



**City of Black Hawk
City Council**

May 27, 2015

MEETING MINUTES

Weekly Register-Call Reporter Heather Worrell rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, May 27, 2015, at 3:00 p.m. by Mayor Spellman.

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

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, Finance Director Hillis, Senior Civil Engineer Matt Reed, 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 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

May 13, 2015.

**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. Ordinance 2015-13, An Ordinance Amending the Black Hawk Municipal Code Concerning Modifications to Existing Wireless Telecommunications Facilities

Mayor Spellman read the title and opened the public hearing.

Baseline Corporation Consultant Vince Harris introduced this item. The FCC has made further clarifications to the Spectrum Act and this Ordinance would adopt those new clarifications. City Attorney Hoffmann confirmed and had prepared the Ordinance.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB13, An Ordinance Amending the Black Hawk Municipal Code Concerning Modifications to Existing Wireless Telecommunications Facilities.

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 CB13, An Ordinance Amending the Black Hawk Municipal Code Concerning Modifications to Existing Wireless Telecommunications Facilities.

MOTION PASSED

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

B. Ordinance 2015-14, An Ordinance Amending Article XVII of Chapter 6 of the Black Hawk Municipal Code Regarding Entertainment Districts

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that this Ordinance would amend the hours of liquor service in an Entertainment District, only if a Promotional Association were to ask for extended hours between 2:00 a.m. and 7:00 a.m. The Liquor Enforcement Division of the Department of Revenue recently issued a memo granting a Local Licensing Authority the authority to set hours of operation outside of the current 2:00 a.m. to 7:00 a.m. restriction. Hoffmann noted the applicant would still have to document the needs and desires of the neighborhood.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB14, An Ordinance Amending Article XVII of Chapter 6 of the Black Hawk Municipal Code Regarding Entertainment District.

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 CB14, An Ordinance Amending Article XVII of Chapter 6 of the Black Hawk Municipal Code Regarding Entertainment District.

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

C. Resolution 41, A Resolution Approving an Amendment to the Comprehensive Sign Plan for Z Casino

Mayor Spellman read the title and opened the public hearing.

Baseline Corporation Consultant Vince Harris explained that Z Casino had received approval for their Comprehensive Sign Plan (CSP) prior to the Sign Code adoption and now they have some amendments to their plan. The Code states that any change to an existing CSP constituting 10% or more of the previously approved sign area shall be approved by the City Council in a public hearing. Harris said Z Casino is proposing to increase the overall sign area by 13.8%, which still falls below what is allowed on this property. The proposed changes were included in the packet.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 41, A Resolution Approving an Amendment to the Comprehensive Sign Plan for Z Casino.

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 Armbright to Approve Resolution 41, A Resolution Approving an Amendment to the Comprehensive Sign Plan for Z Casino.

MOTION PASSED

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

8. ACTION ITEMS:

D. Resolution 42, A Resolution Approving the License Agreement Between the City of Black Hawk and Sasquatch Casino, LLC

Mayor Spellman read the title.

Baseline Corporation Consultant Vince Harris explained the purpose of this License Agreement was for the use of the City Hall plaza on Selak Street next to Black Hawk Station Casino for future Special Events, such as a BBQ or promotional event.

Harris said there were five conditions for approval included in the packet, but he would like to request an additional condition extending the hours of operation, which as per Code shall end at 10:00 p.m., in case Sasquatch were to have a vehicle on display. Instead of requiring Sasquatch to remove the vehicle each night, the additional condition would allow the City Clerk to extend the hours. The 6th condition would read: Licensee shall submit a Special Event permit for each event and the City Clerk shall be allowed to extend the hours of each Special Event permit beyond the typical Special Event hours to a reasonable continuation of the Special Event. Harris said he reviewed this language with the applicant's representative at Sasquatch and they were in agreement.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 42, A Resolution Approving the License Agreement Between the City of Black Hawk and Sasquatch Casino, LLC.

MOTION PASSED

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

E. Resolution 43, A Resolution Awarding the Bid and Approving the Contract for the Rehabilitation of 301 High Street to Whitestone Construction in an Amount Not to Exceed \$826,644

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that an RFP had been sent to over 300 contractors through the BidNet System. Two bids were received, one of which was disqualified. Linker said Whitestone Construction exceeded the amount, so they sat down to value engineer the project. This final amount is what was determined, \$564,800 is for the preservation easement portion and \$261,844 is for the interior. She noted that the interior portion is on the high side because the homeowner wants to keep all the existing historical features.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 43, A Resolution Awarding the Bid and Approving the Contract for the Rehabilitation of 301 High Street to Whitestone Construction in an Amount Not to Exceed \$826,644.

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 item numbers 2 and 5 for Executive Session, in regards to legal issues regarding the Eureka Casino property.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:15 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 Johnson **MOVED** and was **SECONDED** by Alderman Moates to adjourn the Executive Session at 4:44 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 4:44 p.m.



Melissa A. Greiner
City Clerk



David D. Spellman
Mayor

