

REVISED



## REGULAR MEETING AGENDA

City of Black Hawk City Council  
211 Church Street, Black Hawk, CO

April 22, 2015  
3:00 p.m.

### RINGING OF THE BELL:

1. CALL TO ORDER:
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. ADENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. INTRODUCTION OF NEW EMPLOYEES: Jessie Baca, Police Officer  
Jose Granillo, Police Officer
6. PUBLIC COMMENT: *Please limit comments to 5 minutes*
7. APPROVAL OF MINUTES: April 8, 2015
8. PUBLIC HEARINGS:  
None
9. ACTION ITEMS:
  - A. Resolution 31-2015, A Resolution Approving the Addition of a New Position Within the Black Hawk Fire Department (*continued from April 8, 2015*)
  - B. Resolution 32-2015, A Resolution Adopting the 2015 City of Black Hawk Fire Department Fee Schedule for Inspections and Plan Review (*continued from April 8, 2015*)
  - C. Resolution 34-2015, A Resolution Setting the City of Black Hawk Conveyance Permit Fees
  - D. Resolution 35-2015, A Resolution Approving the Temporary Construction Easement from Josh Smith to the City of Black Hawk for Rehabilitation of the Property at 401 Chase Street
  - E. Resolution 36-2015, A Resolution Approving the License Between the City of Black Hawk and Z Casino for a City Bus Stop
  - F. *Resolution 37-2015, A Resolution Awarding the Bid and Approving the Contract for the Design of the Gregory Street Parking Structure to Desman, Inc. in an Amount not to Exceed \$117,590.00 Plus Reimbursable Expenses of Approximately \$4,100.00*
10. CITY MANAGER REPORTS:
11. CITY ATTORNEY:
12. EXECUTIVE SESSION:
13. ADJOURNMENT:

### MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community.



BLACK HAWK <sup>®</sup>

## **CITY OF BLACK HAWK NEW EMPLOYEE INTRODUCTION**



### **JESSIE BACA POLICE OFFICER**

Officer Baca was born and raised in Lakewood and has lived in Colorado his entire life. He graduated from Green Mountain High School in 2009 and has experience in various aspects of construction. Jessie attended Red Rocks Law Enforcement Academy in the fall of 2014. It was a seventeen week academy that certified him as a police officer. Jessie feels the professionalism and environment in Black Hawk has been better than anything he has ever experienced. He enjoys spending time with family, friends and hiking, fishing, hunting, biking and snowboarding.



BLACK HAWK <sup>®</sup>

## **CITY OF BLACK HAWK NEW EMPLOYEE INTRODUCTION**



### **JOSE GRANILLO POLICE OFFICER**

Jose Granillo was raised in Denver along with his two siblings in a wonderful, loving home. He attended West High School and graduated from Abraham Lincoln High in 2009. Jose was introduced to the food industry by his father when he was 15 years old and learned all parts of the restaurant business before becoming a manager. He enjoyed the restaurant business, but always knew he wanted to be a police officer. While working full time he attended the Community College of Denver and later enrolled in the Aurora Police Academy where he became POST certified. He is enjoying working for the city of Black Hawk and intends to be part of the Black Hawk family for a long time. Jose also has a highly energized four year old who keeps him busy when he is not at work.



**City of Black Hawk  
City Council**

**April 8, 2015**

**MEETING MINUTES**

Street Maintenance Worker Edgar Espinosa rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, April 8, 2015 at 3:00 p.m. by Mayor Spellman.

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

**Staff present:** City Attorney Hoffmann, City Manager Lewis, Fire Chief Taylor, City Clerk/Administrative Services Director Greiner, Police Chief Cole, Public Works Director Isbester, Street Superintendent Mike Schaller, Street Maintenance Workers Michael Ludivig and Edgar Espinosa, Community Planning and Development Administrator Linker, Finance Director Hillis, 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 noted that items 9G and 9H have been recommended for continuation until Council's next meeting on April 22, 2015.

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. There were no conflicts 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: Street Superintendent Schaller introduced the newest additions to the Public Works Streets crew, which now completes the crew. Michael Ludivig and Edgar Espinosa were both warmly welcomed.

6. PUBLIC COMMENTS: Deputy City Clerk Martin confirmed that no one had signed up to speak.

7. APPROVAL OF MINUTES March 25, 2015.

**MOTION TO APPROVE** Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

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

8. PUBLIC HEARINGS:

**A. CB9, An Ordinance Approving the Disconnection of Certain Property from the City of Black Hawk**

Mayor Spellman read the title and opened the public hearing.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB9, An Ordinance Approving the Disconnection of Certain Property from the City of Black Hawk 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.

City Attorney Hoffmann explained that this was one of the final steps in the Property Exchange Agreement between the City of Black Hawk and the Quartz Valley Ranch Company. Hoffmann said the Gilpin County Commissioners will hear the land use application on April 21 and the closing is scheduled for April 22. If approved, this Ordinance will not be effective until after the closing, once it is recorded with Gilpin County Clerk and Recorder’s Office.

**MOTION TO APPROVE** Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve CB9, An Ordinance Approving the Disconnection of Certain Property from the City of Black Hawk.

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

**B. CB10, An Ordinance Amending the City of Black Hawk Employee Handbook**

Mayor Spellman read the title and opened the public hearing.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB10, An Ordinance Amending the City of Black Hawk Employee Handbook 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.

City Clerk/Administrative Services Director Greiner explained the requested change to how the City calculates the market adjustment. She said that normally the City would take the mid-point average from survey cities; staff is proposing to take the minimum averages instead.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve CB10, An Ordinance Amending the City of Black Hawk Employee Handbook.

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

**C. CB11, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Clear Creek Fire Authority**

Mayor Spellman read the title and opened the public hearing.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB11, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Clear Creek Fire Authority 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.

Fire Chief Taylor introduced this item. He said this Ordinance would formalize an agreement that is already in place with Clear Creek Fire Authority. Taylor confirmed that this would not affect the City of Black Hawk’s coverage in the case of an emergency.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve CB11, An Ordinance Approving a Mutual Aid Agreement Between the City of Black Hawk and the Clear Creek Fire Authority.

**MOTION PASSED**

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

**D. CB12, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, the City of Central, and the Timberline Fire Protection District Regarding the Use of Certain Equipment**

Mayor Spellman read the title and opened the public hearing.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on CB12, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, the City of Central, and the Timberline Fire Protection District Regarding the Use of Certain Equipment 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.

Fire Chief Taylor explained that Timberline Fire Protection District had received a grant from the North Central All-Hazards Region for an air and light support unit, which is a 20’ trailer with the ability to refill air packs and provide a light tower on the scene of a major incident for safety. The grant requires it to be available to all agencies within the County, and in order to do so an IGA must be approved.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve CB12, An Ordinance Approving an Intergovernmental Agreement Between the City of Black Hawk, the City of Central, and the Timberline Fire Protection District Regarding the Use of Certain Equipment.

**MOTION PASSED**

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

**9. ACTION ITEMS:**

**E. Resolution 29, A Resolution Approving the Contract to Buy and Sell Real Estate Between the City of Black Hawk as Buyer and the Blake Family LLC and the Bobtail Tunnel LLC Collectively as the Seller**

Mayor Spellman read the title.

City Manager Lewis explained that this contract is to purchase all of the Blake holdings (property and mineral rights) in Gilpin County, except for their personal residences and the Polar Star Mill. He said this is a huge opportunity for the City and probably the largest historic purchase ever contemplated. Mayor Spellman added arguably, the most historic mining sites in Colorado. Lewis noted it also includes the old fire hose cart currently housed at the museum in Central City. The closing is scheduled for May, and the majority of the funds are coming from the Historic Preservation Fund, in addition to the General Fund. Council congratulated staff and Lewis noted that the majority of the credit should be given to City Attorney Hoffmann.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 29, A Resolution Approving the Contract to Buy and Sell Real Estate Between the City of Black Hawk as Buyer and the Blake Family LLC and the Bobtail Tunnel LLC Collectively as the Seller.

**MOTION PASSED**

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

**F. Resolution 30, A Resolution Approving the Agreement of Lease Between the City of Black Hawk and I'll Make You Famous Tattoos, LLC**

Mayor Spellman read the title.

Finance Director Hillis introduced the lease for 430 Gregory Street in Mountain City.

**MOTION TO APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 30, A Resolution Approving the Agreement of Lease Between the City of Black Hawk and I'll Make You Famous Tattoos, LLC.

**MOTION PASSED**

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

**G. Resolution 31, A Resolution Approving the Addition of a New Position Within the Black Hawk Fire Department**

**H. Resolution 32, A Resolution Adopting the 2015 City of Black Hawk Fire Department Fee Schedule for Inspections and Plan Review**

Mayor Spellman noted staff's recommendation to continue agenda items 9(G) and 9(H) to the April 22, 2015 meeting.

**I. Resolution 33, A Resolution Authorizing the Sale of Certain City of Black Hawk Merchandise**

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner stated that in an effort to control costs, the City has opened wholesale accounts with vendors. She said a condition of the wholesale agreements is to offer the merchandise for resale to the public. The items will be available for sale in the Clerk's office, and of course, can still be given away at the direction of Council.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 33, A Resolution Authorizing the Sale of Certain City of Black Hawk Merchandise.

**MOTION PASSED**

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

**10 CITY MANAGER REPORTS:**

City Manager Lewis had nothing to report.

**11. CITY ATTORNEY:**

City Attorney Hoffmann had nothing to report.

**12. EXECUTIVE SESSION:** City Attorney Hoffmann recommended item numbers 2 and 5 for Executive Session, in regards to Fire Department staffing, pending litigation, potential legislation, and the City's Grant Program.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:25 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(4)(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(4)(e).

**MOTION PASSED**

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

**MOTION TO  
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:40 p.m.

**MOTION PASSED**

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

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:40 p.m.

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Melissa A. Greiner  
City Clerk

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David D. Spellman  
Mayor

DRAFT

**RESOLUTION 31-2015**  
**A RESOLUTION**  
**APPROVING THE**  
**ADDITION OF A NEW**  
**POSITION WITHIN THE**  
**BLACK HAWK FIRE**  
**DEPARTMENT**

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK**

**Resolution No. 31-2015**

**TITLE: A RESOLUTION APPROVING THE ADDITION OF A NEW POSITION  
WITHIN THE BLACK HAWK FIRE DEPARTMENT**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE  
CITY OF BLACK HAWK, COLORADO, THAT:

**Section 1.** The Board of Aldermen hereby approves the addition of the new civilian  
position of Fire Inspector within the Black Hawk Fire Department.

RESOLVED AND PASSED this 22<sup>nd</sup> day of April, 2015.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, City Clerk

**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** Fire Inspector position

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE** Resolution 31-2015, A resolution approving the addition of a new position within the Black Hawk Fire Department.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** The fire department conducts fire inspections for all commercial and City buildings in Black Hawk. After the prior inspector was placed in an operational position, the position was not retained. Existing staff is not able to keep up with the demand for inspections, plans reviews, consultations, code enforcement etc. Request is to hire a full time fire inspector to perform these duties.

**AGENDA DATE:** April 22, 2015

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** New Fees and General Revenue

**CITY MANAGER APPROVAL:**  Yes  No

**STAFF PERSON RESPONSIBLE:** Fire Chief Don Taylor

**DOCUMENTS ATTACHED:** Yes

**RECORD:**  Yes  No

**CITY ATTORNEY REVIEW:**  Yes  N/A

**SUBMITTED BY:**

**REVIEWED BY:**



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Don Taylor, Fire Chief/Emergency Manager

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Jack D. Lewis, City Manager



**City of Black Hawk**  
**Fire Inspector**  
**Request for Hiring: Staff Report**  
**April 8, 2015**

**Don Taylor MPA MEP NRP**  
**City of Black Hawk Fire Department**  
**Fire Chief/Emergency Manager**



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## **Introduction:**

This staff report is developed to provide background information in regards to the City of Black Hawk Fire Department fire inspections program and to request the currently vacant fire inspector position to be filled. This is to include an honest evaluation of the completion of inspections, the impact on department operations, and the efforts to increase department capabilities. The end of the body of this report provides estimated costs to address the issue.

## **Current Inspection Status:**

Over the time period that gaming has been in operation in Black Hawk the fire department has had the responsibility of performing yearly fire inspections, plans reviews and compliance monitoring. While prior to May 2012 my understanding is that prior fire administration agreed to this arrangement with the State but there is no existing agreement that can be located. Until recently the City was the only gaming community which performed these functions. Central City utilizes the State for fire inspections and Cripple Creek has recently converted from the State to utilization of a fire department inspector for these functions.

When I was hired in 2012, annual inspections were performed by Captain Cheek. This was his primary responsibility and his focus was on plans reviews and annual inspections. Compliance issues were only addressed as time permitted. This arrangement led to many daily functions not being completed successfully and significantly impacted department operations.

The City consists of 18 casinos, 7 parking garages, 6 hotels, approximately 20 city buildings and numerous small businesses totaling over 3,650,000 square feet. (Appendix A) In our review of this square footage, complexity of the inspections and type of occupancy, it is estimated that initial boots on the ground inspections of these facilities is about 300 hours and follow up inspections would be about 150 hours. (Appendix A) This does not include the paperwork obligations in regards to record keeping and reports. In addition, plans reviews vary between 30-40 per year on average, with these taking anywhere from one to eight hours depending on the complexity. During 2014 approximately 35 plans were submitted for initial review and subsequent follow up. (Appendix B)

Additionally, 229 Temporary Fire Watch permits were issued and tracked in 2014 to ensure compliance, DRC meetings were attended on a weekly basis, multiple compliance issues were addressed and consultations performed. After reviewing these commitments it is estimated that 40-44 hours per week is spent by the department accomplishing the above.



During 2014 the fire department made every effort to accomplish the yearly inspections but was not totally successful. In review of the inspection records, inspections that were not completed in 2014 were accomplished in 2013 and are either completed or are scheduled to be completed in the first half of 2015. It is the nationally accepted standard every commercial occupancy is inspected on a yearly basis with the necessary follow ups to ensure compliance. The State currently requires all gaming establishments to provide proof of successful inspection yearly.

It should be noted that efforts have been made by the department to increase its capabilities to perform inspections through the addition of three staff members achieving the basic fire inspector certification. While this provides additional capabilities for basic inspections, all plans reviews have to be done by Captain Cheek, due to State certification, and if the inspection involves a fire suppression system (new or modified) the inspection must be accomplished by Captain Cheek or me due to our advanced certifications.

Inspections are severely constrained by shift responsibilities to include emergency response, training and other commitments. Most notably crews must arrange for a facility representative to be present to allow access to secure areas and if the crew has to leave for another commitment, these arrangements must be remade. Additionally some of these inspections entail multiple hours and days which would require extensive overtime or partial inspections being turned over to another inspector losing consistency and further complicating daily operations.

Customer service has also become an issue with contractors having to wait for plans reviews and inspections during projects. Current department policy is five days advance notification for inspections and ten days to complete a plans review. While we do our best to exceed this guideline we do run into delays which effect the construction process due to either the necessary level of inspector being available or daily work load. Even basic contractor follow ups are at times delayed due to work schedules and Chief availability.

Compliance has become an increasing issue within the City. With multiple responsibilities staff is not able to make unannounced visits and identify compliance issues that directly affect the safety of our visitors. This involves maintenance being performed and fire detection/suppression systems being removed from service without compliance with City code, spaces being utilized in contrast to code requirements, exits being blocked, combustible storage, etc.



There has also been a converse impact on C shift as Captain Cheek has had to focus on the inspections and plans reviews and not been able to maintain a primary focus of his obligations and responsibilities to train and mentor his staff. This has placed undue responsibility on subordinate officers and reduced operational capabilities.

### **Fire Inspection History:**

As stated previously the City has taken the responsibility for all fire inspections and permits required by the adopted International Fire Code and, as applicable, State statutes. This includes all occupancies governed by the adopted code not just gaming areas. These inspections are accomplished to ensure the businesses in the City meet the obligations of the code and provide a safe environment for their customers, staff and visitors. The ability for these businesses to remain open directly impacts the fiscal security of the City and the State. The loss of one of these businesses for even a short period of time due to a code issue or fire can directly impact the City as was demonstrated during the September storms of 2013.

Research has not been able to produce a document which provides evidence of an agreement between the City and the State for the City to perform gaming area inspections and plans reviews. It is my best conclusion that this was a handshake agreement done when the gaming industry came to the City and has just been accepted since. Research into the gaming statutes has also failed to produce evidence of State's authority in this area except for initial fire code adoption, initial opening of the gaming area and technical support if requested by the jurisdiction.

The Fire Inspector position was dissolved in 2007 when the current fire inspector was promoted to Fire Chief. Until my hiring in 2012, the responsibility of inspection and associated duties was transferred to Captain Cheek for the primary responsibility of annual inspections and plans reviews. This was in addition to his shift captain responsibilities.

Budget requests for re-instatement of the inspector position were submitted but not approved in both the 2013 and 2014 budgets. During this time period the department also added three Fire Inspector 1 certifications with existing officers to try to ease some of the burden off of Captain Cheek. This was in addition to me taking upon multiple inspections and consultations in addition to my Fire Chief and Emergency Manager roles.

I also chose to research a potential fee recovery schedule to determine if the cost of an employee could be off set. (Appendix C) While it is not totally feasible to offset the expense of a



Full Time Employee, research from 2014 plans reviews, estimated inspection time and other fees demonstrate a fairly significant estimation of fiscal recovery:

Annual Inspections:	Approx. 250 hours	\$37,500.00
<u>Plans Reviews:</u>	33 in 2014	<u>\$14,500.00</u>
Estimated 2014 Fee Recovery		\$52,000.00

This total potential recovery of \$52,000 is based upon a single year volume. This recovery would vary based upon construction projects and increased compliance with the adopted fire code.

### **Fire Inspector Roles and Responsibilities:**

After reviewing prior responsibilities of the Fire Inspector and what my expectations would be for the employee, I see the following 10 primary areas (as reflected in the job description {Appendix D}):

1. Scheduling of Inspections
2. Performing Annual and Required Inspections to include follow-ups
3. Performing Compliance Inspections to include follow-ups
4. Consultation with business owners, city officials and construction companies
5. Temporary Fire Watch Permit issuance and tracking
6. Plans Reviews
7. Attend and participate in DRC meetings
8. Fire Alarm tracking and correspondence
9. Staff Training
10. Code review and update recommendations

### **Location of Inspector:**

With the addition of a fire inspector either through contract or as a City employee, there is a necessity for a space to perform administrative duties, research and meet with customers. Of the multiple options, the best option is to house the employee at the fire station.

This can be accomplished with some reorganization of the current staff locations and at limited cost. The cost would include some potential modifications to existing space to make another



office. The City Facilities Maintenance Division Supervisor, Rory Miller, has estimated the building costs would be \$3,500 and the work could be done by his staff

**Financial Impact:**

Obviously there is a financial impact to the addition of a fire inspector to the City employment ranks. There are three options to include with the recommendation of hiring a City employee for the position. Prior to detailing the costs, I am providing a cost breakdown of equipment necessary for the position in all options and then breaking it down by each.

Administrative:		
	Desktop Computer:	\$ 1,000
	IPad	\$ 500
	Portable Radio:	\$ 1,000
Vehicle:	Offset with existing fleet:	\$ 0
Facility Modifications:		\$ 3,500
Uniforms:	Standard City Uniform Issue:	\$ 500
	Yearly Uniform Allowance:	\$ 500
Personal Protective Equipment: (PPE):		\$ 500
Salary:	Inspector (40 Hr Employee):	\$ 60,787 - \$ 69,905
	Inspector with Benefits:	\$ 80,846 - \$ 92,974

**Estimated Costs:**

Administrative:	\$ 2,500
Vehicle:	\$ 0
Facility:	\$ 3,500
Uniforms and PPE:	<u>\$ 1,000</u>
Initial Outlay:	\$ 6,000
Salary with Benefits:	\$ 80,846 - \$ 92,974
Total Commitment:	\$ 86,846 - \$ 98,974
(Estimated June 1 Hiring)	\$ 53,133 - \$ 60,203



**Ongoing Expenses:**

Salary with Benefits:	\$ 80,846 - \$ 92,974
Uniforms:	\$ 500
Vehicle Maintenance:	\$ 1,000
Training:	\$ 1,000
Physical:	<u>\$ 500</u>
Total:	\$ 83,846 – 95,974

\*This does not include yearly potential market adjustment

**Conclusion:**

Fire prevention and code compliance are essential functions of the department to ensure public safety, ensure staff safety and also to keep our primary mechanism of fiscal stability operational on a daily basis. This must be balanced with the essential fire and medical operations which include emergency response, training and education, physical fitness and customer service. While staff exceeds expectations in regards to effort and response capabilities in the end there are only so many tasks the staff can handle in a 48 hour shift rotation. Captain Cheek has performed admirably to attempt to keep up with the plans reviews and contractor questions and the five inspectors (including Captain Cheek and myself) work diligently to keep up with annual inspections, fire watch permits and compliance issues. The truth of the matter is I am at a point where this has become the primary focus of more than one of my officers and the crews suffer through their lack of time and attention for guidance, mentoring and training. We are also seeing the impact on our business owners and contractors as they do not receive the prompt service I would envision to provide. Many times contractor's schedules change and with staff rotations and commitments they are unable to schedule an inspection in a timely fashion. This begins a snowball effect which leads to delays in construction and ultimately impacts their operations.

It is my recommendation, as requested in prior budgets, to reinstate the Fire Inspector position. While it is an additional expense to the City the benefits, in my opinion, outweigh this additional expense. In addition the expense can be at least be partially recouped with the implementation of the proposed fee schedule. A civilian inspector would meet the ten responsibilities as listed within this report and ultimately meet the customer service expectations of the City and our business community.



I appreciate the opportunity to provide this report to you. I understand there is a wealth of information and I attempted to summarize and provide supporting documentation to ensure you have all of the information necessary to make your decision. If I can provide any additional information which will assist you or further explain the complexities of the situation please let me know.

Don Taylor MPA MEP NRP  
Fire Chief/Emergency Manager



**Appendix A:  
Existing Casinos, Hotels and  
Parking Garage  
Statistics**

## EXISTING CASINOS, HOTELS AND PARKING GARAGE STATISTICS

UPDATED 1/14/15

EXISTING DEVELOPMENT	ADDRESS	BUILDING sq. ft.	CASINO sq. ft.	ADD'L sq.ft.	HOTEL sq. ft.	HOTEL ROOMS	PARKING GARAGE sq. ft.	INSP HRS REQ'D	RE-INSP HRS REQ'D	CO / TCO DATE	FIRE CODE IN EFFECT FOR C/O
Z Casino	101 Black Hawk St.	33,182	33,182	0	0	0	0	7	3.5	07/17/92	
Silver Hawk (Closed 8/21/08)	100 Chase St.	11,705	0	11,705	0	0	0	0	0	07/25/1992	
Z Casino Parking	100 Chase St.	0	0	0	0	0	0	2	1	02/01/96	
Gold Mine Casino (Closed Dec1998)	130 Clear Creek St.	8,923	8,923	0	0	0	0	0	0	10/01/91	
Sasquatch Casino	125 Gregory St.	14,616	14,616	0	0	0	0	3	1.5	05/26/94	
Black Hawk Station	141 Gregory St.	6,211	6,211	0	0	0	0	3	1.5	06/25/92	
Crooks Palace	200 Gregory St.	4,600	4,600	0	0	0	0	2	1	02/14/92	
Eureka (Closed 3/31/08)	211 Gregory St.	3,313	3,313	0	0	0	0	0	0	06/12/92	
Eureka Parking lot expansion	211 Gregory St.	0	0	0	0	0	0	0	0	03/01/95	
Eureka expansion (Closed 3/31/08)	221 Gregory St.	2,472	2,472	0	0	0	0	0	0	10/10/97	
Golden Canary (Closed 12/31/93)	231 Gregory St.	3,833	3,833	0	0	0	0	0	0	04/01/93	
Red Dolly's	530 Gregory St.	11,178	11,178	0	0	0	0	4	2	05/18/92	
Saratoga Casino	101 Main St.	26,659	26,659	0	0	0	0	8	4	02/23/95	
Saratoga Parking Garage	101 Main St.	127,000	0	0	0	0	127,000	5	2.5	03/09/96	
Saratoga Expansion	101 Main St.	21,907	21,907	0	0	0	0	5	2.5	09/22/08	
Rohling Inn (Closed 12/31/97)	101 Main St.	9,197	9,197	0	0	0	0	0	0	01/17/92	
Bull Durham	110 Main St.	6,963	6,963	0	0	0	0	2	1	02/06/93	
Gilpin Hotel	111 Main St.	35,316	35,316	0	0	0	0	6	3	08/12/92	
Gilpin Hotel Expansion	111 Main St.	12,464	12,464	0	0	0	0	2	1	06/24/03	
Wild Card Casino	120 Main St.	7,782	7,782	0	0	0	0	3	1.5	12/22/92	
Canyon Casino	131 Main St.	62,638	62,638	0	0	0	0	6	3	12/24/93	
The Lodge Casino	240 Main St.	272,962	37,248	50,594	26,791	50	151,126	16	8	06/24/98	
The Lodge Parking Structure	240 Main St.	66,174	0	0	0	0	66,174	6	3	11/06/98	
The Lodge Casino - Rotunda Infill	240 Main St.	2,222	2,222	0	0	0	0	1	0.5	11/06/09	
Golden Gates Casino	261 Main St.	11,232	11,232	0	0	0	0	4	2	11/19/92	
Golden Gates Expansion	261 Main St.	3,097	3,097	0	0	0	0	1	0.5	06/15/06	
KMM Parking Garage	255 Main St.	9,330	9,330	0	0	0	41,017	5	2.5	04/23/02	
Mardi Gras Casino	300 Main St.	67,761	28,551	39,467	0	0	0	6	3	03/03/00	
Mardi Gras Expansion	300 Main St.	6,200	6,200	0	0	0	0	3	1.5	08/01/12	
Golden Gulch Casino	321 Main St.	10,989	10,989	0	0	0	0	4	2	01/29/03	
Lady Luck Casino	340 Main St.	44,326	44,326	0	0	0	0	8	4	12/25/93	
Lady Luck Casino Expansion	340 Main St.	16,391	15,342	1,049	0	0	0	3	1.5	01/28/05	
Lady Luck Tower Hotel and Parking	333 Main St.	545,947	0	13,587	83,019	164	449,341	32	16	12/19/05	





**Appendix B:  
2014 Fire Department  
Estimated Plans Review Fees**

## 2014 FIRE DEPARTMENT ESTIMATED PLAN REVIEW FEES

Review #	NEW	Remodel	Sq. ft.	Est. Fee	Description
1		X	1000	\$100.00	MAIN BAR REMODEL
2	X		850	\$100.00	OFFICE
3	X		100	\$100.00	HOOD SUPPRESSION
4		X	32143	\$2107.50	SPRINKLERS
5	X		1400	\$200.00	SPRINKLERS
6	X		1700	\$200.00	SPRINKLERS
7	X		2740	\$400.00	FIRE ALARM
8	X		700	\$100.00	SPRINKLERS
9	X		2250	\$200.00	SUPPRESSION SYS.
10	X		1000	\$100.00	CLEAN AGENT SYS.
11		X	800	\$100.00	CASH CAGE
12		X	48149	\$2907.45	FIRE ALARM SYS.
13		X	1068	\$200.00	CASIINO REMODEL
14		X	2897	\$400.00	INTERIOR REMODEL
15		X	2500	\$400.00	1 <sup>ST</sup> FLR REMODEL
16		X	4000	\$400.00	EVENT CENTER REMO
17	X		1000	\$100.00	EXPANSION PROJ.
18	X		800	\$100.00	CLEAN AGENT SYS.
19	X		255000	\$1775.00	NEW GARAGE
20	X		23779	\$1688.00	NEW GAMING AREA
21	X		200	\$100.00	COOLER SPRINKLER
22	X		500	\$100.00	SNO MELT BOILER
23	X		4000	\$400.00	SPRINKLERS
24	X		500	\$100.00	COOLER SPRINKLERS
25	X		800	\$100.00	STORAGE RM.
26		X	3000	\$400.00	REST. REMODEL
27	X		200	\$100.00	COOLER SPRINKLERS
28		X	1500	\$200.00	NEW OFFICE ROOM
29	X		500	\$100.00	COOLER SPRINKLER
30	X		1800	\$200.00	CLEAN AGENT SYS.
31	X		1180	\$200.00	SPRINKLER REVIEW
32		X	6080	\$800.00	CORRIDOR WALL
33	X		500	\$100.00	STORAGE ROOM
34					
35					
36					
37					
38					
39					
40					
<b>TOTAL</b>				<b>\$14578.90</b>	



**Appendix C:  
Proposed Plans Review and  
Inspection Fee Schedule**

# Plans Review/Inspection Fee Schedule

Proposed (April 8, 2015)

## Commercial Business and Multi-Residential:

### Plans Reviews:

0-1,000 Square Feet:	\$100
1,001-2,500 Square Feet:	\$200
2,501-5,000 Square Feet:	\$400
5,001-7,500 Square Feet:	\$800
7,501-10,000 Square Feet:	\$1,000
10,001 + Square Feet:	\$1,000 + .05/square foot

Site Plans: \$100

2<sup>nd</sup> Review of above plans: No Charge

Each Review Beyond 2<sup>nd</sup>: ½ of original fee

Note: The City of Black Hawk reserves the right to send out plans to an outside reviewing agency and plan review charges will be based upon the amount charged by the reviewing agency and an established administrative fee.

### Commercial Inspections:

Scheduled Inspection:	\$150.00/hour (or part thereof)
Compliance Verification:	\$150.00/hour (or part thereof)
System Test/Install:	\$150.00/hour (or part thereof)

Follow up Inspections: \$75.00/hour (or part thereof)

Initial Code Violation: No charge

Note: The City of Black Hawk reserves the right to utilize and outside resource to perform inspections. Cost for the inspection will be based upon the City Fee Schedule or the contractor's fee plus the established administrative fee, whichever is higher.

## **Additional Services:**

### **Temporary Fire Watch:**

**Scheduled Maintenance: No Charge**

**Scheduled Repairs: No Charge**

**Nonscheduled Repairs: No Charge**

### **Consultation:**

**No Charge**

### **Outside Agency Support for Inspections:**

**\$50/Hour**



Appendix D:  
Job Description:  
Fire Inspector

**CITY OF BLACK HAWK**  
**2015 Job Description**

---

**JOB TITLE: Fire Inspector**

**DEPARTMENT: Fire**

**REPORTS TO: Fire Chief**

**EXEMPT: No**

**HIRING RANGE: \$29.2246 to \$33.6082/HR**

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**SUMMARY:**

Under the direction of the Fire Chief, the Fire Inspector performs fire inspections and plan review duties for the Fire Department. Will assist the Fire Chief in the management and functions of the City fire inspections and plan review programs. Performs scheduled annual fire inspections, new construction inspections and performs plan reviews to assure compliance with the adopted fire codes. May be asked to respond to and investigate fire code compliance complaints. Prepares reports in regards to fire inspections, alarms and assists with preparation for the adoption of new fire codes. Reviews alarm and activity reports to assist the Chief in identifying preventative strategies. Identifies training needs and educational activities to maintain and improve professional skill of department members. Reads and studies trade journals and other related data to keep abreast of the latest information in this field of expertise. Requires a high degree of independent judgment, initiative and understanding that must be exercised in customer service and code compliance.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Schedules and performs annual fire inspections and new construction fire inspections.
- Performs code compliance inspections and follow up inspections to assure compliance with adopted codes, national standards and approved construction plans.
- Maintains detailed records of inspection activities. Compiles data, completes necessary reports, forms, computer input and other documentation as needed.
- Authorizes and monitors temporary fire watch permits for compliance and record keeping.
- Performs plan reviews submitted to the City and provides a detailed plan review to the Community Planning and Development department.
- Provides consultation to local businesses and contractors in regards to projects and code compliance.
- Maintains records in regards to the City Fees schedules and prepares necessary documentation for the Finance Department to issue invoices.
- May respond to complaints from internal and external customers.
- Documents deficiencies and violations, and provides guidance for compliance.
- Represents the City to developers, the public, the business community and other public agencies.
- May be required to prepare for and testify in civil or criminal court proceedings.
- Researches codes and standards in order to maintain knowledge and provide information to the City for potential code adoption.

- Performs other related duties as assigned.
- Assist in annual budget preparation.
- May be requested to respond to an emergency scene to evaluate life safety & suppression system.
- Assist with community risk reduction presentations and programs as needed.

## **EQUIPMENT USED**

The Fire Inspector shall be capable of using a multitude of small equipment that may be required for the inspections and plans review processes.

## **QUALIFICATION REQUIREMENTS:**

Ability to be a team player, and establish and maintain an effective and responsive working relationship with peers, City Officials, the community in general, Civic leaders, County, State and Federal personnel. To perform this job successfully, an individual must be able to perform each essential duty satisfactorily with a minimum supervision. The requirements listed below are representative of the knowledge, skill and/or ability required.

- Knowledge of modern fire prevention materials, procedures, techniques and equipment.
- Knowledge of building, electrical, mechanical and fire codes.
- Knowledge of inspection techniques.
- Working knowledge of fire suppression techniques and equipment.
- Knowledge of the code enforcement process.
- Knowledge of construction documents and drawings.
- Knowledge of general office equipment and record keeping.

May be subject to written, oral, physical, medical and psychological examinations. Must submit to fingerprinting and to a detailed background investigation.

## **EDUCATION AND EXPERIENCE:**

- High School Diploma or GED required.
- Five (5) years' experience in the fire inspection field required.
- Experience in inspection techniques and plan reviews.
- Additional education and experience in fire suppression, building construction, reading blueprints, and knowledge of building codes is preferred.

## **LANGUAGE SKILLS:**

Ability to read, analyze and interpret Fire Service text, journals, incident reports, financial reports and legal documents. Create written communication using correct grammar. Respond appropriately to common inquiries or complaints from the general public, citizens, fire agencies and regulatory agencies. Ability to effectively present information to the Fire Chief, Fire Department employees and public groups.

## **REASONING ABILITY:**

Ability to define problems, collect data, establish fact and draw valid conclusions. Interpret an extensive variety of technical instructions and deal with several abstract and concrete variables.

## **CERTIFICATES, LICENSES, REGISTRATIONS:**

- Valid Colorado Driver's License required with a good driving record.
- Must be certified by the State of Colorado as a Fire Inspector II, Fire Suppression System Inspector and Plans Examiner.
- The Plans Examiner certification may be attained within 6 months of employment for a successful candidate.
- Must meet NIMS requirements for the position and CPR certified within 90 days of employment.

## **PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the Fire Inspector is regularly required to walk, sit, use hands to finger or feel objects, tools, or controls, reach with hands and arms, climb or balance, stand, stoop, kneel, crouch or crawl, talk and hear.

The Fire Inspector must regularly lift and/or move more than 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

## **WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

While performing the duties of this job, the Fire Inspector regularly works in a variety of environments to include inclement weather, active construction sites and crowded businesses. The Fire Inspector frequently drives a motor vehicle. May be seated for long periods of time. May operate the motor vehicle in adverse weather conditions.

## **COMMENTS:**

The intent of this classification is to describe the types of job tasks and levels of responsibility and difficulty required of persons assigned to this classification title. This is not to be considered a detailed description of every duty/responsibility of the job.

The City of Black Hawk is an Equal Opportunity Employer. Pursuant to the *Immigrations Reform and Control Act*, it is the City's intention to hire only individuals who are United States citizens or aliens authorized to work and live in the United States.

**RESOLUTION 32-2015**  
**A RESOLUTION**  
**ADOPTING THE 2015 CITY**  
**OF BLACK HAWK FIRE**  
**DEPARTMENT FEE**  
**SCHEDULE FOR**  
**INSPECTIONS AND PLAN**  
**REVIEW**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 32-2015

**TITLE: A RESOLUTION ADOPTING THE 2015 CITY OF BLACK HAWK FIRE DEPARTMENT FEE SCHEDULE FOR INSPECTIONS AND PLAN REVIEW**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

**Section 1.** The 2015 City of Black Hawk Fire Department Fee Schedule for Inspections and Plan Review, attached hereto as **Exhibit A**, is hereby adopted.

RESOLVED AND PASSED this 22<sup>nd</sup> day of April, 2015.

---

David D. Spellman, Mayor

ATTEST:

---

Melissa A. Greiner, City Clerk

## Exhibit A

### Plans Review/Inspection Fee Schedule

#### Commercial Business and Multi-Residential:

##### Plans Reviews:

0-1,000 Square Feet:	\$100
1,001-2,500 Square Feet:	\$200
2,501-5,000 Square Feet:	\$400
5,001-7,500 Square Feet:	\$800
7,501-10,000 Square Feet:	\$1,000
10,001 + Square Feet:	\$1,000 + .05/square foot
Site Plans:	\$100
2 <sup>nd</sup> Review of above plans:	No Charge
Each Review Beyond 2 <sup>nd</sup> :	½ of original fee

Note: The City of Black Hawk reserves the right to send out plans to an outside reviewing agency and plan review charges will be based upon the amount charged by the reviewing agency and an established administrative fee.

##### Commercial Inspections:

Scheduled Inspection:	\$150.00/hour (or part thereof)
Compliance Verification:	\$150.00/hour (or part thereof)
System Test/Install:	\$150.00/hour (or part thereof)
Follow up Inspections:	\$75.00/hour (or part thereof)
Initial Code Violation:	No charge

Note: The City of Black Hawk reserves the right to utilize and outside resource to perform inspections. Cost for the inspection will be based upon the City Fee Schedule or the contractor's fee plus the established administrative fee, whichever is higher.

**Additional Services:**

**Temporary Fire Watch:**

- Scheduled Maintenance: No Charge**
- Scheduled Repairs: No Charge**
- Nonscheduled Repairs: No Charge**

**Consultation: No Charge**

**Outside Agency Support for Inspections: \$50/Hour**

**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

---

**SUBJECT:** Fees for Fire Inspections and Plans Reviews

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen

**MOTION TO APPROVE** Resolution 32-2015, A resolution adopting the 2015 City of Black Hawk Fire Department Fee Schedule for inspections and plan review.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** Currently the Fire Department does not impose fees for fire inspections or plans reviews. With the hiring of a fire inspector this will provide some offset of the costs.

**AGENDA DATE:** April 22, 2015

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**CITY MANAGER APPROVAL:**  Yes  No

**STAFF PERSON RESPONSIBLE:** Fire Chief Don Taylor

**DOCUMENTS ATTACHED:** Yes

**RECORD:**  Yes  No

**CITY ATTORNEY REVIEW:**  Yes  N/A

**SUBMITTED BY:**

**REVIEWED BY:**



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Don Taylor, Fire Chief/Emergency Manager

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Jack D. Lewis, City Manager

**RESOLUTION 34-2015**  
**A RESOLUTION SETTING**  
**THE CITY OF BLACK**  
**HAWK CONVEYANCE**  
**PERMIT FEES**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 34-2015

**TITLE: A RESOLUTION SETTING THE CITY OF BLACK HAWK  
CONVEYANCE PERMIT FEES**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF BLACK HAWK, COLORADO, THAT:

**Section 1.** As a component of the 2015 City of Black Hawk Fee Schedule, attached  
hereto as **Exhibit A**, is the detailed Conveyance Permit Fee Schedule, is hereby approved, and  
the Mayor is authorized to execute the same on behalf of the City.

RESOLVED AND PASSED this 22<sup>nd</sup> day of April, 2015.

---

David D. Spellman, Mayor

ATTEST:

---

Melissa A. Greiner, City Clerk

**EXHIBIT A**  
**CITY OF BLACK HAWK FEE SCHEDULE - CONVEYANCE FEES**

Inspection Type	Jurisdiction Cost	Frequency
Elevator Annual Certification Inspection (Hydraulic or Traction) Follow-up inspection as required	\$200	Twice per year
Escalator Annual Certification Inspection (Internal & External – Including Witnessed Step Skirt Index (8 Hr. allowance*))	\$1,100	Once per year
Commercial Elevator or Escalator – includes initial plan review, two (2) progress inspections and final acceptance inspection		
o New Installation or Major Modernization***	\$825	Per unit
o Minor Modernization**	\$550	Per unit
Residential Elevator, Platform lift or Dumbwaiter – including initial plan review, one (1) progress inspection and final acceptance inspection	\$550	Per unit
Special inspections not otherwise covered i.e. construction use, hourly witnessing or limited scope modernization	\$110	Per hour
5 Year Hydraulic Witnessed Test (1.5 hr. allowance*)	\$200	Per unit
5 Year Traction Witnessed Test (4.0 hr. allowance*)	\$500	Per unit

\* Billable @ \$110/hr. after allotted time.

\*\* Minor Modernization – cab finishes, valve, power unit, door operator.

\*\*\* Major Modernization – controller, signal fixtures, power unit, rotating equipment, drive (multiple components).

A 15% City Administration Fee will be added to each invoice or billable amount.

**CITY OF BLACK HAWK  
REQUEST FOR COUNCIL ACTION**

---

**SUBJECT:** *Setting the City of Black Hawk Conveyance Permit Fees.*

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen: *I move to recommend **APPROVAL** of the Conveyance Fees as outlined in Exhibit A and incorporated as a component of the 2015 City of Black Hawk Fee Schedule.*

**MOTION TO APPROVE (or deny, etc.):** *Resolution 34-2015 - A Resolution Setting the City of Black Hawk Conveyance Permit Fees.*

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** *The Conveyance Fees were adopted with the 2015 City of Black Hawk Fee Schedule however; the fee table was unintentionally omitted. The information before you today outlines the specific fees included in the Conveyance Fee table.*

**AGENDA DATE:** April 22, 2015

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** Yes [ No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker, CP&D Administrator

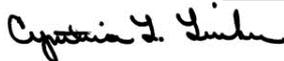
**DOCUMENTS ATTACHED:** Resolution 34-2015, Request for Council Action, Exhibit A  
– Conveyance Permit Fee Table

**RECORD:** [ Yes [X]No

**CITY ATTORNEY REVIEW:** [X]Yes [ N/A

**SUBMITTED BY:**

**REVIEWED BY:**





---

Cynthia L. Linker  
CP&D Administrator

---

Jack D. Lewis, City Manager

**RESOLUTION 35-2015**  
**A RESOLUTION**  
**APPROVING THE**  
**TEMPORARY**  
**CONSTRUCTION**  
**EASEMENT FROM JOSH**  
**SMITH TO THE CITY OF**  
**BLACK HAWK FOR**  
**REHABILITATION OF THE**  
**PROPERTY AT 401 CHASE**  
**STREET**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 35-2015

**TITLE: A RESOLUTION APPROVING THE TEMPORARY CONSTRUCTION EASEMENT FROM JOSH SMITH TO THE CITY OF BLACK HAWK FOR REHABILITATION OF THE PROPERTY AT 401 CHASE STREET**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

**Section 1.** The Temporary Construction Easement from Josh Smith to the City of Black Hawk for rehabilitation of the property at 401 Chase Street, attached hereto as **Exhibit A**, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

RESOLVED AND PASSED this 22<sup>nd</sup> day of April, 2015.

---

David D. Spellman, Mayor

ATTEST:

---

Melissa A. Greiner, City Clerk

**TEMPORARY CONSTRUCTION EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS:** That Josh Smith, who is the property owner of 400 Chase Street ("**Grantor**"), in consideration of **TEN DOLLARS (\$10.00)**, receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant, bargain, sell and convey to **CITY OF BLACK HAWK**, whose address is 201 Selak Street, Black Hawk, Colorado 80422, ("**Grantee**"), a Temporary Construction Easement for the rehabilitation of 401 Chase Street, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the tract of land described as follows:

See **Exhibit A**, attached hereto and incorporated herein by this reference the "Temporary Easement Property".

1. Said Temporary Easement shall expire and be of no further force or effect one (1) year after the date of notice by the Grantee of the commencement of said temporary construction easement. More specifically, this Temporary Easement shall not commence until the Grantee provides a written notice to Grantor of the commencement of the Temporary Easement, which must be provided within one (1) year of the date of execution of this Agreement. The Grantor also grants to the Grantee the option to extend this Temporary Easement for a period not to exceed six (6) months from the date of expiration hereof.

2. City may use the Temporary Easement Property as a temporary construction laydown area for rehabilitation of 401 Chase Street. The City will repair any damage to existing conditions within the area of the easement, as shown in **Exhibit A**. The City will clean, finish grade and reseed all disturbed areas with native grasses and wildflowers. The pictures in **Exhibit B** are dated April 6, 2015.

3. During the term of this Temporary Easement, Grantor shall not erect or construct, or allow to be erected or constructed, any building or other structure, which may interfere with Grantee's full enjoyment of the rights hereunder.

4. The parties hereto agree that neither has made nor authorized any agreement with respect to the subject matter of this instrument other than expressly set forth herein, and no oral representation, promise or consideration different from the terms herein contained shall be binding on either party, or its agents or employees hereto.

5. Grantor warrants that she has full and lawful authority to make the grant hereinabove contained, and promises and agrees to defend Grantee in the exercise of its rights hereunder against any defect in Grantor's title to the land involved or Grantor's rights to make the grant hereinabove contained.

6. Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders. All of the covenants herein contained shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns.

WITNESS our hand(s) and seal(s) this 9<sup>th</sup> day of April, 2015.

GRANTOR:

BY: [Signature]

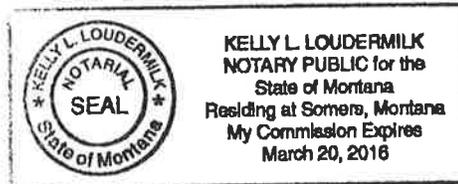
TITLE: Owner

MONTANA  
STATE OF ~~COLORADO~~ )  
COUNTY OF FLATHEAD ) ss.

The foregoing instrument was acknowledged before me this 9 day of Apr., 2015 by Josh Smith as Owner for 400 Chase Street.

WITNESS my hand and official seal.

My Commission Expires: 3/20/16 [Signature]  
Notary Public  
Address:



**GRANTEE: CITY OF BLACK HAWK**

By: \_\_\_\_\_  
David D. Spellman, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Melissa A. Greiner, City Clerk

Approved as to legal form: \_\_\_\_\_  
Corey Y. Hoffmann, City Attorney

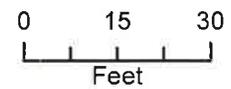
**EXHIBIT A**

The northern portion of Lots 7-9, Block 18. See attached aerial map.



401 Chase Street  
Block 18 Lots 007-009  
Black Hawk Colorado

- Legend**
- Blocks
  - Lots
  - Buildings
  - Block 17 Lots 6-8



**EXHIBIT B**

April 6, 2015



**CITY OF BLACK HAWK  
REQUEST FOR COUNCIL ACTION**

**SUBJECT:** *Temporary Construction Easement for a temporary construction laydown area located at 400 Chase Street (the northern portion of Lots 7-9, Block 18) associated with the rehabilitation of 401 Chase Street.*

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen: *I move to recommend **APPROVAL** of the Temporary Construction Easement for a temporary construction laydown area located at 400 Chase Street (the northern portion of Lots 7-9, Block 18) that is associated with the rehabilitation of 401 Chase Street.*

**MOTION TO APPROVE (or deny, etc.)** *Resolution 35-2015 - A Resolution Approving The Temporary Construction Easement From Josh Smith To The City Of Black Hawk For Rehabilitation Of The Property At 401 Chase Street.*

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** *Josh Smith, property owner of 400 Chase Street, does hereby grant, bargain, sell and convey to the City of Black Hawk a Temporary Construction Easement for a temporary construction laydown area associated with the rehabilitation of 401 Chase Street.*

**AGENDA DATE:** April 22, 2015

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** Yes No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker, CP&D Administrator

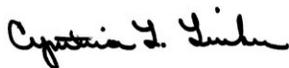
**DOCUMENTS ATTACHED:** *Resolution 35-2015, Request for Council Action, Exhibit A - Temporary Construction Easement*

**RECORD:** Yes No

**CITY ATTORNEY REVIEW:** Yes N/A

**SUBMITTED BY:**

**REVIEWED BY:**



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Cynthia L. Linker  
CP&D Administrator

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Jack D. Lewis, City Manager

**RESOLUTION 36-2015**  
**A RESOLUTION**  
**APPROVING THE**  
**LICENSE BETWEEN THE**  
**CITY OF BLACK HAWK**  
**AND Z CASINO FOR A**  
**CITY BUS STOP**

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK**

**Resolution No. 36-2015**

**TITLE: A RESOLUTION APPROVING THE LICENSE BETWEEN THE CITY OF BLACK HAWK AND Z CASINO FOR A CITY BUS STOP**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:

**Section 1.** The Board of Aldermen hereby approves the License between the City and Z Casino for a City bus stop, and authorizes the Mayor to execute the same on behalf of the City.

RESOLVED AND PASSED this 22<sup>nd</sup> day of April, 2015.

\_\_\_\_\_  
David D. Spellman, Mayor

ATTEST:

\_\_\_\_\_  
Melissa A. Greiner, City Clerk



## CITY OF BLACK HAWK REQUEST FOR COUNCIL ACTION

---

**SUBJECT:** Approval of License between the City of Black Hawk and Z Casino for a City bus stop

**RECOMMENDATION:**

Staff recommends the following motion to the Mayor and Board of Aldermen:

Motion to Approve Resolution 36-2015, A Resolution Approving the License between the City of Black Hawk and Z Casino for a City bus stop.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

At the request of Z Casino, the City has modified the shuttle route to include a stop along Selak Street at Z Casino. The bus stop sign is on private property outside of area what would be considered the City right-of-way. Therefore, the City is executing a license for the placement of the bus stop sign.

**FUNDING SOURCE:** N/A

**WORKSHOP DATE:** April 22, 2015

**ORIGINATED BY:** Thomas Isbester

**STAFF PERSON RESPONSIBLE:** Thomas Isbester

**PROJECT COMPLETION DATE:** N/A

**DOCUMENTS ATTACHED:** License

**CITY ATTORNEY REVIEW:**  Yes  No  N/A INITIALS \_\_\_\_\_

**SUBMITTED BY:**

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Thomas Isbester, Public Works Director

**REVIEWED BY:**

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Jack D. Lewis, City Manager

## LICENSE

THIS LICENSE, is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the CITY OF BLACK HAWK, Colorado whose address is P.O. Box 68, Black Hawk, CO 80422 (the "City") and Z Casino, whose address is 101 Gregory Street, Black Hawk, CO 80422 ("Licensor").

1. **PROPERTY LICENSED.** The property that is licensed for the use and the term provided for in this license is described in Exhibit A, which is attached hereto and incorporated by this reference ("Property Licensed"). The Property Licensed for the use described herein is subject to all easements and rights-of-way of record.

2. **INSURANCE.** Licensor shall obtain for itself, its agents, successors, assigns, lessees, Licensors and agents, necessary and adequate workman's compensation insurance, personal injury insurance, and property damage insurance, with limits commensurate with the hazards and risks associated with the use of the Property Licensed, but in no event less than the liability limits established by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*

3. **USE OF PROPERTY LICENSED.** The City covenants and agrees that it shall use the Property Licensed for a stop for the City's bus system, and for no other purpose. Licensor covenants and agrees not to make or permit to be made any alterations in, or additions to, the Property Licensed without the prior written consent of the City while the City is using the Property Licensed in accordance with this Agreement.

4. **NOTICE.** Any notice required under this License shall be in writing and mailed by certified mail to the respective parties at the address hereinabove given. The Public Works Director shall be the representative of the City to accept or give any approval, notice or the like provided hereunder. In the event Licensor should change the address hereinabove given during the term of this License, Licensor shall notify the City in writing of such change of address:

The City:                   City of Black Hawk  
                                  P.O. Box 68  
                                  Black Hawk, CO 80422

Licensor:                   Z Casino  
                                  P.O. Box 49  
                                  Black Hawk, CO 80422

5. **NO COVENANT OF TITLE OR QUIET POSSESSION.** The rights granted herein are without covenant of title or warranty of quiet possession of the Property Licensed.

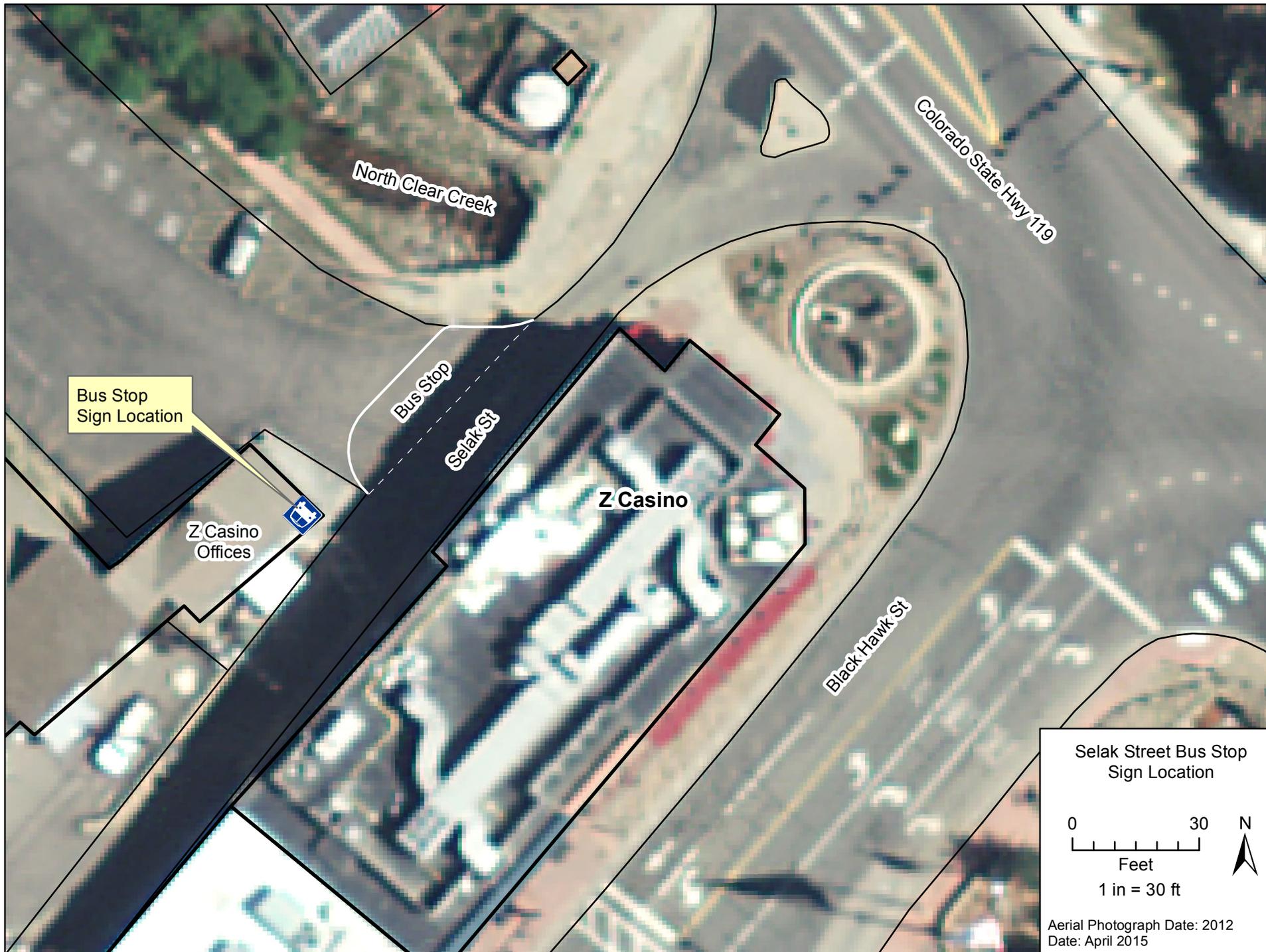
6. **SUCCESSORS AND ASSIGNS.** This License shall insure to the benefit of, and be binding upon, the respective legal representatives, heirs, successors and assigns of the parties.



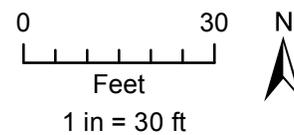
ATTEST:

Jalil

MOO                      4-13-15  
Title                      Date



Selak Street Bus Stop  
Sign Location



Aerial Photograph Date: 2012  
Date: April 2015

**RESOLUTION 37-2015**  
**A RESOLUTION**  
**AWARDING THE BID AND**  
**APPROVING THE**  
**CONTRACT FOR THE**  
**DESIGN OF THE**  
**GREGORY STREET**  
**PARKING STRUCTURE TO**  
**DESMAN, INC. IN AN**  
**AMOUNT NOT TO**  
**EXCEED \$117,590.00 PLUS**  
**REIMBURSABLE**  
**EXPENSES OF**  
**APPROXIMATELY**  
**\$4,100.00**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 37-2015

**TITLE: A RESOLUTION AWARDING THE BID AND APPROVING THE CONTRACT FOR THE DESIGN OF THE GREGORY STREET PARKING STRUCTURE TO DESMAN, INC. IN AN AMOUNT NOT TO EXCEED \$117,590.00 PLUS REIMBURSABLE EXPENSES OF APPROXIMATELY \$4,100.00**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:

**Section 1.** The City Council hereby awards the contract for the design of the Gregory Street Parking Structure to DESMAN, Inc. in the amount of \$117,590.00 plus reimbursable expenses of approximately \$4,100.00, and authorizes the Mayor to execute an agreement with DESMAN, Inc. for the design of the Gregory Street Parking Structure.

RESOLVED AND PASSED this 22<sup>nd</sup> day of April, 2015.

\_\_\_\_\_  
David D. Spellman, Mayor

ATTEST:

\_\_\_\_\_  
Melissa A. Greiner, City Clerk



**CITY OF BLACK HAWK  
REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** Approve Resolution 37, a Resolution awarding the bid for design of the Gregory Street Parking Structure to the design team led by DESMAN, Inc.

**RECOMMENDATION:**

If City Council chooses to approve Resolution 37, a Resolution awarding the bid and contract between the City of Black Hawk and DESMAN, Inc., the recommended motion is as follows: “Approve Resolution 37-2015, a Resolution awarding the bid for design of the Gregory Street Parking Structure to DESMAN, Inc. in the amount of \$117,590.00 plus reimbursable expenses of approximately \$4,100.00.”

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

A parking structure is desired at the southeast corner of Gregory Street and Bobtail Road in conjunction with the Gregory Street relocation project. The proposed parking structure will contain a total of approximately 150 parking stalls divided among three separate levels. The two lower levels will conceptually be accessed from Gregory Street while the upper level will be accessed from Bobtail Road. The Request for Proposals seeking complete architectural and engineering design services was publicly advertised in the CIP Information Service publication as well as the Weekly Register-Call. Three proposals were received. Two of the proposals indicated a high level of interest in the project and a great deal of parking structure experience. The proposal from DESMAN, Inc. was significantly less expensive than the proposal from the other qualified firm.

**FUNDING SOURCE:** Gregory Street Parking Structure: 305-3101-431-75-13

**WORKSHOP DATE:** April 22, 2015

**ORIGINATED BY:** Matt Reed/Tom Isbester

**STAFF PERSON RESPONSIBLE:** Matt Reed/Tom Isbester

**PROJECT COMPLETION DATE:** Design to be completed by October 31, 2015

**DOCUMENTS ATTACHED:** N/A

**CITY ATTORNEY REVIEW:** [ ] Yes [ X ] No [ ] N/A INITIALS \_\_\_\_\_

**SUBMITTED BY:**

Thomas Isbester, Public Works Director

**REVIEWED BY:**

Jack D. Lewis, City Manager