

City of Black Hawk
City Council Minutes
August 13, 2014

John Farahi, Monarch CEO, 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, August 13, 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, Finance Director Hillis, Fire Captain Sitzman, 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 noted that Item J, Soil Nail Agreement, has 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: Sean Conway, 151 Marchant came forward to appeal the denial of his grant application for stabilization of the rock wall behind his home. Prior to addressing his appeal, Mr. Conway commended the City for the recent 2014 Fireworks Display and for the good job the Police Department does in the City. After an explanation of staff's denial of his grant application, discussion followed and Council directed the City Manger to have staff submit an executive summary to include the information that led to the denial of the application, including the different options for remediation.

6. APPROVAL OF
MINUTES FOR
July 23, 2014
July 30, 2014

MOTION TO APPROVE

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

MOTION PASSED

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

7. PUBLIC HEARINGS:

**A. Resolution 59-2014,
A Resolution
Conditionally
Approving a
Certificate of
Appropriateness for
a Comprehensive
Sign Plan for the
Monarch Casino**

Mayor Spellman read the title.

Vince Harris, Baseline, explained this application is for approval of the updated comprehensive sign plan for the Monarch Casino with includes 921 square feet of signage including 15 signs and 2,601 square feet of signage is permitted on the property. Staff recommends approval of the application with two (2) noted conditions.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 59-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Monarch Casino open and invited anyone wanting to address the Board either "for" or "against" the proposed resolution 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 59-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Monarch Casino, as presented.

MOTION PASSED

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

**B. Resolution 60-2014,
A Resolution
Conditionally
Approving a
Certificate of
Appropriateness**

**for a Comprehensive
Sign Plan for the
Bull Durham
Casino**

Mayor Spellman read the title.

Vince Harris, Baseline, explained this application is for approval of the updated comprehensive sign plan for the Bull Durham Casino with includes 258 square feet of signage over 10 signs and 217 square feet of signage is permitted on the property. The proposed square footage exceeds the allowed amount by 40.4 square feet, and a variance has been requested for the overage. They are not proposing a banner. Staff recommends approval of the application with the variance with three (3) noted conditions.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 60-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Bull Durham Casino open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution to come forward.

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

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 60-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Bull Durham Casino, as presented.

MOTION PASSED

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

8. ACTION ITEMS:

**C. Approval and Adoption
of the Historic
Restoration and
Community
Preservation Guide to
Programs Dated
August 2014**

Mayor Spellman read the title and noted that this item was continued from the previous meeting.

Community Planning and Development Administrator Linker explained the revisions to the document. Discussion followed. It was decided to alter the language regarding “fences on rock walls” to only “fences.” Staff recommended the guide be reviewed on an annual basis.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to continue Resolution 52-2014, a Resolution Adopting the Revised Community Restoration and Preservation Guide to Programs, dated August 13, 2014.

MOTION PASSED

There was no discussion and the motion **PASSED** by majority of five (5) "ayes", Alderman Torres voted "nay."

D. Adoption of the General Fund Paint Program Guide to Program

Mayor Spellman read the title.

City Manager Lewis stated Item D would be continued until the August 27, 2014 meeting.

E. Resolution 61-2014, A Resolution Approving the Plan Amendments to the Fire and Police Pension Association's Statewide Defined Benefit Plan Document

Mayor Spellman read the title.

City Manager Lewis explained Council had the option to approve, deny or take no action on Resolution 61-2014, the Plan Amendment to the Fire and Police Pension Association's Statewide Defined Benefit Plan Document. 60% of the City's firefighters voted against the amendment. Captain Sitzman gave an explanation of the proposed amendments.

MOTION TO DENY

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to deny Resolution 61-2014, A Resolution Denying the Plan Amendments to the Fire and Police Pension Association's Statewide Defined Benefit Plan Document.

MOTION PASSED

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

F. Resolution 62-2014, A Resolution Adopting the Black

**Hawk Records
Retention Schedule,
as Revised**

Mayor Spellman read the title.

City Clerk Greiner explained the supplement.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 62-2014, A Resolution Adopting the Black Hawk Records Retention Schedule, as Revised.

MOTION PASSED

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

**G. Resolution 63-2014,
A Resolution
Authorizing the
City to File the
Attached Petition
for Inclusion into
the Black Hawk
Business Improvement
District**

**H. Resolution 64-2014,
A Resolution
Authorizing the
City to File the
Attached Petition
for Inclusion into
the Silver Dollar
Metropolitan
District**

Mayor Spellman read the titles.

City Attorney Hoffmann explained the petitions and stated that Council could vote on both petitions at one time.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbricht, approval of Resolution 62-2014, A Resolution Authorizing the City to File the Attached Petition for Inclusion into the Black Hawk Business Improvement District and Resolution 63-2014, A Resolution Authorizing the City to File the Attached Petition for Inclusion into the Silver Dollar Metropolitan District.

MOTION PASSED

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

**I. Administrative
Services and**

**Finance
Reorganization**

Mayor Spellman read the title.

City Manager Lewis explained the need for the reorganization.

**MOTION TO
ACCEPT**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve the Administrative Services and Finance Reorganization.

MOTION PASSED

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

**J. Soil, Nail
License Agreement**

Mayor Spellman read the title.

Vince Harris, Baseline, explained the license agreement.

**MOTION TO
ACCEPT**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve the Administrative Services and Finance Reorganization.

MOTION PASSED

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

**9. CITY MANAGER
REPORT:**

City Manager Lewis had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann recommended item number 2 and 5 for executive session for specific legal issues relating to ambulance services in the City of Black Hawk, legal issues regarding the proposed paint program, and legal issues relating to mutual aid.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

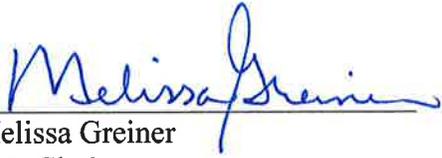
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session at 4:15 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions pursuant to C.R.S., § 24-6-402(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S., § 24-6-402(e).

**MOTION
APPROVED**

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

11. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 5:00 p.m.



Melissa Greiner
City Clerk



David D. Spellman
Mayor