



**City of Black Hawk  
City Council**

**August 24, 2022**

**MEETING MINUTES**

New Public Works employee Terry Elpers and Police Department employees Alexandria Schwan and Jacob Steerman 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 24, 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, Fire Chief Woolley, Fire Marshal Walsh, Finance Director Hillis, 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, Development Services Coordinator Richards, Baseline Consultants Harris and Esterl, 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 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:

Terry Elpers, Maintenance Worker I  
Alexandria Schwan, Communications Officer I  
Jacob Steerman, Communications Officer I

Public Works Maintenance Services Manager Jackson introduced new employee Terry Elpers.

Police Chief Moriarty introduced the two new Communications Officers, Alexandria Schwan, and Jacob Steerman, providing a brief background on each. She was happy to announce they are both solos now in their positions.

They were all warmly welcomed by Council.

6. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session and the specific legal questions related to Building Code issues and Short-Term Rentals.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:04 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 3:17 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 3:17 p.m.

7. PUBLIC COMMENT:

Deputy City Clerk Martin confirmed that no one had signed up to speak.

8. APPROVAL OF  
MINUTES:

August 10, 2022

**MOTION TO  
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve the Minutes as presented.

**MOTION PASSED**

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

9. PUBLIC HEARINGS:

**A. Resolution 50-2022, A Resolution Conditionally Approving the Certificate of Architectural Compatibility to Allow the Demolition of Buildings Located at 7291 Black Hawk Boulevard and 100 Chase Street Continued from July 27, 2022**

Mayor Spellman read the title and continued the public hearing.

City Attorney Hoffmann clarified what was before Council. He said that Council is to consider whether these structures are contributing to the City or not, as per code, and if approved, would only authorize the demolition; it would not cause the buildings to be demolished. He added that a Certificate of Architectural Compatibility (CoAC) is required for demolition, and when ready, then this approval is in place.

Baseline Engineering Consultant Harris went through the timeline of events listed in the packet, such as the numerous nuisance and land use violations, during his presentation. The buildings in question are the Gold Mine Casino and Silver Hawk Casino, both built in 1991 and 1992. The owner, Maverick Gaming, has contracted with Hillen Corporation to apply for the CoAC. Staff has reviewed the application and confirms that it meets the criteria outlined in the Municipal Code to allow for demolition and recommends Council approve the Resolution with conditions noted in the packet.

**PUBLIC HEARING:**

Mayor Spellman continued the Public Hearing on Resolution 50-2022, a Resolution conditionally approving the Certificate of Architectural Compatibility to allow the demolition of buildings located at 7291 Black Hawk Boulevard and 100 Chase 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 Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 50-2022, a Resolution conditionally approving the Certificate of Architectural Compatibility to allow the demolition of buildings located at 7291 Black Hawk Boulevard and 100 Chase Street.

**MOTION PASSED**

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

**B. CB18, An Ordinance Amending the Black Hawk Municipal Code to Establish an Exemption from the City's Sales and Use Tax for Certain Retail Delivery Fees and Carryout Bag Fees Enacted by the State of Colorado**

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis introduced this item which would exempt the City sales tax on the \$.27 per sale delivery fee imposed by the state. He said as of July 1, the state imposed this fee for any retailer delivering anywhere in Colorado. He noted that this likewise exempts the \$.10 carryout bag fee the state also implemented.

City Attorney Hoffmann added that when the state adopted this delivery fee back in 2021, they did not realize it was subject to local sales tax, and municipalities across Colorado are now doing this same thing.

**PUBLIC HEARING:**

Mayor Spellman declared Public Hearing on CB18, an Ordinance amending the Black Hawk Municipal Code to establish an exemption from the City's Sales and Use Tax for certain retail delivery fees and carryout bag fees enacted by the State of Colorado 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 CB18, an Ordinance amending the Black Hawk Municipal Code to establish an exemption from the City's Sales and Use Tax for certain retail delivery fees and carryout bag fees enacted by the State of Colorado.

**MOTION PASSED**

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

**C. CB19, An Ordinance Amending Article XX of Chapter 6 of the Black Hawk Municipal Code Requiring Short-Term Rental Properties to be Conducted Only in the Applicant's Primary Residence**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann recalled at the conclusion of the last City Council meeting, he was directed to draft an Ordinance attempting to regulate the City's Short-Term Rental (STR) to ensure their use is consistent with use in a residential area and which acts more like a residential property than commercial property, due to the impacts of a lodging facility versus a residence. This Ordinance, he said, would require the STR to be conducted only in the applicant's primary residence. It does not prohibit an STR but requires someone to live there as their primary residence. He noted that this Ordinance is similar to a model that the City and County of Denver and other communities use.

**PUBLIC HEARING:**

Mayor Spellman declared Public Hearing on CB19, an Ordinance amending Article XX of Chapter 6 of the Black Hawk Municipal Code requiring Short-Term Rental Properties to be conducted only in the applicant's primary residence 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 Torres to approve CB19, an Ordinance amending Article XX of Chapter 6 of the Black Hawk Municipal Code requiring Short-Term Rental Properties to be conducted only in the applicant's primary residence.

**MOTION PASSED**

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

**D. CB20, An Ordinance Adopting the Gilpin County Emergency Operations Plan**

Mayor Spellman read the title and opened the public hearing.

Fire Chief Woolley introduced this update to the Emergency Operations Plan from 2017, which establishes common procedures for agencies within the county to operate during a major incident.

**PUBLIC HEARING:**

Mayor Spellman declared Public Hearing on CB20, an Ordinance adopting the Gilpin County Emergency Operations Plan 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 Johnson to approve CB20, an Ordinance adopting the Gilpin County Emergency Operations Plan.

**MOTION PASSED**

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

**E. CB21, An Ordinance Approving the Amended and Restated Mutual Aid and Automatic Aid Agreement Between the City and Timberline Fire Protection District**

Mayor Spellman read the title and opened the public hearing.

Fire Chief Woolley pointed out that this agreement combines the previous aid agreements and builds upon them by adding more areas that Black Hawk will support Timberline with and vice versa. He noted that most of the changes came after much discussion over excluding the Proximo properties.

City Attorney Hoffmann added these discussions started at the time that Timberline approved the exclusion of the Proximo properties and emphasized that the original language from the consent decree between the City and the Gilpin County Sheriff's Department still gives the City the authority to handle traffic accidents south of the City meaning Black Hawk is still the first responders to the Highway 119 Corridor.

**PUBLIC HEARING:**

Mayor Spellman declared Public Hearing on CB21, an Ordinance approving the Amended and Restated Mutual Aid and Automatic Aid Agreement between the City and Timberline Fire Protection 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 Armbricht **MOVED** and was **SECONDED** by Alderman Midcap to approve CB21, an Ordinance approving the Amended and Restated Mutual Aid and Automatic Aid Agreement between the City and Timberline Fire Protection District.

**MOTION PASSED**

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

10. ACTION ITEMS:

**A. Resolution 53-2022, A Resolution Approving the Purchase of a ¾ Ton Utility Truck with a Lift Gate and a ½ Ton Pickup**

Mayor Spellman read the title.

Public Works Director Isbester introduced this item. He said the trucks were budgeted for but never purchased due to supply delays. There are finally trucks available, and he'd like to take advantage of the opportunity.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 53-2022, a Resolution approving the purchase of a ¾ ton utility truck with a lift gate and a ½ ton pickup.

**MOTION PASSED**

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

11. CITY MANAGER REPORT:

City Manager Cole had nothing to report.

12. CITY ATTORNEY REPORT:

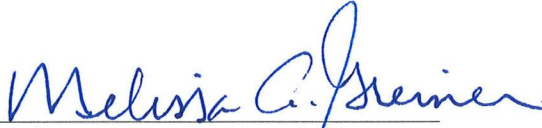
City Attorney Hoffmann had nothing to report.


13. EXECUTIVE SESSION:

City Attorney Hoffmann said there was no need for another Executive Session.

14. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 3:40 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

