



**City of Black Hawk
City Council**

October 14, 2020

MEETING MINUTES

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, October 14, 2020, at 3:00 p.m.
2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, and Moates.

Excused Absence: Alderman Torres.

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Police Chief Moriarty, Police Commander Cooper, Fire Chief Woolley, Finance Director Hillis, Public Works Director Isbester, 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. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session, and the specific legal issues related to land use issues.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:01 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 3:20 p.m.

MOTION PASSED

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

Mayor Spellman reconvened back into regular open session at 3:15 p.m.

6. PUBLIC COMMENT:

City Clerk Greiner confirmed that no one had signed up for public comment.

7. APPROVAL OF
MINUTES:

September 23, 2020

**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** unanimously.

8. PUBLIC HEARINGS:

A. Council Bill 27, An Ordinance Approving an Intergovernmental Grant Agreement Between the City of Black Hawk and the State of Colorado's Department of Public Safety, Division of Criminal Justice

Mayor Spellman read the title and opened the public hearing.

Commander Cooper introduced this item and explained the Grant offered from the CARES Act, which is funded through the State Division of Criminal Justice, to help public safety and offset some economic

difficulties Police Departments are experiencing. He said it is a two-year Grant through January 31, 2022, and authorized for \$214,000 for a new officer. He added that there was a possibility that it could be extended for a third year, but currently, it is for two years.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB27, an ordinance approving an Intergovernmental Grant Agreement between the City of Black Hawk and the State of Colorado's Department of Public Safety, Division of Criminal Justice 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 Midcap to approve CB27, an ordinance approving an Intergovernmental Grant Agreement between the City of Black Hawk and the State of Colorado's Department of Public Safety, Division of Criminal Justice.

MOTION PASSED

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

B. Resolution 65-2020, A Resolution Conditionally Approving a Special Review Use Permit to Allow an RV Campground Including One Caretaker's Unit and an Indoor Shooting Range for the Property Described as Lot 1, Block 1 Miners' Mesa Subdivision No. 4

Mayor Spellman read the title and opened the public hearing.

Baseline Consultants Harris and Esterl were present to go through the presentation. Ms. Esterl introduced the application request for approval of two Special Review Uses (SRU) and explained that these two proposed uses are not an allowed use in their Commercial/Business Services (C/BS) Zoning District, but allowed only by a SRU if they can be considered compatible with district characteristics. She went on to explain the proposed development on Miners Mesa Road called Black Hawk Park, which includes an office, lawn games, ax throwing, beer garden and distillery, and the RV Campground and indoor shooting range. She said there would be two phases to the development, all the details were included in the packet.

Mr. Harris added that a site development plan, Certificate of Architectural Compatibility, and a subdivision plat would be forthcoming. Staff recommends approval with conditions.

Rob Fitch and Jason Krall, of Rick Engineering Company, and the

applicants' Dalton and Bryan Horan, of Ventana Capital, were present. Mr. Fitch asked Council to consider rewording condition #6, which says a temporary septic system will not be acceptable. He said they anticipate their Airstream Park plan approvals by early spring and construction to be up and running by early summer, which would be prior to the planned off-site sanitary sewer system down Miners Mesa Road. They would like to proposed different wording, such as: a temporary septic system will be subject to future review and approval and may be allowed if a permanent sewer system is not built and available by November 1, 2021; or a temporary septic system would be subject to future review and approval; or just remove condition #6 altogether. He added that it would be short term until the option to connect to the off-site system is available.

Mayor Spellman suggested continuing as staff has recommended for now as he believes the off-site sanitary sewer system down Miners Mesa Road will be within their timeline. He added that if, for some reason, that timeline is not met, then perhaps a collection tank that can be pumped or something else along those lines could be addressed at that time. He said that staff is prepared for their meeting with Ventana on Monday to work through this project.

Mr. Fitch thanked the Mayor and confirmed that they are prepared for the meeting.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 65-2020, a Resolution conditionally approving a Special Review Use Permit to allow an RV Campground including one caretaker's unit and an indoor shooting range for the property described as Lot 1, Block 1 Miners' Mesa Subdivision No. 4 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 Bennett to approve Resolution 65-2020, a Resolution conditionally approving a Special Review Use Permit to allow an RV Campground including one caretaker's unit and an indoor shooting range for the property described as Lot 1, Block 1 Miners' Mesa Subdivision No. 4.

MOTION PASSED

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

C. Council Bill 28, An Ordinance Appointing Directors to the Board of the Black Hawk Business Improvement District

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained this was the customary process under the Business Improvement District organizational documents that they make a recommendation to Council for their consideration. He said the applicants are qualified, and they represent the Saratoga and Isle of Capri/Lady Luck properties.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB28, an ordinance appointing Directors to the Board of the Black Hawk Business Improvement District 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 Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve CB28, an ordinance appointing Directors to the Board of the Black Hawk Business Improvement District.

MOTION PASSED

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

9. ACTION ITEMS:

A. Resolution 66-2020, A Resolution Authorizing the Mayor to Execute Quitclaim Deeds on Behalf of the City to Registered Electors Qualified to Serve on the Silver Dollar Metropolitan District

Mayor Spellman read the title.

City Attorney Hoffmann introduced this item in detail as the Silver Dollar Metropolitan District (SDMD) is much different from the Business Improvement District (BID), as the BID is under the umbrella of the City, whereas the SDMD is a Special District and the City is required to approve their Service Plan and any amendments to the Plan. He said in addition, the City owns property in the SDMD, a Director’s Parcel, and the City can convey an undivided interest in their ownership to electors while they sit on the SDMD Board. He explained this process occurs every time there is a new BID Director by Quitclaim Deed and that the interest reverts back to the City if they leave. He said the approval of this resolution authorizes the Mayor to sign the Deed without it having to come before Council each and every time; Council would still have to approve BID Directors. He said this would help with the timing of appointments and scheduled Council meeting dates, so this would expedite the process.

MOTION TO

APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 66-2020, a resolution authorizing the Mayor to execute Quitclaim Deeds on behalf of the City to registered electors qualified to serve on the Silver Dollar Metropolitan District.

MOTION PASSED

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

**10. CITY MANAGER
REPORTS:**

City Manager Cole reported the distribution of the proposed 2021 annual Budget to the Mayor and each Council member today for their review and that a Work Session is scheduled for November 11th at 1:30 p.m. City Attorney Hoffmann added that by providing the budget today, the City is in compliance with the deadline in Statute of October 15th.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

**12. EXECUTIVE
SESSION:**

City Attorney Hoffmann recommended item number 2 only for Executive Session and the specific legal issues related to City-owned property, potential legislation, and Intergovernmental relations.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:45 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 4:20 p.m.

MOTION PASSED

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

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:20 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

