

City of Black Hawk
City Council Minutes
September 24, 2014

Fire Chief, Donald Taylor, 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, September 24, 2014.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, and Fire Chief Taylor.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: City Clerk Greiner explained there were no changes 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.

Alderman Armbright declared a Conflict of Interest on Item 8(F), A Resolution Approving a Minor Amendment to Existing Improvements by Allowing the Construction of a New Shed for the Property at 111 Hillside Street.

Alderman Midcap declared a Conflict of Interest on Item 7(A), Resolution Requesting a Variance from the Sign Code for 250 Chase Street (Continued from September 10, 2014).

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: City Clerk Greiner explained no one had signed up for public comments.

6. APPROVAL OF MINUTES

September 10, 2014

MOTION TO APPROVE

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

MOTION PASSED

There was no discussion and the motion **PASSED** unanimously with Alderman Johnson abstaining.

7. PUBLIC HEARINGS:

A. Resolution 65, A Resolution Requesting a Variance from the Sign Code for 250 Chase Street
(Continued from September 10th)

Mayor Spellman read the title and noted the item is continued from September 10, 2014.

Alderman Midcap recused himself and stepped out of the public meeting.

Vince Harris, Baseline, explained Karen Midcap, owner of Chase Street Bed and Breakfast was unable to attend the meeting but is in agreement with Staff's recommendation on the alternative, more permanent sign. There will be a post with a two-sided face, hanging sign perpendicular to the street. Staff recommends approval of variance with the six conditions noted in the Staff Report.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 65, A Resolution Requesting a Variance from the Sign Code for 250 Chase Street 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 DENY REQUEST AS SUBMITTED BUT

**TO APPROVE STAFF
RECOMMENDATION
FOR VARIANCE
WITH CONDITIONS**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to **DENY** the homeowner's request as submitted but to **APPROVE** staff's recommendation in the form of Resolution 65, A Resolution Approving a Variance from the Sign Code for 250 Chase Street for the Alternate Approach Set Forth with six conditions.

MOTION PASSED

There was no discussion and the motion **PASSED** unanimously with Alderman Midcap recusing himself.

B. Resolution 73, A
Resolution Conditionally
Approving a Certificate
of Appropriateness
and Site Development
Plan for the Proposed
Porte Cochere for the
Canyon Casino
(Recommended
Continuation until the
October 8, 2014)

Mayor Spellman read the title and noted the recommendation to continue until the October 8, 2014 meeting.

**MOTION TO
CONTINUE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to Continue Resolution 73, A Resolution Conditionally Approving a Certificate of Appropriateness and Site Development Plan for the Proposed Porte Cochere for the Canyon Casino to the October 8, 2014 agenda.

MOTION PASSED

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

C. 151 Marchant Street -
Appeal on a Decision
by the Community
Planning &
Development
Administrator

Mayor Spellman read the title.

Community Planning & Development Administrator Linker reviewed her findings and explained the intent and spirit of the grant program is for preservation and rehabilitation of the structures. This was a site grant application.

Sean Conway, owner of the property located at 151 Marchant Street, was invited to speak to his request for the site grant.

Discussion ensued between the property owner, staff and members of Council.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on 151 Marchant Street – Appeal on a Decision by the Community Planning & Development Administrator open and invited anyone wanting to address the Board either “for” or “against” the appeal to come forward.

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

MOTION TO DENY APPEAL

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Torres to **DENY** the appeal submitted by the Property Owner with the following conditions, 1) the Community Planning and Development Administrator place the request for a Site Work Component Grant submitted by the Property Owner in the normal queue for future consideration by the City Council based on the date of the receipt of the initial grant request, in conformance with the Program and 2) nothing in this decision shall be deemed to prevent the Property Owner from submitting a future request in the event circumstances demonstrably change in such a manner to require immediate emergency consideration by the City Council. Further, the City Attorney was directed to draft findings consistent with Council’s motion.

Mr. Conway thanked the Board and staff for their time and work on his behalf.

MOTION PASSED

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

D. 321 High Street -
Appeal on a Decision
by the Community
Planning &
Development
Administrator

Mayor Spellman read the title.

Community Planning & Development Administrator Linker reviewed her findings explained the intent and spirit of the grant program is for preservation and rehabilitation of the structures. This was a site grant application.

Mary Kay and Gerhard Schopen, owners of the property located at 321 High Street, were invited to speak to their request for the site grant.

Discussion ensued between the property owner, staff, and members of Council.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on 321 High Street – Appeal on a Decision by the Community Planning & Development Administrator open and invited anyone wanting to address the Board either “for” or “against” the appeal to come forward.

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

MOTION TO DENY APPEAL

Alderman Moats **MOVED** and was **SECONDED** by Alderman Armbricht to **DENY** the appeal submitted by the Property Owner with the following conditions, 1) the Community Planning and Development Administrator place the request for a Site Work Component Grant submitted by the Property Owner in the normal queue for future consideration by the City Council based on the date of the receipt of the initial grant request, in conformance with the Program and 2) nothing in this decision shall be deemed to prevent the Property Owner from submitting a future request in the event circumstances demonstrably change in such a manner to require immediate emergency consideration by the City Council. Further, the City Attorney was directed to draft findings consistent with Council’s motion.

MOTION PASSED

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

8. ACTION ITEMS:

E. Resolution 74, A Resolution Opposing Amendment 68 and Strongly Urging Its Defeat

Mayor Spellman read the title.

City Attorney Hoffmann explained under Fair Campaign Practices Act the City is limited in terms of how it can address ballot questions and the Act specifically authorizes the City to express its support or opposition to a ballot question by resolution. Resolution 74 sets forth strong opposition to Amendment 68 and the reasons why the City opposes the amendment.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 74, A Resolution Opposing Amendment 68 and Strongly Urging Its Defeat.

Mr. Sean Conway, 151 Marchant Street, commended Council for their decision to oppose Amendment 68.

F. Resolution 75, A Resolution Approving a Minor Amendment to the Existing Improvements by Allowing the Construction of a New Shed for the Property at 111 Hillside Street

Mayor Spellman read the title.

Alderman Armbright recused herself and stepped out of the public meeting.

Community Planning and Development Administrator Linker explained the owner of 111 Hillside Street was requesting a minor amendment to the previous Certificate of Appropriateness which was previously approved by City Council. The proposed shed requires a Minor Certificate of Appropriateness. HPC reviewed the request and recommends approval.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve a Minor Amendment to the Certificate of Appropriateness to allow Construction of a New Shed for the Property at 111 Hillside Street per HPC's recommendation.

MOTION PASSED

There was no discussion and the motion **PASSED** unanimously with Alderman Armbright recusing herself.

G. Resolution 76, A Resolution Approving a Minor Amendment to Existing Improvements by Allowing the Replacement of Porch

Floors for the Properties
at 430, 450 and 460
Gregory Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained the materials being replaced are not original and will be replaced with an alternate materials. Staff recommends approval.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 76, A Resolution Approving a Minor Amendment to Existing Improvements by Allowing the Replacement of Porch Floors for the Properties at 430, 450 and 460 Gregory Street.

MOTION PASSED

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

H. Resolution 77, A
Resolution Approving
the Agreement of
Lease Between the
City of Black Hawk
and Ed & Shirley Smith,
Inc., for Gregory Street
Parking

Mayor Spellman read the title.

Finance Director Hillis explained the lease.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 77, A Resolution Approving the Agreement of Lease Between the City of Black Hawk and Ed & Shirley Smith, Inc., for Gregory Street Parking.

MOTION PASSED

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

I. Resolution 78, A
Resolution Approving
the Agreement of Lease
Between the City of Black
Hawk and Cholua
Brothers Mining, Inc.,
For 470 Gregory

Mayor Spellman read the title.

Finance Director Hillis explained the lease.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 78, A Resolution Approving the Agreement of Lease Between the City of Black Hawk and Cholua Brother Mining, Inc. for 470 Gregory Street.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager Lewis requested permission to dispose of radio equipment.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve the disposal of the City owned radio equipment.

MOTION PASSED

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

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann had nothing for Executive Session.

MOTION TO ADJOURN

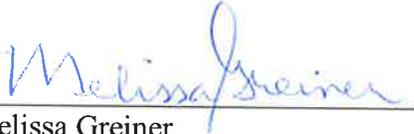
Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to adjourn the executive session.

MOTION PASSED

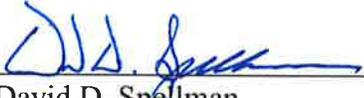
There was no discussion and the motion **PASSED** unanimously.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:01 p.m.



Melissa Greiner
City Clerk



David D. Spellman
Mayor

