



**City of Black Hawk
City Council**

April 13, 2022

MEETING MINUTES

Municipal Judge Ronald Carlson 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, April 13, 2022, 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, Police Chief Moriarty, Finance Director Hillis, City Engineer Reed, Community Planning & Development Director Linker, Baseline Consultant Harris, 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 noted that Action Item C, Resolution 26-2022 was added to the agenda.

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. **SWEARING IN OF INCUMBENTS:** Judge Carlson was present to perform the swearing-in ceremony for Aldermen incumbents Linda Armbright, Jim Johnson, and Hal Midcap.

6. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session regarding the City's Trademarks and City land use issues.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:03 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 3:13 p.m.

MOTION PASSED

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

Mayor Spellman reconvened back into the regular open session at 3:13 p.m.

7. PUBLIC COMMENT:

Deputy City Clerk Martin announced that Brian Watts signed up to speak.

Mr. Watts, owner and CEO of the Rick Thomas Distillery at 830 Miners Road, provided an update on the distillery. He explained that construction delays and equipment lead time issues were the biggest challenges. If everything goes well, he said, they expect to be in production by September 1, give or take 15 days. He said when they get a firm opening date, they will invite everyone for a grand opening with an initial sip of the new product. They will have a second line of spirits for vodka and whiskey to release to the local market under a separate label. He thanked City Manager Cole and his staff and said they have been excellent to work with. He said he had worked on construction projects in many different states, and this has been, by far, the best process he's gone through. They plan to have a tasting room but probably not for the first two years wanting to wait until the product comes out of the barrels. Everyone was pleased with the updates.

8. APPROVAL OF
MINUTES:

March 23, 2022

**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.

9. PUBLIC HEARINGS:

A. Resolution 22-2022, A Resolution Amending the City of Black Hawk 2021 Budget

B. Resolution 23-2022, A Resolution Amending the City of Black Hawk 2022 Budget

Mayor Spellman read the titles and opened the public hearings.

Finance Director Hillis introduced these items. He explained that the 2021 amendments included several number of capital projects carried over into 2022, and the 2022 amendment was for the water fund.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 22-2022, a Resolution amending the City of Black Hawk 2021 Budget, and Resolution 23-2022, a Resolution amending the City of Black Hawk 2022 Budget open and invited anyone wanting to address the Board either “for” or “against” the proposed Resolutions to come forward.

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

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 22-2022, a Resolution amending the City of Black Hawk 2021 Budget.

MOTION PASSED

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

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 23-2022, a Resolution amending the City of Black Hawk 2022 Budget.

MOTION PASSED

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

C. Local Liquor License Authority Consideration of a New Hotel & Restaurant Liquor License for JKQ Consolidated, LLC dba JKQ BBQ & Grill at 200 Gregory Street

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann provided the purpose of the hearing and explained the Council's role in acting as the Local Liquor Licensing Authority to determine if the applicant is eligible to hold this license and if there is a need for this type of license in the neighborhood.

The applicant and managing member of JKQ Consolidated, LLC at 200 Gregory Street, Kara Tinucci, introduced herself for the record and shared her signature-gathering experience for the petitions. She said that the residents she spoke to were excited to have a place in the City for dinner with the kids, and the businesses were excited for their employees to have another option for lunch and potential happy hour. She said the response from the community was very supportive, with only one person choosing not to sign the petition. She explained how she conducted the petition and confirmed that she submitted the petition to the City Clerk's office. City Attorney Hoffmann requested the petitions be an exhibit and admitted as part of the record. When asked, Mrs. Tinucci replied they hoped for a May 1st opening day as there were some delays with electrical issues.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on the Local Liquor Authority consideration of a New Hotel & Restaurant Liquor License for JKQ Consolidated LLC dba JKQ BBQ & Grill at 200 Gregory Street open and invited anyone wanting to address the Board either "for" or "against" the proposed Hotel & Restaurant Liquor License 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 the new Hotel & Restaurant Liquor License for JKQ Consolidated, LLC dba JKQ BBQ & Grill at 200 Gregory Street.

MOTION PASSED

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

10. ACTION ITEMS:

A. Resolution 24-2022, A Resolution Approving an Exemption Plat for Black Hawk Park, Exemption No. 1 Final Plat

Mayor Spellman read the title.

Baseline Engineering Consultant Harris introduced this item related to Lot 7 of the Black Hawk Park Final Plat subdivision.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 24-2022, a Resolution approving an Exemption Plat for Black Hawk Park, Exemption No. 1 Final Plat.

MOTION PASSED

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

B. Resolution 25-2022, A Resolution Approving a Trademark License Agreement with the Gregory Street Hard District Business Marketing Association

Mayor Spellman read the title.

City Manager Cole explained that this approval would streamline the review process for the Gregory Street businesses to access our Trademark images and apply through the association to use the images, which would ultimately get funneled through the City Manager for final review and approval.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 25-2022, a Resolution approving a Trademark License Agreement with the Gregory Street Hard District Business Marketing Association.

MOTION PASSED

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

C. Resolution 26-2022, A Resolution Approving the Contract to Buy and Sell Real Estate (Land) Between the City as Buyer and Eagle Property, LLC as Seller

Mayor Spellman read the title.

City Manager Cole described the purchase of four parcels from Eagle Property, LLC. The parcels are located at 7501 Black Hawk Blvd. and consist of the Smith Lode 502, Mill Site 12, Mill Site 13, and an easement on Mill Site 13. The purchase price is \$250,000 plus any closing costs that may incur. City Attorney Hoffmann noted the schedule included in the contract would move quickly, and closing will be within 30 days from today.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 26-2022, a Resolution approving the Contract to Buy and Sell Real Estate (land) between the City as buyer and Eagle Property, LLC as seller.

MOTION PASSED

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

**11. CITY MANAGER
REPORTS:**

City Manager Cole had nothing to report.

12. CITY ATTORNEY:

City Attorney Hoffmann shared a discussion down at the legislature related to Fentanyl and that it is still ongoing. He said Police Chief Moriarty is very interested in this as there are a lot of impacts on reduced penalties for drug offenses here in Black Hawk. He said he was monitoring the situation and commented that it definitely affects the gaming experience.

**13. EXECUTIVE
SESSION:**

City Attorney Hoffmann recommended items number 2 and 5 only for Executive Session and the specific legal issues related to recreational facilities for the City of Black Hawk and potential legislature.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:35 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 4:35 p.m.


MOTION PASSED

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

14. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:35 p.m.


Michele. Martin, CMC
Deputy City Clerk


David D. Spellman
Mayor

