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 Manager 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.

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
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 Armbright, 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