



**City of Black Hawk
City Council**

March 23, 2016

MEETING MINUTES

Ameristar Casino General Manager Sean Demeule rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, March 23, 2016, at 3:00 p.m. by Mayor Spellman.

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

Absent: Alderman Midcap

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Community Planning and Development Administrator Linker, Baseline Corporation Consultant Vince Harris, 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. **PUBLIC COMMENTS:** Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. APPROVAL OF
MINUTES

March 9, 2016.

**MOTION TO
APPROVE**

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

MOTION PASSED

There was no discussion and the motion passed unanimously.

7. PUBLIC HEARINGS:

A. Resolution 18-2016, A Resolution Conditionally Approving the Site Development Plan and Certificate of Appropriateness for the Ameristar Casino Sprung Building

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris introduced this item and referenced staff's report included in the packet. He said this building had previously been approved for a temporary use, but now the applicant would like to make it a permanent use. Harris explained that since the building will now be a permanent structure, a Site Development Plan and Certificate of Appropriateness are required. Staff has recommended three conditions for approval as listed on the resolution.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 18-2016, A Resolution Conditionally Approving the Site Development Plan and Certificate of Appropriateness for the Ameristar Casino Sprung Building 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 Resolution 18-2016, A Resolution Conditionally Approving the Site Development Plan and Certificate of Appropriateness for the Ameristar Casino Sprung Building.

MOTION PASSED

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

B. Resolution 19-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the St. Charles Carriage House Building

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker and Baseline Engineering Consultant Harris introduced this item and displayed renderings of the proposed structure. Harris described some of the architectural details of the new city-owned parking garage project. He went on to say this was a great design step for future development in the HARD District®.

Mayor Spellman added that the proposed architecture replicates the seven buildings built in the 1860s along Gregory Street, so this parking garage ties in nicely. He elaborated on the 125 spaces on three levels, with each level accessed individually, there will be no ramps. Mayor Spellman confirmed he had spoken to Alderman Midcap who concurred with Council's appreciation of how well the design turned out.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 19-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the St. Charles Carriage House Building 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 19-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the St. Charles Carriage House Building.

MOTION PASSED

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

C. Resolution 20-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Demolition of the Existing Parking Garage at the Monarch Casino Property

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained the need to demolish the old parking garage at the Monarch Casino to make way for the new hotel tower. He said once the new parking garage is finished there will be a transition period for the demolition, which includes a safety plan. Harris read the three conditions listed in the resolution and added that the safety plan will convert into the safety plan used for the construction of the tower. Mayor Spellman noted that this is the first newly-constructed building since the inception of gaming to be demolished.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 20-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Demolition of the Existing Parking Garage at the Monarch Casino Property 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 Armbricht **MOVED** and was **SECONDED** by Alderman Moates to Approve Resolution 20-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Demolition of the Existing Parking Garage at the Monarch Casino Property.

MOTION PASSED

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

D. CB6-2016, An Ordinance Adopting the City of Black Hawk 2016 Pay Plan

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner handed out a proposed amendment to the Pay Plan. Mayor Spellman opened the discussion by saying that he spoke to Council members individually regarding this modification to the pay plan and all were in support of it. He acknowledged that the annual market approach to salary increases is not perfect and this modification would provide a minimum 2.75% floor for employees or what the actual market adjustment is, whichever is higher.

City Manager Lewis said this was the fourth year administering this annual market review approach, which is very unique for a City, and acknowledged that no plan is perfect. He said Management team is working on a plan that addresses all issues as best they can and will come back with the plan before budget. He recognizes what Council is doing and applauds their concern.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB6-2016, An Ordinance Adopting the City of Black Hawk 2016 Pay 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 Torres **MOVED** and was **SECONDED** by Alderman Johnson to Approve CB6-2016, An Ordinance Adopting the City of Black Hawk 2016 Pay Plan with the amendment.

MOTION PASSED

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

10. ACTION ITEMS:

A. Resolution 21-2016, A Resolution Adopting the Revised Community Restoration and Preservation Guide to Programs, Revised March 2016

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that the Guide to Programs has had several changes throughout the years and continues to evolve every year they go through the program. She said the City hired a third party to evaluate the Program and it was determined that what the City has is two clearly distinctive programs: a Rehabilitation Grant Program for the interior of the property and a Preservation Easement Program for the exterior of the property. They each have their own tax consequences, so it was decided to separate the programs. Linker referenced the notable changes for each Program as listed in the packet.

City Attorney Hoffman then emphasized that the State always had oversight with the Grant Program, and this change now separates the Grant and Easement Programs, so all the provisions of State law now applies only to the Grant Program, not the Easement Program.

Alderman Torres had a question about income tax credit, which Hoffman explained was a State run program that the City administers and is different from the City's reimbursement of the income tax component where the City will reimburse a homeowner the first round of income tax paid under State law as a result from receiving grant funding, of course that reimbursement is subject to future taxes.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 21-2016, A Resolution Adopting the Revised Community Restoration and Preservation Guide to Programs, Revised March 2016.

MOTION PASSED

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

B. Resolution 22-2016, A Resolution Approving the First Amendment to Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC

Mayor Spellman read the title.

City Attorney Hoffmann provided history on the original agreement from August 2015, which was contingent on receiving land use approvals from Central City. He confirmed the approvals were given, yet the City has not made the improvements yet required by Central City. He said the parties have agreed to extend closing until July 1 and this approval would also include a Temporary Construction Easement so that the City can have access to Smithrock property in order to do the excavation prior to acquiring it. He added that substitute parking will be provided.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 22-2016, A Resolution Approving the First Amendment to Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC.

MOTION PASSED

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

11. CITY MANAGER REPORTS:

City Manager Lewis provided an update on radio coverage within the casinos. He said one year ago there was not adequate radio coverage with the Police and Fire Departments and casinos were given one year to comply. He was happy to report that by August 2016 all casinos will be in compliance.

12. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

13. 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 3:35 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

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

MOTION TO ADJOURN

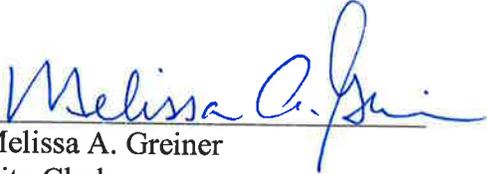
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to adjourn the Executive Session at 3:40 p.m.

MOTION PASSED

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

14. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 3:40 p.m.



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

