



**City of Black Hawk  
City Council**

**February 26, 2020**

**MEETING MINUTES**

Julie Esterl, Principal Planner at Baseline Engineering, rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, February 26, 2020, at 3:00 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Fleet Superintendent Jackson, Senior Civil Engineers Ford and 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 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. No conflicts were noted from City Council.

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

5. **PUBLIC COMMENT:** Deputy City Clerk Martin noted that John Burtschi had signed up to speak.

John Burtschi, of Black Hawk, introduced himself to Council. He is the new lessee of Black Hawk Bean and Cream, the coffee shop located at 135 Clear Creek Street. He said he is very close to opening and is just waiting for Health Department approval. Once opened, he invited everyone down to enjoy some coffee and ice cream. He thanked Council for this opportunity and is excited to be part of the community. He said he would appreciate if Council could consider more lighting in the parking lot as he plans to be open late in the summer and comes in early in the morning when it is still dark. Council thanked him and are looking forward to the opening.

6. APPROVAL OF  
MINUTES:

February 12, 2020

**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.

7. PUBLIC HEARINGS:

**A. CB1, An Ordinance Amending the City of Black Hawk 2020 Pay Plan**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner introduced this request for the reorganization of the Public Works Department based on recommendations from the H.R. Green study conducted last year and noted that these changes would ultimately change the salary ranges. The details included in the packet, but she summarized by explaining the current hierarchy of eight direct reports to the Public Works Director, which is very time-consuming; the new structure would include the restructuring of the divisions down to three: engineering, maintenance (Streets, Fleet, and Facilities), and water, so there would only be three direct reports to the Director. She said there are a total of nine new positions, but only two new employees to be hired, which were approved in last year's budget.

Alderman Torres congratulated all who have worked on this. He thought everything was well explained and reasoned, and the solutions were very practical. All agreed it was a lot of work and well done.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB1, an Ordinance amending the City of Black Hawk 2020 Pay Plan 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 Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve CB1, an Ordinance amending the City of Black Hawk 2020 Pay Plan.

**MOTION PASSED**

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

**8. ACTION ITEMS:**

**A. Resolution 20-2020, A Resolution Approving the First Amendment to the License Between the City of Black Hawk, Colorado, and Monarch Growth, Inc.**

Mayor Spellman read the title.

Baseline Engineering Planner Esterl introduced this item that was brought to the City's attention by Monarch. She said this is just a housekeeping item to amend the original license agreement from 2016 to add more airspace for their encroachment. She said it turned out to be a little more space of four square feet than was first anticipated.

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 20-2020, a Resolution approving the First Amendment to the License between the City of Black Hawk, Colorado and Monarch Growth, Inc.

**MOTION PASSED**

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

**B. Resolution 21-2020, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Basin & Bend as Lessee**

Mayor Spellman read the title.

Finance Director Hillis explained that the previous lessee 7 Healing Stars had moved out of the space at 460 Gregory Street, and this agenda item is for a new tenant for a hunting and fishing store. He said the owner currently has a store in Evergreen, which he plans to close, and he lives in the County.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 21-2020, a Resolution approving the Agreement of Lease between the City of Black Hawk as lessor and Basin & Bend as lessee.

**MOTION PASSED**

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

**9. CITY MANAGER  
REPORTS:**

City Manager Cole had nothing to report.

**10. CITY ATTORNEY:**

City Attorney Hoffmann reported that in the packet was a correspondence that the City had received from the City of Central in response to the City of Black Hawk adopting the Resolution of Substantial Compliance related to the R.S.M. Annexation indicting their preliminary objection to the proposed annexation. He said that he at least strongly disagrees with the position City of Central has taken, but nonetheless, the City did have a productive meeting with Central yesterday and are continuing to discuss the matter with them.

Mayor Spellman added that Council does believe that the County Commissioners are in support of the annexation, so he has reached out to Commissioner Ron Engels and invited him to the public hearing on March 25 to speak in favor of the annexation as the Commissioner from District 1. Mayor Spellman said he believes Commissioner Engels is the appropriate commissioner to come and speak in favor of it and he thinks it is consistent with the County's plan and goal to diversify from gaming, so it is a good opportunity for the County to support this project and the project will certainly drive additional assessed valuation their way, ideally drive more visitation to Black Hawk, and drive gaming revenue, so he said he thinks the County realizes what a win-win this is not just for Black Hawk but also for the County.

**11. EXECUTIVE  
SESSION:**

City Attorney Hoffmann recommended item number 2 for Executive Session to discuss potential litigation and intergovernmental relations.

**MOTION TO  
ADJOURN INTO  
EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:13 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 4:25 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 4:25 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

