



**City of Black Hawk  
City Council**

**August 11, 2021**

**MEETING MINUTES**

Alicia Marotti, Communications Officer I, 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, August 11, 2021, 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, Fire Chief Woolley, Police Chief Moriarty, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, and Community Planning & Development Director Linker.

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

3. **AGENDA CHANGES:** City Clerk Greiner 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 audience if there were any objections to any member of the Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. **INTRODUCTION OF NEW EMPLOYEE:** Alicia Marotti, Communications Officer

6. PUBLIC COMMENT: City Clerk Greiner that no one had signed up to speak.

7. APPROVAL OF MINUTES: July 28, 2021

**MOTION TO APPROVE** Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve the Minutes as presented.

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

8. PUBLIC HEARINGS:

**A. CB21, An Ordinance Approving the Intergovernmental Agreement Between the City of Black Hawk and Gilpin County Regarding the November 2, 2021 Special Election**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained the ordinance addresses the City's November 2021 Special Election approving the IGA to have the election as a coordinated election with Gilpin County.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB21, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 2, 2021 Special Election open and invited anyone wanting to address the Board either "for" or "against" the proposed Ordinance to come forward.

No one else 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 CB21, an Ordinance approving the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the November 2, 2021 Special Election.

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

**B. CB22, An Ordinance Calling for a November 2, 2021, Special Election to be Conducted as a Coordinated Mail Ballot Election Pursuant to the Colorado Municipal Election Code, Submitting Ballot Questions and Setting the Ballot Titles Thereof**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained the ordinance calls the special election and sets two ballot questions which are Tabor questions, the first question addresses a number of issues related to Colorado Amendment 77 and applying our existing device tax to new games and some games that were existing to clarify how the device tax applies when the games are not traditional gaming devices or traditional table games. The second ballot question applies the City's device tax to actual devices in the casinos that are used for Sports Betting in a multiple of four.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB22, an Ordinance calling for a November 2, 2021, Special Election to be conducted as a coordinated Mail Ballot Election pursuant to the Colorado Municipal Election Code, submitting Ballot Questions and setting the Ballot Titles thereof open and invited anyone wanting to address the Board either "for" or "against" the proposed Ordinance to come forward.

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

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve CB22, an Ordinance calling for a November 2, 2021, Special Election to be conducted as a coordinated Mail Ballot Election pursuant to the Colorado Municipal Election Code, submitting Ballot Questions and setting the Ballot Titles thereof.

**MOTION PASSED**

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

**C. CB23, An Ordinance Amending Section 8-91 of the Black Hawk Municipal Code Regarding the Definition of Recreational Vehicle and Equipment Residential Permits**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained the resolution keeps the 72-hour permit limit and allows for permits of shorter duration. It also requires a duration of 48-hours between approved permits. The intent is to allow residents to bring their recreational vehicles to their homes to load and unload but prohibits continual on-street storage/parking.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB23, an Ordinance amending Section 8-91 of the Black Hawk Municipal Code regarding the definition of Recreational Vehicle and Equipment Residential Permits open and invited anyone wanting to address the Board either "for" or "against" the proposed Ordinance to come forward.

No one else 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 CB23, an Ordinance amending Section 8-91 of the Black Hawk Municipal Code regarding the definition of Recreational Vehicle and Equipment Residential Permits.

**MOTION PASSED**

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

9. ACTION ITEMS:

**A. Resolution 54-2021, A Resolution Appointing Robert Mack to be a City of Black Hawk Associate Municipal Court Judge**

Mayor Spellman read the title.

City Manager Cole explained the addition of a second associate judge will provide coverage for the court when the other judges are not available.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 54-2021, a Resolution appointing Robert Mack to be a City of Black Hawk Associate Municipal Court Judge.

**MOTION PASSED**

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

**B. Resolution 55-2021, A Resolution Approving the Acquisition of Benches, Trash Cans, and a Picnic Table for the Hard District to Include the Gregory Plaza for an Amount Not to Exceed \$60,617.25**

Mayor Spellman read the title.

City Engineer Reed discussed the need for the equipment in and around the Gregory Street Plaza area. Mayor Spellman added that additional equipment may be needed in the future.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 55-2021, a Resolution approving the acquisition of benches, trash cans, and a picnic table for the Hard District to include the Gregory Plaza for an amount not to exceed \$60,617.25.

**MOTION PASSED**

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

10. CITY MANAGER  
REPORTS:

City Manager Cole reported that a Trademark Agreement was on the last Council Agenda to be continued until today, but COMBA has decided not to use the City's Trademarked Logo so the continued agenda item was dropped.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended items number 2 and 5 for Executive Session. The specific legal advice is in regards to public health orders, and the negotiations are in regards to City-owned land on Artisans Point and Gregory Street Plaza and leases of other City-owned property.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

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

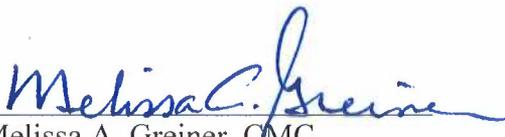
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:25 p.m.

**MOTION PASSED**

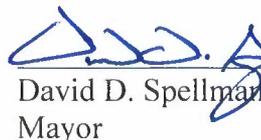
There was no discussion, and the motion **PASSED** unanimously.

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:45 p.m.



Melissa A. Greiner, CMC  
City Clerk



David D. Spellman  
Mayor

