

City of Black Hawk
City Council Minutes
October 8, 2014

Deputy City Clerk, Michele Martin, rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order at 3:00 p.m. by Mayor Spellman on Wednesday, October 8, 2014.

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

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

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

3. AGENDA CHANGES: City Clerk Greiner explained there were three (3) changes to the agenda. Item 7(A) has been recommended to be tabled indefinitely, and items 8(G) and (H) have been recommended to be continued to October 22, 2014.

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. (a) INTRODUCTION OF NEW EMPLOYEE: Michele Martin, Deputy City Clerk.

(b) PUBLIC
COMMENTS:

City Clerk Greiner explained no one had signed up for public comments.

6. APPROVAL OF
MINUTES

September 24, 2014 – Alderman Armbright noted a change to page 5 of the public hearing section of 7(D). Hillside Street should be changed to High Street.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve the Minutes of the meeting with the one correction noted.

MOTION PASSED

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

7. PUBLIC HEARINGS:
A. Resolution 73, A
Resolution Conditionally
Approving a Certificate
of Appropriateness and
Site Development Plan
for the Proposed Porte
Cochere for the Canyon
Casino (Recommend
Table Indefinitely)

Mayor Spellman read the title and noted the recommendation to table the public hearing indefinitely.

City Attorney Hoffmann noted for the record that once the application was complete, staff would repost the public hearing.

**MOTION TO
TABLE
INDEFINITELY**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to table this agenda item indefinitely.

MOTION PASSED

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

B. CB18, An Ordinance
Approving the 2015
Operating Plan and
Budget for the Black
Hawk Business
Improvement District

Mayor Spellman read the title.

City Attorney Hoffmann explained Council's requirement, under Statute creating the Business Improvement District, to approve an Operating Plan and budget for the next year.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB18, An Ordinance approving the 2015 Operating Plan and Budget for 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 Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Ordinance 2014-18, An Ordinance approving the 2015 Operating Plan and Budget for the Black Hawk Business Improvement District.

MOTION PASSED

Alderman Torres noted on page 14, Exhibit 1 of the Operating Plan and Budget, Andrew Gentile was referenced under Fitzgerald's and it should be the Saratoga. The motion **PASSED** unanimously.

C. CB19, A Bill for an Ordinance Rezoning Certain Property Located Along Bobtail Street and More Particularly Described as Lots 1, 2, and 3, Block 34, City of Black Hawk, Colorado to the HARD – History Appreciation Recreation Destination District

Mayor Spellman read the title.

Vince Harris, Baseline Consulting, explained the rezoning of City-owned property to the HARD zoning district. Any rezoning requires four (4) findings, which were included in the staff report.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB19, A Bill for an Ordinance rezoning certain property located along Bobtail Street and more particularly described as Lots 1, 2, and 3, Block 34, City of Black Hawk, Colorado to the HARD district open and invited anyone wanting to address the Board either "for" or "against" the appeal 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 Moates to approve Ordinance 2014-19 with staff's findings, An Ordinance rezoning certain property located along Bobtail Street and more particularly described as Lots 1, 2, and 3, Block 34, City of Black Hawk, Colorado to the HARD – History Appreciation Recreation Destination District.

MOTION PASSED

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

- D. CB20, A Bill for an Ordinance Rezoning Certain Property Located Along Hillside Street and More Particularly Described as Blocks 1, 2, and 3, City of Black Hawk, Colorado to the ECP – Environmental Character Preservation District
- E. Resolution 79, A Resolution Approving the Minor Subdivision for the City-Owned Property Located Along Hillside Street and More Particularly Described as Blocks 1, 2, and 3, City of Black Hawk, Colorado

Mayor Spellman combined agenda items 7(D) and 7(E) and read the titles.

Vince Harris, Baseline Consulting, explained that the property in question is platted into lots that were originally designed for single family uses (approximately 40'x100') but the terrain and access do not allow for the successful development of this use. The City, as owner, has made application to rezone these properties into the Environmental Character Preservation (ECP) District. The City also proposes to remove the internal lot lines of the blocks. The proposed Ordinance and Resolution support these actions. The findings for each of these applications are found in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB20, A Bill for an Ordinance rezoning certain property located along Hillside Street and more particularly described as Blocks 1, 2, and 3, City of Black Hawk, Colorado to the ECP – Environmental Character Preservation District and Resolution 79, A Resolution 79 approving the minor subdivision for the City-owned property located along Hillside Street and more particularly described as Blocks 1, 2, and 3, City of Black Hawk, Colorado open and invited anyone wanting to address the Board either “for” or “against” the appeal 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 Armbricht to approve Ordinance 2014-20 with staff’s findings, A Bill for an Ordinance rezoning certain property located along Hillside Street and more particularly described as Blocks 1, 2, and 3, City of Black Hawk, Colorado to the ECP – Environmental Character Preservation District.

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 79 with staff’s findings, A Resolution approving the minor subdivision for the City-owned property located along Hillside Street and more particularly described as Blocks 1, 2, and 3, City of Black Hawk, Colorado.

MOTION PASSED

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

8. ACTION ITEMS:

F. Resolution 80, A Resolution Conditionally Approving a Certificate of Appropriateness for a Standard Sign Plan for the Property Located at 231 Gregory Street

Mayor Spellman read the title.

Vince Harris, Baseline Consulting, explained the two components of this agenda item. The applicant, 5B1S, LLC doing business as 1859, has submitted an application for a Certificate of Appropriateness for a Standard Sign Plan and staff has found the plan to be in compliance with the City’s Sign Code. Staff has identified that the two proposed blade signs project into the City owned right-of-way along Gregory Street and a License

Agreement is the second component of this Resolution to adequately describe the encroachment.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 80, A Resolution conditionally approving a Certificate of Appropriateness for a Standard Sign Plan for the property located at 231 Gregory Street.

MOTION PASSED

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

G. Resolution 81, A Resolution Approving the License Agreement Between the City of Black Hawk and Lochsmith, Inc. as Owner of the Property Located at 120 Main Street

H. Resolution 82, A Resolution Approving the License Agreement Between the City of Black Hawk and Edward E. Smith, Shirley J. Smith, Sherell J. Smith, Gregory Street LLC, and Smithloch LLC, as owners of the properties located at 125, 131, 135, and 141 Gregory Streets

Mayor Spellman read the combined agenda items 8(G) and 8(H) and noted the recommendation to continue these items until the October 22, 2014 meeting.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to continue Resolution 81, A Resolution approving the License Agreement between the City of Black Hawk and Lochsmith, Inc. as owner of the property located at 120 Main Street, and Resolution 82, A Resolution approving the License Agreement between the City of Black Hawk and Edward E. Smith, Shirley J. Smith, Sherell J. Smith, Gregory Street LLC, and Smithloch LLC, as owners of the properties located at 125, 131, 135, and 141 Gregory Streets to October 22, 2014.

MOTION PASSED

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

I. Resolution 83, A Resolution Approving an Agreement Between the City of Black Hawk and CDG Environmental for the Purchase of the Chlorine Dioxide Generator for the Hidden Valley Water Treatment Plant.

Mayor Spellman read the title.

Senior Engineer Ford, explained that the Hidden Valley Water Treatment Plant is approaching the maximum contaminant level set by the CDPHE and EPA due to the high total organic carbon contaminants during spring runoff reacting with chlorine to form disinfection byproducts, which can have negative health effects and put the City in violation. The proposed generator is the exact same system being installed at the Dory Hill Water Treatment Plant. Ford noted that only one bid was received by CDG for \$48,780.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 83, A Resolution approving an Agreement between the City of Black Hawk and CDG Environmental for the purchase of the Chlorine Dioxide Generator for the Hidden Valley Water Treatment Plant.

MOTION PASSED

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

J. Resolution 84, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Allensworth Concepts, LLC as Lessee for 135 Clear Creek Street

Mayor Spellman read the title.

Finance Director Hillis explained that this was a Transfer of Lease Agreement for Mountain Mocha for the new owners.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 84, A Resolution approving the

Agreement of Lease between the City of Black Hawk as Lessor and Allensworth Concept, LLC as Lessee for 135 Clear Creek Street.

MOTION PASSED

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

K. Resolution 85, A
Resolution Making
Findings of Fact in
Support of the
Decision to Deny
the Appeal of the
Decision by the
Community Planning
and Development
Administrator Regarding
151 Marchant Street

Mayor Spellman read the title.

City Attorney Hoffmann explained the history of the appeal. At their September 24, 2014 meeting, Council conducted a hearing on an appeal by the property owner. Following the presentation of evidence, Council moved to deny the appeal and directed the denial be memorialized in findings of fact.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 85, A Resolution making Findings of Fact in support of the decision to deny the appeal of the decision by the Community Planning and Development Administrator regarding 151 Marchant Street.

MOTION PASSED

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

L. Resolution 86, A
Resolution Making
Findings of Fact in
Support of the
Decision to Deny
the Appeal of the
Decision by the
Community Planning
and Development
Administrator Regarding
321 High Street

Mayor Spellman read the title.

City Attorney Hoffmann explained this was the same process as the previous agenda item.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 86, A Resolution making Findings of Fact in support of the decision to deny the appeal of the decision by the Community Planning and Development Administrator regarding 321 High Street.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Lewis explained the proposed budget will be in their Dropbox Account by Friday, October 10, 2014, with hard copies to follow.

City Manager Lewis recommended scheduling the Budget Study Session for 1:00 p.m. at November 5, 2014. All were in favor.

10. CITY ATTORNEY:

City Attorney Hoffmann asked for the minutes to reflect that by providing the proposed budget into Council's Dropbox by October 15 satisfies the City Manager's requirement as per Statute, and that the hard copies did not have to meet that same date.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item number 2 and 5 for executive session for specific legal issues relate to potential legislation pending litigation and legal advice regarding property acquisition, as well as legal advice regarding a personnel policy.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:30 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(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiations, 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 Johnson to adjourn the executive session 5:00 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 5:00 p.m.



Melissa Greiner
City Clerk



David D. Spellman
Mayor

