



**City of Black Hawk
City Council**

July 22, 2020

MEETING MINUTES

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, July 22, 2020, 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, Acting Police Chief Cooper, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning & Development Director Linker, Baseline Engineering Harris, IT Manager Muhammad, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

Mayor Spellman asked Council to consider authorizing \$15,000 to update the chimes and buy a larger playlist. He said the chimes are 25 years old and can no longer be serviced. He also would like the National Anthem to be added to the playlist so that it can be the first song of the day, be played at noon, and be the last song of the day.

Alderman Moates made a MOTION TO APPROVE, SECONDED by Alderman Johnson, to authorize the spending of \$15,000 to update the chimes and the playlist to include the National Anthem.

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: June 24, 2020

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the Minutes as presented.

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

7. PUBLIC HEARINGS:

A. **Resolution 46-2020, A Resolution Denying a Variance to Allow a Height Variance which would Allow a Structure 103 Feet in Height (continued to August 26, 2020, at 3:00 p.m)**

B. **Resolution 47-2020, A Resolution Conditionally Approving a Certificate of Architectural Compatibility and a Site Development Plan for the T Mobile Facility Located at 821 Miners Mesa Road (continued to August 26, 2020, at 3:00 p.m)**

As per staff's request, Mayor Spellman asked to continue the Public Hearings for Resolution 46-2020 and Resolution 47-2020 to August 26, 2020, at 3:00 p.m.

**MOTION TO
CONTINUE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Midcap to continue the Public Hearings on Resolution 46-2020 and Resolution 47-2020 to August 26, 2020, at 3:00 p.m.

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

C. **Resolution 54-2020, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for Exterior Fencing on Property Located at 211 Horn Street (application withdrawn)**

City Attorney Hoffmann confirmed that this application had been withdrawn.

D. CB17, An Ordinance Approving the Intergovernmental Agreement between the City of Black Hawk and Gilpin County Regarding the November 3, 2020 Special Election

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann stated that the City had already let the County know of their intent to participate in a coordinated election, signified by an Intergovernmental Agreement. He said by statute we have until August 25 to sign the agreement, but the County said they would like it by this Friday. He went on to say the initial draft has some mistakes in it, but to appease the County by this Friday, he would suggest Council approve the ordinance today and give the City Attorney authority to make sure it complies with state law and make any necessary revisions as needed.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB17, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 3, 2020 Special Election 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 CB17, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 3, 2020 Special Election, subject to City Attorney revisions as needed.

MOTION PASSED

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

8. ACTION ITEMS:

A. Resolution 55-2020, A Resolution Authorizing the City to File the Attached Petition for Exclusion into the Black Hawk Business Improvement District, and Setting the Hearing Thereon

Mayor Spellman read the title.

City Attorney Hoffmann explained that to exclude property from the Black Hawk Business Improvement District (BID), the City must go through the same process as including property, which starts by authorizing the mayor to sign the petition. He said the next step is setting the public hearing date to approve an ordinance accepting the petition and exclude the City Hall property from the BID. The date is set for August 12, 2020, at 3:00 p.m.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 55-2020, a Resolution authorizing the City to file the attached Petition for Exclusion into the Black Hawk Business Improvement District, and setting the hearing thereon.

MOTION PASSED

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

B. Resolution 56-2020, A Resolution Approving the Land Dedication Agreement between the City of Black Hawk, Colorado and Club Vista Properties II, LLC

Mayor Spellman read the title.

City Attorney Hoffmann introduced this item, which has been in discussion for the past few months. He said this was an agreement with Club Vista for them to essentially prepay their road dedication obligation to the City in advance of the titlement process they have to go through on Miners Mesa. He summarized by saying that this resolution accepts the dedication of the road to expand the roadway, and the City then agrees not to seek any other exactions for the same issue when the Ventana property project comes forward.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 56-2020, a Resolution approving the Land Dedication Agreement between the City of Black Hawk, Colorado and Club Vista Properties II, LLC.

MOTION PASSED

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

C. Resolution 57-2020, A Resolution Accepting City of Black Hawk 2019 Audit

Mayor Spellman read the title.

City Manager Cole introduced the annual audit and said that the City once again received a clean result with no issues, which is the best type of result to receive, and asked Council to accept the results of the audit. Alderman Midcap was the first to congratulate Finance Director Hillis and the City for a job well done.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 57-2020, a Resolution accepting City of Black Hawk 2019 Audit.

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 had nothing to report.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended items number 2 and 5 for Executive Session, and the issues for item number 2 relate to pending legislation and potential litigation. The issues for item number 5 relate to negotiations with other governmental entities and negotiations regarding development issues.

**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) 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.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:00 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

