



**City of Black Hawk
City Council**

July 13, 2016

MEETING MINUTES

Affinity Gaming Black Hawk's Regional Vice President and General Manager North Grounsell rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, July 13, 2016, at 3:00 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Community Planning and Development Administrator Linker, Baseline Engineering Consultant Harris, Senior Civil Engineer Reed, Fire Chief Taylor, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance and asked everyone to continue to stand for a moment of silence in memory of a community member who recently passed.

3. AGENDA CHANGES: Deputy City Clerk Martin confirmed there were no agenda changes.

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. Mayor Spellman noted that he had a conflict with agenda item 8C and would ask Alderman Moates to run the meeting at that time. No other conflicts were noted from City Council.

City Attorney Hoffmann asked the audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. The audience had no objections.

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

6. APPROVAL OF MINUTES June 22, 2016.

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. CB14-2016, An Ordinance Amending Article XVIII of Chapter 16 of the Black Hawk Municipal Code Regarding Height Limits for Commercial Mobile Radio Service Facilities

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained this proactive action to restrict height limits on cell towers, as telecommunication companies, by State law, now have the right to erect towers anywhere and up to 120-feet. He said once they apply for consent to a political subdivision, that political subdivision is only given 90 days to act on the application. After 90 days, if there are no restrictions in place, their request could be deemed granted.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB14, An Ordinance Amending Article XVIII of Chapter 16 of the Black Hawk Municipal Code Regarding Height Limits for Commercial Mobile Radio Service Facilities open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to Approve CB14, An Ordinance Amending Article XVIII of Chapter 16 of the Black Hawk Municipal Code Regarding Height Limits for Commercial Mobile Radio Service Facilities.

MOTION PASSED There was no discussion and the motion **PASSED** by a vote of 4-1, with Alderman Midcap voting against.

B. CB15-2016, An Ordinance Approving the First Amendment to an Intergovernmental Agreement Concerning the Marketing and Promotion of Black Hawk Between the City of Black Hawk and the Black Hawk Business Improvement District (BID)

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item and explained the obligations by both the City and the BID to improve marketing of the City as a whole. BID members David Farahi from Monarch and North Grounsell from Mardi Gras were both in the audience, and the Mayor thanked each of them for their efforts in the negotiations.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB15, An Ordinance Approving the First Amendment to an Intergovernmental Agreement Concerning the Marketing and Promotion of Black Hawk Between the City of Black Hawk and 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 came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to Approve CB15, An Ordinance Approving the First Amendment to an Intergovernmental Agreement Concerning the Marketing and Promotion of Black Hawk Between the City of Black Hawk and the Black Hawk Business Improvement District.

MOTION PASSED

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

C. Resolution 51-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Façade Remodel of the Monarch Casino Property Located at 488 Main Street

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained in detail the project and also walked Council through a PowerPoint presentation. He said the entire existing façade of the casino will be lifted off and replaced with a new one to match the materials of the new garage and new tower, and there will also be a variety of other changes made. The applicant and Chief Operating Officer David Farahi was present and Harris gave him and his team a special thanks for all their efforts. Staff recommends approval as submitted with three conditions as listed in the resolution.

Mayor Spellman asked about the performance of the roof coating and how the painted copper color will hold up over time. Harris said there is a special process of coating the existing roofing and it has been proven to withstand and holdup over time.

Mr. Farahi introduced their new construction manager John Raez and his brother Daniel Farahi, who is in to help with this project, but normally spends his time at their other property in Reno. He provided a progress update and thanked Council for all their support.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 51-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Façade Remodel of the Monarch Casino Property Located at 488 Main Street open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to Approve Resolution 51-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Façade Remodel of the Monarch Casino Property Located at 488 Main Street.

MOTION PASSED

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

8. ACTION ITEMS:

- A. Resolution 52-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk and Wood Species Identification and Consultation Services (WSICS) in an Amount Not To Exceed \$7,100.00**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. The previous consultant Anthony & Associates is too busy at this time to provide services to the City and has recommended WSICS. It was noted they would be used only as needed and if there was a question in regards to an item falling within the 50 year rule as outlined in their Scope of Work.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 52-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk

and Wood Species Identification and Consultation Services in an Amount Not To Exceed \$7,100.00.

MOTION PASSED

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

B. Resolution 53-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk and Mountain States Historical in an Amount Not To Exceed \$12,500.00

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. She said this approval will allow Mountain States Historical to finish up Section 106 inventory on land tracts proposed for disposal from BLM to Black Hawk. Mayor Spellman noted Linker and Senior Civil Engineer Ford's good job on negotiating.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 53-2016, A Resolution Approving the Agreement for Professional Services Between the City of Black Hawk and Mountain States Historical in an Amount Not To Exceed \$12,500.00.

MOTION PASSED

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

C. Resolution 54-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Alteration of the Carriage House Located at 100 Marchant Street

Mayor Spellman recused himself from this section of the meeting. Alderman Moates read the title.

Community Planning and Development Administrator Linker introduced this item. She said the home is non-historic and non-contributing to the National Historic Landmark district and described the work to be done, as included in the packet. This application went before the Historic Preservation Commission who reviewed it, found it acceptable and within City regulations, and they recommend approval with one condition as listed in the resolution.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 54-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Alteration of the Carriage House Located at 100 Marchant Street.

MOTION PASSED

There was no discussion and the motion **PASSED**, noting an abstention by Mayor Spellman.

D. Resolution 55-2016, A Resolution Approving the License Agreement Between the City of Black Hawk and Affinity Gaming Black Hawk, LLC

Mayor Spellman read the title.

General Manager North Grounsell and Executive Administrative Assistant Anne Powe from Affinity Gaming at 300 Main Street, stated their names and address for the record. Mr. Grounsell described this year's event to be in conjunction with Gilpin County fair and rodeo with a buckle ceremony at 9:00 pm. He said they have extended invitations to local vendors and artists free of charge and expects 2500 people to come through. City Clerk/Administrative Services Director Greiner noted that Exhibit A should be revised to show the public right-of-way the applicant is requesting permission to use, not the address of the property as noted, and also the applicant is asking for the event to run over the allotted time by one hour until 11:00 pm. Mr. Grounsell added that a portion of the proceeds will go to the Alzheimer's Association, which is a national charity that Affinity Gaming partners with.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 55-2016, A Resolution Approving the License Agreement Between the City of Black Hawk and Affinity Gaming Black Hawk, LLC, with the addition of extending the hours until 11:00 pm and with a revised Exhibit A.

MOTION PASSED

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

E. Resolution 56-2016, A Resolution Approving the Lease Agreement Between the City of Black Hawk and Concrete Express, Inc. (CEI) for Property Located at 271 Gregory Street

Mayor Spellman read the title.

Senior Civil Engineer Reed explained this item for CEI to use the old sanitation building along Gregory Street for the duration of the Gregory Street project in lieu of CEI charging the City for a construction trailer to be used as office space.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 56-2016, A Resolution Approving the

Lease Agreement Between the City of Black Hawk and Concrete Express, Inc. for Property Located at 271 Gregory Street.

MOTION PASSED

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

9. CITY MANAGER
REPORTS:

City Manager Lewis had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item numbers 2 and 5 for specific legal issues related to potential law enforcement issues and potential election issues.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:35 p.m. to hold a conference with the City attorney to receive legal advice on specific legal questions, pursuant 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**

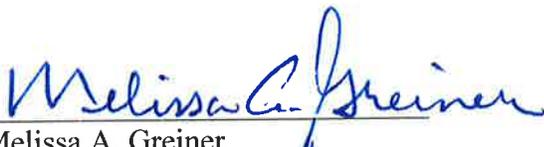
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:10 p.m.

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 4:10 p.m.


Melissa A. Greiner
City Clerk


David D. Spellman
Mayor

