

City of Black Hawk
City Council Minutes
June 25, 2014

Stacy Stout, Stout Strategies, rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order at 3:05 p.m. by Mayor Spellman, Wednesday, June 25, 2014.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, City Clerk Greiner, Community Planning & Development Administrator Linker, Finance Director Hillis, Senior Civil Engineer/Water Resources Ford, IT Support Technician Muhammad, Fire Lt. Castro, Police Chief Cole, and Public Works Director Isbester.

PLEDGE OF ALLEGIANCE:

Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: City Clerk Greiner explained that the F and J 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.

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: No one came forward to speak.

6. APPROVAL OF MINUTES FOR June 11, 2014

MOTION TO APPROVE

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

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

7. PUBLIC HEARINGS:

- A. CB11, An Ordinance
Rezoning Certain
Property Located at
231 Gregory Street
to the HARD –
History Appreciation
Recreation Destination
District

Mayor Spellman read the title.

Vince Harris with Baseline explained this is a rezoning request from the co-owners, Culver Van Der Jatg and Frank Garofalo, to rezone the property to the HARD district. The current zoning for the property is Core Gaming. Rezoning the property to the HARD district will preserve the property's historical and cultural values as well as allow the intended use. Staff recommends approval of the ordinance with the four findings included in the ordinance, without conditions.

Culver Van Der Jatg, 820 Pinehurst Ct., Louisville, CO, came forward to speak. Mr. Van Der Jatg stated that under current conditions the HARD District is the proper zoning for the property. Mr. Van Der Jatg noted a boundary issue on the property where the back quarter of the building has already been rezoned to the HARD District, and they would like to see the remaining portion of the building rezoned.

City Attorney Hoffmann stated that there is not issue with rezoning as it relates to the boundary issue. The two are compatible.

Alderman Midcap asked if a future owner wanted to revert back to Core Gaming if the property could be rezoned. City Attorney Hoffman confirmed that it could be rezoned.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB11, An Ordinance Rezoning Certain Property Located at 231 Gregory Street to the HARD – History Appreciation Recreation Destination 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 Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve CB11, An Ordinance Rezoning Certain Property Located at 231 Gregory Street to the HARD – History Appreciation Recreation Destination District.

MOTION PASSED

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

**B. Resolution 45-2014,
A Resolution
Conditionally
Approving a
Certificate of
Appropriateness for
a Comprehensive
Sign Plan for the
Isle Casino**

Mayor Spellman read the title.

Vince Harris with Baseline explained applicant was requesting approval of a Comprehensive Sign Plan with 2040 square feet of signage, with 14 signs. A previous variance was approved when the last sign plan was approved allowing the 2040 square feet. The applicant is permitted 1400 square feet. They have historically displayed a banner for a car on the other property owned by the Isle. They have designed a sign with a frame for the banners located on that location as opposed to a building, so in the future they would be allowed to have a banner on the building.

Recommend approval with four conditions noted in staff's report dated June 13, 2014.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 45-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Isle Casino 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 Resolution 45-2014 with stated conditions, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Isle Casino.

MOTION PASSED

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

C. Resolution 46-2014,
A Resolution
Conditionally
Approving a
Site Development
Plan for the Expansion
of the Sasquatch
Casino Property

Mayor Spellman read the title.

Vince Harris with Baseline explained the application is a Site Development Plan for the Expansion of the Sasquatch Casino Property, to create a single site plan for the three ownerships of the property. The vacant space in between the Sasquatch and Black Hawk Station Casinos will become part of the Sasquatch and openings will be made to all patrons to move between the casinos from within the building.

Recommend approval with the five conditions noted in staff's report dated June 13, 2014.

Edward Smith, 65 Hideaway Circle Road Evergreen, CO, came forward to speak. Starting with lot #1, in about 1998, used to go west and was moved back about 15' to 20' feet. This caused the building at Black Hawk Station to encroach onto the City's property. In 1985 there were doors within the buildings allowing for movement between the properties. The doorways were blocked when gaming came in and there was separate ownership. They want to go back to the common doors to enhance their business and make it more customer friendly.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 46-2014, A Resolution Conditionally Approving a Site Development Plan for the Expansion of the Sasquatch Casino Property 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 Bennett **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 46-2014 with stated conditions, A Resolution Conditionally Approving a Site Development Plan for the Expansion of the Sasquatch Casino Property.

MOTION PASSED

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

- D.** Resolution 47-2014,
A Resolution
Conditionally
Approving a
Certificate of
Appropriateness
for a Comprehensive
Sign Plan for the
Lady Luck Casino

Mayor Spellman read the title.

Vince Harris with Baseline explained this is a Certificate of Appropriateness for a Comprehensive Sign Plan for the Lady Luck Casino. Their sign plan proposed 754 of square feet of sign area over 15 different signs. They are permitted 1277 square feet with the new regulations. They are proposing their banner signs be accommodated on their car racks rather than the building.

Recommend approval with three conditions noted in the staff June report dated June 13, 2014.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 47-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Lady Luck Casino 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 Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 47-2014 with stated conditions, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Lady Luck Casino.

MOTION PASSED

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

- E.** Resolution 48-2014,
A Resolution
Conditionally
Approving a
Certificate of
Appropriateness.

for a Comprehensive
Sign Plan for the
Canyon Casino

Mayor Spellman read the title.

Vince Harris with Baseline explained this is a Certificate of Appropriateness for a Comprehensive Sign Plan for the Canyon Casino. Their sign plan proposed 318.68 of square feet of sign area over 47 different signs. They are proposing their banner sign on the east wall.

Recommend approval with 6 conditions noted in the staff report.

Mayor Spellman noted representatives from the Canyon Casinos were in support of Resolution 48-2014.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 48-2014 with stated conditions, A Resolution Conditionally Approving a Certificate of Appropriateness for the Canyon Casino.

MOTION PASSED

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

Vince Harris noted that the new sign code was approved early in 2014 with a July 1st deadline for the property owners to request CSP for banners and Special Events Permits. Enforcement of the new sign code will begin August 1, 2014.

F. Certificate of
Appropriateness
for a Proposed
Demolition of a
Non-Contributing
Commercial
Building Located
at 281 Church

Mayor Spellman read the title and noted it was continued the CA to the July 9, 2014 meeting.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to continue the Certificate of Appropriateness for a Proposed Demolition of a Non-Contributing Commercial Building Located at 281 Church Street to the July 9, 2014 meeting.

MOTION PASSED

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

8. ACTION ITEMS:

G. Purchase of New Street Sweeper

Mayor Spellman read the title.

Public Works Director Isbester explained the purchase of the new street sweeper would replace the old 2005 Pelican. The Pelican is not the correct technology needed. Staff reviewed several models. The new sweeper was budgeted for a 2014 purchase.

Alderman Midcap asked the life span of the sweeper and Public Works Isbester stated about ten years.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve the Purchase of New Street Sweeper in the amount of \$216,100.

MOTION PASSED

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

H. Traffic Signal Timing Study

Mayor Spellman read the title.

Public Works Director Isbester explained that the last traffic signal timing study was conducted in 2006. The new study will help improved pedestrian and traffic flow timing.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve the Traffic Signal Timing Study in the amount of \$34,000 with Stolfus and Associates.

MOTION PASSED

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

I. Construction Bid and Project Budget Recommendation for the Limited Rehabilitation Grant at 271 Church Street

Mayor Spellman read the title.

Jessica Killian, Consilium Partners, explained that the City went out to bid with five different contractors and only two responded. The lowest bid was Whitestone Construction Services by a substantial amount. Questions were proposed to both bidding contractors and they received satisfactory answers from both

contractors. Whitestone has a manageable schedule and understands the scope of work.

Recommend Whitestone as the lowest bidder.

Alderman Midcap asked if staff thought Whitestone could do the job for the quoted amount, and staff said yes.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve the Construction Bid and Project Budget Recommendation for the Limited Rehabilitation Grant at 271 Church Street.

MOTION PASSED

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

- J. Resolution 49-2014,
A Resolution
Setting Forth the Fees
that May Be Charged for
Open Records Requests
Under the Colorado
Open Records Act

Mayor Spellman read the title.

City Attorney Hoffmann explained that during the last legislative session, the Colorado Legislature amended the Open Records Act to allow a higher research and retrieval fee for Open Records Requests that take more than an hour. The first hour is free, after the first hour, up to \$30 per hour for research and retrieval plus the cost of copies can be charged. In addition, the new legislation requires the policy be approved and posted on the website. If approved the City is in compliance to the Open Records Act.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 49-2014, A Resolution Setting Forth the Fees that May Be Charged for Open Records Requests Under the Colorado Open Records Act.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Lewis announced blasting at the new IT building at 3 pm tomorrow.

The City will barricade residential roads early in the day on July 4th and at 3 p.m. the barricades will be manned. Only residents and guests will be allowed through. City Manager Lewis encouraged Council to let their guests know about the barricades in advance. Alderman Midcap asked if there would be two launch sites for this year's fireworks show. City Manager Lewis confirmed.

New wood flooring for the Coffee Shop has been order in the amount of \$7,000.

10. CITY ATTORNEY:

City Attorney Hoffmann stated that today Council approved rezoning at 231 Gregory Street, last meeting was the motion that set the hearing on the marijuana license for the next meeting and also at the next meeting we will have an ordinance that implements the tax that was approved by the voters in April. The ordinance implements the collection of the tax through the Finance Department if a marijuana business opens in the City.

City Attorney Hoffman requested a brief Executive Session regarding potential litigation and negotiations.

11. EXECUTIVE SESSION:

**MOTION TO
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:45 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 C.R.S. § 24-6-402 (e).

MOTION PASSED

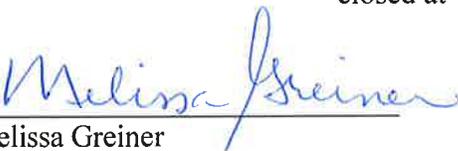
There was no discussion and the motion **PASSED** unanimously.

**MOTION TO
RECONVENE**

Mayor Spellman **MOVED** to reconvene at 4:23 p.m.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:25 p.m.



Melissa Greiner
City Clerk



David D. Spellman
Mayor