



**City of Black Hawk
City Council**

January 24, 2018

MEETING MINUTES

Baseline Engineering Consultant Ethan Watel, rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, January 24, 2018, 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, Fire Chief Taylor, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning and Development Administrator Linker, Baseline Engineering Consultant Watel, 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 known agenda changes.

Mayor Spellman said he'd like to add a question to Council after Action Item 8E in regards to marketing money for the BID.

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. No 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 COMMENT: Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. APPROVAL OF MINUTES: January 10, 2018

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.

7. PUBLIC HEARINGS:

- A. **Resolution 2-2018, A Resolution Conditionally Approving the Certificate of Appropriateness and the Site Development Plan for the Canyon Parking Garage and Lot**
- B. **Resolution 3-2018, A Resolution Approving Variances from the Front Set Back and Landscaping Requirements**

Mayor Spellman read the titles and re-opened the public hearings from December 13, 2017.

Community Planning and Development Administrator Linker and Baseline Engineering Senior Planner Watel introduced these items. Watel explained the changes that took place since the December 13 meeting where Resolution 69-2017 approved the final subdivision plat, but the Site Development Plan (SDP) and variances were continued. He said these current resolutions include a First Amendment to the Subdivision/Site Improvement Agreement and the variance requests. He went through a slide presentation depicting the revised architectural elements based off feedback the applicant had received from Council in December. The two zoning variance requests are for a 10-foot front set back and a 10-foot landscape strip. Watel explained that the FEMA floodplain for North Clear Creek in this area is tied to the Subdivision/Site Improvement Agreement, because the applicant is required to do some channel improvements in order to bring this area back in line with the actual approved FEMA floodplain map. He said the existing situation on the ground is different from what is on the map. He added that just prior to today's meeting, the applicant asked to reword Condition H on Resolution 2-2018 related to this issue. Staff recommends approval of both of the resolutions, subject to Section 4, Condition H of Resolution 2-2018 being reworded.

City Attorney Hoffmann said that Condition H would be mutually agreed upon by both parties and would only come back before Council

if no agreement was reached. He explained that the concern from the applicant in regards to Condition H is that the condition is impossible for the applicant to achieve as they cannot submit the map revision documents until the conditions have been completed. The application to amend the map will be submitted after the improvements have been completed, and Hoffmann said they would not be able to receive a Certificate of Occupancy for the structure until the submittal to amend the map has been made. He said that is the concept, both parties just need to work on the language.

Dave Grunenwald, Vice-President of Development for Jacobs Entertainment and Bob Schnautz, of River Studio Architects in Golden were present to go over details of the changes such as the masonry arches, 5-foot canopy over the entrance, recessed panels on the brick, and native stone in dry stack fashion below the windows. They confirmed that the windows on Main Street will be all glass, but the side openings are mesh instead of glass for ventilation. Council was happy with the revisions stating the applicant captured what was suggested at the last meeting.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 2-2018, a Resolution conditionally approving the Certificate of Appropriateness and the Site Development Plan for the Canyon parking garage and lot and Resolution 3-2018, a Resolution approving variances from the front set back and landscaping requirements 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 Torres to approve Resolution 2-2018, a Resolution conditionally approving the Certificate of Appropriateness and the Site Development Plan for the Canyon parking garage, noting Condition H will be reworked to the mutual satisfaction of both parties, and Resolution 3-2018, a Resolution approving variances from the front set back and landscaping requirements.

MOTION PASSED

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

- C. Resolution 6-2018, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Lighting of the Golden Gates Casino Located at 261 Main Street**
- D. Resolution 7-2018, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Lighting of the Mardi Gras Casino Located at 300 Main Street**

E. Resolution 8-2018, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Lighting of the KMM Parking Garage Located at 255 Main Street

Mayor Spellman read the titles and opened the public hearings.

Community Planning and Development Administrator Linker and Baseline Engineering Senior Planner Watel introduced these straightforward applications for exterior lighting to enhance the exterior of all the buildings noted, with the same four standard conditions as listed in each resolution.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolutions 6-2018, 7-2018, and 8-2018, Resolutions conditionally approving Certificates of Appropriateness for the exterior lighting of the Golden Gates Casino located at 261 Main Street, the Mardi Gras Casino located at 300 Main Street, the KMM Parking Garage located at 255 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 Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolutions 6-2018, 7-2018, and 8-2018, Resolutions conditionally approving Certificates of Appropriateness for the exterior lighting of the Golden Gates Casino located at 261 Main Street, the Mardi Gras Casino located at 300 Main Street, the KMM Parking Garage located at 255 Main Street.

MOTION PASSED

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

8. ACTION ITEMS:

- A. Resolution 9-2018, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Cactus Arts as Lessee for Property Located at 440 Gregory Street, Black Hawk, Colorado**
- B. Resolution 10-2018, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Twin Perspective, LLC as Lessee for Property Located at 450 Gregory Street, Black Hawk, Colorado**

Mayor Spellman read the titles.

Finance Director Hillis introduced two leases with the same standard conditions as the other tenants in Mountain City.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolutions 9-2018 and 10-2018, Resolutions approving the Agreements of Lease between the City of Black Hawk as lessor and Cactus Arts as lessee for property located at 440 Gregory Street, Black Hawk, Colorado, and between the City of Black Hawk as lessor and Twin Perspective, LLC as lessee for property located at 450 Gregory Street, Black Hawk, Colorado.

MOTION PASSED

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

C. Resolution 11-2018, A Resolution Approving a Lease Agreement and Necessary Development Documents with CommNet Cellular dba Verizon Wireless for the Installation and Maintenance of a Small Site Cellular Tower on the Hidden Valley Water Plant Property

Mayor Spellman read the title.

Public Works Director Isbester explained that Verizon wants to put in a small cell tower over at the Hidden Valley Water Plant. He said the City has ground that is currently not being utilized and Verizon is providing all their own equipment; the City is just providing the space and getting some rent for it.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 11-2018, a Resolution approving a Lease Agreement and necessary development documents with CommNet Cellular dba Verizon Wireless for the installation and maintenance of a small site cellular tower on the Hidden Valley Water Plant property.

MOTION PASSED

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

D. Resolution 12-2018, A Resolution Approving the First Addendum to Professional Services Agreement for Holiday Decorations with Alpine Artisan Studios in the Amount Not to Exceed \$155,010.26

Mayor Spellman read the title.

Public Works Director Isbester said this resolution was to take down the current decorations, refurbish and store them, and to put them up again later this year. The price is a little more than last year because some of the garlands have to be replaced due to deterioration over the years. Isbester said if Council would like to suggest any other locations to put up decorations to please let him know. With potential new locations along Gregory Street due to the improvements, he said he would

provide an inventory and come back with a suggested program for the future.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 12-2018, a Resolution approving the First Addendum to Professional Services Agreement for holiday decorations with Alpine Artisan Studios in the amount not to exceed \$155,010.26.

MOTION PASSED

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

E. Resolution 13-2018, A Resolution Approving the 2018 Fireworks Production Contract Between the City of Black Hawk and Western Enterprises, Inc.

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item and said this contract is the first price increase since 2015, due to a 7% increase from their overseas supplier.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 13-2018, a Resolution approving the 2018 Fireworks Production Contract between the City of Black Hawk and Western Enterprises, Inc.

MOTION PASSED

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

Mayor Spellman addressed the topic of the Business Improvement District's (BID) marketing money, and said Council discussed this prior to the budget sessions. He said the casinos did not meet their requisite benchmark for funding, so the City decided to go ahead and make a marketing contribution. He said the agreement with the BID does not reflect that and Council will have to amend it for this year. He is asking Council to authorize release of those funds, at the time \$185,000 was budgeted. Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve \$200,000 in funding for the City and BID marketing plan, all were in favor 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 2 only for Executive Session for specific legal questions relate to potential legislation.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:25 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).

MOTION PASSED

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

**MOTION TO
ADJOURN**


Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates 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, CMC
City Clerk


David D. Spellman
Mayor

