **SECONDED** a motion for approval of the Addendum to the Trade Contractor Agreement for the Miners Mesa Road Roundabout Project between JBS Pipeline Agreement and the City of Black Hawk.

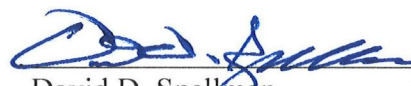
MOTION PASSED

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

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:05 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

