



**City of Black Hawk  
City Council**

**June 22, 2016**

**MEETING MINUTES**

Craig Holmes, President of the Gilpin County School Board and the Gilpin County Education Foundation, rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, June 22, 2016, at 3:00 p.m. by Mayor Spellman.

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

Absent: Alderman Torres

Staff present: Acting City Attorney Graham, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Community Planning and Development Administrator Linker, Baseline Engineering Consultant Harris, Public Works Director Isbester, Senior Civil Engineer Reed, 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 there were no agenda changes.

4. CONFLICTS OF INTEREST: Acting City Attorney Graham 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.

Acting City Attorney Graham 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 confirmed that no one had signed up to speak.

6. APPROVAL OF MINUTES June 8, 2016.

**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.

7. PUBLIC HEARINGS:

**A. CB13-2016, An Ordinance Amending the Black Hawk Municipal Code by the Addition of a New Article X of Chapter 7 Entitled Sand and Oil Separator Facilities**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris introduced this item. He said the purpose of this amendment was to protect the health and cleanliness of local waterways around the City, which are not currently regulated, by requiring sand and oil separator systems to be installed and allowing the City to enforce this. He said inappropriate discharges can enter the ground water and surrounding streams and rivers, and that the City has an obligation to keep the water clean. Senior Civil Engineer Reed was available to answer technical questions.

Alderman Midcap questioned what was driving this change and said he was not in favor of enforcing this regulation on those who don't have a system and making them incur this unexpected expense to install one. He said he would rather determine the need on a case-by-case basis.

Community Planning and Development Administrator Linker said she believes every property has a system in their parking lot/garage, but have not maintained them so the discharge goes everywhere. She said there would be an annual permit and maintenance log required for each property. She said these systems are required by the Plumbing Code and would have been designed into each property.

Mayor Spellman added that if a parking lot does not have a system then the City would have to use their resources to clean out the storm sewers and that could become a problem.

Alderman Moates asked if there was an existing inventory of systems and Linker said the City would rely on the property owners to locate

where they are and if not known, then they would have to go back to the original construction drawings to determine where they are located.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB13, An Ordinance Amending the Black Hawk Municipal Code by the Addition of a New Article X of Chapter 7 Entitled Sand and Oil Separator Facilities 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 Johnson **MOVED** and was **SECONDED** by Alderman Bennett to Approve CB13 as written, An Ordinance Amending the Black Hawk Municipal Code by the Addition of a New Article X of Chapter 7 Entitled Sand and Oil Separator Facilities.

**MOTION PASSED**

There was no discussion and the motion **PASSED** by a vote of 4-1, with Alderman Midcap voting against.

**B. Resolution 46-2016, A Resolution Conditionally Approving the Comprehensive Sign Plan and a Certificate of Appropriateness for the Comprehensive Sign Plan for the Monarch Casino, and Approving a License Agreement for Signage Erected Over City Property**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained the application to update Monarch’s previously approved Comprehensive Sign Plan to include five new signs for the new parking garage, and the License Agreement is for one of those signs which projects into Main Street right-of-way over the entrance of the garage. He added that all existing signs will remain as is, and Monarch will come back again for another update to add more signs once the tower is complete. The applicant, David Farahi, was present for any questions.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 46-2016, A Resolution Conditionally Approving the Comprehensive Sign Plan and a Certificate of Appropriateness for the Comprehensive Sign Plan for the Monarch Casino, and Approving a License Agreement for Signage Erected Over City 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 Armbricht **MOVED** and was **SECONDED** by Alderman Moates to Approve Resolution 46-2016, A Resolution Conditionally Approving the Comprehensive Sign Plan and a Certificate of Appropriateness for the Comprehensive Sign Plan for the Monarch Casino, and Approving a License Agreement for Signage Erected Over City Property.

**MOTION PASSED**

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

**C. Resolution 47-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Standard Sign Plan for the EAGLESmart Convenience Store**

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker introduced this item. She said the sign plan is compatible with surrounding businesses, such as Mountain Mocha, and consists of six signs, one of which is a temporary banner allowed to be used six months of the year. She added that no special event signage is included in this package, but the applicant can come back later to amend the plan.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 47-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Standard Sign Plan for the EAGLESmart Convenience Store 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 Bennett to Approve Resolution 47-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Standard Sign Plan for the EAGLESmart Convenience Store.

**MOTION PASSED**

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

**8. ACTION ITEMS:**

**A. Resolution 48-2016, A Resolution Approving the Required Agreements Between the City of Black Hawk and Josh Smith for the Rehabilitation of 400 Chase Street**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that these were the last of the documents associated with the Grant project for 400 Chase Street: Preservation Easement Agreement for the exterior of the project, Rehabilitation Grant Program Agreement for the interior portion of the project, and a Temporary Construction Easement to allow the City to do the project on behalf of the applicant.

**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 48-2016, A Resolution Approving the Required Agreements Between the City of Black Hawk and Josh Smith for the Rehabilitation of 400 Chase Street.

**MOTION PASSED**

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

**B. Resolution 49-2016, A Resolution Approving the Temporary Construction Easement from Kathryn Lorenz to the City of Black Hawk for Rehabilitation of the Property at 400 Chase Street**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker said the General Contractor for 400 Chase Street has asked to use the Lorenz property across the street for a temporary construction laydown area for the duration of the rehabilitation project. The property will be restored to the original condition at the end of the project.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 49-2016, A Resolution Approving the Temporary Construction Easement from Kathryn Lorenz to the City of Black Hawk for Rehabilitation of the Property at 400 Chase Street.

**MOTION PASSED**

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

**C. Resolution 50-2016, A Resolution Approving the Second Amendment to Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC**

Mayor Spellman read the title.

Acting City Attorney referred to the agreement as close to being final and would suggest if Council approved today that they would do so with a condition of being subject to final review and approval by the City Manager and City Attorney.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 50-2016, A Resolution Approving the Second Amendment to Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC conditional upon final review and approval by the City Manager and City Attorney.

**MOTION PASSED**

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

9. CITY MANAGER REPORTS:

City Manager Lewis requested authorization from Council to dispose of the Fire Department's old compressor and air tanks, since approval was just recently given to purchase new ones. Council was in consensus to approve.

10. CITY ATTORNEY:

Acting City Attorney Graham had nothing to report.

11. EXECUTIVE SESSION: Acting City Attorney Graham recommended item number 5 for Executive Session

**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 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**

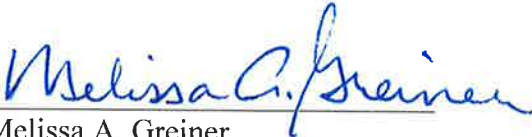
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:45 p.m.


**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 3:45 p.m.

  
Melissa A. Greiner  
City Clerk

  
David D. Spellman  
Mayor

