



**City of Black Hawk  
City Council**

**July 8, 2015**

**MEETING MINUTES**

Police Chief Stephen Cole rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, July 8, 2015, at 3:00 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Fire Chief Taylor, 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 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. 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 informed the Mayor that one person had signed up to speak.

Corby Harrell, Marketing Director at Bull Durham Casino at 110 Main Street, was present to discuss a discrepancy on what she believes were

friendly reminders vs. a letter of violation and bill that Baseline Engineering had submitted. She said Bull Durham has been working on the replacement of their awnings, window signs, and a City survey and never once was told there was a time restriction. Harrell said Bull Durham now has a letter of violation and a bill for over \$600. She is seeking Council's assistance. Mayor Spellman directed Community Planning and Development Administrator Linker to review the issue and provide a report to Council.

6. APPROVAL OF  
MINUTES

June 24, 2015.

**MOTION TO  
APPROVE**

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

**MOTION PASSED**

There was no discussion and the motion passed 5-1, noting Alderman Armbright's abstention.

7. PUBLIC HEARINGS:

**A. CB 16, An Ordinance to Repeal and Reenact Article XIII of Chapter 6 of the Black Hawk Municipal Code Concerning Peddlers and Solicitors**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner explained that the proposed ordinance reflects recent court decisions that have been issued since the 2007 version in the existing code.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB16, An Ordinance to Repeal and Reenact Article XIII of Chapter 6 of the Black Hawk Municipal Code Concerning Peddlers and Solicitors 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 CB16, An Ordinance to Repeal and Reenact Article XIII of Chapter 6 of the Black Hawk Municipal Code Concerning Peddlers and Solicitors.

**MOTION PASSED**

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

8. ACTION ITEMS:

**B. Resolution 51, A Resolution Ratifying the Approval of the Contract to Buy and Sell Real Estate Between the City as Buyer and Janet E. Ficke and Townsend Shields as Seller of the Cyclops Lode Mining Claim**

Mayor Spellman read the title.

City Attorney Hoffman said this was a ratification of a previous informal approval given by the City Manager. He said all parties are in agreement and the closing is scheduled for July 17. This ratification would formally confirm that approval.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 51, A Resolution Ratifying the Approval of the Contract to Buy and Sell Real Estate Between the City as Buyer and Janet E. Ficke and Townsend Shields as Seller of the Cyclops Lode Mining Claim.

**MOTION PASSED**

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

**C. Resolution 52, A Resolution Approving the Design Contract with Stolfus & Associates, Inc. in an Amount Not To Exceed \$90,660.00 to Perform the Necessary Engineering Analysis and Design for the Hidden Treasure Trailhead Project**

Mayor Spellman read the title.

Public Works Director Isbester explained that this was the early preliminary phase of the engineering and design work for the trailhead and bridge work at the Cyclops Lode Mining Claim. Alderman Midcap asked if this would include the acceleration and deceleration lanes and Isbester said it would not at this time.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 52, A Resolution Approving the Design Contract with Stolfus & Associates, Inc. in an Amount Not To Exceed \$90,660.00 to Perform the Necessary Engineering Analysis and Design for the Hidden Treasure Trailhead Project.

**MOTION PASSED**

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

**D. Consideration of Request for Extended Hours for the Monarch Casino's Special Event Permit for the Phase III Reopening Ceremony.**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that, as per the Municipal Code, an extension of special event hours beyond 8:00 a.m. to 10:00 p.m. requires approval by City Council and that the Monarch Casino is requesting an extension until midnight for the searchlights used during their grand reopening celebration. Staff recommends that the searchlight cannot be angled less than 45 degrees.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve the Request for Extended Hours for the Monarch Casino's Special Event Permit for the Phase III Reopening Ceremony with staff's recommendation.

**MOTION PASSED**

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

**E. Local Liquor Authority Consideration of a Request for a New Tavern Liquor License for JE Tavern at 240 Main Street and to set the Boundaries of the Neighborhood and to Set a Date for Public Hearing**

Mayor Spellman read the title.

City Attorney Hoffmann reminded Council that they were now sitting as the Local Liquor Authority and then proceeded to provide background on this request. He said the applicant is ultimately looking for a second liquor license to then apply for a Promotional Association and Common Consumption Area. Hoffmann said the boundaries have normally been the entire City of Black Hawk and the hearing date would be scheduled for August 12.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve the Request for a New Tavern Liquor License for JE Tavern at 240 Main Street and to set the Boundaries of the Neighborhood as the whole City of Black Hawk, and to set the public hearing date for August 12.

**MOTION PASSED**

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

**9. CITY MANAGER REPORTS:**

City Manager Lewis had nothing to report.

**10. CITY ATTORNEY:**

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item numbers 1 and 2 for Executive Session, in regards to specific legal issues concerning potential legislation and pending litigation.

**MOTION TO  
ADJOURN INTO  
EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:15 p.m. to consider the purchase, acquisition, lease, transfer or sale of real personal or other property, pursuant to C.R.S. § 24-6-402(4)(a) and 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.

Alderman Bennett wanted to express for the record that this year's 4<sup>th</sup> of July fireworks display was the best ever!

**MOTION TO  
ADJOURN**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to adjourn the Executive Session at 5:10 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 5:10 p.m.



Melissa A. Greiner  
City Clerk



David D. Spellman  
Mayor

