



**City of Black Hawk
City Council**

August 10, 2022

MEETING MINUTES

New Public Works employees Jameson Gaines, Jason Hammer, and Austin Jantz took turns ringing the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, August 10, 2022 at 3:00 p.m.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates by Zoom video conferencing, and Torres.

Staff Present: City Attorney Hoffmann, City Manager Cole, Police Chief Moriarty, Police Commander Jantz, Fire Chief Woolley, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, City Engineer Reed, Maintenance Services Manager Jackson, Maintenance Supervisor Martinez, Community Planning & Development Director Linker, 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 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. INTRODUCTION OF
NEW EMPLOYEES:

Jameson Gaines, Maintenance Worker I
Jason Hammer, Maintenance Worker I
Austin Jantz, Maintenance Worker I

Public Works Maintenance Services Manager Jackson and Maintenance Supervisor Martinez introduced the newest employees to their team; all were pleasantly greeted. It was noted that Austin is the son of Police Commander Jantz!

6. PUBLIC COMMENT:

Deputy City Clerk Martin confirmed that Tom Feeney had signed up to speak on item #8C.

Tom Feeney, resident and business owner in the City, introduced himself for the record. He spoke in favor of the special event.

Alderman Torres wanted to thank the Police Department for a recent situation on Horn Street with a homeless person. He said they handled it professionally and peacefully, and the person has not been back.

7. APPROVAL OF
MINUTES:

July 27, 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**, noting Alderman Moates' abstention.

8. PUBLIC HEARINGS:

A. CB16, An Ordinance Approving the Application for a Local Landmark Designation by the City of Black Hawk of the Bobtail Tramway Portal Located at 201 Selak Street

Mayor Spellman read the title and opened the public hearing.

Community Planning & Development Director Linker went through the application and the criteria considered for approval of the tramway portal located behind City Hall. She said it was constructed in 1880 and used to transport ore over to the Bobtail Mine. She noted that the Historic Preservation Commission has been discussing this application for some time and is now ready to recommend approval.

She thanked the Mayor and his wife Lynnette for doing 100% of the research and noted that most of the photos were from the Mayor's personal photo collection.

PUBLIC HEARING:

Mayor Spellman declared Public Hearing on CB16, an Ordinance approving the application for a Local Landmark Designation by the City of Black Hawk of the Bobtail Tramway Portal located at 201 Selak Street 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 CB16, an Ordinance approving the application for a Local Landmark Designation by the City of Black Hawk of the Bobtail Tramway Portal located at 201 Selak Street.

MOTION PASSED

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

B. CB17, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for Open Space and Recreational Purposes Within the Meaning of 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 read the title and opened the public hearing.

City Manager Cole introduced this item. He said the City is interested in expanding its current open space and trail system to create a new trail from Maryland Mountain to the Briggs lot, and part of the trail crosses the Freedom Lode 640, of which a portion of .77 acres is in Black Hawk. He is asking for authorization to start the process of acquiring it from the owners.

PUBLIC HEARING:

Mayor Spellman declared Public Hearing on CB17, an Ordinance stating the intent of the City of Black Hawk to acquire certain property for open space and recreational purposes within the meaning of 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 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 Midcap **MOVED** and was **SECONDED** by Alderman Armbright to approve CB17, an Ordinance stating the intent of the City of Black Hawk to acquire certain property for open space and recreational purposes within the meaning of 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.

MOTION PASSED

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

C. Local Liquor Licensing Authority Consideration of a Special Event Liquor Permit for Gilpin County Historical Society

City Attorney Hoffmann explained that a public hearing for a Special Event Liquor Permit is only a placeholder if any objections are received. He acknowledged that no objections were received, so the hearing is not needed.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the Special Event Liquor Permit for Gilpin County Historical Society.

MOTION PASSED

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

9. ACTION ITEMS:

A. Resolution 52-2022, A Resolution Approving a Professional Services Agreement with Bruce Michalak as the Historic Restoration and Preservation Program Advocate in the Amount Not to Exceed \$50,000.00

Mayor Spellman read the title.

Community Planning & Development Director Linker began by stating they took Alderman Torres's advice when originally talking about the owner's representative, as he felt this position was more of an advocate, so that is why they are now calling the position a Historic Restoration and Preservation Program Advocate because the position represents both the City and the homeowner. She went on to provide Mr. Michalak's background as a recent retiree from SAFEbuilt, the City's Building Code Consultant. She feels this will be a good fit and noted that the amount is budgeted through the Residential Restoration Program.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 52-2022, a Resolution approving a Professional Services Agreement with Bruce Michalak as the Historic Restoration and Preservation Program Advocate in the amount not to exceed \$50,000.00.

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 2 only for Executive Session and the specific legal issues related to potential legislation, specifically regarding Short-Term Rentals and sales tax collection.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:18 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).

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.

**MOTION TO RESUME
REGULAR OPEN
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to resume back into regular open session at 3:50 p.m.

**MOTION TO
AUTHORIZE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to direct the City Attorney to draft an amendment to the City's Short-Term Rental requiring that Short-Term rentals be owner-occupied.

City Attorney Hoffmann said this Ordinance would be ready by the next meeting and wanted to confirm that no licenses can be issued under the current Short-Term Rental Ordinance under the Pending-Ordinance Doctrine since Council has directed him to draft the Ordinance. He said the Ordinance is pending as of today's date, so any action on any application would have to wait until after consideration of the Ordinance on August 24th. Council confirmed.

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 3:55 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

