



**City of Black Hawk
City Council**

June 14, 2017

MEETING MINUTES

Acting City Manager Steve Cole rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, June 14, 2017, 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, Acting City Manager and Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, Baseline Consultant Harris, Fire Chief Taylor, 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 that there had been no agenda changes, but prior to the ringing of the bell, the Fire Department had received a call and Aaron Skeen, the new employee who was to be introduced today, had to leave. He will be rescheduled the next time he is on shift.

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. INTRODUCTION OF NEW EMPLOYEE: Aaron Skeen, Firefighter – to be rescheduled.
6. PUBLIC COMMENTS: Deputy City Clerk Martin confirmed that no one had signed up to speak.
7. APPROVAL OF MINUTES: May 24, 2017

MOTION TO APPROVE

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

MOTION PASSED

There was no discussion and the motion passed unanimously.

8. PUBLIC HEARINGS:

A. CB9-2017, An Ordinance Repealing and Reenacting Section 16-368 and Section 16-370 Regarding the City Council’s Historic Review Process, and Expanding the Role of the Historic Preservation Commission

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item and said this ordinance was started from a request to simplify the City Council’s Historic Review process, because many of the approvals sought are minor in nature. He said under this ordinance, administrative approval of Certificates of Appropriateness (COA) that do not require a public hearing can be reviewed and approved by the Historic Preservation Commission (HPC). He said that the HPC can always refer an application to City Council, as needed. Mr. Hoffmann said the changes to the fees involve eliminating the residential land use application fees for historic homes in historic districts; they would no longer be subject to COA fees or the consulting fees associated with COAs. He added that the historic home is based on the address, not the building lot.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB9, an Ordinance repealing and reenacting Section 16-368 and Section 16-370 regarding the City Council’s Historic Review Process, and expanding the role of the Historic Preservation Commission open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve CB9, an Ordinance repealing and reenacting Section 16-368 and Section 16-370 regarding the City Council's Historic Review Process, and expanding the role of the Historic Preservation Commission.

MOTION PASSED

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

B. CB10-2017, An Ordinance Approving and Accomplishing the Disconnection of Property Known as the Arends Property

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris introduced this item and reminded Council that at their May 10 meeting, they had received a petition for the disconnection of 53.7 acres from the City of Black Hawk, and at that time City Council approved the resolution to accept the petition, preliminarily approve the disconnection, and set the public hearing date to today. The details of the proposal were included in the packet. The application had gone through staff's review process and approval is recommended.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB10, an Ordinance approving and accomplishing the Disconnection of Property known as the Arends Property open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve CB10, an Ordinance approving and accomplishing the Disconnection of Property known as the Arends Property.

MOTION PASSED

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

C. CB11-2017, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk and the State of Colorado Acting By and Through the Department of Transportation

Mayor Spellman read the title and opened the public hearing.

Public Works Director Isbester introduced this item. He said it is the third renewal of the agreement the City has with CDOT to maintain the traffic signals on Highway 119 within City limits. He said CDOT pays

the City for the routine maintenance, and the City contracts out to WL Contractors for the work.

PUBLIC HEARING:

Mayor Spellman declared the Public Hearing on CB11, an Ordinance approving an Intergovernmental Agreement between the City of Black Hawk and the State of Colorado acting by and through the Department of Transportation open and invited anyone wanting to address the Board either “for” or “against” the license 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 CB11, an Ordinance approving an Intergovernmental Agreement between the City of Black Hawk and the State of Colorado acting by and through the Department of Transportation.

MOTION PASSED

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

D. Resolution 41-2017, A Resolution Conditionally Approving a Certificate of Appropriateness for Site Work and Landscaping for the Property Located at 130 Chase Street

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker explained the application that had been conditionally approved by the Historic Preservation Commission (HPC) on June 6. She said the applicants are proposing upgrades to their historic property, which includes a large gravel parking area, concrete walkways, a sodded lawn, transplanting lilacs along the fence, removing a section of the side porch railing and altering the side porch stair orientation, and fencing off the area. She said the HPC’s recommendations to Council for approval were to reduce the ratio of hardscape (gravel parking area and concrete walkways) and to increase the ratio of softscape (landscaping).

Linker said that HPC was concerned that the size of the proposed gravel area could negatively impact the Historic District. She added that HPC thought the gravel gave more of commercial feel than a residential feel, and perhaps if the applicants could reduce the gravel parking area and make it into more of a softscaped area it would still leave them with a good sized parking area. She said the HPC review was shared with the applicant and there has been no response received back.

PUBLIC HEARING:

Mayor Spellman declared the Public Hearing on Resolution 41-2017, a Resolution conditionally approving a Certificate of Appropriateness for site work and landscaping for the property located at 130 Chase Street open and invited anyone wanting to address the Board either “for” or “against” the license to come forward.

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

The discussion continued on the gravel and whether or not it would jeopardize the historic environs associated with the rock walls that the City has been working on in the Historic District.

The Mayor said he spoke to the homeowners and they told him that they do not have any intention of softscaping and will leave it as dirt if the gravel was not approved. Council debated whether they preferred to see gravel or the dirt and how it could affect preservation money spent on historic environs. It was noted that ultimately the applicants are taking the initiative to improve their property and these are only recommendations from the HPC, not conditions. It was agreed to allow the gravel and approve HPC’s recommendations.

Linker confirmed that the applicants would be refunded the Land Use application fee that was paid now that Ordinance 2017-9 had passed. Mayor Spellman asked Linker to pass onto the HPC that the homeowners did not plan to softscape and would continue to park there.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 41-2017, a Resolution conditionally approving a Certificate of Appropriateness for site work and landscaping for the property located at 130 Chase Street.

MOTION PASSED

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

9. ACTION ITEMS:

None

10. CITY MANAGER REPORTS:

Acting City Manager Cole had nothing to report. Mayor Spellman acknowledged Chief Cole’s excellent job while acting as the City Manager.

11. CITY ATTORNEY: City Attorney Hoffmann provided an update on the Amicus case the City has chosen to participate in regarding medical expenses of those in custody. He said the Supreme Court heard the case on June 6 with the City of Arvada filing a judgment against Denver Health. He said the City of Black Hawk filed a brief in support of Arvada's position, and there should be a decision in the next few months.

12. EXECUTIVE SESSION: City Attorney Hoffmann recommended items number 2 and 5 for Executive Session for specific legal issues related to potential legislation.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:34 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) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).

MOTION PASSED

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

**MOTION TO
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn the Executive Session at 4:03 p.m.

MOTION PASSED

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

City Council resumed their regular meeting with a **MOTION** to authorize the City Manager to enter into an Escrow Agreement with Jacobs Entertainment; there was no discussion and the motion **PASSED** unanimously.

13. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 4:05 p.m.


Melissa A. Greiner
City Clerk


David D. Spellman
Mayor

