



**City of Black Hawk  
City Council**

**February 28, 2024**

**MEETING MINUTES**

Information Specialist and Artist Extraordinaire, Corey Colombin 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, February 28, 2024, at 3:00 p.m.

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

Staff Present: City Attorney Hoffmann, City Manager Cole, Police Chief Moriarty, Fire Chief Woolley, Administrative Services Director/City Clerk Greiner, Finance Director Hillis, City Engineer Reed, Community Planning & Development Director Linker, Information Specialist Colombin, and Baseline Engineering Consultants Harris and Esterl.

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

3. AGENDA CHANGES: City Clerk Greiner stated there was a correction to Resolution 21-2024 and the packet was updated.

4. CONFLICTS OF INTEREST: City Attorney Hoffmann asked the 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 except for Alderman Midcap. Alderman Midcap disclosed that he owns a Bed and Breakfast and would not vote on the Short Term Rental item on the agenda. Attorney Hoffmann explained that Alderman Midcap was able to

vote on the matter of Short Term Rentals while owning a Bed and Breakfast in the City.

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. Besides Alderman Midcap's notation, no other conflicts were noted from the Council and no objections were received from the audience.

5. PUBLIC COMMENT: City Clerk Greiner confirmed no one had signed up to speak. Alderman Midcap commented that he had called 911 after coming upon a casino visitor who had fallen. Alderman Midcap commended staff and stated we have a great group of employees.

6. APPROVAL OF MINUTES: February 14, 2024

**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.

7. PUBLIC HEARINGS:

**A. CB5, An Ordinance Amending Article IV of Chapter 16 of the City of Black Hawk Municipal Code Eliminating Short-Term Rentals as a Permitted Accessory Use in All Residential Zone Districts of the City**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this second of two Ordinances prohibiting short-term rentals. The first ordinance was for the licensing piece approved at the prior meeting (allowing existing licenses to remain); this ordinance is for the zoning code change in residential zone districts. This amendment allows for legal, non-conforming use for existing short-term licenses until such time the license expires or the property is sold. Baseline Engineering Consultant Harris explained the zoning change component.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB5, an Ordinance Amending the City of Black Hawk Municipal Code Eliminating Short-Term Rentals as a Permitted Accessory Use in All Residential Zone Districts of the City open, and invited anyone wanting to

address the Board either “for” or “against” the Ordinance to come forward.

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

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve CB5, an Ordinance Amending the City of Black Hawk Municipal Code Eliminating Short-Term Rentals as a Permitted Accessory Use in All Residential Zone Districts of the City

**MOTION PASSED**

There was no discussion, and the motion **PASSED** with no one opposed to the motion and with Alderman Midcap’s recusal.

8. ACTION ITEMS:

**B. Resolution 21-2024, A Resolution Approving A Policy Regarding Citizen Comments at City Council Meetings**

Mayor Spellman read the title.

City Clerk Greiner explained a written policy governing the Public Comment Section at City Council meetings promotes clarity, transparency, accountability, and efficiency, and provides protection of the rights of all parties involved. A copy of the policy will be posted on the City’s website upon approval.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 21-2024, A Resolution Approving a Policy Regarding Citizen Comments at City Council Meetings.

**MOTION PASSED**

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

**C. Resolution 22-2024, A Resolution Acknowledging the Legal Nonconforming Structure Located at 187 Clear Creek Street**

Mayor Spellman read the title.

Baseline Engineering Consultant Estrel introduced this item to acknowledge the structure at 187 Clear Creek as a legal nonconforming structure in its current location.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 22-2024, a Resolution Acknowledging the Legal Nonconforming Structure Located at 187 Clear Creek Street

**MOTION PASSED**

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

**D. Resolution 23-2024, A Resolution Approving the Acquisition of Certain Real Estate Known as the Lady B Mining Claim**

Mayor Spellman read the title.

City Manager Cole explained the Lady B Mining claim is located on Gregory Hill. The property consists of 3.84 acres and the agreed-upon price is \$69,120.00. The property is being acquired for the future development of a city park/open space on Gregory Hill.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 243-2024, A Resolution Approving the Acquisition of Certain Real Estate Known as the Lady B Mining Claim

**MOTION PASSED**

After a brief discussion the motion **PASSED** unanimously.

**E. Resolution 24-2024, A Resolution Approving the Acquisition of Certain Real Estate Known as Lots 1-3, Block 43 Within the City of Black Hawk**

Mayor Spellman read the title.

City Manager Cole explained the acquisition consists of three (3) residential lots located above Gregory Point. The agreed-upon price is \$10,000.00. The property is being acquired for the future development of a city park/open space on Gregory Hill.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 24-2024, a Resolution Approving the Acquisition of Certain Real Estate Known as Lots 1-3, Block 43 Within the City of Black Hawk.

**MOTION PASSED**

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

9. CITY MANAGER  
REPORT:


City Manager Cole informed Council that the Rick Thomas Distillery had submitted an application for a Liquor Sales Room with on-premises and off-premises consumption and the City, having no objections, forwarded the application to the Colorado Department of Revenue, Liquor Division.

10. CITY ATTORNEY  
REPORT:

City Attorney Hoffmann had nothing to report and stated there was no need for an Executive Session.

11. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 3:15 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor

