



**City of Black Hawk  
City Council**

**July 11, 2018**

**MEETING MINUTES**

Sam Gerrity, of the Saratoga Casino ownership group, rang the bell to open the meeting.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, July 11, 2018, at 3:00 p.m. by Mayor Spellman.

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

Absent: Alderman Torres.

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, Fire Chief Woolley, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning and Development Administrator Linker, Baseline Consultant 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 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. 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: June 13, 2018

**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. CB12, An Ordinance Approving an Intergovernmental Agreement for the 2018 General Election Between the City of Black Hawk and Gilpin County by the Gilpin County Clerk and Recorder**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner explained this Ordinance was in preparation for the fall election.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB12, an Ordinance approving an Intergovernmental Agreement for the 2018 General Election between the City of Black Hawk and Gilpin County by the Gilpin County Clerk and Recorder 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 CB12, an Ordinance approving an Intergovernmental Agreement for the 2018 General Election between the City of Black Hawk and Gilpin County by the Gilpin County Clerk and Recorder.

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

**B. Resolution 42-2018, A Resolution Conditionally Approving the Certificate of Appropriateness and the Site Development Plan for the Saratoga Casino Parking Garage Conversion**

- C. Resolution 43-2018, A Resolution Conditionally Approving a Certificate of Appropriateness for the Comprehensive Sign Plan Amendment for the Saratoga Casino Parking Garage**
- D. Resolution 44-2018, A Resolution Conditionally Approving the Certificate of Appropriateness, the Minor Plat and the Site Development Plan for the Construction of a New Saratoga Casino Parking Lot**
- E. Resolution 45-2018, A Resolution Conditionally Approving a Certificate of Appropriateness for the Comprehensive Sign Plan Amendment for the New Saratoga Casino Parking Lot**

Mayor Spellman read the titles to hold one public hearing for Agenda items B, C, D and E and opened the public hearing.

Baseline Consultant Harris introduced these items; the details were included in the packet. He summarized each resolution: the existing valet parking garage would be converted into a public parking garage, a new valet parking lot would be constructed off of Bobtail Road across the street from the top level of the Saratoga Casino garage, and changes to the existing Comprehensive Sign Plan and a new Comprehensive Sign Plan to accommodate for each parking area. The new parking lot proposal includes a Minor Plat application to create a single legal parcel. He said the Subdivision Improvements Agreement (SIA) was just signed today, so Resolution 44-2018 would need to be modified to strike the words “yet to be” in relation to the SIA, since it is now completed, and also to add a new condition for the applicant to petition the Silver Dollar Metropolitan District (SDMD) and the Business Improvement District (BID) to annex the Bobtail parcel into those districts.

City Attorney Hoffmann explained that the original packet sent out on Friday did not include the SIA, because it was just recently discovered that due to the size of the excavation component of the project it actually triggered a different section of the Municipal Code, and he wanted to thank Saratoga for getting the Agreement done so quickly for today’s meeting. He said, if Council were inclined to approve Resolution 44-2018, the motion should include the approval of the SIA.

Brian Davis, representing Saratoga Casino from Saratoga Springs, New York, was present along with Saratoga representatives and members of the design team to answer any questions. He went through a series of presentation boards to explain the proposals and said the reason why they were doing this was to serve their patrons who have requested self-parking over the years.

Baseline Consultant Harris noted for the record that there were no variances requested with any of these proposals and that the applicant met all of the City's landscaping and zoning requirements.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 42-2018, a Resolution conditionally approving the Certificate of Appropriateness and the Site Development Plan for the Saratoga Casino parking garage, Resolution 43-2018, a Resolution conditionally approving a Certificate of Appropriateness for the Comprehensive Sign Plan amendment for the Saratoga Casino parking garage, Resolution 44-2018, a Resolution conditionally approving the Certificate of Appropriateness, the Minor Plat and the Site Development Plan for the construction of a new Saratoga Casino parking lot, and Resolution 45-2018, a Resolution conditionally approving a Certificate of Appropriateness for the Comprehensive Sign Plan amendment for the new Saratoga Casino parking lot 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 Armbright to approve Resolution 42-2018, A Resolution conditionally approving the Certificate of Appropriateness and the Site Development Plan for the Saratoga Casino parking garage.

**MOTION PASSED**

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

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 43-2018, a Resolution conditionally approving a Certificate of Appropriateness for the Comprehensive Sign Plan amendment for the Saratoga Casino parking garage.

**MOTION PASSED**

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

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 44-2018, a Resolution conditionally approving the Certificate of Appropriateness, the Minor Plat and the Site Development Plan for the construction of a new Saratoga Casino parking lot, and to include the SIA, and so amended to include the petitioning language to be included into the SDMD and BID.

**MOTION PASSED**

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

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 45-2018, a Resolution conditionally approving a Certificate of Appropriateness for the Comprehensive Sign Plan amendment for the new Saratoga Casino parking lot.

**MOTION PASSED**

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

8. ACTION ITEMS:

**A. Resolution 46-2018, A Resolution Agreeing to Act Through the Black Hawk Historic Preservation Commission as a Reviewing Entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects, as Set Forth in C.R.S. § 39-22-514.5, as Amended**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item. She said her office was contacted by the Chief Preservation Programs Officer, who was notifying all Certified Local Governments (CLG) of a new law and asking for a new resolution since the prior resolution approved by Council on December 2, 2009 is now for an expired law.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 46-2018, a Resolution agreeing to act through the Black Hawk Historic Preservation Commission as a reviewing entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects, as set forth in C.R.S. § 39-22-514.5, as amended.

**MOTION PASSED**

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

**B. Resolution 47-2018, A Resolution Accepting City of Black Hawk 2017 Audit**

Mayor Spellman read the title.

Finance Director Hillis was pleased to announce the City's auditor has issued a clean or unqualified opinion, which means there were no issues.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 47-2018, a Resolution accepting City of Black Hawk 2017 Audit.

**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 items number 2 and 5 for Executive Session for specific legal questions related to potential litigation.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:38 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)(e).

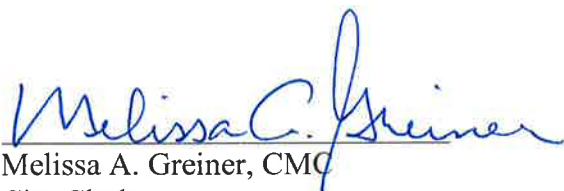
**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.

**MOTION TO ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:55 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 3:55 p.m.

  
Melissa A. Greiner, CMC  
City Clerk

  
David D. Spellman  
Mayor  
