



**City of Black Hawk
City Council**

August 14, 2019

MEETING MINUTES

The City's two new employees Kylie Vigil and Kevin Sagar rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, August 14, 2019, 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 Cole, Fire Chief Woolley, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Senior Civil Engineer Reed, Community Planning & Development Administrator Linker, Baseline Engineering Consultants Harris and Nieske, 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. INTRODUCTION OF NEW EMPLOYEES: Kylie Vigil, Communications Officer
Kevin Sagar, Police Officer

Police Chief Lloyd introduced the new employees. Police Officer Sagar hails from the Jefferson County District Attorney's Office where he spent the last 10 years; he's been in law enforcement for 25 years.

Communications Officer Vigil is a Colorado native and previously worked as a Corrections Officer at the Denver Women's Correctional Facility. Both were well received.

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

7. APPROVAL OF MINUTES:

July 24, 2019 Regular Meeting Minutes
July 24, 2019 Black Hawk Urban Renewal Authority Minutes

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbricht to approve the Minutes as presented.

MOTION PASSED

There was no discussion, and the motion passed unanimously.

8. PUBLIC HEARINGS:

A. CB16, A Bill for an Ordinance Amending Article XVIII of Chapter 6 of the Black Hawk Municipal Code Regarding Retail Marijuana Establishments

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann started this introduction by stating that The Green Solution (TGS) has been approved for their Transfer of Ownership License from 5B1S. He said TGS and staff have reviewed our Marijuana Code and agree updates were needed. Most of the changes were administrative from what the Clerk's office has done in practice, and the other change was being requested to be consistent with current State law in regards to the amount of marijuana sold in a single transaction to non-Colorado residents. Mr. Hoffmann said the current code listed the original amount from several years ago.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB16, a Bill for an Ordinance amending Article XVIII of Chapter 6 of the Black Hawk Municipal Code regarding Retail Marijuana Establishments open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

Abbey Borchers of TGS located at 231 Gregory Street came forward to speak in support of this change and reiterated that the current code of ¼ ounce for non-Colorado residents is from 2014 law. She said that the State changed it to one ounce for both Colorado and non-Colorado residents back in 2017.

No one else 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 CB16, a Bill for an Ordinance amending Article XVIII of Chapter 6 of the Black Hawk Municipal Code regarding Retail Marijuana Establishments.

MOTION PASSED

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

B. CB17, An Ordinance Setting Ballot Questions for a November 5, 2019 Special Election to be Conducted as an Independent Polling Place Election Pursuant to the Colorado Municipal Election Code

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner introduced this item. City Attorney Hoffmann added that the Sports Betting question, if approved, would only be effective if the authorization and tax on Sports Betting is approved statewide; if not approved, then this local approval would not go into effect.

Mayor Spellman noted Casino General Manager Turlan in the audience who looked a bit surprised about the Device Tax question. He assured him that this was being done in conjunction with the Sports Betting question due to the costs of holding an election and that the City just wants the authorization at this time. He went on to say that the City has no intention of raising the Device Tax in 2020. City Attorney Hoffmann added there are only certain times that these types of questions can be asked of the voters.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB17, an Ordinance setting Ballot Questions for a November 5, 2019 Special Election to be conducted as an independent polling place election pursuant to the Colorado Municipal Election 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 Moates **MOVED** and was **SECONDED** by Alderman Torres to approve CB17, an Ordinance setting Ballot Questions for a November 5, 2019 Special Election to be conducted as an independent polling place election pursuant to the Colorado Municipal Election Code.

MOTION PASSED

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

C. Resolution 50-2019, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for an Amendment to the Comprehensive Sign Plan for the Isle of Capri/Eldorado Casino

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained the applicant's submittal and went through staff's presentation. The applicant is rebranding from the Isle Casino to Eldorado Resorts. He said their original sign plan in 2011 had included a variance for additional signage square feet. 2,401 s.f. is allowed with the approved variance, 2,040 s.f. is the existing square feet currently being used, and 2,180 s.f. is proposed, so the applicant is still under their allowance of 2,401 s.f. There are two signs that appear to project into the City's right-of-way (ROW) that would require a License Agreement. He said one of the three conditions listed on the proposed resolution is for the applicant to reaffirm the property lines, and if any of the signs protrude into the City's ROW, then to seek out a License Agreement with the City.

Rodney Turlan, Vice President and General Manager of the Isle and Lady Luck Casinos located at 401 Main Street, was present to answer any questions. He added that although this is a rebranding, it needs to be done due to the age of the signs. He said they are looking for a fresher look for the community, and he believes the new signs will help with traffic flow.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 50-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility for an amendment to the Comprehensive Sign Plan for the Isle of Capri/Eldorado Casino open and invited anyone wanting to address the Board either "for" or "against" the proposed resolution to come forward.

Tom Feeney, Black Hawk resident, came forward in support and said it was nice to see the rebranding and that it will enhance the community.

No one else came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 50-2019, a Resolution conditionally approving a Certificate of Architectural Compatibility for an amendment to the Comprehensive Sign Plan for the Isle of Capri/Eldorado Casino.

MOTION PASSED

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

9. ACTION ITEMS:

- A. Resolution 51-2019, A Resolution Approving the Agreement for the Complete Demolition of 500 Chase Street and 531 Chase Street with Grapes & Sons Excavation in a Total Amount Not To Exceed \$54,400.00**

Mayor Spellman read the title.

Community Planning & Development Administrator Linker introduced this item. She said Weecycle Environmental solicited the bids as they were the company hired to manage this project. She said the bids came back exceedingly high, so the City decided to ask Grapes & Sons Excavation to offer a bid. Grapes & Sons came back with a much more manageable price, so the City has decided to pay Weecycle for their services to date and work with Grapes & Sons to finish this project. She added that the Demolition Permit will be ready by August 21 and the project will be done by September 30.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 51-2019, a Resolution approving the agreement for the complete demolition of 500 Chase Street and 531 Chase Street with Grapes & Sons Excavation in a total amount not to exceed \$54,400.00.

MOTION PASSED

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

- B. Resolution 52-2019, A Resolution Amending Resolution 100-2014 to Reflect the Placement of a Granite Monument as the Veteran's Memorial Plaque at Dory Hill Cemetery**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner said this was a housekeeping item to reflect what the City installed at the cemetery, due to not being able to find an experienced Rock Mason. The City went with a natural stone granite monument instead, which turned out beautiful.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 52-2019, a Resolution amending Resolution 100-2014 to reflect the placement of a granite monument as the Veteran's Memorial plaque at Dory Hill Cemetery.

MOTION PASSED

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

C. Resolution 53-2019, A Resolution Setting Forth the Fees that May Be Charged for Open Records Requests Under the Colorado Open Records Act, C.R.S. § 24-72-200.1, et seq.

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item, which allows the Open Record Requests hourly fee to be increased from \$30.00 after the first hour to \$33.58 to match the percentage change in the Consumer Price Index.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 53-2019, a Resolution setting forth the fees that may be charged for Open Records requests under the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*

MOTION PASSED

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

D. Resolution 54-2019, A Resolution Approving the First Amendment to Subdivision/Site Improvement Agreement Between the City of Black Hawk, Colorado and the Lodge Casino, LLC

Mayor Spellman read the title.

City Attorney Hoffmann explained that the Dakota project excavation work is complete and that this First Amendment allows for the Dakota excavation work security to be released. The City will retain the security for the remaining public improvements and the warranty period. He said the security previously held for the Dakota project, minus \$60,000, will be transferred to secure the remainder of the Canyon project, so they can release their performance bond. He added that this moves the public improvements to November and modifies the warranty periods based on what materials they use for the roadway, either concrete or asphalt.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 54-2019, a Resolution approving the First Amendment to Subdivision/Site Improvement Agreement between the City of Black Hawk, Colorado and the Lodge Casino, LLC.

MOTION PASSED

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

E. Resolution 55-2019, A Resolution Approving the Fifth Amendment to Subdivision/Site Improvement Agreement Between the City of Black Hawk, Colorado and JIJE, LLC

Mayor Spellman read the title.

City Attorney Hoffmann said the excavation and public improvements for the Canyon project are ongoing. He said this Fifth Amendment extends the public improvements now to November 2019 and provides the same warranty language as the Dakota project, dependent on the materials used. He said this will allow their performance bond to be released and to be replaced by the cash previously securing the Dakota project, but he stressed it does not release any current security on the Canyon project.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 55-2019, a Resolution approving the Fifth Amendment to Subdivision/Site Improvement Agreement between the City of Black Hawk, Colorado and JIJE, LLC.

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:

City Attorney Hoffmann recommended item number 2 only for Executive Session, and the specific legal issues relate to intergovernmental relations and potential litigation.

Before a motion was made to go into Executive Session, Council, staff and the audience sang Happy Birthday to Finance Director Lance Hillis!

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:26 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 Johnson to adjourn the Executive Session at 3:40 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 3:40 p.m.


Melissa A. Greiner, CMC
City Clerk


David D. Spellman
Mayor

