



**City of Black Hawk  
City Council**

**July 24, 2019**

**MEETING MINUTES**

Rodney Turlan, General Manager from Eldorado properties, rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, July 24, 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, 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 noted that Action Item 9C, Resolution 49-2019 had been added 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. PUBLIC COMMENT: Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session, and the specific legal issue relates to various property issues.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:01 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).

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

**MOTION PASSED  
MOTION TO RESUME TO OPEN, REGULAR SESSION OF MEETING**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to reconvene to the open, regular session of the meeting at 3:20 p.m.

**MOTION PASSED**

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

7. APPROVAL OF MINUTES:

July 10, 2019

**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. Local Liquor Authority Consideration of a New Hotel and Restaurant Liquor License for Isle of Capri Black Hawk, LLC dba Isle Casino Hotel Black Hawk at 401 Main Street**

Mayor Spellman read the title and opened the public hearing of the Local Liquor Licensing Authority.

City Attorney Hoffmann provided a brief background on this item.

Kevin Coates from Dill and Dill located in Denver and attorney for the applicant was present to introduce the application and confirm that all Liquor Code criteria had been met.

Also present were James Eisenhauer, Director of Marketing at Isle Casino Hotel Black Hawk, and Rodney Turlan, General Manager at Eldorado Isle Casino Hotel Black Hawk, located at 401 Main Street.

Mr. Coates explained the reason for the Change of Class from Retail Gaming Tavern class to a Hotel and Restaurant class so that the Isle can now offer alcohol in their room service and offer alcohol in closed containers as complimentary gifts. A Retail Gaming Tavern restricted these types of offerings. Mr. Coates said this was the only change and that all operations remain the same. He added that the need and desire for this class of license were evident in the petitions provided by Max Scott of Oedipus, Inc. Empirical Data Services, who was also present for any questions.

Discussion ensued on the Isle's Promotion Association and Common Consumption Area, and to ensure there are no issues, it was suggested that Mr. Coates would send a letter to the Clerk's office for their file explaining the change that took place. Deputy City Clerk added that once the State issues the new Hotel and Restaurant Liquor License number, she would follow-up with them to make note of the change to their Common Consumption Area as well.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on the Local Liquor Authority's consideration of a new Hotel and Restaurant Liquor License for Isle of Capri Black Hawk, LLC dba Isle Casino Hotel Black Hawk at 401 Main Street open and invited anyone wanting to address the Board either "for" or "against" the proposed liquor license to come forward. No one came forward to speak and Mayor Spellman declared the Public Hearings closed.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve the Local Liquor Authority's consideration of a new Hotel and Restaurant Liquor License for Isle of Capri Black Hawk, LLC dba Isle Casino Hotel Black Hawk at 401 Main Street.

**MOTION PASSED**

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

**B. CB15, An Ordinance Approving an Intergovernmental Agreement for the 2019 Special 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 introduced this item between the City and the County Clerk's office to coordinate the ballot issue notice in the ballot issue notice packet only. The City will then hold a Polling Place Election. It is a TABOR notice similar to what was done in 2017.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB15, an Ordinance approving an Intergovernmental Agreement for the 2019 Special 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 liquor license to come forward.

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

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve CB15, an Ordinance approving an Intergovernmental Agreement for the 2019 Special 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.

**9. ACTION ITEMS:**

- A. Resolution 47-2019, A Resolution Approving Amendment No. 2 to the CMGC Contract Executed on May 22, 2019 Between the City of Black Hawk and Taylor Kohrs LLC, and Therefore Accepting the Guaranteed Maximum Price (GMP) of Not to Exceed \$2,599,631.00 Plus 5% City Contingency for Construction of the Hidden Treasure Trailhead Project for a Total of \$2,699,631.00**

Mayor Spellman read the title.

Public Works Director Isbester introduced this item. He reminded Council that at their May 22 meeting they approved the original contract with Taylor Kohrs for preconstruction services. He added that at the June 26 Council meeting they approved Amendment 1 for a deposit to secure the production slot of the bridge for an early October 2019 delivery. He said they have gotten through about 90% of the CDOT permit process and there is still a little more electrical design left. There were several late added design elements for the bridge, and parking lot and that is the reason for the additional 5%.

Alderman Bennett asked how high the bridge would be and Isbester replied over 17 feet above the road. Alderman Midcap had several

questions regarding mobilization, dewatering and the contractor's 2 ½% to which Isbester responded to Council's satisfaction.

Mayor Spellman added that this is a giant stride forward and will change the landscape of not only Black Hawk, but Gilpin County. He said this project first began with acquiring property back in 2002.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 47-2019, a Resolution approving Amendment No. 2 to the CMGC Contract executed on May 22, 2019 between the City of Black Hawk and Taylor Kohrs LLC, and therefore accepting the Guaranteed Maximum Price (GMP) of not to exceed \$2,599,631.00 plus 5% City contingency for construction of the Hidden Treasure Trailhead Project for a total of \$2,699,631.00.

**MOTION PASSED**

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

- B. Resolution 48-2019, A Resolution Approving the Supplemental Change Order to the Professional Services Agreement for the Hidden Treasure Trailhead Project for Construction Administration Services with Stolfus and Associates, Inc. in the Amount Not to Exceed \$210,283.00**

Mayor Spellman read the title.

Public Works Director Isbester explained that due to the compressed timeframe to get this project done, there is a need for full-time inspection of this bridge, and without the time or the skillset for these critical inspections, staff is recommending a professional to oversee it.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 48-2019, a Resolution approving the Supplemental Change Order to the Professional Services Agreement for the Hidden Treasure Trailhead Project for Construction Administration Services with Stolfus and Associates, Inc. in the amount not to exceed \$210,283.00

**MOTION PASSED**

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

- C. Resolution 49-2019, A Resolution Approving the Combined Addendum to Subdivision/Site Improvement Agreement Dated June 21, 2017 and Fourth Amendment to Subdivision/Site Improvement Agreement Dated December 12, 2018, Between the City of Black Hawk, Colorado, the Lodge Casino, LLC and JIJE, LLC**

Mayor Spellman read the title.

City Attorney Hoffmann reiterated that this was a late addition to the agenda. Steve Jones, attorney for both the Lodge Casino and JIJE was available for any questions. City Attorney Hoffmann said this approval would only allow temporary occupancy of the parking lot before the public improvements were completed, and if the public improvements were not completed by November 20, 2019, then the right to use both the Canyon and Dakota parking lots will be revoked until the public improvements were completed. He added that he anticipates the applicant to come back within three weeks with a final version of amendments to the Subdivision Agreement to address security and completion issues so that all that would be left would be for the developer just to finish the work.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 49-2019, a Resolution approving the combined addendum to Subdivision/Site Improvement Agreement dated June 21, 2017 and Fourth Amendment to Subdivision/Site Improvement Agreement dated December 12, 2018, between the City of Black Hawk, Colorado, the Lodge Casino, LLC 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 mentioned the few memos on new legislation he has been sending Council, and one in particular, is in regards to posting notices of meetings. Beginning January 1, 2020, when Council approves their annual designated public place for the posting of meeting notices, the designated place may now be electronically on the City's website. The Clerk's office will also continue to post as they do now.

12. EXECUTIVE SESSION:

None

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 3:35 p.m.



Melissa A. Greiner, CM  
City Clerk



David D. Spellman  
Mayor

