



**City of Black Hawk
City Council**

February 24, 2016

MEETING MINUTES

John Zimpel, owner of Z Casino, rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, February 24, 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 Administrative Assistant Lang, Public Works Director Isbester, Fire Chief Taylor, 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 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. 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. **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 Johnson to adjourn into Executive Session at 3:05 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

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 and resume the regular meeting at 3:35 p.m.

MOTION PASSED

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

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

7. **APPROVAL OF
MINUTES**

February 10, 2016.

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

MOTION PASSED

There was no discussion and the motion passed unanimously.

8. **PUBLIC HEARINGS:**

A. CB4-2016, An Ordinance Repealing and Reenacting Article I of Chapter 18 of the City of Black Hawk Municipal Code to Adopt by Reference the International Building Code, 2015 Edition; The International Fire Code, 2015 Edition; The International Residential Code for One and Two Family Dwellings, 2015 Edition; The International Mechanical Code, 2015 Edition; The International Plumbing Code, 2015 Edition; The International Energy Conservation Code, 2015 Edition; The International Existing Building Code, 2015 Edition; The International Fuel Gas Code, 2015 Edition; The International Swimming Pool and Spa Code, 2015 Edition, ICC/ANSI A117.1 American National Standard – Accessible and Usable Buildings and Facilities, Most Current Edition; The American National Standards Safety Code for Elevators and Escalators, ASME A17.1/CSA B44 Most Current Edition Adopted by the State of Colorado; The National Electrical Code, Most Current Edition Adopted by the State of Colorado; and Making Specific Amendments to the Above Referenced Codes and Providing Penalties for Violations of the Ordinance (Ordinance for the Adoption of the 2015 International and Model Code Series)

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann stated for the record that this is an adoption of code by reference that requires the ordinance to be introduced to Council at a prior meeting, which took place on January 27, 2016, and that notices for the public hearing were published twice, as per Statute.

Fire Chief Taylor introduced this item. He said that the State of Colorado recently adopted the 2015 International Fire Code, and in accordance with Colorado Gaming Statutes, a Fire Department conducting inspections of the casinos are required to maintain current or newer codes than the State has adopted. The State went from 2009 to 2015. Taylor said Black Hawk is currently using 2012 codes, so are now required to move up to 2015, and staff has decided to adopt the whole 2015 International and Model Code series.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB4, An Ordinance for the Adoption of the 2015 International and Model Code Series 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 Bennett **MOVED** and was **SECONDED** by Alderman Johnson to Approve CB4, An Ordinance for the Adoption of the 2015 International and Model Code Series.

MOTION PASSED

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

B. CB5-2016, Approving an Intergovernmental Agreement Regarding Snow Removal Services Between the City of Black Hawk and the City of Central

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester explained how this item came about. He said historically Public Works plow truck drivers were turning around on private property just outside city limits and he directed them to continue up to D Street in Central City to turn around on a public road. Isbester said his drivers would like to put their blade down to help out the residents while they are turning around and an IGA would be required to offer that service.

City Attorney Hoffmann reiterated from the agreement that “this limited service will be considered secondary and supplementary to Central City, and the primary responsibility for any and all maintenance of these roadways within Central City shall remain with Central City.

Black Hawk shall have no obligation to provide such limited snow removal services if it is unable to do so for any reason, and such inability shall not be deemed a breach of this Agreement.”

Council had discussed this and determined that the arrangement would work for the remainder of this winter season and then should be readdressed. Mayor Spellman added that this would be an opportune time to meet with Central City regarding the future plowing of Gregory Street due to the realignment and redevelopment project, for the benefit of both Cities.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB5, Approving an Intergovernmental Agreement Regarding Snow Removal Services Between the City of Black Hawk and the City of Central 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 Torres **MOVED** and was **SECONDED** by Alderman Midcap to Approve CB5, Approving an Intergovernmental Agreement Regarding Snow Removal Services Between the City of Black Hawk and the City of Central.

MOTION PASSED

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

C. Local Liquor Licensing Authority Consideration of a New Tavern License for Jan’s Tavern, LLC dba Jan’s Tavern, 101 Gregory Street, Unit #1

Mayor Spellman introduced Council as the Local Liquor Licensing Authority, read the title, and opened the public hearing.

City Attorney Hoffmann introduced this item and reminded Council that they are to determine two factors: is the applicant eligible to hold a liquor license; and are the needs and desires of the neighborhood not currently being met.

Z Casino VP of Marketing Joe Behm and Manager Dodd Hanneman were present on behalf of the applicant. They made their case and said they believe the needs of the neighborhood are not being met in the north end of the City and this liquor license would be part of a Promotional Association.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on a New Tavern License for Jan’s Tavern, LLC dba Jan’s Tavern, 101 Gregory Street, Unit #1

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 Armbright to Approve a New Tavern License for Jan’s Tavern, LLC dba Jan’s Tavern, 101 Gregory Street, Unit #1.

MOTION PASSED

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

9. ACTION ITEMS:

A. Local Liquor Licensing Authority Consideration of the Certification of a Promotional Association and Common Consumption Area for Z’s Promotional Association, LLC

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

City Attorney Hoffmann reminded Council of the requirements to hold a Promotional Association/Common Consumption Area.

Z Casino VP of Marketing Joe Behm and Manager Dodd Hanneman were present on behalf of the applicant and reiterated that they don’t believe the needs and desires of the neighborhood are being met in the north end of the City at this time. Mayor Spellman asked if they believe this approval would increase visitor velocity to the City, to which they replied they do.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the Certification of a Promotional Association and Common Consumption Area for Z’s Promotional Association, LLC.

MOTION PASSED

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

B. Resolution 9-2016, A Resolution Approving a License Agreement Between the City of Black Hawk and Josh Smith

Mayor Spellman read the title.

Community Planning and Development Administrative Assistant Lang introduced this item. She said the applicant is participating in the Historic Restoration and Community Preservation Program and it was discovered that three bridges crossing Chase Gulch encroach into the

Chase Street right-of-way. She said this agreement just acknowledges the encroachments.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 9-2016, Resolution Approving a License Agreement Between the City of Black Hawk and Josh Smith.

MOTION PASSED

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

C. Resolution 10-2016, A Resolution Amending the City of Black Hawk Fee Schedule Regarding Fees for Structural Engineering Review

Mayor Spellman read the title.

Community Planning and Development Administrative Assistant Lang explained that this amendment to the fee schedule is to distinguish between new construction and anything other than new construction, as new construction requires a third party review, which generates higher review fees.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 10-2016, A Resolution Amending the City of Black Hawk Fee Schedule Regarding Fees for Structural Engineering Review.

MOTION PASSED

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

D. Resolution 11-2016, A Resolution Reappointing Ronald W. Carlson to be the City of Black Hawk Municipal Court Judge

Mayor Spellman read the title.

Judge Ronald W. Carlson was present to request his reappointment. He said it was a pleasure to serve in this capacity for the past four years, and he is always eager to hear any policy considerations or improvements. Mayor Spellman said that Council believes he does an excellent job and would like him to come back in April to swear in the incumbents.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 11-2016, A Resolution Reappointing Ronald W. Carlson to be the City of Black Hawk Municipal Court Judge.

MOTION PASSED

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

E. Resolution 12-2016, A Resolution Reappointing Thad Renaud to be the City of Black Hawk Assistant Municipal Court Judge

Mayor Spellman read the title and asked for a motion.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 12-2016, A Resolution Reappointing Thad Renaud to be the City of Black Hawk Assistant Municipal Court Judge.

MOTION PASSED

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

F. Resolution 13-2016, A Resolution Temporarily Rebating City Sales Tax on Retail Items Delivered to City Residential Properties for Personal Consumption and Use

G. Resolution 14-2016, A Resolution Temporarily Rebating City Use Tax on Construction and Building Materials for Residential Projects within the City's National Historic Landmark District

H. Resolution 15-2016, A Resolution to Encourage Diversification of the City's Local Economy by Extending the Waiver of Taxes and Impact Fees for the Development of Hotels and Other Amenities, and Extending the Waiver of Use Tax on other Renovation Projects

I. Resolution 16-2016, A Resolution Temporarily Rebating Parking Impact Fees for the Development of Hotels and Other Amenities

Mayor Spellman combined items 9F through 9I and read the titles.

City Attorney Hoffmann said that a concern had come up in regards to Resolution 15-2016 providing waivers to any commercial projects. Hoffmann said it has come to staff's attention that some businesses may not be pulling the necessary building permits required by the City and the Resolution as it stands now would be rewarding their projects with tax incentives. He said in order to be observant of this discrepancy, a new Section four has been recommended that would read as follows, "No project shall be entitled to receive any of the incentives set forth herein if necessary building permits are not obtained in advance of the work requiring the issuance of such permits, in conformance with the uniform building codes as adopted by the City from time to time."

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolutions 13-2016, 14-2016, 15-2016, and 16-2016 with the addition of new Section four.

MOTION PASSED

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

10. CITY MANAGER REPORTS:

City Manager Lewis had nothing to report.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE SESSION: There was no need for a second Executive Session at this time.

13. ADJOURNMENT:

Mayor Spellman **MOVED** and was **SECONDED** by Alderman Bennett to adjourn the Regular Meeting of the City Council at 3:58 p.m.

MOTION PASSED

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



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

