



**City of Black Hawk
City Council**

September 8, 2021

MEETING MINUTES

Cindy Linker, Community Planning & Development Director, 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 8, 2021, at 3:00 p.m.

2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbricht, Bennett, Johnson, Midcap, Moates, and Torres.

Staff Present: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Police Commander Jantz, Finance Director Hillis, Public Works Director Isbester, City Engineer Reed, Maintenance Services Manager Jackson, 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: City Attorney Hoffmann noted a change on the agenda related to the Executive Session. He said the items under specific legal issues are regarding potential legislation and potential intergovernmental agreements.

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

6. APPROVAL OF
MINUTES: August 25, 2021

**MOTION TO
APPROVE**

Alderman Johnson **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. CB25, An Ordinance Appointing a Director to the Board of the Black Hawk Business Improvement District

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann referenced the creation of the Black Hawk Business Improvement District (BID), which requires the City Council to act by Ordinance to approve and fill a vacancy. He said the BID recommended the appointment of Norris Herman Hamilton as the designated elector.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB25, an Ordinance appointing a Director to the Board 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 Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve CB25, an Ordinance appointing a Director to the Board of the Black Hawk Business Improvement District.

MOTION PASSED

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

B. CB26, An Ordinance Approving the Enhanced Sales Tax Incentive Program Agreement Between the City and Monarch Growth, Inc.

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis said in 2014, the registered voters of the City approved a measure allowing a share back of 4% of the sales tax generated from lodging sales at the Monarch hotel, pending issuance of their Certificate of Occupancy for the hotel, which was just issued on August 31st, this Ordinance would formally begin the rebate process.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB26, an Ordinance approving the Enhanced Sales Tax Incentive Program Agreement between the City and Monarch Growth, Inc. 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 Torres **MOVED** and was **SECONDED** by Alderman Bennett to approve CB26, an Ordinance approving the Enhanced Sales Tax Incentive Program Agreement between the City and Monarch Growth, Inc.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 60-2021, A Resolution Authorizing the Mayor to Execute a Quitclaim Deed on Behalf of the City to a Newly Registered Elector Qualified to Serve on the Silver Dollar Metropolitan District

Mayor Spellman read the title.

City Attorney Hofmann noted that the same individual qualified as an elector of the BID is also qualified to be an elector for the Silver Dollar Metro District (SDMD) and part of being an elector of the SDMD, they receive a 1% interest in property within the SDMD. He added that if Mr. Hamilton ever ceases to be a member, the interest reverts to the City.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 60-2021, a Resolution authorizing the Mayor to execute a Quitclaim Deed on behalf of the City to a newly registered elector qualified to serve on the Silver Dollar Metropolitan District.

MOTION PASSED

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

B. Resolution 61-2021, A Resolution Authorizing the Filing of a Petition for the Exclusion of City-Owned Property from the Timberline Fire Protection District

Mayor Spellman read the title.

City Attorney Hoffmann introduced this item. He said this resolution would authorize the Mayor to sign the petition to exclude Lake Gulch Road, as part of the larger Proximo petition, from the boundaries of Timberline Fire Protection District because the City provides its own fire protection services.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 61-2021, a Resolution authorizing the filing of a petition for the exclusion of City-owned property from the Timberline Fire Protection District.

MOTION PASSED

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

C. Resolution 62-2021, A Resolution Approving the Commercial Lease with the Woodbury Collective Corporation for the Property Located at 327 Gregory Street, Black Hawk, Colorado

Mayor Spellman read the title.

Finance Director Hillis introduced this lease for just over three years at \$0.50 per square foot, including credit applied for construction disruption and a tenant buildout allowance contemplated for improvements.

Alderman Midcap had a few questions about the credit and hours of operation, which Mr. Hillis answered.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 62-2021, a Resolution approving the commercial lease with the Woodbury Collective Corporation for the property located at 327 Gregory Street, Black Hawk, Colorado.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Cole requested approval of the remainder of the 2021 market adjustment. He explained that every year before the budget process, the City conducts market analysis, and for 2021 the amount should have been 3.56%, but due to COVID, the City decided only to

recommend a 1.5% increase. He continued by saying that since then, revenues have been very good. He would now like to recommend the 2.06% balance awarded to employees retroactively back to January 1st. If approved, he will follow up with a budget amendment to be approved by Council.

City Council unanimously agreed to award the balance of 2.06% retroactively back to January 1, 2021.

10. CITY ATTORNEY: City Attorney Hoffmann had nothing to report.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended items number 2 and 5 for Executive Session. The specific legal issues are regarding potential legislation and potential intergovernmental agreements, and the items subject to negotiation are regarding 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 3:15 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
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:15 p.m.

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 4:15 p.m.



Michele Martin, CMC
City Clerk



David D. Spellman
Mayor