



**City of Black Hawk
City Council**

June 24, 2015

MEETING MINUTES

General Manager of Canyon Casino, Brian Cloud, rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, June 24, 2015, at 3:00 p.m. by Mayor Spellman.

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

Absent: Alderman Armbright.

Staff present: City Attorney Hoffmann, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director and acting City Manager Hillis, Public Works Director Isbester, Senior Civil Engineer Ford, Water Department Superintendent Fredericks, 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 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. 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 stated no one had signed up to speak.

6. APPROVAL OF
MINUTES

June 10, 2015.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the Minutes as presented.

MOTION PASSED

There was no discussion and the motion passed unanimously.

7. PUBLIC HEARINGS:

A. CB 15, An Ordinance Approving a Water Storage Agreement Between the City of Black Hawk and the City of Golden

Mayor Spellman read the title and opened the public hearing.

Senior Civil Engineer Jim Ford explained that this has been a very wet spring and room in the normal reservoirs to take delivery of 100' of water from the City of Golden, as required, is not available. Ford said this was the same situation as last year and the City lost the water down stream and could not make use of it. Staff has entered into an agreement with the City of Golden, at no monetary cost to the City, to store the water in Guanella Reservoir until it can be exchanged to Green Lake or Georgetown Lake. Ford said the cost of this storage would be 50% of the water put into Guanella Reservoir. He said this has already gone before the City Council of Golden and been approved.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB15, An Ordinance Approving a Water Storage Agreement Between the City of Black Hawk and the City of Golden 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 CB15, An Ordinance Approving a Water Storage Agreement Between the City of Black Hawk and the City of Golden.

MOTION PASSED

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

B. Resolution 47, A Resolution Approving the Comprehensive Sign Plan and Conditionally Approving a Certificate of Appropriateness for the 1859 Est. Comprehensive Sign Plan

Mayor Spellman read the title and opened the public hearing.

Baseline Corporation Consultant Vince Harris introduced the agenda item. Jim Tacconi was present on behalf of the applicant 1859 Est. located at 231 Gregory Street. Harris said the applicant is requesting additional square footage from their previous sign plan. He said it would be an additional 80 square feet distributed over 17 signs, such as: window decals, one additional blade sign, two electronic message centers, and two “swoop flags” for special events to go with a Special Event permit. Staff recommends approval with three conditions as listed in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 47, A Resolution Approving the Comprehensive Sign Plan and Conditionally Approving a Certificate of Appropriateness for the 1859 Est. Comprehensive Sign Plan 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 Bennett to Approve Resolution 47, A Resolution Approving the Comprehensive Sign Plan and Conditionally Approving a Certificate of Appropriateness for the 1859 Est. Comprehensive Sign Plan with staff’s recommendations.

MOTION PASSED

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

C. Resolution 48, A Resolution Approving the Certificate of Appropriateness for the Mountain Mocha Café Standard Sign Plan

Mayor Spellman read the title and opened the public hearing.

Baseline Corporation Consultant Vince Harris explained the request for an additional 35.3 square feet of signage to include one new blade sign, one new wall sign, and two new window signs. Jeremy, the owner of Mountain Mocha, was present. Staff recommends approval with two conditions as listed in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 48, A Resolution Approving the Certificate of Appropriateness for the Mountain Mocha Café Standard Sign Plan 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 Midcap to Approve Resolution 48, A Resolution Approving the Certificate of Appropriateness for the Mountain Mocha Café Standard Sign Plan with staff's recommendations.

MOTION PASSED

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

8. ACTION ITEMS:

D. Resolution 49, A Resolution Accepting City of Black Hawk 2014 Audit

Mayor Spellman read the title.

Finance Director Hillis explained the 2014 Comprehensive Annual Financial Report conducted by John Cutler & Associates. The City was issued a clean or unqualified opinion, which is the best type of opinion one could receive from an external auditor.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 49, A Resolution Accepting City of Black Hawk 2014 Audit.

MOTION PASSED

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

E. Resolution 50, A Resolution Awarding the Propane Supplier Services Agreement with Polar Gas in an Amount Not To Exceed \$17,145.00

Mayor Spellman read the title.

Public Works Director Isbester and Water Department Superintendent Jason Fredericks explained that Xcel Energy is converting the Mesa facilities over to natural gas, so the only place that would need propane is the Hidden Valley Water Treatment Plant. Isbester said that part of the RFP was to purchase two 1000 gallon tanks so that they would have the authority to go out to bid each year just for the propane. He said they received in four bids and recommended awarding the business to Polar Gas.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 50, A Resolution Awarding the Propane Supplier Services Agreement with Polar Gas in an Amount Not To Exceed \$17,145.00

MOTION PASSED

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

F. Local Liquor Authority Consideration of the Certification of a Promotional Association and Common Consumption Area for Horseshoe Gilpin Inc.

Mayor Spellman read the title.

City Attorney Hoffmann explained the history behind the 2012 ordinance to adopt an entertainment district and the Department of Revenue's Bulletin to allow a local licensing authority to extend the hours of the operation of a common consumption area and attached liquor licensed premises. Hoffman noted this was the City's first application under this ordinance.

Attorney Bob Dill was present on behalf of the applicant and provided a public presentation. Also present were Brian Cloud, General Manager of Canyon Casino and T. Alan Roberts, General Manager of the Gilpin Casino.

Police Chief Cole had included in the packet some recommendations for Council in regards to enforcement. City Attorney Hoffman said the applicant is meeting the requirements of the ordinance by listing the dates and times of operation, but suggests to authorize the Common Consumption Area to operate 24 hours, to better regulate policing, yet this would not require them to operate 24 hours. Hoffman suggests having future applicants seek authorization for 24 hours, yet still fill out the application with specific dates and times of their proposed operation.

Mayor Spellman reminded everyone that the City Council can revoke at any time for violations and this certification must be renewed each year. Brian Cloud explained their security plan in depth. Chief Cole had also suggested a 90 day review to see what the challenges are. Mayor Spellman said the financials were due by October 20, so that would be another item to review within that timeframe.

City Attorney Hoffman asked Cloud about the negative impact on the highways of folks leaving the casino and Cloud said they have removed that trigger that causes the mass exodus by extending the hours past 2:00 a.m. He said this should put less people on the road at any one given time. Mayor Spellman wanted to note for the record that the casinos currently do an outstanding job complying with liquor laws, as this is their Gaming License on the line.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve the Certificate for a Promotional Association and

Common Consumption Area for Horseshoe Gilpin Inc., to authorize operations for 24 hours, and to conduct a 90 day review.

MOTION PASSED

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

9. CITY MANAGER
REPORTS:

Acting City Manager Hillis 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 Executive Session, in regards to legal issues concerning radio coverage, pending legislation, and a potential land use application in Gilpin County.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:40 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)(c).

MOTION PASSED

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

**MOTION TO
ADJOURN**

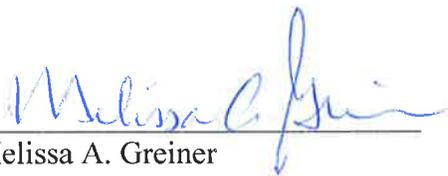
Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:49 p.m.

MOTION PASSED

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

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:49 p.m.



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

