



**City of Black Hawk
City Council**

February 8, 2023

MEETING MINUTES

New leaseholders Nicolas Spencer and fiancé Sage Lofland, scheduled to be married in September, both 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, February 8, 2023 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, Fire Chief Woolley, Fire Marshal Walsh, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Water Resource Engineer Dallam, Maintenance Services Manager Jackson, City Engineer Reed, 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 Martin said that agenda item #8A, Ordinance 4, was rescheduled to the February 22nd meeting.

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. EMPLOYEE
INTRODUCTION:

Brad Dallam, Water Resource Engineer

Public Works Director Isbester was very excited to introduce the City's new Water Resource Engineer. He comes with over 30 years of experience, most recently with the City of Lafayette, and a big endorsement from previous Water Resource Engineer Jim Ford. Alderman Bennett told him he had to be here five years minimum. He was warmly welcomed!

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

7. APPROVAL OF
MINUTES:

January 25, 2023

**MOTION TO
APPROVE**

Alderman Armbright **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. CB4, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for the Construction, Expansion, and Improvement of the City Streets and Roadways, Pursuant to C.R.S. § 38-6-101, C.R.S. § 31-25-201, Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter

Mayor Spellman reiterated that this item was continued to the February 22, 2023 meeting.

B. CB5, 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.

Public Works Director Isbester and Water Resource Engineer Dallam introduced this item. Isbester said this was a housekeeping agreement with the City of Golden; we get water from them yearly through the Vidler Tunnel if we don't have room to store it at Green Lake or Georgetown Lake. He said it is the first water we use to start augmenting. Alderman Midcap had a few questions about the arrangement with Golden. Isbester confirmed if we don't store it, it will just go downstream, and over time we could lose those water rights.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB5, 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 wished to speak, and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE Alderman Johnson **MOVED** and was **SECONDED** by Alderman Midcap to approve CB5, 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** unanimously.

9. ACTION ITEMS:

A. Resolution 13-2023, A Resolution Approving the Purchase of 1 Pick-up Truck

Mayor Spellman read the title.

Maintenance Services Manager Jackson requested the purchase of one additional pick-up truck, which was already approved in the budget. Alderman Bennett wanted to make sure they had enough employees to drive the new trucks.

MOTION TO APPROVE Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 13-2023, a Resolution approving the purchase of 1 pick-up truck.

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

B. Resolution 14-2023, A Resolution Approving the Commercial Lease with Peak to Peak Market, LLC for the Property Located at 7320 Black Hawk Blvd., Suite 1A, Black Hawk, Colorado

Mayor Spellman read the title.

Finance Director Hillis introduced this item. Lessee Nick Spencer and Sage Lofland joined him. The lease is for the convenience store and calls for an initial five-year term, with two one-year options and terms similar to the previous lease. When asked when they would be open for business, Mr. Spencer replied by March 1st at the latest, and they would submit their application for a Retail Liquor Store license tomorrow. There was a round of applause and congratulations for the new owners.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 14-2023, a Resolution approving the Commercial Lease with Peak to Peak Market, LLC for the property located at 7320 Black Hawk Blvd., Suite 1A, Black Hawk, Colorado.

MOTION PASSED

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

C. Resolution 15-2023, A Resolution To Temporarily Waive the Payment of Certain Enumerated Occupational Taxes as Otherwise Imposed Pursuant to Article IX of Chapter 4 of the Black Hawk Municipal Code

Mayor Spellman read the title.

City Attorney Hoffmann explained there were a few more minor Occupational Taxes that were collected previously with Business License fees, and since the City eliminated the Business License fees in compliance with SB22-032, that these additional Occupational Taxes should also be temporarily waived.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 15-2023, a Resolution to temporarily waive the payment of certain enumerated Occupational Taxes as otherwise imposed pursuant to Article IX of Chapter 4 of the Black Hawk Municipal Code.

MOTION PASSED

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

**10. CITY MANAGER
REPORT:**

City Manager Cole had nothing to report.

**11. CITY ATTORNEY
REPORT:**

City Attorney Hoffmann had nothing to report.


**12. EXECUTIVE
SESSION:**

None.

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 3:10 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

