New employee Firefighter David Young rang the bell to open the meeting.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, September 25, 2019, at 3:00 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Fire Captain Castro and his C Shift, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineer Reed, Community Planning & Development Administrator Linker, 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. 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. INTRODUCTION OF NEW EMPLOYEES: David Young, Firefighter

Fire Chief Woolley introduced the City’s newest firefighter David Young and was pleased to note his background in concrete construction. Mr. Young was formerly with the Fairmount Fire Protection District and has experience in wildfire incidents. He was warmly welcomed.

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

7. APPROVAL OF MINUTES: September 11, 2019

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.

8. PUBLIC HEARINGS:

A. CB20, An Ordinance Approving the Proposed Eighth Amendment to the Service Plan of the Silver Dollar Metropolitan District

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this public hearing that was set at the last meeting as per the original Service Plan of the Silver Dollar Metropolitan District (SDMD). He said, if approved, this ordinance would amend the service plan to provide two additional services (transportation services and business recruitment, management, and development authority) and one change to the Board (nine-member Board of Directors), all of which have already been authorized by the SDMD.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB20, an Ordinance approving the proposed Eighth Amendment to the Service Plan of the Silver Dollar Metropolitan 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 Bennett MOVED and was SECONDED by Alderman Johnson to approve CB20, an Ordinance approving the proposed Eighth Amendment to the Service Plan of the Silver Dollar Metropolitan District.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

B. CB21, An Ordinance Amending Chapter 16 of the Black Hawk Municipal Code to Amend the Commercial/Business Services Zoning District, the History Appreciation Recreation Destination and Preservation District, and the Definitions Sections of the City’s Zoning Code

Mayor Spellman read the title and opened the public hearing.

Ethan Watel, Senior Planner at Baseline Engineering, introduced this item and noted for the record the correction to the Ordinance title and throughout the packet where reference to the History Appreciation and Preservation District should have been called the History Appreciation Recreation Destination District (HARD). He went through his presentation to Council. He said there are three proposed changes: one to the Commercial/Business Services District to add two permitted uses of an indoor or outdoor event center and an indoor mini-warehousing and storage facility and to add indoor shooting ranges and campgrounds to the list of Special Review Uses; two to change minimum lot dimensions and minimum setbacks to the Gregory Street area in the HARD District; and three to amend the definitions sections to accommodate for the proposed changes above.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB21, an Ordinance amending Chapter 16 of the Black Hawk Municipal Code to amend the Commercial/Business Services Zoning District, the History Appreciation and Preservation District, and the Definitions Sections of the City’s Zoning Code 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 Armbright to approve CB21, an Ordinance amending Chapter 16 of the Black Hawk Municipal Code to amend the Commercial/Business Services Zoning District, the History Appreciation and Preservation District, and the Definitions Sections of the City’s Zoning Code.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.
C. CB22, An Ordinance Approving the Grant Agreement Between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester introduced this item for a new bus to replace the #10 Blue Bird bus which has met the mileage and age requirements necessary to qualify for replacement and added that parts are becoming more difficult to find.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB22, an Ordinance approving the Grant Agreement between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk 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 Armbright to approve CB22, an Ordinance approving the Grant Agreement between the Colorado Department of Transportation, Division of Transit and Rail and the City of Black Hawk.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

9. ACTION ITEMS:

A. Resolution 61-2019, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Avery Asphalt, Inc. in an Amount Not To Exceed $61,760.00 for Construction of the Chase Street Asphalt Patching Project

Mayor Spellman read the title.

Senior Civil Engineer Reed explained the utility work done on Chase Street, which caused damage to the road. Since the work is not completed yet and to get through the winter months patching is necessary. He said they went out to bid and received one bid back due to the aggressive schedule. He said the contractor can start next week and it is a two-week job.

MOTION TO APPROVE

Alderman Bennett MOVED and was SECONDED by Alderman Armbright to approve Resolution 61-2019, a Resolution awarding the Bid and approving the Contract between the City of Black Hawk and Avery
Asphalt, Inc. in an amount not to exceed $61,760.00 for construction of the Chase Street Asphalt Patching Project.

**MOTION PASSED**

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

**B. Resolution 62-2019, A Resolution Approving Amendment No. 2 to the Construction Manager/General Contractor Agreement Executed on February 27, 2019 Between the City of Black Hawk and Roche Constructors, Inc. Establishing the Phase 2 Guaranteed Maximum Price (GMP) of $12,605,752.00 for Construction of the Gregory Street Plaza Project**

Mayor Spellman read the title.

Senior Civil Engineer Reed introduced this item and explained what was included and what was not included in this price, as outlined in the packet. Alderman Midcap asked why perimeter drains were excluded. Reed answered that the perimeter drain system is currently going through a geotechnical investigation, so it may be added back in if recommended by the final results. Alderman Midcap thought a perimeter French drain should be added regardless of the results. Reed will note the input.

Alderman Moates wanted to go on record to say this has been a tremendous amount of work done by a lot of very dedicated people to bring the City one step closer to its resort destination goal, and it is a great reinvestment in the City and in the future and wanted to thank everyone very much for their efforts.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 62-2019, a Resolution approving Amendment No. 2 to the Construction Manager/General Contractor Agreement executed on February 27, 2019 between the City of Black Hawk and Roche Constructors, Inc. establishing the Phase 2 Guaranteed Maximum Price (GMP) of $12,605,752.00 for construction of the Gregory Street Plaza Project.

**MOTION PASSED**

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

**C. Resolution 63-2019, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Brennan Stone Masonry in an Amount Not To Exceed $66,500.00 for Construction of the Clear Creek Parking Lot Wall Project**

Mayor Spellman read the title.

Public Works Director Isbester said staff has finally found a replacement stonemason who just recently built the monument sign up at the
Emergency Operations Center. Staff was pleased with their work, so decided to have them do this project.

**MOTION TO APPROVE**

Alderman Bennett MOVED and was SECONDED by Alderman Moates to approve Resolution 63-2019, a Resolution awarding the Bid and approving the Contract between the City of Black Hawk and Brennan Stone Masonry in an amount not to exceed $66,500.00 for construction of the Clear Creek Parking Lot Wall Project.

**MOTION PASSED**

There was no discussion, and the motion PASSED unanimously.

**D. Resolution 64-2019, A Resolution Approving Amendment No. 1 to the Design-Builder Contract Executed on April 24, 2019 Between the City of Black Hawk and Concrete Express, Inc., Establishing the Guaranteed Maximum Price (GMP) of $865,711.43 for Construction of the Bobtail Street Rail Slab Project**

Mayor Spellman read the title.

Senior Civil Engineer Reed explained the location to be on the north side of Bobtail Street, starting at the end of the existing rail slab down past the parking structure and ending at the Gregory Street intersection. He said this price also includes painting the entire length, resealing some parts, and grouting where needed. He added this figure does include the $108,500 previously approved for the design, which is almost done and they should be able to start mobilizing in mid-October.

**MOTION TO APPROVE**

Alderman Armbright MOVED and was SECONDED by Alderman Johnson to approve Resolution 64-2019, a Resolution approving Amendment No. 1 to the Design-Builder Contract executed on April 24, 2019 between the City of Black Hawk and Concrete Express, Inc., establishing the Guaranteed Maximum Price (GMP) of $865,711.43 for construction of the Bobtail Street Rail Slab Project.

**MOTION PASSED**

There was no discussion, and the motion PASSED unanimously.

**E. Resolution 65-2019, A Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for the Completion of Maryland Mountain Park Trail Project**

Mayor Spellman read the title.

City Manager Cole explained that the City is in the process of applying for this grant to build a trail system on the City’s property in 2020, and as part of the Grant, GOCO requires a resolution from Council approving
their guidelines and agreeing to pay 25% of the project, which can be met through various means. He said the work that has already been done may be eligible to be applied towards that amount, as they allow for a two-year lookback. He noted that the resolution calls out $400,000 when it is $527,040 that has been requested, so he is looking for approval for that amount. The resolution will be corrected.

**MOTION TO APPROVE**

Alderman Torres MOVED and was SECONDED by Alderman Midcap to approve Resolution 65-2019, a Resolution supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for the completion of Maryland Mountain Park Trail Project.

**MOTION PASSED**

There was no discussion, and the motion PASSED unanimously.

**F. Resolution 66-2019, A Resolution Approving a Variance to Allow a Reduction of the Minimum Width of a Driveway for an Access Point on the West Overflow Valet Parking Area of the Monarch Casino from 20-Feet to 14.5-Feet**

Mayor Spellman read the title and noted that this was to be a public hearing, and confirmed that it had been published in the paper.

Ethan Watel, Senior Planner at Baseline Engineering, introduced this item and went through his presentation to the Mayor and Board of Appeals. The Monarch is proposing to close their existing double-wide entrance/exit on the east end of their Port Cochere to convert that ground floor area into a poker room. The existing one-way exit on the west end is where the variance is being requested. The City’s driveway standards are 20-feet wide, and the existing size is 14.5-feet wide. Mr. Watel said that the applicant had met the hardship criteria in the Code to seek this variance request. He said this exit would become two-way access for overflow valet parking only, not open to the public. The main valet parking is located in the new parking structure. Staff recommends approval with several safety measure conditions, as listed in the resolution. Mr. Watel went on to add that an amendment to the Certificate of Architectural Compatibility would be done to account for the change to the façade since that wall will be filled in for the poker room.

Joseph Marandola of MBA Architecture out of Reno, Nevada was present on behalf of the applicant and reiterated that the Monarch has taken every measure to control the traffic flow in and out so there is no confusion, no impact to traffic on Main Street with the addition of the right turn lane, and safety issues mitigated by what was listed in the conditions for approval.
PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 66-2019, a Resolution approving a Variance to allow a reduction of the minimum width of a driveway for an access point on the west overflow valet parking area of the Monarch Casino from 20-feet to 14.5-feet open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution 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 Bennett to approve Resolution 66-2019, a Resolution approving a Variance to allow a reduction of the minimum width of a driveway for an access point on the west overflow valet parking area of the Monarch Casino from 20-feet to 14.5-feet.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

G. Resolution 67-2019, A Resolution Approving the First Amendment to the Agreement of Lease Between the City of Black Hawk as Lessor and Ed & Shirley, Inc. as Lessee for Property Located at 200 Gregory Street, Black Hawk, Colorado

Mayor Spellman read the title.

Finance Director Hillis explained that the Gregory Street Phase 2 Project would be using the Briggs Lot at 562 Gregory Street as a construction laydown area, which will impede Ed & Shirley, Inc. from being able to use their parking lot just west of this lot. He said to accommodate them, this amendment to their parking lot lease at Crook’s Palace at 200 Gregory Street will include 17 spaces at a temporary lot created for this purpose located between Crook’s parking lot and the St. Charles Carriage House Parking Garage.

MOTION TO APPROVE

Alderman Bennett MOVED and was SECONDED by Alderman Torres to approve Resolution 67-2019, a Resolution approving the first amendment to the Agreement of Lease between the City of Black Hawk as lessor and Ed & Shirley, Inc. as lessee for property located at 200 Gregory Street, Black Hawk, Colorado.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

H. Resolution 68-2019, A Resolution Approving the Proposal from the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2020 Property Casualty Coverage
Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item. She said $246,945 is the annual renewal, which is a 12% increase over last year. She reported that even though the City’s loss ratio (claims) decreased a fraction, there is an increase in the total projected operating expenditures, building values, and anticipated payrolls. Mayor Spellman noted that this actually represents the success of the City.

MOTION TO APPROVE

Alderman Bennett MOVED and was SECONDED by Alderman Moates to approve Resolution 68-2019, a Resolution approving the proposal from the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2020 Property Casualty Coverage.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

I. Resolution 69-2019, A Resolution Approving the Communication System and Service Agreement Between the City of Black Hawk and Motorola Solutions, Inc. in an Amount Not To Exceed $67,101.00

Mayor Spellman read the title.

Police Chief Lloyd introduced this item. He said the City is moving over to the 800MHZ system through the State, and part of the contract is to upgrade existing dispatch consoles. He said the state has been adding more towers and more equipment, and the City has been adding into our systems as well, to increase radio capabilities. He added that the long-term maintenance costs would go down by being with the state. He said they currently pay over $50,000 a year with Motorola, and with the state, the price will drop to $15,000 a year for a $35,000 savings in the first year.

MOTION TO APPROVE

Alderman Armbright MOVED and was SECONDED by Alderman Johnson to approve Resolution 69-2019, a Resolution approving the Communication System and Service Agreement between the City of Black Hawk and Motorola Solutions, Inc. in an amount not to exceed $67,101.00.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

10. CITY MANAGER REPORTS:

City Manager Cole had nothing to report.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.
12. EXECUTIVE SESSION: None

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

Melissa A. Greiner, CMC
City Clerk

David D. Spellman
Mayor