



**City of Black Hawk  
City Council**

**January 13, 2021**

**MEETING MINUTES**

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, January 13, 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, Police Chief Moriarty, Fire Chief Woolley, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, City Engineer Reed, Community Planning & Development Director Linker, Baseline 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. City Council noted no conflicts.

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:

December 9, 2020

**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 unanimously.

7. PUBLIC HEARINGS:

**A. CB1, A Bill for an Ordinance Amending Chapter 6 of the Black Hawk Municipal Code and Adding a New Article XXI Creating a Licensing System for Retail Marijuana Hospitality and Sale Establishments**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item, that if approved, would authorize the other type of marijuana hospitality business. He said the City had previously adopted an ordinance that authorized the marijuana hospitality business of bringing your own marijuana to the business. He said this type would allow the business to sell the marijuana to its patrons to be consumed on-site. He added that with the addition of this other hospitality business, the City still only allows one type to be licensed; this just gives the City the flexibility to allow either type.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB1, a Bill for an Ordinance amending Chapter 6 of the Black Hawk Municipal Code and adding a new Article XXI creating a licensing system for Retail Marijuana Hospitality and Sale Establishments 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 Armbright **MOVED** and was **SECONDED** by Alderman Johnsons to approve CB1, a Bill for an Ordinance amending Chapter 6 of the Black Hawk Municipal Code and adding a new Article XXI creating a licensing system for Retail Marijuana Hospitality and Sale Establishments.

**MOTION PASSED**

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

**B. CB2, An Ordinance Amending Sections 7-154 and 10-203 of the Black Hawk Municipal Code Relating to Tobacco Age Limits**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann said this ordinance brings the City into compliance with Federal and State Law, changing the age to 21 years and older.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB2, an Ordinance amending Sections 7-154 and 10-203 of the Black Hawk Municipal Code relating to Tobacco Age Limits 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 Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve CB2, an Ordinance amending Sections 7-154 and 10-203 of the Black Hawk Municipal Code relating to Tobacco Age Limits.

**MOTION PASSED**

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

**C. CB3, An Ordinance Approving the Amended and Restated Option and Lease Agreement with Vertical Bridge Development, LLC for the Installation and Maintenance of a Cellular Tower Facility on City Property on Miners Mesa**

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris went through his presentation of the faux water barrel designed T Mobile tower whose 55-foot height was approved last year. He said the 50 feet by 50 feet facility lease was approved in 2019 and noted that a revised access route to the lower part of the leased area would provide the City more access to its own property. He confirmed that this tower does not replace any other tower in that location.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB3, an Ordinance approving the amended and restated Option and Lease Agreement with Vertical Bridge Development, LLC for the installation and maintenance of a cellular tower facility on City property on Miners Mesa 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 Armbright to approve CB3, an Ordinance approving the amended and restated Option and Lease Agreement with Vertical Bridge Development, LLC for the installation and maintenance of a cellular tower facility on City property on Miners Mesa.

**MOTION PASSED**

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

**D. Resolution 1-2021, A Resolution Approving a Variance to Allow a Lot Size of 2.94 Acres and a Lot Depth of Between 100 and 200 Feet for the Proposed Lot 1 of the Golden Gilpin Mill Site Minor Subdivision**

**E. Resolution 70-2020, A Resolution Conditionally Approving the Golden Gilpin Mill Site Minor Subdivision (continued from December 9, 2020)**

Mayor Spellman read the titles and opened the public hearings.

Baseline Consultant Esterl introduced these items and went through her presentation. She explained that the minor subdivision is to join two lots into one, prompted by the applicant's proposed sand barn crossing both lots. She said the variance is for the lot area and width requirements not meeting the requirements found in the Municipal Code and noted that all criteria had been met to grant the variance request. She added that the City would work with the applicant to provide water service, but the applicant will need to work with the Black Hawk/Central City Sanitation District (BHCCSD) for an extension of their sanitary sewer mainline, in the meantime, a temporary facilities agreement is to be agreed upon between the applicant and BHCCSD with a note added to the plat as a condition of approval.

Baseline Consultant Harris concluded the presentation by noting that additional language would be added to the plat note regarding a pro-rata share; he read the additional language "the owner of Lot 1 of this plat herein shall be obligated to pay a pro-rata share of any future construction of a sanitary sewer mainline in the Highway 119 right-of-way, if and when such a project is constructed for the BHCCSD by others and/or the owner of Lot 1", and asked City Attorney Hoffmann to review it, noting that the BHCCSD and the applicant still need to review and approve it as well. City Attorney Hoffmann said it is adequate and went on to say that the reason behind adding this sentence is to ensure the applicant complies with the regulations of BHCCSD, and as a reference on the plat to recognize that the City does not provide sanitation service, so the applicant knows they have to go through the District.

Matt Collins, GS Mining Company, General Manager of the project, 7593 Hwy 119, Black Hawk, was present on behalf of the applicant and stated that the new language for the plat note is acceptable.

Alderman Midcap asked about the timeline of the project. Baseline Consultant Harris said the next step is for the applicant to submit their Site Development Plan, once approved, then they can get their building permits. Mr. Collins confirmed their goal is as soon as possible.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 1-2021, a Resolution approving a variance to allow a lot size of 2.94 acres and a lot depth of between 100 and 200 feet for the proposed Lot 1 of the Golden Gilpin Mill Site Minor Subdivision, and Resolution 70-2020, a Resolution conditionally approving the Golden Gilpin Mill Site Minor Subdivision 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 Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 1-2021, a Resolution approving a variance to allow a lot size of 2.94 acres and a lot depth of between 100 and 200 feet for the proposed Lot 1 of the Golden Gilpin Mill Site Minor Subdivision, and Resolution 70-2020, a Resolution conditionally approving the Golden Gilpin Mill Site Minor Subdivision.

**MOTION PASSED**

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

**F. Resolution 2-2021, A Resolution Approving a Certificate of Architectural Compatibility for the Grand Staircase Located at 251 Gregory Street**

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris went through his presentation. Mayor Spellman asked Council to keep in mind the meandering sidewalk is a temporary placeholder until they get a building up there; that is why there is not a lot of landscaping right now in that area. He also wanted to point out that the lampposts are different from the current pedestrian street lights, but they are replicas of what is at Crook’s Palace and the Bobtail building. He added that the challenge on Gregory street is the grade, so they need grand features to draw people up to the area. He called this a signature piece for the City; this will be a landmark the public will recognize.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 2-2021, a Resolution approving a Certificate of Architectural Compatibility for the Grand Staircase located at 251 Gregory Street open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution to come forward.

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

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 2-2021, a Resolution approving a Certificate of Architectural Compatibility for the Grand Staircase located at 251 Gregory Street.

**MOTION PASSED**

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

8. ACTION ITEMS:

**A. Resolution 3-2021, A Resolution Establishing a Designated Public Place for the Posting of Meeting Notices Pursuant to C.R.S. § 24-6-402(2)(c)**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this annual requirement to establish a designated public place to post meeting notices; nothing has changed.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 3-2021, a Resolution establishing a designated public place for the posting of meeting notices pursuant to C.R.S. § 24-6-402(2)(c).

**MOTION PASSED**

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

**B. Resolution 4-2021, A Resolution Approving Certain Service Agreements for Calendar Year 2021**

**C. Resolution 5-2021, A Resolution Approving Certain Service Agreements for Calendar Year 2021**

Mayor Spellman read the titles.

Public Works Director Isbester introduced these resolutions on behalf of Public Works and Community Planning & Development; he said these

were the annual agreements with consultants and contractors to supplement the City's staff to work on City projects throughout the year. Community Planning & Development Director Linker pointed out that even though there is a different name for the elevator inspection company, it is still the same; they just merged with a larger company, which should return a better Black Hawk service.

**MOTION TO  
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 4-2021, a Resolution approving certain Service Agreements for calendar year 2021, and Resolution 5-2021, a Resolution approving certain Service Agreements for calendar year 2021.

**MOTION PASSED**

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

**D. Resolution 6-2021, A Resolution Approving the Reorganization of the Police Department Records Division and Approving the Associated Job Descriptions**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that City Manager Cole, in the beginning of his position, had asked every department to review their personnel structure; the final department was in the Police Records Division to wait until the new Police Chief was hired. Police Chief Moriarty said she has now had a chance to evaluate the three different positions and recommends moving the Property and Evidence Technician position from reporting directly to the Administrative Commander to reporting to the Police Records Supervisor and changing the job descriptions as suggested. The reorganization will free the Commander's time and provide for more efficient operations. The Police Records Supervisor will now have two direct reports: the Property and Evidence Technician and the Police Records Specialist/Municipal Court Clerk.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 6-2021, a Resolution approving the reorganization of the Police Department Records Division and approving the associated job descriptions.

**MOTION PASSED**

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

**E. Resolution 7-2021, A Resolution Ratifying the Approval of the Second Amendment to Subdivision Agreement Between the City of Black Hawk, Colorado and Monarch Growth, Inc.**

Mayor Spellman read the title.



City Manager Cole provided the history on this item. He said he conducted a phone poll call to Council on December 18, 2020, regarding a 2<sup>nd</sup> Amendment to the Monarch's Subdivision Agreement subject to Council's ratification. He said the purpose was to ensure the hotel, casino, and parking garage would be completed and operating under a Certificate of Occupancy by June 30, 2021, as a condition of issuing a Temporary Certificate of Occupancy for their existing hotel.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 7-2020, a Resolution ratifying the approval of the Second Amendment to Subdivision Agreement between the City of Black Hawk, Colorado and Monarch Growth, Inc.

**MOTION PASSED**

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

**F. Consideration of Approval to Waive Petitioning Requirements for Chicago Dogs Eatery, Inc.'s Change of Location**

Mayor Spellman read the title.

City Attorney Hoffmann explained that acting as the Local Liquor Licensing Authority, City Council is being asked to waive the petitioning requirements for Chicago Dogs Eatery, as they changed locations by a few thousand feet on the same floor and in the same building of the Monarch Casino. He said under the State Liquor Code, it is considered a Change of Location and requires a public hearing; as such, the process calls for the applicant to determine the needs and desires of the neighborhood, but since it is the same neighborhood as when originally approved, the applicant is asking for this requirement to be waived.

**MOTION TO  
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve waiving the petitioning requirements for Chicago Dogs Eatery, Inc.'s Change of Location.

**MOTION PASSED**

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

**9. CITY MANAGER  
REPORTS:**

City Manager Cole reported on the 5-Star Certification Program that the Gilpin County Commissioners are considering approval of at their January 19 meeting. In preparation for that approval, he said Jason Gumer of the Monarch has created a plan and will help the City adopt that plan in case the County decides to move forward. If the County were to approve our plan, then we will have to create a committee and each individual casino will have to create their own plan. He said in the end this would help us to operate at a lower level than the current rating on



the COVID Dial to allow casinos to have more occupancy, but unfortunately still without table games at this time.

10. CITY ATTORNEY: City Attorney Hoffmann had nothing to report.

11. EXECUTIVE  
SESSION: City Attorney Hoffmann recommended item number 5 only for Executive Session.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:50 p.m. to hold a conference with the City's attorney 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 3:55 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 3:55 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

