

City of Black Hawk
City Council Minutes
October 22, 2014

George Works, with family ties to Black Hawk for over 70 years, 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 Wednesday, October 22, 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, Fire Captain Brian Cheek, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and 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 explained 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 explained no one had signed up for public comments.

6. APPROVAL OF MINUTES October 8, 2014

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve the Minutes of the meeting as presented.

MOTION PASSED

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

7. PUBLIC HEARINGS:

A. 101 Hillside Street –
Appeal on a decision
by the Community
Planning & Development
Administrator

Mayor Spellman read the title and opened the public hearing.

Planning and Development Administrator Linker explained the intent of the submittal. On September 19, 2014 staff received an appeal of a denial for several items related to the Historical Restoration and Community Preservation Site Work Program. Linker said the appeal was processed in accordance with the City's Municipal Code. All relevant information was contained in the packet.

Applicant George Works, of Dallas, Texas, was present to describe his request. Mr. Work's had requested repair/replacement of his rock wall and fence surrounding his home, as well as funds to control erosion at the rear of the house. The City has approved funding to repair select areas of the rock wall; however funds to control erosion and other areas of the rock wall have been denied at this time, and the application can be returned to the queue.

Alderman Torres suggested looking into other means of controlling rock falls, as rock walls have proved not to be very efficient.

Alderman Midcap asked for the outcome of Mr. Work's original grant request from August 2011. Linker explained that the applicant was never approved under the Historic Rock Wall Restoration Program as funding was no longer available. Staff had asked Mr. Works to reapply under the current program.

MOTION TO DENY APPEAL

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to support staff's decision to **DENY** the appeal submitted by the property owner for full funding of his grant requests. City Attorney Hoffman said there would be Findings of Fact prepared for the next meeting to memorialize Council's motion.

MOTION PASSED

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

B. 171 Marchant
Street – Appeal on
a decision by the
Community Planning
& Development
Administrator

Mayor Spellman read the title and opened the public hearing.

Planning and Development Administrator Linker explained the intent of the submittal. On September 19, 2014 staff received an appeal of a denial for several items related to the Historical Restoration and Community Preservation Site Work Program. Linker said the appeal was processed in accordance with the City's Municipal Code. All relevant information was contained in the packet.

Applicant George Works, of Dallas, Texas, was present to describe his request. Mr. Works said there were two different issues to discuss. First were the several improvements, which include the retaining rock wall, fence, stairs and water intrusion into the house. Staff found only the stairs to be eligible under the grant program, and Mr. Works suggested possibly realigning the stairs for an easier, lower cost repair. Linker added that any reconfiguration would need review by the Historical Preservation Committee. The remaining items may be returned to the queue. Staff suggested further investigation by an engineer for the bowing on the front wall along Marchant Street. Mr. Works felt this was a dangerous bow, and Mayor Spellman noted that if it did come down to an emergency, there are emergency grant monies available.

Secondly, Mr. Works wanted to let Council know of his two vacant lots behind his house if Council were to be interested in negotiations in order to add to the City's green space.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on 171 Marchant Street – Appeal on a decision by the Community Planning and Development Administrator open and invited anyone wanting to address the Board either “for” or “against” the proposed appeal to come forward.

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

Alderman Midcap thanked Linker and Consilium Partners for their in-depth reports and said he especially appreciated the historical photographs.

**MOTION TO
DENY APPEAL**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to support staff's decision to **DENY** the appeal submitted by the property owner for full funding of his grant requests. City Attorney Hoffman said there would be Findings of Fact prepared for the next meeting to memorialize Council's motion.

MOTION PASSED

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

C. CB21, An Ordinance
Amending Section
2-132 of the Black
Hawk Municipal Code
Concerning the
Imposition of Court
Costs to Cover the
Costs of Insuring
Community Service

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that this ordinance would pass on the cost to the City of obtaining insurance for those defendants that are sentenced to community service.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB21, An Ordinance Amending Section 2-132 of the Black Hawk Municipal Code Concerning the Imposition of Court Costs to Cover the Costs of Insuring Community Service 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 Armbright to approve Ordinance 2014-21, An Ordinance Amending Section 2-132 of the Black Hawk Municipal Code Concerning the Imposition of Court Costs to Cover the Costs of Insuring Community Service.

MOTION PASSED

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

D. CB22, An Ordinance
Approving the FTA
Section 5311 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 explained that he had applied for this grant in November of 2013, it was awarded in April of 2014, and the contracts have just been received. The grant will be used to purchase a mini-wheel loader.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB22, An Ordinance Approving the FTA Section 5311 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 Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Ordinance 2014-22, An Ordinance Approving the FTA Section 5311 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.

8. ACTION ITEMS:

E. 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

Mayor Spellman read the title.

Planning and Development Administrator Linker explained that a condition of the Wild Card Casino’s (Lochsmith, Inc.) Comprehensive Sign Plan, which was approved on May 28, 2014, was to conduct a survey of any projecting signs into the City’s right-of-way. The survey did show an encroachment of one projecting blade sign. The applicant has fulfilled all of the requirements of the license agreement.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve 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.

MOTION PASSED

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

F. 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 Street

Mayor Spellman read the title.

Planning and Development Administrator Linker explained that there were changes made to the agreement as per the applicant. Staff has recommended continuing this item to the November 12 meeting.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to continue 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 Street to November 12, 2014.

MOTION PASSED

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

G. Resolution 87, A Resolution Approving Bicycle Permit Application Fee

Mayor Spellman read the title.

City Attorney Hoffmann explained that a previously approved ordinance adding bicycling event permits required an application fee to be set by Resolution.

Alderman Moates suggested adding language to make the fee non-refundable.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 87, A Resolution Approving Bicycle Permit Application Fee, with the addition of the words “non-refundable” before the word “bicycle”.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Lewis asked for guidance on disposing of a non-operating air compressor valued at \$1,000 to sell or use for a trade-in. Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to dispose of the asset, all were in favor.

The Budget Work Session is confirmed for November 5 at 1:00 p.m., and Council will hold their regularly scheduled meeting on November 12. December 3 and 10 are reserved for Council meetings, yet only one is needed to approve the budget.

10. CITY ATTORNEY:

City Attorney Hoffmann recommended item number 5 for executive session for specific legal issues related to determining positions and development strategy for negotiations and instructing negotiators.

11. EXECUTIVE SESSION:

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 3:40 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 at 3:52 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 3:52 p.m.



Melissa Greiner
City Clerk



David D. Spellman
Mayor

