



**City of Black Hawk  
City Council**

**July 26, 2023**

**MEETING MINUTES**

HR Generalist Carrie Brubaker, representing all the new employees today, 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 26, 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, Fire Marshal Walsh, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, City Engineer Reed, Water System Superintendent Fredericks, Facilities Maintenance Supervisor Miller, Community Planning & Development Director Linker, Baseline Engineering Consultant Harris, 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 there were 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. EMPLOYEE

INTRODUCTION:

Jason Adkins, Fleet Technician I  
Chris Keller, Facilities Maintenance Technician I  
Zachary Driscoll, Water Utility Operator I  
Keyara Vieweg, Water Utility Operator I

Maintenance Services Manager Steve Jackson introduced Jason Adkins, who comes from the Lincoln Tech career fair connection made back in May. He is doing a great job, and the team is happy to have him.

Facilities Maintenance Supervisor Rory Miller introduced Chris Keller, who completes his team, and they are very pleased to have him.

Water System Superintendent Jason Fredericks introduced his two new water operators Keyara Vieweg and Zach Driscoll. Keyara is at the Hidden Treasure plant, and Zach is at the Dory Hill plant. He said Keyara is currently going to Red Rocks for Water Quality Management, and Zach brings a lot of lab experience with him. He said they both strengthen the team.

City Council warmly welcomed all, and a round of applause was in their honor.

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

7. APPROVAL OF  
MINUTES:

June 28, 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. **CB22, An Ordinance Approving and Accomplishing the Annexation of Bates Hill – 2023 Annexation No. 1 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- B. **CB23, An Ordinance Approving and Accomplishing the Annexation of Bates Hill – 2023 Annexation No. 2 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**

- C. CB24, An Ordinance Approving and Accomplishing the Annexation of Bates Hill – 2023 Annexation No. 3 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- D. CB25, An Ordinance Approving and Accomplishing the Annexation of Bates Hill – 2023 Annexation No. 4 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- E. CB26, An Ordinance Approving and Accomplishing the Annexation of Bates Hill – 2023 Annexation No. 5 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**
- F. CB27, An Ordinance Approving and Accomplishing the Annexation of Bates Hill – 2023 Annexation No. 6 of Contiguous Unincorporated City-Owned Property Located in Gilpin County**

Mayor Spellman combined these items, read the titles, and opened the public hearings. He said there would be one vote under an umbrella motion.

Baseline Engineering Consultant Harris explained the proposal for annexing six parcels on the south side of Maryland Mountain in the Bates Hill area. All six parcels are City-owned and encompass 19.6 acres. He said an Annexation Impact Report was provided to the County as per state statute. New services available for those properties include Black Hawk Police and Fire protection. He briefly discussed the request to zone these parcels to the HARD District, which is agenda item 8G.

It was noted that there is no other private individual property in this area; the rest is BLM property, which raised the question about disconnecting from Timberline Fire Protection District. City Attorney Hoffmann said this is the time to work with Proximo to request a combined exclusion of properties left in the Timberline District, so there is no confusion regarding who will respond in an emergency.

City Attorney Hoffmann noted that annexing municipality-owned property by state law does not require a public hearing; however, our Code and Charter require a public hearing on Ordinances, so it was listed as so on the agenda. Conversely, he added that zoning requires a 15-day public hearing notice per state law.

Mr. Harris concluded that this completes the enclaves and City ownership annexations in Maryland Mountain and the Bates Hill areas.

**PUBLIC HEARING:**

Mayor Spellman declared Public Hearings on CB22 through CB27, Ordinances approving and accomplishing the Annexation of Bates Hill – 2023 Annexations No. 1 through 6 of contiguous unincorporated City-owned property located in Gilpin County open and invited anyone

wanting to address the Board either “for” or “against” the proposed Ordinances to come forward.

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

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve CB22 through CB27, Ordinances approving and accomplishing the Annexation of Bates Hill – 2023 Annexations No. 1 through No. 6 of contiguous unincorporated City-owned property located in Gilpin County.

**MOTION PASSED**

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

**G. CB28, A Bill for an Ordinance Zoning Certain City-Owned Properties Known as the Bates Hill 2023 Annexations 1-6 to the History Appreciation Recreation Destination (HARD) Zone District**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris had already given his presentation.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearings on CB28, a Bill for an Ordinance zoning certain City-owned properties known as the Bates Hill 2023 Annexations 1-6 to the History Appreciation Recreation Destination (HARD) Zone District 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 CB28, a Bill for an Ordinance zoning certain City-owned properties known as the Bates Hill 2023 Annexations 1-6 to the History Appreciation Recreation Destination (HARD) Zone District.

**MOTION PASSED**

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

**H. CB29, An Ordinance Amending Section 18-5 of the Black Hawk Municipal Code, Addressing Amendments to the Adopted International Fire Code, 2021 Edition**

Mayor Spellman read the title and opened the public hearing.

Fire Marshal Walsh introduced three proposed items to revise this section of the Code. The first was to add minimum requirement language for a Deputy Fire Code Official; the second was to add an exception for fire sprinkler requirements for Occupancy Group R buildings, which the Proximo cabins and Hawk's Landing Geodesic Domes fall under, and lastly, to delete a section of Code that they have found added to the false alarm issues in the casinos. He gave clear, concise examples and explained the fire safety features still in place, as per Code.

Mayor and Council commended Mr. Walsh and Fire Chief Woolley for their proactive research and for bringing these housekeeping items to Council before these developments began, which could have been very cost prohibitive.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearings on CB29, an Ordinance amending Section 18-5 of the Black Hawk Municipal Code, addressing amendments to the adopted International Fire Code, 2021 Edition 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 Bennett to approve CB29, an Ordinance amending Section 18-5 of the Black Hawk Municipal Code, addressing amendments to the adopted International Fire Code, 2021 Edition.

**MOTION PASSED**

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

**I. Resolution 59-2023, A Resolution Approving the Certificate of Architectural Compatibility for the Property Located at 187 Clear Creek Street**

Mayor Spellman read the title and opened the public hearing.

Community Planning & Development Director Linker said the design is done, and they are now ready to move forward with construction; the first step is to obtain the Certificate of Architectural Compatibility. She reviewed the items in the packet, all meeting the rehabilitation criteria and design guidelines. Staff recommends approval. She plans to bring the construction approvals before Council's next meeting on August 9<sup>th</sup>.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearings on Resolution 59-2023, a Resolution approving the Certificate of Architectural Compatibility for the property located at 187 Clear Creek 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 Bennett to approve Resolution 59-2023, a Resolution approving the Certificate of Architectural Compatibility for the property located at 187 Clear Creek Street.

**MOTION PASSED**

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

9. ACTION ITEMS:

**A. Resolution 60-2023, A Resolution Accepting the City of Black Hawk 2022 Audit**

Mayor Spellman read the title.

Finance Director Hillis introduced this item. He was happy to announce it was another clean or unqualified opinion, which is the best a City can receive.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 60-2023, a Resolution accepting the City of Black Hawk 2022 Audit.

**MOTION PASSED**

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

**B. Resolution 61-2023, A Resolution Approving Change Order #1 with PEH Architects in the Amount of \$114,468.00 for Design Services Associated with the Copper Kitchen Pizzeria Project**

Mayor Spellman read the title.

City Engineer Reed introduced this item and said the design and building permit plans were complete for the Copper Kitchen; then, construction costs came in much higher than expected, so the team regrouped. He said the new conceptual plan calls for new building construction instead of relocating and rehabilitating the existing building, simplifying the footprint and construction methods, and saving some construction costs. He said they added scope to the project by adding an exterior elevator and roadway improvements to the lower end of Church Street. A new set of full-build-out construction documents must be prepared for this revised concept.



**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 61-2023, a Resolution approving Change Order #1 with PEH Architects in the amount of \$114,468.00 for design services associated with the Copper Kitchen Pizzeria Project.

**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 item number 5 only for Executive Session and the negotiations regarding City-owned property.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:35 p.m. to hold a conference with the City's Attorney 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 3:50 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 3:50 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

