



**City of Black Hawk  
City Council**

**July 13, 2022**

**MEETING MINUTES**

New Fire Marshal Jason Walsh 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, July 13, 2022 at 3:00 p.m.

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

Excused Absence: Alderman Moates

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, City Engineer Reed, Community Planning & Development Director Linker, Baseline Consultants Harris and Esterl, 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 confirmed that Rhea Shirley was added to the Employee Introduction section of 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. EMPLOYEE

INTRODUCTIONS:

Jason Walsh, Fire Marshal  
Rhea Shirley, Communication Officer I

Fire Chief Woolley introduced Jason, who has over 20 years of experience, most recently with a private company performing contract Fire Marshal work. He comes to us from California.

Police Chief Moriarty introduced her department's newest Communications Officer, Rhea Shirley. She described Rhea as eager to learn, as she holds two Bachelor's degrees, has been in a few different professions, and has a varied list of many hobbies.

Both made the round of the friendly welcome.

6. PUBLIC COMMENT: Deputy City Clerk Martin noted that Tom Feeney had signed up to speak.

Tom Feeney, City resident and business owner, introduced himself for the record. He wanted to thank the Police and Fire Departments for a job well done during the 4<sup>th</sup> of July holiday and went on to say that he would support additional help if the City were so inclined as the crime rate across the nation has risen, and he doesn't want to see it come here.

Next, he spoke about the marketing brochure he and the other 14 non-gaming businesses created as a marketing tool for the City, which led to the signs at the Black Hawk Commons that he is still waiting for. He was concerned that the signs weren't up yet, and the summer was halfway over. Mayor Spellman asked him about his store signs as they have not been changed yet to reflect the new store name. He finished by complimenting Bally's and Caesars on their new signs.

7. APPROVAL OF  
MINUTES:

June 22, 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.

8. PUBLIC HEARINGS:

**A. Resolution 46-2022, A Resolution Conditionally Approving the Lady Luck Casino Parking Garage Site Development Plan Amendment for the Conversion of Parking Spaces to Storage Use**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Esterl provided the background for the amendment. She said it was discovered during a site visit to convert one parking area to storage that two other parking space areas had already been converted without land use or building permit approvals. This resolution would bring those two into compliance and allow the third area to be converted. She confirmed that after these parking spaces convert to storage, the Lady Luck is still well over the parking space requirements needed.

Norris Hamilton, General Manager for the Horseshoe and Lady Luck, and a few of his staff members were present to answer any questions. Mr. Hamilton introduced himself for the record. Alderman Midcap asked if the storage could be converted back into parking spaces if needed. Mr. Hamilton replied that they are looking for permanent storage, but he supposes it could be converted back if required, yet pointed out the current 200+ spaces in surplus for future use.

**PUBLIC HEARING:**

Mayor Spellman declared Public Hearings on Resolution 46-2022, a Resolution conditionally approving the Lady Luck Casino Parking Garage Site Development Plan amendment for the conversion of parking spaces to storage use open and invited anyone wanting to address the Board either “for” or “against” the proposed Resolution to come forward.

Tom Feeney, City resident and business owner, supported this approval noting that storage has always been an issue in the City and suggested future warehouse space.

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

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 46-2022, a Resolution conditionally approving the Lady Luck Casino Parking Garage Site Development Plan amendment for the conversion of parking spaces to storage use.

**MOTION PASSED**

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

**9. ACTION ITEMS:**

**A. Resolution 47-2022, A Resolution Approving the MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item. She said the IRS requires plan sponsors with a defined benefit plan to restate the adoption agreement every six years. She added there were no changes. Also, she is requesting administrative approval for future restatements that have no changes.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 47-2022, a Resolution approving the MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement.

**MOTION PASSED**

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

**B. Resolution 48-2022, A Resolution Approving a Professional Services Agreement with ERO Resources Corporation for the Environmental Assessment and Individual 404 ACOE Permit for the City of Black Hawk Water Supply Project in the Amount Not to Exceed \$361,799.57**

Mayor Spellman read the title.

Public Works Director Isbester introduced this item. He said the City just submitted to the Army Corps an Alternatives Analysis over ten years in the making, which selects locations for reservoirs and identifies other water projects the City may need for future demand. He noted the next step is the environmental assessment, and he would like to keep the momentum moving forward to take advantage of the people currently working on this to complete the process.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 48-2022, a Resolution approving a Professional Services Agreement with ERO Resources Corporation for the Environmental Assessment and Individual 404 ACOE Permit for the City of Black Hawk Water Supply Project in the amount not to exceed \$361,799.57.

**MOTION PASSED**

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

**C. Resolution 49-2022, A Resolution Accepting the City of Black Hawk 2021 Audit**

Mayor Spellman read the title.

Finance Director Hillis introduced the 2021 audit by John Cutler and Associates. The City received a clean or unqualified opinion, which is the best position any City wants.

**MOTION TO  
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 49-2022, a Resolution accepting the City of Black Hawk 2021 Audit.

**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:**

City Attorney Hoffmann recommended items number 2 and 5 only for Executive Session. The specific issues related to potential legislation related to the legal issues, and the City-owned property related to Crooks Palace.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:23 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 4:00 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

