



**City of Black Hawk
City Council**

April 14, 2021

MEETING MINUTES

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, April 14, 2021, at 3:00 p.m.

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

Virtual/Present Staff: 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, Baseline Engineering Consultants Harris and Esterl, 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.

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.

Alderman Midcap declared he would like to recuse himself from Action Item 9B. There were no other conflicts noted from City Council.

City Attorney Hoffmann asked the virtual audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. PUBLIC COMMENT: City Clerk Greiner confirmed that no one had signed up for public comment.

6. APPROVAL OF
MINUTES: March 24, 2021

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

MOTION PASSED There was no discussion and the motion unanimously.

8. PUBLIC HEARINGS:

A. CB9, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, the City of Central, and Gilpin County Regarding a Maintenance Agreement for a Command Vehicle

Mayor Spellman read the title and opened the public hearing.

Police Chief Moriarty introduced this item. She said the IGA required an update due to two of the past members withdrawing from the IGA, and the cost for the agencies was changed to \$350.00 starting in 2022.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB9, an Ordinance approving an Intergovernmental Agreement between the City of Black Hawk, the City of Central, and Gilpin County regarding a Maintenance Agreement for a Command Vehicle 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 Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve CB9, an Ordinance approving an Intergovernmental Agreement between the City of Black Hawk, the City of Central, and Gilpin County regarding a Maintenance Agreement for a Command Vehicle.

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

B. CB10, An Ordinance Amending Section 13-3 of the Black Hawk Municipal Code to Require all City Water Customers to Have Sewer Service from the Black Hawk – Central City Sanitation District

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item and simply stated that if you are hooked up to City water, you must be hooked up to public sewer. He said that City Council had previously adopted legislation that requires public utilities for any new development, and approval of this ordinance would reinforce that. Mayor Spellman added that the only exception would be fire suppression services.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB10, an Ordinance amending Section 13-3 of the Black Hawk Municipal Code to require all City water customers to have sewer service from the Black Hawk – Central City Sanitation 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 Torres **MOVED** and was **SECONDED** by Alderman Moates to approve CB10, an Ordinance amending Section 13-3 of the Black Hawk Municipal Code to require all City water customers to have sewer service from the Black Hawk – Central City Sanitation District.

MOTION PASSED

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

C. Resolution 18-2021, A Resolution Approving the Site Development Plan and Certificate of Architectural Compatibility for the Rick Thomas Distillery Located on Lot 7 of the Black Hawk Park Subdivision

D. Resolution 19-2021, A Resolution Approving a Parking Variance to Allow a Reduction of the Required Parking Spaces from 50 Parking Spaces to 33 Parking Spaces and a Building Height Variance to Allow a Height of Thirty-three (33) Feet

Mayor Spellman combined these two items, read the titles, and opened the public hearings.

Baseline Consultant Harris complimented his entire team, the applicants, and staff on committing to getting this project and all the projects up on Miners Mesa completed by submitting such thorough applications and within a short time frame of one year.

Baseline Consultant Esterl went through their presentation, noting this project is located on Lot 7 of the newly platted Black Hawk Park subdivision. The applicant is asking for a parking space variance from 50 spaces to 33 spaces and a building height variance from 27 feet to 33 feet for the silos. The details of the request were in the packet.

Mr. Harris continued by saying that staff can minimize future variance requests by amending the Municipal Code related to parking and building height for this type of use as the Code is currently geared towards a different use for casinos. He said that staff and the applicant had conducted research of parking spaces of similar distilleries and that staff's recommendation of approval is based on that research. Staff will bring back to Council future amendments to the Code.

Brian and Declan Watts, the father and son applicants for this Distillery at 830 Miners Road, were present to share their vision of classic Scottish style whiskey with Council. They both provided their background, Brian as a former manager of casinos here in Black Hawk, and Declan as a CSU graduate in Distillery and his distillery experience in Scotland. After researching other areas in Colorado to set up a distillery, they said they landed in Gilpin County and Black Hawk due to Brian's history here, the City's relationship with business owners, and the water and the elevation, which they feel will produce a higher quality product. Brian went on to say that he approached the Mayor a little over a year ago, and felt that they would be a compliment to the Proximo Distillery and the gaming industry. They discussed their marketing and branding, which for their Vodka and Gin will be called 1859, produced, distilled, and aged in Black Hawk, Colorado. They are very excited about the project and to be the first Distillery in Black Hawk.

Mayor Spellman highlighted the synergy of the group and how this project is all part of the concept of Artisan's Point on the Mesa and the hope that they will be able to entice more distilleries and maybe breweries in the future. He went onto say that the Watts are a perfect fit with Brian's connection with Black Hawk and the casinos.

Mr. Watts went on to say it may be possible to have vodka within six weeks of opening. He added that the casinos are very receptive to their project and intend to sell to the casinos and local distribution. They are looking into partnering with the larger casinos for VIP tastings. He said the Single Malt Whiskey would be the anchor of the Distillery and the soonest will be two years due to the aging process, it takes a minimum of two years in an oak barrel to be called a whiskey, but the elevation of 8000' and big temperature swings in Black Hawk could decrease the time.

Scott Moore, Architect for the Watts, noted that the inspiration for the

design of the distillery was taken from the old Strohle Boiler and Iron Works Building and that the front windows will showcase the two large copper stills for the public to see from the road.

Mayor Spellman noted that they had accomplished so much in that one year that they will probably break ground within 30-45 days, to which a round of applause was had.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 18-2021, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the Rick Thomas Distillery located on Lot 7 of the Black Hawk Park Subdivision, and Resolution 19-2021, a Resolution approving a Parking Variance to allow a reduction of the required parking spaces from 50 parking spaces to 33 parking spaces and a Building Height Variance to allow a height of thirty-three (33) feet open and invited anyone wanting to address the Board either “for” or “against” either of the proposed resolutions to come forward.

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

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 18-2021, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the Rick Thomas Distillery located on Lot 7 of the Black Hawk Park Subdivision.

MOTION PASSED

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

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 19-2021, a Resolution approving a Parking Variance to allow a reduction of the required parking spaces from 50 parking spaces to 33 parking spaces and a Building Height Variance to allow a height of thirty-three (33) feet.

MOTION PASSED

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

9. ACTION ITEMS:

- A. Introduction of an Ordinance Repealing and Reenacting Sections 8-1 and 8-2 of the Black Hawk Municipal Code and Adopting by Reference the 2020 Model Traffic Code**

Mayor Spellman read the title.

Police Chief Moriarty introduced this item by saying that the City currently utilizes the 2018 Model Traffic Code, and this agenda item starts the process to adopt the 2020 Model Traffic Code.

City Attorney Hoffmann reminded Council that by state law, Adoption of a Code by Reference requires an introduction, publishing a notice twice, and then holding the public hearing.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to accept the introduction of an ordinance repealing and reenacting Sections 8-1 and 8-2 of the Black Hawk Municipal Code and Adopting by Reference the 2020 Model Traffic Code.

MOTION PASSED

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

B. Resolution 20-2021, A Resolution Appointing a Regular Member to the City of Black Hawk Historic Preservation Commission

Mayor Spellman read the title.

Community Planning & Development Director Linker said that staff published an advertisement in January for the vacancy, received one letter of interest from longtime resident Karen Midcap, took it to the Historic Preservation Commission, who reviewed it and are now recommending the appointment of Ms. Midcap to serve out the remaining portion of a four-year term expiring August 1, 2021.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 20-2021, a Resolution appointing a regular member to the City of Black Hawk Historic Preservation Commission.

MOTION PASSED

There was no discussion, and the motion **PASSED** 5-1, noting the recusal of Alderman Midcap.

C. Resolution 21-2021, A Resolution Approving the Purchase of the Northern Portion of the Dale #13338 Mining Claim Consisting of Approximately 2.1 Acres

Mayor Spellman read the title.

City Manager Cole explained that while working through Proximo's Development Agreement, the City had agreed to acquire property for Proximo's construction of the road extension from the roundabout to the roundabout. At that time, he said, it was estimated at 2.1 acres, but recently discovered that it is more than 2.1, but less than 2.64 acres, so instead of approving \$55,00, he would like to amend the resolution to read in a total amount not to exceed \$62,040 until they can work out the exact acreage.

City Attorney Hoffmann confirmed that the motion should reflect an amendment to Section 2 of the resolution.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 21-2021, a Resolution approving the purchase of the northern portion of the Dale #13338 Mining Claim consisting of approximately 2.1 acres, as amended.

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 said that he and City Manager Cole had a productive meeting with Central City and Gilpin County after the work session on March 24, and he is hopefully optimistic that we will have an IGA on our next agenda based on that conversation with the County Manager and County Attorney. The IGA would be for our portion of the road, and Gilpin County would have a separate agreement with Central City.

13. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 5 only for Executive Session and the specific issues related to negotiations regarding future developments and the Ambulance Authority.

Alderman Midcap took a moment to say he was pleased with the clean-up notices that Community Planning and Development had sent to each casino outlining their responsible areas. He said they turned out very well.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:41 p.m. 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
MOTION TO
ADJOURN**

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


Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:00 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 4:00 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

