



**City of Black Hawk
City Council**

August 26, 2015

MEETING MINUTES

Chris Cramer, Manager at Lady Luck Hotel and Parking Garage, rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, August 26, 2015, at 3:00 p.m. by Mayor Spellman.

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

Absent: Aldermen Armbright and Johnson.

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Senior Civil Engineer Reed, Fire Chief Taylor, Community Planning and Development Administrator Linker, Baseline Corporation Consultant Vince Harris, 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 stated that the agenda had been changed to include Resolution 63 to approve the Property Exchange Agreement between the City of Black Hawk and Smithrock, LLC.

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. There were no conflicts 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 announced that Jeremy Allensworth had signed up to speak. Allensworth, resident of Gilpin County and owner of Mountain Mocha Café at 135 Clear Creek, provided an update on the sign plan that was just recently approved by Council. He went on to provide a history of events as they unfolded during his application process with Baseline Corporation and Community Planning and Development Administrator Linker. He said he was surprised to see an invoice and also suggestions for revisions after the initial design had already been approved. Allensworth wanted to appeal the invoices, which totaled over \$1,000.00. He said his sign budget for the whole project was only \$700.00.

Council advised staff to come back with a recommendation for a different fee for non-gaming related businesses. Mayor Spellman told Allensworth that the City will need to have a policy in place first, and if approved, then it could be retroactive.

6. APPROVAL OF MINUTES

Regular Meeting of August 12, 2015
Revised Special Meeting of August 18, 2015

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve both sets of minutes as presented and revised.

MOTION PASSED

There was no discussion and the motion passed unanimously.

7. PUBLIC HEARINGS:

None

8. ACTION ITEMS:

A. Resolution 58, A Resolution Awarding the Bid and Approving the Contract for the Gregory Street Grading, Rock Excavation and Slope Stabilization Project to A&A Drilling and Blasting, Inc. in an Amount Not To Exceed \$1,192,424.00

Mayor Spellman read the title.

Senior Civil Engineer Reed explained the project for this first phase of the Gregory Street redevelopment project. Reed said that four bids had been received. A&A Drilling was the lowest, and the City has worked with them successfully in the past. Staff recommends approval. Mayor Spellman asked when they would start, and Reed responded next week.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 58, A Resolution Awarding the Bid and Approving the Contract for the Gregory Street Grading, Rock Excavation and Slope Stabilization Project to A&A Drilling and Blasting, Inc. in an Amount Not To Exceed \$1,192,424.00.

MOTION PASSED

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

B. Resolution 59, A Resolution Reappointing Two (2) Regular Members to the City of Black Hawk Historic Preservation Commission

Mayor Spellman read the title.

Larry Linker and Curtis Linder were up for reappointment. Council unanimously approved both reappointments and wanted staff to pass along their appreciation for their service.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 59, A Resolution Reappointing Two (2) Regular Members to the City of Black Hawk Historic Preservation Commission.

MOTION PASSED

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

C. Resolution 60, A Resolution Approving the License Agreement Between the City of Black Hawk and Casinos USA, Inc. and Conditionally Approving a Certificate of Appropriateness for the Bull Durham Casino Awning Upgrade

Mayor Spellman read the title.

Baseline Corporation consultant Harris explained that the Certificate of Appropriateness is for the three existing awnings to be replaced with one continuous awning. Harris said the License Agreement is to allow the awning and the existing sign to extend into the City right-of-way. Harris said there were five conditions for approval as listed in the packet.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 60, A Resolution Approving the License Agreement Between the City of Black Hawk and Casinos USA, Inc. and Conditionally Approving a Certificate of Appropriateness for the Bull Durham Casino Awning Upgrade.

MOTION PASSED

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

D. Resolution 61, A Resolution Amending the 2015 City of Black Hawk Fee Schedule to add Fees for CPR First Aid and Fire Extinguisher Training by the Black Hawk Fire Department

Mayor Spellman read the title.

Fire Chief Taylor explained his request to add fees in order to start charging businesses a nominal fee to offset a portion of the expense for maintenance and replacement of equipment used for training and extra staffing on overtime for larger classes, as well as a pass through of the certification cards.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 61, A Resolution Amending the 2015 City of Black Hawk Fee Schedule to add Fees for CPR First Aid and Fire Extinguisher Training by the Black Hawk Fire Department.

MOTION PASSED

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

E. Resolution 62, A Resolution Approving the Agreement with PEH Architects for the Total Base Architectural Design and Construction Administration for the Limited Rehabilitation of the Historic Home and Property at 400 Chase Street in an Amount Not To Exceed \$124,405.00

Mayor Spellman read the title.

Community Planning and Development Administrator Linker stated that the RFP went to two architectural firms and only PEH Architects responded. Linker explained that certain changes were made with this project that weren't normally done in the past, such as additional civil visits, because this particular property sits in the flood plain and bridges will be designed. Linker also said she added 12 visits to the construction phase of the project for meetings to coincide with the milestones on the Building Inspection Permit Card, to ensure the project is being built to the construction drawings. She also noted that the interior designer reduced her rate, which was somewhat of a savings. Linker confirmed that any change is always reviewed by the architect and a change order approved for a paper trail, which would ultimately appear in the final permit set drawings as the final record set.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 62, A Resolution Approving the Agreement with PEH Architects for the Total Base Architectural Design and Construction Administration for the Limited Rehabilitation of the Historic Home and Property at 400 Chase Street in an Amount Not To Exceed \$124,405.00.

MOTION PASSED

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

F. Resolution 63, A Resolution Approving the Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC

Mayor Spellman read the title.

City Attorney Hoffmann introduced this item. He said the last 10% of the property for the Gregory Street grading, rock excavation, and slope stabilization project is currently owned by Smithrock, LLC and this resolution would acquire that property in exchange for granting Smithrock, LLC a parking easement on the track where the clinic was located. Hoffmann said there was one significant contingency to the parking easement; that being the City owns the property, but it is located in Central City and would require a Special Review Permit from Central City. An application has been filed. This Resolution approval contains a Property Exchange Agreement, a Parking Easement, a Transportation System Easement/Reservation Agreement, and the Contract to Buy and Sell Real Estate.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 63, A Resolution Approving the Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC.

MOTION PASSED

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

G. Local Liquor Authority Consideration of the Certification of a Promotional Association and Common Consumption Area for the Isle Promotional Association with Consent to use the Air Space

Mayor Spellman read the title and reminded Council that they were now acting as the Local Liquor Authority.

Kevin Coates, attorney for the applicant, was present along with Chris Cramer, registered manager of Lady Luck Hotel and Parking Garage, Jennifer Trott, registered manager of Lady Luck Casino, and Matt Crader on behalf of registered manager Brian Watts of the Isle Casino Hotel. Coates explained the application is to use the walkways that run through the Lady Luck Hotel and Parking Garage for use as the common consumption area. Coates had several letters of support that were given to the Deputy Clerk for the record.

Mayor Spellman asked Mr. Cramer, with the goal of increasing visitor velocity to the city, if he believed that 24 hour consumption would help, and Cramer responded yes. Cramer said that between 2:00 a.m. -3:00

a.m., any day of the week, gaming revenue drops 30% just in that one hour.

City Attorney Hoffmann added that this approval would also provide consent to use the bridge/air space provided by an existing easement between the City of Black Hawk and Andrianakos, LLC for the common consumption area.

Coates added that part of the application submittal was a Modification of Premises to the State, so that diagrams match. The application is in process, and Coates wanted to point out that the applicants want to open this area for Labor Day weekend and, if the approval lags, they may revisit the significance of the modification.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve the Certificate for a Promotional Association and Common Consumption Area for the Isle Promotional Association with Consent to use the Air Space and to authorize operations for 24 hours.

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 number 5 for Executive Session.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to adjourn into Executive Session at 3:35 p.m. 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 MOTION TO ADJOURN

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

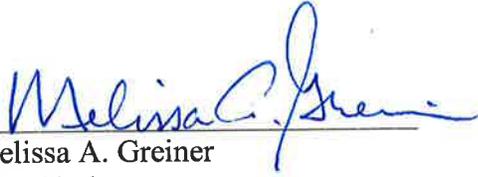
Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to adjourn the Executive Session at 4:00 p.m.

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 4:00 p.m.



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

