

City of Black Hawk  
City Council Minutes  
July 23, 2014

IT Support Technician Tarik Muhammad 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, July 23, 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, Senior Civil Engineer Reed, IT Support Technician Muhammad, Fire Chief Taylor, 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: Mayor Spell announced item 8K will be deferred until after the Executive Session in order for Council to seek legal advice and item 8N will be pulled from the agenda to be brought back at a future City Council meeting yet to be determined.

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.

5A. INTRODUCTION OF  
EMPLOYEE Heshaum Gari, Police Office I

5B. PUBLIC COMMENTS: No one came forward to speak.

6. APPROVAL OF  
MINUTES FOR  
July 9, 2014

**MOTION TO APPROVE**

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

**MOTION PASSED**

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

7. PUBLIC HEARINGS:

A. New Medical Marijuana Business License

Mayor Spellman asked for a motion to continue the item until July 30, 2014 at 10:00 a.m.

**MOTION TO CONTINUE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to continue the item until July 30, 2014 at 10:00 a.m.

**MOTION PASSED**

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

B. CB14, An Ordinance Approving an Intergovernmental Agreement for Temporary Staffing of a State Wildland Fire Engine Between the City of Black Hawk and the Colorado Department of Public Safety, Division of Fire Prevention and Control

Mayor Spellman read the title.

Fire Chief Taylor explained the State of Colorado is required to have a minimum number of personnel to fight fires in the West. This agreement allows the City to send personnel, if staffing is available, to fight Wildland fires for up to two weeks to get training and experience. Funding is through the State. The City will maintain minimum staffing and there will be no reduction in force.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB14, An Ordinance Approving an Intergovernmental Agreement for Temporary Staffing of a State Wildland Fire Engine Between the City of Black Hawk and the Colorado Department of Public Safety, Division of Fire Prevention and Control 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 CB14, An Ordinance Approving an Intergovernmental Agreement for Temporary Staffing of a State Wildland Fire Engine Between the City of Black Hawk and the Colorado Department of Public Safety, Division of Fire Prevention and Control.

**MOTION PASSED**

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

C. Resolution 53-2014,  
A Resolution Conditionally  
Approving a Certificate of  
Appropriateness for a  
Comprehensive Sign Plan  
for the Lodge Casino

Mayor Spellman read the title.

Vince Harris, Baseline Corporation, explained the Lodge is allowed 1781 square feet and will use 535 square feet with 12 signs. Staff recommends approval with conditions noted in the staff report.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 53-2014, A Resolution Conditionally approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Lodge Casino open and invited anyone 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 Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 53-2014, A Resolution Conditionally approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Lodge Casino with staff’s recommendations.

**MOTION PASSED**

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

**D. Resolution 54-2014,  
A Resolution Conditionally  
Approving a Certificate of  
Appropriateness for  
Comprehensive Sign Plan  
for the Saratoga Casino**

Mayor Spellman read the title.

Vince Harris, Baseline, explained the property is allowed 990 square feet allowed and request 495.89 square feet in twenty signs including a banner. Staff recommended approval with three conditions noted in the staff report.

Rodney Eaton, Yesco Sign Company of, 10220 E 53<sup>rd</sup> Avenue, Suite 300, Denver, Colorado, responded to Council's questions. Discussion with Vince Harris ensued regarding the third condition.

Mayor Spellman asked if Council preferred the longer, narrower, black frame. All agreed, and recommended painting the banner structure the color of the building.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 54-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for Comprehensive Sign Plan for the Saratoga 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 Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 54-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for Comprehensive Sign Plan for the Saratoga Casino with the conditions established by staff except condition number three (3) will specify the longer, narrower banner with framework painted the color of the building.

**MOTION PASSED**

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

**E. Certificate of  
Appropriateness for  
Proposed Exterior  
Painting – 111  
Hillside Street**

**F.** Certificate of  
Appropriateness for  
Proposed Exterior  
Painting – 220  
Church Street

**G.** Certificate of  
Appropriateness for  
Proposed Exterior  
Painting – 111  
Marchant Street

**H.** Certificate of  
Appropriateness for  
Proposed Exterior  
Painting – 261  
Church Street

Mayor Spellman asked for a motion to continue items E, F, G, and H until August 13, 2014.

**MOTION TO  
CONTINUE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to continue items E, F, G, and H until August 13, 2014.

**MOTION PASSED**

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

**8. ACTION ITEMS:**

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

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

Jessica Killian, Consilium Partners, explained the changes made are due to the paint program being moved and include updated language to the materials allowance list. Ms. Killian stated that moving the paint program negates the need for an exterior maintenance component of the Guide to Programs. In addition, staff recommends adding a Certificate of Appropriateness application and level of review to give the City and the applicant the understanding of when a Certificate of Appropriateness is

needed for exterior projects. Other than these changes, everything else in the package remains the same as presented at the previous meeting.

Alderman Torres noted that Council did not direct staff to remove the exterior maintenance component from of the Guide to Programs when they asked to have painting removed. Exterior maintenance should remain in the Guide to Programs which would be funded by historic preservation funds.

Mayor Spellman asked Council for clarification. Discussion ensued. Alderman Midcap asked if the change was requested to allow the City more flexibility in the paint program. City Attorney Hoffmann stated that there was a desire to remove the paint component but leave the exterior component in the Historic Restoration and Community Preservation Guide to Programs. Only historic properties would qualify for the exterior component under the Guide to Programs. All agreed.

**MOTION TO  
CONTINUE**

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

**MOTION PASSED**

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

**J. Resolution 55-2014,  
A Resolution  
Approving  
Conveyance of  
Property from the  
City of Black Hawk  
to the Black Hawk  
Urban Renewal  
Authority**

Mayor Spellman read the title.

City Attorney Hoffmann explained that typically Black Hawk has restored/rehabilitated properties itself. With 211 and 221 Gregory Street what is contemplated is that the property will be leased to a third party that will be completing the restoration and rehabilitation of the property. This is a redevelopment project where the City is putting the redevelopment of these properties in to the hands of a third party. The City has previously created an Urban Renewal Authority that covers this portion of Gregory Street. If the resolution is approved, the properties will be conveyed to the

Urban Renewal Authority. The Urban Renewal Authority will be the landlord and will oversee the tenant's redevelopment of the properties.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 55-2014, A Resolution Approving Conveyance of Property from the City of Black Hawk to the Black Hawk Urban Renewal Authority.

**MOTION PASSED**

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

**K. Resolution 56-2014,  
A Resolution for  
Approval and  
Adoption of the  
General Fund Paint  
Program Guide to  
Programs, Dated  
July 2014**

Mayor Spellman noted the item was deferred until after Executive Session.

**L. Resolution 57-2014  
A Resolution  
Establishing Building  
Permit Fees**

Mayor Spellman read the title.

City Attorney Hoffman explained that Community Planning and Development recommended the City revise the Building Permit Fees under the International Building Code.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 57-2014, A Resolution Establishing Building Permit Fees.

**MOTION PASSED**

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

**M. Approval of PEH  
Architects Proposal  
for the Rehabilitation  
of the Historic Homes**

**and Properties  
Located at 301  
High Street and  
401 Chase Street**

Mayor Spellman read the title.

Jessica Killian, Consilium Partners, explained as part of the upcoming development of the properties at 301 High Street and 401 Chase Street proposals were solicited from Anderson Hallas and PEH. PEH was the lowest bidder. Staff recommends approval of the PEH proposal.

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates, Approval of PEH Architects Proposal for the Rehabilitation of the Historic Homes Located at 301 High Street and 401 Chase Street.

**MOTION PASSED**

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

**N. Professional Services  
Agreement for  
Maryland Mountain /  
Quartz Valley Hidden  
Treasure Trailhead  
Feasibility and  
Preliminary Design**

Mayor Spellman noted the item will be brought back at a future date.

**O. Professional Services  
Agreement for  
Police Annex and  
Parking Facility  
Design**

Mayor Spellman read the title.

Public Works Director Isbester explained the Professional Services Agreement and recommended approval.

Mayor Spellman noted that the item was covered in the 2014 Budget. Questions were asked about storage capacity of the building. It was decided to explore adding additional area for storage to the building.



**MOTION TO APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbright, Approval of the Professional Services Agreement for the Police Annex and Parking Facility in the amount of \$144,350.

**MOTION PASSED**

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

**P. 2013 Audit**

Mayor Spellman read the title.

Finance Director Hillis explained the audit was an annual requirement and the City's auditor John Cutler & Associates, LLC, issued a clean, unqualified audit.

**MOTION TO ACCEPT**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to accept the 2013 Audit.

**MOTION PASSED**

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

**9. CITY MANAGER REPORT:**

City Manager Lewis requested approval for disposal of two vehicles as trade-ins for the purchase of a new truck approved in the 2014 Budget. City Manager Lewis explained that the City's Charter requires Council's approval when disposing of City items.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve the disposal of two City vehicles.

**10. CITY ATTORNEY:**

City Attorney Hoffmann updated Council on the Burton Immanent Domain case. The trial begins on Tuesday and will last 4 days.

City Attorney Hoffmann recommended item number 2 for executive session for specific legal issues relating to ambulance services in the City of Black Hawk, legal issues regarding the proposed paint program, 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 3:50 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).

11. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 5:05 p.m.



Melissa Greiner  
City Clerk



David D. Spellman  
Mayor