



**City of Black Hawk
City Council**

April 22, 2020

MEETING MINUTES

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, April 22, 2020, at 3:00 p.m. by Mayor Spellman.

2. ROLL CALL: Physically Present: Mayor Spellman

Virtually Present: Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineer Ford, Community Planning & Development Director Linker, IT Manager Muhammad, 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 Martin confirmed there were no changes to the agenda.

Mayor Spellman announced that he had some comments to share at the end of the Action Items in regards to the Central City lawsuit against the City of Black Hawk and their Press Release.

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. No conflicts were noted from City Council.

City Attorney Hoffmann asked the virtual and present audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. Both audiences had no objections.

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

6. APPROVAL OF
MINUTES: April 8, 2020

**MOTION TO
APPROVE** Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve the Minutes as presented.

MOTION PASSED There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

7. PUBLIC HEARINGS:

A. CB10, An Ordinance Approving the Church Ditch/Farmers High Line Augmentation Station Lease Agreement Between the City of Black Hawk and the City of Arvada

Mayor Spellman read the title and opened the public hearing.

Senior Civil Engineer Ford was having some trouble entering the Zoom meeting. Mayor Spellman reminded Council that the information was in the packet and asked if they wanted to wait for staff or move forward. They agreed to move forward.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB10, an Ordinance approving the Church Ditch/Farmers High Line Augmentation Station Lease Agreement between the City of Black Hawk and the City of Arvada open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO
APPROVE** Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve CB10, an Ordinance approving the Church Ditch/Farmers High Line Augmentation Station Lease Agreement between the City of Black Hawk and the City of Arvada.

MOTION PASSED There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

B. CB11, An Ordinance Approving the Water Storage Agreement Between the City of Black Hawk and the City of Golden

Mayor Spellman read the title and opened the public hearing.

Senior Civil Engineer Ford explained this item. He said it is the same agreement we have had with the City of Golden since 2015. He added that the cost of the storage is 50% of the water we put in; there is no monetary cost to the City. Details were listed in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB11, an Ordinance approving the Water Storage Agreement between the City of Black Hawk and the City of Golden open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve CB11, an Ordinance approving the Water Storage Agreement between the City of Black Hawk and the City of Golden.

MOTION PASSED

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

8. ACTION ITEMS:

- A. Resolution 36-2020, A Resolution Approving the Agreement for the Fabrication of the Green Lake Intake Structure with Elgin Separations Solutions in a Total Amount Not to Exceed \$41,100.00**

Mayor Spellman read the title.

Senior Civil Engineer Ford introduced this item and said this was the last portion of the Green Lake inflow pipeline that was replaced over six phases. The intake structure requires fabrication, which has a long lead time. He said the expense is shared with Clear Creek County and that this is only for the fabrication, not the installation. He said the installation will be bid separately, and he will come back to Council at that time for approval.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 36-2020, a Resolution approving the agreement for the fabrication of the Green Lake Intake Structure with Elgin Separations Solutions in a total amount not to exceed \$41,100.00.

MOTION PASSED

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

Mayor Spellman went on to say the following: "I read with amusement in the April 9th Weekly Register-Call, Central City Mayor Fey's comments about the Lake Gulch Whiskey Resort at the April 7th Central City Council meeting. The Mayor's declaration that "there is not a member of Central City Council or Staff that is opposed to the Tincup Whiskey development" is a disingenuous utterance at best. His Honor's declaration would foreshadow the disinformation campaign Central City was about to embark on the following day.

On April 8th, Central City sent out a Press Release, which was nonsensical, disingenuous, and above all chocked-full of deception and disinformation. All rubbish in a feeble effort to bolster their senseless lawsuit against Black Hawk and Proximo Spirits, LLC.

I will not address the 1999 Growth IGA as that is now a matter for the courts to decide. Sufficing to say, the Gilpin County Commissioners have consented to the annexation of the Lake Gulch Whiskey Resort, and that is all that is required under the 1999 Growth IGA. The City of Central's consent is not required under the document.

As for the Southern Access, or the Central City Parkway, or the Casino Parkway -- it is hard to keep up with whatever Central is calling the finical albatross they have saddled their City with for many years to come. It is unequivocally clear Central is attempting to force Black Hawk and Proximo to pay for a road we neither need nor want the use of. Central City is suffering from "Delusions of Parkway Grandeur." or "Parkway Derangement."

Black Hawk recently filed an open records request with Central asking what involvement the bondholders for the Parkway had in the lawsuit. The document we received from Central had more text redacted - blacked out - than there is readable text. It is evident that the greedy bondholders have joined with Central and want in on the extortion racket as well. Black Hawk shall expose the blatant deception and double standard Central is applying to what they term "Benefited Properties" as it relates to actual impacts versus contrived impacts to their Parkway.

It is transparent that the City of Central is suing Black Hawk and Proximo to extort financial gain, which they are not entitled to nor deserving of.

I would say the lawsuit is a cheap trick to extort money, but it is not cheap for the residents and businesses of Central. Central may be paying their attorneys a combined hourly rate of \$1,000 or more. Black Hawk filed an open records request for the fee schedule of their outside legal counsel. It should come as no surprise, what Central responded with is a document in which more text is redacted - blacked out - than there is readable text. What are you concealing Central City? Perhaps this why you refuse to waive your casino's device fees during this unprecedented economic calamity they are struggling through at this time.

The City of Black Hawk prefers not to negotiate with extortionists. Perhaps it is high time for the City of Central to come clean and let their residents and all of Gilpin County know that the Lake Gulch Whiskey Resort was your development before it was Black Hawks. Central could not negotiate and close the deal with Proximo. The Lake Gulch Whiskey Resort was Central's to lose and lose it they

did. Is it possible greed got in the way of Central being the home of Tincup whiskey. Do not use your revisionist history Central as you will only get caught in yet another lie.”

9. CITY MANAGER
REPORTS:

City Manager Cole had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session, and the specific legal issues related to the pending litigation on legal issues related to land use and legal issues related to personnel matters.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:16 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** by a roll call vote of 6-0.

**MOTION TO
ADJOURN**

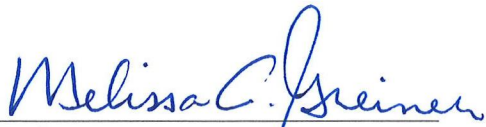
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:20 p.m.

MOTION PASSED

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

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:20 p.m.



Melissa A. Greiner, CMC
City Clerk



David D. Spellman
Mayor

