



**City of Black Hawk  
City Council**

**July 25, 2018**

**MEETING MINUTES**

The City of Black Hawk's two new police officers Randy Nguyen and McKinzie Rees rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, July 11, 2018, at 3:00 p.m. by Mayor Spellman.

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, Police Officers Nguyen and Rees, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning and Development Administrator Linker, Baseline Consultant Harris, 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:** 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. No conflicts were noted from City Council.

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. INTRODUCTION OF  
NEW EMPLOYEES:

Randy Nguyen, Police Officer  
McKinzie Rees, Police Officer

Police Chief Cole was happy to present two new officers to Council. He gave a brief background on each and they were warmly welcomed.

6. PUBLIC COMMENT:

Deputy City Clerk Martin confirmed that no one had signed up to speak.

7. APPROVAL OF  
MINUTES:

July 11, 2018

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve the Minutes as presented, noting Alderman Torres recused himself from the vote.

**MOTION PASSED**

There was no discussion and the motion passed unanimously.

8. PUBLIC HEARINGS:

**A. Resolution 48-2018, A Resolution Conditionally Approving a Certificate of Appropriateness for the Comprehensive Sign Plan Amendment for the Monarch Casino**

**B. Resolution 49-2018, A Resolution Approving a Variance from the Total Signage Area Requirements**

Mayor Spellman read the titles to hold one public hearing for Agenda items A and B and opened the public hearing.

Baseline Consultant Harris introduced these items related to the Monarch Casino. He said the Monarch is now in a position, as progress has been made with the tower, to start planning for their signage. Resolution 48-2018 would combine their previously approved Comprehensive Sign Plan with the proposed sign plan for the tower into one cohesive document. He said they are proposing to remove some existing signs from the existing casino and relocate others, all detailed in the packet.

Harris said Resolution 49-2018 would be heard by Council acting as the Board of Adjustment for the variance request of 1,061 additional square feet of sign area due to the height of building.

David Farahi, of Monarch Casino, was present and thanked Council and staff for their continued support and collaboration. He then went on to

provide a status update on the construction. He said they are already past the half-way point and are already talking about Labor Day 2019 events to grow the market for visitors.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 48-2018, a Resolution conditionally approving a Certificate of Appropriateness for the Comprehensive Sign Plan amendment for the Monarch Casino and Resolution 49-2018, a Resolution approving a variance from the total signage area requirements 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 Resolution 48-2018, a Resolution conditionally approving a Certificate of Appropriateness for the Comprehensive Sign Plan amendment for the Monarch Casino.

**MOTION PASSED**

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

**MOTION TO APPROVE**

Acting as the Board of Adjustment, Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 49-2018, a Resolution approving a variance from the total signage area requirements.

**MOTION PASSED**

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

**C. Resolution 50-2018, A Resolution Conditionally Approving the Certificate of Appropriateness and the Site Development Plan for the Canyon Parking Lot**

Mayor Spellman read the title and opened the public hearing.

Baseline Consultant Harris introduced this Resolution and said the applicant had been previously approved for a parking garage, but has since changed their mind and would now like to be approved for a surface parking lot instead. He said the submitted Subdivision Improvements Agreement (SIA) was not sufficient and staff is recommending continuation until August 8. City Attorney Hoffmann said the purpose of today’s meeting was to dialogue and possibly reach an agreement on necessary improvements to be able to cost them out in order to complete the SIA. Harris went through the presentation included in the packet. He said the difference of opinion was Section 2H of the Resolution related to the rock wall treatment. Staff

recommends a 100% sculpted colored concrete wall due to the fact that the garage would not be built, which would have hidden some of the existing shotcrete and mesh that Council finds unattractive.

Harris also pointed out page two of the Resolution, Section 3G regarding the floodplain/channel improvements. He wanted to add language at the end to say "including the Letter of Map Revision (LOMR) for all resulting impacts to the floodplain boundaries in the North Clear Creek channel" in order to make it very clear to the applicant what the City is requesting.

David Grunenwald, Vice-President of Development for Jacobs Entertainment, addressed Council with his understanding of the Excavation Code and the garage view of the rock wall. In order to still save money on the project and to appease staff and Council, he said another option they could offer is a unique custom designed Black Hawk sign and logo with 25-foot high letters to go on the rock wall, along with new mesh fencing on the new rock cuts to match what is currently there. He said this is a sign that would be given to the City to relocate as they wished when the time came to build on that site. Mr. Grunenwald said he could come back with a plan for the sign if it pleased Council to do so. He added its all about costs for him and that if he shotcreted that entire wall it will cost \$1,000,000, and if they put up a sign it could be half that cost.

In regards to the Floodplain/Channel Improvements, Mr. Grunenwald confirmed with his engineers in the audience that it will be done. Public Works Director Isbester clarified the request by expressing that reports are done by picking a place in time, starting out with assumed flows and then doing their analysis through that reach. He said there are assumed flows at Gregory Street for North Clear Creek that come up out of the channel and affect this site and that is why staff asked them at the first part of the excavation to make sure the LOMR was correct, and it was not correct as it related to the 500 year event, because the channel was not cleared. Upon the channel being cleared and excavated makes it much more affected by the 500-year event. Mr. Grunenwald again agreed it would be done as requested.

Mayor Spellman suggested to Council to consider the sign option as a tradeoff to mitigate the old and new cuts and then once the property owners come back with a Planned Unit Development application to build there, the sculpted concrete could be a condition of approval. He added it would be a good marketing tool and could be reused.

Mr. Gruenewald noted that once approved the sign is a spring activity, because it will take time to design and engineer it. He said they could create an Escrow Account to deposit funds, have an executed sign

company agreement, and only operate under a Temporary Certificate of Occupancy for the lot to make it happen.

City Attorney Hoffmann wanted to make clear for the applicant the correct interpretation of the Excavation Code. He said that Mr. Gruenewald assumed that one would only fix what you touch, and that would be true if it was only excavation taking place, but the excavation taking place is part of a Site Development Plan and Certificate of Appropriateness in order to allow a parking area, so it is more than just an application of the Excavation Code and Council is authorized to address the impacts aesthetically caused by the change of circumstances. He went on to summarize for Council that they were to provide guidance on a direction so that the applicant could cost it out to complete the SIA and asked Council if they had any objection to bringing back the sign conceptually as a solution to the rock wall. Council unanimously did not.

Mr. Gruenewald said the excavation would take them through August and asked if staff could expedite the construction permits. Community Planning and Development Administrator Linker asked for time to review their sign proposal in order to respond and create a report for Council's August 8 packet. It was decided to have all information received from the applicant by close of business on Tuesday, July 31. Council offered to wait for their packet until Monday night or Tuesday morning, instead of the usual Friday, if that gives staff more time to review and prepare.

**MOTION TO  
CONTINUE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to continue Resolution 50-2018, a Resolution conditionally approving the Certificate of Appropriateness and the Site Development Plan for the Canyon Parking Lot to August 8 City Council meeting.

**MOTION PASSED**

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

9. ACTION ITEMS:

None

10. CITY MANAGER  
REPORTS:

City Manager Lewis had nothing to report.

11. CITY ATTORNEY:

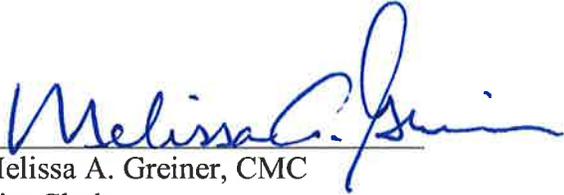
City Attorney Hoffmann had nothing to report.

12. EXECUTIVE  
SESSION:

None

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:00 p.m.



Melissa A. Greiner, CMC  
City Clerk



David D. Spellman  
Mayor

