



**City of Black Hawk  
City Council**

**September 22, 2021**

**MEETING MINUTES**

Leza Spencer, the new tenant at the McAfee House, 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, September 22, 2021, 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, Fire Chief Woolley, Police Chief Moriarty, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, 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 the Petition for Annexation wording was added to the City Attorney's section after the agenda was posted.

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 EMPLOYEE:

Corey Colombin, Information Specialist

City Clerk/Administrative Services Director Greiner introduced Corey to City Council. Corey comes to the City with a background as an award-winning freelance writer, editor, and illustrator. She was warmly welcomed.

6. PUBLIC COMMENT:

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

7. APPROVAL OF  
MINUTES:

September 8, 2021

**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. CB27, An Ordinance Approving the 2022 Operating Plan and Budget of the Black Hawk Business Improvement District**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that each year the City is required to approve the following year's Operating Plan and Budget of the Black Hawk Business Improvement District.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB27, an Ordinance approving the 2022 Operating Plan and Budget of the Black Hawk Business Improvement District open and invited anyone wanting to address the Board either "for" or "against" the proposed Ordinance to come forward.

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

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve CB27, an Ordinance approving the 2022 Operating Plan and Budget of the Black Hawk Business Improvement District.

**MOTION PASSED**

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

**B. CB28, An Ordinance Approving the First Amendment to the Intergovernmental Agreement Between the City of Black Hawk and Gilpin County Regarding the November 2, 2021 Special Election**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said the original Intergovernmental Agreement required the County Clerk to send out the Ballot Issue Notice; since there were no other TABOR notices, the City decided to send out their own, and this amendment memorializes the change.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB28, an Ordinance approving the First Amendment to the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 2, 2021 Special Election open and invited anyone wanting to address the Board either “for” or “against” the proposed Ordinance to come forward.

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

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve CB28, an Ordinance approving the First Amendment to the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 2, 2021 Special Election.

**MOTION PASSED**

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

**9. ACTION ITEMS:**

**A. Resolution 63-2021, A Resolution Approving Assignment of a Cable Franchise Agreement to Great Plains Communications, LLC**

Mayor Spellman read the title.

City Attorney Hoffmann explained that the City had received a request from its Cable Franchise, locally known as USA Communications, to assign the obligations, under the Cable Franchise, to Great Plains Communications. He added that under both the Cable Franchise and FCC regulations, the assignment has to be approved. He said this resolution assigns the rights under the franchise, which extends until

December 1, 2030, to Great Plains Communications from USA Communications.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 63-2021, a Resolution approving assignment of a Cable Franchise Agreement to Great Plains Communications, LLC.

**MOTION PASSED**

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

**B. Resolution 64-2021, A Resolution Approving the City of Black Hawk Fee Schedule, As Amended**

Mayor Spellman read the title.

Community Planning & Development Director Linker and Fire Chief Woolley went through their respective changes. Ms. Linker was simply adding a conveyance fee left off during the last amendment to the schedule, and Chief Woolley was changing his false alarms fees and adding elevator rescue fees to nudge the casinos to maintain and repair their equipment. He described some of the older equipment the casinos are using, the danger of elevator rescues, and the need to have the casinos step up to improve their systems. His department has seen a dramatic increase in false alarm calls. He added that he would notify the casinos in the 3<sup>rd</sup> quarter to let them know of the increase for the 4<sup>th</sup> quarter.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 64-2021, a Resolution approving the City of Black Hawk Fee Schedule, as amended.

**MOTION PASSED**

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

**C. Resolution 65-2021, A Resolution Approving the Commercial Lease with the Gift Eclectic, LLC for the Property Located at 317 Gregory Street, Black Hawk, Colorado**

Mayor Spellman read the title.

Finance Director Hillis introduced this lease similar to the one from two weeks ago. He said the Gift Eclectic owners are Leza and Chuck Spencer, who owns the Central City KOA and gift shop. They provided an example of their new sign for the Gift Shop called Mountain Poppy Boutique & Gifts. Everyone agreed they would be a great addition to Black Hawk and the plaza.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 65-2021, a Resolution approving the commercial lease with the Gift Eclectic, LLC for the property located at 317 Gregory Street, McAfee House, Black Hawk, Colorado.

**MOTION PASSED**

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

**D. Resolution 66-2021, A Resolution Approving the Proposal from the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2022 Property Casualty Coverage**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained the details of the City's annual renewal. The amount increased 12% over 2021 coverage due to the addition of the properties on Gregory Plaza, law enforcement liability, and higher overall property insurance, and that increase included the Loss Control Credits. She said the amount of the quote is \$296,000.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 66-2021, a Resolution approving the proposal from the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2022 Property Casualty Coverage.

**MOTION PASSED**

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

**10. CITY MANAGER  
REPORTS:**

City Manager Cole had nothing to report.

**11. CITY ATTORNEY:**

City Attorney Hoffmann clarified regarding the CIRSA item and noted that the increase related to law enforcement liability was a statewide increase and not just to Black Hawk, and as part of a Risk Sharing Agency, we share those costs. He emphasized that Black Hawk has not had the type of law enforcement claims other municipalities have had.

Lastly, he made it known that on behalf of the City Clerk, a petition for annexation was received yesterday from Proximo for property known as the bulge area; it is the area they own that was part of the amended growth Intergovernmental Agreement with Central City. He went on to say that under state law when a petition is received for annexation, the City Clerk

will refer it to City Council as a communication, so he has filled that requirement. He added that it would be scheduled for the next meeting to set the public hearing, and the public hearing will be scheduled before the end of the year.

**12. EXECUTIVE  
SESSION:**

City Attorney Hoffmann recommended items number 2 and 5 for Executive Session. The specific legal questions are related to public finance questions, and the negotiation matters are related to City-owned land on Artisans' Point, Gregory Street Plaza, and other City-owned property.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:22 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 RESUME  
REGULAR SESSION**

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

**MOTION TO  
AUTHORIZE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to authorize the City to work with Key Bank to finalize terms presented to the City Council for lease-purchase financing with a total principal amount of \$20,000,000.

**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 3:55 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 3:55 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

