



**City of Black Hawk  
City Council**

**March 25, 2020**

**MEETING MINUTES**

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, March 25, 2020, at 3:00 p.m. by Mayor Spellman.

2. ROLL CALL: Physically Present: Mayor Spellman

Virtually Present: Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineer Reed, Fire Lieutenant Reid, Community Planning & Development Director Linker, Executive Administrative Assistant Murphy, IT Manager Muhammad, IT Systems Analyst Blenker, Deputy City Clerk Martin, and Baseline Consultants Harris and Watel.

**PLEDGE OF  
ALLEGIANCE:**

Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance, by displaying a flag on the screen.

Mayor Spellman took a moment to recognize Black Hawk City employees and the work they have been doing throughout this pandemic and likened them to the same brave pioneers that founded and incorporated the City, and who have persevered through many trials and tribulations including other pandemics, wars, the Depression and others within the City's 160-year history. He said he could not be any prouder of them at this time, and on behalf of the City Council, he thanked all employees.

He then went on to recount part of Black Hawk's history to demonstrate that we have gone through similar times like this. He stood in front of the City's Seal and read the Latin word Perseverando and Latin phrase Noli Me Tangere, which are just as relevant today as they were back in 1863, he said. He stated that Perseverando means to preserve, persevere, and push forward, and Noli Me Tangere means touch me not, do not meddle, do not interfere. He said the Revolutionary War flag and battle cry Don't Tread on Me was derived from this phrase. He declared that Black Hawk would continue to persevere and push ahead, and this phrase has always been an admonishment and a warning for those that may try to interfere with Black Hawk's goals, and that is why we have it as part of our seal.

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 virtual and present audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. Both audiences had no objections.

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

6. APPROVAL OF MINUTES:

March 11, 2020, Regular Meeting  
March 18, 2020, Special Meeting

**MOTION TO APPROVE**

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

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0. Mayor Spellman explained that moving forward, and he would randomly call upon one Alderman for a motion and a second for less confusion.

7. PUBLIC HEARINGS:

- A. **Resolution 25-2020, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of Parcels of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation**
- B. **CB2, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 1, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation**
- C. **CB3, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 2, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation**

- D. CB4, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 3, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation**
- E. CB5, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 4, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation**
- F. CB6, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 5, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation**
- G. CB7, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 6, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation**
- H. CB8, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 7, Consisting of Contiguous Unincorporated Territory in Gilpin County Also Known as a Portion of the Lake Gulch Whiskey Resort Annexation**
- I. CB9, A Bill for an Ordinance Zoning Certain Property Within the City of Black Hawk to Commercial/Business Services (C/BS) Zoning District and a Planned Unit Development (PUD) Overlay Known as the Lake Gulch Whiskey Resort Planned Unit Development, and Amending the City's Zoning Map to Conform Therewith**

Mayor Spellman read the titles and gaveled the public hearings open.

Mayor Spellman said a few words prior to staff taking over; he started by saying that what you will see today is a bit of blue sky and even a few rays of sunshine in an otherwise bleak and gloomy time. He expanded by saying that this is a project that all of Gilpin County can rally behind, be excited about, and look forward to when we emerge from this unsettling and dark time. He continued to say it is the first significant development to diversify Black Hawk and Gilpin County from being a single-industry community and relying solely on the gaming industry for revenue and employment. He expressed this pandemic is our clarion call to embrace a project such as this one, which has so much to offer.

City Attorney Hoffmann reiterated for the record that agenda items 7A through 7I are the subject of this public hearing this afternoon, and the public hearing as it relates to the annexations is governed by state law. Notice has been provided under state law as it relates to annexation as a matter of statewide concern. As it relates to agenda item 7I, he said, which is the proposed ordinance zoning the property if the property is annexed, it is governed by Black Hawk's Municipal Code, and notice is in accordance with the Black Hawk Municipal Code. The only provision in Black Hawk's regulations that address annexation is merely to require that annexation and zoning occur concurrently, so it is a combined public

hearing, the annexation under state law, and the zoning under Black Hawk Municipal Code.

Baseline Planning Consultants Vince Harris and Ethan Watel introduced staff's presentation. Mr. Harris started first with the annexation piece, to be followed by Mr. Watel presenting the zoning piece. Mr. Harris read off the list of documents to be entered into the record:

- Entire submittal from RSM Partners LLC & Proximo Distillers, LLC
- Black Hawk 2020 Comprehensive Plan
- Three Mile Plan in place, which is the same as the Black Hawk 2020 Comprehensive Plan
- 1999 Growth Intergovernmental Agreement
- Referral comments from cases #P-20-01a, the annexation case, and P-20-01b, the zoning case
- Affidavit of Publication from the Weekly Register-Call for annexation notices
- Black Hawk Municipal Code including the Zoning Regulations

He went through the size of each annexation and said they are known as serial annexations for a total of 221.86 acres. He read the proposed development is to accommodate a distillery for the Tincup Whiskey brand including a distillery, barrelhouses, a visitor's center, a predominance of residential uses so long as the impacts of such residential development can be offset, hotel/lodging, guesthouse and cabins, a restaurant, event space, retail, parking, and outdoor activities. He said that Black Hawk is entering into an Annexation Agreement to address the terms and conditions to annex the property to the City, specifically how the developer will offset the impacts of any residential development, including impacts to the Gilpin County RE-1 School District. Mr. Harris read into the record a Resolution of Support from the Gilpin County School District adopted and approved on March 17, 2020. He also read another document provided today by the County of Gilpin, named Consent to Annexation Agreement, by the County of Gilpin dated March 24, 2020.

Mr. Watel went through the presentation of the proposed zoning of the property. He said the request is for initial zoning to Commercial/Business Services (C/BS) with a Planned Unit Development (PUD), it is currently zoned under Gilpin County's zoning. Staff believes all criteria have been met and the proposal meets the goals of the Black Hawk Comprehensive Plan, after the application was deemed complete it was sent to various internal and external agencies for review and comment, only one agency sent a letter of no support, the City of Central. Since that was the sole letter of no support, Mr. Watel felt compelled to go through their concerns. One of their concerns was the Traffic Impact Study, after review with CDOT, staff and the City's traffic consultants a revised traffic study was submitted, he believes their concerns are addressed in this revised study dated March 12, 2020, and read into the record a



paragraph from this revised study: "It is understood that some traffic may arrive at the site via Central City Parkway. Since Lake Gulch Road is unpaved and lacks a clean connection to Central City Parkway for the northbound and southbound directions of travel, 10 percent of traffic was applied to Lake Gulch Road. Other traffic traveling Central City Parkway will be able to gain access to the facility by traveling through Central City to Gregory Street by then accessing Bobtail Road. Since this travel distance is a bit further, although all paved, 10 percent of the trip distribution was assigned to this route as well, to account for 20 percent of traffic arrivals from Central City Parkway. Assignment of project traffic was based upon the trip generation described previously, and the distributions developed."

Council had no questions for staff on their portion of the presentation.

Harmon Zuckerman, an attorney from Frasca, Joiner, Goodman, and Greenstein of Boulder, was present on behalf of the developer Proximo Distillers, LLC and introduced the team: Rodrigo Braun, Proximo Spirits Brand, Pete Macca, Stranahan's Colorado Whiskey Distillery, Dean Mades, Proximo's General Counsel, Pete Weber and Troy Tengwall of Coburn Architecture, Charlie Hagar and Xavier Torrents of JVA Consulting Engineers, Carl Deddens and Sean Doyle of RSM Partners, LLC, Natasha Felton of Colorado Commercial Companies, and Maria Garcia-Berry and Danielle Glover of CRL Associates.

Mr. Zuckerman took this time on behalf of Proximo Distillers, LLC to thank individuals at the City, Baseline staff, all other City consultants working on this project, the Gilpin County School District for their support, Gilpin County for their consent to the annexation received today, and the Sanitation, Fire and all other districts who also worked on this project. He went through the project plan; they anticipate over 40 new jobs and \$50,000,000 in capital investment. The project is envisioned to be completed in phases, with the distillery and the visitor's center highlighting the first phase. He said they believe that the project would complement and diversify Black Hawk's economy, contribute to the community's achievement of its planning goals, and fit with the rugged image, mountain lifestyle, and mining heritage of the area.

Rodrigo Braun went through his marketing presentation for Proximo Distillery, LLC, who is a global innovator of quality spirits that creates excitement with every sip and is always on the lookout for what is next. He gave background on the company founded by a family who has been in the spirits business since 1758. Their corporate headquarters is located in Jersey City, New Jersey, and they employ more than 400 employees nationwide. He went on to show several marketing videos to show their diverse portfolio of products and award-winning liquids. They are the world's #1 tequila and invented the margarita in 1938. Proximo's Pendleton whiskey is the official sponsor of the PBR and the pro rodeo.

Tincup Whiskey's slogan is, "Tincup takes American whiskey to the great outdoors." He said aside from brands, their most valuable asset is the people that make them come to life, and their team of experts includes many women master blenders.

He showed videos of Proximo's commitment to caring for their community, which they take very seriously because they are here for the long run, and they like to take care of where they produce and market their products. They have partnered with the Ford Motor Company to use agave fibers to create cup holders and fuse boxes. Their Hangar 1 Vodka Distillery in San Francisco uses the fog to bottle approach by using the collected fog in their distillery process, with a donated part of their proceeds going to water conservation efforts in California.

Proximo distillers have locations in Northern Ireland, the United States, and Mexico. He said their Stranahan's Distillery in Denver has a cult following. Every year they launch a limited amount of bottles of their Snowflake Whiskey, and last year, they had people camped out for ten days, including Thanksgiving evening just to be the first in line to purchase this whiskey. He went on to talk about their 1608 Bushmills Whiskey Distillery in Northern Ireland as a place where they created authenticity through the relationship between a whiskey and where it's made. Proximo Spirits' vision is to create a great, authentic whiskey in a great, authentic place by building a new, state-of-the-art whiskey distillery in the mountains of Black Hawk, becoming the largest whiskey distillery in Colorado. The distillery will serve as a destination that attracts visitors from across the world. Proximo will promote the distillery through the company's national and international advertising campaigns and marketing plans. This marketing activity will benefit the area by highlighting it as the home of a major whiskey brand and will put the Black Hawk name in consumer's minds around the globe.

Up next were Pete Weber and Troy Tengwall of Coburn Architecture to present how they have brought Proximo's vision to life. They focused on the mining history, the utilitarian use and forms of mining buildings, using real materials such as wood, metal, and rusted materials that are natural and authentic, and how the buildings will engage with the land using the natural grade.

Rodrigo Braun summed up the applicant's presentation with a final marketing video for Tincup Mountain Whiskey and highlighted the last phrase, which states, "it's where you do it." He said this is very powerful, as it is more than what you do, but it is where you do it, and Proximo values providence that is why they are going the extra mile to build this project on this site they found, he said they could have built-in an industrial park with utilities and roads already included, but they decided on a much more expensive route which holds much more character and soul and with a lot more future. He said Black Hawk would be a long

term partner, and this distillery will be there for many future generations to enjoy. He elaborated on the attraction of more than 60,000 visitors per year and how this will complement and diversify the tourist offering that is already here. He added that visitors would know that 1,000 gallons of water a day from Black Hawk is used in their whiskey. Millions of bottles produced will carry the Black Hawk name and will travel around the world; he again shared that this will be the largest distillery in the whole state of Colorado. He thanked everyone again, including Mayor Spellman, for thinking big with them and congratulating him on having such an exceptional team with which to work.

Mayor Spellman congratulated them on an outstanding presentation and asked Council if they had any questions. Alderman Midcap made a few comments which all of the Council agreed with, that Proximo's concept and Coburn's architecture is a perfect fit and spot on with made in the mountains and that Proximo and Tincup are a perfect fit for Black Hawk. He added that it is the best whiskey, and Black Hawk does have the best water.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 25-2020, a Resolution making certain Findings of Fact regarding the proposed annexation of parcels of land to the City of Black Hawk, Colorado, known as the Lake Gulch Whiskey Resort Annexation, CB2 through CB8, Bills for Ordinances approving and accomplishing the annexation of Parcels No. 1 through No. 7, consisting of contiguous unincorporated territory in Gilpin County also known as a portions of the Lake Gulch Whiskey Resort Annexation, and CB9, A Bill for an Ordinance zoning certain property within the City of Black Hawk to Commercial/Business Services (C/BS) Zoning District and a Planned Unit Development (PUD) Overlay known as the Lake Gulch Whiskey Resort Planned Unit Development, and amending the City's Zoning Map to conform therewith open and invited anyone wanting to address the Board in support of the proposed resolution and ordinances to come forward.

Tom Feeney, resident and business owner in Black Hawk, applauded the presentation and said it is obviously going to be a unique and exciting project for the City and the whole county. He said it would be a win-win for all residents of the county bringing new business opportunities, a new tax base, and open up business development as well as recreation. He is 100% in support of this project.

Gilpin County Commissioner Ron Engels spoke in support of the project online through Zoom. He said he is also a Central City resident, as well as the County Commissioner from District 1. He said the Gilpin County Commissioners, after many special meetings, are unanimously and enthusiastically in support of this project and have signed the consent to the annexation. He expressed the positive negotiations with Black Hawk to address the minimal impacts of this project. He said, of the

commissioners, he has been the driver of economic diversity for years, and as much as they appreciate the casinos, having them alone as the main revenue stream and using the loss of life from this pandemic as an example, one has to see it as stark and sad evidence of our dependence on that alone. He said they are excited to have a new partner in Proximo, and The Gilpin County Commissioners welcome all of you to the little kingdom of Gilpin. He is personally looking forward to welcoming them with a cup together. He said he has a bottle of 1608 Bushmills that he has been guarding for the last 12 years and will finally open it up today. Mayor Spellman tagged on to that, that when the all-clear sign is given, Proximo will come back to Council Chambers to celebrate this occasion with a glass, and that the county has collaborated and been a tremendous asset

Mayor Spellman asked anyone wanting to address the Board in opposition to the proposed resolution and ordinances to come forward. No one came forward to speak from the audience or through the Zoom platform, and Mayor Spellman gaveled the Public Hearing closed.

City Attorney Hoffmann summarized any remaining issues by saying that the public hearing held everything that Council is to consider. He wanted the public and City Council to recall what they heard while in the public hearing, that Central City had submitted opposition to the PUD. He said that right before this Council meeting, the Central City Attorney and Council had filed a lawsuit and will try to challenge this. He said with that in mind, Council item 7A is the resolution that makes the findings of fact regarding the proposed annexation of parcels of land to be in compliance with the Colorado Municipal Annexation Act of 1965, and it would also approve the Annexation Agreement attached to that resolution. If Resolution 25-2020 is adopted, he said, then Council can consider items 7B through 7I, which are the ordinances accomplishing the legislative determination for the annexations of the properties. He said they are considered serial annexations to be approved in a series, they are consistent with the Black Hawk Municipal Code, and if Council adopts those seven ordinances to annex the properties, then item 7I would accomplish the rezoning of the properties consistent with the PUD discussed in the presentation, again which complies with the Black Hawk Municipal Code, which requires the concurrent annexation and zoning of the properties.

Baseline Consultant Harris reiterated a couple of items to consider related to the housing component in regards to Central City's opposition. He said that today's action is related to land use, the PUD, and zoning, and that this zoning allows a wide variety of uses, with only 5% of the property being used for the distillery and another 5% of the land to be developed for the resort, the other 90% has not been determined yet and won't be until the final site plans and reviews come in later in the development process. Also, he added the Traffic Impact Study was

resubmitted by the applicant and even further integrates the insistent need and desire by Black Hawk from the start to see all traffic patterns use Miners Mesa and Bobtail Roads, and it was determined that during inclement weather the preferred route is Black Hawk through Clear Creek Canyon. Mayor Spellman followed up on that comment, by saying in early October Proximo thought that the Central City Parkway should be their primary access, yet the City of Black Hawk was insistent at the beginning of the discussions that they use our roadways and come through our City so that Black Hawk would be fully integrated and not just be an outpost for this development. He said he even asked them during bad weather to test out all the different access roads to the site. They did, and they concurred that Highway 119 up to Miners Mesa Road was the preferred route.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 25-2020, a Resolution making certain Findings of Fact regarding the proposed annexation of parcels of land to the City of Black Hawk, Colorado, known as the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to approve CB2, a Bill for an Ordinance approving and accomplishing the annexation of Parcel No. 1, consisting of contiguous unincorporated territory in Gilpin County also known as a portion of the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve CB3, a Bill for an Ordinance approving and accomplishing the annexation of Parcel No. 2, consisting of contiguous unincorporated territory in Gilpin County also known as a portion of the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve CB4, a Bill for an Ordinance approving and accomplishing the annexation of Parcel No. 3, consisting of contiguous



unincorporated territory in Gilpin County also known as a portion of the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve CB5, a Bill for an Ordinance approving and accomplishing the annexation of Parcel No. 4, consisting of contiguous unincorporated territory in Gilpin County also known as a portion of the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve CB6, a Bill for an Ordinance approving and accomplishing the annexation of Parcel No. 5, consisting of contiguous unincorporated territory in Gilpin County also known as a portion of the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve CB7, a Bill for an Ordinance approving and accomplishing the annexation of Parcel No. 6, consisting of contiguous unincorporated territory in Gilpin County, also known as a portion of the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve CB8, a Bill for an Ordinance approving and accomplishing the annexation of Parcel No. 7, consisting of contiguous unincorporated territory in Gilpin County also known as a portion of the Lake Gulch Whiskey Resort Annexation.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**MOTION TO  
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve CB9, a Bill for an Ordinance zoning certain property within the City of Black Hawk to Commercial/Business Services (C/BS) Zoning



District and a Planned Unit Development (PUD) Overlay known as the Lake Gulch Whiskey Resort Planned Unit Development, and amending the City's Zoning Map to conform therewith.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

Mayor Spellman read some closing remarks, "It should not be lost on anyone watching this public hearing today that three out of the four major governmental entities in Gilpin County support this history-making project (Gilpin County, Gilpin RE-1 School District, and Black Hawk). It is incredible what we can accomplish when we are all pulling in the same direction. This is what is referred to as good governance. Central City's opposition to a project that will benefit all of Gilpin County demonstrates a decisive lack of leadership and failure to look out for their residents and businesses of their City by squandering precious revenue at a time like this on a frivolous lawsuit. Instead of waiving their casino's device fees at a time like this to give relief, they would rather line the pockets of their city attorney, as well as outside legal counsel. These actions are shameful. The Council's actions amount to intellectual bankruptcy and confirm they are devoid of how to better their City without resorting to extortion. Central City, you cannot extort your way to success, nor can you extort your way to prosperity; it will only bring further ruin to your City, which you can ill afford. It appears your actions may also be rooted in jealousy, envy, and spitefulness, which will only bring doom and gloom to the City you claim to love and represent. This is beyond shameful; it is pathetic and irresponsible in the governance of your City. Noli Me Tangere, Central City."

Mayor Spellman then thanked City staff and Baseline for their diligent work on this development and extended his thanks to Gilpin County Commissioners, Ron Engles, Linda Isenhardt, and Gail Watson for their collaboration and support of this project. Clearly, he said, they are looking out for the best interest of the county, and county residents should take note of this. He commented that more work lies in front of us, but he has no doubt together they will accomplish it. He thanked the Gilpin County Board of Education for their support, who he said, is always making the right decisions, and it is a pleasure to work with the School District.

He then went on to thank Proximo and said, with what we are experiencing today in our Country, a lesser Company would have, at a minimum, delayed this public hearing if not pulled the plug altogether. Proximo is to be commended for their fortitude, steadfastness, and commitment to this development. There have been tough negotiations between us, he said, but also camaraderie. To say we are excited about your project would be an understatement to the extreme. We, in Black Hawk, and Gilpin County, look forward to a long relationship. He

concluded with “now let me say Tincup Mountain Whiskey has found a new home and a permanent home in the City of Black Hawk, County of Gilpin, and the State of Colorado.”

**J. Resolution 26-2020, A Resolution Approving a Minor Subdivision Creating Two Lots at 211-221 Gregory Street and 201 Selak Street (Continued to May 13, 2020)**

**K. Resolution 27-2020, A Resolution Approving a Certificate of Architectural Compatibility for the Renovation of a Building at 211-221 Gregory Street (Continued to May 13, 2020)**

Mayor Spellman read the titles and said both of these items are under an umbrella motion to be continued to the May 13 meeting.

**MOTION TO  
CONTINUE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to continue Resolution 26-2020, a Resolution approving a Minor Subdivision creating two lots at 211-221 Gregory Street and 201 Selak Street and Resolution 27-2020, a Resolution approving a Certificate of Architectural Compatibility for the renovation of a building at 211-221 Gregory Street to the May 13 City Council meeting.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**8. ACTION ITEMS:**

**A. Resolution 28-2020, A Resolution Consenting To and Extending the Order Declaring a Local Disaster Emergency In and For the City of Black Hawk, Colorado**

Mayor Spellman read the title.

City Attorney Hoffmann stated that the Mayor, authorized under the Emergency Declaration Act, did issue an order to impose an emergency consistent with state statute, this order can only be good for seven days unless the City extends the declaration by resolution. This resolution would extend the order until April 24 unless terminated sooner by the action of the City Council.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 28-2020, a Resolution consenting to and extending the order declaring a Local Disaster Emergency in and for the City of Black Hawk, Colorado.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**B. Resolution 29-2020, A Resolution Approving the 2020 Fireworks Production Contract Between the City of Black Hawk and Western Enterprises, Inc.**

Mayor Spellman read the title.

Mayor Spellman said if the City cannot hold the fireworks on the Fourth of July for some reason, then they would postpone them to celebrate when the City is back in business.

**MOTION TO  
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 29-2020, a Resolution approving the 2020 Fireworks Production Contract between the City of Black Hawk and Western Enterprises, Inc.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

**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 item number 2 for Executive Session to discuss litigation based on the Central City lawsuit issued at 2:00 p.m. today.

**MOTION TO  
ADJOURN INTO  
EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 5:16 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** by a roll call vote of 6-0.

**MOTION TO  
ADJOURN**

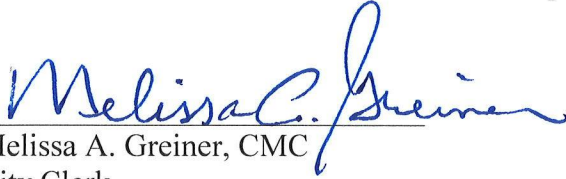
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to adjourn the Executive Session at 5:55 p.m.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a roll call vote of 6-0.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 5:55 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

