



**City of Black Hawk  
City Council**

**September 9, 2020**

**MEETING MINUTES**

1. CALL TO ORDER: Mayor Spellman called the regular meeting of the City Council to order on Wednesday, September 9, 2020, at 3:00 p.m.

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

Absent: Alderman Torres.

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Acting Police Chief Cooper, Fire Chief Woolley, Finance Director Hillis, Public Works Director Isbester, Senior Civil Engineers Ford and 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: Deputy City Clerk Martin confirmed that no one had signed up for public comment.

6. APPROVAL OF  
MINUTES: August 26, 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. Council Bill 24, An Ordinance Approving the 2021 Operating Plan and Budget of the Black Hawk Business Improvement District**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item and said the City is required to approve the Operating Plan and Budget each year consistent with the governing documents of the Black Hawk Business Improvement District and State Statute.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB24, an ordinance approving the 2021 Operating Plan and Budget 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 CB24, an ordinance approving the 2021 Operating Plan and Budget of the Black Hawk Business Improvement District.

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

**B. Council Bill 25, An Ordinance Amending Section 15-11 of the Black Hawk Municipal Code to Amend the Sign Permit Section of the City's Sign Code**

Mayor Spellman read the title and opened the public hearing.

Baseline Consultants Harris and Esterl were present for this item. Ms. Esterl went through the proposal to add an Exemptions section to the Sign Code to eliminate the requirement for the City to receive a Comprehensive Sign Plan approval to install signs on their own property; instead, they will fall under the review process in accordance with Section 16-368, the City Council Design Review and Compatibility Process.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB25, an ordinance amending Section 15-11 of the Black Hawk Municipal Code to amend the Sign Permit Section of the City's Sign Code 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 Bennett to approve CB25, an ordinance amending Section 15-11 of the Black Hawk Municipal Code to amend the Sign Permit Section of the City's Sign Code.

**MOTION PASSED**

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

**8. ACTION ITEMS:**

**A. Resolution 60-2020, A Resolution Approving Change Order #1 to the Maryland Mountain Trail System Contract in the Amount of \$30,000.00 for Establishment of Trail Corridors**

Mayor Spellman read the title.

Senior Civil Engineer Reed explained that when the project was put out to bid, it was advertised as flagged trails were marked in the field and follow the flagging to create the trail, but in actuality, some trails weren't flagged, or if they were flagged, they weren't a workable trail route, so the contractor had to spend extra time identifying broader trail corridors, at a cost of \$30,000. He reminded Council that a \$50,000 contingency was originally approved to cover costs if trails went longer than planned. He said that money has not been touched yet and is different from this request. He said he anticipates \$30,000-\$40,000 of that contingency will

be spent for additional length, so adding this request of \$30,000 the City would exceed the contingency.

Alderman Bennett asked approximately how much longer was being planned, as 12 miles was the original length. Mr. Reed answered about 13-14 miles will be the total length when completed.

Alderman Midcap asked about the schedule. Mr. Reed replied that the contractor is averaging 3-4 miles per month and has brought in two additional guys, so they are still on track for the end of November, weather permitting.

**MOTION TO  
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 60-2020, a resolution approving Change Order #1 to the Maryland Mountain Trail System contract in the amount of \$30,000.00 for establishment of trail corridors.

**MOTION PASSED**

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

Mayor Spellman was pleased to report that at the last Silver Dollar Metro District meeting, he asked the casinos to pick up half of the cost of the holiday lighting this year, and they agreed. He said the City was contemplating perhaps not having anything at all or a reduced amount but now can have the full display thanks to the casinos.

**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 only for Executive Session, and the specific legal issues related to potential Intergovernmental Agreements and potential legislation.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:12 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.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 3:20 p.m.



Michele Martin, CMC  
Deputy City Clerk



David D. Spellman  
Mayor

