

City of Black Hawk

City Council

211 Church Street

April 23, 2014

2:30 p.m.

REVIEW OF PUBLIC OFFICIALS LIABILITY.

3:00 p.m.

RINGING OF THE BELL:

1. CALL TO ORDER:

SWEARING IN OF NEWLY ELECTED ALDERMEN BY JUDGE CARLSON.

RECESS:

PRESENTATION: Plaques & Pictures

RECEPTION:

RECONVENE:

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

3. AGENDA CHANGES:

4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. Of State)

5A. INTRODUCTION OF NEW EMPLOYEES: Officer James Randall
Officer Kory Peterson
Officer Taylor Taggart

5B. PUBLIC COMMENT: *Please limit comments to 5 minutes*
(Notify the City Clerk if you wish to address Council on items not on the agenda)

6. APPROVAL OF MINUTES: April 9, 2014

7. PUBLIC HEARINGS:

- A.** CB 7, An Ordinance Stating the Intent of the City of Black Hawk to Acquire Certain Property for the Construction, Expansion and Improvement of Gregory Street. A City Street and Roadway Pursuant to C. R.S. §386-101, C.R.S. §[31-25-201](#). Article XX, §1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter
- B.** CB 8, An Ordinance Amending Section 11-35(d) of the Black Hawk Municipal Code Concerning Required Insurance for Street Cut Permits
- C.** Resolution 22-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for Exterior Rockwall Improvements for the Property at 271 Church Street
- D.** Resolution 23-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for Demolition of 251 Gregory Street

8. ACTION ITEMS:

- E.** Resolution 24-2014, A Resolution Approving the Contributed Funds Agreement Between the City of Black Hawk and the Bureau of Land Management
- F.** Resolution 25-2014, A Resolution Approving the Agreement for Purchase and Sale of Water Rights Between the City of Black Hawk as Seller and the Consolidated Mutual Water Company as Buyer
- G.** Dory Hill Water Treatment Plant – Construction Contract Bid
- H.** 101 Marchant Street – Temporary Construction Easement
- I.** 101 Marchant Street – Roadway Easement
- J.** Monarch Casino – Temporary Construction Easement
- K.** Personnel Issue – Review of Employee Services
- L.** Dental Insurance Renewal Proposal for 2014 - 2016
- M.** Vision Insurance Renewal Proposal for 2014 - 2015
- N.** Medical Insurance Renewal Proposal for 2014 - 2015
- O.** Short Term Disability Insurance Renewal Proposal for 2014 - 2015

9. CITY MANAGER REPORTS:

10. CITY ATTORNEY:

11. EXECUTIVE SESSION:

12. 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



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John E. Hayes (Retired)

CITY OF BLACK HAWK
MEMORANDUM

TO: MAYOR AND BOARD OF ALDERMEN

FROM: COREY Y. HOFFMANN, CITY ATTORNEY *CH*

DATE: APRIL 16, 2014

RE: DECISION MAKING PROCESS – QUASI JUDICIAL VERSUS LEGISLATIVE FUNCTIONS

Decision Making Process – Quasi Judicial Versus Legislative Functions

The operation of the City Council¹ can be broken up into two functions, one is a legislative function, the other is a quasi-judicial function.

The City Council is acting in a legislative capacity or exercising legislative authority when it acts upon a general rule or policy which is applicable to an open class of individuals, interests or situations. *Snyder v. Lakewood*, 542 P.2d 371 (1975). The City Council is acting in a legislative capacity when it acts, for example, on budget and finance; or the adoption of general ordinances, such as smoking, nuisances or signs.

However, when a general rule is applied to specific individuals, interests, or situations, this is an exercise of quasi-judicial authority. The City Council is acting in a quasi-judicial capacity when it acts upon a rezone; variance; subdivision; or site plan.

¹ For purposes of this Memorandum, I will refer to the City Council as the hearing body. Please note that under Article II, Section 1 of the Home Rule Charter, the City Council consists of the Mayor and Board of Aldermen.

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The earmarks of quasi-judicial action are well established in numerous Colorado appellate decisions, an example of which is as follows:

Snyder v. City of Lakewood, 189 Colo. 421, 542 P.2d 371 (1975) sets out a test for determining when an agency action is “judicial or quasi-judicial” and subject to certiorari review.

Under the *Snyder* test, the action of an agency will be deemed quasi-judicial for 106(a)(4) purposes if:

- (1) A state or local law requires that the body give adequate notice to the community before acting;
- (2) A state or local law requires that the body conduct a public hearing pursuant to notice at which time concerned citizens must be given an opportunity to be heard and present evidence;
- (3) A state or local law requires the body to make a determination by applying the facts of a specific case to certain criteria established by law.

See also, *City and County v. Eggert*, 647 P.2d 216, 221 (Colo. 1982); *Cherry Hills Resort Development Co. v. City of Cherry Hills Village*, 757 P.2d 622, 626-628 (Colo. 1988).

The important distinction between legislative action and quasi-judicial action is that the courts apply a more lenient or “hands off” approach in their review of legislative decisions. The court’s hands off approach to review legislative actions stems from a concern for the separation of powers between what is a judicial action which the courts are capable of reviewing, versus legislative action, which the courts are neither capable or equipped to review. This concern for separation of powers has manifested itself into what has become a traditional rule, that a court will not inquire into legislators’ motives in making a decision.

On the other hand, the courts have shown a willingness to inquire into motives where the court felt the action taken was quasi-judicial in nature. See, *City of Colorado Springs v. District Court In and For El Paso County*, 184 Colo. 177, 519 P.2d 98 (1973) (Court held that the City Council in denying a requested zoning change was acting in a quasi-judicial capacity and therefore the District Court had jurisdiction to decide whether the City Council acted arbitrarily and capriciously, or abused its discretion, or failed to pursue its authority in a regular way). Therefore, where the action to be taken by the City Council is quasi-judicial in nature, as set out above, the courts will inquire into the motives of the decision maker. As a result the matters discussed below should be considered for quasi-judicial proceedings.

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1. Ex Parte Contacts

The members of the City Council may use their own personal knowledge in deciding a specific matter before the Council. Whenever personal knowledge is relied upon in deciding a specific case, e.g., the facts known to the Councilmember and not otherwise disclosed, it should be recited in and made a part of the record. The reasons for requiring that personal knowledge be disclosed on the record are two-fold: (1) a reviewing court will not consider a Board's alleged special knowledge used in making its decision where neither the facts the Board relied on nor the nature of the special information appears in the record; and (2) it has been held that due process is denied unless the Board's knowledge is disclosed in time to afford an opportunity for an applicant or other interested party to challenge their personal knowledge.

Although it is not improper for a member of the City Council to have personal knowledge of a specific property as a resident of the City, it is not proper to discuss with someone not a member of the Council or staff, the merits of an application which is to be the subject matter of a quasi-judicial proceeding. It is most strenuously recommended that as a member of the City Council, you do not discuss with any person outside the confines of the public hearing (staff excluded) the subject matter of a quasi-judicial proceeding.

This type of contact is improper because you are sitting in the role of a judge in a quasi-judicial proceeding. As you are aware, judges may only make decisions based upon the evidence that is presented at trial. This requirement is based upon the fundamental need for fairness and the constitutional right to due process. For the reason that you are adjudicating the rights of others in a quasi-judicial proceeding, you may only consider the evidence that is represented at the public hearing in making a decision. Some of the exceptions to this rule were discussed above.

2. Conflicts of Interest

There are many possible conflicts of interest in quasi-judicial matters, which make it impossible to establish any definitive rule as to whether an interest is improper. Therefore, a determination of whether an interest is improper must be based on the factual circumstances of each case. As a consequence, only guidelines can be provided that will aid in the avoidance of conflicts of interest.

Associational ties, personal interest or financial interests may create a real or perceived conflict of interest. One test, used by the courts in determining if there was an improper conflict of interest, is to base their decision not on whether the decision maker was in fact influenced by a relationship, but whether such a relationship would appear to a disinterested observer to have

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compromised the decision maker's impartiality. See, Save a Valuable Environment v. City of Bothell, 89 Wash.2d 862, 576 P.2d 401, 407-8 (1978).

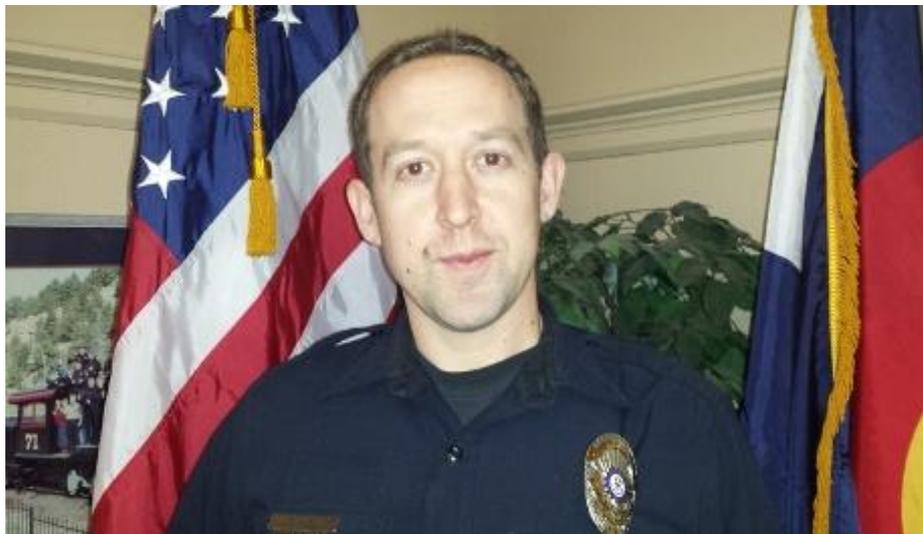
As a general rule of thumb, any time a member of the City Council has any potential conflict of interest, whether it be a personal interest, financial interest, family or business relationship, with respect to a quasi-judicial proceeding, such potential conflict of interest should be made a part of the record. Once the potential conflict of interest is made a part of the record, the member of the City Council should not vote on the matter or try to influence the vote of the other members of the Council.

In the event the Councilmember personally feels that this potential conflict of interest will substantially influence his decision in a quasi-judicial matter, he should disqualify himself. In addition, if the City Council decides that it appears that a potential conflict of interest will substantially influence the decision of the Councilmember in question, then official action should be taken to disqualify that person pursuant to Article II, Section 9 of the City of Black Hawk Home Rule Charter.

3. Prejudgment

In quasi-judicial proceedings, the role of the City Council is analogous to that of a judge who is required to hear facts and objectively apply pre-established standards such as statutes, ordinances, or other applicable law. However, in the realm of land use decision making, it is unlikely that Council members will be totally without opinions concerning the development of their community. Therefore, to avoid the appearance of pre-judgment, it is recommended that the City Council allow all testimony and evidence to be presented. In addition, Council members should avoid making statements which indicate that they are operating under pre-judgment; for example, "informing opposing speakers that they are just wasting their time in testifying."

CITY OF BLACK HAWK POLICE DEPARTMENT



Officer James Randall was born and raised in Colorado. He grew up primarily in the Nederland and Boulder area. James was in the Navy for eight years as an Aviation Ordnance man in a helicopter squadron. He attended the Community College of Aurora where he earned his POST certification and an associate's degree in criminal justice. In his off time he enjoys spending time with his family, snowboarding, golfing and camping. James liked the idea of a smaller department and serving a unique town with so much charm and character.

CITY OF BLACK HAWK POLICE DEPARTMENT



Officer Kory Peterson began his career with the Black Hawk Police Department on February 24, 2014. Kory graduated from High School in Englewood, Colorado. He is studying for an associate's degree in general studies. He attended ACC Law Enforcement Academy and became POST certified. Kory served in the Marine Corp for four years. On his off time he enjoys fishing, camping and four-wheeling and ice fishing. Kory wanted to work for the Black Hawk Police Department because his research showed it has a high success rate of solving crime and wanted to be a part of that success in solvability.

CITY OF BLACK HAWK POLICE DEPARTMENT



Taylor Taggart was born and raised in Colorado, and grew up in Arvada where he attended Arvada High School. Always the athlete he played football, wrestled and was on the swim team. He also received a black belt in Taekwondo in 2005. After high school he attended Red Rocks Community College where he received his EMT-B certification before completing the Fire Fighter I academy. Taylor also completed the Police academy where he achieved the top fitness award. In his free time he likes to workout, play and watch sports, go hiking, biking, snowboarding and spending time with family and friends. What drew him to the City of Black Hawk was the unique environment that it holds being nestled in the foothills, and the home to gaming. He is excited and eager to learn, and put his talents to work for the Black Hawk community.

**APPROVAL OF MINUTES
FOR APRIL 9, 2014**

City of Black Hawk
City Council Minutes
April 9, 2014

Senator Jeanne Nicholson rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order by Mayor Spellman Wednesday, April 9, 2014 at 3:00 p.m.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, City Clerk Magno, IT Director Young, Assistant to City Manager for Administration Greiner, Community Planning and Development Administrator Linker, Finance Director Hillis, Public Works Director Isbester, and Police Chief Cole.

PLEDGE OF
ALLEGIANCE:

Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: City Clerk Magno informed Council 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. Council declared no conflicts.

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.PRESENTATION:

Senator Jeanne Nicholson presented a tribute to the City from the Colorado State Senate and House of Representatives, commemorating the City on the 150th anniversary of its incorporation.

Mayor Spellman accepted the plaque. He showed Senator Nicholson the Heritage Panels and explained that they date from 1864 to present.

5B. PUBLIC COMMENTS: No one came forward to address Council.

6. APPROVAL OF
MINUTES for
March 26, 2014

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve the Minutes of the March 26, 2014 meeting as presented.

MOTION PASSED

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

7. PUBLIC HEARINGS:

A. Resolution 20-2014,
A Resolution
Amending the City of
Black Hawk 2013
Budget

Mayor Spellman read the title.

Finance Director Hillis explained the amendment formalized some purchases Council approved last year.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 20-2014, A Resolution Amending the City of Black Hawk 2013 Budget 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 Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 20-2014, A Resolution Amending the City of Black Hawk 2013 Budget.

MOTION PASSED

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

B. Resolution 21-2014,
A Resolution Conditionally
Approving the Site
Development Plan for
the Property at 201,
211, and 221 Church
Street Known as the
Church Street Properties
City Annex

Mayor Spellman read the title.

Vince Harris, Baseline, explained this was an application for a site development plan for the new IT building. He stated 211 and 221

were added to the site development plan for the three properties are known as the Church Street City Annex.

Mr. Harris stated there was one condition. The condition is applicable building and electric permits were needed.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 21-2014, A Resolution Conditionally Approving the Site Development Plan for the Property at 201, 211, and 221 Church Street Known as the Church Street Properties City Annex open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution to come forward.

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

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 21-2014, A Resolution Conditionally Approving the Site Development Plan for the Property at 201, 211, and 221 Church Street Known as the Church Street Properties City Annex.

MOTION PASSED

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

8. **ACTION ITEMS:**

C. 101 Marchant Street
Historic Sheds –
Construction Bids

Mayor Spellman read the title.

Jessica Killian, Consilium, explained three bids were received. After reviewin, Staff recommends David Peterson Construction, Inc.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Cales to approve 101 Marchant Street Historic Sheds – Construction Bids.

MOTION PASSED

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

D. Second Amendment to
Scope of Work and
PEH Architectural
Fees – IT Facility
201 Church Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained this was the second amendment for PEH for consulting and design fees. The fees include additional designing.

Administrator Linker stated since the Staff report was written there have been some changes on the parking lot. She explained the Fire Department and City Manager suggested a 14 foot road instead of 12 foot.

Project Manager Reed stated there will be a cost increase for the 14 foot road and rock wall on top of the shotcrete.

Administrator Linker stated Staff recommends approval in the amount of \$15,100.

MOTION TO APPROVE

Alderman Cales **MOVED** and was **SECONDED** by Alderman Torres to approve Second Amendment to Scope of Work and PEH Architectural Fees – IT Facility 201 Church Street.

MOTION PASSED

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

E. Roadway Easement Agreement – Larkins

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained some of the rock wall was in the right-of-way. She stated this would clear up the discrepancy.

MOTION TO APPROVE

Alderman Cales **MOVED** and was **SECONDED** by Alderman Alderman to approve Roadway Easement Agreement - Larkins.

MOTION PASSED

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

9. CITY MANAGER REPORTS:

City Manager did not have anything to report.

10. CITY ATTORNEY:

City Attorney Hoffmann requested an Executive Session regarding pending legislation, pending litigation, and potential litigation.

11. EXECUTIVE SESSION:

MOTION TO ADJOURN

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session 3:30 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), 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), and to consider personnel matters, pursuant to C.R.S. § 24-6-402(f).

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

MOTION TO RECONVENE Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett at 4:29 p.m.

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

12. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 4:30 p.m.

Jeanie M. Magno, CMC
City Clerk

David D. Spellman
Mayor

**CB 7, AN ORDINANCE STATING
THE INTENT OF THE CITY OF
BLACK HAWK TO ACQUIRE
CERTAIN PROPERTY FOR THE
CONSTRUCTION, EXPANSION
AND IMPROVEMENT OF
GREGORY STREET. A CITY
STREET AND ROADWAY
PURSUANT TO C.R.S. §386-101,
C.R.S. §[32-25-201](#). ARTICLE XX, §1
OF THE COLORADO
CONSTITUTION, AND ARTICLE 8,
SECTION 4 OF THE CITY OF
BLACK HAWK HOME RULE
CHARTER**

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

COUNCIL BILL NUMBER: 7

ORDINANCE NUMBER: 2014-_____

**TITLE: AN ORDINANCE STATING THE INTENT OF THE CITY OF
BLACK HAWK TO ACQUIRE CERTAIN PROPERTY FOR THE
CONSTRUCTION, EXPANSION AND IMPROVEMENT OF
GREGORY STREET, A CITY STREET AND ROADWAY,
PURSUANT TO C.R.S. § 38-6-101, C.R.S. § 31-25-201,
ARTICLE XX, § 1 OF THE COLORADO CONSTITUTION, AND
ARTICLE 8, SECTION 4 OF THE CITY OF BLACK HAWK
HOME RULE CHARTER**

WHEREAS, the City of Black Hawk, Colorado possesses the power of eminent domain pursuant to the provisions of Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter, as well as C.R.S. § 38-1-101, *et seq.*, C.R.S. § 38-6-101, *et seq.*, and C.R.S. § 31-25-201;

WHEREAS, the City of Black Hawk wishes to acquire the property more particularly described in Exhibit A, attached hereto as Exhibit A, and incorporated herein by this reference (the "Subject Property");

WHEREAS, said Subject Property is to be acquired for the construction, expansion and improvement of Gregory Street, a City street and roadway, as authorized by and within the meaning of Article XX, § 1 of the Colorado Constitution, Article 8, Section 4 of the City of Black Hawk Home Rule Charter, C.R.S. § 38-6-101, and C.R.S. § 31-25-201.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Notice is hereby given that the City of Black Hawk, Colorado, intends to acquire the Subject Property.

Section 2. The acquisition of the Subject Property serves the public purpose of constructing, expanding and improving Gregory Street, thereby providing City streets and roadways that are necessary and essential to the City's ability to provide such public facilities within the meaning of C.R.S. § 38-6-101 and C.R.S. § 31-25-201. Said purposes are specifically authorized as set forth above and pursuant to Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter.

Section 3. The City further finds and determines as follows:

- A. The City of Black Hawk finds that consistent with its home rule eminent domain authority, the purpose of providing City streets, roadways and associated facilities for which the Subject Property is sought constitutes a valid public purpose within the meaning of Article XX, § 1 of the Colorado Constitution, C.R.S. § 38-6-101, and C.R.S. § 31-25-201; and
- B. That it is necessary and essential that the City acquire the Subject Property for the public purpose set forth herein.

Section 4. The staff of the City is directed to comply with all requirements of applicable law in the conduct of the within authorized eminent domain action.

Section 5. In the prosecution of the within authorized eminent domain action, the City shall retain all rights and powers lawfully delegated to it by the Colorado Constitution, the City of Black Hawk Home Rule Charter, and C.R.S. § 38-1-101, et seq.

Section 6. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this _____ day of _____, 2014.

David D. Spellman, Mayor

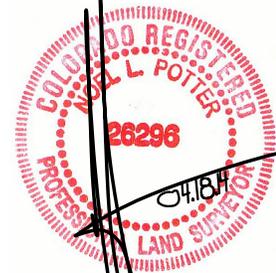
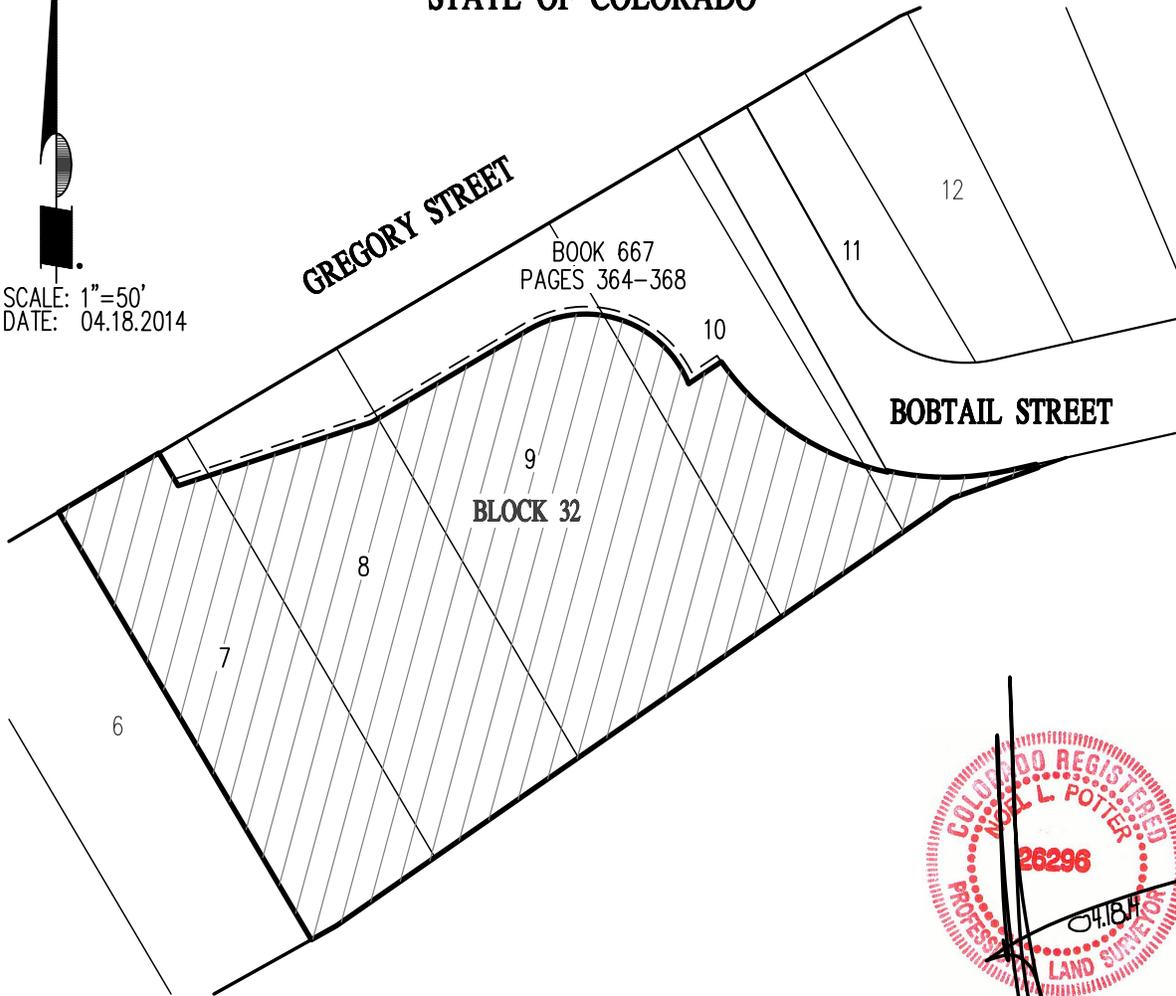
ATTEST:

Jeanie M. Magno, CMC, City Clerk

EXHIBIT A

A PORTION OF LOTS 7 THROUGH 11, BLOCK 32
CITY OF BLACK HAWK, COUNTY OF GILPIN
STATE OF COLORADO


SCALE: 1"=50'
DATE: 04.18.2014



DESCRIPTION:

LOTS 7 THROUGH 11, BLOCK 32, CITY OF BLACK HAWK, BASED UPON THE CITY OF BLACK HAWK SURVEY MAP OF BLOCK 32, OF THE MAP OF BLACK HAWK, SURVEYED BY ALBERT JOHNSON, CITY SURVEYOR, DATED MAY AND JUNE 1866, LOCATED WITHIN SECTION 7, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 7 THROUGH 11, BLOCK 32, EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DEED RECORDED IN BOOK 515, PAGE 22 AND THAT PORTION DESCRIBED IN RULE AND ORDER RECORDED IN BOOK 667, PAGE 364-368, CONTAINING 0.46 ACRES MORE OR LESS.

NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

C.C.S. CONSULTANTS, INC.

4860 Robb Street, Suite 206
Wheat Ridge, Colorado 80033
Phone: 303-403-4706, Fax: 303-403-0800

PROJECT NO.: CCS-BLH\90BLH32\EXHIBIT A-SMITHROCK

**CB 8, AN ORDINANCE
AMENDING SECTION 11-
35(d) OF THE BLACK
HAWK MUNICIPAL CODE
CONCERNING REQUIRED
INSURANCE FOR STREET
CUT PERMITS**

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

COUNCIL BILL NUMBER: 8

ORDINANCE NUMBER: 2014-_____

**TITLE: AN ORDINANCE AMENDING SECTION 11-35(d) OF THE BLACK
 HAWK MUNICIPAL CODE CONCERNING REQUIRED INSURANCE
 FOR STREET CUT PERMITS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,
GILPIN COUNTY:

Section 1. Section 11-35, subsection (d) of the Black Hawk Municipal Code is hereby amended to read as follows:

(d) Before a permit is issued, the applicant shall provide the City with a certificate of insurance with limits of at least one million dollars (\$1,000,000.00) for combined single bodily injury and property damage, and a deductible of not less than one thousand dollars (\$1,000.00). The certificate of insurance shall insure the City against claims and damages for personal injury and for property damage which may arise from or out of the performance of the work designated above, whether such performance is by the applicant, a subcontractor, designee or agent of the applicant. The insurance required shall cover, in addition, motor vehicle liability, worker's compensation and all other claims whatsoever to persons and property. The insurance shall list the City as an additional named insured and shall contain a clause providing that coverage shall not be cancelled by the insurance company without thirty (30) days' written notice to the City of intention to cancel.

Section 2. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this _____ day of _____, 2014.

David D. Spellman, Mayor

ATTEST:

Jeanie M. Magno, CMC, City Clerk

**RESOLUTION 22-2014, A
RESOLUTION
CONDITIONALLY
APPROVING A
CERTIFICATE OF
APPROPRIATENESS FOR
EXTERIOR ROCKWALL
IMPROVEMENTS FOR
THE PROPERTY AT 271
CHURCH STREET**

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

Resolution No. 22-2014

TITLE: A RESOLUTION CONDITIONALLY APPROVING CERTIFICATE OF APPROPRIATENESS FOR SITE WORK AND EXTERIOR ALTERATIONS FOR THE HISTORIC RESIDENCE LOCATED AT 271 CHURCH STREET

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

Section 1. The City Council hereby determines to conditionally approve a Certificate of Appropriateness for site work and exterior alterations of the historic residence located at 271 Church Street upon satisfaction of the following conditions:

- A. Historic photographic evidence showing east elevation fascia with gingerbread to be reviewed and approved by Three Gables Preservation and Consilium Partners. If photographic evidence is not available, item will be removed from scope of work;
- B. Final color selection for concrete drainage swale to be approved by Three Gables Preservation and Consilium Partners;
- C. Alterations to approved fence design to be reviewed and approved by Three Gables Preservation and Consilium Partners;
- D. Final resolution of a Boundary Line Agreement between the homeowner and adjacent property owners of 261 Church Street to determine final east rock wall layout prior to approval of construction documents, with final approval by Consilium Partners and City staff; and
- E. A structural engineer review the existing south brick foundation wall to determine if recommended work, described as removal and replacement of a load bearing section, will produce a finished condition that serves to structurally support the building for continued use and preservation.

RESOLVED AND PASSED this _____ day of _____, 2014.

David D. Spellman, Mayor

ATTEST:

Jeanie M. Magno, CMC, City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING:

April 23, 2014

SUBJECT Approval of a Certificate of Appropriateness for Site Work and Exterior Alterations at 271 Church Street.

SUMMARY

The applicant, Jeannie Larkins, is requesting approval of a Certificate of Appropriateness (COA) for site work and exterior alterations to the historic residence at 271 Church Street. The scope of work includes paint, gutters/downspouts, new metal storm doors, new ornamental metal fencing along the south elevation, new decorative wire fencing along the east and west elevations, a concrete swale to improve drainage, repair/repoint foundation wall, repair/repoint front stone walls, build new rear stone wall to control drainage and erosion on rear of the property.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION

*Chairman Smith moved, and was seconded by Commissioner Peterson, to recommend to the Board of Aldermen **CONDITIONAL APPROVAL** of the Certificate of Appropriateness for site work and exterior alterations of the historic residence at 271 Church Street based on the criteria set forth in the staff report dated April 11, 2014. The Certificate of Appropriateness application for 271 Church Street meets the intent of the criteria outlined in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs, Section 16-368 of the Black Hawk Municipal Code, and Sections 2, 3, 4 of the City of Black Hawk Residential Design Guidelines with the following conditions:*

- 1. Historic photographic evidence showing east elevation fascia with gingerbread to be reviewed and approved by Three Gables Preservation and Consilium Partners. If photographic evidence is not available, item will be removed from scope of work.*
- 2. Final color selection for concrete drainage swale to be approved by Three Gables Preservation and Consilium Partners.*
- 3. Alterations to approved fence design to be reviewed and approved by Three Gables Preservation and Consilium Partners.*
- 4. Resolution of a Boundary Line Agreement between the homeowner and adjacent property owners of 261 Church Street to determine final east rock wall layout prior to approval of construction documents, with final approval by Consilium Partners and City staff.*
- 5. HPC recommends that a structural engineer review the existing south brick foundation wall to determine if recommended work, described as removal and replacement of a load bearing section, will produce a finished condition that serves to structurally support the building for continued use and preservation.*

RESOLUTION DATE:

ORIGINATED BY:

STAFF PERSON RESPONSIBLE:

DOCUMENTS ATTACHED:

CITY ATTORNEY REVIEW:

SUBMITTED BY:



04/16/14

Cynthia Linker, CP&D Administrator

April 23, 2014

Community Planning &
Development

Cynthia Linker, CP&D Administrator

Staff Report, Attachments A-K

Yes No N/A

INITIALS _____

REVIEWED BY:



Jack D. Lewis, City Manager

**CITY OF BLACK HAWK
PLANNING / LAND USE**

Date prepared: April 11, 2014
Updated: April 16, 2014
Meeting Date: April 23, 2014

STAFF REPORT:

For: City Council
Project: Certificate of Appropriateness for Site Work and Exterior Alterations
Property Address: 271 Church Street, Black Hawk
Property Owner: Jeannie Larkins
Zoning: Historic Residential (HR)
Prepared by: Cynthia Linker, City of Black Hawk
Reviewed by: Cynthia Linker, City of Black Hawk

BACKGROUND

The applicant, Jeannie Larkins, is requesting approval of a Certificate of Appropriateness (COA) for site work and exterior alterations to the historic residence at 271 Church Street. The scope of work includes paint, gutters/downspouts, new metal storm doors, new ornamental metal fencing along the south elevation, new decorative wire fencing along the east and west elevations, a concrete swale to improve drainage, repair/repoint foundation wall, repair/repoint front stone walls, build new rear stone wall to control drainage and erosion on rear of the property.

This house was first evaluated in 1986 when the National Park Service conducted a survey of historic resources in the communities of Black Hawk, Central City, and Nevada. This survey gave an estimated construction date of ca. 1890. The 1986 survey provided the following description:

This residential structure is a vernacular 1 ½ story rectangular plan building, with a high pitched intersecting gable roof covered with asphalt shingles. Walls are covered with horizontal wood siding and the high foundation is brick. Windows generally are 4-over-4 lights with pediments and shutters; the primary door is a 4 paneled wood door with 8 lights. There are 2 brick chimneys, one interior and the other on the inside end of the east elevation. The distinctive feature of this home is the decorative bargeboard trim on the gable. The 1-story porches on each side have shed roofs; one on the southwest elevation has a 2x4 wood support and horizontal wood rails and the other on the southeast elevation has a 2x4 wood support with picket fence railing.

The home is constructed with the north elevation built into the hillside and with the south elevation directly adjacent to Church Street. A 6 foot high rubble rock retaining wall on both sides of the home has steps built to each entry porch. The foundation of the home is as high as the rubble rock retaining wall. On the southeast side of the home is a pleasant yard. (Attachment A).

In 1991, when Black Hawk was added to an expanded National Historic Landmark district, 271 Church Street was counted as a “contributing” building to the historic district, meaning it had retained sufficient integrity to contribute to the historic character of the district. In 2010-2011, a re-survey and evaluation of the historic district found that the residence did not retain its historic integrity, and was a “non-contributing” building in the National Historic Landmark district (Attachment B). The re-survey also indicates a construction date: ca. 1877. The house roof is visible in late 1870s historic photographs, and was present by the 1886 Sanborn map. The west wing was originally a 1 story until the 1900 Sanborn map, where it is shown as 2 stories.

This property has \$164,115.32 in various grants from the City of Black Hawk. A summary of the previous grants is below:

- 1996: TAG/Construction grant of \$8,000.00 for architectural services, water service/drainage/stairway materials/equipment rental.
- 1997: TAG/Emergency grant of \$2888.28 for architectural services.
- 1997: Emergency grant of \$25,000 for demolition, labor, hauling, land fill and compactor fees, structural beams, lumber and labor to install.
- 1997: Utility grant of \$2,780 for water and sewer replacement.
- 1997: TAG grant of \$5,600 for architectural/engineering services.
- 1997: Rehabilitation grant of \$19,400 to complete foundation and structure.
- 1998: Emergency grant of \$50,000 for a retaining wall and exterior frame elements. Council meeting minutes of February 27, 1998 indicate the homeowner invested \$84,000 of her own funds and will apply for reimbursement in 2001.
- 2004: Reimbursement grant of \$32,271.04 for reimbursement from 1996-1998.
- 2008: Exterior Paint grant of \$9,300 for exterior paint.
- 2011: Emergency grant of \$8,876.00 for a boiler replacement.

The applicant is requesting approval of the following work, which requires a Certificate of Appropriateness:

- South Elevation – Repoint painted brick foundation wall. Repair loose mortar joints. Replace crumbling brick. Remove lower 2 to 5 courses of brick and replace with mortared stone. Apply a full lime based coating over brick areas. (Attachment D)
- Install/replace soffit vents. (No ventilation calculation requested – only infill existing holes).
- Install, south elevation, new not to exceed 42” black powder coated ornamental metal guardrail, with one 3’-0” wide ornamental gate at yard and one 3’-6” wide ornamental gate at stairs (Attachment E).
- Install heavy gauge wire metal fencing, weathering steel, along the east and west property lines (Attachment F). The Property Owner is requesting a simplified version of the ornamental metal guardrail in lieu of the heavy gauge metal. This would appear as an alternate in the bid form and as an escrow item for the Property Owner.
- Restore exterior stone face of south elevation rock walls. Clean stone and mortar with non-abrasive methods. Carefully remove any loose, cracked or non-matching mortar. Re-point wall with mortar to match historic in color and texture. Re-point to have defined edges of stone. (Attachment D)
- Build new east rear retaining wall to control and improve drainage and minimize erosion. Tree removal as required for new retaining wall installation. (Attachment G)

- Landscaping to include seeding all disturbed grading areas with “multi-color high altitude seed mix” and provide erosion control mat.
- Replace at east elevation, fascia with gingerbread to match exhibiting gingerbread scroll design found on the south elevation (pending photographic documentation).
- Install concrete drainage swale at north and west elevations of structure. Property Owner has requested colored concrete. This would appear as an alternate in the bid form and as an escrow item for the Property Owner.
- Scrape, caulk, prime and repaint all exposed wood surfaces. Replace all damaged or rotten wood siding, trim, fascia and soffits. Similar color scheme as existing (Attachment H). All portions of the house structure, historic and non-historic, along with the west historic porch are included in the scope of work. The non-historic decks, stairs and railings have been excluded and will appear as an alternate on the bid form and escrow item to the Property Owner.
- Install new exterior light fixture at existing J-Box of ceiling at south elevation porch (Attachment I).
- Install new metal storm doors at four exterior locations. The front door selection is full view supplied by Larson Doors or equivalent. The 3 side doors are from Liberty Home Products, Inc. “120 Split Trim II” from Econoline Steel Storm Doors or equivalent. Color selected is white. Clear tempered glass with screen insert. One of the side doors is non-historic and will appear as an alternate on the bid form and escrow items to the Property Owner. (Attachment J)
- Install gas stub for BBQ grill at east elevation.
- Install new galvanized 5” half-round gutters and 3” circular downspouts at eaves. (Attachment K)

In accordance with the Black Hawk Municipal Code, all final plans for a Rehabilitation Grant must be reviewed by the Historic Preservation Commission as well as City Council.

APPLICABLE CITY OF BLACK HAWK REGULATIONS

Excerpt from:

*City of Black Hawk
Historic Restoration and Community Preservation Fund Guide to Programs*

Section 1: Program Overview, (e) General Program Information, (3) The City Council shall have the authority in its sole discretion to deny any application submitted for a grant or easement project, if in their opinion, the Property Owner has neglected to adequately maintain their property allowing it to become in a state of disrepair.

Excerpt from:

*City of Black Hawk Zoning Code
Chapter 16
Section 16-368, City Council historic review process*

16-368: Anyone seeking to renovate the exterior of, add to or construct a new building shall be subject to the following procedures. Any such renovation construction or demolition shall be subject to the City’s design standards.

f. Criteria for determining appropriateness of proposed erection, construction, reconstruction or alteration. In determining the appropriateness of a proposed site plan or building permit for the erection, construction or alteration of a building, the HPC and the City Council shall consider the following:

- 1. All plans, drawings and photographs as may be submitted by the applicant;***
Building plans showing existing conditions and indicating the portions proposed for alteration have been submitted by PEH Architects and are acceptable for review (Attachment C: Design Development set)
- 2. Information presented at a public hearing held concerning the proposed work;***
Findings and recommendation from Historic Preservation Commission will be presented to the Board of Aldermen at the Public Hearing scheduled for April 23, 2014.
- 3. The purpose of this Chapter;***
The information received adequately describes the proposed work in order to determine the appropriateness of the proposed rehabilitation.
- 4. Compliance with the Black Hawk Municipal Code and the payment of all fees required by the Black Hawk Municipal Code;***
The project complies with all regulations of the Municipal Code.
- 5. The historical and architectural style, the general design, arrangement, texture, materials, and color of the development, building or structure in question or its appurtenance fixtures; the relationship of such features to similar features of the other buildings within the City and the position of the building, structure, park or open space in relation to public right-of-way and to other buildings and structures in the City;***
The wood frame house was built ca. 1877 and is considered a simple example of vernacular architecture. Vernacular architecture is a term used to describe buildings which are not identified by specific architectural styles, but are instead categorized by form or construction methods. Vernacular architecture can evolve over time to reflect the environmental, cultural and historical context in which it exists.

The 1 ½ story rectangular frame building has a high pitched intersecting gable roof. According to the Sanborn maps, the building was originally a 1 ½ story gable-front building with a 1 story wing on either side; by 1900 the west wing was changed to 2 stories.

By 1998, jig-sawn trim was added to the gable-front roof. This likely occurred in the 1996 historic preservation alteration, permit valuation \$25,000. By 2005, original siding was replaced or covered; original pedimented window surrounds were removed; the original 2/2 windows were replaced with 4/4 or 8/8 windows; decorative fishscale shingles and trim added in gable end; west shed roof porch replaced with large wrap-around flat second story deck porch; exterior stairs added to west leading to 2nd story; new dormers and 2nd story door added to front. In 2008 – porch roof repaired and new balustrade on upper deck; new porch columns, porch frieze and spandrels added. Due to the significant alterations this property is now considered “non-contributing”.

6. *The effects of the proposed work upon the protection, enhancement, perpetuation and use of the City which cause it to possess a special character or special historical or aesthetic interest or value; and*

The property was re-evaluated in 2010-2011 and was determined “non-contributing” to the National Historic Landmark district.

7. *The design standards for the City.*

Sections 2. *Site Design*; 3. *Rehabilitation of Historic Structures*; 4. *Paint, Paint Colors and Lead Paint Issues* of the City of Black Hawk Residential Design Guidelines adopted in 2011 apply to this application. Listed below are the applicable sections, and the staff’s evaluation for compliance of the proposed modifications for 271 Church Street.

Excerpt from:

City of Black Hawk Residential Design Guidelines

2. Site Design

2.2 Topography and Grade

- 2.2.1 Existing topography should be maintained whenever possible.
- 2.2.2 Respect natural site features
- 2.2.3 Minimize cut and fill that would alter the natural topography of the site.
- 2.2.5 All land that is visible from a public way shall be reclaimed in a manner described below.
- a. Preferred reclamation methods are:
- Plantings, as provided in the landscape standards
 - Natural rock, in a stable condition
 - Concrete retaining walls faced with native stone or appropriate wood cribbing.
- 2.2.6 Retain existing natural drainage patterns where possible; design new drainage systems to complement and follow the existing terrain.
- a. Design drainage systems and storm water detention basins as amenities.

2.3 Fencing

- 2.3.1 Painted wood, wrought iron, picket, woven wire, rail or stone fences are appropriate in residential-type areas.
- a. Wrought iron fencing should be either black or rust colored.
- 2.3.3 Avoid solid or stockade wood fences, chain link, concrete block, plastic, fiberglass or plywood fences.
- 2.3.4 Fences shall be similar to those seen historically.

- a. Fences should not exceed 42 inches in height in the front yard, and should not be less than 34 inches in height except variation may occur at grade changes.
- b. The gap at the bottom of the fence should be minimized. A 4” gap, maximum is recommended.
- c. Fence gates should be of metal or wood, or of the same material and design as the fence which they are a part.

2.4 Retaining walls

- 2.4.1 Historic stone walls and other site features should be repaired or restored, replacing only those portions that are deteriorated beyond repair.
- 2.4.2 Native stone retaining walls are encouraged.
 - a. Stone walls should be similar in appearance to those seen historically, including finishing, joining and height.
- 2.4.3 Retaining walls should be of dry stone or stone masonry and be compatible with other features onsite.
- 2.4.4 Painting or plastering over stone walls is inappropriate.
- 2.4.5 Use walls to prevent erosion and drainage issues.
- 2.4.6 Stone cap elements should be used on top of stone or masonry walls. The cap should be sloped and extend 1”-2” beyond the edge of the wall to allow water to drip off the cap rather than run down the face of the wall.

2.5 Landscaping

- 2.5.2 Protect established vegetation near to nay construction to avoid damage.
 - a. Any adjacent property’s landscaping or other site amenities that are impacted by construction activity shall be restored or replaced.
- 2.5.4 Consider removing trees that are causing damage to historic buildings and/or walls.

Evaluation of proposal’s compliance with Section 2:

All elements of the site plan meet the design guidelines: The existing topography is maintained, cut and fill is minimized, and existing natural site features are retained.

The new concrete drainage system at the rear of the house, although not designed as an amenity, is not visible from the public right-of-way.

The stone masonry walls are in good condition with the exception of some of the mortar joints. The stone walls shall be partially repointed where the mortar is visibly cracked or debonded.

Retaining walls are used to prevent erosion, and stone materials are used. To improve drainage and control erosion of the rear hillside, a new east rear retaining wall will be added to terrace the right side rear yard (coming off landing at rear steps). The new wall will not be over 4 feet in height measured from the bottom of the footing to the top of the wall. The proposed wall will be constructed to match the look of the existing walls in the same area.

Proposed design for wrought iron fence is one not typically seen in Black Hawk and incorporates circles and finials. Although this design is newly proposed, it does meet the intent of the Residential Design Standards.

The installation of a heavy gauge wire metal fencing, weathering steel, is proposed along the east and west property lines (Attachment F). The Property Owner is requesting a simplified version of the ornamental metal guardrail in lieu of the heavy gauge metal. This would appear as an alternate in the bid form and as an escrow item for the Property Owner.

All disturbed grading areas shall be seeded with a “multi-color high altitude seed mix” with erosion control mats and temporary irrigation until completion of project.

3. Rehabilitation of Historic Structures

3.2 Roofs

3.2.C Gutters

- 1. Protect and maintain a historic roof by cleaning the gutter and downspouts and replacing deteriorated flashing.**
- 2. Repair damaged, missing or poorly located and sized gutters or downspouts immediately.**
 - a. Replace unrepairable gutters.**
 - b. Ensure that all water drains away from the building, adding downspout extensions if necessary.**
- 3. Half round galvanized gutters are historically appropriate and preferred on residential homes, however, rectangular gutters are also allowed in Black Hawk. Reference illustration for other acceptable styles.**

3.3. Exterior Materials: Wood Siding, Masonry and Distinctive Details and Features

3.3.A.1 Original historic finish materials should be preserved, rehabilitated and/or repaired.

- a. If portions of wood siding must be replaced, be sure to match the lap dimensions of the original.**

3.3.B.1 Natural masonry surfaces should not be painted.

3.3.B.2 When possible, remove more recent materials that have been applied on top of historic finishes and that have not achieved historic significance in their own right.

- 3.3.B.4** Repair or replacement of mortar should be done by a masonry professional experienced in historic masonry repair.
- a. Any mechanical masonry cleaning should be done using the lowest possible pressure.
 - b. Avoid harsh cleaning and paint removal methods, such as sandblasting, that can damage a building's exterior materials and finishes.
- 3.3.B.5** Provide weather protection for masonry.
- a. Avoid the use of penetrating sealers on masonry, which can trap moisture within the masonry and result in accelerated deterioration and possible interior moisture damage.
- 3.3.C.1** Protect and maintain significant stylistic elements.
- a. Avoid removing or altering any historic material or significant features.
 - b. Repair historic building features that are deteriorated where feasible.
 - c. When disassembly of an historic element is necessary for its restoration, use methods that minimize damage to the original materials.
 - d. Use the gentlest possible procedures for cleaning, refinishing, and repairing historic materials.

3.4 *Doors*

- 3.4.6** When replacing doors, use designs similar to those found historically on comparable buildings in Black Hawk.
- a. Use doors that are similar in size and shape to those found historically along the street and consider the pattern of placement, proportions, style and the materials of doors.
- 3.4.7** If heat loss or energy conservation is a concern, consider installation of a storm door instead of replacing a historic entry door.
- a. A wood storm door is preferred. A colored metal storm door, featuring a simple design, may be appropriate.
- 3.5.C.6** Genuine, transparent glass shall be used in all windows and doors.

Evaluation of proposal's compliance with Section 3:

The following elements meet the standards outlined in the Residential Design Guidelines:

- New galvanized 5" half-round gutters and 3" circular downspouts will be installed at the eaves.
- All damaged or rotten wood siding, trim, facisa and soffits will be replaced prior to painting.

- The clay masonry wall is two wythes in thickness and has header courses every 6th course. It appears that the entire wall was sandblasted at some previous time. Portions of the wall are covered with a cementitious render that is partially delaminated based on sounding the render. Despite this, the wall is generally in fair condition except for the lower 12-16 inches of the wall that is above the asphalt paving of the street. This area of the wall has likely experienced numerous saturated freeze/thaw cycles as snow and ice accumulated at the base of the wall. Exposure to harmful deicing chemicals is a contributor as well. Removal of the partial render will be done where it does not take portions of the brick face with it. The lower 5 to 6 courses of the clay masonry wall will be removed and replaced with mortared stone.
- Install new metal storm doors at four exterior locations. The front door selection is full view supplied by Larson Doors or equivalent. The 3 side doors are from Liberty Home Products, Inc. “120 Split Trim II” from Econoline Steel Storm Doors or equivalent. Color selected is white. Clear tempered glass with screen insert. One of the side doors is non-historic and will appear as an alternate on the bid form and escrow items to the Property Owner.

4. Paint, Paint Colors and Lead Paint Issues

4.1 Color

- 4.1.1 Use historic color schemes.**
- 4.1.2 Develop a color scheme for the entire building that coordinates all the façade elements.**
- 4.1.3 Use muted colors for the base and brighter colors for accents.**
- 4.1.4 Leave natural masonry finishes unpainted when feasible.**

Evaluation of proposal’s compliance with Section 4:

The proposed colors and paint scheme for the building meet the design guidelines. All portions of the house structure, historic and non-historic, along with the west historic porch are included in the scope of work. The non-historic decks, stairs and railings have been excluded and will appear as an alternate on the bid form and escrow item to the Property Owner.

APPLICABLE GUIDE TO PROGRAM STANDARDS

All grants, whether Full Site Building, Site Work, Exterior Maintenance, Emergency or Radon Mitigation, must adhere to the eligibility requirements in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs, the Residential Design Guidelines, and the Secretary of the Interior’s Standards for treatment of historic properties. The project was evaluated using these standards and staff found the elements of the proposal are in accordance and meet the requirements.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION

The Historic Preservation Commission (HPC) evaluated the application, the comments in the report, and testimony by staff and Consilium. The Commission discussed if there was sufficient evidence that the Certificate of Appropriateness application met the intent of the criteria outlined in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs, Section 16-368 of the Black Hawk Municipal Code, and Sections 2, 3, 4 of the City of Black Hawk Residential Design Guidelines.

*Chairman Smith moved, and was seconded by Commissioner Peterson, to recommend to the Board of Aldermen **CONDITIONAL APPROVAL** of the Certificate of Appropriateness for site work and exterior alterations of the historic residence at 271 Church Street based on the criteria set forth in the staff report dated April 11, 2014. The Certificate of Appropriateness application for 271 Church Street meets the intent of the criteria outlined in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs, Section 16-368 of the Black Hawk Municipal Code, and Sections 2, 3, 4 of the City of Black Hawk Residential Design Guidelines with the following conditions:*

- 1. Historic photographic evidence showing east elevation fascia with gingerbread to be reviewed and approved by Three Gables Preservation and Consilium Partners. If photographic evidence is not available, item will be removed from scope of work.*
- 2. Final color selection for concrete drainage swale to be approved by Three Gables Preservation and Consilium Partners.*
- 3. Alterations to approved fence design to be reviewed and approved by Three Gables Preservation and Consilium Partners.*
- 4. Resolution of a Boundary Line Agreement between the homeowner and adjacent property owners of 261 Church Street to determine final east rock wall layout prior to approval of construction documents, with final approval by Consilium Partners and City staff.*
- 5. HPC recommends that a structural engineer review the existing south brick foundation wall to determine if recommended work, described as removal and replacement of a load bearing section, will produce a finished condition that serves to structurally support the building for continued use and preservation.*

STAFF RECOMMENDATION

The Board of Aldermen should evaluate the application, the comments in the report, testimony by staff, consultants, the applicant and the recommendation by the Historic Preservation Commission. The Board should discuss if there is sufficient evidence that the Certificate of Appropriateness application meets the intent of the criteria outlined in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs, Section 16-368 of the Black Hawk Municipal Code, and Sections 2, 3, 4 of the City of Black Hawk Residential Design Guidelines.

At the conclusion of its discussion, the Board of Aldermen may recommend the **Conditional Approval** proposed by the Historic Preservation Commission or the Board of Aldermen may recommend **approval, a dissimilar conditional approval, or denial** of the Certificate of Appropriateness for site work and exterior alterations of the historic residence at 271 Church Street based on the criteria set forth in the staff report dated April 11, 2014.

ATTACHMENTS

- A: Central City – Black Hawk Historic District Survey
- B: Cultural Resource Evaluation Form
- C: PEH Architects “271 Church Street” Design Development plans (selected pages)
- D: Exterior Clay and Stone Masonry Walls – South Elevation
- E: Ornamental Fencing
- F: Heavy Gauge Wire Fencing
- G: New Rear Retaining Wall Plan
- H: Paint color scheme
- I: New Exterior Light Fixture
- J: New Metal Storm Doors
- K: Gutters and Downspouts

NOTICE OF PUBLIC HEARING

Notice is hereby given in accordance with the City of Black Hawk Zoning Ordinance that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a Certificate of Appropriateness for Exterior Improvements at 271 Church Street. This property is described in Exhibit A below and is generally located at 271 Church Street.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, April 23, 2014 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers located at 211 Church Street, Black Hawk, Colorado, 80422, or at such other time or place in the event these hearings are adjourned.

ALL INTERESTED PARTIES
MAY ATTEND

Jeanie Magno
City Clerk

Exhibit A

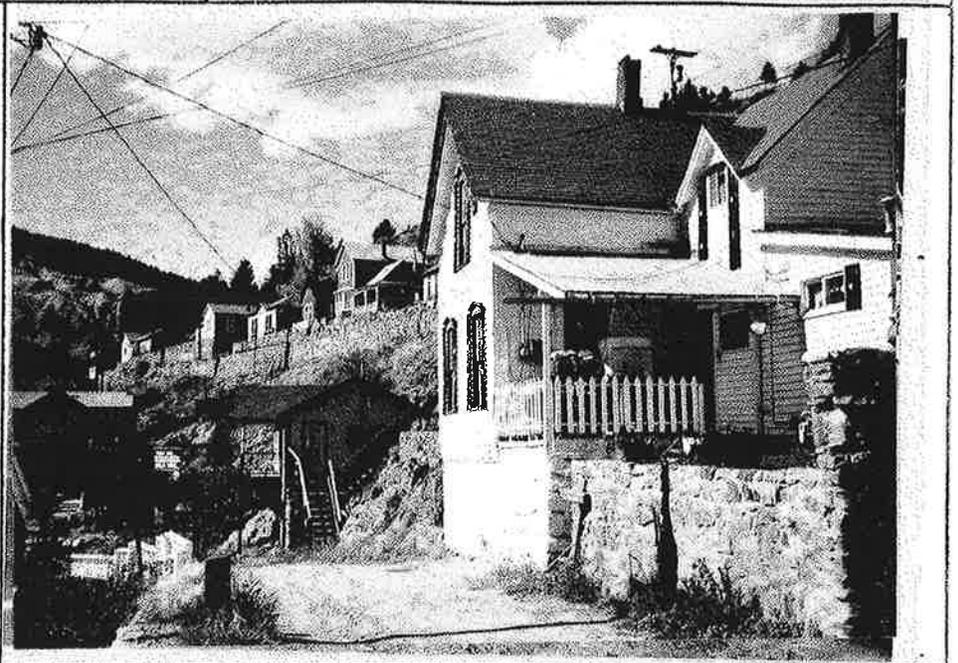
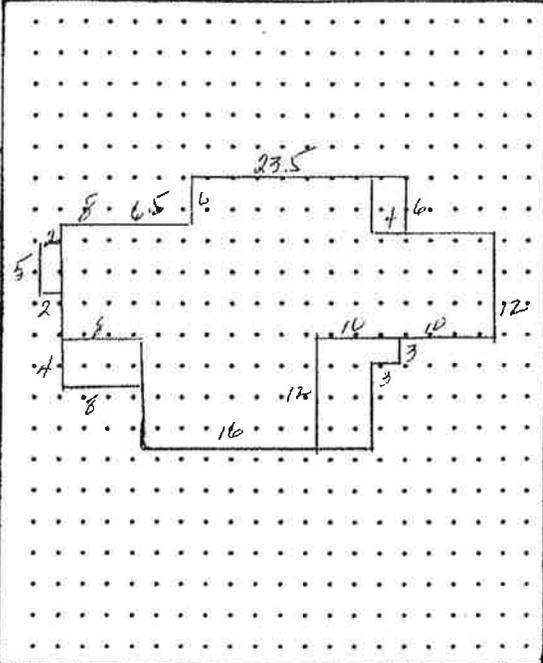
271 Church Street –

S: 7 T: 3S R: 72W Subd: BLACK HAWK Block: 025 Lot: 001 THRU:- Lot: 003 (PT OF E 1/2) OF LT 1 DESC RECPT #134604 & IMPS

Attachment A

CENTRAL CITY - BLACK HAWK HISTORIC DISTRICT GILPIN COUNTY, COLORADO

BUILDING NAME	BLOCK NUMBER 25	LOT NUMBER 1, 2, & 3	DATE OF CONSTRUCTION 1890
ADDRESS 271 Church Street Black Hawk, CO		STYLE Vernacular	PRESENT USE Residential
PROPERTY TYPE: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> ACADEMIC <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER <input type="checkbox"/> RELIGIOUS		ASSOCIATED BUILDINGS	ADDITIONS AND ALTERATIONS
		CONDITION Good	



ARCHITECTURAL DESCRIPTION

This residential structure is a vernacular 1½-story rectangular plan building, with a high pitched intersecting gable roof covered with asphalt shingles. Walls are covered with horizontal wood siding and the high foundation is brick. Windows generally are 4-over-4 lights with pediments and shutters; the primary door is a 4 paneled wood door with 8 lights. There are 2 brick chimneys, one interior and the other on the inside end of the east elevation. The distinctive feature of this home is the decorative bargeboard trim on gable. The 1-story porches on each side have shed roofs; one on the southwest elevation has a 2x4 wood support and horizontal wood rails and the other on the southeast elevation has a 2x4 wood support with picket fence railing.

STATEMENT OF SIGNIFICANCE

SITE DESCRIPTION

The home is built with north elevation built into hillside and with the south elevation directly adjacent to Church Street. A 6 foot high rubble rock retaining wall on both sides of home has steps built to each entry porch. The foundation of home is as high as the rubble rock retaining wall. On southeast side of home is a pleasant yard.

COMMENTS**REFERENCES**

Gilpin County Tax Assessor's office files.

PREPARED BY:

Mary P. Kisling, NPS-RMRO

DATE

9/86

Attachment B

BLACK HAWK CULTURAL RESOURCE SURVEY
Cultural Resource Re-evaluation Form
(page 1 of 2)

1. Current Address: **271 Church Street**

2. Resource Number: **5GL.7.377**
Number: **B25-1**

3. NHL Resource

4. Resource Name:

5. Purpose of this current site visit (check as many as apply)

Site is within a current project area

Resurvey

Update of previous site form(s)

Surface collection

Testing to determine eligibility

Excavation

Other

6. Previous Recordings:

1986 National Park Service Survey

Photograph

1991 National Historic Landmark Nomination

No Photographs

Contributing

1998 Re-survey

Photograph

2004 Photo survey

Photograph

Other:

Photograph

7. Exterior alterations since 1986: **By 1998, jig-sawn trim added to gable-front roof. This likely occurred in the 1996 historic preservation alteration, permit valuation \$25,000. By 2005, original siding replaced or covered; original pedimented window surrounds removed; original 2/2 windows replaced with 4/4 or 8/8 windows; decorative fishscale shingles and trim added in gable end; west shed roof porch replaced with large wrap-around flat second story deck porch; exterior stairs added to west leading to 2nd story; new dormers and 2nd story door added to front. In 2008 – porch roof repaired and new balustrade on upper deck; new porch columns, porch frieze and spandrels added.**

8. Additional historical background : **Construction date: ca. 1877. Several houses were built on Church Street in the late 1870s. In 1877, the local newspaper noted that "Church street, Black Hawk, is looking up. Johnnie Pursel has a neat frame residence nearly completed, while Z. Myres [sic] and Wm. German are both grading for the purpose of building. The former will build a brick, and the latter is undecided whether he will build a brick or frame. M.F. Bebee is also grading a lot on the same street."**ⁱ
"But as always, in Black Hawk, the builders were carefully watching the discards from the homebuilding process: "Yesterday John T. Purcel, while making an excavation for a cellar to the rear of his new house on Church street, discovered a lode. Some nice specimens have been taken therefrom." House roof is visible in late 1870s historic photographs, and present by 1886 Sanborn. West wing was originally 1-story until the 1900 Sanborn, where it is shown as 2 stories.

1877 Construction date Estimate from 1986 NPS Survey New estimate

Sources of information: **Black Hawk: the Rise and Fall of a Colorado Mill town (Baker)**

Sanborn Maps

1886

X 1890

X 1895

X 1900

Current Address: **271 Church Street**

(page 2 of

2)

Resource Number: **5GL.7.377**

NHL Resource Number: **B25-1**

9. Changes to Location or Size Information: **In addition to alterations noted in item 7, the building underwent changes during the period of significance. Originally a 1 ½ story gable-front building with a 1 story wing on either side, by 1900 the west wing was changed to 2 stories.**

10. Revised National Historic Landmark District- Contributing Building Eligibility Assessment:

Contributing Non contributing Need data

11. National Register - Individual Eligibility Assessment:

Eligible Not eligible Need data

12. Is there National Register district potential? Yes No

Discuss: **Would not be a contributing building to a potential NR district due to significant alterations**

13. Local Designation - Individual Eligibility Assessment:

Eligible Not eligible Need data

14. Is there Local district potential? Yes No

Discuss: **Would not be a contributing building to a potential local district due to significant alterations**

15. Photograph Types and Numbers: **Digital, <.jpg> format. 271 Church-1.JPG, 271 Church-2.JPG.**

16. Report Title: **Black Hawk Historic Resource Resurvey: 2009-2010**

17. Recorder(s): **Deon Wolfenbarger**

18. Date(s): **January 4, 2010**

19. Recorder Affiliation: **Three Gables Preservation**

20. Attachments

(check as many as apply)

- Photographs
 Site sketch map
 U.S.G.S. map photocopy
 Other _____
 Other _____

21. Official determination

(OAHF USE ONLY)

- Determined Eligible
 Determined Not Eligible
 Need Data
 Nominated
 Listed
 Contributing to N.R. District
 Not Contributing to N.R. Dist

Resource Number: 5GL.7.377
NHL Resource Number: B25-1

Current Photographs
Date: 04/09/2009



Resource Number: 5GL.7.377
NHL Resource Number: B25-1

2004 Photographs



Current Address: **271 Church Street**
Sheets
Resource Number: **5GL.7.377**
NHL Resource Number: **B25-1**

Continuation

1998 Resurvey Photograph



1986 Survey Photograph



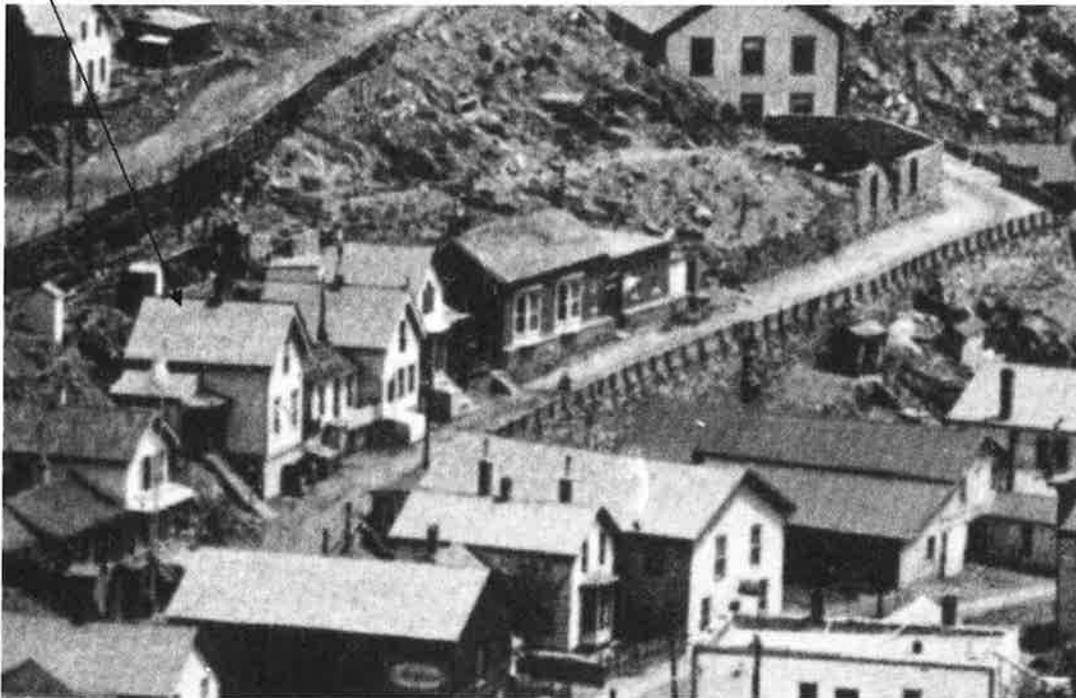
Current Address: 271 Church Street
Sheets
Resource Number: 5GL.7.377
NHL Resource Number: B25-1

Continuation

Historic photographs



Ca. 1880s

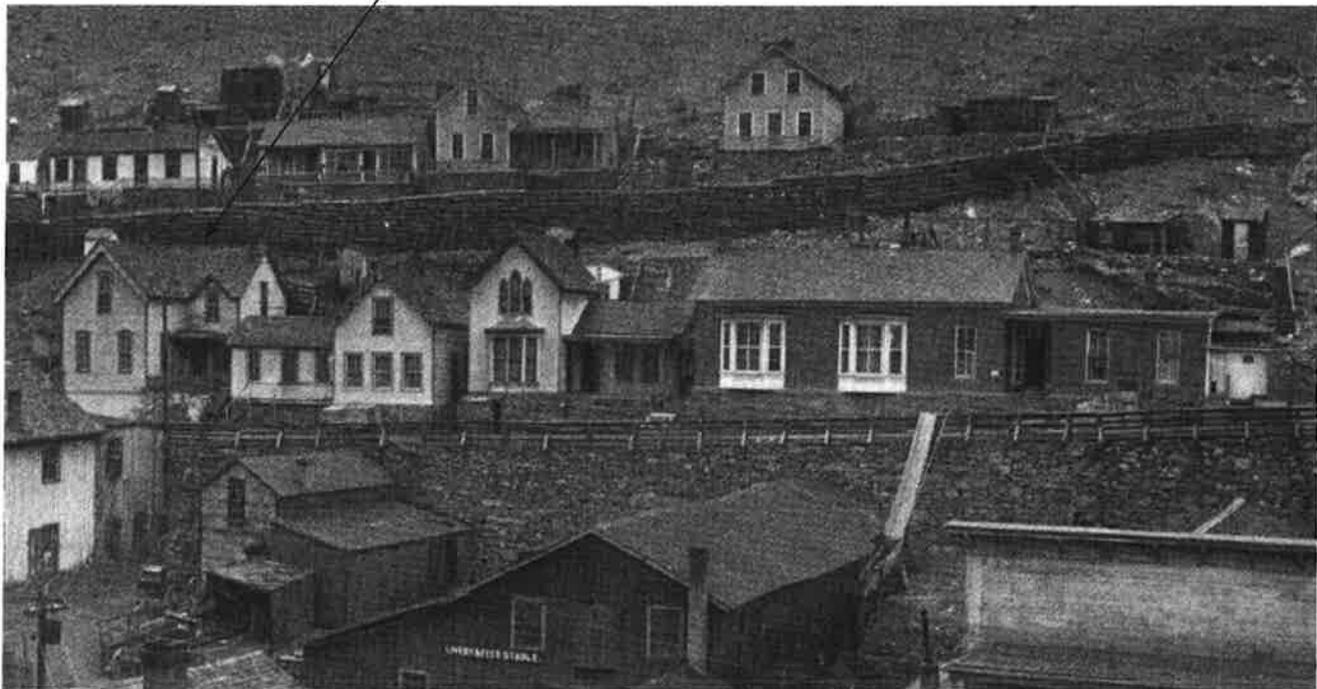


Ca. late 1890s

Current Address: 271 Church Street
Sheets
Resource Number: 5GL.7.377
NHL Resource Number: B25-1

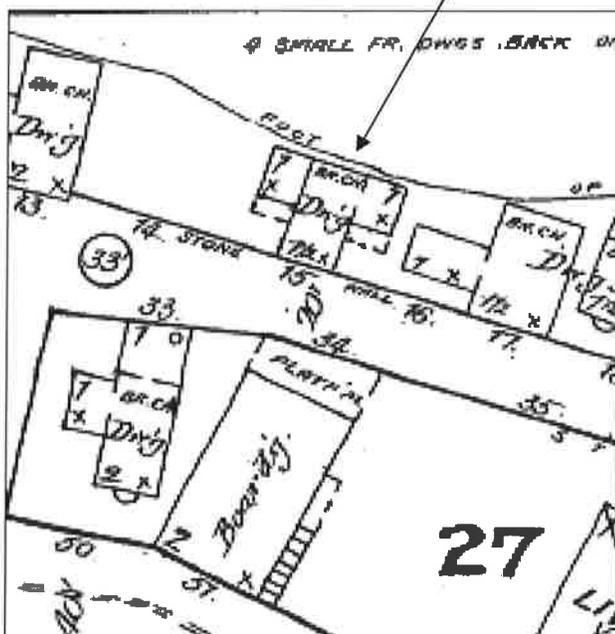
Continuation

Historic photographs



Ca. 1910

1886 Sanborn Map

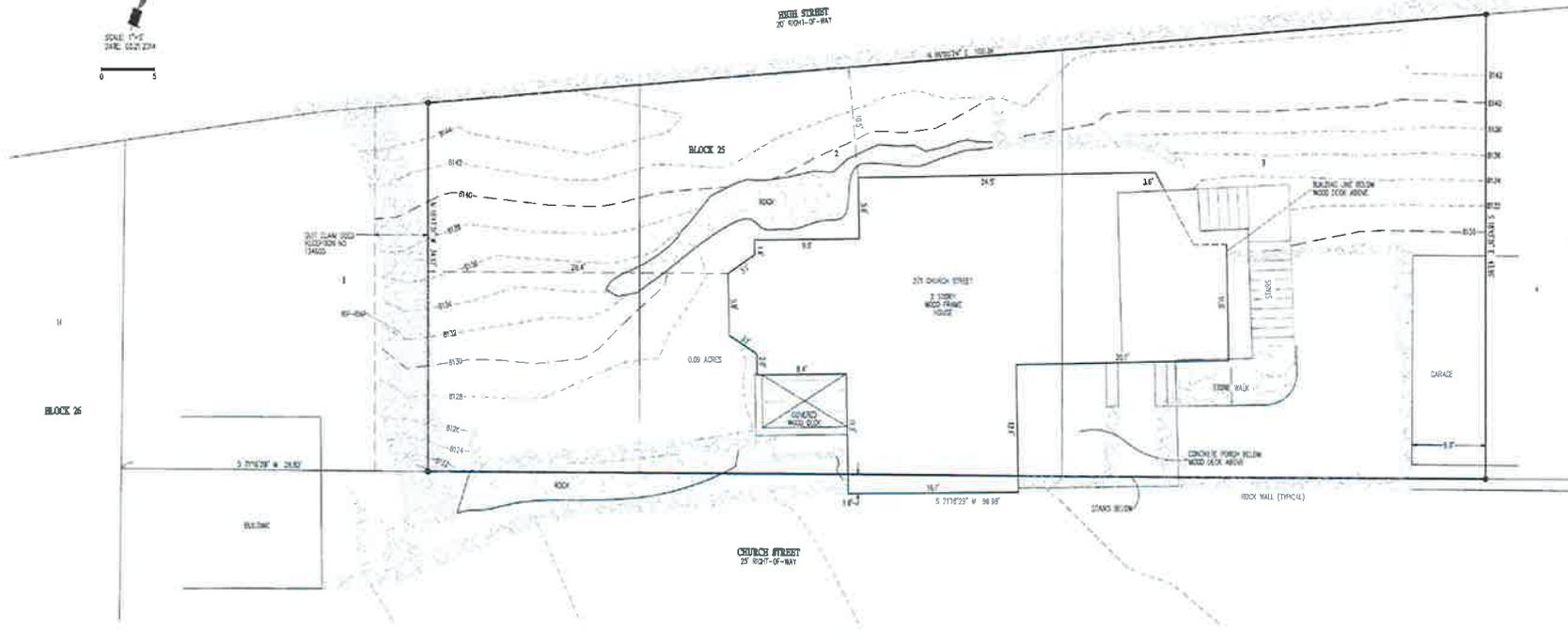


1900 Sanborn Map



Attachment C

TOPOGRAPHIC MAP OF
A PORTION OF LOT 1 AND LOTS 2 AND 3, BLOCK 25
CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF
COLORADO



NOTES:

1. AREA/CALCULATIONS ARE BASED UPON THE PERIMETER BOUNDARY AS SHOWN HEREON.
2. SITE ADDRESS: 271 CHURCH STREET.

DESCRIPTION:

A PORTION OF LOT 1 AND LOTS 2 AND 3, BLOCK 25, CITY OF BLACK HAWK, BASED UPON THE CITY OF BLACK HAWK SURVEY MAP OF BLOCK 25, OF THE TWP. OF BLACK HAWK, SURVEYED BY ALBERT JOHNSON, CITY SURVEYOR, DATED MAY AND JUNE 1886, LOCATED WITHIN SECTION 7, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE SOUTHERLY LINE OF SAID BLOCK 25, COMMON WITH THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED AT RECEPTION NO. 134663, BEARING THE SOUTHWEST CORNER OF SAID BLOCK BEARS, S 71°16'29" N, 28.92 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE ALONG THE COMMON LINE WITH SAID PARCEL, N 16°42'37" W, 24.92 FEET; THENCE N 89°20'47" E, 100.00 FEET; THENCE S 24°30' E, 45.00 FEET; THENCE S 71°16'29" N, 99.98 FEET TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES MORE OR LESS.

CCS CONSULTANTS, INC.
 4860 Road Stone, Suite 308
 Wheel Ridge, Colorado 80033
 Phone: 303-423-4700, Fax: 303-423-1900

PREPARED FOR: THE CITY OF BLACK HAWK

IMPROVEMENT SURVEY PLAT OF A PORTION OF LOT 1 AND LOTS 2 AND 3, BLOCK 25 CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



DESCRIPTION:

A PORTION OF LOT 1 AND LOTS 2 AND 3, BLOCK 25, CITY OF BLACK HAWK, BASED UPON THE CITY OF BLACK HAWK SURVEY MAP OF BLOCK 25, OF THE MAP OF BLACK HAWK, SURVEYED BY ALBERT JOHNSON, CITY SURVEYOR, DATED MAY AND JUNE 1866, LOCATED WITHIN SECTION 7, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE SOUTHERLY LINE OF SAID BLOCK 25 COMMON WITH THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED AT RECEPTION NO. 134605, WHENCE THE SOUTHWEST CORNER OF SAID BLOCK BEARS, S 71°16'29" W, 28.92 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE ALONG THE COMMON LINE WITH SAID PARCEL, N 18°43'31" W, 34.92 FEET; THENCE N 66°08'24" E, 100.38 FEET; THENCE S 18°43'31" E, 43.99 FEET; THENCE S 71°16'29" W, 99.88 FEET TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES MORE OR LESS.

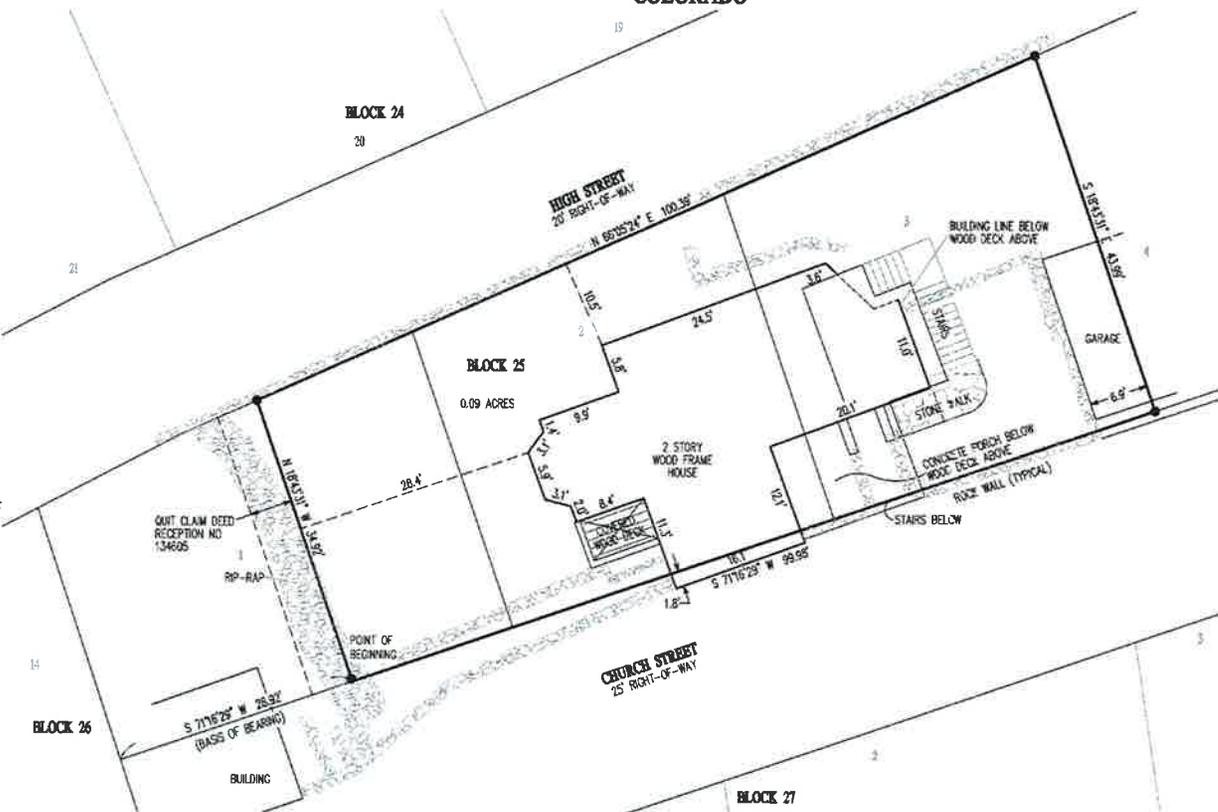
SURVEYOR'S CERTIFICATE:

I NOEL L. POTTER, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF THE TRACT AS SHOWN HEREON, WAS MADE UNDER MY SUPERVISION AND THAT THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS SAID SURVEY THEREOF.



C.C.S. CONSULTANTS, INC.
NOEL L. POTTER P.L.S. 16296

C.C.S. CONSULTANTS, INC. HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS RECORDED/UNRECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.



NOTES:

1. THIS IMPROVEMENT SURVEY PLAT IS BASED UPON THE APPROVED CITY OF BLACK HAWK SURVEY MAP OF BLOCK 25. THIS SURVEY MAP IS RECOGNIZED BY THE CITY OF BLACK HAWK AS THE CONTROLLING BOUNDARY INFORMATION.
2. @=SET NO. 4 REBAR AND CAP OR NAIL AND SHIMMER LS 26296, UNLESS OTHERWISE NOTED.
3. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
4. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
5. THE SURVEY REPRESENTED BY THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY C.C.S. CONSULTANTS, INC. TO DETERMINE EASEMENTS OR RIGHT OF WAY OF RECORD.
6. ACREAGE CALCULATIONS ARE BASED UPON THE PERIMETER BOUNDARY AS SHOWN HEREON.
7. SITE ADDRESS: 271 CHURCH STREET.

COUNTY SURVEYOR'S CERTIFICATE:

DEPOSITED THIS ____ DAY OF _____, 20____, AT _____ M,
IN BOOK _____ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHT-OF-WAY SURVEYS
AT PAGE _____, RECEPTION NUMBER _____

THIS LAND SURVEY PLAT COMPLES WITH SECTION 38-51-102,CRS

(SIGNED) _____
COUNTY SURVEYOR

CLERK AND RECORDER:

C.C.S. CONSULTANTS, INC.
4860 Robb Street, Suite 206
Wheat Ridge, Colorado 80033
Phone: 303-403-4708, Fax: 303-403-0800

PREPARED FOR THE CITY OF BLACK HAWK

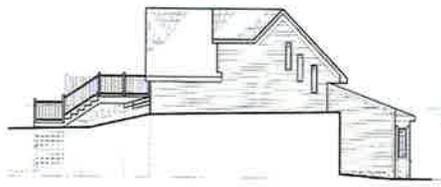
PROJECT NO.: CCS-BHM0010201005 2 AND 3 IMPROVEMENT SURVEY PLAT

ELEVATION-GENERAL NOTES:

1. ELEVATIONS AND DIMENSIONS ARE SHOWN IN APPROXIMATE LOCATION. COORDINATE WITH ROOF PLAN AND REQUIRE CONDITIONS.
2. ~~RENDER TO BE 1/2" THICK. ALL EXPOSED BRICK SHALL BE REPAIRED TO MATCH EXISTING. ALL EXPOSED STONE SHALL BE REPAIRED TO MATCH EXISTING. ALL EXPOSED WOOD SHALL BE REPAIRED TO MATCH EXISTING. ALL EXPOSED METAL SHALL BE REPAIRED TO MATCH EXISTING. ALL EXPOSED GLASS SHALL BE REPAIRED TO MATCH EXISTING. ALL EXPOSED PAINT SHALL BE REPAIRED TO MATCH EXISTING.~~
3. SUPPLY, INSTALL AND FINISH ALL EXPOSED WOOD TRIMMINGS. REPLACE ALL DAMAGED OR MISSING WOOD TRIM, FASCIA AND SOFFITS.
4. PAINT ALL EXPOSED ELECTRICAL CONDUIT AND GAS PIPE TO MATCH ADJACENT SURFACE.

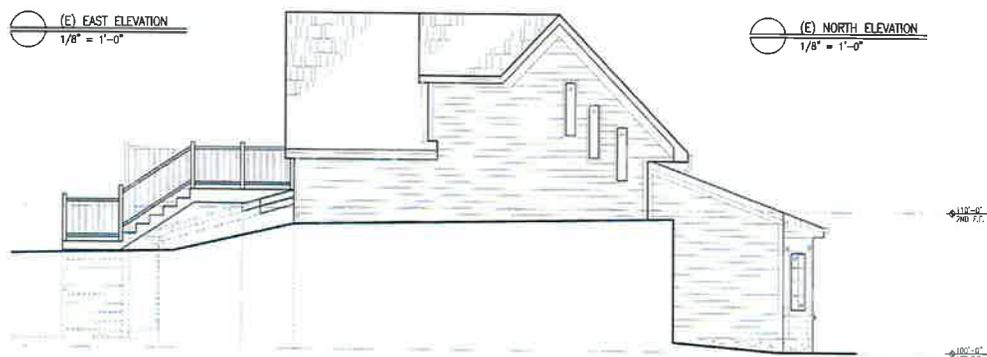
ELEVATION-KEY NOTES:

1. (E) CM
2. (N) GAS STUBS FOR BBQ GRILL, RE PLAN
3. (E) CONC. BLOCK WALL
4. (E) ENCRUSTED FACIA
5. REMOVE (E) EXTERIOR STONE FACE, CLEAN STONE AND MORTAR BY NON-ABRASIVE METHOD; CRACKLETEXT REMOVE AND LOOSE, CRACKED OR NON-MATCHING MORTAR, REPAIR WITH NEW MORTAR TO MATCH EXISTING IN COLOR AND TEXTURE. RE-FINISH TO HAVE DEFINED EDGES OF STONE. SEE MASONRY REPORT IN PROJECT MANUAL.
6. REPLACE (E) FACIA W/ ENCRUSTED, RE: S/A/200 - Q2 TO MATCH THE (E) ENCRUSTED SCROLL DESIGN
7. REPAIR CRACKS, PATCHES, STAIN, REPAIR LOOSE MORTAR JOINTS. REPLACE CRACKING BRICK, PATCH A FULL LINE BRICK, COATING, CRACK BRICK AREAS.
8. REPAIR LINED 5 COURSES OF BRICK AND REPLACE BY WORKING STONE.

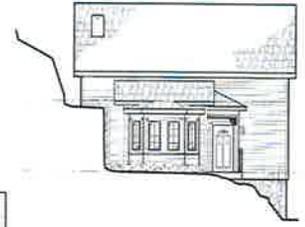


(E) EAST ELEVATION
1/8" = 1'-0"

(E) NORTH ELEVATION
1/8" = 1'-0"

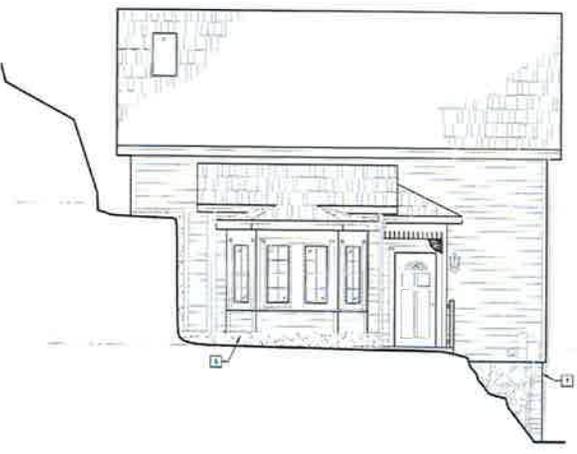


(N) NORTH ELEVATION
1/4" = 1'-0"



(E) WEST ELEVATION
1/8" = 1'-0"

(E) SOUTH ELEVATION
1/8" = 1'-0"



(S) WEST ELEVATION
1/4" = 1'-0"

(S) SOUTH ELEVATION
1/4" = 1'-0"

1/2" = 3/8" BRICK
1/2" = 3/8" BRICK
1/2" = 3/8" BRICK

2. 271 CHURCH STREET DEVELOPMENT SUBMITTAL 271 CHURCH STREET REHABILITATION	
PEH ARCHITECTS 1319 Spruce Street Suite 207 Boulder, CO 80302 303-442-0408, fax: 303-447-1905 e-mail: peh@peharchitects.com	
271 CHURCH STREET REHABILITATION Black Hawk, Colorado, 80422	
SHEET TITLE BUILDING ELEVATIONS	
PROJECT: 2013.20 DATE: 02/08/14 DRAWN BY: TSP CHECKED BY: PSM	SHEET NUMBER A300

Attachment D

March 19, 2014

Mr. Nathan Pillatzke
PEH Architects, Inc.
1319 Spruce St., Suite 207
Boulder, CO 80302

Dear Mr. Pillatzke:

At your request, I conducted a brief site visit in Black Hawk at the historic home at 271 Church St. on March 13, 2014. The purpose of the site visit was to briefly survey the exterior clay and stone masonry walls along the street at 271 Church St. and provide an opinion on rehabilitation options.

Brick Wall Observations

The clay masonry wall is two wythes in thickness and has header courses every 6th course. It appears that the entire wall was sandblasted at some previous time. Portions of the wall are covered with a cementitious render that is partially delaminated based on sounding the render. Despite this, the wall is generally in fair condition except for the lower 12 – 16 inches of the wall that is above the asphalt paving of the street (Figure 1). This area of the wall has likely experienced numerous saturated freeze/thaw cycles as snow and ice accumulated at the base of the wall. Exposure to deleterious deicing chemicals is a contributor as well.

Recommendations

Removal of the partial render should be done where it does not take portions of the brick face with it. Rebuilding the lower 5 to 6 courses of the clay masonry wall is also recommended. This should be done in alternating areas no wider than three feet with at least an equal amount of masonry remaining between repair areas. Shore the work with timber cripples where it doesn't interfere with reconstruction. Although reclaimed brick matching the existing brick would be the most appropriate material for replacement "in kind", consider using local stone to match the stone that currently exist below the clay masonry for reconstructing the lower 12 – 16 inches of the wall. If the lower portion of the wall is rebuilt with brick, I recommend a Type N or O mortar in compliance with the proportions described in ASTM C 270, *Standard Specification for Mortar for Unit Masonry*. This mortar would also be appropriate for repointing areas of the brick where there are open joints or the mortar has eroded more than 3/8 inch back from the face of the wall. If the lower portion is rebuilt with stone, a Type N mortar is recommended.

Stone Wall Observations

The stone masonry walls are in good condition with the exception of some of the mortar joints. I sounded many of the mortar joints and several joints had an obvious hollow sound indicating loss of bond and eventual delamination from the wall. This is true of the short wall West of the stairs to the home and the longer wall to the East of the stairs.



Atkinson-Noland & Associates
Consulting Engineers
www.ana-usa.com

2619 Spruce Street
Boulder, CO 80302
303.444.3620

41 E. 11th Street, Ste. 310
New York, NY 10003
917.647.9530

Stone Wall Recommendations

The stone walls should be partially repointed where the mortar is visibly cracked or debonded. Sounding with a small hammer will identify the areas debonded and requiring repointing. Please see Figures 2 through 4 below.

Please feel free to contact us if you have any questions. Thank you for the opportunity to work with you on this project.

Sincerely,



David B. Woodham, P.E.



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Consulting Engineers
www.ana-usa.com

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Figure 1. Clay masonry wall. Area below yellow line should be rebuilt with brick or stone units.

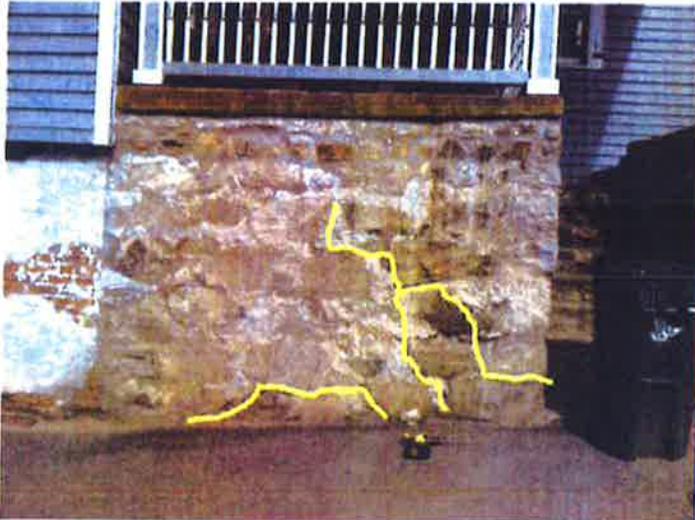


Figure 2. Stone masonry wall West of stairs. Yellow lines indicate minimum extent of repointing. Additional repointing may be required as a result of sounding the mortar joints.



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917.647.9530



Figure 3. Portion of stone masonry wall East of stairs. Yellow lines indicate minimum extent of repointing. Additional repointing may be required as a result of sounding the mortar joints.

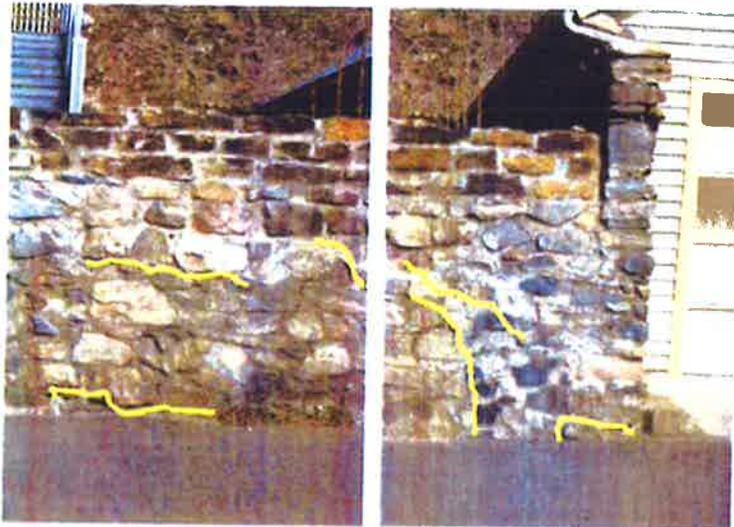


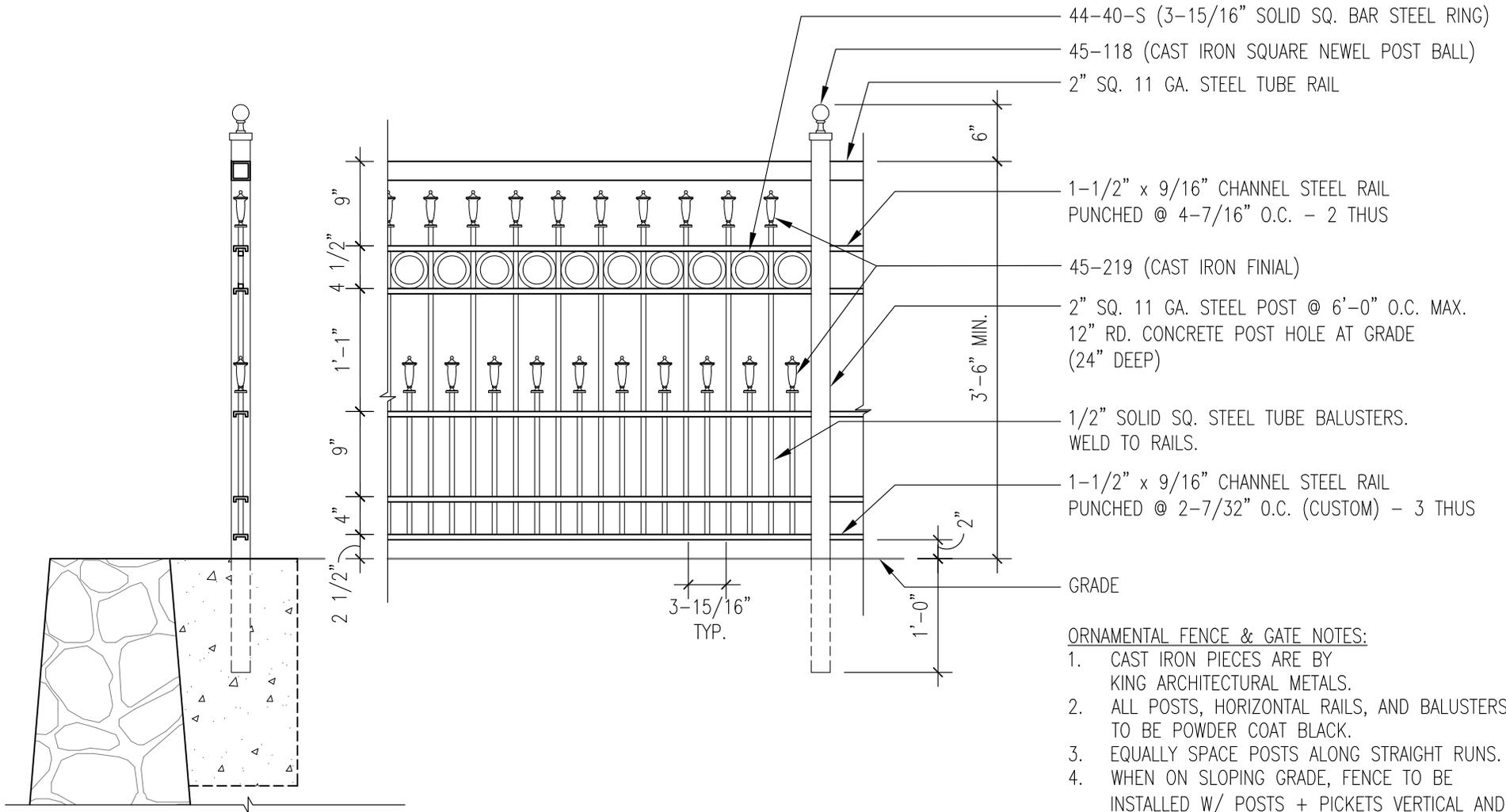
Figure 4. Portion of stone masonry wall East of stairs. Yellow lines indicate minimum extent of repointing. Additional repointing may be required as a result of sounding the mortar joints.



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- 44-40-S (3-15/16" SOLID SQ. BAR STEEL RING)
- 45-118 (CAST IRON SQUARE NEWEL POST BALL)
- 2" SQ. 11 GA. STEEL TUBE RAIL
- 6"
- 1-1/2" x 9/16" CHANNEL STEEL RAIL
PUNCHED @ 4-7/16" O.C. - 2 THUS
- 45-219 (CAST IRON FINIAL)
- 2" SQ. 11 GA. STEEL POST @ 6'-0" O.C. MAX.
12" RD. CONCRETE POST HOLE AT GRADE
(24" DEEP)
- 3'-6" MIN.
- 1/2" SOLID SQ. STEEL TUBE BALUSTERS.
WELD TO RAILS.
- 1-1/2" x 9/16" CHANNEL STEEL RAIL
PUNCHED @ 2-7/32" O.C. (CUSTOM) - 3 THUS
- 2"
- 1'-0"
- GRADE

- ORNAMENTAL FENCE & GATE NOTES:
1. CAST IRON PIECES ARE BY KING ARCHITECTURAL METALS.
 2. ALL POSTS, HORIZONTAL RAILS, AND BALUSTERS TO BE POWDER COAT BLACK.
 3. EQUALLY SPACE POSTS ALONG STRAIGHT RUNS.
 4. WHEN ON SLOPING GRADE, FENCE TO BE INSTALLED W/ POSTS + PICKETS VERTICAL AND HORIZONTAL RAILS TO FOLLOW THE SLOPE.
 5. GRIND ALL WELDS SMOOTH.

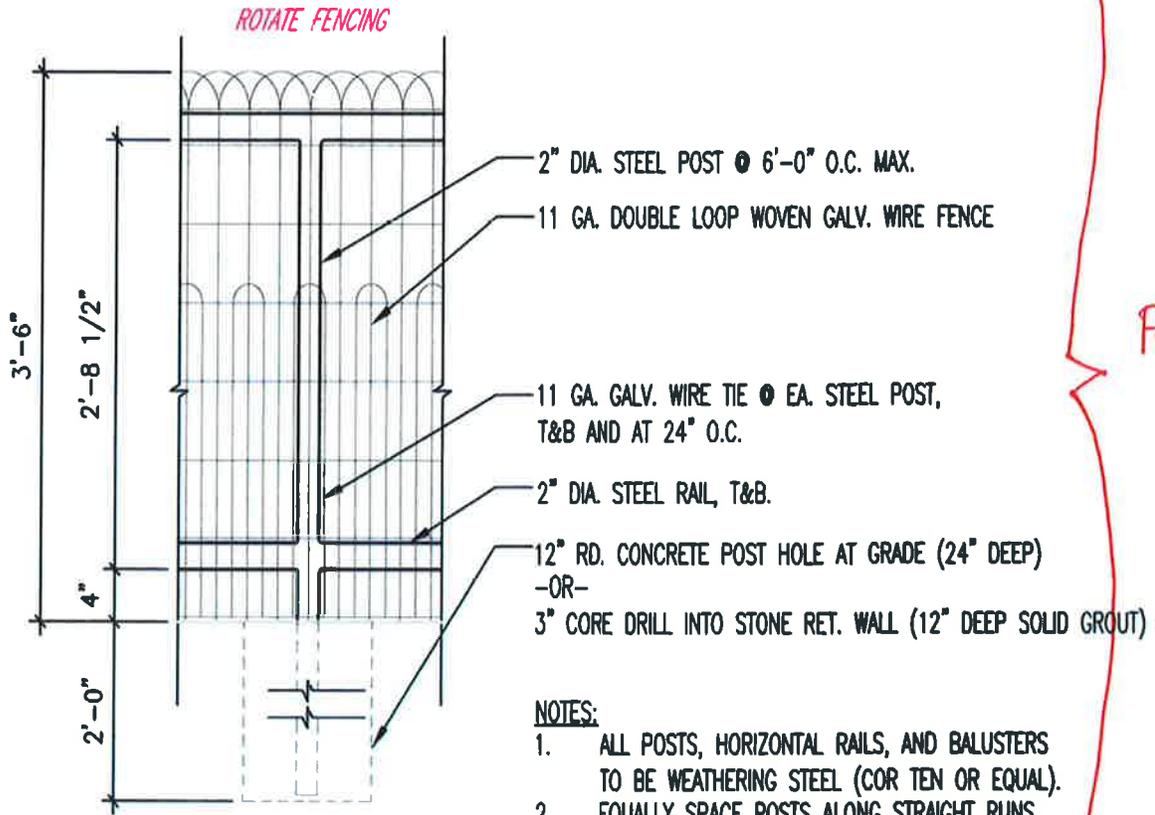
2
ORNAMENTAL METAL GUARDRAIL
A000
3/4" = 1'-0"



271 CHURCH STREET
BLACK HAWK, COLORADO

PROJECT NO: 2013.21
DATE: 04/14/14
DRAWN BY: TCP

Attachment F

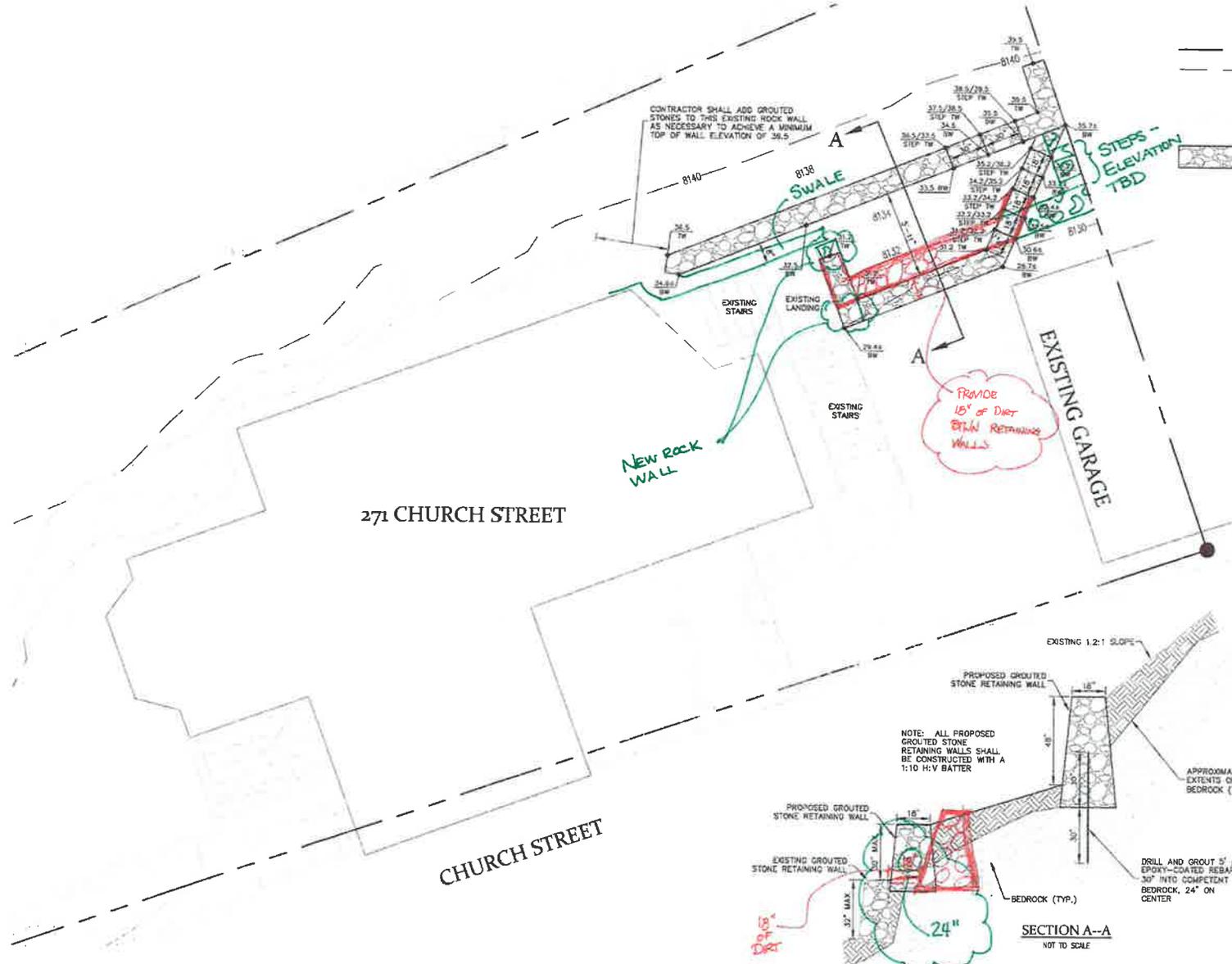


5 WIRE METAL FENCING
 $3/4" = 1'-0"$

NOTES:

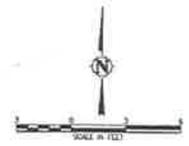
1. ALL POSTS, HORIZONTAL RAILS, AND BALUSTERS TO BE WEATHERING STEEL (COR TEN OR EQUAL).
2. EQUALLY SPACE POSTS ALONG STRAIGHT RUNS.
3. WHEN ON SLOPING GRADE, FENCE TO BE INSTALLED W/ POSTS + PICKETS VERTICAL AND HORIZONTAL RAILS TO FOLLOW THE SLOPE.
4. GRIND ALL WELDS SMOOTH.

Attachment G



LEGEND

- PROPERTY BOUNDARY
- 8140 EXISTING 10' CONTOUR
- 8138 EXISTING 2' CONTOUR
- EXISTING RETAINING WALL
- PROPOSED RETAINING WALL
- BW FINISHED GRADE ELEVATION AT BOTTOM OF WALL
- TW FINISHED GRADE ELEVATION AT TOP OF WALL



<small>1 SITE/14 DESIGN DEVELOPMENT</small> <small>02/20/22</small>	
PEH ARTICHOKES 1319 Spruce Street, Suite 207 Boulder, CO 80502 303-442-0408, fax: 303-447-1905 e-mail: peh@peharchitects.com	
271 CHURCH STREET REHABILITATION Block B, C, D, E	
<small>SHEET TITLE</small> GRADING PLAN	
<small>PROJECT:</small> 2023-01 <small>DATE:</small> 01/26/24 <small>DRAWN BY:</small> ZZZ <small>CHECKED BY:</small> PPH	<small>SHEET NUMBER</small> C200

Attachment H





BENJAMIN
MOORE

4-10-14
271 CHURCH ST

SUPR WHITE <i>Trim</i>	# PM-1 ✓ (INT. RM) - ON COLOR WHEEL
CLASSIC Burgandy <i>Accent</i>	# PM-17 ✓ (EXT. RM) - ON COLOR WHEEL
CHARCOAL SLATE (BODY)	# PM-8 ✓ (EXT. RM) - ON COLOR WHEEL
SILENT NIGHT <i>fish scale</i>	# 1613 ✓

Jessica Zuber

BENJAMIN MOORE®
COLOR PREVIEW®

Trim

PM

BENJAMIN MOORE®
COLOR PREVIEW®

Accent

PM

BENJAMIN MOORE®
COLOR PREVIEW®

Body

PM

super white

PM-1

white

PM-2

decorators white

PM-3

country redwood

PM-16

classic burgundy

PM-17

heritage red

PM-18

platinum gray

PM-7

charcoal slate

PM-8

black

PM-9

graytint

1611

pelican gray

1612

fish scale

silent night

1613

delray gray

1614

rock gray

1615

stormy sky

1616

H 2

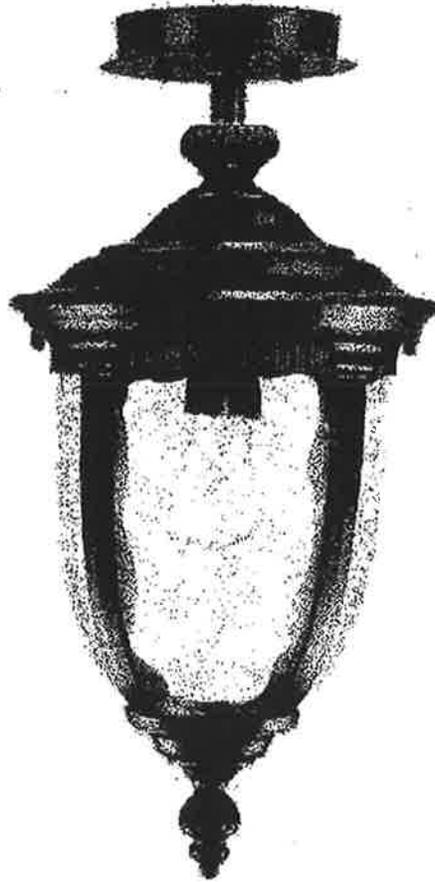
Attachment I

Atten: Jessica Killian

LAMPS PLUS

7375 W 88th Ave., Westminster, CO 80021
STORE #28: 303-420-3414
M - F 10am - 7pm, Sat 10am - 6pm, Sun 11am - 6pm

Amanda Henderson
amandah@lampsplus.com



Bellagio™ 18" High Black Outdoor Hanging Light (49290)

A handsome, antique style hanging light from the John Timberland® lighting collection. The piece features an ornate finial accent and clear hammered decorative glass for an antique look. Rated for outdoor use, may also be used indoors in an entry way or foyer.

Textured black finish. Clear hammered glass. Takes one 100 watt bulb (not included). 18" high. 10" wide.

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How to Install
[Instructions](#)
[Troubleshooting](#)

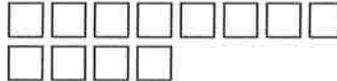
Caring for Your Door
[Caring For Your Door](#)

[Request a Brochure](#)
[Register your Door](#)

[< Back to Security Storm Doors](#)

Model Picture

Available Colors: (click to change)



Standard Sizes:

32 x 79 1/2
36 x 79 1/2

Custom Sizes Available:



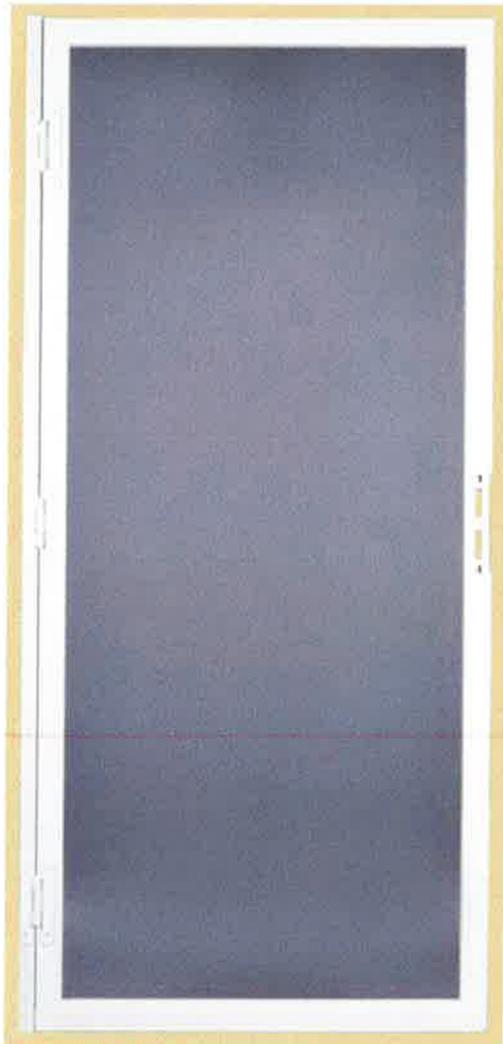
27" to 42" x 76" to 96"



Limited Lifetime Warranty
Security Models

Installation Manual
[Download](#)

[Order Parts](#)



[TURN OFF HOTSPOTS](#)



Ventilation

Full-view glass with an interchangeable screen included for ventilation control

Durability

Heavy-duty 16 gauge steel frame with lock guard

FAQ (before you buy...)

- **Can the door be easily removed by a burglar?**
- **What should I look for in a security door?**
- **Can I get a screen with this door?**
Fiberglass screen included. Aluminum and pet screen upgrades available.
- **Does the door come with hardware?**
Mortise hardware included in brass, pewter, or oil-rubbed bronze finishes.

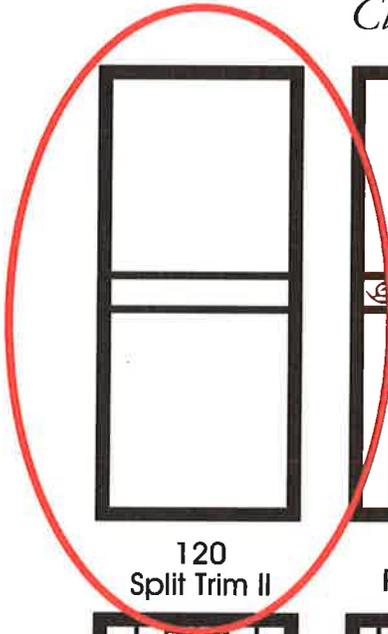
Caring for your door (after you buy...)

- **How do I change my glass and screen?**
- **How do I clean my door?**
- **Can I paint my door?**
- **How do I maintain my handle finish?**

[Read more on caring for your door](#)

The Traditional Collection

Classic styles that have stood the test of time



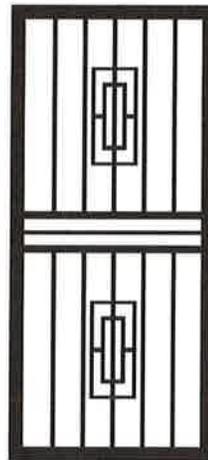
120
Split Trim II



121
Plain Bar II



122
Caprice II



123
Modern II



124
Regency II



125
Matador II



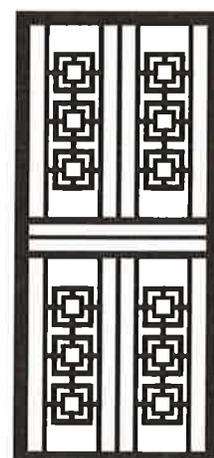
127
Tempo



156
Forest II



133
Columbus



138
Contempo



157
Defender



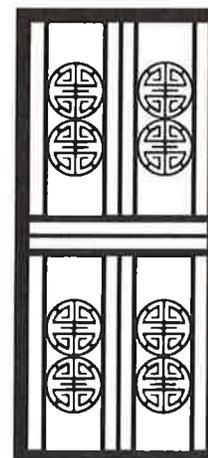
130
Heritage



609
Embassy



611
Brittany



135
Oriental

Attachment K

C. Gutters

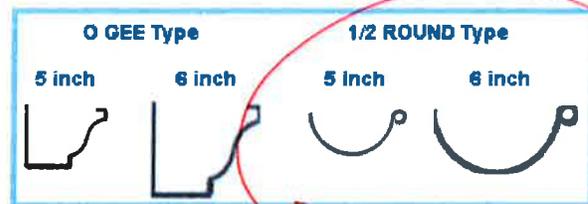
1. Protect and maintain a historic roof by cleaning the gutters and downspouts and replacing deteriorated flashing.
2. Repair damaged, missing, or poorly located and sized gutters or downspouts immediately.
 - a. Replace unrepairable gutters.
 - b. Ensure that all water drains away from the building, adding downspout extensions if necessary.
3. Half round galvanized gutters are historically appropriate and preferred on residential homes, however rectangular gutters are also allowed in Black Hawk. However, other gutters, such as seen in the illustration below, are also acceptable.



Ensure that water drains away from the building-in this case on the outer porch support.



Half round galvanized gutters are historically appropriate.



Examples of permitted gutters.

**RESOLUTION 23-2014, A
RESOLUTION
CONDITIONALLY
APPROVING A
CERTIFICATE OF
APPROPRIATENESS FOR
DEMOLITION OF 251
GREGORY STREET**

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

Resolution No. 23 -2014

**TITLE: A RESOLUTION APPROVING A CERTIFICATE OF
 APPROPRIATENESS FOR THE DEMOLITION OF A STRUCTURE
 LOCATED AT 251 GREGORY STREET**

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

Section 1. The City Council hereby determines to approve the Certificate of Appropriateness for the demolition of a structure located at 251 Gregory Street based on satisfaction of the criteria set forth in Section 16-368 of the Black Hawk Municipal Code and Section 11 of the City of Black Hawk Residential Design Guidelines, upon satisfaction of the following condition:

- A. The building is adequately documented with interior and exterior photographs and measured architectural plans and elevations; and this information is submitted to the Colorado Office of Archaeology and Historic Preservation.

RESOLVED AND PASSED this _____ day of _____, 2014.

David D. Spellman, Mayor

ATTEST:

Jeanie M. Magno, CMC, City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING:

April 23, 2014

SUBJECT: Certificate of Appropriateness for Demolition of Building

SUMMARY:

The applicant, the City of Black Hawk, is requesting complete demolition of 251 Gregory Street. This section of Gregory Street was rezoned in October 23, 2013 as part of the new Historic Appreciation and Recreation Destination District (HARD).

RECOMMENDATION:

The Board of Aldermen should evaluate the application, comments in the report, and any testimony by staff and related consultants. The Board should discuss if there is sufficient evidence that the Certificate of Appropriateness application for demolition meets the intent of the criteria outlined in Section 16-368 of the Black Hawk Municipal Code, and Section 11 of the Black Hawk Design Guidelines.

At the conclusion of its discussion, the Board of Aldermen may recommend **APPROVAL, CONDITIONALLY APPROVAL OR DENIAL** of the Certificate of Appropriateness application for demolition of 251 Gregory Street as submitted and included in this staff report.

Staff recommends *Conditional Approval* of the Certificate of Appropriateness for the Demolition of 251 Gregory Street based on the criteria set forth in the staff memo dated April 15, 2014. The Certificate of Appropriateness application for 251 Gregory Street meets the intent of the criteria outlined in Section 16-368 and Section 11 of the City of Black Hawk Residential Design Guidelines after the following condition is met:

1. The building is adequately documented with interior and exterior photographs and measured architectural plans and elevations; and this information is submitted to the Colorado Office of Archaeology and Historic Preservation.

RESOLUTION DATE:

April 23, 2014

ORIGINATED BY:

Community Planning &
Development

STAFF PERSON RESPONSIBLE:

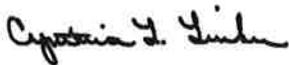
Cynthia Linker, CP&D Administrator
Staff Report, Attachments A-J

DOCUMENTS ATTACHED:

CITY ATTORNEY REVIEW:

[X] Yes [] No [] N/A
INITIALS _____

SUBMITTED BY:



REVIEWED BY:



04/16/14

Cynthia Linker, CP&D Administrator

Jack D. Lewis, City Manager

STAFF REPORT:

For: City Council
Project: Certificate of Appropriateness for Demolition of Building
Property Address: 251 Gregory Street
Property Owner: City of Black Hawk
Zoning: Historic Appreciation Recreation Destination District (HARD)
Prepared by: Cynthia Linker, City of Black Hawk
Approved by: Cynthia Linker, City of Black Hawk

BACKGROUND:

The applicant, the City of Black Hawk, is requesting complete demolition of 251 Gregory Street. This section of Gregory Street was rezoned in October 23, 2013 as part of the new Historic Appreciation and Recreation Destination District (HARD).

The 350 square foot (approximate sq. footage) building is currently located on lot 5, Block 27 in Black Hawk (Attachment B). The small gable-front building was built sometime between 1900 and the 1920s. Before 1900, lot 5 contained the framed Pacific Hotel. The Black Hawk Livery Stable was immediately west of the Pacific Hotel on lot 4. The Livery was built in the 1860s by William German. It was next owned by John Bitzer, but sold again in 1899 to Edward Blake. When automobiles became the main mode of transportation, Blake's son Otto converted the livery building to a Texaco station and garage. Sometime around 1920 (after the Pacific Hotel was demolished), Otto built a small dwelling house on the west side of lot 5, immediately adjacent to the Texaco station (Attachment C, photographs). In 1936, Blake moved the building further east on the same lot, and changed the orientation of the building so the gable ends were on the side. At the same time, the small office on the front of the livery/garage was also moved to the east, and its façade placed even with that of the livery stable. The two small buildings were moved to accommodate vehicles coming out of the garage in order to give drivers a clear view of the street and to "lessen the danger to small children or any other person coming along the sidewalk." [*Weekly Register-Call*, 20 March 1936]. In 1962, the livery stable and small office building were demolished to provide parking for the Black Forest Inn restaurant across the street. The side gable building at 251 Gregory was then used as a storeroom for the Black Forest Inn. It has been vacant for approximately two decades since the advent of limited stakes gaming.

In 1986, when the National Park Service conducted a survey of historic resources in Black Hawk, Central City, and Nevadaville, the buildings at 251 and 261 Gregory were counted as one resource. 251 Gregory was described as a "small rectangular building with a gable roof covered with asphalt shingles. Walls are covered with a combination of horizontal and vertical boards and there is one brick chimney. Windows are 6-over-6 lights."

In 1991, when Black Hawk was added to an expanded National Historic Landmark (NHL) district, both 251 and 261 Gregory were again listed as a single resource, and were determined to be “contributing” to the district. In 2010-2011, a re-survey and evaluation of the NHL district was completed. At that time, two separate re-evaluation forms were filled out for 251 and 261 Gregory, and 261 Gregory was recommended to remain a “contributing” building to the district since it was built ca. 1893. However, since the revised estimated construction date of 251 Gregory was ca. 1920s, it was likely built after the NHL district’s period of significance of 1859-1918 (Attachment D). Furthermore, the building was moved in 1936, again occurring outside of the district’s period of significance. Note: the National Park Service has not commented on the recommendations of the 2010-2011 re-survey project. Furthermore, since both the building’s construction *and* relocation dates occurred over fifty years ago, 251 Gregory may be eligible either as a contributing building in a National Register of Historic Places district, or as a local landmark.

At the City Council meeting on March 27, 2013, the Board of Aldermen approved Ordinance 2013-14 amending the Black Hawk Municipal Code to add new public use zoning districts. This property and the building addressed as 251 Gregory was purchased by the City of Black Hawk on July 25, 2013. On October 23, 2013, the Board of Aldermen approved Ordinance Number 2013-45, creating a new zoning district encompassing this property - the Historic Appreciation and Recreation Destination District (HARD). As part of the new zoning, the Board of Aldermen also approved the *Comprehensive Plan Amendment Chapter V: H. Gregory Street Sub-Area Plan* on October 23, 2013. This plan recommends redevelopment of Gregory Street for mixed commercial and entertainment use. Although the specific plans for this site have not been determined, the City is seeking a Certificate of Appropriateness for full demolition of the building. In preparation for demolition, the City conducted surveys of the existing windows and siding to determine age and condition, an environmental report and a physical survey of the structure was conducted to determine structural soundness (Attachments F, G, H, and I).

The siding investigation examined the wood species and hardware fasteners in order to estimate the age and sequence of materials. There were four different wood species on the siding and trim, and both wire and machine cut nails. The siding report also estimated that the board and batten siding was likely original to the building’s construction, while the clapboard siding was added in at least two different repairs; this is confirmed by historic photographs (Figures 2 and 3, Attachment C). The north siding was repaired multiple times, and there is minimal siding remaining today. Most of the tested wood samples were at a low risk for deterioration, except for a few at the west and north (indicating snow build-up). Most of the exterior architectural siding and trim was generally in good to fair condition. Sections of the lower south showed damage, as did the north siding, which was in general poor condition. The window sills showed the most weathering.

The window survey determined that all windows are original, but only examined one door (date unknown). The survey stated that all were in “very poor condition” and that if rehabilitation were undertaken, it recommended “full Window and Door reproduction replacement.”

The environmental report found lead paint in the shelf support, window casing and frames, fascia, exterior wall, and one door. Asbestos was found in the window casing putty, and radon

levels were below the acceptable limits. A visual inspection only was conducted for mold; visible microbial growth was observed.

The structural observation concluded that signs of building deterioration due to age and weathering had taken place, but no signs (from exterior) of gross structural failure.

Any new construction proposed for the property will require a Certificate of Appropriateness.

APPLICABLE CITY OF BLACK HAWK REGULATIONS

Excerpt from:

*City of Black Hawk Zoning Code
Chapter 16
Section 16-368, City Council historic review process*

16-368: Anyone seeking to renovate the exterior of, add to or construct a new building shall be subject to the following procedures. Any such renovation construction or demolition shall be subject to the City's design standards.

g. Criteria for determining appropriateness of a proposed demolition. In determining the appropriateness of the demolition of an improvement as requested in an application for a demolition permit, the HPC and the City Council shall consider the following:

- 1. All plans, drawings and photographs as may be submitted by the applicant;*
Photographs showing existing exterior conditions have been submitted and are acceptable for review (Attachment C).

Building plans of the existing building and proposed redevelopment have not been submitted. However, the Comprehensive Plan Amendment Chapter V: H. Gregory Street Sub-Area Plan recommends redevelopment of Gregory Street for mixed commercial and entertainment use (Attachment J).

A written description of the process that is to be used to remove the portions proposed for demolition has been recommended by staff, and will include completion of architectural plans and elevations prior to demolition (Attachment E).

- 2. Information presented at a public hearing held concerning the proposed work;*
Findings will be presented to the Board of Aldermen at the Public Hearing scheduled for April 23, 2014.
- 3. The purpose of this Chapter;*
Information received adequately describes the proposed work.
- 4. Compliance with the Black Hawk Municipal Code and the payment of all fees required by the Black Hawk Municipal Code;*
The project complies with all regulations.

5. ***The historical and architectural style, the general design, arrangement, texture, materials, and color of the development, building or structure in question or its appurtenance fixtures; the relationship of such features to similar features of the other buildings within the City and the position of the building, structure, park or open space in relation to public right-of-way and to other buildings and structures in the City;***

The building dates from at least the 1920s, and was later moved east on the same lot in 1936, changing its original orientation in relation to Gregory Street. The simple vernacular building is one-story and has a gable-roof with varied siding: lap wood clapboard on the south and west elevations; vertical board and batten siding on the east; and the north elevation has a combination of rough-sawn horizontal plank siding, corrugated metal, and plywood. There are two 6/6 double-hung windows on the east, some with missing panes, and a centered door frame that has been closed down with vertical boards. The south elevation also has two 6/6 windows, with a centered wood door featuring two lower panels and a glass sash above. The west elevation has a small attic level vent, and a solid wood door (likely not original) on the north end. There is a single door on the north elevation.

The building may have been constructed after the NHL district's period of significance (exact construction date is unknown). It was moved in 1936, and although it remained on the same lot, its orientation in relation to Gregory Street was changed. The National Park Service therefore may consider it non-contributing to the NHL district, although the agency has not made a final determination. Nonetheless the building has been a long-standing feature on Gregory Street, as it has been in its current location for almost eighty years and is one of few extant frame commercial buildings in Black Hawk. It may be considered contributing to a potential National Register of Historic Places District, or as a local landmark for its historic associations with the Blake family and their livery/gas station business.

6. ***The effects of the proposed work upon the protection, enhancement, perpetuation and use of the City which cause it to possess a special character or special historical or aesthetic interest or value; and***

The property was inventoried in the National Park Service's 1986 survey, and was evaluated as "contributing," in the 1991 National Historic Landmark (NHL) designation. However, both 251 and 261 Gregory were counted as a single resource. A recent re-evaluation of the NHL district in Black Hawk found that 251 Gregory was likely built and then later moved after the district's period of significance. As the National Park Service has not provided comments or recommendations on the 2010-2011 re-evaluation project, the effect of the demolition of this building on the NHL district is unknown.

7. ***The design standards for the City.***

The design guidelines for the City of Black Hawk recommend that adaptive uses should first be considered. Then, the appropriateness of the proposed new construction should be reviewed. The applicant has not submitted a report considering adaptive use or plans for a replacement building.

Although, the City of Black Hawk has not considered adaptive use for this building, the City considers the Gregory Street Sub-Area Plan their plan for replacement buildings.

The Gregory Street Sub-Area Plan (Attachment J) is an effort to preserve Black Hawk's rich history reflected today in the core of downtown, primarily along Gregory Street. The proposed Sub-Area is characterized by some old residential homes and strong 2-3 story flat-faced commercial architecture common to the 19th century mining era. The tightness of the buildings and their close proximity to the street will create a personal commercial experience that will be a valid asset in the City of Black Hawk. Over the years, the Gregory Street Corridor and buildings have been affected by nature, time, and additional vehicular activity that came along with gaming opportunities. The Gregory Street Sub-Area plan will make it possible to preserve some of the original architecture and historic character of the City, while transforming the Gregory Street corridor into a destination district for both visitors and local residents.

The Gregory Street Sub-Area is bounded by properties just south of Gregory Street, High Street and Church Street to the north, Main Street to the east, and Cooper Street to the west.

To help establish the Sub-Area and preserve its historic character, significant alterations are proposed for Gregory Street, it will be relocated to the south in order to create a pedestrian plaza area where a significant portion of the existing street is located. This alteration will necessitate rehabilitation, repair, reconstruction, restoration, additions, and new development of buildings in the Sub-Area as well as the needed and associated infrastructure. This Sub-Area plan envisions a pedestrian style plaza adjacent to the relocated (vehicular) Gregory Street to separate the new "Pedestrian Street/Plaza" from the relocated vehicular street.

Restored and new facilities in the Sub-Area will be dedicated to serving the public and create new opportunity for Black Hack by adding another destination resort component in the City in its effort to establish Black Hawk as a destination resort community.

Architectural documentation of this property has not been completed, and is recommended prior to demolition. Photographic document has begun and should be adequately completed if demolition is approved. It is recommended that this include interior prior to demolition.

8. *Whether the improvement has been maintained as provided by this Chapter, and*

The building has been unoccupied since sometime in the 1990s. The structure is not dilapidated on the verge of collapse, but would require repair, particularly to the windows.

9. *Whether the preservation of the improvements is technologically and economically feasible.*

The preservation of this building is technologically and economically feasible. However, with the redevelopment of the HARD zoning district, the Board of Aldermen did not believe the expenditure of public funds for rehabilitation of the structure is justified.

Excerpt from:

***Chapter 16
Section 16-431, Demolition***

(a) *No historic landmark may be demolished, in whole or in part, except in conformity with the requirements of this Article*

Although the building is currently counted as a contributing building to the NHL district, the National Park Service has not commented on a recent re-evaluation that recommended that the status of 251 Gregory be changed to “non-contributing.” Therefore, the applicant should follow this ordinance in submitting an application for demolition of a historic landmark.

(b) *No person shall demolish a historic landmark without first obtaining a COA from the Commission and the appropriate permit from the Building Official. Any requests for such demolition permits must be submitted to the Commission and shall be considered by the Commission at its next regularly scheduled meeting, but in any event, within thirty (30) days of submittal. Any application not considered by the Commission within thirty (30) days of submittal shall be deemed approved.*

The applicant has satisfied this requirement and the application is acceptable for review.

(c) *Nothing contained herein shall prevent the demolition of any building or structure which the Building Official shall certify, in writing, to the Commission is required for the public health, safety or welfare because of an unsafe or dangerous condition.*

This City of Black Hawk will be required to apply for a demolition permit through the State of Colorado Public Health and Environmental office.

Excerpt from:

***City of Black Hawk Residential Design Guidelines
11. Demolition Review Criteria and Standards***

11.1. Submittal requirements for proposed demolition.

Note: Sections 11.1.a through 11.1.g of the design guidelines are identical to sections 16-368.g.1 through 16-368.g.9 (see pages 3-4 for evaluation of these sections).

11.2 Criteria for determining appropriateness of proposed demolition.

- a. **The criteria for determining the appropriateness of the demolition are:**
- **Consider the adaptive use potential of the historic structure. Is it suitable for viable uses?**
 - **Are viable uses allowed by zoning?**
 - **Are there precedents for other uses?**
 - **Will the building be adequately documented if demolition is approved?**

Evaluation of proposal's compliance with 11.2.a.

The adaptive use potential of the historic building has not been considered. With the redevelopment of the HARD zoning district, the Board of Aldermen did not believe the expenditure of public funds for rehabilitation of the structure is justified. However, conditions of approval for demolition should include a requirement for adequate documentation.

- b. **The criteria for determining the appropriateness of proposed new construction replacing the historic structure are:**
- **Is the new development approvable under other codes?**
 - **What is the assurance that the new project will be completed?**

Evaluation of proposal's compliance with 11.2.b.

Plans for the new development have not been submitted; therefore an evaluation of its appropriateness is not possible. Only the Gregory Street Sub-Area Plan is available.

- c. **Whether the historic structure has been maintained as provided in this ordinance:**
- **Is the building presently occupied?**
 - **Has the structure been maintained?**
 - **Is the structure deteriorated but repairable?**
 - **Has the structure deteriorated due to neglect and is it beyond repair (demolition by neglect)?**

Evaluation of proposal's compliance with 11.2.c.

The building is currently vacant, and has not generally been maintained throughout the years. The only documented maintenance is from 2006 when the shingles were replaced for a permit valuation of \$100. Some features of the building are deteriorated, but repairable. However, the window survey stated that all the windows and main door were in "very poor condition" and if rehabilitation were undertaken, it recommended "full Window and Door reproduction replacement."

d. Whether the preservation of the historic structure is technologically and economically feasible.

- Is it technically feasible to rehabilitate the property?*
- Can structural systems be improved to enhance stability?*
- Is weatherproofing feasible to establish a more weather-resistant enclosure?*
- Can code compliance be enhanced in the process of rehabilitation?*
- Is it economically feasible to rehabilitate the property?*
- Can reasonable return/value be achieved with the rehabilitated property?*
- Is there a reasonable market for the property?*

Evaluation of proposal's compliance with 11.2.c.

The preservation of the building is technologically feasible. No economic feasibility reports were submitted; therefore reasonable return and value cannot be evaluated. As the City of Black Hawk owns the property, review of "reasonable market" is not applicable. The Board of Aldermen doesn't believe the expenditure of public funds for rehabilitation of the structure is justified.

11.4 Documentation

Proposals for partial or complete demolition must contain sufficient information to describe the action in order to be considered. The documentation must include the following:

- a. Building plans showing existing condition and indicating the portions proposed for removal.*
- b. Building elevations describing the demolition work and showing existing conditions and indicating the portion proposed for removal. Photographs marked to indicate the portions to be removed may be used.*
- c. Designs for the proposed new construction and rehabilitation that would occur after the demolition.*
- d. A written description of the process that is to be used to remove the portions proposed for demolition, including a plan for protecting those portions of the building that are to be preserved.*
- e. Assurance that the rehabilitation of the remaining historic building will be completed.*
- f. A copy of this documentation must be filed permanently with the City and the Colorado Historical Society.*

Evaluation of proposal's compliance with 11.2.c.

The exterior of the building has been adequately documented, but the interior still requires photographs. Building plans and elevations have not been prepared. There is no timeline for the submittal of proposed new construction. The assurance for its completion was determined at the 2013 Election where the registered electors of the City authorized an increase in the debt of the City for the purpose of financing all or any part of the costs acquiring, constructing, or installing "Street and related infrastructure improves on Gregory Street" and is outlined in Ordinance 2013-58. A written description of the demolition process is included with this report

(Attachment E). Plans, photographs and acceptance of the demolition process should be a condition of approval.

EVALUATION

The National Park Service listed 251 Gregory as a contributing building in the 1991 NHL nomination. However, a 2010-2011 re-evaluation of the district recommended changing the building's status to *non-contributing*. Since the National Park service has not commented or approved the 2010-2011 re-evaluation project, the effect of this building's demolition to the National Historic Landmark District as a whole is unknown. The building at 251 Gregory has not yet been adequately documented with measured architectural drawings and interior photographs. Plans for new construction have not been submitted. However, the Gregory Street Sub-Area Plan is available and is an accurate reflection of the City's vision to preserve Black Hawk's rich history exhibited today in the core of downtown, primarily along Gregory Street.

SUMMARY

The Board of Aldermen should evaluate the application, comments in the report, and any testimony by staff and related consultants. The Board should discuss if there is sufficient evidence that the Certificate of Appropriateness application for demolition meets the intent of the criteria outlined in Section 16-368 of the Black Hawk Municipal Code, and Section 11 of the Black Hawk Design Guidelines.

At the conclusion of its discussion, the Board of Aldermen may recommend **APPROVAL, CONDITIONALLY APPROVAL OR DENIAL** of the Certificate of Appropriateness application for demolition of 251 Gregory Street as submitted and included in this staff report.

Staff recommends Conditional Approval of the Certificate of Appropriateness for the Demolition of 251 Gregory Street based on the criteria set forth in the staff memo dated April 15, 2014. The Certificate of Appropriateness application for 251 Gregory Street meets the intent of the criteria outlined in Section 16-368 and Section 11 of the City of Black Hawk Residential Design Guidelines after the following condition is met:

1. The building is adequately documented with interior and exterior photographs and measured architectural plans and elevations; and this information is submitted to the Colorado Office of Archaeology and Historic Preservation.

ATTACHMENTS

- A. Notice of Public Hearing
- B. Site map/aerial
- C. Photographs – historic and current conditions
- D. 1986 NPS Survey Form and Cultural Resource Re-evaluation Form
- E. Written Description of Demolition Process
- F. Siding Investigation, Anthony & Associates
- G. Window Survey
- H. Environmental Report
- I. Structural Report
- J. Gregory Street Sub-Area plan

NOTICE OF PUBLIC HEARING

Notice is hereby given in accordance with the City of Black Hawk Zoning Ordinance that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a Certificate of Appropriateness for a Proposed Demolition of a Building within the History Appreciation Recreation Destination district (HARD). This property is described in Exhibit A below and is generally located at 251 Gregory Street.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, April 9, 2014 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk New City Council Chambers located at 211 Church Street, Black Hawk, Colorado, 80422, or at such other time or place in the event these hearings are adjourned.

ALL INTERESTED PARTIES MAY ATTEND

Jeanie Magno
City Clerk

Exhibit A

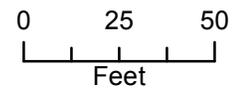
251 Gregory Street – Lots 2, 3, 4, 5, 6, and the west 26 feet of Lot 7, Except the West $\frac{3}{4}$ of said Lot 2, Block 27, City of Black Hawk, County of Gilpin, State of Colorado, aka the eastern building with a street address of 251 Gregory Street



251 Gregory Street

Legend

-  Lots 1866
-  Blocks 1866
-  Buildings



Aerial Photography Date: 2006

Attachment C: Photographs (historic and current)

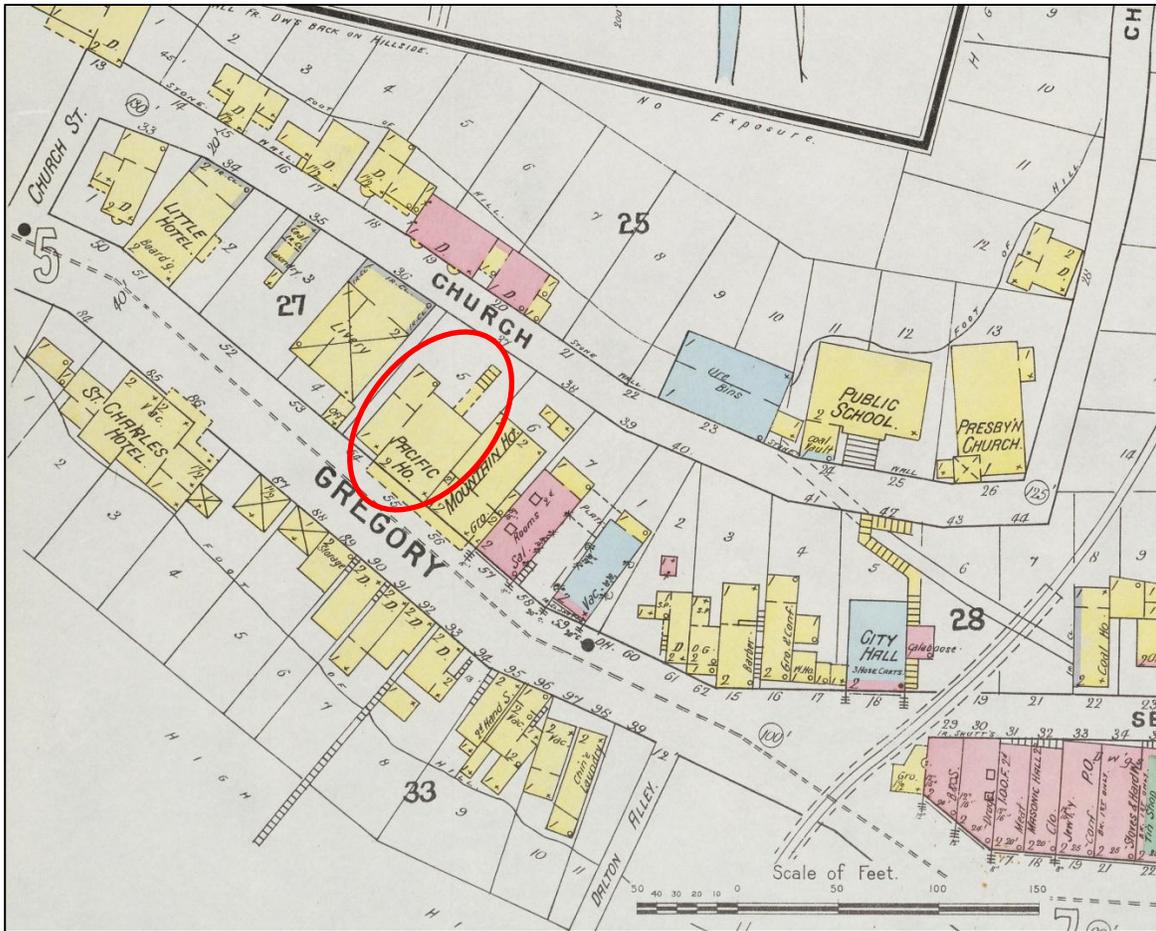


Figure 1. Red oval indicates lot 5, current location of 251 Gregory. Blake Livery is on the left. *Source:* 1895 Sanborn Map.

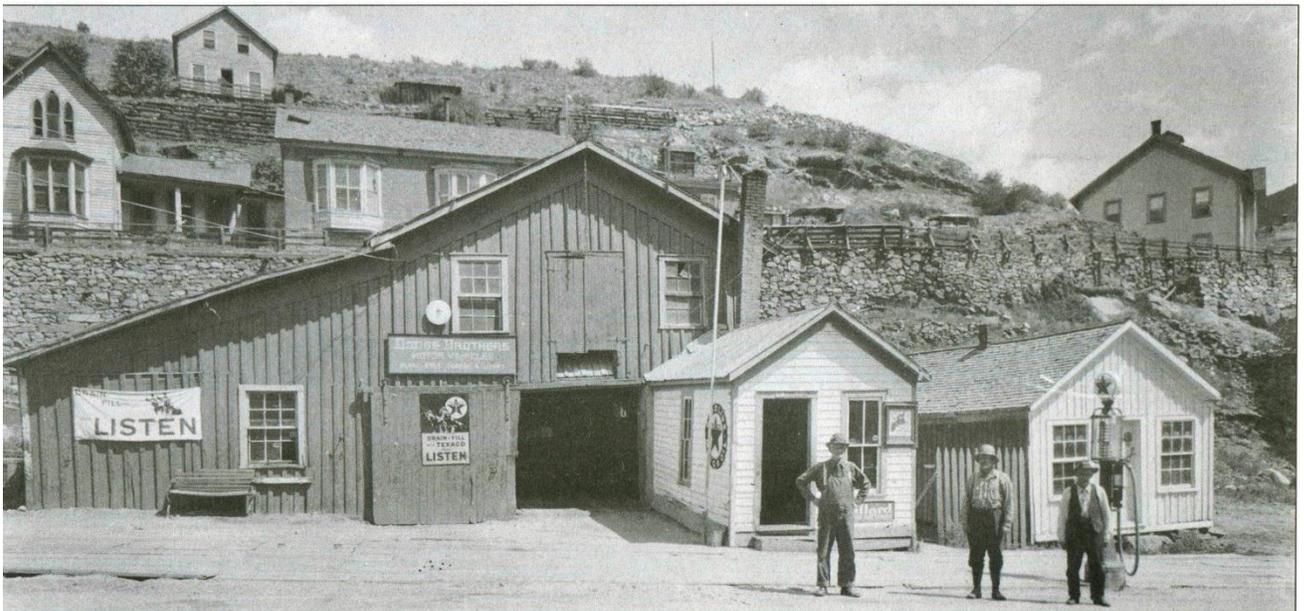


Figure 2. Ca. 1920s. Black Hawk Livery is on the left; 251 Gregory is on the right (in its original location on the west side of lot 5, and with gable-end facing the street.) *Source:* David Spellman collection.



Figure 3. ca. 1940s. Both small buildings associated with the Blake Texaco station have been moved to the back of lot 5.



Figure 4. South and east elevations



Figure 5. East elevation.



Figure 6. West elevation.

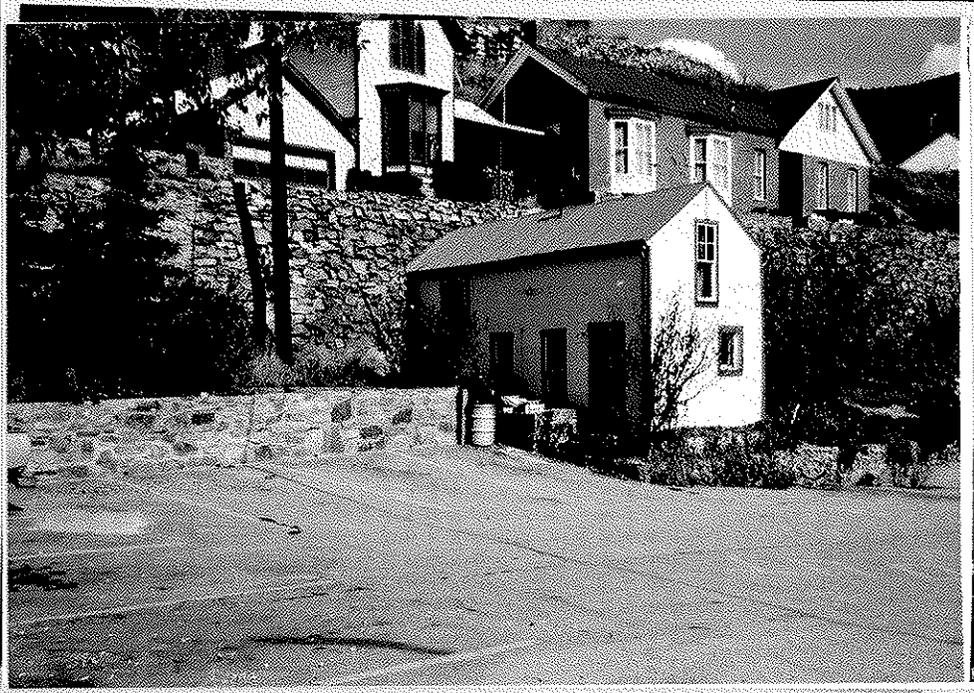
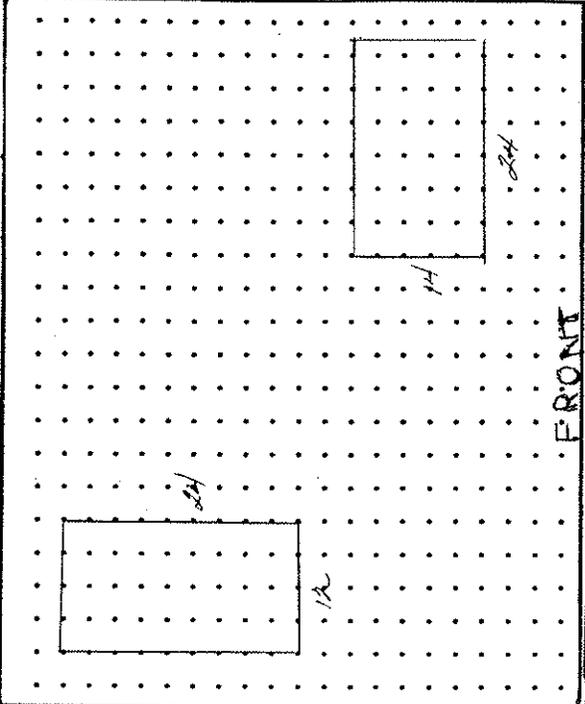


Figure 7. North elevation.

CENTRAL CITY - BLACK HAWK HISTORIC DISTRICT BH 27-2

GILPIN COUNTY, COLORADO

BUILDING NAME	BLOCK NUMBER 27	LOT NUMBER 2, 3, 4, 5, 6	DATE OF CONSTRUCTION
ADDRESS 251 & 261 Gregory Black Hawk, Colorado		STYLE Vernacular	PRESENT USE Residence and storeroom for Black Forest Inn
PROPERTY TYPE: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> ACADEMIC <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER <input type="checkbox"/> RELIGIOUS		ASSOCIATED BUILDINGS	ADDITIONS AND ALTERATIONS
		CONDITION Fair	



ARCHITECTURAL DESCRIPTION

This residential structure is a vernacular 2-story rectangular plan building, with a steep gable roof covered with metal as are the walls of the building. The low foundation is stone. Windows are generally 2-over-2 and 4-over-4 lights; the primary door is wood with 4 lights. There is one stovepipe. The distinctive feature is the home's setting; a high 15 foot rubble rock retaining wall behind the building forms Church Street. The other structure is the storeroom for the Black Forest Inn. It is a small rectangular building with a gable roof covered with asphalt shingles. Walls are covered with a combination of horizontal and vertical boards and there is one brick chimney. Windows are 6-over-6 lights. This was at one time a gas station. All five lots are paved and form parking area for Black Forest Inn.

STATEMENT OF SIGNIFICANCE

SITE DESCRIPTION

These two buildings are built adjacent to Gregory Street and face south with the north end of the lot having a high rubble rock retaining wall that actually forms the street above. All the lots have been paved and form the parking area for Black Forest Inn.

COMMENTS**REFERENCES**

Gilpin County Tax Assessor's Office files.

PREPARED BY:

Mary P. Kisling, NPS-RMRO

DATE

10/86

Current Address: **261 Gregory (east)**
Resource Number: **5GL.7.474 & 5GL.7.476**
NHL Resource Number: **B27-2**

(page 2 of 2)

9. Changes to Location or Size Information: **Formerly addressed as 251 Gregory, which is why there were two resource #'s assigned. However, the 1986 survey & 1991 NHL nomination listed the properties together.**
10. Revised National Historic Landmark District- Contributing Building Eligibility Assessment:
Contributing Non contributing Need data
11. National Register - Individual Eligibility Assessment:
Eligible Not eligible Need data
12. Is there National Register district potential? Yes No
Discuss: **would be contributing to a NR district**
13. Local Designation - Individual Eligibility Assessment:
Eligible Not eligible Need data
14. Is there Local district potential? Yes No
Discuss: **would be contributing to a local historic district**
15. Photograph Types and Numbers: **Digital, <.jpg> format. 261 Gregory-1.JPG**
16. Report Title: **Black Hawk Historic Resource Resurvey: 2009-2010**
17. Recorder(s): **Deon Wolfenbarger**
18. Date(s): **May 30, 2010**
19. Recorder Affiliation: **Three Gables Preservation**
20. Attachments
(check as many as apply)
 Photographs
 Site sketch map
 U.S.G.S. map photocopy
 Other _____
 Other _____
21. Official determination
(OAHF USE ONLY)
 Determined Eligible
 Determined Not Eligible
 Need Data
 Nominated
 Listed
 Contributing to N.R. District
 Not Contributing to N.R. Dist

Current Address: **261 Gregory (east)**
Resource Number: **5GL.7.474 & 5GL.7.476**
NHL Resource Number: **B27-2**

Continuation Sheets

Current Photograph
Date: **09/25/2009**



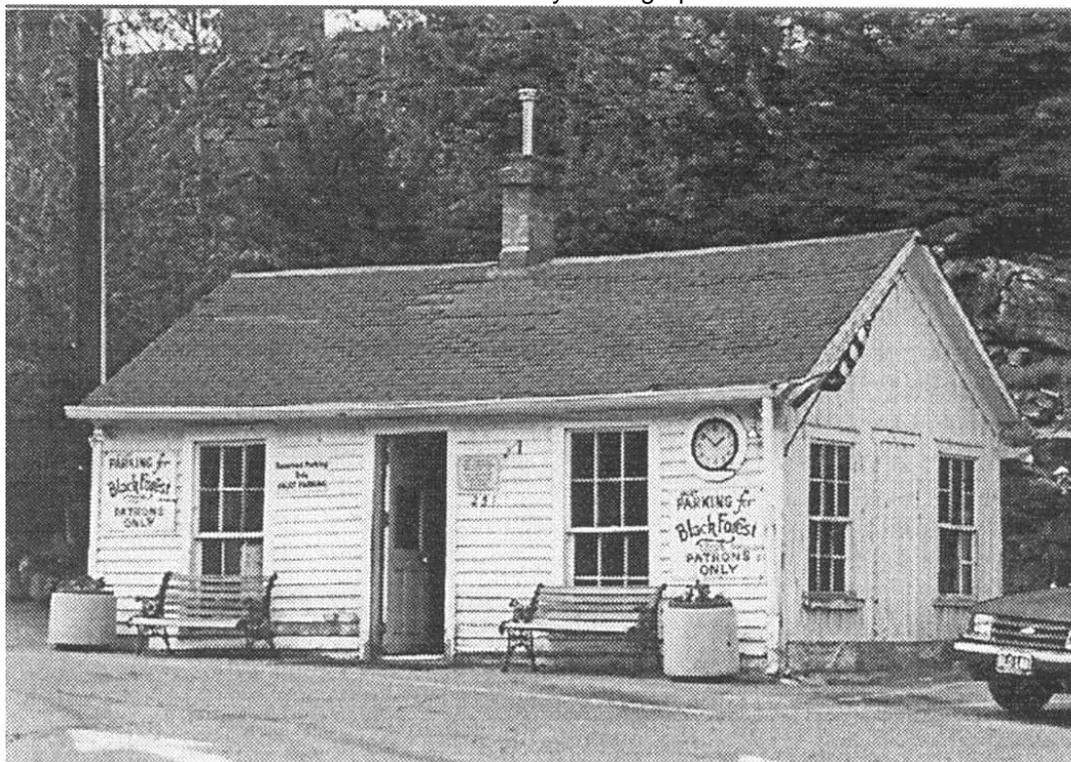
2004 Photograph



Current Address: **261 Gregory (east)**
Resource Number: **5GL.7.474**
NHL Resource Number: **B27-2**

Continuation Sheets

1998 Resurvey Photograph



1986 Survey Photograph



Current Address: **261 Gregory (east**
Resource Number: **5GL.7.474 & 5GL.7.476**
NHL Resource Number: **B27-2**

Continuation Sheets

(sign only)



Ca. 1958

DEMOLITION PROCESS – 251 GREGORY STREET

- ✓ Historical Documentation:
 - Identify historical and non-historical portions, elements and features of the structure, i.e., number of stories, gross square footage per floor, number and type of rooms – entry, bedroom, bath, living, parlor, kitchen, dining, laundry mechanical, closets, flat or sloped ceiling, historically significant features – interior and exterior, foundation, windows, doors, light fixtures, hardware, chimney, cornices, trim/molding, porch, deck, fence, rock walls, outbuildings.
- Remove and store historically significant features – windows, doors, light fixtures, hardware, trim, etc.
- ✓ Identify and Document Overall Condition of Structure (marginal, poor, extremely poor)
- Identify and Document Water Damage
- Identify and Document Building Code Data and Deficiencies - utilized as single-family residence, life safety hazards
- ✓ Identify and Abate Hazardous Material (lead paint, asbestos, mold, mine tailings, radon, etc.):
- Document Rodent Infestation
- Document Retaining Walls: Condition, location & size:
- Develop Scope of Work
- Bidding Instructions
- Bids Form Distributed to Qualified Contractors
- Pre-Bid Meeting
- Bid Questions
- Bid Amendments Distributed
- Bids Due
- ✓ Action Form Prepared for City Council Review Process
- ✓ Council Action
- ✓ Notice to Proceed
- Contract Executed
- ✓ Project Startup
- ✓ Demolition Observation and Removal and Lawful Disposal of all Items
- ✓ Clean Up: Maintain Clean Work Site: Daily Removal of Nuisance Dust on road Surfaces, Mud and Construction Debris
- ✓ Disposal Sites: Dispose of all materials via an approved disposal site acquisitioned by the contractor
- ✓ Traffic Control Plan
- ✓ Water: Control Nuisance Dust
- ✓ Existing Utilities: Locate Approximate Location of Existing Services
- ✓ Protection of Public and Private Property:
- ✓ Work in Easements and Right-of-Ways
- ✓ Abandonment of Utilities: Water Service Pipeline, Sanitary Sewer Service, Gas Service, Electrical, Telephone and Cable Services
- ✓ Final Grading: *Plans for final grading shall be submitted in advance to CP&D*

Report:

**Siding Investigation of 251 Gregory Street,
Black Hawk, Colorado**



Submitted to:

The City of Black Hawk
211 Church Street
Black Hawk, CO 80422

Submitted by:

Anthony & Associates, Inc.
P.O. Box 271400
Fort Collins, CO 80527-1400

March 4, 2014

Report:

Siding Investigation of 251 Gregory Street, Black Hawk, Colorado

BACKGROUND

This report is based on information provided by Ms. Tami Archer and Ms. Cynthia Linker from the City of Black Hawk. Anthony & Associates, Inc. (A&A) was asked to conduct a limited investigation of the exterior architectural wood of 251 Gregory Street (the Building), a city-owned property located in Black Hawk, Colorado.

The Building, which is believed to have been constructed ca. 1920, originally served as a gas station. It is a small, wood-frame building with a rectangular footprint, and is oriented on an approximate east-west axis. It is sided with a combination of wood clapboard, board and batten, and plywood.

SCOPE OF WORK

There were questions regarding the general condition and age of the Building's wood siding. The species of the wood siding was unknown. It was also not known whether insects or decay fungi are active and if deterioration of the wood has occurred. The level of investigation was chosen to provide insight about the age and general condition of the exterior architectural wood.

The scope of work included the following tasks:

- Conducting a site visit to photograph and document existing conditions, followed with a limited assessment report.
- Removing a minimum of 8 wood species samples to identify the wood species or wood species groups for the siding and exterior trim elements.
- Conducting a limited visual investigation of the visible wood conditions of the Building that included taking moisture content measurements of a representative sample of siding elements to determine whether conditions exist that are favorable to the growth of wood decay fungi and to identify areas of moisture intrusion.
- Examining the fasteners and the siding for indicators of age

FIELD PROCEDURES

Anthony & Associates, Inc. provided a wood specialist on February 28, 2014 to conduct an investigation of the exterior wood siding and trim of the Building. The investigation was based on a combination of visual inspection, moisture content determination and species identification. These methods are described below.

Species Identification

The Building is clad in wood siding with wood trim. Identifying wood species makes it possible to identify compatible material for repairs and can aid in historic interpretation of construction or repair campaigns. Wood species were identified by removing small samples from which the species or species group were identified under microscopic examination. Although a minimum of 8 samples was included in the authorization, additional samples were removed to identify species of key architectural wood elements and to aid in developing historical documentation and interpretation.

Visual Inspection

Visual examination of the wood allows for identifying components that are missing, broken, or in an advanced state of deterioration. Missing components are those which have been removed or have fallen away because of deterioration, failure, or vandalism. If missing components were intended to provide protection from the elements (i.e., to prevent moisture intrusion), their replacement may be essential to prevent long-term damage to the structure. Visual inspection also allows for the detection of past or current moisture problems, as evidenced by moisture stains on the exposed surface of the wood. Further, visual inspection enables detection of external wood decay fungi or insect activity as determined by the presence of decay fruiting bodies, fungal growth, insect bore holes or wood substance removed by wood-destroying insects.

Moisture Content Determination

Prolonged exposure to moisture can produce undesirable conditions and long-term maintenance issues for wood in a structure. Excessive shrinkage or swelling, checking, loose connections, and decay are typical problems. Limited moisture content measurements were taken using a capacitance-type (pinless) moisture meter at various locations on the siding to gain insight into the moisture levels on the exterior of the structure.

Moisture content measurements identify wood with favorable moisture levels for the growth of wood-decay fungi. Generally, if the moisture content is less than 20 percent, wood-decay fungi are unable to grow. While fungi may be present at lower moisture contents, they are unable to continue to deteriorate the wood without sufficient

moisture. Moisture contents from 20 to 30 percent indicate areas of concern where sufficient moisture is present for fungi to grow but not sufficient to indicate advanced decay. Moisture contents above 30 percent can indicate advanced decay with internal voids and/or surface deterioration.

FINDINGS

General

The Building is oriented on an approximate east-west axis. For ease of reference, the north elevation is considered to be the elevation facing the hillside. The south elevation (which faces Gregory Street) and the west elevation are clad in clapboard siding with an approximate 4 ½-inch reveal (Figures 1 and 2). The east elevation is clad with board and batten siding (Figure 3). A doorway has been boarded over on this elevation. The north elevation has a combination of rough-sawn horizontal plank siding, corrugated metal, and plywood (Figure 4).



Figure 1. South elevation of 251 Gregory Street.



Figure 2. West elevation with clapboard siding.



Figure 3. East elevation with board and batten siding.



Figure 4. North elevation (view from the northwest corner) with horizontal plank siding and plywood.

Species Identification

Fourteen samples were removed for species identification. Given the age of the Building, historic materials such as siding would likely have been produced from trees with native ranges extending into Colorado, such as western yellow pine (a hard pine species group that includes ponderosa pine and lodgepole pine) and/or Engelmann spruce; however, western yellow pine is still used today for architectural siding and trim, so decisions regarding the age of the exterior architectural wood cannot be based on species alone.

Table 1. Wood Species Identification

Sample Number	Member	Location	Species
1	batten	east elevation	western yellow pine (<i>Pinus</i> spp.)
2	board	east elevation	western yellow pine
3	vertical window trim	east elevation, north window	western yellow pine
4	sill	east elevation, north window	western yellow pine
5	clapboard siding	south elevation, east of doorway	western yellow pine
6	clapboard siding	south elevation, west of window	redwood (<i>Sequoia sempervirens</i>)
7	vertical door trim	south elevation	western yellow pine
8	sill	south elevation, west window	western yellow pine
9	clapboard siding	west elevation	redwood
10	plank siding	north elevation	Engelmann spruce (<i>Picea engelmannii</i>)
11	vertical tongue and groove sheathing (taken from interior)	south elevation	western yellow pine
12	clapboard siding	south elevation, east of doorway	western yellow pine
13	vertical window trim	south elevation, west window	western yellow pine
14	clapboard siding	south elevation, west of doorway	southern yellow pine

Native wood species including western yellow pine and Engelmann spruce were the primary woods used for the exterior architectural woodwork. In some locations, including a portion of the west side of the south elevation and the west elevation, replacement siding from redwood (*Sequoia sempervirens*), a species that is not native to Colorado, was identified. One sample was identified as southern yellow pine. There are no microscopic features that indicate cellular differences between western yellow

pinus and non-native southern yellow pines; therefore determinations were made based on subjective macroscopic characteristics such as growth rate and earlywood/latewood transitions. These characteristics are not definitive but rather based on observation and experience.

Age of Siding and Trim

Determining the exact age of the siding and trim by visual inspection alone is generally not possible. In conjunction with species identification and historical research and documentation, however, it is sometimes possible to determine the sequence in which materials were added or altered by examining the materials and fasteners in detail. A key identifier can be the type of fastener used to hold wood members or architectural elements together. Wire nails, in common use today, were not widely produced and used in construction until the 1890s. However, in rural parts of the country, common use of wire nails did not occur until after the turn of the 20th century.

While wire nails have flat, circular heads and round shafts, machine cut nails were typically stamped or cut from a sheet of metal, resulting in square or rectangular heads and square shafts. Machine cut nails were primarily used prior to the widespread manufacture and use of round wire nails. Given the 1920 date of construction, the use of wire nails would not be unusual; however, the board and batten siding on the east elevation, which, based on the species identification results was constructed out of locally available material, has rectangular cut nail fasteners (Figure 5), while the remaining elevations have wire nails (Figure 6). On the west elevation, the wire nails appear to be finishing nails with small heads, unlike the larger headed nails found on the south and north elevations (Figure 7). These findings suggest that the board and batten siding dates to the initial construction.



Figure 5. Square cut nail head visible on the board and batten siding, east elevation.

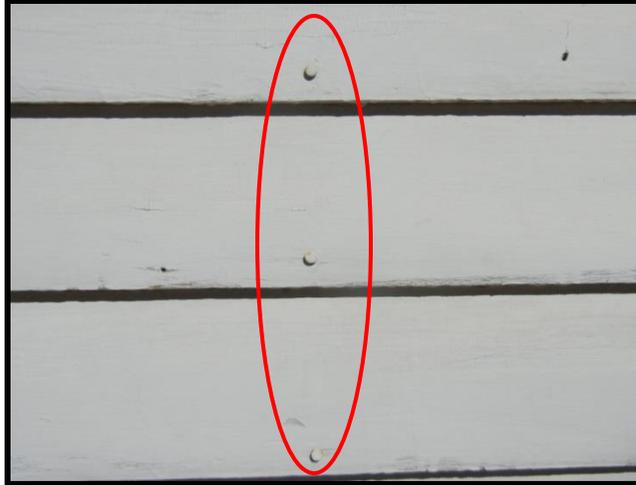


Figure 6. Round wire nails that have been face-nailed into the clapboard siding on the south elevation.



Figure 7. Small-headed wire nails on the west elevation.

Wood Condition

General Comments

As previously noted, the Building is a single-story rectangular structure with clapboard siding on the south and west elevations, plank siding and plywood on the north elevation, and board and batten siding on the east elevation.

Moisture Content Determination

Limited moisture content measurements were taken using a capacitance moisture meter for siding and exterior trim at multiple locations along the building exterior, primarily near ground level, to gain insight into the moisture levels around the perimeter of the Building. Moisture content measurements overall did not exceed 11 percent in the tested areas indicating that the wood is currently at low risk for deterioration by wood

decay fungi. However, a few areas were found to have moisture contents near or above 30 percent. These areas were near debris build-up on the west elevation and snow build-up on the north elevation, indicating the likely source of moisture.

Siding and Trim Condition

The siding on the east, south, and west elevations is in general, in good to fair condition, with some failing paint and weathering of the exposed wood surface in places, particularly near ground level where exposure to excessive moisture is the most likely. Portions of the south elevation, particularly towards the southeast corner, show signs of weathering including surface checks, end splits, and movement in surface (cupping or warping). A damaged rain gutter and missing downspout may be contributing to the wood conditions on the south elevation. The north elevation siding material is generally in poor condition; while the plank siding on the west portion of the north elevation is in fair condition, debris and snow build-up due to the proximity of the slope behind the Building has caused deterioration of siding materials and structural members on the eastern portion of the north elevation (Figure 8).



Figure 8. Delaminated plywood, missing siding, and deteriorated wall studs on the north elevation.

In general, the window sills are more weathered than the siding or vertical trim elements. Horizontal surfaces typically bear the brunt of the effects of weathering unless protected from ultraviolet light and moisture exposure by overhangs or eaves. An area of the south elevation, near the southwest corner, appears to be more recent replacement material, based on condition (Figure 9). While three siding samples from this elevation were identified as a hard pine (either western yellow pine or southern yellow pine), one sample removed from the southwest corner of the south elevation was found to be redwood. One sample removed from the west elevation siding, which is in good to fair condition, was also identified as redwood. Thus, it would appear that a repair campaign replacing the west elevation siding may have included a portion of the south elevation as well.



Figure 9. Area of possible replacement on the south elevation.

The board and batten siding on the east elevation is generally in good to fair condition. The siding has multiple layers of paint and exhibits heavy alligatoring in some areas (Figure 10). The northeast corner trim has been repaired with a butt joint (Figure 11), and there is a plank that has been installed along the bottom edge of the siding (Figure 12). This plank may have been installed following deterioration of the bottom of the siding or to prevent deterioration from occurring; the condition of the siding could not be determined below this plank.



Figure 10. Area of heavy paint alligatoring on the east elevation.



Figure 11. Butt-jointed vertical corner trim, a likely repair, northeast corner, east elevation.

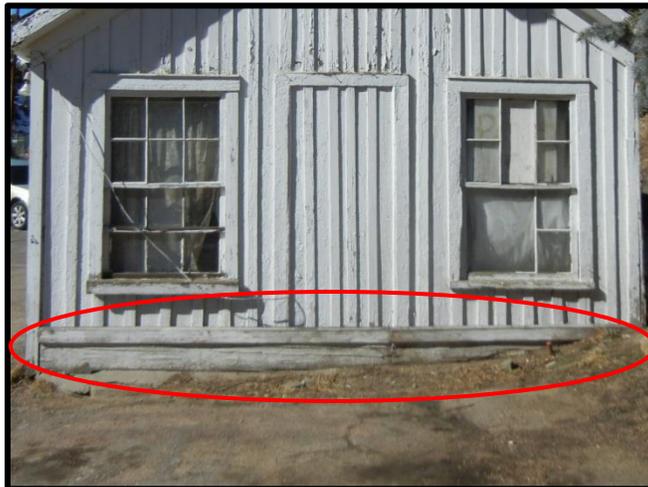


Figure 12. Planking installed either as a repair or a preventative measure.

SUMMARY OF THE WOOD INVESTIGATION

With the exception of the north elevation, the exterior architectural siding and trim of 251 Gregory Street is, generally, in good to fair condition. There are a few areas of moderate weathering that have resulted in peeling paint and some textured wood with splits and/or surface checks, particularly on horizontal elements such as window sills. The primary area of concern is deterioration of the structural wall studs that are visible on the north elevation. Environmental conditions are such that additional deterioration is highly likely without intervention.

Based on the current information available and the results of the limited wood investigation, the board and batten siding on the east elevation likely dates to the

period of construction (ca. 1920). The clapboard siding on the south and west elevations appears to have been installed in at least two separate repair campaigns: portions of the south elevation siding show signs of weathering, end splits and checks, and movement in service (cupping and warping), which suggests it is older than the siding found on the southwest portion of the south elevation and on the west elevation. Additionally, the species of wood used on the west elevation and the southwest portion of the south elevation is redwood, a non-native tree species. Other areas of siding on the south elevation were identified as belonging to a hard pine species group (western yellow pine or southern yellow pine). Finally, the types of metal fasteners indicate a temporal difference in application; large-head wire nails post-date machine cut nails, and small-head wire nails likely post-date the large-head wire nails, indicating that a separate repair campaign likely occurred following the installation of the clapboard siding. It is very unlikely that the current siding on the south and west elevations is part of the original construction, given the physical evidence.

The likely age of the architectural trim at the windows and corners of the Building is more difficult to determine, given that the wood used was identified as coming from local tree species. The trim may date to the original construction and may have been reused and reattached with wire nails, or may date to a repair campaign.

Given the condition of the wood members on the north elevation, as well as the material used (i.e., plywood), it seems likely that the north elevation has seen a number of repair campaigns and there is no or minimal siding left. The rough-sawn wall studs, however, do measure a full dimension 2-inches by 4-inches, indicating that they likely date to the period of construction.

The findings of the wood investigation can be summarized as follows:

- Based on a limited number of samples removed, the existing exterior architectural wood work (including siding and trim) is predominantly western yellow pine (*Pinus* spp.) and redwood (*Sequoia sempervirens*). One sample from the north elevation 's plank siding was identified as Engelmann spruce (*Picea engelmannii*). Repairs and replacements were likely made with redwood and possibly with southern yellow pine (*Pinus* spp.) in addition to western yellow pine (*Pinus* spp.).
- Board and batten siding on the east elevation has square cut nail fasteners indicating that this siding is original material. Samples removed from this siding indicate that is made from western yellow pine, a locally available tree species.
- While the exact age of the existing clapboard siding on the south and west elevations of the Building cannot be definitively identified based on existing information, based on the wood species used, the limited weathering and the use of round wire nail fasteners, it is likely not original to the construction.

- The age of the architectural trim around windows, doors, and at building corners on the original structure could not definitively be determined. The wood species used is western yellow pine, a tree species that is native to the Black Hawk area. The trim was fastened with round wire nails (except on the east elevation), indicating that it is either not original to the construction or was re-used and reattached with wire nails during a repair campaign.

Environmental Assessment Report



Weecycle Environmental Consulting, Inc.

*Lead Paint Inspections & Information
Certified Clandestine Drug Lab Decontamination Specialist
Regulatory Services Consulting
Phase I & Phase II Property Investigations
Asbestos Inspections and Project Design*

Judith E Sawitsky, CMC
5375 Western Avenue Suite B
Boulder, Colorado 80301

TEL: 303-413-0452 FAX: 303-413-0710
E-mail: weecycle@weecycle-env.com
www.weecycle-env.com

**Environmental Assessment Report
For the Building Located at:**
251 Gregory Street
Black Hawk, CO 80422

Weecycle Job Number: 13-09465

Performed: October, 2013

Prepared For:
Cindy Linker
City of Black Hawk
PO BOX 68
Black Hawk, CO 80422



Weecycle Environmental Consulting, Inc. Executive Summary

An environmental evaluation was conducted on the property at 251 Gregory Street, Black Hawk, CO 80422; this is a commercial building. The environmental evaluation included: *Lead-based Paint Risk Assessment, Asbestos Sample, Radon and Indoor Air Quality (Mold)*. The surveys were conducted between in October, 2013.

Lead Based Paint

A Lead-Based Paint Survey was conducted at the property where LBP and Lead-Based Glazing (LBG) **was identified** at the property.

Lead-based paint, as defined by the Environmental Protection Agency (EPA) and Housing and Urban Development (HUD), is $1\text{mg}/\text{cm}^2$. All testing for Lead-based paint was completed using the X-Ray Fluorescent (XRF) Analyzer using the Standard Lead Test Mode.

Asbestos Containing Building Material

Asbestos containing building materials above the Colorado Department of Public Health and Environment (CDPHE) Regulation 8 and the EPA level of 1% asbestos **were not identified** at the property.

“Prior to any renovation or demolition in any single family housing which may disturb 50 linear feet of material on pipes, 32 square feet of material on other surfaces, or the volume equivalent of one 55-gallon drum of material identified by the EPA as a suspect asbestos-containing material, the facility components(s) to be affected by the renovation or demolition shall have an inspection performed by a building inspector certified under these regulations. The inspection must be performed to the AHERA standards as given in 40 CFR Part 763 (1992).”

The materials identified in the asbestos report, are regulated asbestos containing building materials and must be removed by a licensed asbestos abatement contractor prior to any renovation or demolition activities.

Indoor Air Quality

Visible microbial growth **was observed** at the time of this evaluation. The analytical results of sampling and moisture readings taken on September 30, 2013, indicated that the indoor air quality is outside of acceptable limits.

Radon

Radon levels are **below** the EPA acceptable limits. EPA recommends taking further action to reduce a home's indoor radon levels when the test results are 4 pCi/L or higher. If levels are between 2 and 4 pCi/L, EPA recommends that you consider fixing the home.

Suspect materials are sometimes located behind walls and above ceilings and were considered inaccessible during the onsite survey. Therefore, all materials that contain asbestos, lead-based surface coatings and mold may not have been observed or sampled. If additional suspect materials are identified during periods of disturbances, all activities must stop until these materials are sampled. Work shall not resume until the results of additional investigation are reported.

WEecycle ENVIRONMENTAL CONSULTING, INC.

5375 Western Avenue, Suite B
Boulder, Colorado 80301
(303) 413-0452 Fax (303) 413-0710

October 24, 2013

Cynthia Linker
City of Black Hawk
PO Box 68
Black Hawk, CO 80422

RE: EPA/HUD Lead-Based Paint (LBP) Inspection at 251 Gregory St., Black Hawk, CO 80422 on October 20, 2013

Dear Ms. Linker:

On October 20, 2013, Chris Schiechl, a certified Colorado Lead-Based Paint (LBP) Inspector from Weecycle Environmental Consulting, Inc., completed a full EPA/HUD Lead Based Surface Coatings Survey that satisfies the requirements for Renovation, Repair and Painting (RRP) **40CFR 745.80 Subpart E**, at the property. **LBP was** identified on the **tested** surfaces at the Property.

Non-painted surfaces such as unpainted ceramic tile and porcelain bathtubs may be a source of lead exposure during demolition or renovation. These items are not considered lead-based paint; their presence does not need to be included in disclosure under the Lead Disclosure Rule.

Identifying Information

Site Address: 251 Gregory St.
Black Hawk, CO 80422

Owner's Address: City of Black Hawk
PO Box 68
Black Hawk, CO 80422

Constructed: 1858
Weecycle Job Number: 13-09465

Site Notes

Exterior sides A, B and D are positive for lead-based paint.

Sampling Procedure

Weecycle Environmental Consulting, Inc. completed this inspection according to the most current HUD guidelines. On-site testing of painted surfaces for lead content was completed using a portable Niton XLp-301A Spectrum Analyzer Lead Detector (Serial Number 25097) which utilizes X-Ray Fluorescence analysis.

Lead Based Paint Testing is performed in accordance with HUD Guidelines as revised 11/97 with the following procedural notes:

- 1) Room equivalents are generally listed by number, starting with the 1st room of the main entrance and proceeding clockwise on each floor. Walls are listed in each room by letter with wall "A" facing the street of address, proceeding clockwise to "B, C, D", etc. Multiple components (i.e. windows or doors) are listed moving left to right along each wall.
- 2) Substrates are labeled as Brick, Concrete, Drywall, Plaster, Stucco, Wood or Metal. Concrete block or cinder block or CMU are labeled concrete. Wallpapered surfaces are examined by XRF for concealed lead based paint with postulated substrates.

In addition to on-site analysis, leaded dust wipes, bulk paint chip, and/or lead in soil samples may have been collected, at the discretion of the risk assessor or at the request of the client. If collected, these samples were analyzed for lead content by Reservoirs Environmental Services, Inc., an AIHA ELLAP (Environmental Lead Laboratory Accreditation Program) approved laboratory.

EPA, 40 CFR 745.80 Subpart E, Renovation, Repair and Painting Rule: Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. All painted surfaces must be assumed positive for lead-based paint unless tested and confirmed to be negative.

Target Housing is a home or residential unit built on or before December 31, 1977, except:

- Housing built for the elderly or persons with disabilities (unless a child less than 6 years old lives or is expected to live in the house or unit); or
- Zero-bedroom dwellings (studio apartments, hospitals, hotels, dormitories, etc.)

The EPA – Renovate, Repair and Painting Rule defines a child-occupied facility as a pre-1978 building that meets all three of the criteria below:

- Visited regularly by the same child, under 6 years of age.
- The visits are on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours.
- Combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.

Child-occupied facilities may be located in a public or commercial building or in target housing. These facilities include schools, child care facilities, and daycare centers.

FEDERAL LEAD-BASED PAINT STANDARDS

Paint – Definition of Lead-Based Paint

Paint or other surface coatings that contain at least:

- 1 milligram per square centimeter (mg/cm²) of lead;
- 0.5 percent lead; or 5,000 parts per million lead by dry weight.

Note: In 1978 the Consumer Product Safety Commission banned the residential use of lead-based paint that contained greater than or equal to 0.06 percent or 600 ppm of lead.

Dust – Federal Thresholds for Lead-Contamination (in micrograms per square foot)

- Floors 40 µg/ft²
- Interior window sills 250 µg/ft²
- Window troughs (Clearance only) 400 µg/ft²

Soil – Federal Thresholds for Bare Soil Contamination (in micrograms per gram; equivalent to parts per million)

- Play areas used by children under age 6 400 µg/gram
- Other areas, if more than 9 ft² in total area of bare soil per property 1,200 µg/gram
- Abatement required by HUD 5,000 µg/gram

Site Findings

Lead-based paint was identified on the interior and exterior of the building. This survey indicates that lead-based paint exists in the following location:

- A. Shelf Support (Tar Paper, White) Large Room
- B. Window Casing and Window Frames (Wood, White) Exterior; Assume all exterior window casings and window frames positive for lead-based paint
- C. Fascia (Wood, White) Exterior; Assume all exterior fascia positive for lead-based paint
- D. Wall (Wood, White) Exterior; Assume all exterior walls positive for lead-based paint except side C
- E. Door (Wood, White) Exterior Side D

Recommendations

Site-Specific Lead Hazard Control Plan

Hazards A-E: Interior and Exterior surfaces covered in LBP. (See Above)
Periodic visual monitoring of these surfaces by the Property's owner is required according to HUD guidelines. As they begin to degrade, either wet-strip and re-paint or encapsulate with non-LBP (please refer to the rest of this control plan for more details). If remodeling or renovation activities disturb these sites, adhere to the following procedure. These surfaces should be remediated by a certified contractor. Certified contractors are required to follow the applicable HUD, EPA, and OSHA Lead-in-Construction standards. Further, once these remediation activities have been completed, a final clearance (by dust wipe) should be performed to verify the work was completed properly. In addition, a total constituent leachate procedure (TCLP) will need to be completed before disposing of the building debris. Based on the results of this analysis, please follow all applicable local, state, and federal regulations when disposing of this material.

EPA, 40 CFR 745.80 Subpart E, Renovation, Repair and Painting Rule: Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. All painted surfaces must be assumed positive for lead-based paint unless tested and confirmed to be negative.

ANALYTICAL RESULTS

Table 1. Summary of Positive XRF Readings

<u>XRF Sample Number</u>	<u>Component</u> (window, door, wall, stair rail, etc.)	<u>Location</u>	<u>Condition</u> (intact or deteriorated) (Highlighted applies)		<u>Friction or Impact Surface?</u> (Highlighted applies)		<u>Lead Content</u> (mg/cm ²)
239	Shelf Support	Large Room	Intact	Deter.	Friction	Impact	7.3
243	Wall	Exterior	Intact	Deter.	Friction	Impact	3.5
244	Window Casing	Exterior	Intact	Deter.	Friction	Impact	4.4
245	Window Frame	Exterior	Intact	Deter.	Friction	Impact	5.3
246	Fascia	Exterior	Intact	Deter.	Friction	Impact	3.2
247	Fascia	Exterior	Intact	Deter.	Friction	Impact	8.1
249	Wall	Exterior	Intact	Deter.	Friction	Impact	2.1
256	Door	Exterior	Intact	Deter.	Friction	Impact	2.1
257	Wall	Exterior	Intact	Deter.	Friction	Impact	23.6
258	Window Casing	Exterior	Intact	Deter.	Friction	Impact	4

General Recommendations

- 1) A full re-survey is NOT recommended for surfaces that have already been tested. However, a re-survey is recommended for other interior and exterior painted surfaces as they begin to degrade and/or prior to any renovations or modifications. In addition, a reevaluation of surface with LBP should be completed. Please refer to the enclosed reevaluation schedule (located in the Appendices) for HUD's recommended timeline.
- 2) Painted surfaces should be inspected annually and repainted as needed before deterioration occurs. Before any scraping or sanding, the paint should be determined to be lead-based paint or non lead-based paint and appropriate measures taken to prevent the generation or spreading of paint chips or dust.
- 3) Vegetation, mulch and ground cover should be inspected quarterly and annually renewed to cover the soil along the foundation of the buildings and grounds. The soil should NOT be disturbed, allowing lead-containing dust to be tracked into the house by residents or their pets.

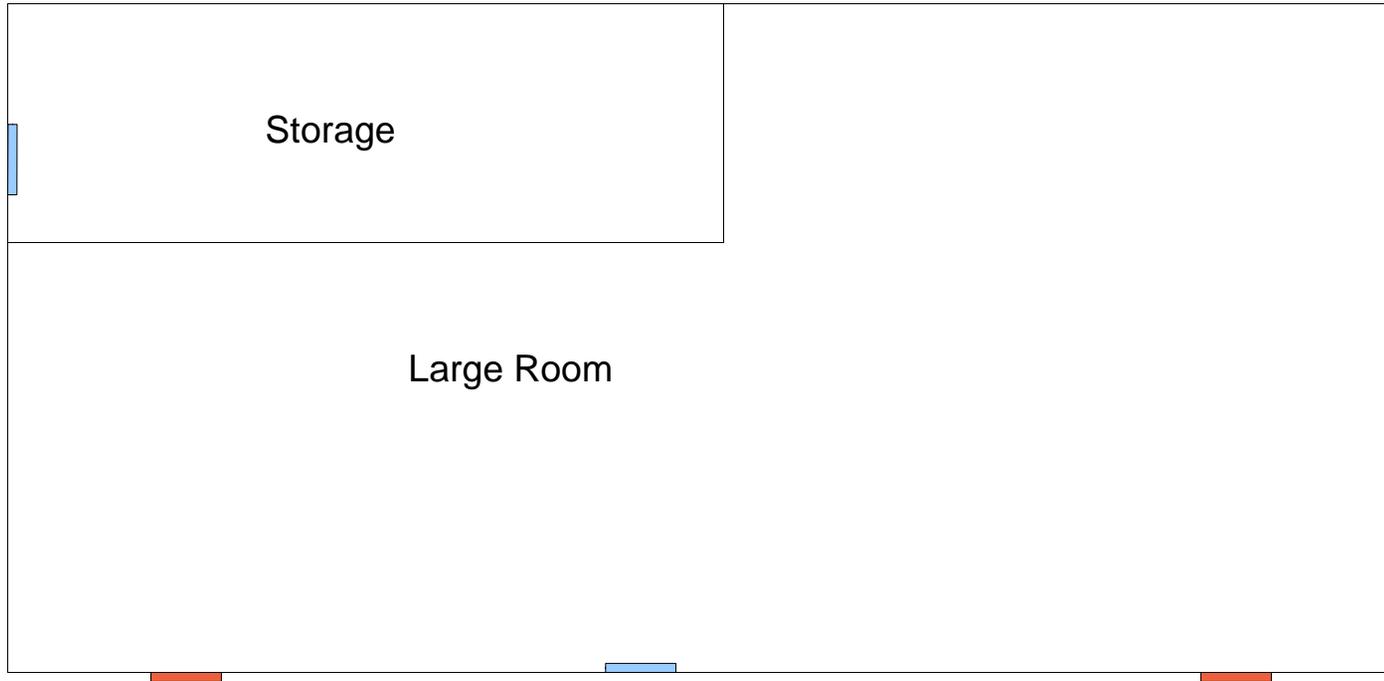
- 4) Windows and doors in the building should be inspected annually for wear on friction surfaces, which may create lead dust. For doors, plane the edges of the door to eliminate friction. For windows, remove paint from window sash and friction frame. Seal lead-based paint waste in plastic bags and dispose properly, then wash surfaces with Tri-Sodium Phosphate (TSP). Collect and dispose of the wash water in compliance with local disposal requirements. With approval of waste regulators, wash water can be flushed into a sanitary sewer (toilet).
- 5) Please call Weecycle for a survey of any previously untested surfaces which you wish to disturb for renovations, repair or demolition. Weecycle recommends hiring a qualified LBP contractor to remove LBP or stabilize deteriorated LBP and control lead dust.
- 6) Children residing or in day care at this site should be checked by their family physician annually for elevated blood lead levels and balanced diets should include foods which provide recommended daily amounts of calcium and iron.
- 7) When cleaning, use wet mopping with a general purpose cleaner, rather than sweeping. For occasional vacuuming, use a vacuum with a High Efficiency Particulate Air (HEPA) Filter.
- 8) Please contact Weecycle Environmental Consulting, Inc. for additional information.

Enclosed are copies of the sampling data (i.e. XRF spectral data and/or laboratory analytical results), and relevant professional documents and certifications. If you have any questions or require additional services, please call (303) 413-0452 or (800) 875-7033.

Sincerely,



Judith Sawitsky
President
Colorado Cert. No. 8747



C
B D
A

— Door
— Window

Old Garage
251 Gregory St.
Black Hawk, CO 80422
13-09465



Not to Scale

251 Gregory St Black Hawk CO. 80422 WEC# 13-09465												
XRF Model# Xlp301A Serial# 25097 Sourced Date: 6/1/2013												
Inspector: Chris Schiechl Cert# 17260 Exp.Date 3/13/2014 Notes: All Exterior Sides A,B,D Positive												
Reading No	Time	Type	COMPONENT	SUBSTRATE	SIDE	CONDITION	COLOR	ROOM TYPE	FLOOR	SITE/ADDRESS	Results	PbC
232	10/20/2013 14:16	PAINT	CALIBRATE								Positive	1
233	10/20/2013 14:16	PAINT	CALIBRATE								Positive	1.1
234	10/20/2013 14:17	PAINT	CALIBRATE								Positive	1
235	10/20/2013 14:24	PAINT	CEILING	WOOD		DETERIORATED	WHITE	LARGE RM	GROUND	251 Gregory St	Negative	0
236	10/20/2013 14:25	PAINT	CROWN MOLDING	WOOD	A	DETERIORATED	BROWN	LARGE RM	GROUND	251 Gregory St	Negative	0.01
237	10/20/2013 14:26	PAINT	WALL	TAR PAPER	D	DETERIORATED	WHITE	LARGE RM	GROUND	251 Gregory St	Negative	0.7
238	10/20/2013 14:26	PAINT	SHELF	TAR PAPER	D	DETERIORATED	WHITE	LARGE RM	GROUND	251 Gregory St	Negative	0.09
239	10/20/2013 14:26	PAINT	SHELF SUPORT	TAR PAPER	D	DETERIORATED	WHITE	LARGE RM	GROUND	251 Gregory St	Positive	7.3
240	10/20/2013 14:27	PAINT	WNDW FRAME	WOOD	A	DETERIORATED	WHITE	LARGE RM	GROUND	251 Gregory St	Negative	0.5
241	10/20/2013 14:28	PAINT	WNDW FRAME	WOOD	D	DETERIORATED	WHITE	LARGE RM	GROUND	251 Gregory St	Negative	0.7
242	10/20/2013 14:28	PAINT	DOOR	WOOD	A	DETERIORATED	WHITE	LARGE RM	GROUND	251 Gregory St	Negative	0
243	10/20/2013 14:29	PAINT	WALL	WOOD	A	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	3.5
244	10/20/2013 14:29	PAINT	WNDW CASING	WOOD	A	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	4.4
245	10/20/2013 14:30	PAINT	WNDW FRAME	WOOD	A	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	5.3
246	10/20/2013 14:30	PAINT	FASCIA	WOOD	A	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	3.2
247	10/20/2013 14:30	PAINT	FASCIA	WOOD	B	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	8.1
248	10/20/2013 14:31	PAINT	TRIM	WOOD	B	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Negative	0.1
249	10/20/2013 14:31	PAINT	WALL	WOOD	B	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	2.1
250	10/20/2013 14:31	PAINT	DOOR CASING	WOOD	B	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Negative	0.02
251	10/20/2013 14:32	PAINT	DOOR	WOOD	B	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Negative	0.03
252	10/20/2013 14:32	PAINT	DR. JAMB	WOOD	B	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Negative	0.01
253	10/20/2013 14:33	PAINT	WALL	WOOD	C	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Negative	0.02
254	10/20/2013 14:33	PAINT	WALL	WOOD	C	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Negative	0.05
255	10/20/2013 14:33	PAINT	DOOR CASING	WOOD	C	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Negative	0.08
256	10/20/2013 14:33	PAINT	DOOR	WOOD	C	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	2.1
257	10/20/2013 14:34	PAINT	WALL	WOOD	D	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	23.6
258	10/20/2013 14:34	PAINT	WNDW CASING	WOOD	D	DETERIORATED	WHITE	EXTERIOR	GROUND	251 Gregory St	Positive	4
345	10/20/2013 15:18	PAINT	CALIBRATE								Positive	1.1
346	10/20/2013 15:19	PAINT	CALIBRATE								Positive	1.1
347	10/20/2013 15:19	PAINT	CALIBRATE								Positive	1

STATE OF COLORADO

LEAD-BASED PAINT CERTIFICATION*

Colorado Department of Public Health
and Environment
Air Pollution Control Division

This certifies that

Chris Schiechl

Certification No: 17260

has met the requirements of 25-7-1104, C.R.S. and Air Quality Control
Commission Regulation No. 19, and is hereby certified by the state of
Colorado in the following discipline:

Inspector/Risk Assessor*

Issued: 3/13/2013

Expires on: 3/13/2014

** This certificate is valid only with the possession of a valid lead-based paint training certificate in the discipline specified above, issued by either a Colorado approved training provider, an EPA approved training provider, or a training provider approved by another EPA authorized program.*


Authorized APCD Representative

SEAL



Colorado Department
of Public Health
and Environment

Lead Evaluation Firm Certificate

This certifies that

Weecycle Environmental Consulting Inc.

LEF No.: 12189

has met the requirements of 25-7-1104, C.R.S. and Air Quality Control Commission Regulation No. 19, and is hereby certified by the state of Colorado to perform lead-based paint evaluation activities in the state of Colorado.

Issued: September 25, 2013

Expires: September 25, 2014


Authorized APCD Representative

SEAL

Asbestos Survey



Weecycle Environmental Consulting, Inc.

*-Lead Paint Inspections & Information-
-Regulatory Services Consulting-
-Phase I Property Investigations-
-Asbestos Inspections and Project Design-*

Judith Sawitsky
5375 Western Avenue Suite B
Boulder, Colorado 80301

Tel: (303) 413-0452 Fax: (303) 413-0710

E-mail: weecycle@weecycle-env.com

www.weecycle-env.com

AHERA Asbestos Survey Report for the building located at:

251 Gregory St.
Black Hawk, CO 80422

Weecycle Job No.: 13-09465

Performed On: 10/19/2013

Prepared For:

City of Black Hawk
PO Box 68
Black Hawk, CO 80422

WEECYCLE ENVIRONMENTAL CONSULTING, INC.

5375 Western Avenue, Suite B
Boulder, Colorado 80301
(303) 413-0452 Fax (303) 413-0710

211 Haggerty Lane, Suite D
Bozeman, Montana 59715
(406) 548-5450

Cindy Linker
City of Black Hawk
PO Box 68
Black Hawk, CO 80422

RE: Asbestos Containing Building Materials Survey
City of Black Hawk
251 Gregory St.
Black Hawk, CO 80422
Weecycle Project Number: 13-09465

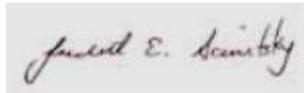
Dear Ms. Linker,

Weecycle Environmental Consulting, Inc. is pleased to submit the attached Asbestos Containing Building Materials Survey report for 251 Gregory St., Black Hawk, CO 80422. The report includes the scope of service, procedures and methodologies utilized, analytical results and summary of asbestos containing building materials identified by this survey.

The results of this Asbestos Containing Building Materials Survey determined that Asbestos Containing Building Materials **are** present in the building..

Weecycle Environmental Consulting, Inc. appreciates the opportunity to perform environmental services for Consilium Partners and we look forward to working with you in the future. If you have questions or comments regarding the information in this report or need further assistance please contact Weecycle.

Sincerely,



Judith Sawitsky
President
AHERA Building Inspector
Management Planner



Lauren York
Director of Operations
AHERA Building Inspector
Management Planner



Chris Schiechl
AHERA Building Inspector



Ryan Passarelli
AHERA Building Inspector

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1.0 SCOPE OF SERVICES

Weecycle Environmental Consulting was retained by the City of Black Hawk to perform a Comprehensive Building Asbestos Survey following, the Asbestos Hazard Emergency Response Act Program, (AHERA) protocol, at 251 Gregory St., Black Hawk, CO 80422. The inspection, conducted on October 19, 2013, consisted of a review of existing asbestos building survey reports, building walk-through, delineation and quantification of homogenous areas, collection of representative bulk samples, and delivery of bulk samples of suspect asbestos containing building material (ACBM) to an independent analytical laboratory.

2.0 SITE CONDITIONS

The building is a single story wood frame construction on slab. Interior is wood and the floor is bare concrete. There are wood panels that are asbestos containing stacked against Wall C in the storage room.

3.0 AHERA COMPLIANCE & REGULATORY STANDARDS

This survey was performed in accordance with Federal, State and local regulations for conducting an AHERA asbestos building surveys and to meet Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), and National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements.

COLORADO AIR QUALITY CONTROL COMMISSION (CAQCC)

Colorado Regulation 8 definitions and requirements include:

I.B. Definitions:

“Renovation’ means altering in any way one or more facility components. Operations in which load-supporting structural members are wrecked or taken out are excluded. Examples of renovation work include replacement or repair of mechanical ventilation systems, pipes, ceilings, walls, flooring (including floor tiles) and insulating materials...”

“Demolition’ means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility...”

III.C.5. Asbestos Spill Response:

“In the event of an asbestos spill involving less than 50 linear feet on pipes,

32 square feet on other surfaces, or the volume equivalent of one 55-gallon drum, the building owner **should...**" (Refer to pages 8.114 and 8.115 for exact recommendations).

*"In the event of an asbestos spill involving greater than 50 linear feet on pipes, 32 square feet on other surfaces, or the volume equivalent of one 55-gallon drum, the owner **shall...**" (Refer to page 8.115 for exact requirements).*

III.C.6. Renovation and Demolition Projects:

"Prior to any renovation or demolition in any single family housing which may disturb 50 linear feet of material on pipes, 32 square feet of material on other surfaces, or the volume equivalent of one 55-gallon drum of material identified by the EPA as a suspect asbestos-containing material, the facility component(s) to be affected by the renovation or demolition shall have an inspection performed by a building inspector certified under these regulations. The inspection must be performed to the AHERA standards as given in 40 CFR Part 763 (1992)."

Note: Effective March 30, 2003, State Legislature, House Bill 1016 enacts a quantity change, as well as other regulatory requirements that will alter all of the following minimum level requirements. This format of quantities will remain the same with this notation, until CAQCC Regulation 8 is revised.

"Prior to any renovation or demolition in any public or commercial building which may disturb 260 linear feet of material on pipes, 160 square feet of material on other surfaces, or the volume equivalent of one 55-gallon drum of material identified by the EPA as a suspect asbestos-containing material, the facility component(s) to be affected by the renovation or demolition shall have an inspection performed by a building inspector certified under these regulations. The inspection must be performed to the AHERA standards as given in 40 CFR Part 763 (1992)."

NATIONAL EMISSION STANDARDS for HAZARDOUS AIR POLLUANTS (NESHAPS)

NESHAPS definitions and requirements include:

Section 61.141 Definitions:

"Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions."

"Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling"

operations or the intentional burning of any facility.”

Section 61.145 Standard of demolition and renovation:

“Prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II no friable ACM...”

“If a facility is being demolished...if the combined amount of RACM is at least 260 linear feet on pipes or at least 160 square feet on other facility components, or at least 35 cubic feet off facility components where the length or area could not be measured previously...”

“In a facility being renovated, including any individual nonscheduled renovation operation, if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed... is at least 260 linear feet on pipes or at least 160 square feet on other facility components, or at least 35 cubic feet off facility components where the length or area could not be measured previously...”

Asbestos Hazard Emergency Response Act (AHERA)

AHERA definitions and requirements include:

As referenced in 40 C.F.R. Part 763 (1992), “...requires a minimum number of samples for surfacing materials, thermal system insulating materials, and requires samples in a manner sufficient to determine whether the material is ACM or not ACM for miscellaneous materials.

Occupational Safety and Health Administration (OSHA)

OSHA definitions and requirements include:

Any material that contains over one-percent (1%) of any type of Asbestos is considered Asbestos containing material (ACM) and must be handled according to OSHA and EPA regulations if disturbed.

Compliance and Implementation of OSHA 1926.1101 (replaces OSHA 1926.58) is required, as published, no later than October 01, 1995 which requires the Building Owner Methods of Compliance, Respiratory Protection, Hygiene Facilities and Practices for Employees. Communication of Hazards, Housekeeping, Medical Surveillance and the Designation and Training of Competent Persons, including:

The Building/Facility Owner (including a lessee) must identify the presence, location and quantity of ACM and/or PACM (presumed asbestos-containing material) at the work site before beginning work.

The Building/Facility Owner must notify, (in writing or in person), the presence, location and quantity of ACM or PACM at the work sites to prospective employers whose employees will work in or next to areas with ACM or PACM. Owner's employees who will work in or next to such areas, all employers on multi-employer worksites whose employees will work in or next to such areas, tenants who will occupy such areas, etc.

"An employer or owner may demonstrate that PACM (Presumed Asbestos Containing Material) does not contain asbestos by the following: (A) Having an complete inspection conducted pursuant to the requirements of AHERA (40 CFR Part 763, Subpart E) which demonstrates that the material is not ACM; (B) Performing tests of the material containing PACM which demonstrates that no asbestos is present in the material...the tests, evaluation and sample collection shall be conducted by an accredited inspector."

Note: The aforementioned regulatory phrases are not the regulations in their entirety. Consult the regulatory agency, which may apply.

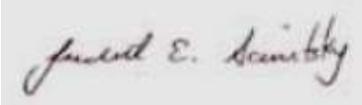
3.1 STATEMENT OF COMPLIANCE

Weecycle recommends the owner use consultants and contractors who have been accredited under Section 206 (b) of the AHERA act and by the Colorado Department of Public Health and Environment Regulation No. 8 to perform the renovations in this facility. It is the responsibility of the owner to meet the requirements as stated in Federal Regulations 40 C.F.R. 763.84 and Colorado Regulation No. 8.

3.2 INSPECTOR STATEMENT OF COMPLIANCE

As the certified Inspector, responsible for the development of this Inspection Report, I certify that it was written and reviewed in full compliance with applicable rules and regulations and as required by Federal regulations and State of Colorado Regulation No. 8.

USEPA/CDPHE Inspector

Signature: 
CDPHE Certification No. 672

Date: 10/24/2013
Exp. Date: 8/16/2014

Signature: 
CDPHE Certification No. 15586
All certifications can be found in Appendix A.

Date: 10/24/2013
Exp. Date: 2/5/2014

4.0 ACM SURVEY

Previously existing ACBM surveys were not made available to Weecycle.

During the current assessment, Weecycle Asbestos Building Inspectors Judith Sawitsky and Chris Schiechl, conducted the Comprehensive Building Asbestos Survey on October 19, 2013. The entire building was available for inspection.

The scope of the survey included; all accessible suspect building material and interior and exterior building finishes, excluding the roof of the building.

Weecycle performed a visual inspection, of all areas within the structure, to determine the presence of suspected asbestos containing building materials. In accordance with AHERA sampling protocols and general industrial hygiene practices, Weecycle confirmed the square footage, determined the homogeneous areas and collected bulk samples of ACBM throughout the building. Bulk material samples were submitted to Reservoirs Environmental, Inc. (AIHA Lab ID 101533) for analysis by Polarized Light Microscopy (PLM).

Homogenous materials were identified and listed prior to developing a sampling plan. Homogenous areas are defined by AHERA protocol as an area, which appears similar throughout in terms of color, texture, and date of application. Samples were collected following the sampling plan. The number of samples collected from each homogenous area was based upon criteria detailed in the following sections.

4.1 HAZARD ASSESSMENT FACTORS

Weecycle conducted a physical assessment of each identified homogeneous material. The assessment included determining the condition, potential for disturbance, and the friability of the material. By definition, friable materials are those which can be crumbled or reduced to powder by hand pressure when dry. Following the evaluation, each material was further classified into one of three categories, which have specific sampling protocol.

Surfacing Materials: Refers to spray or trowel applied materials such as plaster, drywall texture, fireproofing, and spray applied acoustical textures.

Thermal System Insulation: Refers to insulation used to inhibit thermal gain or loss on pipes, boilers, ducts and other building components.

Miscellaneous Materials: Refers to friable and non-friable products and materials that do not fit into the above categories such as sheet flooring, floor tile, adhesives, mastics, roofing material, window

glazing or acoustical ceiling tile.

The condition of all confirmed ACBMs were evaluated as:

- good (no visible damage or showing only very limited damage),
- damaged (less than 25% localized damage or 10% distributed damage),
- significantly damaged (25% or greater localized damage or 10% or greater distributed damaged)

per Title 40 Code of Federal Regulations Part 63.

4.2 SAMPLING STRATGEY

The asbestos inspection was performed In accordance with AHERA requirements and in compliance with Colorado 29 CFR 1926.110. Following these regulations, Weecycle collected the quantified number of samples from each homogenous material

Analytical results, in which the samples collected from a homogenous material were not asbestos containing, all material included in that homogeneous area were considered non-ACM. Samples from a homogenous areas determined to contain asbestos in quantities of one percent (1%) or greater, were treated as ACM, even if there were negative results for other samples collected from that homogenous area.

Miscellaneous materials require adequately representative sampling, which typically involves collecting one to three samples per material. Inspectors relied on observations of the quantity, condition and friability of the material to determine the sufficient number of samples needed to accurately evaluate the presence or absence of asbestos in the material.

Each sample collected in this survey was sealed in an individual air-tight container at the time of sampling and assigned a unique identification number which was recorded on a field notation sheet, the sample container, and a chain of custody form. The sample and the accompanying chain of custody form were then submitted to an accredited laboratory.

4.3 LABORATORY ANALYTICAL RESULTS

Twelve (12) bulk samples of ACBM were collected from the building and analyzed by Reservoirs Environmental, Inc. of Denver, CO using Polarized Light Microscopy (PLM) according to EPA method 600/R-93/116. Reservoirs Environmental, Inc. participates in the National Voluntary Laboratory Accreditation Program (NVLAP), a quality assurance program for PLM analysis.

Any materials that contains greater than one percent (1%) asbestos by PLM analysis is consider an ACM and must be handled in accordance with OSHA, EPA

and applicable state and local regulations. In addition, OSHA defines ACM as building materials containing between one tenth percent and one percent (0.1-1.0%).

Materials which are determined to be “Non-Detect” by PLM analysis for asbestos content need no further verification by Point Counting Methodology. If the amount of asbestos is reported as “Trace”, or less than ten percent (10%) by PLM analysis, the client may either assume the amount to be greater than one percent (1%) and treat the material as ACM or conduct further analysis via Point Count Methodology. If the results of the Point Count differ from the initial PLM result, the Point Count results shall be used.

Laboratory analysis results for this project are summarized in Section 5.0. The laboratory analytical report and chain of custody are included in Appendix D. Appendix E contains drawings of the building with sample locations and depictions of areas determined to contain ACM.

5.0 SUMMARY TABLES OF ASBESTOS CONTAINING MATERIALS

TABLE 1 INTERIOR & EXTERIOR

Homogeneous Material	Material Category	Number of Samples Collected	Sample Number	Location of Material	Friable (Y.N)	Approximate Material Quantity	Asbestos Content
Tar Paper Texture	S	3	TT1-1	Large Room -E Wall Old Door	Y	TBD	ND
			TT1-2	Large Room -E Wall Old Door			ND
			TT1-3	Large Room -E Wall Old Door			ND
Wall Paper Adhesive	S	3	A1-4	Large Room Ceiling	Y	TBD	ND
			A1-5	Large Room Ceiling			ND
			A1-6	Large Room S Wall			ND
Wall Paper Adhesive	S	3	A2-7	Storage Ceiling	Y	TBD	ND
			A2-8	Storage Ceiling			ND
			A2-9	Storage Ceiling			ND
Window Casing Putty	S	3	WP1-10	S Window 1	Y	TBD	ND
			WP1-11	S Window 2			ND
			WP1-12	E Window			3%

Homogeneous Area	Homogeneous Material	Location of Material
A	Tar Paper Texture	Large Room – East Wall
B	Wall Paper Adhesive	Ceiling & Walls Behind Wood
C	Wall Paper Adhesive	Storage Walls & Ceiling
A1	Window Putty	All Exterior Windows

6.0 CONCLUSIONS

The results of this asbestos building survey conducted at 251 Gregory St., Black Hawk, CO 80422, indicate that:

One (1) of the suspect building materials sampled was found to contain more than one percent (1%) asbestos.

- **Window Casing Putty – All Exterior Windows**

Contractors and employees working in this building should be made aware of the possibility that concealed ACM may be found during renovation or demolition. Any discovered material must not be disturbed without consulting the owner or manager of the building to determine if those materials were previously identified and sampled to determine if it was ACM.

Suspect material discovered during renovation or demolition and not identified in this report must be sampled for ACM by a Certified Asbestos Inspector prior to proceeding with work.

At the time of this report, the EPA has not prohibited the manufacture and import of miscellaneous materials, such as vinyl floorings, mastics, roofing materials, etc., which may be asbestos containing. As a result, Weecycle recommends testing of future replacement materials for the presence of asbestos prior to installation.

Inspector field notes, including the sampling log, are attached in Appendix B with laboratory results in Appendix D.

If any material is discovered during renovation or demolition not identified in this report it must be sampled by a Colorado State Certified Asbestos Inspector prior to proceeding with work.

7.0 LIMITATIONS AND ASSUMPTIONS

Weecycle Environmental Consulting, Inc. and the findings presented in this Asbestos Survey Report make no representations or assumption as to past and/or future conditions/occurrences of the specific areas surveyed and are based solely on the conditions that were noted in this report.

The selection of sample locations and frequency of sampling was based on Weecycle's observations and the assumption that like materials in the same area are homogenous in content (as per AHERA definitions).

The inspection **did** incorporate destructive sampling techniques.

It is possible that asbestos-containing materials may be concealed within structures and not identified in this report.

Weecycle is not responsible or liable for any opinions, conclusions or recommendations provided by others regarding the data presented in this Asbestos Survey Report.

Appendix A: Inspector Certifications

STATE OF COLORADO

ASBESTOS CERTIFICATION*

Colorado Department of Public Health
and Environment
Air Pollution Control Division

This certifies that

Chris Schiechl

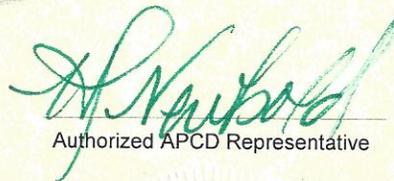
Certification No: 15586

has met the requirements of 25-7-507, C.R.S. and Air Quality Control
Commission Regulation No. 8, Part B, and is hereby certified by the
state of Colorado in the following discipline:

Building Inspector*

Issued: 2/5/2013

Expires on: 2/5/2014



Authorized APCD Representative

** This certificate is valid only with the possession of a current Division-approved training course
certification in the discipline specified above.*

SEAL

STATE OF COLORADO
ASBESTOS CONSULTING FIRM

Colorado Department of Public Health
and Environment
Air Pollution Control Division

This certifies that

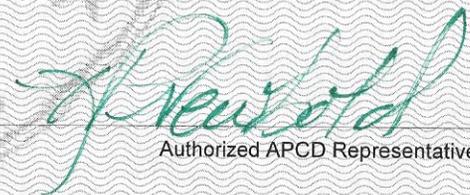
Weecycle Environmental Consulting, Inc.

Registration No. ACF - 15049

has met the registration requirements of 25-7-507, C.R.S. and the Air Quality Control Commission Regulation No. 8, Part B, and is hereby authorized to perform asbestos consulting activities as required under Regulation No 8, Part B, in the state of Colorado.

Issued: January 30, 2013

Expires: January 30, 2014


Authorized APCD Representative

SEAL

Appendix B:
Inspector Field Notes

Date 10/19/13Page 1 of Address: 251 Gregory St
Number: 13-09465
C.S

Sample Identification	Sample Description	Sample Location	Sq. Footage
T1-1	TAR Texture	LARGE ROOM - E WALL OLD DOOR	
T1-2			
T1-3			
T1-4	WALL PAPER ADHESION	LARGE ROOM Ceiling	
T1-5		Ceiling	
T1-6		S WALL	
T1-7		STORAGE IN BACK Ceiling	
T1-8			
T1-9			
T1-10	Window Puddy	S Window 1	
T1-11		S Window 2	
T1-12		E Window	

Inspector Signature & Date: MU 10/19/13

(Comments & miscellaneous on reverse)

KLIST	YES	NO	N/A
Time of inspection			Y
Location sampled			Y
Material sampled			Y
Location material			Y
Material sampled			Y
Material sampled			Y
Material sampled			Y
Wiring present			Y
Wiring sampled			Y
Sampled	X		Y
Under carpet	X		
Heterogeneous areas	X		
Indicate in (to right)		X	
Documentation collected at	X		

Comments:

Fiber glass
 I I

Metal Roof

Appendix C:
Photographic Documentation



Shelf Support



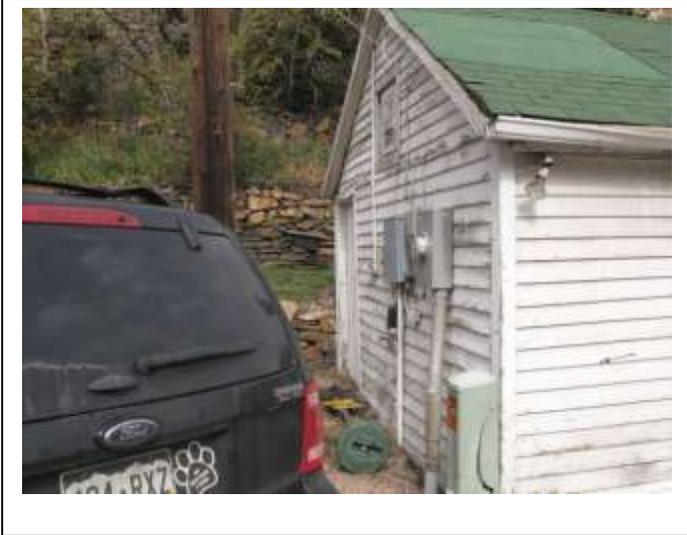
Walls A,B,D and Window Components. All Fascia and Soffits



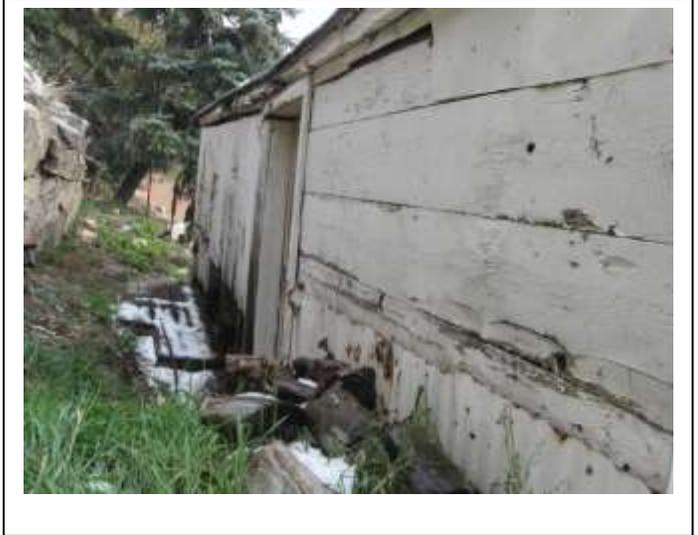
Door Side A



Side A



Side B



Side C



Side D



Appendix D:
Laboratory Results



October 24, 2013

Subcontract Number: NA
Laboratory Report: RES 273243-2
Project # / P.O. # 13-09465 City Black Hawk
Project Description: 251 Gregory St.

Lauren York
Weecycle Environmental
5375 Western Ave. Suite B
Boulder CO 80301

Dear Customer,

Reservoirs Environmental, Inc. is an analytical laboratory accredited for the analysis of Industrial Hygiene and Environmental matrices by the National Voluntary Laboratory Accreditation Program (NVLAP), Lab Code 101896-0 for Transmission Electron Microscopy (TEM) and Polarized Light Microscopy (PLM) analysis and the American Industrial Hygiene Association (AIHA), Lab ID 101533 - Accreditation Certificate #480 for Phase Contrast Microscopy (PCM) analysis. This laboratory is currently proficient in both Proficiency Testing and PAT programs respectively.

Reservoirs Environmental, Inc. has analyzed the following samples for asbestos content as per your request. The analysis has been completed in general accordance with the appropriate methodology as stated in the attached analysis table. The results have been submitted to your office.

RES 273243-2 is the job number assigned to this study. This report is considered highly confidential and the sole property of the customer. Reservoirs Environmental, Inc. will not discuss any part of this study with personnel other than those of the client. The results described in this report only apply to the samples analyzed. This report must not be used to claim endorsement of products or analytical results by NVLAP or any agency of the U.S. Government. This report shall not be reproduced except in full, without written approval from Reservoirs Environmental, Inc. Samples will be disposed of after sixty days unless longer storage is requested. If you have any questions about this report, please feel free to call 303-964-1986.

Sincerely,



Elisha Ellerman for

Jeanne Spencer
President

RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Lab Code 101896-0
TDH Licensed Laboratory # 30-0136

TABLE PLM BULK ANALYSIS, PERCENTAGE COMPOSITION BY VOLUME

RES Job Number: **RES 273243-2**
 Client: **Weecycle Environmental**
 Client Project Number / P.O. **13-09465 City Black Hawk**
 Client Project Description: **251 Gregory St.**
 Date Samples Received: **October 21, 2013**
 Method: **EPA 600/R-93/116 - Short, Bulk**
 Turnaround: **3 Day**
 Date Analyzed: **October 24, 2013**

ND=None Detected
 TR=Trace, <1% Visual Estimate
 Trem-Act=Tremolite-Actinolite

Client Sample Number	Lab ID Number	L A Y E R	Physical Description	Sub Part (%)	Asbestos Content		Non Asbestos Fibrous Components (%)	Non-Fibrous Components (%)	
					Mineral	Visual Estimate (%)			
09465101913 TT1-1	EM 1053034	A	White resinous material	15		ND	0	100	
			B	Gray/multi-colored granular material w/ black tar	25	Trem-Act	TR	0	100
			C	Black fibrous tar	60	Point Count:	<0.25	55	45
09465101913 TT1-2	EM 1053035	A	White resinous material	15		ND	0	100	
			B	Gray/multi-colored granular material w/ black tar	25	Trem-Act	TR	0	100
			C	Black fibrous tar	60	Point Count:	<0.25	55	45
09465101913 TT1-3	EM 1053036	A	White resinous material	15		ND	0	100	
			B	Gray/multi-colored granular material w/ black tar	25	Trem-Act	TR	0	100
			C	Black fibrous tar	60	Point Count:	<0.25	55	45
09465101913 A1-4	EM 1053037	A	Tan fibrous material w/ white paint & brown adhesive	100		ND	60	40	

RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Lab Code 101896-0
TDH Licensed Laboratory # 30-0136

TABLE PLM BULK ANALYSIS, PERCENTAGE COMPOSITION BY VOLUME

RES Job Number: **RES 273243-2**
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ND=None Detected TR=Trace, <1% Visual Estimate Trem-Act=Tremolite-Actinolite
--

Client Sample Number	Lab ID Number	L A Y E R	Physical Description	Sub Part (%)	Asbestos Content		Non Asbestos Fibrous Components (%)	Non-Fibrous Components (%)
					Mineral	Visual Estimate (%)		
09465101913 A1-5	EM 1053038	A	Tan fibrous material w/ white paint & brown adhesive	100		ND	60	40
09465101913 A1-6	EM 1053039	A	Tan fibrous material w/ white paint & brown adhesive	100		ND	60	40
09465101913 A2-7	EM 1053040	A	Tan fibrous material w/ gray/silver coating & brown adhesive	100		ND	70	30
09465101913 A2-8	EM 1053041	A	Tan fibrous material w/ gray/silver coating & brown adhesive	100		ND	70	30
09465101913 A2-9	EM 1053042	A	Tan fibrous material w/ gray/silver coating & brown adhesive	100		ND	70	30

RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Lab Code 101896-0
TDH Licensed Laboratory # 30-0136

TABLE PLM BULK ANALYSIS, PERCENTAGE COMPOSITION BY VOLUME

RES Job Number: **RES 273243-2**
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 Date Analyzed: **October 24, 2013**

ND=None Detected
 TR=Trace, <1% Visual Estimate
 Trem-Act=Tremolite-Actinolite

Client Sample Number	Lab ID Number	L A Y E R	Physical Description	Sub Part (%)	Asbestos Content		Non Asbestos Fibrous Components (%)	Non-Fibrous Components (%)
					Mineral	Visual Estimate (%)		
09465101913 WP1-10	EM 1053043	A	White glazing w/ white paint	100		ND	0	100
09465101913 WP1-11	EM 1053044	A	White glazing w/ white paint	100		ND	0	100
09465101913 WP1-12	EM 1053045	A	Gray glazing	100	Chrysotile	3	0	97

TEM Analysis recommended for organically bound material (i.e. floor tile) if PLM results are <1%.

Analyzed by: 
Liu Wenlong

Data QA: 
Elisha Ellerman

Due Date: 10-24-13
 Due Time: 11:40am



RES 273243

Page 1 of 2

Pager: 303-509-2098

INVOICE TO: (IF DIFFERENT)

CONTACT INFORMATION:

Company: Weecycle Environmental	Company:	Contact: Chris Schiechl	Contact:
Address: 5375 Western Ave. Suite B	Address:	Phone: 303-859-0830	Phone:
Boulder, CO 80301		Fax: 303-413-0710	Fax:
		Cell/pager: 303-859-0830	Cell/pager:
Project Number and/or P.O. #: 13-09465	Final Data Deliverable Email Address:		
Project Description/Location: CITY BLACK HAWK	weecycle@weecycle-env.com		
	Project Description/Location: 251 Gregory St.		

ASBESTOS LABORATORY HOURS: Weekdays: 7am - 7pm <input checked="" type="checkbox"/> PLM / PCM / TEM <input type="checkbox"/> RUSH (Same Day) <input type="checkbox"/> PRIORITY (Next Day) <input type="checkbox"/> STANDARD (Rush PCM = 2hr, TEM = 6hr.) 3 DAY X	REQUESTED ANALYSIS										VALID MATRIX CODES		LAB NOTES:		
	CHEMISTRY LABORATORY HOURS: Weekdays: 8am - 5pm Metal(s) / Dust <input type="checkbox"/> RUSH <input type="checkbox"/> 24 hr. <input type="checkbox"/> 3-5 Day RCRA 8 / Metals & Welding <input type="checkbox"/> RUSH <input type="checkbox"/> 5 day <input type="checkbox"/> 10 day **Prior notification is required for RUSH turnarounds.** Organics <input type="checkbox"/> 24 hr. <input type="checkbox"/> 3 day <input type="checkbox"/> 5 Day MICROBIOLOGY LABORATORY HOURS: Weekdays: 9am - 6pm E.coli O157:H7, Coliforms, S.aureus <input type="checkbox"/> 24 hr. <input type="checkbox"/> 2 Day <input type="checkbox"/> 3-5 Day Salmonella, Listeria, E.coli, APC, Y & M <input type="checkbox"/> 48 Hr. <input type="checkbox"/> 3-5 Day Mold <input type="checkbox"/> RUSH <input type="checkbox"/> 24 Hr <input type="checkbox"/> 48 Hr <input type="checkbox"/> 3 Day <input type="checkbox"/> 5 Day **Turnaround times establish a laboratory priority, subject to laboratory volume and are not guaranteed. Additional fees apply for afterhours, weekends and holidays.** Special Instructions: Please call Chris @ 303-859-0830 with all Rush Results										Air = A	Bulk = B			
Client sample ID number (Sample ID's must be unique)										Sample Volume (L) / Area	Matrix Code	# Containers	Date Collected mm/dd/yy	Time Collected hh/mm a/p	EM Number (Laboratory Use Only)
1	0946510/913	TT1-1													1053034
2		TT1-2													5
3		TT1-3													8
4		A1-4													7
5		A1-5													8
6		A1-6													9
7		A2-7													40
8		A2-8													1
9		A2-9													2
10		A2-10													3

Number of samples received: 12 (Additional samples shall be listed on attached long form.)
 NOTE: REI will analyze incoming samples based upon information received and will not be responsible for errors or omissions in calculations resulting from the inaccuracy of original data. By signing client/company representative agrees that submission of the following samples for requested analysis as indicated on this Chain of Custody shall constitute an analytical services agreement with payment terms of NET 30 days, failure to comply with payment terms may result in a 1.5% monthly interest surcharge.

Relinquished By: <u>[Signature]</u>	Date/Time: <u>10/21/13</u>	Sample Condition: On Ice <input type="checkbox"/> Sealed <input type="checkbox"/> Intact <input checked="" type="checkbox"/>
Laboratory Use Only	Received By: <u>[Signature]</u>	Temp. (F°) <u>10-21-13</u> Yes / No <input type="checkbox"/> Yes / No <input type="checkbox"/> Yes / No <input checked="" type="checkbox"/>
Carrier: <u>WILLIAM COWLEY</u>		
Results:	Contact Phone Email Fax Date Time Initials	Contact Phone Email Fax Date Time Initials
	Contact Phone Email Fax Date Time Initials	Contact Phone Email Fax Date Time Initials

RES Job # 273243

Page 2 of 2

Submitted by: Weecycle Env. 13-09465

Client sample ID number		(Sample ID's must be unique)
11	09465101913	WPI-11
12		WPI-12
13		
14		
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41		

PLM - Short report, Long report, Point Count TEM - AHERA, Level III, 7402, ISO, +/-, Quant. Semi-quant Micro-vac, ISO-Indirect Preps PCM - 7400A, 7400B, OSHA DUST - Total, Respirable METALS - Analyte(s) RCRA 8, TCLP, Welding Fume, Metals Scan ORGANICS - BTEX, MTBE, 8260, GRO, METH Salmonella +/- E.coli O157:H7 +/- Listeria +/- Aerobic Plate Count +/- or Quantification E.coli +/- or Quantification Coliforms +/- or Quantification St aureus +/- or Quantification Yeast/Mold +/- or Quantification OTHER -	REQUESTED ANALYSIS	VALID MATRIX CODES	LAB NOTES:
	Sample Volume (L) / Area Matrix Code # Containers Date Collected mm/dd/yy Time Collected h:mm a/p	Air = A Bulk = B Dust = D Paint = P Soil = S Wipe = W Swab = SW Drinking Water = DW Waste Water = WW O = Other **ASTM E1792 approved wipe media only**	EM Number (Laboratory Use Only)
66		R 10/9/13	1053044 S

WEecycle ENVIRONMENTAL CONSULTING, INC.

5375 Western Avenue, Suite B
Boulder, Colorado 80301
(303) 413-0452 Fax (303) 413-0710

October 18, 2013

Cindy Linker
City of Black Hawk
PO BOX 68
Black Hawk, CO 80422

RE: Indoor Air Quality (IAQ) Visual at 251 Gregory St., Black Hawk, CO 80422

Dear Ms. Linker,

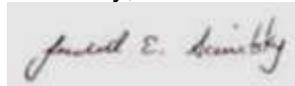
On October 3, 2013, Weecycle Environmental Consulting, Inc. conducted a visual mold inspection at the property located at 251 Gregory St., Black Hawk, CO 80422.

Visible microbial growth and/or water damage was observed at the time of this evaluation.

In conclusion, at the time of inspection, further investigation including opening up the walls at the property is recommended to determine the amount of remediation that will be required.

Weecycle assigned Job# 13-09265 to this study. For any additional services, including questions regarding this report, or to request additional scope of work, please call 303-413-0452.

Sincerely,



Judith Sawitsky
CMC #0607101



WEECYCLE ENVIRONMENTAL CONSULTING, INC.

5375 Western Avenue, Suite B
Boulder, Colorado 80301
(303) 413-0452 Fax (303) 413-0710

October 2, 2013

Cindy Linker
City of Black Hawk
PO Box 68
Black Hawk, CO 80422

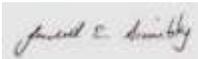
RE: Radon results for 251 Gregory St., Black Hawk, CO 80422 (the Property)

Dear Ms. Linker,

Weecycle Environmental Consulting collected radon samples at the property. Results of sampling indicate levels within the acceptable limits. The EPA acceptable level for radon is <4.0 pCi/L. The results indicate an average reading of 1.9 pCi/L.

Please contact Judith Sawitsky at 303-413-0452, if you have questions regarding this report.

Sincerely,



Judith Sawitsky
President

RADON

Analytical Laboratories, Inc.
16848 Southpark Dr, #100 Westfield, IN 46074-8898
317-867-7688

NRPP/NEHA Laboratory Certification # 101081 AL
Indiana Radon Certification # 00224

Radon Laboratory Report

CUSTOMER

WeeCycle Environmental Consulting
5375 Western Avenue Suite B
Boulder CO 80301

TEST LOCATION

251 Gregory Street
Black Hawk CO

Start Date: 9/23/2013

Stop Date: 9/25/2013

Analysis Date: 10/1/2013

Charcoal Canister Serial #

86764

Location Tested

1st Floor front room

Results

1.2 pCi/l

pCi/l

The radon test average of these duplicate measurements is:

pCi/l

If this test is being done for a real estate transaction see information below.

Testing Co. Name: WeeCycle Environmental Consulting

Placed By: C.S.

State License #

Type of Test: Screening

Notes: emailed

RMP Device Code: 01017 4" open face 02014 4" diffusion

Notice For Real Estate Transactions

>> **EPA recommends taking further action to reduce the home's indoor radon levels when the test results are 4 pCi/L or higher.** Radon levels less than 4 pCi/L still pose some risk. If your levels are between 2 and 4 pCi/L, EPA recommends that you **consider** fixing your house.

EPA protocols recommend that residential radon tests be performed in the lowest level that can be used as living space. If lower occupiable levels exist other than those tested, additional tests should be performed prior to occupancy. (See page 7, EPA document #402-R-93-003, "Home Buyer's and Seller's Guide to Radon") These protocols also require that two passive devices be exposed in the same location (concurrently or sequentially) and that the results be averaged. A single continuous radon monitor may be used for screening test purposes. This laboratory report should not be used as a final report unless all protocol requirements are documented by the testing organization. Note: EPA Protocols do not require two test devices for diagnostic or existing homeowner tests.

LIMITATION OF LIABILITY: While we make every effort to maintain the highest possible quality control and include several checks in our procedures, we make NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED for the consequences of erroneous test results. Neither Radon Analytical Laboratories Inc., nor any of its employees or agents, shall be liable under any claim, charge, or demand, whether in tort or otherwise, for any and all loss, cost, charge, claim, fee, expense or damage of any nature or kind arising out of, connected with, resulting from, or sustained as a result of any radon test requested.



City of Black Hawk, Colorado

PO Box 68, 271 Gregory Street
 Black Hawk, CO 80422
 Ph: (303) 582-2223 Fax: (303) 582-2239

INSPECTION REPORT

To request an inspection, call 303-582-0615

Job Address 251 Gregory St.
 Permit Number _____ Date of Inspection 2/26/14
 Contact Name/Phone Number _____
 Additional Information HISTORICAL BUILDING SURVEY

Construction or work for which a permit is required shall be subject to inspection and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. All inspections marked failed below MUST be reinspected. If a reinspection fee has been noted below, no further inspections will be conducted until the fee has been paid.

REINSPECTION FEE DUE – Amount \$ _____

Inspection Result(s)

Called	Inspection Type	Pass	Partial	Fail
	CONST. METER			
	FOOTINGS/CAISSONS			
	FOUNDATION			
	DAMPROOFING			
	UNDERGROUND PLBG			
	ROUGH PLUMBING			
	GAS PIPING			
	ROUGH MECHANICAL			
	ROUGH ELECTRICAL			
	TEMP HEAT ELECTRICAL			
	FRAMING			
	INSULATION			
	DRYWALL FASTENING			
	MID-ROOF			
	ROOF			
	MASONRY/LATH			

Called	Inspection Type	Pass	Partial	Fail
	FIRE PROTECTION			
	UNDERGROUND ELECT			
	ELECTRICAL SERVICE			
	FIREPLACE/GAS LOG			
	WATER SERVICE			
	SEWER SERVICE			
	BACKFLOW PREVENTER			
	FINAL PLUMBING			
	FINAL MECHANICAL			
	FINAL ELECTRICAL			
	FINAL BUILDING			
	ENFORCEMENT ACTION			
	CONSULTATION			
	PERMIT COMPLETE			

Comments: wood frame building - 24'5" x 14'3" (24'5" @ north & south elevations - gable roof w/ ridge running east-west)
Wall top plate height = 7'2" ; ridge height = 12'5"
Windows: 2 - 5'-9" h x 2'-10" w (6'-4" h x 3'-7" w to trim) @ south elevation
2 - 4'-5" h x 2'-10" w (5'-0" h x 3'-5" w to trim) @ east elevation
Doors: 1 - 6'-6" x 2'-8" @ south; 1 - 6'-7" x 2'-8" @ west; 1 - 2'-8" x 6' @ north
Siding: lap siding w/ 4 1/2" reveal @ west & south elevations
vertical board & batten, 6" o/c @ east elevation
plywood, horiz. plank, & corrugated steel @ north elevation

Inspector: _____



City of Black Hawk, Colorado

PO Box 68, 271 Gregory Street
Black Hawk, CO 80422
Ph: (303) 582-2223 Fax: (303) 582-2239

INSPECTION REPORT

To request an inspection, call 303-582-0615

Job Address 251 Gregory St.
Permit Number _____ Date of Inspection 2/26/14
Contact Name/Phone Number _____
Additional Information _____

Construction or work for which a permit is required shall be subject to inspection and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. All inspections marked failed below MUST be reinspected. If a reinspection fee has been noted below, no further inspections will be conducted until the fee has been paid.

REINSPECTION FEE DUE – Amount \$ _____

Inspection Result(s)

Called	Inspection Type	Pass	Partial	Fail
	CONST. METER			
	FOOTINGS/CAISSONS			
	FOUNDATION			
	DAMPROOFING			
	UNDERGROUND PLBG			
	ROUGH PLUMBING			
	GAS PIPING			
	ROUGH MECHANICAL			
	ROUGH ELECTRICAL			
	TEMP HEAT ELECTRICAL			
	FRAMING			
	INSULATION			
	DRYWALL FASTENING			
	MID-ROOF			
	ROOF			
	MASONRY/LATH			

Called	Inspection Type	Pass	Partial	Fail
	FIRE PROTECTION			
	UNDERGROUND ELECT			
	ELECTRICAL SERVICE			
	FIREPLACE/GAS LOG			
	WATER SERVICE			
	SEWER SERVICE			
	BACKFLOW PREVENTER			
	FINAL PLUMBING			
	FINAL MECHANICAL			
	FINAL ELECTRICAL			
	FINAL BUILDING			
X	ENFORCEMENT ACTION			
	CONSULTATION			
	PERMIT COMPLETE			

Comments Structural observations:
approx 2"-3" sag @ north wall top plate
east & west walls vertically plumb
north & souths lean approx. 1/4" per vert. foot to south
signs of lap siding deterioration due to age & weathering
no signs (from exterior) of gross structural failure

Inspector: [Signature]
2 of 2

City of Black Hawk



Gregory Street Sub-Area Plan

Comprehensive Plan Amendment

Chapter V:

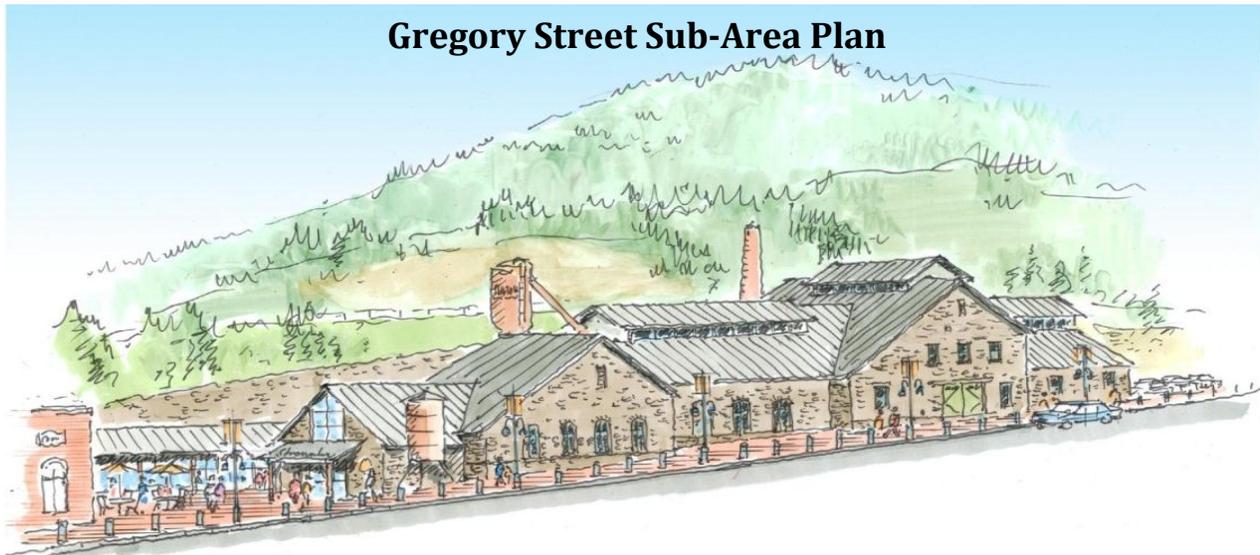
H. Gregory Street Sub-Area Plan



Learn from rich history and create a successful future

*Prepared for the City of Black Hawk, Colorado
by Baseline Engineering Corporation*

*As adopted by the City Council on
October, 23 2013*



The Gregory Street Sub-Area Plan (Aerial I below) is an effort to preserve Black Hawk's rich history reflected today in the core of downtown, primarily along Gregory Street. The proposed Sub-Area is characterized by some old residential homes and strong 2-3 story flat-faced commercial architecture common to the 19th century mining era. The tightness of the buildings and their close proximity to the street will create a personal commercial experience that will be a valid asset in the City of Black Hawk. Over the years, the Gregory Street Corridor and buildings have been affected by nature, time, and additional vehicular activity that came along with gaming opportunities. The Gregory Street Sub-Area plan will make it possible to preserve some of the original architecture and historic character of the City, while transforming the Gregory Street corridor into a destination district (see Concept Images I-IV below) for both visitors and local residents.

The Gregory Street Sub-Area is bounded by properties just south of Gregory Street, High Street and Church Street to the north, Main Street to the east, and Cooper Street to the west (see Comprehensive Plan Aerial I).

To help establish the Sub-Area and preserve its historic character, significant alterations are proposed for Gregory Street, it will be relocated to the south in order to create a pedestrian plaza area where a significant portion of the existing street is located. This alteration will necessitate rehabilitation, repair, reconstruction, restoration, additions, and new development of buildings in the Sub-Area as well as the needed and associated infrastructure. This Sub-Area plan envisions a pedestrian style plaza adjacent to the relocated (vehicular) Gregory Street to separate the new "Pedestrian Street/Plaza" from the relocated vehicular street. Below are conceptual plans for the Gregory Street redevelopment (see Concept Plan I & Concept Plan II).

Restored and new facilities in the Sub-Area will be dedicated to serving the public and create new opportunity for Black Hawk by adding another destination resort component in the City in its effort to establish Black Hawk as a destination resort community.



Comprehensive Plan Aerial I



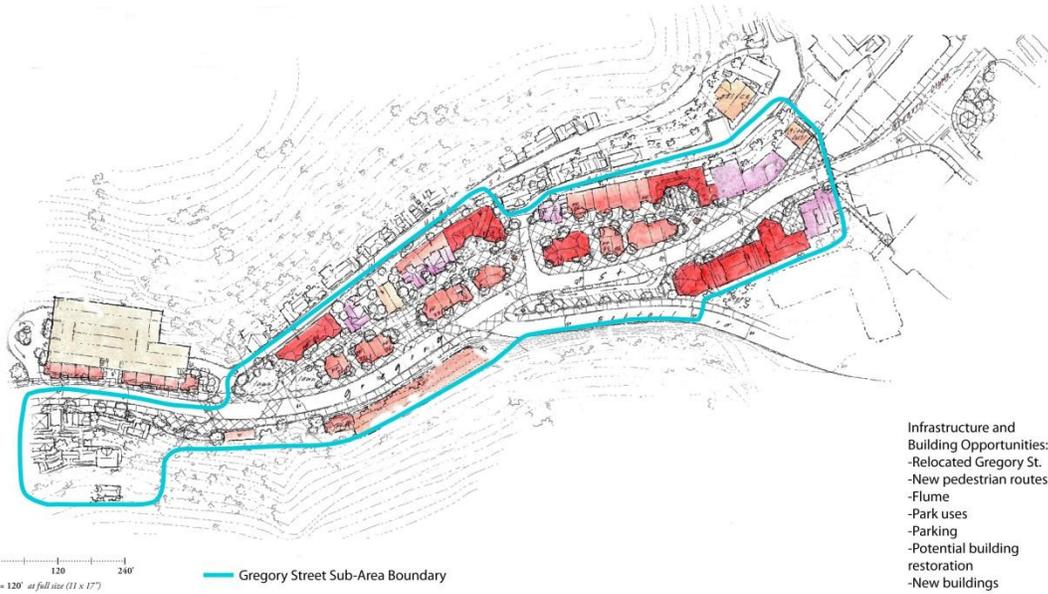
Gregory Street Sub-Area Boundary

Concept Plan I: Sub-Area and Possible Uses – Illustrative Site Plan

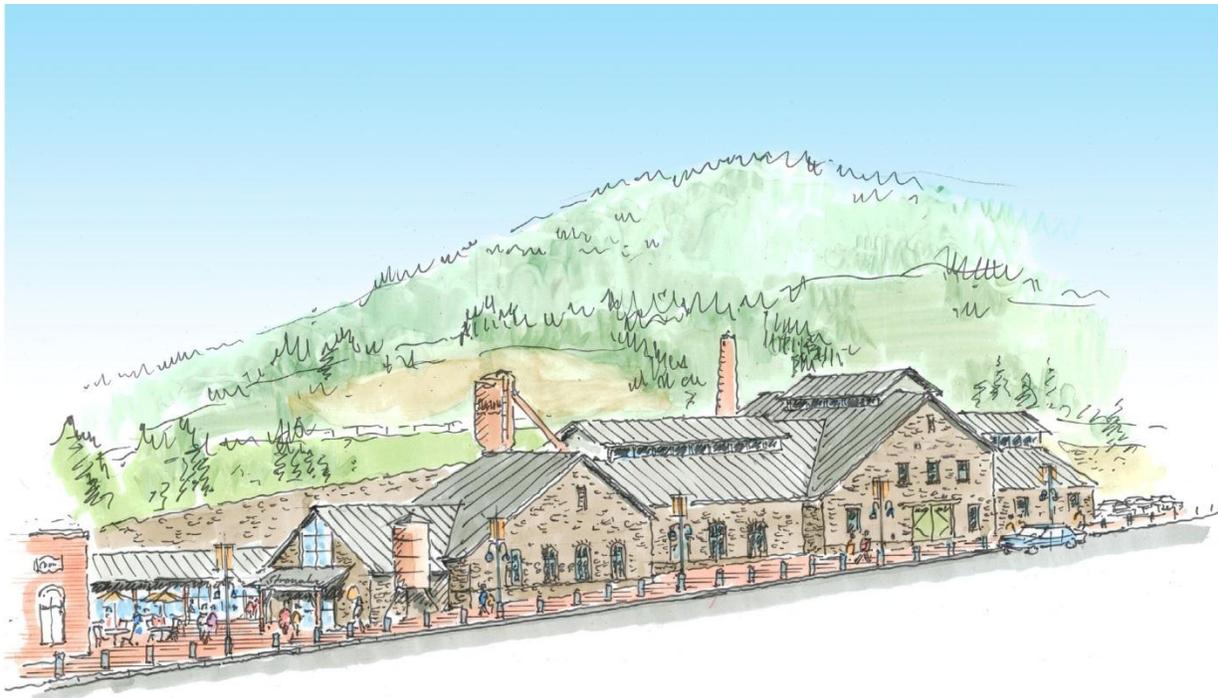




Concept Plan II: Infrastructure and Building Opportunities

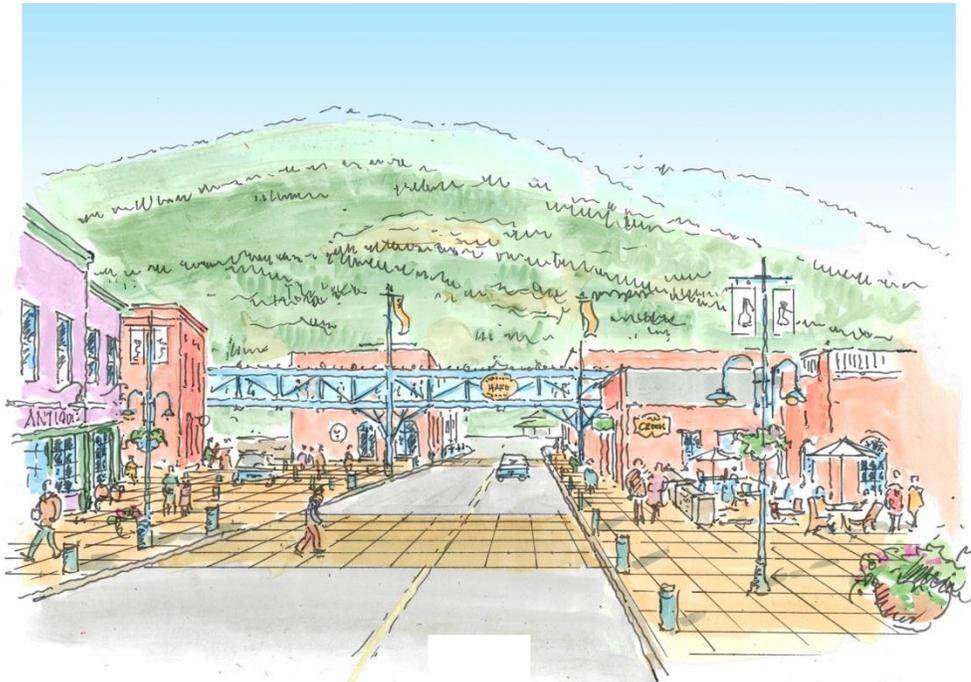


Concept Image I – View from new Gregory Street toward new “Pedestrian Street”





Concept Image II – Gregory Street view toward Main Street

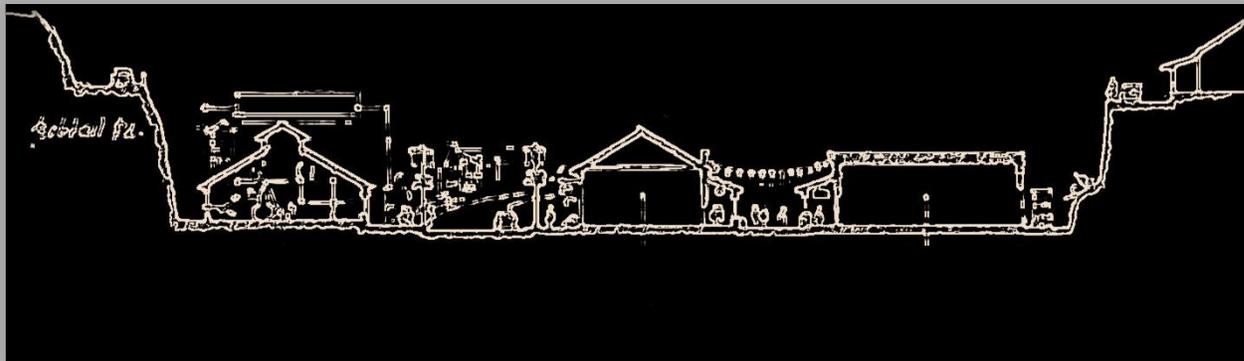
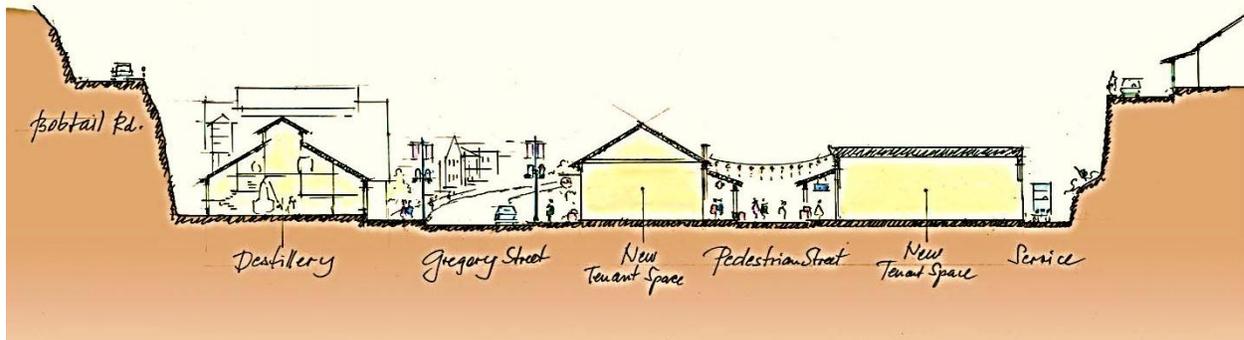


Concept Image III – Streetscape Character

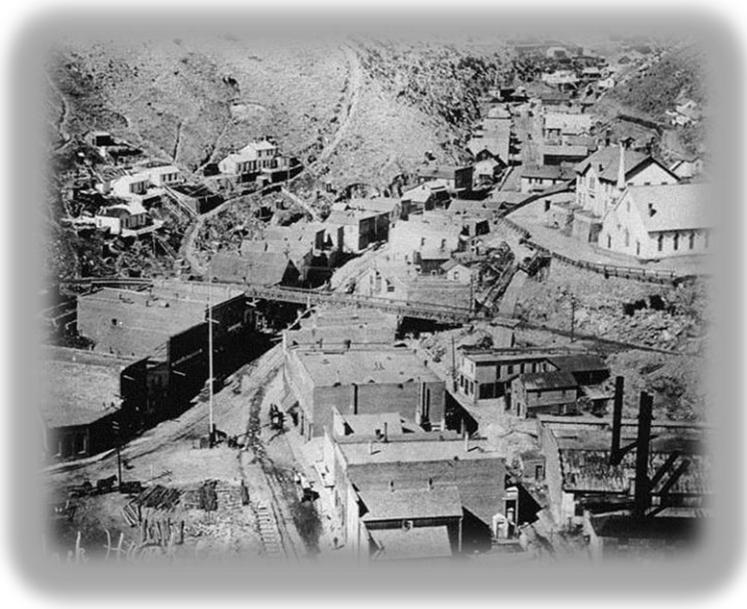




Concept Image IV – Typical cross section viewed toward West.



Learn from the rich history and create a successful future



Gregory Street – late 1800's

**RESOLUTION 24-2014, A
RESOLUTION APPROVING
THE CONTRIBUTED
FUNDS AGREEMENT
BETWEEN THE CITY OF
BLACK HAWK AND THE
BUREAU OF LAND
MANAGEMENT**

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 23-2014

TITLE: A RESOLUTION APPROVING THE CONTRIBUTED FUNDS AGREEMENT BETWEEN THE CITY OF BLACK HAWK AND THE BUREAU OF LAND MANAGEMENT

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

Section 1. The Contributed Funds Agreement between the City of Black Hawk and the Bureau of Land Management, 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 _____ day of _____, 2014.

David D. Spellman, Mayor

ATTEST:

Jeanie M. Magno, CMC, City Clerk

CONTRIBUTED FUNDS AGREEMENT
Between
United States Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
and
City of Black Hawk
P.O. Box 68
Black Hawk, Colorado 80422

I. AUTHORITY

Section 307 of the Act of October 21, 1976, (43 U.S.C. 1737), authorized the Bureau of Land Management (BLM) to enter into contracts and agreements with and to accept contributions of services for the management, protection, development, acquisition and conveying of the public lands.

II. PURPOSE

It is the purpose of this contributed funds agreement (CFA) to establish an agreement between the City of Black Hawk (Contributor) and BLM with respect to certain services to be furnished by BLM and certain services to be provided by Contributor in conjunction with a proposed direct sale of public lands as described in Attachment A. The proposed sale is being considered pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713). This CFA applies only to the services to be provided by the parties involved for the consideration of the proposed sale and does not constitute a commitment or a decision on the part of BLM to consummate the sale.

III. AGREEMENT

Contributor agrees to voluntarily contribute those services more specifically described in Attachment B to BLM in the interest of expediting the work necessary to enable BLM to make a decision on the proposed land sale. BLM agrees to provide the services described in Attachment B for the purpose of processing the proposed sale and reaching a decision. The parties understand and agree, however, that the purpose of this CFA is limited to the provision of contributed services and funding and that it does not control any matter beyond the scope of this agreement. Since the performance of work by BLM under this agreement is partially dependent upon appropriation and allocation of funds by Congress this agreement shall be contingent upon such appropriations and allocations. Further, BLM is required to process this sale in accordance with the regulations at 43 CFR Parts 1600 and 2700 which require certain actions on the part of BLM, and this proposal may have to be abandoned as a result of information obtained through this procedure. The failure of Congress to appropriate funds or the absence of any allocation of funds, as well as the abandonment of this proposal as a result of new information obtained during processing shall relieve BLM from all obligations under this agreement. No liability shall occur to BLM in case the proposal must be abandoned.

IV. GENERAL PROVISIONS

- A. The BLM will furnish no services pursuant to this CFA other than those services identified in Attachment B of this CFA or any amendment thereto.
- B. The services or funds contributed by Contributor pursuant to this CFA are strictly voluntary and for the purpose of obtaining the services from BLM specified in Attachment B of this CFA.
- C. A lack of contributed funds or services from Contributor shall require BLM to cease providing services under this CFA.
- D. This agreement applies only to the services to be provided by the parties involved for the consideration of a land sale identified in Attachment A and does not reflect a favorable decision on the proposal by BLM.

V. CONDITIONS

This CFA shall be effective as of the date signed by Contributor and the authorized office of BLM. Either party to this CFA may terminate this agreement after 30 days prior notice to the other party. During the intervening 30 days, the parties agree to actively attempt to resolve any outstanding disputes or disagreements. This CFA may be modified, in writing, with the consent of the parties.

The Royal Gorge Field Office Manager, BLM, is hereby designated the authorized officer to act for the BLM under the CFA and is responsible for ensuring that BLM complies with all the terms and conditions of this CFA.

IN WITNESS WHEREOF, the parties hereto have executed this Contributed Funds Agreement as of the last date written below.

Bureau of Land Management

City of Black Hawk

Signature

signature

Typed Name

Typed Name

Typed Title

Typed Title

Date

Date

ATTACHMENT A

LEGAL DESCRIPTION

The sale parcel will be a tract of public land of approximately 6.72 acres in size, more or less, located in T.3 S., R. 73 W., Section 12: Lots 20, 21, 23 and 24.

ATTACHMENT B

1. Services of Contributor (Sale Proponent)

a) Contributor agrees to reimburse BLM for the costs incurred by BLM in processing the documents and reports listed in Attachment C (Total Contributed Funds).

b) Contributions shall be made in the form of a deposit and must be made in advance of services rendered.

c) In the event that BLM's actual costs exceed the estimated processing costs, the contributor will pay the difference. In the event that contributed funds exceed the final incurred costs by BLM, BLM will promptly refund any excess amount.

d) Contributor agrees to prepare for BLM review and acceptance an environmental document that will satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C.4321, et seq. and related requirements, including the Council on Environmental Quality (CEQ) Regulations 40 CFR Parts 1500-1508. Contributor, or the contributor's environmental consultant, shall provide any cultural resource or Threatened or Endangered Species inventories as may be required for the analysis of the proposed project. BLM will work with the consultant to provide necessary information for the writing of the environmental document and for the timely review of same.

2. Services provided by BLM

a) Processing

BLM shall accept and process a proposal for a land sale involving the land described in Attachment A. Processing shall include, but shall not be limited to, preparation of necessary mineral reports and reviews; consultation with appropriate Federal, State and local officials; issuance of Notice of Realty Action; requesting of fair market appraisal from the Office of Valuation Services, and providing other necessary adjudicative actions consistent with the final determination of BLM.

b) Coordination

BLM will provide technical review of environmental reports provided by the contributor. Additionally, BLM will provide schedules for processing the proposed sale and suggested due dates for receipt of contributed work and funds to maintain the schedule.

ATTACHMENT C

Black Hawk Sec. 307 Contributed Funds Land Sale

Steps	Responsible Party	Completion Date	Black Hawk		Est. Contributed Funding	Notes
			Funded	Contributed		
Records Review & Development of Final Proposal	BLM/Black Hawk	3/14		X	\$1,715.00	
NORA Preparation & Notifications	BLM	3/14		X	\$1,200.00	BH Provide List Adj. Landowners
Publication of NORA in Federal Register	BLM	5/14		X	\$350.00	BLM Provides Document & Instructions
Publication in Local Newspaper	Black Hawk	5/14	X			N 1/2 of Section 12
Survey input into GCDB for GIS mapping	BLM			X	\$4,000.00	
Review Cultural Inv., Native American Consultation	BLM	11/14		X	\$250.00	
Preparation of Environmental Site Assessment	Black Hawk	9/14	X			
Preparation or Review of Mineral Report	BLM	9/14		X	\$2,310.00	
Assemble Appraisal Request	BLM	9/14		X	\$350.00	
Appraisal *	OVS	12/14	X			Black Hawk will Fund OVS Directly
Environmental Assessment	BLM	12/14		X	\$1,900.00	
NORA Preparation & Notifications	BLM	1/15		X	\$475.00	
Publication of NORA in Federal Register	BLM	1/15		X	\$350.00	
Publication in Local Newspaper	Black Hawk	1/15	X			BLM Provides Document & Instructions
Patent Preparation and Records Notations	BLM	4/15		X	\$500.00	
Subtotal Contributed Funding **					\$13,400.00	
Indirect Rate for 2014 is 22.9 percent					\$3,068.00	
Total Contributed Funds					\$16,468.00	

* Office of Valuation Services will determine cost of appraisal and Black Hawk will fund them directly.

** Time and cost to process possible protests or appeals has not been addressed.

**RESOLUTION 25-2014, A
RESOLUTION APPROVING
THE AGREEMENT FOR
PURCHASE AND SALE OF
WATER RIGHTS
BETWEEN THE CITY OF
BLACK HAWK AS SELLER
AND THE CONSOLIDATED
MUTUAL WATER
COMPANY AS BUYER**

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 25-2014

TITLE: A RESOLUTION APPROVING THE AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHTS BETWEEN THE CITY OF BLACK HAWK AS SELLER AND THE CONSOLIDATED MUTUAL WATER COMPANY AS BUYER

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

Section 1. The Agreement for Purchase and Sale of Water Rights between the City of Black Hawk as Seller and the Consolidated Mutual Water Company as Buyer, 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 _____ day of _____, 2014.

David D. Spellman, Mayor

ATTEST:

Jeanie M. Magno, CMC, City Clerk

**AGREEMENT FOR PURCHASE
AND SALE OF WATER RIGHTS**

THIS AGREEMENT is dated the last date written below between the **CITY OF BLACK HAWK**, a Colorado Home Rule Municipal Corporation, who address is P.O. Box 68, Black Hawk, Colorado 80422 (hereinafter "**Seller**"), and **THE CONSOLIDATED MUTUAL WATER COMPANY**, a Colorado nonprofit corporation, whose legal address is 12700 West 27th Ave., Lakewood, Colorado 80215 (hereinafter referred to as "**Buyer**").

FOR AND IN CONSIDERATION of the mutual covenants and promises contained herein, the parties agree as follows:

1. **Property.** Seller agrees to sell and convey to Buyer by special warranty deed (the "Warranty Deed"), 6/40ths of one share of the Agricultural Ditch and Reservoir Company, represented by Certificate Nos. 5727 and 5728 (the "Water Rights") and standing in the name of the City of Black Hawk on the books and records of the Agricultural Ditch and Reservoir Company, together with an assignment of Share Certificate Nos. 5727 and 5728 to Buyer.
2. **Purchase Price.** Buyer agrees to pay Seller the total purchase price (the "Purchase Price") of Seventy Five Thousand Dollars (\$75,000.00) for the Water Rights by wire transfer of immediately available funds at Closing as provided in paragraph 5, below.
3. **Costs.** Buyer and Seller shall each be responsible for the fees and expenses of its own attorneys
4. **Cooperation.** Seller, for itself, its agents, representatives, assigns, experts and attorneys agrees to provide to Buyer, its agents, representatives, experts and attorneys, such information in Seller's possession as may be reasonably requested by the Buyer in order to prosecute a Water Court application(s). Seller shall, at its own expense, provide non-expert factual testimony or other information reasonably requested by the Buyer in order to prosecute said Water Court application(s); provided, however, Seller shall not be required to create documents or provide information not readily available to Seller or which otherwise would result in any material cost or expense to Seller.
5. **Closing.** The Closing shall occur at the offices of Buyer at 12700 West 27th Ave., Lakewood, Colorado 80215, at 10:00 a.m. on April 24, 2014. It is further agreed, however, that said closing date can be changed by mutual written agreement of the parties. Buyer will furnish the Purchase Price to Seller by wire transfer of immediately available funds at Closing or by a check in a form acceptable to Seller.
6. **Representation and Warranties:**
 - 6.a. **Seller's Authority to Sell.** Seller warrants and agrees: that it is, and on the closing date will be, the lawful owner of the Water Rights; that it has full authority to sell and deliver the

same to Buyer in accordance with this Agreement; and that it has the full right, power and authority to execute this Agreement, endorse over the stock certificate, execute the stock assignment, and issue the Warranty Deed. Delivery of the stock certificate, stock assignment and Warranty Deed will transfer good title thereto, free and clear of all liens, assessments, encumbrances and claims.

6.b. Litigation. Within seven days following Closing, Seller will move the Water Court for Water Division No. 1 to withdraw the Water Rights from Seller's pending application in Case No. 2012CW303.

6.c. Buyers' Inspections and Investigations. Buyer shall rely solely on its own inspections and investigations in deciding whether to purchase the Water Rights.

7. Confidentiality. To the extent permitted by law the terms and provisions of this Agreement and any information provided pursuant to Paragraph 4, above, shall remain confidential and shall not be disclosed to any third party other than select attorneys, lenders, accountants, and other experts working on behalf of Seller and/or Buyer, provided that Seller and Buyer shall instruct such parties of the confidential nature of this proposed transaction prior to providing any such information to such parties. Notwithstanding the foregoing, Seller and Buyer acknowledges that this Agreement may be subject to the Colorado Open Records Act.

8. Time of the Essence and Remedies. Time is of the essence under this Agreement and under each provision hereof. If any note or check received as earnest money hereunder, or any other payment due hereunder is not paid, honored or tendered when due, or if any other obligation hereunder is not performed as herein provided, there shall be the following remedies:

8.a. If the Buyer is in default, Seller may treat this Agreement as being canceled, and Seller may recover such additional damages, together with its court costs and attorneys' fees, as may be proper.

8.b. If the Seller is in default, Buyer may either elect to treat this Agreement as canceled, in which case all payments and things of value received hereunder, shall be returned to Buyer and Buyer may recover such additional damages, together with its court costs and attorneys' fees, as well as experts' fees, as may be proper, or Buyer may elect to treat this agreement as being in full force and effect, and the Buyer shall have the right to specific performance or damages, or both, together with court costs and attorneys' fees.

9. Notices. Any notice, consent, waiver, request or other communication required or provided to be given under this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when: (a) delivered personally; (b) confirmed by facsimile transmittal; (c) three business days after deposited with the United States Postal Service by certified or registered mail, return receipt requested, postage prepaid; or (d) confirmed delivered by a nationally recognized overnight delivery service, in any event, addressed to the applicable Party as follows:

If to Seller: Mr. Jack Lewis, City Manager
City of Black Hawk
P.O. Box 68
211 Selak Street
Black Hawk, Colorado 80422

With copies to: Harvey W. Curtis, Esq.
Harvey W. Curtis and Associates
8310 South Valley Highway, Suite 230
Englewood, Colorado 80112

Corey Hoffmann, Esq.
Hayes Phillips Hoffmann & Carberry, PC
1530 16th Street, Suite 200
Denver, Colorado 80202
Greenwood Village, CO 80111

If to Buyer: Michael E. Queen, President
The Consolidated Mutual Water Company
12700 West 27th Avenue
Lakewood, Colorado 80215

With copies to: Evan D. Ela, Esq.
Collins Cockrel & Cole
390 Union Boulevard, Suite 400
Lakewood, Colorado 80228-1556

10. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the successors, and assigns of the respective parties hereto.

11. **Anti-Merger Clause.** This Agreement and each provision hereof shall survive the Closing and shall not merge with deed and stock assignment delivered at Closing.

12. **Effective Date.** The "Effective Date" of this Agreement shall be the date last written below.

13. **Broker Commission.** Each of the parties represents to the other that such party has not incurred any brokerage commission or finder's fee as a result of this transaction, and each party agrees to indemnify the other party against any such claim.

14. **Entire Agreement; Modification.** This Agreement embodies the entire agreement and understanding between Seller and Buyer, and supersedes any prior oral or written agreements, relating to this transaction. This Agreement may not be amended, modified or supplemented except in writing executed by both Seller and Buyer. No term of this Agreement shall be waived unless done so in writing by the party benefitted by such term.

15. **Governing Law; Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any court action brought by one party against the other shall be in the District Court for Gilpin County, Colorado.

16. **Severability.** If any term of this Agreement or any application thereof shall be held to be invalid or unenforceable, the remainder of this Agreement and any other application of such term shall not be affected thereby.

17. **Construction.** This Agreement shall not be interpreted in favor of or against either Seller or Buyer merely because of their respective efforts in preparing it.

18. **Captions, Gender, Number and Language of Inclusion.** The paragraph headings in this Agreement are for convenience of reference only and shall not define, enlarge, limit or prescribe the scope, meaning or intent of any term of this Agreement. As used in this Agreement, the singular shall include the plural and vice versa, and words of gender shall include any other gender.

19. **Counterparts/Facsimile Signatures.** A copy of this document may be executed by each party, separately, and when each party has executed a copy thereof, such copies taken together shall be deemed a full and complete agreement between the parties. This document may be executed and delivered between the parties by facsimile and/or e-mail.

THE CONSOLIDATED MUTUAL WATER
COMPANY, a Colorado Nonprofit Corporation,

April 14, 2014
Date

By: [Signature]
Michael E. Queen, President
Name Title

ACCEPTED BY SELLER:

CITY OF BLACK HAWK,
a Colorado Home Rule Municipal Corporation,

Date

By: _____

Name

Title

APPROVED AS TO FORM:

Corey Hoffmann, City Attorney

**SPECIAL WARRANTY DEED
(WATER RIGHTS)**

THIS DEED, made this ____ day of _____, 2014, between the CITY OF BLACK HAWK, COLORADO, a municipal corporation of the State of Colorado, with offices at 201 Selak Street, Black Hawk, CO 80422, ("Grantor") and THE CONSOLIDATED MUTUAL WATER COMPANY, a Colorado non-profit corporation, whose address is 12700 West 27th Avenue, Lakewood, CO 80215 ("Grantee").

WITNESSETH, that Grantor, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, sold and conveyed, and by these presents does grant, sell, convey and confirm unto Grantee and Grantee's successors and assigns forever, all of the following described property situate lying and being in the County of Jefferson, State of Colorado described as follows (the "Subject Property"):

a. Shares: All of Grantor's right, title and interest in 6/40ths of one share represented by Stock Certificate Nos. 5727 and 5728 (such certificates issued in Grantor's name) of the Agricultural Ditch and Reservoir Company (the "Shares"), the Shares equivalent to, and entitling owner thereof to, water delivery under the operating rules of the Agricultural Ditch and Reservoir Company at the rate of 6 inches; and

b. Beneficial Ownership. All of Grantor's beneficial right, title and interest in all water, water rights, ditches, ditch rights, reservoirs, reservoir rights, pipelines, pipeline rights, easements, easement rights, and all other assets, rights, title or interests represented by the Shares and/or the water rights decrees granted in Case No. 6963, District Court of the Second Judicial District of the State of Colorado Sitting in and for Arapahoe County, on October 4, 1884, and in Case No. 60052, District Court, City and County of Denver, Division II, State of Colorado, on May 13, 1936, as further described in **Exhibit A** hereto, and, in addition and in no way limited by the foregoing, any and all other right, title or interest represented by the Shares.

TOGETHER with any and all hereditaments and appurtenances thereunto belonging or in anywise appertaining to the Subject Property, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the Subject Property and appurtenances described above; **TO HAVE AND TO HOLD** the same unto the Grantee, its successors and assigns forever.

And the Grantor, for himself, his heirs and personal representatives, does hereby covenant, grant, bargain and agree to and with Grantee, its successors and assigns, the above-described water, water rights and appurtenant property, in the quiet and peaceable

EXHIBIT A TO SPECIAL WARRANTY DEED

Direct flow water rights of The Agricultural Ditch and Reservoir Company are all decreed from Clear Creek and described as follows:

Priority	Date of Appropriation	Date of Adjudication	Decreed Use	Amount (cfs)
2	5/15/1860	10/4/1884	I,D	1.64
4	5/19/1860	10/4/1884	I,D	0.675
5	5/31/1860	10/4/1884	I,D	3.83
7	6/14/1860	10/4/1884	I,D	1.12
13	5/14/1861	10/4/1884	I,D	0.098
14	6/2/1861	10/4/1884	I,D	1.12
15	6/11/1861	10/4/1884	I,D	0.39
21	6/1/1862	10/4/1884	I,D	0.15
44	5/16/1865	10/4/1884	I,D	0.163
61	12/21/1874	10/4/1884	I,D	101.54
67	3/24/1883	10/4/1884	I,D	48.46
75	3/27/1888	5/13/1936	I,D	55.00

Notes: I = Irrigation Use; D = Domestic Use.

Direct flow water rights decreed to the Welch Ditch and owned by The Agricultural Ditch and Reservoir Company (“ADRC”) are all decreed from Clear Creek and described as follows:

Priority	Date of Appropriation	Date of Adjudication	Decreed Use	Amount (cfs)	ADRC Interest (62.228%) (cfs)
4	05/19/1860	10/04/1884	I	0.225	0.140
12	05/13/1861	10/04/1884	I	1.30	0.809
55	02/11/1871	10/04/1884	I	26.00	16.179
75**	06/02/1900	05/13/1936	I	24.00	24.00

Notes: I = Irrigation Use

The Agricultural Ditch and Reservoir Company owns 775.38 inches of the total 1244.925 inches in the Welch Ditch (62.228%) as of the date of this Special Warranty Deed.

** The Agricultural Ditch and Reservoir Company owns this priority in its entirety.

Storage rights decreed to the Mountain Reservoirs of The Agricultural Ditch and Reservoir Company from Fall River and its tributaries are described as follows:

Reservoir System	Priority	Date of Appropriation	Date of Adjudication	Decreed Use	Amount (ac-ft)
Loch	1	9/21/1900	5/13/1936	I,D	596.9
Lomond	1a	9/21/1900	5/13/1936	I,D	499.6
Group	3	7/16/1906	5/13/1936	I,D	206.8
Fall River Group	3	9/21/1900	5/13/1936	I,D	127.1
	3	7/16/1906	5/13/1936	I,D	304
	4	9/21/1900	5/13/1936	I,D	44.81
	4	9/21/1900	5/13/1936	I,D	112.81
	81	8/1/1905	5/13/1936	I,P	101.8
	3a	7/16/1906	5/13/1936	I,D	262.98
	6 & 6a	7/16/1906	5/13/1936	I,D	30.58
	1a	9/21/1900	5/13/1936	I,D	88.6

Notes: I = Irrigation Use; D = Domestic Use; P = Power Use.

Storage rights decreed to the Midway Reservoirs of The Agricultural Ditch and Reservoir Company are described as follows:

Reservoir System	Priority	Date of Appropriation	Date of Adjudication	Decreed Use	Amount (ac-ft)
Main	70	2/1/1901	5/13/1936	I	606.51
East	71	2/1/1901	5/13/1936	I	102.02
Smith	71	2/1/1901	5/13/1936	I	93.25
	86	9/29/1906	5/13/1936	I	292.79

Notes: I = Irrigation use.

Storage rights decreed to Long Lake Reservoirs Nos. 1 and 2, to which The Agricultural Ditch and Reservoir Company has the right annually to the first 200 acre-feet are described as follows:

Reservoir System	Date of Appropriation	Date of Adjudication	Decreed Use	Amount (ac-ft)
Long Lake Reservoir No. 1	5/29/1873	10/4/1884	I	890
	6/6/1909	5/13/1936	I	557
	6/6/1909	5/13/1936	I	574.8 (conditional)
Long Lake Reservoir No. 2	6/6/1909	5/13/1936	I	292
	6/6/1909	5/13/1936	I	716.3 (conditional)

Notes: I = Irrigation Use.

SHARE ASSIGNMENT AND STOCK POWER

FOR VALUE RECEIVED, the CITY OF BLACK HAWK, a municipal corporation of the State of Colorado, with offices at 201 Selak Street, Black Hawk, CO 80422, being the record owner and the assignor of certain shares of the capital stock of the Agricultural Ditch and Reservoir Company ("Company"), hereby irrevocably and unconditionally, assigns, transfers, delegates and sets over unto THE CONSOLIDATED MUTUAL WATER COMPANY, a Colorado nonprofit corporation, assignee, all of its right, title, interest and obligation in and to 6/40ths of one share of the capital stock of the Company, free and clear of any liens or encumbrances, represented by Certificate Nos. 5727 and 5728, which stock is standing in the name of the undersigned on the books and records of the Company, and hereby irrevocably constitutes and appoints the secretary of the Company or his/her designee, as attorney-in-fact to transfer the said stock on the books of the Company with full power of substitution in the premises.

DATED _____, 2014.

GRANTOR:
CITY OF BLACK HAWK
a municipal corporation of the State of Colorado

By: _____
Jack Lewis, City Manager

**DORY HILL WATER
TREATMENT PLANT –
CONSTRUCTION
CONTRACT BID**



CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of **Dory Hill Treatment Plant Improvements** construction contract.

RECOMMENDATION: If City Council chooses to approve the construction phase contract for the Dory Hill Water Treatment Plant Improvements Project the recommended motion is as follows:

"Approve the Bid Amount with **RN Civil Construction** in the amount of **\$4,270,000** to construct the **Dory Hill Water Treatment Plant Improvements and Storage Building Project** and the Construction Engineering Services with **Hatch Mott MacDonald** in the amount of **\$490,980** for a total construction and engineering budget of **\$4,760,980.**"

SUMMARY AND BACKGROUND OF SUBJECT MATTER: The Dory Hill Water Treatment Plant Improvements Project was undertaken because the existing water treatment plant will not continue to treat safe, reliable water as required by water quality standards and will not keep up with the increased demand of the Black Hawk community. The current treatment plant was constructed in the early 1990's with used equipment that was purchased from another community. The new Water Treatment Plant will more than double the plant capacity and be able to treat the City's water to a higher standard.

Four responsive bids were received on April 3, 2014 for the Dory Hill Project:

RN Civil Construction	\$4,270,000
MWH Constructors	\$4,291,582
Aslan Construction	\$4,463,509
Bosco Constructors	\$4,552,692

After review of the Bid Proposals, it was determined that **RN Civil Construction** was the Lowest Responsible Bidder for the City's Dory Hill Water Treatment Plant Project. This Project is budgeted for construction in 2014 through 2015. City staff spoke with Contractor personnel, verified references and determined that **RN Civil Construction** to be responsive and qualified.

FUNDING SOURCE: 501-3151-460.74-27 — System Improvement/Expansion

WORKSHOP DATE: 23-Apr-14

ORIGINATED BY: James R. Ford

STAFF PERSON RESPONSIBLE: James R. Ford

PROJECT COMPLETION DATE: 31-Jul-15

CITY ATTORNEY REVIEW: []Yes []No []N/A INITIALS _____

SUBMITTED BY:

Thomas Isbester, Public Works Director

REVIEWED BY:

Jack D. Lewis, City Manager

**101 MARCHANT STREET –
TEMPORARY
CONSTRUCTION
EASEMENT**

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING:

April 23, 2014

SUBJECT: Approval of a Temporary Construction Easement associated with the rehabilitation project at 101 Marchant Street.

SUMMARY

Jim Johnson and Curtis Linder, who are joint property owners of 111 Marchant Street, grant, bargain, sell and convey to the City of Black Hawk, a Temporary Construction Easement for the rehabilitation of 101 Marchant Street. The City of Black Hawk may use the Temporary Easement Property as access to the west side of 101 Marchant Street, as described in Exhibit A and incorporated into the agreement, for the rehabilitation of that property.

RECOMMENDATION:

City staff recommends the Board of Aldermen approve the Temporary Construction Easement for that portion of Marchant Street as described in Exhibit A.

RESOLUTION DATE:

April 23, 2014

ORIGINATED BY:

Community Planning &
Development

STAFF PERSON RESPONSIBLE:

Cynthia Linker, CP&D Administrator
Temporary Construction Easement,
Exhibit A

DOCUMENTS ATTACHED:

Yes No N/A

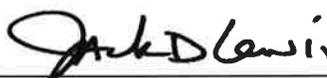
CITY ATTORNEY REVIEW:

INITIALS _____

SUBMITTED BY:

REVIEWED BY:





04/16/14

Cynthia Linker, CP&D Administrator

Jack D. Lewis, City Manager

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Jim Johnson and Curtis Linder, who are the joint property owners of 111 Marchant Street ("**Grantor**"), in consideration of **TEN DOLLARS (\$10.00)**, receipt of which is hereby acknowledged, and other good and valuable consideration, do 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 101 Marchant 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 access to the west side of 101 Marchant Street for the rehabilitation of that property. The City will repair or replace any existing rock walls, fences, landscaping, etc. to existing conditions. The City will clean, finish grade and reseed and/or sod (if sod currently exists) all disturbed areas with native grasses and wildflowers or blue grass sod.

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.

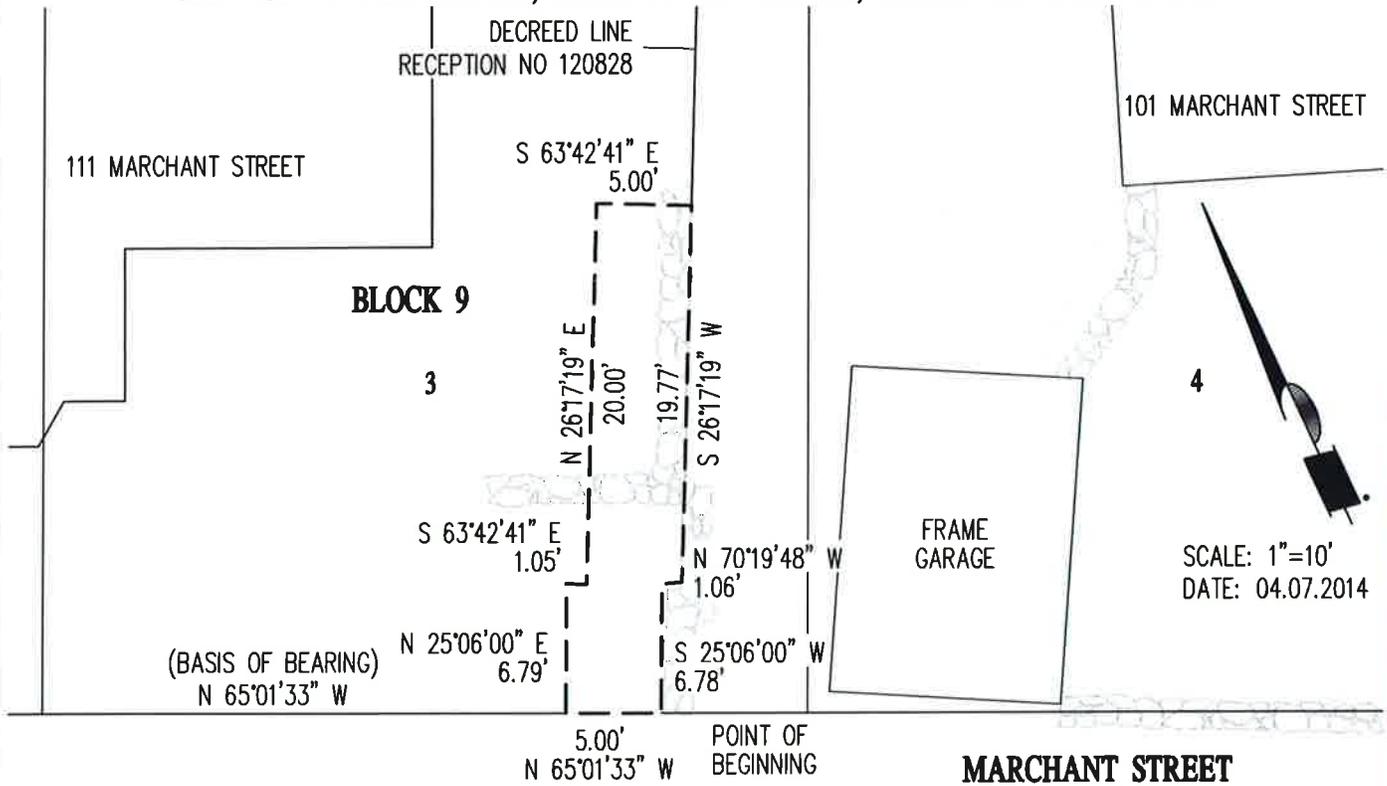
4. The parties hereto agree that neither has made nor authorized any agreement with respect to the subject matter of this instrument other than expressly set forth herein, and no oral representation, promise or consideration different from the terms herein contained shall be binding on either party,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

5. Grantor warrants that he 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.

EXHIBIT A

A TEMPORARY CONSTRUCTION EASEMENT, LOCATED WITHIN LOT 3, BLOCK 9 CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



SCALE: 1"=10'
DATE: 04.07.2014

DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT, LOCATED WITHIN LOT 3, BLOCK 9, BASED UPON THE SURVEY MAP OF BLOCK 9, OF THE MAP OF BLACK HAWK, SURVEYED BY ALBERT JOHNSON CITY SURVEYOR, DATED MAY AND JUNE 1866, CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN THE FINDINGS OF FACT, ORDER AND DECREE, RECORDED AT RECEPTION NO. 120828 AND THE SOUTHERLY LINE OF SAID BLOCK 9; THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK, N 65°01'33" W, 5.00 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N 25°06'00" E, 6.79 FEET; THENCE S 63°42'41" E, 1.05 FEET; THENCE N 26°17'19" E, 20.00 FEET; THENCE S 63°42'41" E, 5.00 FEET TO A POINT ALONG THE EASTERLY LINE OF SAID DECREE, RECORDED AT RECEPTION NO. 120828; THENCE ALONG SAID DECREE LINE THE FOLLOWING THREE (3) COURSES:

1. S 26°17'19" W, 19.77 FEET;
2. THENCE N 70°19'48" W, 1.06 FEET;
3. THENCE S 25°06'00" W, 6.78 FEET TO THE POINT OF BEGINNING.

NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.



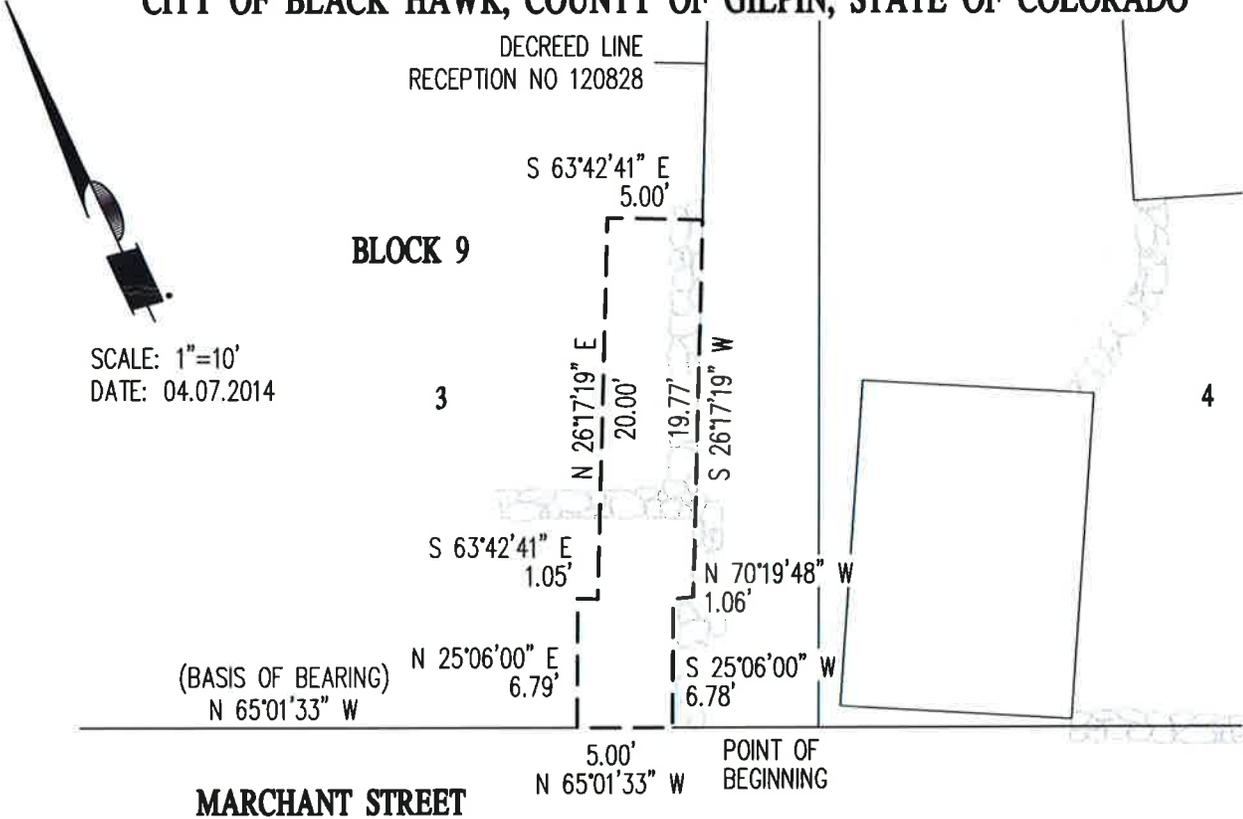
C.C.S. CONSULTANTS, INC.

4860 Robb Street, Suite 206
Wheat Ridge, Colorado 80033
Phone: 303-403-4706, Fax: 303-403-0800

PROJECT NO.: CCS-BLH\90BLH09\LOTS 3-6, BLOCK 9_101 MARCHANT EASEMENTS\TEMPORARY EASEMENT

EXHIBIT A

A TEMPORARY CONSTRUCTION EASEMENT, LOCATED WITHIN LOT 3, BLOCK 9 CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



SCALE: 1"=10'
DATE: 04.07.2014

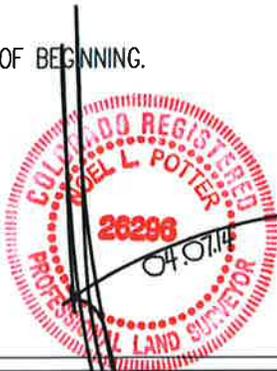
MARCHANT STREET

DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT, LOCATED WITHIN LOT 3, BLOCK 9, BASED UPON THE SURVEY MAP OF BLOCK 9, OF THE MAP OF BLACK HAWK, SURVEYED BY ALBERT JOHNSON CITY SURVEYOR, DATED MAY AND JUNE 1866, CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN THE FINDINGS OF FACT, ORDER AND DECREE, RECORDED AT RECEPTION NO. 120828 AND THE SOUTHERLY LINE OF SAID BLOCK 9; THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK, N 65°01'33" W, 5.00 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N 25°06'00" E, 6.79 FEET; THENCE S 63°42'41" E, 1.05 FEET; THENCE N 26°17'19" E, 20.00 FEET; THENCE S 63°42'41" E, 5.00 FEET TO A POINT ALONG THE EASTERLY LINE OF SAID DECREE, RECORDED AT RECEPTION NO. 120828; THENCE ALONG SAID DECREE LINE THE FOLLOWING THREE (3) COURSES:

1. S 26°17'19" W, 19.77 FEET;
2. THENCE N 70°19'48" W, 1.06 FEET;
3. THENCE S 25°06'00" W, 6.78 FEET TO THE POINT OF BEGINNING.



C.C.S. CONSULTANTS, INC.

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Wheat Ridge, Colorado 80033
Phone: 303-403-4706, Fax: 303-403-0800

NOTE:
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IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

**101 MARCHANT STREET –
ROADWAY EASEMENT**

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING:

April 23, 2014

SUBJECT: Approval of a Roadway Easement associated with 101 Marchant Street.

SUMMARY

If approved by the Board of Aldermen, the City of Black Hawk shall grant to the Owner of 101 Marchant Street, its successors and assigns, lessees, licensees, and agents, an easement for that portion of Marchant Street more particularly described in Exhibit A, which is attached and incorporated into the agreement.

RECOMMENDATION:

City staff recommends the Board of Aldermen approve the Roadway Easement for that portion of Marchant Street as described in Exhibit A.

RESOLUTION DATE:

April 23, 2014

ORIGINATED BY:

Community Planning &
Development

STAFF PERSON RESPONSIBLE:

Cynthia Linker, CP&D Administrator

DOCUMENTS ATTACHED:

Roadway Easement, Exhibit A

CITY ATTORNEY REVIEW:

Yes No N/A

INITIALS _____

SUBMITTED BY:



REVIEWED BY:



04/16/14

Cynthia Linker, CP&D Administrator

Jack D. Lewis, City Manager

ROADWAY EASEMENT AGREEMENT

THIS ROADWAY EASEMENT AGREEMENT (the "Agreement") is made and entered into this *8th* day of *April* 2014, by and between the City of Black Hawk, Colorado (the "City") and JoAnn Kerr (the "Owner").

WITNESSETH:

For and in consideration of the sum of ten dollars (\$10.00) to the City paid in hand by the Owner, the receipt of which is hereby acknowledged, the City hereby grants to the owner a roadway easement for use by the Owner, its successors and assigns, lessees, licensees, and agents, of the real property within Church Street described in Exhibit A which is attached hereto and incorporated herein.

Section 1. Grant of Easement by the City. The City does hereby grant to the Owner, its successors and assigns, lessees, licensees, and agents, an easement for that portion of Marchant Street more particularly described in Exhibit A (the "Easement Property"), attached hereto and incorporated herein by this reference, for the purpose of constructing and maintaining Owner's residential structure (the "Improvement") within and upon the Easement Property according to the design and construction plans approved by the City for the improvement.

Section 2. Covenants of the Owner. The Owner hereby represents, covenants, and warrants in favor of the City as follows:

- a. The Owner shall protect the Easement Property and adjacent lands from damage caused in whole or in part by acts or omissions of the Owner, its employees, agents, contractors, subcontractors, assigns, lessees, licensees, agents, patrons, invitees, and visitors.
- b. In all activities undertaken on property belonging to the City by the Owner or its employees, agents, contractors, subcontractors, successors, assigns, lessees, or licensees, all work shall be completed in a good and workmanlike manner.

Section 3. Insurance. The Owner shall obtain for itself, its agents, successors, assigns, lessees, licensees, and agents, necessary and adequate property damage insurance with limits commensurate with hazards and risks associated with the use of the Easement Property, but in no event less than the liability limits established by the Colorado Governmental Immunity Act, Colo. Rev. Stat. §24-10-101, *et seq.*, as now in effect or as hereinafter amended.

Section 4. Non-waiver. The failure of the City or the Owner to enforce any provision of this Agreement shall not act as a waiver by the City or the Owner to enforce any other provision of this Agreement.

Section 5, Miscellaneous.

a. Except as otherwise expressly provided herein, all provisions herein contained, including the benefits, burdens, and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

b. This Agreement constitutes all of the agreements, understandings, and promises between the parties hereto with respect to the subject matter hereof.

c. This Agreement shall be of no force and effect until it is duly and validly executed by all parties hereto.

d. The Owner agrees to each and every term, condition, and covenant of this Agreement and hereby waives its rights, either present or future, to contest or challenge the validity, enforceability, or constitutionality of any provision contained herein.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement by their respective duly authorized officers as of the date and year first above written.

CITY OF BLACK HAWK, COLORADO

By: _____
David D. Spellman, Mayor

ATTEST:

Jeanie Magno, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

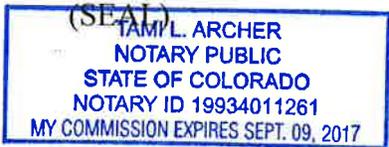
OWNER

By: *Jo Ann Kerr*
JoAnn Kerr

STATE OF COLORADO)
) ss.
COUNTY OF GILPIN)

8th The foregoing instrument was subscribed, sworn to, and acknowledged before me this
day of April, 2014, by Jo Ann Kerr

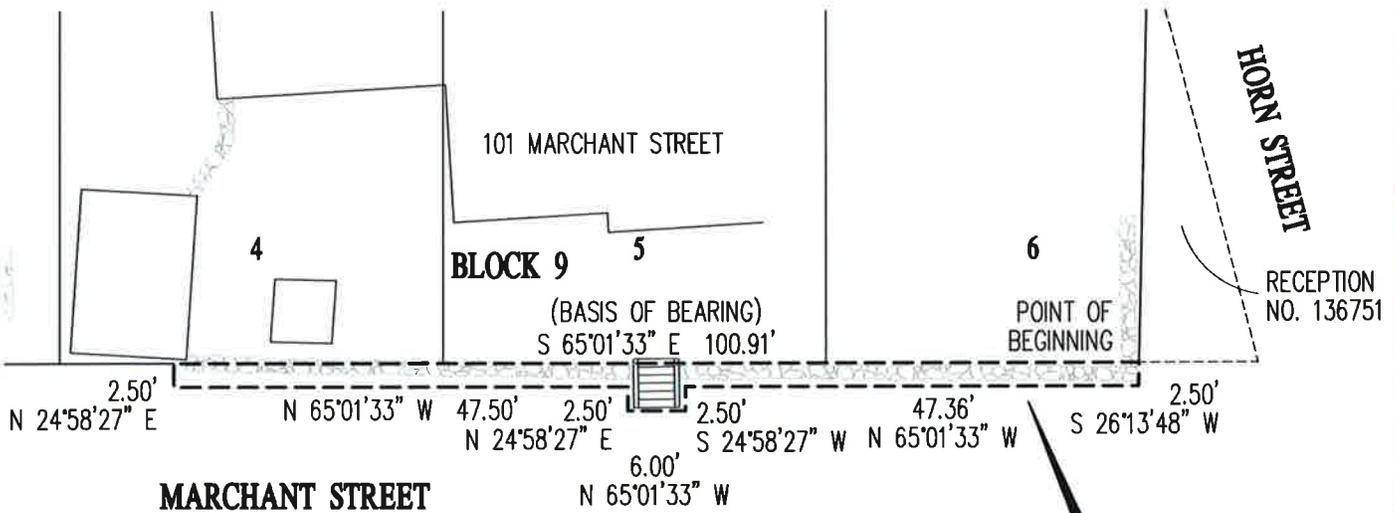
My commission expires: 09/09/2017



Tami L Archer
Notary Public

EXHIBIT A

A ROADWAY EASEMENT OVER A PORTION OF MARCHANT STREET CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



SCALE: 1"=20'
DATE: 04.07.2014

DESCRIPTION:

A ROADWAY EASEMENT, LOCATED WITHIN MARCHANT STREET, BASED UPON THE SURVEY MAP OF BLOCK 9, OF THE MAP OF BLACK HAWK, SURVEYED BY ALBERT JOHNSON CITY SURVEYOR, DATED MAY AND JUNE 1866, CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON SOUTHERLY CORNER OF LOT 6, BLOCK 9 AND THE PARCEL DESCRIBED AT RECEPTION NO. 136751, WHENCE THE SOUTHERLY LINE OF SAID BLOCK 9, BEARS N 65°01'33" W, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S 26°13'48" W, 2.50 FEET; THENCE N 65°01'33" W, 47.36 FEET; THENCE S 24°58'27" W, 2.50 FEET; THENCE N 65°01'33" W, 6.00 FEET; THENCE N 24°58'27" E, 2.50 FEET; THENCE N 65°01'33" W, 47.50 FEET; THENCE N 24°58'27" E, 2.50 FEET TO A POINT ALONG THE SOUTHERLY LINE OF SAID BLOCK 9; THENCE ALONG SAID BLOCK, S 65°01'33" E, 100.91 FEET TO THE POINT OF BEGINNING.



C.C.S. CONSULTANTS, INC.

4860 Robb Street, Suite 206
Wheat Ridge, Colorado 80033
Phone: 303-403-4706, Fax: 303-403-0800

NOTE:
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IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

**MONARCH CASINO –
TEMPORARY
CONSTRUCTION
EASEMENT**

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING:

April 23, 2014

SUBJECT: Temporary Construction Easement - **Monarch Garage (P-12-05d)**

Monarch Growth Inc., owner of the property at 444 Main Street, requests approval of a Temporary Construction Easement for associated temporary construction needs in advance of and during construction of a new parking garage for the Monarch Casino.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The City of Black Hawk received a request from Monarch Growth Inc. for a Temporary Construction Easement. A Temporary Construction Easement for temporary earthwork excavation, temporary underground soil nails, temporary utility preparation, and temporary water monitoring/dewatering wells, is necessary in advance of the beginning of construction of the new parking garage structure. The approved Site Development Plan (SDP) consists of the proposed parking structure, trailhead, bus turnaround, sidewalks, and creek side path on the western portion and Phase 1 of the owners' property. The proposed garage structure will be located east of the existing garage, and the Temporary Construction Easement needed with this request is directly south of the proposed garage in Main Street right-of-way.

RECOMMENDATION:

Baseline Staff recommends City Council consider a **MOTION TO APPROVE** a Temporary Construction Easement as submitted and included with the staff report. The condition are as follows:

1. Monarch Growth Inc. shall notify the City of Black Hawk in writing of the date they want the one year long Temporary Construction Easement (TCE) to begin. Such TCE will begin on that date and expire one year later.
2. Monarch Growth Inc. shall notify the City of Black Hawk in advance of the expiration of such TCE if they need a one year extension.

CITY COUNCIL ACTION ITEM DATE:

April 23, 2014

ORIGINATED BY:

Monarch Growth, Inc.

STAFF PERSON RESPONSIBLE:

Vincent Harris, Baseline Corporation

DOCUMENTS ATTACHED:

TCE and Exhibit A

CITY ATTORNEY REVIEW:

Yes No N/A

INITIALS _____

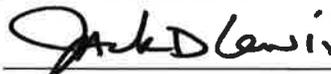
SUBMITTED BY:



4/16/2014

Vincent Harris, Baseline Corporation

REVIEWED BY:



Jack D. Lewis, City Manager

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **CITY OF BLACK HAWK**, whose address is 201 Selak Street, Black Hawk, Colorado 80422, ("**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, **MONARCH GROWTH, INC** whose address is 444 MAIN STREET ("**Grantee**"), a Temporary Construction Easement for temporary earthwork excavation, temporary underground soil nails, temporary utility preparation, and temporary water monitoring/dewatering wells, together with all rights and privileges as are necessary or incidental to the reasonable and proper temporary uses 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 Construction Easement" Property.

1. Said Temporary Construction 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 Construction 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 Construction Easement for a period not to exceed twelve (12) months from the date of expiration hereof.

2. **MONARCH GROWTH, INC.** will use the Temporary Construction Easement Property related to temporary construction purposes associated with the new parking garage structure to be on private property north of the Temporary Construction Easement as well as north of Main Street right-of-way. Temporary stabilization of temporary earthen slopes with underground soil nails, earthwork excavation, temporary utility preparation, and temporary water monitoring/dewatering wells of lands owned by Monarch Growth, Inc. is necessary in advance and preparation for construction of the new parking garage structure. The Temporary Construction Easement Property will be restored to its recent condition or to other approved improvements associated with development of the site and the adjacent improvements in the Main Street right-of-way.

3. During the term of this Temporary Construction 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 it 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 17 day of April, 20 14.

GRANTEE:

BY: John Farahi
MONARCH GROWTH, INC.

TITLE: John Farahi, Chief Executive Officer

STATE OF ~~COLORADO~~ NEVADA)
) ss.
COUNTY OF WASHOE)

The foregoing instrument was acknowledged before me this 17th day of April, 20 14
by John Farahi, as Chief Executive Officer, for
Monarch Growth, Inc.

WITNESS my hand and official seal.

My Commission Expires: 9/1/2014 Dee Anthony
Notary Public
Address: 1855 Montelena Court
Reno, NV 89521

GRANTOR: CITY OF BLACK HAWK

By: _____ Date: _____
DAVID D. SPELLMAN, MAYOR



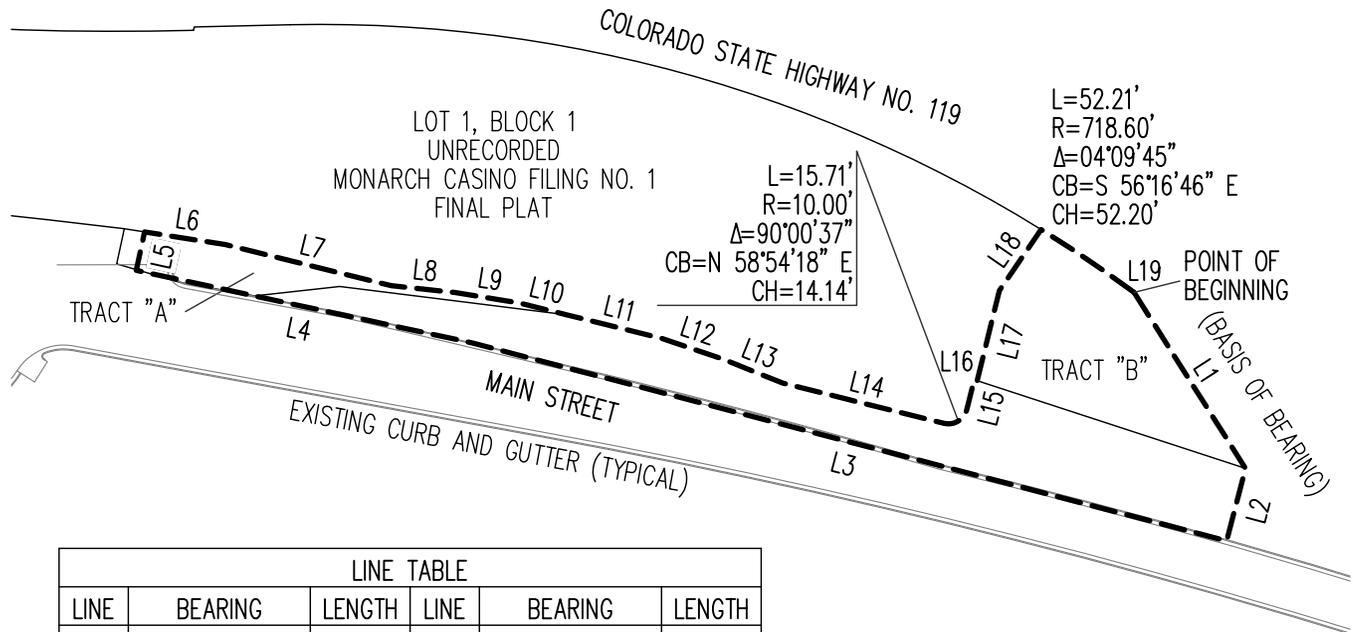
Attest: _____
Jeanie Magno, City Clerk

Approved as to legal form: _____

Corey Y. Hoffmann, City Attorney

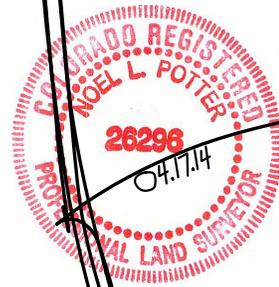
EXHIBIT A

A TEMPORARY CONSTRUCTION EASEMENT CITY OF BLACK HAWK, COUNTY OF GILPIN STATE OF COLORADO



LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S 32°28'22" E	108.60'	L11	S 76°05'24" E	51.43'
L2	S 14°38'11" W	39.06'	L12	S 71°24'08" E	33.65'
L3	N 75°21'49" W	408.01'	L13	S 68°13'22" E	33.80'
L4	N 77°52'22" W	179.96'	L14	S 76°05'24" E	86.82'
L5	N 12°21'00" E	20.47'	L15	N 13°53'59" E	15.80'
L6	S 81°07'09" E	42.83'	L16	S 72°00'00" E	1.64'
L7	S 76°09'11" E	89.46'	L17	N 13°53'59" E	48.33'
L8	S 83°57'26" E	33.80'	L18	N 34°27'04" E	38.61'
L9	S 80°46'39" E	33.65'	L19	S 54°11'53" E	6.45'
L10	S 76°06'34" E	25.60'			

SCALE: 1"=100'
DATE: 04.17.2014



DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT, LOCATED WITHIN THE MAIN STREET RIGHT-OF-WAY, BASED UPON THE ALBERT JOHNSON MAP OF BLACK HAWK, TRACT "A" AND TRACT "B" OF THE UNRECORDED MONARCH CASINO FILING NO. 1, FINAL PLAT, WITHIN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE POINT ALONG THE NORTHEAST LINE OF SAID MONARCH CASINO FILING NO. 1, THENCE ALONG SAID LINE S 32°28'22" E, 108.60 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S 14°38'11" W, 39.06 FEET; THENCE N 75°21'49" W, 408.01 FEET; THENCE N 77°52'22" W, 179.96 FEET; THENCE N 12°21'00" E, 20.47 FEET; THENCE S 81°07'09" E, 42.83 FEET; THENCE S 76°09'11" E, 89.46 FEET; THENCE S 83°57'26" E, 33.80 FEET; THENCE S 80°46'39" E, 33.65 FEET; THENCE S 76°06'34" E, 25.60 FEET; THENCE S 76°05'24" E, 51.43 FEET; THENCE S 71°24'08" E, 33.65 FEET; THENCE S 68°13'22" E, 33.80 FEET; THENCE S 76°05'24" E, 86.82 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 15.71 FEET, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 90°00'37" AND WHICH CHORD BEARS N 58°54'18" E, 14.14 FEET; THENCE N 13°53'59" E, 15.80 FEET; THENCE S 72°00'00" E, 1.64 FEET; THENCE N 13°53'59" E, 48.33 FEET; THENCE N 34°27'04" E, 38.61 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 52.21 FEET, HAVING A RADIUS OF 718.60 FEET, A CENTRAL ANGLE OF 04°09'45" AND WHICH CHORD BEARS S 56°16'46" E, 52.20 FEET; THENCE S 54°11'53" E, 6.45 FEET TO THE POINT OF BEGINNING, CONTAINING 0.56 ACRES MORE OR LESS.

NOTE:
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C.C.S. CONSULTANTS, INC.

4860 Robb Street, Suite 206
Wheat Ridge, Colorado 80033
Phone: 303-403-4706, Fax: 303-403-0800

**PERSONNEL ISSUE –
REVIEW OF EMPLOYEE
SERVICES**

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: Review of Employee Services (ES) support staff (Administrative Assistant / HR Technician) to determine needs and responsibilities for cross training on all duties and responsibilities within the department.

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

MOTION OF APPROVAL for reclassification of the current Administrative Assistant / HR Technician to Administrative Assistant / HR Generalist.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

City Manager, Jack Lewis, directed staff to cross-train within departments as a contingency for the “hit by a bus” scenario, as well as, to cover vital operations whenever co-workers are on leave (especially in departments with only 2 employees). Several critical duties within ES are time sensitive, i.e. FMLA Claims, Disability Claims, Workers’ Compensation Claims, etc. and require prompt action whenever they occur. Until recently, the Assistant to the City Manager for Administration has been required to work while on leave (vacation, sick, holiday) in order to meet mandated timelines as they occurred.

When the Administrative Assistant / HR Technician’s position was approved in 2006, it was primarily as an administrative support position to the Executive Office and data entry for Employee Services (HR and Risk Management). Over the past year and a half, ongoing cross training has begun and the position’s responsibilities have evolved into a job which requires increased skill sets:

- Working knowledge of all aspects of Human Resources (training and documentation of procedures is ongoing);
- Ability to independently solve a range of straightforward problems;
- Independently analyze possible solutions using standard procedures; and
- Ability to function with a moderate level of guidance and direction.

A job analysis was performed using Society of Human Resource Management (SHRM) guidelines to ensure the job description actually matched the duties performed by the employee in the job. Additionally, a job evaluation was performed to compare the City’s job to other jobs within the survey cities to determine the appropriate job alignment based on CML’s Benchmark Job Descriptions and the appropriate pay rates.

Upon completion of the job analysis and job evaluation, it was determined that approximately 70% of the incumbent’s time is spent working on HR, with approximately 15% on Risk Management, and approximately 15% in administrative support. Staff determined an HR Generalist position more closely aligns with the expanded HR duties and responsibilities instead of an HR Technician’s position. A revised job description with recommended changes is attached which outline the increased duties and responsibilities.

Many of the City of Black Hawk's administrative personnel have 2 or more distinct responsibility sets, i.e. Administrative Assistant / HR Technician (proposed AA / HR Generalist), Administrative Assistant / Permit Technician, Administrative Assistant / Deputy City Clerk, Administrative Assistant / Evidence Technician, and Records Specialist / Municipal Court Clerk; however, the salaries for these positions are aligned with the higher of specific job descriptions used as comparables, and not in a blended rate. All Administrative Assistant positions require independent judgment and decision making skills and require a high level of responsibility. Therefore, they are compared to an Executive Administrative Assistant within our survey cities which is the highest paid comparable position. However, within our survey cities, the HR Generalist is a higher comparable over the Executive Administrative Assistant comparables.

If Council approves the recommendation to reclassify the position to an Administrative Assistant / HR Generalist, the salary for the position will be aligned with the average starting salaries of our survey cities for entry level HR Generalists, plus 10%, per the City's Hiring Range policy. The incumbent will receive a 5% increase in wages or move to the bottom of the hiring range, whichever is greater which is the City's policy.

FUNDING SOURCE: Personnel Line Item – City Manager

WORKSHOP DATE: N/A

ORIGINATED BY: Melissa Greiner
Administrative Assistant to the City Manager

STAFF PERSON RESPONSIBLE: Melissa Greiner
Administrative Assistant to the City Manager

DOCUMENTS ATTACHED: Draft Job Description

CITY ATTORNEY REVIEW: Yes No N/A INITIALS mgj

SUBMITTED BY:



Melissa Greiner
Assistant to the City Manager
for Administration



Jack D. Lewis
City Manager

**CITY OF BLACK HAWK
2014 Job Description**

JOB TITLE: Administrative Assistant / <u>HR Generalist</u> Manager's Office	DEPARTMENT: City
REPORTS TO: Asst to City Manager For Administration	EXEMPT: <u>No</u> <u>Yes</u>
HIRING RANGE: \$23.735 - \$27.2952 / HR	

SUMMARY

As the position is an integral part of the executive team representing the Office of the City Manager and the Board of Aldermen, a sense of decorum is required which is appropriate and suitable to the office. The individual shall possess a mastery of office skills, exercise initiative and judgment, make decisions within the scope of assigned authority and provide general information and assistance to the public. Under specified supervision, performs professional, technical and analytical work related to human resources activities, including recruitment and selection, compensation and employee relations.

Perform a wide variety of complex, responsible and confidential duties for the Office of the City Manager and Employee Services.

DUTIES AND RESPONSIBILITIES

Executive Office Duties – 15%

- Reconcile all incoming invoices for the City Manager's Office and Employee Services. This includes but is not limited to credit card invoices, health insurance invoices and attorney's bills.
- Assist in assembling City Council agenda items.
- Answer telephone and give information to callers, greet visitors, ascertains nature of business, and direct visitors to appropriate office.
- Perform a variety of general office support duties; make copies; process mail including receiving, sorting, time-stamping, and distributing incoming and outgoing correspondence; maintain and order office supplies.
- Recommend organizational or procedural changes affecting support activities.
- Maintain and assist in preparation of the monthly and annual budget information for the Office of the City Manager and Employee Services.
- Initiate and maintain a variety of files and records for information related to the Office of the City Manager and Employee Services.

- Maintain ~~manuals~~ and update resource materials; maintain active membership status of various organizations.
- ~~Take and transcribe notes on computer, or transcribe from voice recordings.~~
- Is informed as to City policies, procedures, laws and regulations in response to inquiries and complaints; refer inquiries and processes complaints.
- Assist other departments in clerical and administrative duties such as typing, filing, correspondence and reconciliations, as well as other various office functions as assigned.
- Participate and assist in the administration of the Office of the City Manager; compile information to be used in special projects and reports. Maintain and update all projects, reports, and written files. Scan selected files in to the appropriate computer file location.
- Independently respond to letters and general correspondence of a routine nature.
- Maintain appointment schedules and calendars and arrange meetings, and conferences.

Human Resources – 70%

- Functions as a “super user” or recognized expert for ADP HR/Payroll and Benefit system.
- ~~Enter all information regarding Set up new employees into ADP HR/Payroll_ and Human Resource_Benefits_Ssystems. This information includes, but is not limited to: home address, phone numbers and email, emergency contact information, personal data on all dependents, salary grade, job title, supervisor, pay rate, income tax deductions, direct deposit information, retirement plan deductions, deductions for health and other insurance.~~
- Administers the HR/Payroll functions in the ADP system, including entering and maintaining HR/Payroll transactions.
- Manage and input changes to employees’ status, home address, phone numbers and email, emergency contact information, personal data on all dependents job title, supervisor, pay rate, income tax deductions, direct deposit information, retirement plan deductions, deductions for health and other insurance.
- Participates in and conducts formal and informal salary surveys; collects and analyzes salary data and prepares summary reports.
- Aids the Assistant to the City Manager for Administration with the implementation and maintenance of employee benefit plans, workers’ compensation claims, and unemployment claims.
- Coordinates with finance department to resolve payroll related issues.
- Assists employees with benefit questions and resolving issues, and keeps Assistant to the City Manager of Administration apprised of any issues or problems.
- Manage Policy and Procedure website for all staff and new hires.

- Manage the annual employee tenure award program and CIRSA Safe Driver awards.
- Maintain City of Black Hawk organization chart.
- Establish and maintain all past and present employee personnel files, both hard copies and scanned copies.
- Evaluates recruitment process and utilizes the best recruitment techniques for each position. Screens applications and resumes, conducts and coordinates reference and background checks, including CDL checks when applicable.
- Notifies applicants of status in the hiring process by sending letters or emails.
- Establish and maintain records of all recruitment files both hard copies and scanned copies. Work closely with specified department representatives on these recruitments.
- Maintain custody of confidential personnel records both hard and scanned files to include active and terminated employees and recruitment files.
- Maintain retention schedule for the department and destroy files as defined in Colorado Municipal Records Retention Schedule.
- Promotes positive employer/employee relations at all levels in the organization.
- Provide customer service, both in-person and by telephone.
- Answer questions from employees regarding human resource issues, rules, and regulations.
- Respond to employment verification requests, salary, and benefit surveys, and other employee request for information.
- Exercises initiative and judgment and makes decisions within the scope of assigned authority.
- Primary liaison with benefit vendors to resolve coverage and billing concerns.

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Risk Management – 15%

- Assists the Assistant to the City Manager for Administration in preparing annual evaluations of property casualty and workers' compensation insurance through City's Insurance broker.
- Assists the Assistant to the City Manager for Administration in administering workers' compensation and unemployment claims.
- Receive property/casualty claims against the City; research the validity of the claim by gathering information such as police reports, discuss liability with appropriate management staff and outside insurance company; prepare staff report, resolution, and/or proper correspondence related to claim; prepare documents and gather data to pursue cost recovery and restitution for the City.

- Receive workers' compensation claims; research the validity of the claim by gathering required reports in a timely manner, file a first report of injury with Work Comp carrier. Send employee a WC Notification letter via city email and US mail as soon as possible after filing the claim. Monitor the injured Employee's progress until employee is released by medical provider.

SUPERVISORY RESPONSIBILITIES

None.

QUALIFICATIONS

Knowledge of:

- ~~Basic~~ In-depth human resources functions and procedures.
- English usage, spelling, grammar and punctuation.
- Current technology for office procedures, methods, and computer equipment.
- Business letter writing and ~~basic~~ report preparation.
- Principles and procedures of record keeping.
- ~~Basic~~ functions and structure of a municipal organization.
- Basic financial and accounting background.

Ability to:

- Work cooperatively with other departments, City officials and outside agencies.
- Perform responsible and difficult secretarial work involving the use of independent judgment and personal initiative.
- Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Compile and maintain complex and extensive records and prepare routine reports.
- Maintain confidential data and information for executive staff.
- Type at a speed necessary for successful job performance.
- ~~Transcribe dictation at a speed necessary for successful job performance.~~
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain cooperative-working relationships with those contacted in the course of work.
- Comprehend and comply with Federal, state, and local laws applicable to human resources.
- Effectively counsel supervisors and employees regarding human resources matters, policies and procedures.
- Enter accurate data and information into a database or spreadsheet.
- Effectively resolve problems, conduct investigations, take corrective action and deal with a variety of concrete variables in complex situations.
- Cover all departmental responsibilities in the absence of Assistant to the City Manager for Administration.

EXPERIENCE and/or TRAINING

- Requires a minimum of a two year college degree with emphasis in Human Resource Management, Training/Education, or related field; and.
- Requires a minimum of two years related work experience which includes some combination of: payroll; data processing including designing and preparing reports; human resource information systems experience; and/or project management.
- Certifications in Organizational Development, Human Resources, and/or Management also helpful
- Professional in Human Resources (PHR/SPHR) Certification helpful;
- Four years responsible work experience in administrative and/or executive secretarial work.
- ~~High School Diploma or GED.~~
- Must have a working knowledge of relevant office computer systems and proficiency with Microsoft Office Suite.

EQUIPMENT USED

Constant Daily Use: telephones, cell phones, computers, calculators, copy machines, fax machines and scanners.

COMMUNICATION SKILLS

- Ability to respond to common inquiries or complaints from the general public, residents, City employees, officials and outside agencies.
- Ability to effectively present, both in verbal and written form, information to elected officials, members of the Management Team, City employees, the public, and outside agencies.

REASONING ABILITY

Identify problems, collect data, establish facts, and draw valid conclusions.

PHYSICAL DEMANDS

The employee is regularly required to sit; stand; walk; reach with hands and arms; and stoop, kneel, crouch, or crawl. Work in this position is generally limited to a standard office environment, but the employee must occasionally lift and/or move up to 25 pounds. The employee is also regularly required to talk, hear, and use hands and fingers. Specific vision abilities required by this position include close, distance, color, and peripheral vision, as well as depth perception, and the ability to adjust focus.

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.

**DENTAL INSURANCE
RENEWAL PROPOSAL
FOR 2014-2016**

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: 2014-2016 Dental Insurance Proposal

RECOMMENDATION: Staff recommends **Option B** to the Mayor and Board of Aldermen:

- a. **Motion to Approve** the 24 month proposal from Delta Dental with no change to benefit coverage and no increase to the annual premium (91,707); **OR**
- b. **Motion to Approve** the 24 month proposal from Delta Dental to increase lifetime orthodontia benefit limits from \$1,000 to \$1,500 with a 1.5% (\$1,386) increase to annual premium.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: In an effort to offer competitive benefits to current and future employees, staff asked IMA to seek quotes from Delta Dental which includes an increase to the current lifetime orthodontia benefit. Currently, the City offers a \$1,000 lifetime orthodontia benefit for dependents only. Delta Dental's maximum lifetime benefit is \$1,500 per dependent.

If the Board of Aldermen approves the renewal proposal without the increased orthodontia lifetime benefit, the annual premium will not increase and remain at \$91,707 based on current enrollment.

If the Board of Aldermen approves the renewal proposal with the increased orthodontia lifetime benefit, the annual premium will increase by 1.5%, or \$1,386, from \$91,707 to \$93,093 per year based on current enrollment.

The City budgeted for a 10% increase at renewal for plan year July 1, 2014 – June 30, 2015.

FUNDING SOURCE: Department Specific Group Health Insurance
Line Item (xxx-xxxx-xxx-21-00)

WORKSHOP DATE: November 13, 2013

ORIGINATED BY: Melissa Greiner
Assistant to the City Manager for Administration

STAFF PERSON RESPONSIBLE: Melissa Greiner
Assistant to City Manager for Administration

DOCUMENTS ATTACHED:

RECORD: []Yes [X]No

CITY ATTORNEY REVIEW: []Yes [X]No []N/A INITIALS mgf

SUBMITTED BY:

REVIEWED BY:



Melissa Greiner, Assistant to the
City Manager for Administration



Jack D. Lewis, City Manager

**VISION INSURANCE
RENEWAL PROPOSAL
FOR 2014-2015**

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Vision Insurance Proposal

RECOMMENDATION: Staff recommends to the Mayor and Board of Aldermen:

Motion to Approve the renewal to the contract with EyeMed Vision Insurance until July 1, 2012, with a 3% (\$553) increase in annual premium.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

EyeMed Vision Insurance has offered a proposal to extend the current contract for 5 years until July 1, 2018 with a 3% increase in rates. The annual premium will increase by \$553, from \$18,522 to \$19,075 based on current enrollment.

The City budgeted for a 10% increase in premium for the July 1, 2014 – June 30, 2015 plan year.

FUNDING SOURCE: Department Specific Group Health Insurance Line Item (xxx-xxxx-xxx-21-00)

WORKSHOP DATE: November 13, 2013

ORIGINATED BY: Melissa Greiner
Assistant to the City Manager for Administration

STAFF PERSON RESPONSIBLE: Melissa Greiner
Assistant to City Manager for Administration

DOCUMENTS ATTACHED: N/A

RECORD: []Yes [X]No

CITY ATTORNEY REVIEW: []Yes [X]No []N/A INITIALS mgf

SUBMITTED BY:

REVIEWED BY:



Melissa Greiner, Assistant to the City Manager for Administration



Jack D. Lewis, City Manager

**HEALTH INSURANCE
RENEWAL PROPOSAL
FOR 2014-2015**

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: 2014-2015 Health Insurance Proposal

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

Motion to Approve the 2014-2015 medical care proposal as quoted from KP for HMO coverage at an increase of 5.3% (\$37,079) to current annual premium.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Kaiser Permanente has presented a quote for health care coverage for 2014-2015 with a rate increase of 5.3% (\$37,909) based on current enrollment, which includes:

- No changes to plan design; and
- \$5,000 Wellness Credit for behavior modification and intervention and health education class suggestions based on the City's population, needs and interests with outcome evaluation.

The City will continue to fund 50% of the deductible for the KP HMO plan, prorated over 26 pay periods for eligible employees for the 2014-2015 plan year. The City will contribute an additional \$125 per month to employee's HSAs. If this contribution exceeds the annual maximum HSA contribution allowed by the IRS, or if an employee does not have an HSA, the excess amount will be contributed to the employees' 457 Plan on a prorated basis. The spousal surcharge/incentive programs will also continue for the 2014-2015 plan year.

The City budgeted for a 16% increase at renewal for plan year July 1, 2014 – June 30, 2015.

FUNDING SOURCE: Department Specific Group Health Insurance Line Item (xxx-xxxx-xxx-21-00)

WORKSHOP DATE: November 13, 2013

ORIGINATED BY: Melissa Greiner,

Assistant to the City Manager for
Administration

STAFF PERSON RESPONSIBLE:

Melissa Greiner,
Assistant to the City Manager for
Administration

DOCUMENTS ATTACHED:

N/A

RECORD: []Yes [X]No

CITY ATTORNEY REVIEW: []Yes [X]No []N/A INITIALS mgf

SUBMITTED BY:

REVIEWED BY:



Melissa Greiner, Assistant to the
City Manager for Administration



Jack D. Lewis, City Manager

**SHORT TERM DISABILITY
INSURANCE RENEWAL
PROPOSAL FOR 2014-2015**

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: 2014-2015 Short Term Disability Proposal

RECOMMENDATION: Staff recommends to the Mayor and Board of Aldermen:

Motion to Approve the 2014-2015 proposal as quoted from Lincoln Financial for Short Term Disability coverage:

	Proposed Annual % Increase	Proposed Annual \$ Increase	Proposed Annual Premium	Rate Guarantee
Short Term Disability	15.4	\$3,741	\$28,056	12 months

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Each renewal period, Lincoln analyzes current benefit and rate structures to determining the appropriate rates for continued group insurance protection for the City of Black Hawk. The process includes recalculation of the premium rates which reflect such factors as plan features, demographics, nature of business, and experience. Over the course of the past plan year (2013-2014), Lincoln paid 127.79% of premium out to claims for Short Term Disability, and the average for the past 3 plan years (2011 – 2014), claims paid are 94.71% of premiums paid.

The City budgeted for a 10% increase at renewal for plan year July 1, 2014 – June 30, 2015.

FUNDING SOURCE: Specific Group Health Insurance line item for each department (xxx-xxxx-xxx-21-00)

WORKSHOP DATE: November 13, 2013

ORIGINATED BY: Melissa Greiner,
Assistant to the City Manager for Administration

STAFF PERSON RESPONSIBLE: Melissa Greiner,
Assistant to the City Manager for Administration

DOCUMENTS ATTACHED: N/A

RECORD: []Yes [X]No

CITY ATTORNEY REVIEW: []Yes [X]No []N/A INITIALS mgf

SUBMITTED BY:

REVIEWED BY:



Melissa Greiner, Assistant to the
City Manager for Administration



Jack D. Lewis, City Manager