



**City of Black Hawk  
City Council**

**August 12, 2015**

**MEETING MINUTES**

Mardi Gras General Manager, Scott Nelson, rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, August 12, 2015, at 3:00 p.m. by Mayor Spellman.

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

**Absent:** Aldermen Armbright's absence was excused.

**Staff present:** City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Fire Chief Taylor, Public Works Director Isbester, and Community Planning and Development Administrator Linker.

**PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. **AGENDA CHANGES:** City Clerk Greiner 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:** City Clerk Greiner stated that no one had signed up to speak.

6. **APPROVAL OF MINUTES** July 22, 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 17, A Bill for an Ordinance Rezoning Certain City Owned Property to the Public Facilities (PF) District and the Commercial/Business Services (CBS) District**

Mayor Spellman read the title and opened the public hearing.

Baseline Corporation Consultant, Vice Harris, explained a need exists for rezoning the five City owned properties pursuant to Section 16-121 of the City of Black Hawk Zoning Ordinance.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB17, A bill for an Ordinance Rezoning Certain City Owned Property to the Public Facilities (PF) District and the Commercial/Business Services (CBS) District 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 CB17, A bill for an Ordinance Rezoning Certain City Owned Property to the Public Facilities (PF) District and the Commercial/Business Services (CBS) District.

**MOTION PASSED**

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

**B. CB 18, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, Timberline Fire Protection District, City of Central, Gilpin County, and Clear Creek County Regarding a Maintenance Agreement for a Command Vehicle**

Mayor Spellman read the title and opened the public hearing.

Police Chief Cole explained that in 2013 the North Central All Hazards Region (NCR) funded a Command Vehicle for the City of Black Hawk to be used as a resource for local first responders during emergencies. Law enforcement and fire agencies from the City of Black Hawk, Gilpin County, Clear Creek County, Central City, and the Timberline Fire Protection District collaborated to design a vehicle to specifically meet the needs of first responders working in mountainous terrain. The

vehicle will be owned by the City of Black Hawk and stored in a Timberline Fire District building or other suitable facility. The vehicle will support major events such as fires, major incidents, and emergency situations involving multiple agencies. The IGA creates a maintenance agreement for the Command Vehicle thereby reducing maintenance cost to each participating entity. The Mayor asked about the possibility of parking at the County's facility on Apex Road. Discussion ensued.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB 18, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, Timberline Fire Protection District, City of Central, Gilpin County, and Clear Creek County Regarding a Maintenance Agreement for a Command Vehicle.

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 CB 18, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, Timberline Fire Protection District, City of Central, Gilpin County, and Clear Creek County Regarding a Maintenance Agreement for a Command Vehicle.

**MOTION PASSED**

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

**C. CB 19, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the City of Golden**

Mayor Spellman read the title and opened the public hearing.

Fire Chief Taylor explained that currently the City does not have a formal agreement specifically with the City of Golden for providing mutual aid resources. The City of Golden Fire Department responds to emergencies between the Hwy 6 and Hwy 119 intersection and the Hwy 6 and Hwy 93 intersection in Golden. Currently the City of Black Hawk Fire Department is responding on mutual aid west of Tunnel 3 which is a major traffic thoroughfare for visitors to our community. Golden has also provided aerial apparatus support to our community when requested. The Mayor commented that Golden should be the primary responder. Discussion ensued.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB 19, An Ordinance Approving a Mutual Aid 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 Bennett **MOVED** and was **SECONDED** by Alderman Torres to Approve CB 19, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the City of Golden.

**MOTION PASSED**

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

**D. CB 20, An Ordinance Appointing a Director to the Board of the Black Hawk Business Improvement District**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that the Black Hawk Business Improvement District (BID) was organized by Councilman's Bill Number 26, Ordinance Number 95-8 of the City of Black Hawk on July 26, 1995. Under that Ordinance and subsequent enactments, the Board of Directors of the District has been appointed by the City Council. All Board members must, by law, be electors of the District. The BID currently has a vacancy on the Board of Directors that is required to be filled by the City Council

Based upon the recommendations provided by owners of taxable property in the BID and other information available to the City, and finding that there is presently a vacancy to be filled on the BID Board, pursuant to Section 31-25-1209(1)(b), C.R.S., the City Council hereby appoints the Shawn Harris, Saratoga Casino General Manager, to the office of Director of the BID.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB 20, An Ordinance Appointing a Director to the Board of the Black Hawk Business Improvement District 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 Johnson to Approve CB 20, An Ordinance Appointing a Director to the Board of the Black Hawk Business Improvement District.

**MOTION PASSED**

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

**E. Local Liquor Licensing Authority Consideration of a New Tavern Liquor License for JE Tavern, Inc. dba JE Tavern, 240 Main Street**

Mayor Spellman read the title.

City Attorney Hoffmann reminded Council that they were now acting as the Local Liquor Licensing Authority and the staff report identifies the findings they are required to make which will be based on the investigation and evidence presented today on whether or not the reasonable requirements of the neighborhood for the type of license sought will allow for an additional license in Black Hawk and whether or not the applicant himself is qualified to be a liquor licensee.

Robert Dill, Attorney for JE Tavern, Inc., business address, 455 Sherman, Suite 300, Denver, CO and John East, Owner and President of JE Tavern, 1801 Wynkoop, #602, Denver, CO. came forward.

City Attorney Hoffman asked if there were other witness in addition to Mr. East. Dodd Hanneman, General Manager of Z Casino, 101 Gregory St., Black Hawk, was presented as an additional witness. City Attorney Hoffmann swore in the witnesses, and Mr. Dill questioned Mr. East and Mr. Dodd regarding the facts of the proposed license.

**PUBLIC HEARING:**

Mayor Spellman declared the Public Hearing for the Liquor License Application for JE Tavern, Inc. open and invited anyone wanting to address the Board either "for" or "against" the license 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 Moates to approve the New Tavern Liquor License for JE Tavern at 240 Main Street.

**8. ACTION ITEMS:**

**F. Local Liquor Authority Consideration of the Certification of a Promotional Association and Common Consumption Area for The Lodge Association, Inc.**

Mayor Spellman read the title.

City Attorney Hoffmann explained that Council acting as the Local Liquor Licensing Authority has just approved the request for a liquor license for JE Tavern, which qualifies them to apply for a Promotional Association and Common Consumption Area. City Attorney Hoffman said the applicant is meeting the requirements of the ordinance by

listing the dates and times of operation, but suggests authorization for the Common Consumption Area to operate 24 hours, as recommend by staff, to better regulate policing.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the Certificate for a Promotional Association and Common Consumption Area for The Lodge Association, Inc. to authorize operations for 24 hours.

**MOTION PASSED**

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

**G. Local Liquor Authority Consideration of the Certification of a Promotional Association and Common Consumption Area for AG Black Hawk Promotional Association I.**

Mayor Spellman read the title.

City Attorney Hoffmann explained this is a similar application and similar staff recommendations as the previous agenda item. The Mayor asked if the applicant would like to speak. Scott Nelson, General Manager of the Mardi Gras Casino, came forward.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Bennett to approve the Certificate for a Promotional Association and Common Consumption Area for AG Black Hawk Promotional Association, Inc. to authorize operations for 24 hours.

**MOTION PASSED**

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

**H. Local Liquor Authority Consideration of a Request for a New Tavern Liquor License for Chicago Dogs Eatery, Inc. and Monarch Black Hawk, Inc. at 444 Main Street and to set the Boundaries of the Neighborhood and to Set a Date for Public Hearing**

Mayor Spellman read the title.

City Attorney Hoffmann reminded Council that they were sitting for the last time today as the Local Liquor Authority and then proceeded to provide background on this request. He said the applicant is ultimately looking for a second liquor license to then apply for a Promotional Association and Common Consumption Area. Hoffmann said the boundaries have normally been the entire City of Black Hawk and the hearing date would be scheduled for September 23, 2015.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Midcap to approve the Request for a New Tavern Liquor License for

Chicago Dogs Eatery, Inc. at 444 Main Street and to set the Boundaries of the Neighborhood as the whole City of Black Hawk, and to set the public hearing date for September 23, 2015.

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

**I. Resolution 57, A Resolution Approving the Agreement for 2015-2016 Holiday Decoration Maintenance and Installation Services with Alpine Artisan Studios in the Amount Not to Exceed \$115,439.**

Mayor Spellman read the title.

Public Works Director, Isbester gave an overview of the annual contract, and stated the contract is less than the 2014-2015 contract.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 57, A Resolution Approving the Agreement for 2015-2016 Holiday Decoration Maintenance and Installation Services with Alpine Artisan Studios in the Amount Not to Exceed \$115,439.

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

**10. CITY MANAGER REPORTS:**

City Manager Lewis invited Community Planning and Development Administrator Linker to report on Bull Durham's Fee Waiver Request. Staff recommended no reduction in the billing and there was consensus with Council.

**11. CITY ATTORNEY:** City Attorney Hoffmann noted the distribution of two memos.

**12. EXECUTIVE SESSION:** City Attorney Hoffmann recommended items number 2 and 5 for Executive Session, in regards to potential legislation.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:45 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(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 4:50 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 4:50 p.m.



Melissa A. Greiner  
City Clerk



David D. Spellman  
Mayor

