



## REGULAR MEETING AGENDA

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

April 13, 2016  
3:00 p.m.

### RINGING OF THE BELL:

1. CALL TO ORDER
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. ADENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. PUBLIC COMMENT: *Please limit comments to 5 minutes*
6. APPROVAL OF MINUTES: March 23, 2016
7. SWEARING IN OF INCUMBENTS
8. PUBLIC HEARINGS
  - A. Resolution 23-2016, A Resolution Amending the City of Black Hawk 2015 Budget
9. ACTION ITEMS:
  - A. Resolution 24-2016, A Resolution Approving the Purchase of a Replacement High Pressure Breathing Air Compressor and Fill Station from Centennial Fire and Safety Equipment LLC for the Amount of \$55,372
  - B. Resolution 25-2016, A Resolution Approving a Three Month Extension of the Historic Restoration and Community Preservation Program Project at 401 Chase Street
  - C. Resolution 26-2016, A Resolution Approving a Three Month Extension of the Historic Restoration and Community Preservation Program Project at 301 High Street
  - D. Resolution 27-2016, A Resolution Approving the Title VI Plan for the Black Hawk Central City Tramway Operations
  - E. Resolution 28-2016, A Resolution Approving the Agreement Between the City of Black Hawk and Davis Custom Welding for Construction of the Green Lake Pipeline Replacement Project Phase VI in an Amount Not to Exceed \$233,405.00
  - F. Resolution 29-2016, A Resolution Awarding the Bid and Approving the Construction of the R.A. Clark Emergency Operations Center Project to Roche Constructors, Inc. in an Amount Not to Exceed \$1,662,700.00
10. CITY MANAGER REPORTS:
11. CITY ATTORNEY:
12. EXECUTIVE SESSION:
13. ADJOURNMENT:

### MISSION STATEMENT

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



**City of Black Hawk  
City Council**

**March 23, 2016**

**MEETING MINUTES**

Ameristar Casino General Manager Sean Demeule rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, March 23, 2016, at 3:00 p.m. by Mayor Spellman.
  
2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Moates, and Torres.  
  
Absent: Alderman Midcap  
  
Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Community Planning and Development Administrator Linker, Baseline Corporation Consultant Vince Harris, Public Works Director Isbester, Fire Chief Taylor, and Deputy City Clerk Martin.
  
- PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.
  
3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed there were no agenda changes.
  
4. **CONFLICTS OF INTEREST:** City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. There were no conflicts noted from City Council.  
  
City Attorney Hoffmann asked the audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. The audience had no objections.
  
5. **PUBLIC COMMENTS:** Deputy City Clerk Martin confirmed that no one had signed up to speak.

6. APPROVAL OF  
MINUTES

March 9, 2016.

**MOTION TO  
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

**MOTION PASSED**

There was no discussion and the motion passed unanimously.

7. PUBLIC HEARINGS:

**A. Resolution 18-2016, A Resolution Conditionally Approving the Site Development Plan and Certificate of Appropriateness for the Ameristar Casino Sprung Building**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris introduced this item and referenced staff's report included in the packet. He said this building had previously been approved for a temporary use, but now the applicant would like to make it a permanent use. Harris explained that since the building will now be a permanent structure, a Site Development Plan and Certificate of Appropriateness are required. Staff has recommended three conditions for approval as listed on the resolution.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 18-2016, A Resolution Conditionally Approving the Site Development Plan and Certificate of Appropriateness for the Ameristar Casino Sprung Building open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

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

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to Approve Resolution 18-2016, A Resolution Conditionally Approving the Site Development Plan and Certificate of Appropriateness for the Ameristar Casino Sprung Building.

**MOTION PASSED**

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

**B. Resolution 19-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the St. Charles Carriage House Building**

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker and Baseline Engineering Consultant Harris introduced this item and displayed renderings of the proposed structure. Harris described some of the architectural details of the new city-owned parking garage project. He went on to say this was a great design step for future development in the HARD District®.

Mayor Spellman added that the proposed architecture replicates the seven buildings built in the 1860s along Gregory Street, so this parking garage ties in nicely. He elaborated on the 125 spaces on three levels, with each level accessed individually, there will be no ramps. Mayor Spellman confirmed he had spoken to Alderman Midcap who concurred with Council's appreciation of how well the design turned out.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 19-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the St. Charles Carriage House Building open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

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

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to Approve Resolution 19-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the St. Charles Carriage House Building.

**MOTION PASSED**

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

**C. Resolution 20-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Demolition of the Existing Parking Garage at the Monarch Casino Property**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultant Harris explained the need to demolish the old parking garage at the Monarch Casino to make way for the new hotel tower. He said once the new parking garage is finished there will be a transition period for the demolition, which includes a safety plan. Harris read the three conditions listed in the resolution and added that the safety plan will convert into the safety plan used for the construction of the tower. Mayor Spellman noted that this is the first newly-constructed building since the inception of gaming to be demolished.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on Resolution 20-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Demolition of the Existing Parking Garage at the Monarch Casino Property open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

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

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to Approve Resolution 20-2016, A Resolution Conditionally Approving a Certificate of Appropriateness for the Demolition of the Existing Parking Garage at the Monarch Casino Property.

**MOTION PASSED**

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

**D. CB6-2016, An Ordinance Adopting the City of Black Hawk 2016 Pay Plan**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner handed out a proposed amendment to the Pay Plan. Mayor Spellman opened the discussion by saying that he spoke to Council members individually regarding this modification to the pay plan and all were in support of it. He acknowledged that the annual market approach to salary increases is not perfect and this modification would provide a minimum 2.75% floor for employees or what the actual market adjustment is, whichever is higher.

City Manager Lewis said this was the fourth year administering this annual market review approach, which is very unique for a City, and acknowledged that no plan is perfect. He said Management team is working on a plan that addresses all issues as best they can and will come back with the plan before budget. He recognizes what Council is doing and applauds their concern.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB6-2016, An Ordinance Adopting the City of Black Hawk 2016 Pay Plan open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

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

**MOTION TO**

**APPROVE** Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to Approve CB6-2016, An Ordinance Adopting the City of Black Hawk 2016 Pay Plan with the amendment.

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

10. ACTION ITEMS:

**A. Resolution 21-2016, A Resolution Adopting the Revised Community Restoration and Preservation Guide to Programs, Revised March 2016**

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that the Guide to Programs has had several changes throughout the years and continues to evolve every year they go through the program. She said the City hired a third party to evaluate the Program and it was determined that what the City has is two clearly distinctive programs: a Rehabilitation Grant Program for the interior of the property and a Preservation Easement Program for the exterior of the property. They each have their own tax consequences, so it was decided to separate the programs. Linker referenced the notable changes for each Program as listed in the packet.

City Attorney Hoffman then emphasized that the State always had oversight with the Grant Program, and this change now separates the Grant and Easement Programs, so all the provisions of State law now applies only to the Grant Program, not the Easement Program.

Alderman Torres had a question about income tax credit, which Hoffman explained was a State run program that the City administers and is different from the City's reimbursement of the income tax component where the City will reimburse a homeowner the first round of income tax paid under State law as a result from receiving grant funding, of course that reimbursement is subject to future taxes.

**MOTION TO APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 21-2016, A Resolution Adopting the Revised Community Restoration and Preservation Guide to Programs, Revised March 2016.

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

**B. Resolution 22-2016, A Resolution Approving the First Amendment to Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC**

Mayor Spellman read the title.

City Attorney Hoffmann provided history on the original agreement from August 2015, which was contingent on receiving land use approvals from Central City. He confirmed the approvals were given, yet the City has not made the improvements yet required by Central City. He said the parties have agreed to extend closing until July 1 and this approval would also include a Temporary Construction Easement so that the City can have access to Smithrock property in order to do the excavation prior to acquiring it. He added that substitute parking will be provided.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 22-2016, A Resolution Approving the First Amendment to Property Exchange Agreement Between the City of Black Hawk and Smithrock, LLC.

**MOTION PASSED**

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

**11. CITY MANAGER REPORTS:**

City Manager Lewis provided an update on radio coverage within the casinos. He said one year ago there was not adequate radio coverage with the Police and Fire Departments and casinos were given one year to comply. He was happy to report that by August 2016 all casinos will be in compliance.

**12. CITY ATTORNEY:**

City Attorney Hoffmann had nothing to report.

**13. EXECUTIVE SESSION:**

City Attorney Hoffmann recommended item number 5 for Executive Session.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:35 p.m. to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).

**MOTION PASSED**

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

**MOTION TO ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to adjourn the Executive Session at 3:40 p.m.

**MOTION PASSED**

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

14. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 3:40 p.m.

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Melissa A. Greiner  
City Clerk

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David D. Spellman  
Mayor

DRAFT

**RESOLUTION 23-2016**  
**A RESOLUTION**  
**AMENDING THE CITY OF**  
**BLACK HAWK 2015**  
**BUDGET**

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

**Resolution No. 23-2016**

TITLE: A RESOLUTION AMENDING THE CITY OF BLACK HAWK 2015 BUDGET

WHEREAS, upon due and proper notice, published or posted in accordance with the law, a public hearing was held on April 13, 2016 on the proposed amendments to the 2015 budget, and interested persons were given the opportunity to register any objections to the proposed amended budget.

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

Section 1. That the budget as amended and attached hereto, is hereby approved and adopted as the 2015 amended budget of the City of Black Hawk.

Section 2. That the amended budget hereby approved and adopted shall be signed by the Mayor and made a part of the public records of the City.

Section 3. That the sums for 2015, on the attached amended budget, are hereby appropriated from the revenue of each fund, for the purposes stated.

RESOLVED AND PASSED this 13th day of April, 2016.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, City Clerk

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

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**SUBJECT:** 2015 Budget Amendment

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

**MOTION TO APPROVE:** Resolution 23-2016, a Resolution amending the City of Black Hawk 2015 Annual Operating Budget.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** See Attached.

**AGENDA DATE:** April 13, 2016

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** Device Fees, Fund Balance

**DEPARTMENT DIRECTOR APPROVAL:**  Yes  No

**STAFF PERSON RESPONSIBLE:** Lance Hillis, Finance Director

**DOCUMENTS ATTACHED:** Amendment Detail by Account

**RECORD:**  Yes  No

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

**SUBMITTED BY:**

**REVIEWED BY:**





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Lance Hillis, Finance Director

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Jack D. Lewis, City Manager

CITY OF BLACK HAWK, COLORADO  
 PROPOSED BUDGET AMENDMENT  
 2015 ANNUAL BUDGET

Department	Account Number	Account Description	Current Budget	Proposed Adjustment	Proposed Budget	Comments/Notes
FINANCE	401-0000-4718214	BOND INTEREST - 2014B BOND INTEREST	56,427	26,698	83,125	BONDS REMAINED TAXABLE, THUS INCREASING RATE
		<b>TOTAL DEBT SERVICE FUND EXPENSE REVISIONS</b>		<b>\$26,698</b>		
FINANCE	501-3151-4607427	SYSTEM IMPROVEMENT-DORY HILL WTP	0	1,200,000	1,200,000	COMPLETE CONSTRUCTION OF DORY HILL PLANT
		<b>TOTAL WATER FUND EXPENSE REVISIONS</b>		<b>\$1,200,000</b>		
FINANCE	702-0000-4919508	TRANSFER TO PRESERVATION FUND	0	103,000	103,000	TRANSFER TO PRESERVATION TO CLOSE OUT CEMETERY FUND
		<b>TOTAL CEMETERY FUND EXPENSE REVISIONS</b>		<b>\$103,000</b>		

**RESOLUTION 24-2016**  
**A RESOLUTION**  
**APPROVING THE**  
**PURCHASE OF A**  
**REPLACEMENT HIGH**  
**PRESSURE BREATHING**  
**AIR COMPRESSOR AND**  
**FILL STATION FROM**  
**CENTENNIAL FIRE AND**  
**SAFETY EQUIPMENT LLC**  
**FOR THE AMOUNT OF**  
**\$55,372**

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

**Resolution No. 24-2016**

**TITLE: A RESOLUTION APPROVING THE PURCHASE OF A REPLACEMENT HIGH PRESSURE BREATHING AIR COMPRESSOR AND FILL STATION FROM CENTENNIAL FIRE AND SAFETY EQUIPMENT LLC FOR THE AMOUNT OF \$55,372**

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

Section 1. The City Council approves the purchase of a replacement High Pressure Breathing Air Compressor and Fill Station from Centennial Fire and Safety Equipment LLC for the amount of \$55,372.

RESOLVED AND PASSED this 13<sup>th</sup> day of April, 2016.

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

ATTEST:

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

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

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**SUBJECT:** A resolution approving the purchase of a replacement High Pressure Breathing Air Compressor and Fill Station for the Fire Department

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

**MOTION TO APPROVE:** Resolution 24-2016, a resolution approving the purchase of a replacement high pressure breathing air compressor and fill station from Centennial Fire and Safety Equipment LLC for the amount of \$55,372.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** Within the Capital Budget for 2016 is the replacement of the current SCBA Fill Station and Air Compressor. (Included in the SCBA Replacement Line Item) The current fill station is 17 years old, does not meet the latest safety standards and will only fill 4500PSI air bottles. The proposed new fill station is full self-contained for safety and space needs while being able to increase our bottle fill capability by 50% and will fill our mutual aid partners' 5500PSI bottles. Our current SCBA's are 4500PSI but a decision is pending with the RFP that has been published on whether or not we will move from 4500PSI to 5500PSI. There will be some installation work (electrical upgrade) that I am coordinating with Rory for the work to be done. I have included 3 quotes regarding this equipment and this is the lowest quote. In addition this is the sole manufacturer (Bauer) that builds all of their equipment. Lastly Centennial/Bauer has a good reputation within the industry and a local repair facility and technician for support. Three quotes were received from Centennial (\$55,372), L.N. Curtis and Sons (\$55,940) and MES (Municipal Emergency Services) (\$57,211) with the quote from Centennial being the lowest.

**AGENDA DATE:** April 13, 2016

**FUNDING SOURCE:** 2016 Capital Budget: 305-3101-4317599

**DEPARTMENT DIRECTOR APPROVAL:**  Yes  No

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

**DOCUMENTS ATTACHED:** Yes

**RECORD:**  Yes  No

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

**SUBMITTED BY:**



Fire Chief

Staff Name, Staff Title

**REVIEWED BY:**



Jack D. Lewis, City Manager

# Centennial Fire and Safety Equipment LLC

PO Box 221630  
Denver CO 80222

# QUOTE

Date	QUOTE #
3/4/2016	2371

<b>Name / Address</b>
Black Hawk Fire Department 196 Clear Creek Street Black Hawk CO 80422

FOB	Project
Origin	

Description	Qty	U/M	Cost	Total
Unicus 3 Compressor with 10HP motor, (4) UN 6000 psi storage cylinders, 3-place fill station	1		50,479.00	50,479.00T
Options				
CO Monitor	1		3,665.00	3,665.00T
Remote fill connection with adjustable regulator	1		1,228.00	1,228.00T
If you do not want the options, you can deduct those prices from the total amount.				
			<b>Subtotal</b>	\$55,372.00
			<b>Sales Tax (0.0%)</b>	\$0.00
			<b>Total</b>	\$55,372.00

This proposal is good for 30 days. Freight will be included on invoice. Please fax or mail approval to initiate the order. Thanks.

\_\_\_\_\_  
David Bolling, President

\_\_\_\_\_  
Authorization for Order

# WARRANTY RECIPROCATING COMPRESSOR PRODUCTS for MUNICIPAL BREATHING AIR SYSTEMS

**Scope of Warranty:** BAUER COMPRESSORS, INC. ("BAUER") warrants that, for a period of **twenty-four (24) months** from date of shipment from BAUER, this product shall conform to the applicable drawings and specifications approved in writing by BAUER, and that such product shall be free of defects in both material and workmanship. This warranty is specific to this product and applies only to the first purchaser ("Customer") during the twenty-four month warranty period and may not be transferred or enforced by any other party. The foregoing warranty period shall be extended to five (5) years from the date of shipment from BAUER for Customers that are Municipal Fire Departments with respect to the compressor block (breathing air application), provided that such extended warranty period shall only apply to product parts with proof of proper maintenance being completed in accordance with published BAUER factory recommendations. To be eligible for this limited warranty to cover Customer's product, Customer must return a properly completed start-up/warranty registration form to BAUER at the address below within **ninety (90) days** from the date of start-up.

**Warranty Service:** If, in the sole judgement of BAUER or its designated representative, the product does not conform to the applicable drawings and specifications approved in writing by BAUER for the product, or is found to be defective in material or workmanship, BAUER will at its option, either: (a) Repair or replace the product, or refund the product purchase price to the Customer, or (b) Furnish a service representative to correct the defects with the product.

**Obtaining Service:** To obtain warranty service, Customer should contact BAUER directly at the address below. BAUER may, at its option, refer customer to a BAUER designated representative, such as an authorized distributor, or provide Customer with authorized instructions on the return of the product to BAUER for assessment. Any product shipped to BAUER pursuant to BAUER's authorized return instructions shall be shipped F.O.B. to BAUER at the address below or as otherwise specified by BAUER. All return freight charges incurred shall be the sole responsibility of the Customer.

**Warranty Exclusions:** This warranty does not cover or shall be void with respect to the following:

- a. Any product for which the Customer has not submitted to BAUER a start-up/warranty registration form within **ninety (90) days** of the start-up of such product.
- b. Any product which Customer fails to ship to BAUER within thirty (30) days of receipt of BAUER's authorized return instructions after submitting a warranty claim to BAUER.
- c. Any defective or damaged products, parts or components resulting directly or indirectly from the use of repair or replacement parts, including filter and separator elements or oil, not manufactured or approved by BAUER or from Customer's failure to store, maintain, and operate the product according to recommendations contained in the INSTRUCTION MANUAL AND REPLACEMENT PARTS LIST included with the product as well as under standard engineering practices.
- d. Any product for which Customer does not have a service record book showing that regular maintenance work has been carried out utilizing Genuine Bauer Components. **BAUER or its designated representative may require proof of maintenance prior to rendering any decision on the validity of a warranty request.**
- e. Any alleged product defect resulting from deterioration or wear occasioned by chemical and/or abrasive action.
- f. Component parts or assemblies not manufactured by BAUER to the extent that such component parts or assemblies are not warranted by the original manufacturer. Further, BAUER shall have no responsibility for any cost or expense incurred by Customer due to the inability of BAUER to repair a component part or assembly under said third-party manufacturer warranty when such inability is beyond the control of BAUER or is caused solely by the Customer.

**Additional Limitations:** The warranty service and procedures described in this warranty constitutes Customer's sole and exclusive remedy for any claim hereunder. **BAUER MAKES NO WARRANTIES, REPRESENTATIONS OR PROMISES AS TO THE QUALITY, PERFORMANCE OR OTHERWISE WITH RESPECT TO ITS PRODUCTS OTHER THAN THOSE SPECIFICALLY STATED IN THIS WARRANTY. FURTHER, TO THE EXTENT PERMITTED BY APPLICABLE LAW, BAUER EXPRESSLY DISCLAIMS ALL IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTY OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE. UNDER NO CIRCUMSTANCES SHALL BAUER'S LIABILITY, WHETHER BASED ON CONTRACT, TORT, WARRANTY, STRICT LIABILITY, OR ANY OTHER THEORY, EXCEED THE PRICE OF THE INDIVIDUAL PRODUCT WHOSE DEFECT FOR DAMAGE IS THE BASIS OF THE CLAIM. BAUER SHALL NOT BE RESPONSIBLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, OR LOSS OF USE OF FACILITIES OR EQUIPMENT.**

BAUER COMPRESSORS, INC.  
1328 Azalea Garden Road, Norfolk Virginia 23502  
Phone: (757) 855-6006 Telefax (757) 855-8654





MUNICIPAL EMERGENCY SERVICES

700 W. Mississippi Ave  
STE E3  
Denver, CO 80223

# Quote

Date 3/24/2016  
Quote # QT1012801  
Expires 4/23/2016  
Sales Rep Forbes, Christopher J  
PO #  
Shipping Method Freight Fee

**Bill To**

ATT: JASON HARDEE  
Black Hawk Fire Department  
196 Clear Creek Street  
Black Hawk CO 80422  
United States

**Ship To**

ATT: JASON HARDEE  
Black Hawk Fire Department  
196 Clear Creek Street  
Black Hawk CO 80422  
United States

Item	Alt. Item #	Units	Description	QTY	Unit Sales Price	Amount
Scott Compressor	AC0404341110		AC0404341110 Scott Compressor COMPRESSOR SYSTEM MODEL - Simple Air 6000 psi, 3 phase, 230 volt, 60 Hz, 10 HP, with CO & Dew Point controller	1	22,936.00	22,936.00
Scott Compressor	AF21102110401		AF21102110401 Scott Compressor CHARGE STATION Model - Revolve Air with Base, Aux high pressure outlet, 4 bank cascade panel, CGA Adapter	1	11,832.00	11,832.00
Scott Compressor	AR1604A4250		AR1604A4250 Scott Compressor STORAGE SYSTEM ASME 6000, Vertical Stand Alone Rack, 4 cylinders, 25' hose	1	12,186.00	12,186.00
Scott Compressor	AR4604A4250		AR4604A4250 Scott Compressor STORAGE SYSTEM UN 6000 Vertical Stand Alone Rack, 4 cylinders, 25' hose	1	8,757.00	8,757.00
LCS-Compressor service labor			Compressor Install/InService	1	500.00	500.00

Attention Bruce Hollenbeck  
Pricing may change after configuration is confirmed by Black Hawk FD

Subtotal 56,211.00  
Shipping Cost (Freight Fee) 1,000.00  
Total \$57,211.00

This Quotation is subject to any applicable sales tax and shipping & handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current local tax information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.



QT1012801

**RESOLUTION 25-2016**  
**A RESOLUTION**  
**APPROVING A THREE**  
**MONTH EXTENSION OF**  
**THE HISTORIC**  
**RESTORATION AND**  
**COMMUNITY**  
**PRESERVATION**  
**PROGRAM PROJECT AT**  
**401 CHASE STREET**

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

**Resolution No. 25-2016**

**TITLE: A RESOLUTION APPROVING A THREE MONTH EXTENSION OF THE HISTORIC RESTORATION AND COMMUNITY PRESERVATION PROGRAM PROJECT AT 401 CHASE STREET**

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

**Section 1.** The City Council hereby approves a three month extension of the Historic Restoration and Community Preservation Program Project at 401 Chase Street, said extension to be through and including July 14, 2016.

RESOLVED AND PASSED this 13<sup>th</sup> day of April, 2016.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, City Clerk

## **CITY OF BLACK HAWK**

### **REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** A Resolution approving a 3-month extension, under the Historic Restoration and Community Preservation Program, for Building Permit No. 14-00095, to close-out the 401 Chase Street project without losing the grant program funding for an expired permit.

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

**MOTION TO APPROVE** *Resolution 25-2016, A Resolution approving a 3-month extension, of the Historic Restoration and Community Preservation Program Project at 401 Chase Street.*

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Resolution 52-2014 adopted August 13, 2014, Guide to Programs, Section 1: Program Overview, Subsection (a) General Program Information, No. 11 states:

All projects, whether via contract with the City or Property Owner, shall commence construction within twelve (12) months of the award of any grant funds for a project, and will have twelve (12) months to complete the work after the project has begun.

The beginning of a project is the date of issuance of the building permit for the project. The end of the project is the expiration date (one (1) year after issuance of the building permit), and same date that all available and approved funds should be requested from the City, with appropriate and required receipts and documentation, on or before that day.

Unless the City Council approves an extension of the expiration date, any funds remaining at the end of the project shall revert to the Historic Restoration and Community Preservation Fund for use on other projects.

In the event the Contractor/Property Owner fails to obtain a building permit and commence construction of a project within twelve (12) months of the grant award, the grant funds shall revert to the Historic Restoration and Community Preservation Fund for use on other projects and the property/project will move off the list of upcoming projects for the Historic Restoration and Community Preservation Fund Program.

Building Permit No. 14-00095 was issued to Whitestone Construction April 14, 2015. The expiration date and end of the project is April 14, 2016, unless an extension is granted by City Council. The project is complete except for an outstanding asphalt patch project that was previously completed in inclement weather and failed. This task needs to be redone under warmer, drier weather conditions, thus the request for an extension. By granting a 3-month extension, the remaining funds required to complete this project shall remain in place, fully available and will not revert back to the Historic Restoration and Community Preservation Fund for use on other projects.

**AGENDA DATE:**

April 13, 2016

**WORKSHOP DATE:**

N/A

**FUNDING SOURCE:**

203-0000-5026867

**DEPARTMENT DIRECTOR APPROVAL:**

Yes                       No

**STAFF PERSON RESPONSIBLE:**

Cynthia Linker, CP&D Administrator

**DOCUMENTS ATTACHED:**

Resolution 25-2016

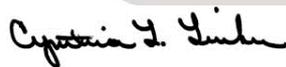
**RECORD:**

Yes                       No

**CITY ATTORNEY REVIEW:**

Yes                       N/A

**SUBMITTED BY:**



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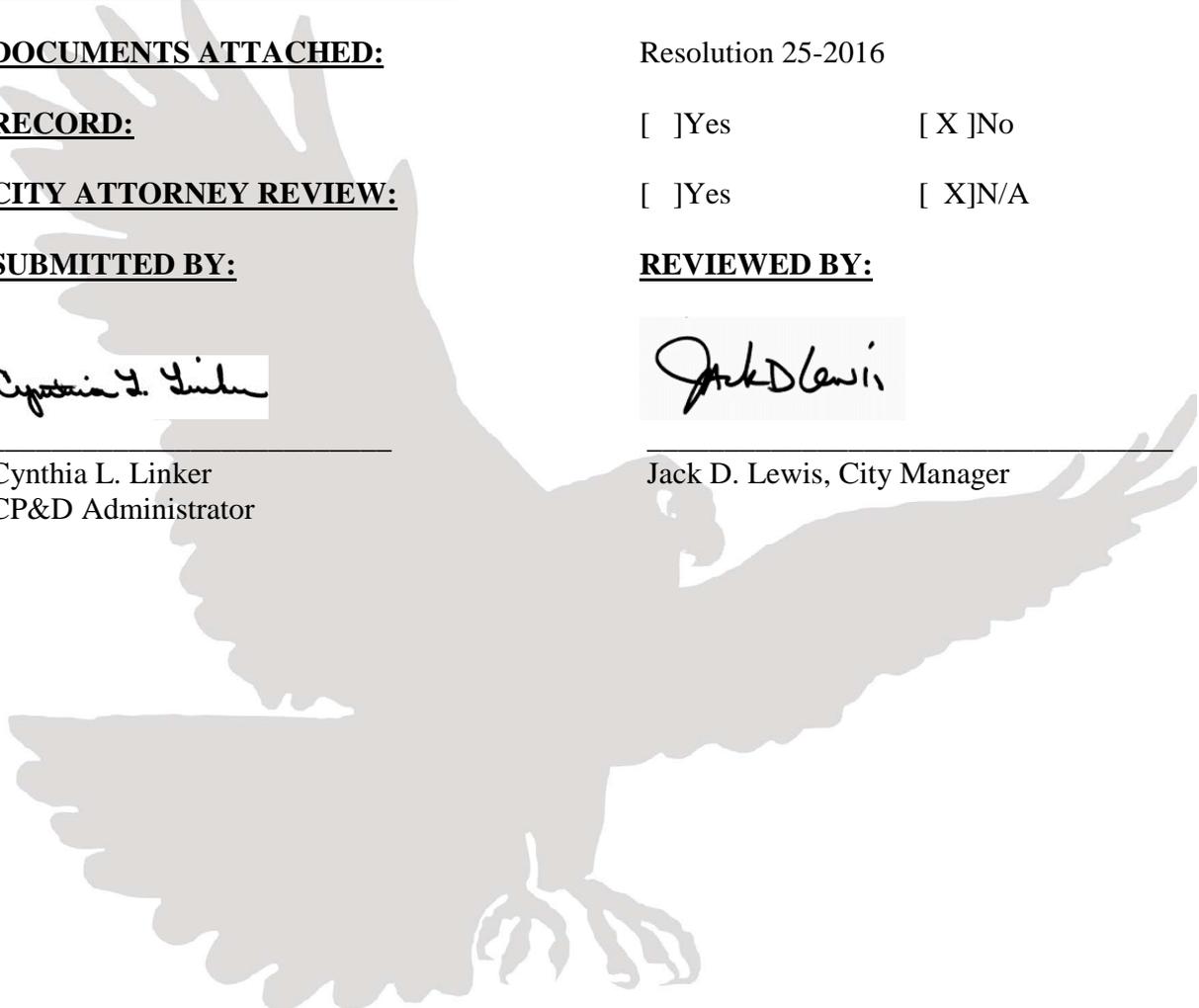
Cynthia L. Linker  
CP&D Administrator

**REVIEWED BY:**



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Jack D. Lewis, City Manager



**RESOLUTION 26-2016**  
**A RESOLUTION**  
**APPROVING A THREE**  
**MONTH EXTENSION OF**  
**THE HISTORIC**  
**RESTORATION AND**  
**COMMUNITY**  
**PRESERVATION**  
**PROGRAM PROJECT AT**  
**301 HIGH STREET**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 26-2016

**TITLE: A RESOLUTION APPROVING A THREE MONTH EXTENSION OF THE HISTORIC RESTORATION AND COMMUNITY PRESERVATION PROGRAM PROJECT AT 301 HIGH STREET**

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

**Section 1.** The City Council hereby approves a three month extension of the Historic Restoration and Community Preservation Program Project at 301 High Street, said extension to be through and including September 12, 2016.

RESOLVED AND PASSED this 13<sup>th</sup> day of April, 2016.

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

ATTEST:

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

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

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**SUBJECT:** A Resolution approving a 3-month extension, under the Historic Restoration and Community Preservation Program, for Building Permit No. 15-00010, to close-out the 301 High Street project without losing the grant program funding for an expired permit.

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

**MOTION TO APPROVE** *Resolution 26-2016, A Resolution approving a 3-month extension, of the Historic Restoration and Community Preservation Program Project at 301 High Street.*

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Resolution 52-2014 adopted August 13, 2014, Guide to Programs, Section 1: Program Overview, Subsection (a) General Program Information, No. 11 states:

All projects, whether via contract with the City or Property Owner, shall commence construction within twelve (12) months of the award of any grant funds for a project, and will have twelve (12) months to complete the work after the project has begun.

The beginning of a project is the date of issuance of the building permit for the project. The end of the project is the expiration date (one (1) year after issuance of the building permit), and same date that all available and approved funds should be requested from the City, with appropriate and required receipts and documentation, on or before that day.

Unless the City Council approves an extension of the expiration date, any funds remaining at the end of the project shall revert to the Historic Restoration and Community Preservation Fund for use on other projects.

In the event the Contractor/Property Owner fails to obtain a building permit and commence construction of a project within twelve (12) months of the grant award, the grant funds shall revert to the Historic Restoration and Community Preservation Fund for use on other projects and the property/project will move off the list of upcoming projects for the Historic Restoration and Community Preservation Fund Program.

Building Permit No. 15-00010 was issued to Whitestone Construction June 12, 2015. The expiration date and end of the project is June 12, 2016, unless an extension is granted by City Council. The project is complete except for an outstanding asphalt patch project that was previously completed in inclement weather and failed. This task needs to be redone under warmer, drier weather conditions, thus the request for an extension. By granting a 3-month extension, the remaining funds required to complete this project shall remain in place, fully available and will not revert back to the Historic Restoration and Community Preservation Fund for use on other projects.

**AGENDA DATE:**

April 13, 2016

**WORKSHOP DATE:**

N/A

**FUNDING SOURCE:**

203-0000-5026867

**DEPARTMENT DIRECTOR APPROVAL:**

Yes                       No

**STAFF PERSON RESPONSIBLE:**

Cynthia Linker, CP&D Administrator

**DOCUMENTS ATTACHED:**

Resolution 26-2016

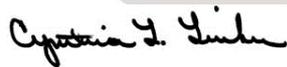
**RECORD:**

Yes                       No

**CITY ATTORNEY REVIEW:**

Yes                       N/A

**SUBMITTED BY:**



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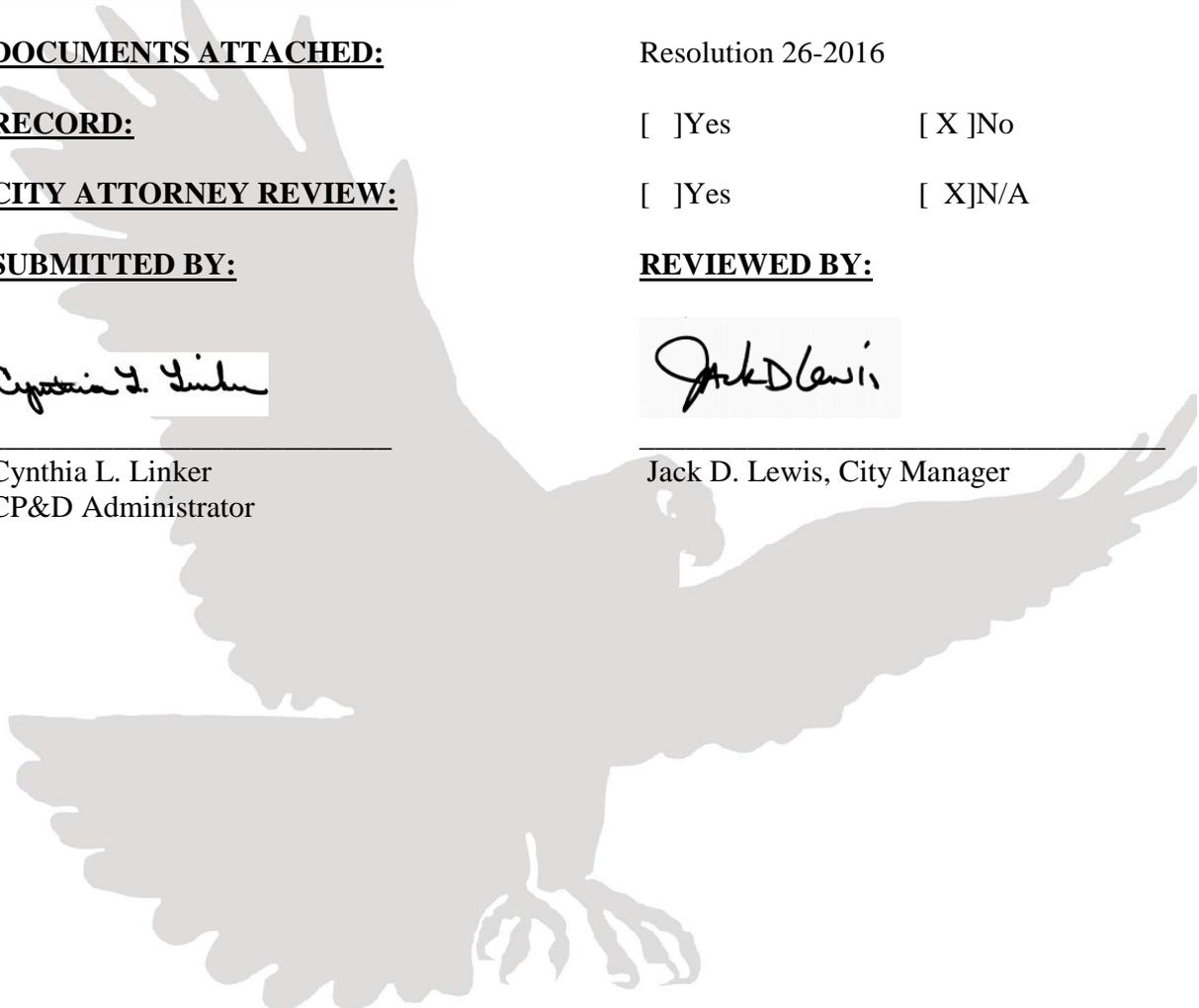
Cynthia L. Linker  
CP&D Administrator

**REVIEWED BY:**



---

Jack D. Lewis, City Manager



**RESOLUTION 27-2016**  
**A RESOLUTION**  
**APPROVING THE TITLE**  
**VI PLAN FOR THE BLACK**  
**HAWK CENTRAL CITY**  
**TRAMWAY OPERATIONS**

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

**Resolution No. 27-2016**

**TITLE: A RESOLUTION APPROVING THE TITLE VI PLAN FOR THE  
BLACK HAWK CENTRAL CITY TRAMWAY OPERATIONS**

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

Section 1. The City Council hereby approves the Title VI Plan for the Black Hawk  
Central City Tramway Operations, attached hereto as **Exhibit A**, and incorporated herein by this  
reference.

RESOLVED AND PASSED this 13<sup>th</sup> day of April, 2016.

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

ATTEST:

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



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

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**SUBJECT:** A resolution approving the Title VI plan for CDOT and the FTA.

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

**MOTION TO APPROVE** Resolution 27-2016, a Resolution approving the Title VI plan for the Black Hawk Central City Tramway Operations.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

As a direct recipient of funding from the Federal Transit Administration (FTA) (and hopefully funding in the future), CDOT is required to ensure that grant recipients have Title VI (civil rights) plans that meet the requirements of FTA Circular 4702.1B. The City submitted our plan back in November and it appears that there were a few deficiencies, one being the fact that the governing entity review and approve the program. The remainder of the items have been addressed in the document and the final step is this approval. The plan will then be resubmitted.

**FUNDING SOURCE:** 204-4801-481-33-19 Transportation

**WORKSHOP DATE:** April 13, 2016

**ORIGINATED BY:** Tom Isbester

**STAFF PERSON RESPONSIBLE:** Tom Isbester

**PROJECT COMPLETION DATE:** N/A

**DOCUMENTS ATTACHED:** Title VI Program for BH&CC Tramway Ops

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

**SUBMITTED BY:**

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Thomas Isbester, Public Works Director

**REVIEWED BY:**

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Jack D. Lewis, City Manager

## **CITY OF BLACK HAWK/BH & CC TRAMWAY TITLE VI COMPLIANCE PLAN**

### **Part One: Introduction Part Two: Public Notice of Rights Part Three: Complaint Process/Investigation Procedure/ Complaint Form Part Four: Limited English Proficiency Plan March 2016**

#### **PART ONE: Introduction**

The City of Black Hawk, operating the BH & CC Tramway (Tramway), prepared this Title VI Public Notice of Rights and Complaint Process in compliance with the Title VI Circular 4702.1B. There is no history of and or active investigations, lawsuits and/or complaints concerning Civil Rights Compliance.

Transit service operates as a deviated fixed route with a maximum of three vehicles in service at any given time. Service is provided seven days a week from 10 am to 2:30 am Monday through Thursday and 10 am to 3:30 am Friday through Sunday. All vehicles in the fleet are wheelchair accessible and all stops provide access for mobility devices. A person with a mobility limitation needing curb-to-curb service will be accommodated by a deviation of the route service vehicle as needed. An ADA Service Plan has been prepared supported by both an ADA Comment Form and a Deviation Service Request to facilitate access to curb-to-curb service. Requirements of FTA Circular IV-4 mentions that "providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for additional reporting requirements including service policies/service standards. *However, these requirements only apply to fixed route service.*" Based on the designation as a deviated fixed route provider, the Tramway does not meet this threshold.

No sub-recipients are active in providing transit services. All service is provided and facilities are located within the city limits of Black Hawk and Central City.

The Tramway is governed by the elected City Council and currently includes six males and one female. No non-elected committees and/or councils are authorized to direct policy or operations of transit service. This plan has been approved by City Council at a regularly scheduled meeting.

No Fixed Facilities are being proposed. Therefore, no information about the siting of a facility has been included.

#### **PART TWO: Public Notice of Rights**

The following statement shall be posted on site at the Tramway office, on the Tramway website ([www.blackhawkTramway.com](http://www.blackhawkTramway.com)); permanently displayed on public transit vehicles; and other appropriate materials made available to the public: *(Documents will be translated into languages other than English, upon request.)*

##### **Non-Discrimination - Your Rights under Title VI of the Civil Rights Act of 1964**

*The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person, who believes the BH & CC Tramway has violated his /her Title VI protections, should contact the Tramway at 303-582-1324, [tisbester@cityofblackhawk.org](mailto:tisbester@cityofblackhawk.org). The BH & CC Tramway has also developed a policy to assist individuals who are Limited English Proficient (LEP). Translation services in order to assist LEP individuals shall be made available to BH & CC Tramway's customers upon request. The BH & CC Tramway's Title VI policy, complaint procedures and LEP Plan shall be made available upon request by contacting the BH & CC Tramway Department at the above-noted information. For Federal Title VI information please contact the Federal Transit Administration (FTA), Region 8 at 720-963-3300. Federal Title VI*

information, including filing complaints, can also be accessed on the FTA web site at: [www.fta.dot.gov](http://www.fta.dot.gov).

### **PART THREE: Complaint Process and Investigation Procedures**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the Tramway.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Tramway may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The City will prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

The following measures will be taken to resolve Title VI complaints:

- 1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The Tramway strongly encourages the use of the attached *BH & CC Tramway Title VI Complaint Form* when filing official complaints.

The preferred method is to file your complaint in writing using the *BH & CC Tramway Title VI Complaint Form*, and sending it to:

Title VI Coordinator  
Public Works Department  
BH & CC Tramway  
987 Miners Mesa Road  
Black Hawk, CO 80422

or

CDOT  
Civil Rights Office  
Civil Rights and Business Resource Center  
4201 East Arkansas Avenue  
Denver, CO 80222  
303-512-4144

or

Federal Transit Administration  
Region 8  
Attn: Civil Rights Officer  
12300 West Dakota Avenue  
Suite 310  
Lakewood, CO 80228  
720-963-3300  
Fax 720-963-3333

- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Tramway Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Tramway Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, the Tramway will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Transportation Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
  - b. If the complaint is to be investigated, the notification shall state the grounds of the Tramway's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the Tramway does not have sufficient jurisdiction, the Transportation Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the Transportation Director or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Transportation Director within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
- 8) The Transportation Director or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.
- 9) If the Complainant is dissatisfied with the Tramway's resolution of the complaint, he/she has the right to file a complaint with the CDOT Civil Rights and Business Resources Center or FTA Region 8 Civil Rights Officer. (contact information in Section 1) above.)

FTA Complaint procedures can also be found on the FTA web site at: [www.fta.dot.gov](http://www.fta.dot.gov). These procedures are also outlined in FTA Circular 4702.1B, Chapter IX.

### Title VI Complaint Form

Instructions: If you would like to submit a Title VI complaint to the BH & CC Tramway, please fill out the form below and send it to: BH & CC Tramway, Attn: Title VI Coordinator, 987 Miners Mesa Road, Black Hawk, CO 80422. For questions or a full copy of Tramway's Title VI policy and complaint procedures call 303-582-1324 or email [tisbester@cityofblackhawk.org](mailto:tisbester@cityofblackhawk.org).

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
_____				
_____				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No



## **PART FOUR PUBLIC PARTICIPATION AND SERVICE STANDARDS/POLICIES**

### **Public Participation Plan (PPP)**

The BH & CC Tramway Public Participation Plan (PPP) describes how the Tramway communicates and distributes information to the public as well as how the public can interact and provide comments to the Tramway. The needs of those traditionally underserved by the existing system will be sought and considered by the transit system.

Through its public involvement efforts, the Tramway will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Title VI states that no person shall, on the ground of race, color, or national origin, be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Tramway will ensure that the input and feedback from all people will be considered in the development of Tramway planning documents and activities.

EJ concerns and goals should be considered throughout all public engagement efforts, from project planning through construction and operation. This includes public outreach conducted during transportation planning and during the environmental reviews required by the National Environmental Policy Act (NEPA).

The following actions relating to Environmental Justice and Title VI are meant to reduce the barriers for participation in the decision-making process by low income, minority or disabled individuals.

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers and schools. Where possible, Tramway staff will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.
2. Upon request, all Tramway work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all Tramway documents: The Tramway does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. This document can be made available in alternative formats by calling the Public Works Office at 303-582-1324.
4. The following statement will be included in all meeting announcements:  
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Public Works Administrative Assistant at 987 Miners Mesa Road, 303-582-1324, at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in

various accessible formats. Please contact the Public Works Administrative Assistant if a summary or other type of accessible format is needed.

5. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in Tramway mailings. Staff will maintain an active listing of contacts for these organizations.
6. The Tramway will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

### **Communication and Notification to the Public**

All members of the public are ensured protections against discrimination which are afforded to them by Title VI. To ensure open communication with the public, the Tramway will adhere to the following requirements:

- The Tramway will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the transit's website and in the Weekly Register Call. Documents and agendas will be available at the Public Works Office 987 Miners Mesa Road.
- Public notices of Tramway meetings will be posted at the location of the meeting site.
- In appropriate documents, the Tramway will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Tramway transit program, activity, or service.

## **PART FIVE: LIMITED ENGLISH PROFICIENCY PLAN**

### **I. INTRODUCTION**

This Limited English Proficiency (LEP) Plan, for the City of Black Hawk/dba BH & CC Tramway has been developed in response to federal requirements included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person shall “on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Federal Executive Order No. 13166, issued in August 2000 by President Clinton, "Improving Access to Services for Persons with Limited English Proficiency," was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. and Acting Assistant Attorney General, Loretta King directed a strengthening of enforcement of Title VI in a memorandum dated July 10, 2009.

As a sub-recipient of funds from the Federal Transit Administration (FTA), through the Colorado Department of Transportation (CDOT), this Limited English Proficiency (LEP) Plan for the City of Black Hawk has been developed to ensure compliance with Federal LEP regulations. It includes an assessment of the limited English proficiency needs of our area, an explanation of the steps we are currently taking to address these needs, and the steps we plan to take in the future to ensure meaningful access to our transit programs by persons with limited English proficiency.

### **II. POLICY**

It is the policy of the City of Black Hawk to ensure that our programs and activities, normally provided in English, are accessible to Limited English Proficiency (LEP) persons and thus do not discriminate on the basis of national origin in violation of the Title VI prohibition against national origin discrimination. The City of Black Hawk will, to the maximum extent feasible in its official deliberations and communications, community outreach and related notifications, provide appropriate alternative non-English formats for persons with LEP to access information and services provided.

### III. LIMITED ENGLISH PROFICIENCY NEEDS OF AREA

The *Four-Factor Analysis* developed by the FTA requires that information be included in LEP Plans regarding the number and percentage of LEP persons in our area, and the nature, frequency and importance of the contact we have with LEP persons in providing transit services. Each of these elements is addressed below.

#### Factor 1. Number and Percentage of LEP Persons in Our Area

##### 1. Permanent Population

Because of the regional draw of the gaming industry, CDOT has recommended that the population data for multiple Front Range Counties/Major Cities be utilized.

Data Category	Adams County		Arapahoe County		Boulder County		Gilpin County		Douglas County		Jefferson County	
	Total #	%	Total #	%	Total #	%	Total #	%	Total #	%	Total #	%
Total Population (5 years old & older)	396,285	100	523,128	100	276,549	100	5,001	100	258,481	100	501,761	100
Population Speaking English "Not Well" or "Not at All"	31204	8%	27279	5%	9133	3%	29	1%	2589	1%	7411	1%
Population Speaking English "Not Well" or "Not at All"												
Spanish	26402	85%	19255	71%	7655	84%	29	100%	1381	53%	4594	62%
Other Indo-European	1313	4%	2047	8%	622	7%	0	0%	439	17%	957	13%
Asian and Pacific Islander	3222	10%	4285	16%	842	9%	0	0%	753	29%	1728	23%
Other	267	1%	1692	6%	14	0%	0	0%	16	1%	132	2%
Total	31204	100%	27279	100%	9133	100%	29	100%	2589	100%	7411	100%

Data Category	Aurora		Black Hawk		Boulder		Central City		Lakewood		Longmont	
	Total #	%	Total #	%	Total #	%	Total #	%	Total #	%	Total #	%
Total Population (5 years old & older)	292,048	100	106	100	93,394	100	508	100	134,492	100	78,842	100
Population Speaking English "Not Well" or "Not at All"	26770	9%	0	0%	2002	2%	21	4%	3440	3%	5101	6%
Population Speaking English "Not Well" or "Not at All"												
Spanish	21267	79%	0	0%	1650	82%	21	100%	2423	70%	4823	95%
Other Indo-European	933	3%	0	0%	200	10%	0	0%	154	4%	136	3%
Asian and Pacific Islander	3332	12%	0	0%	152	8%	0	0%	838	24%	133	3%
Other	1238	5%	0	0%	0	0%	0	0%	25	1%	9	0%
Total	26770	100%	0	0%	2002	100%	21	100%	3440	100%	5101	100%

Source: U.S. Census American Community Survey 2007-2011 estimates, population 5 years old and older, speaking another language in the home, who speak English "Not well" or "Not at All."

While permanent population would not be sufficient to require alternative language access, the Front Range populations will be considered.

Visitor Population

Based on a summary of the information provided, a summary of the LEP status of potential visitors to Black Hawk was prepared.

Population Not Speaking English Well or Not at All With Alternative Language

County/ Major City	Spanish	Indo- European	Asian	Other	Non-English Speaking Well Total	Total Population	
Adams	26,402	1,313	3,222	267	31,204	396,285	
Arapahoe	19,255	2,047	4,285	1,692	27,279	523,128	
Boulder	7,655	622	842	14	9,133	273,549	
Gilpin	29	-	-	-	29	5,001	
Douglas	1,381	439	753	16	2,589	258,481	
Jefferson	4,594	957	1,728	132	7,411	501,761	
Aurora	21,267	933	3,332	1,238	26,770	292,048	
Black Hawk	-	-	-	-	-	106	
Boulder	1,650	200	152	-	2,002	93,394	
Central Ctiy	21	-	-	-	21	508	
Lakewood	2,423	154	838	25	3,440	134,492	
Longmont	4,823	136	133	9	5,101	78,842	
	89,500	6,801	15,285	3,393	114,979	2,557,595	4%
	78%	6%	13%	3%			(of Total)

It is reasonable to assume these language needs would be relevant to visitors to the community.

2. Summary

In Summary, the total LEP population is less than 5%. Of the total population only 4% reported speaking English “not well” or “not at all.” However, the total of this population would be over 100,000 persons. Spanish language is the predominant alternate language.

**Factor 2 & 3 Nature, Frequency and Importance of LEP Contact**

1. Nature of Contact

The Tramway provides deviated fixed route service throughout the community. Mobility limited persons are accommodated in compliance with the Americans with Disabilities Act. Service is provided seven days a week for extended hours. No fares are collected.

Contacts with all riders as well as LEP persons include:

- A printed brochure is provided outlining the details of the service.
- Routes do not operate with timed stops; it operates on a continuous route with an interval varying between 20 and 30 minutes depending on the time of day and ay of week.
- Phone numbers to contact for additional information are prominently displayed on both the printed schedule and each bus.

2. Frequency of Contact

It has been determined through both on-board and in-casino surveys that the average guest visited 2 to 3 casinos per visit. Rides are short – generally around four blocks. Each bus carried an average of 25 riders per hour. Based on driver feedback, there are minimal requests for alternate language information.

### 3. Importance of Contact

In rating the importance of current contacts or potential contacts with LEP individuals, the Black Hawk Tramway is taking the position that all riders are important and while there are minimal requests for alternate languages, this service will be provided.

### **Factor 4. Resources Available for LEP Outreach**

The Tramway will allocate the necessary resources for LEP outreach. At this time it includes translation service (\$500) and website enhancement (\$500).

## **IV. LANGUAGE ASSISTANCE PLAN**

### A. How Will You Identify LEP Persons Who Need Language Assistance?

- Driver Team will be front line for identifying needs
- Casino Association will be advised of access to alternate languages if needed.
- City Council will be advised of plan.

### B. How Will You Identify Language Assistance Measures?

- Actively review additional options for providing service.

### C. How Will Your Staff Be Trained?

- Driver Team training provided by MV Transit includes module on Limited English Proficiency riders as well as Customer Service standards.
- Fleet Maintenance Shop closely monitors operations
- Public Works Office receives and responds to all Customer Service issues.

### D. What Will Be Your Outreach Efforts?

- Brochure is currently translated to Spanish and updates will be provided when needed.
- Drivers provided with Basic Spanish for Transit Employees, prepared by CDOT, Colorado Mountain College, and Roaring Forks Transit Agency.

### E. What Is Your Monitoring and Updating Plan?

- Request routine feedback from Driver Team contractor concerning any increased demand/incidents of needing information.
- Update brochure in alternate languages as needed.

### F. How Will You Disseminate Your LEP Plan?

- Copies will be provided to Driver Team Supervisors
- Driver Team has Spanish Language Brochures and Handbook.

**RESOLUTION 28-2016**  
**A RESOLUTION**  
**APPROVING THE**  
**AGREEMENT BETWEEN**  
**THE CITY OF BLACK**  
**HAWK AND DAVIS**  
**CUSTOM WELDING FOR**  
**CONSTRUCTION OF THE**  
**GREEN LAKE PIPELINE**  
**REPLACEMENT PROJECT**  
**PHASE VI IN AN AMOUNT**  
**NOT TO EXCEED**  
**\$233,405.00**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 28-2016

**TITLE: A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF BLACK HAWK AND DAVIS CUSTOM WELDING FOR CONSTRUCTION OF THE GREEN LAKE PIPELINE REPLACEMENT PROJECT PHASE VI IN AN AMOUNT NOT TO EXCEED \$233,405.00**

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

**Section 1.** The City Council hereby approves the Agreement between the City of Black Hawk and Davis Custom Welding for construction of the Green Lake Pipeline Replacement Project Phase VI in an amount not to exceed \$\$23,405.00, and authorizing the Mayor to execute the same on behalf of the City.

RESOLVED AND PASSED this 13<sup>th</sup> day of April, 2016.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, City Clerk



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

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**SUBJECT:** A Resolution awarding the bid for the Green Lake Pipeline Replacement Project Phase VI to Davis Custom Welding.

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

**MOTION TO APPROVE** Resolution 28-2016, a Resolution approving the agreement between the City of Black Hawk and Davis Custom Welding for construction of the Green Lake Pipeline Replacement Project Phase VI in an amount not to exceed \$233,405.00.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Green Lake was purchased in 2008 and is jointly owned with Clear Creek County. The City's share of the reservoir storage is 63% and the County's share is 37%. The inflow pipeline is approximately 3,900 feet in length and delivers water to Green Lake from a headgate located on Leavenworth Creek. The previous five phases (3,270 feet) of the inflow pipeline replacement were completed between 2011 and 2015. This Project will complete the Green Lake inflow pipeline replacement and consists of 630 feet. The project was advertised in the Weekly Register Call on February 25<sup>th</sup> and March 3<sup>rd</sup>. Davis Custom Welding, who completed the first five phases of the pipeline replacement, was the only contractor to submit a responsive bid. Black Hawk will administer the contract, make payments to the contractor, and Clear Creek County will reimburse the City for their share of the project. The City's share will be \$146,958.70 and the County's share will be \$86,446.30. Therefore staff recommends award of the Contract to Davis Custom Welding.

**FUNDING SOURCE:** Green Lake Pipeline: 501-3151-460-74-29

**WORKSHOP DATE:** April 13, 2016

**ORIGINATED BY:** Jim Ford

**STAFF PERSON RESPONSIBLE:** Jim Ford

**PROJECT COMPLETION DATE:** August 31, 2016

**DOCUMENTS ATTACHED:** Contractor Bid Form

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

**SUBMITTED BY:**

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Thomas Isbester, Public Works Director

**REVIEWED BY:**

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Jack D. Lewis, City Manager

**GREEN LAKE PIPELINE REPLACEMENT BID SCHEDULE**

**Bidder Name:** DAVIS CUSTOM WELDING, INC.

No.	Item Description	Units	Quantity	Unit Price	Item Price
1.	Mobilization and Demobilization	LS	1	18,420.00	18,420.00
2.	Bonding	LS	1	6,645.78	6,645.78
3.	Clearing & Grubbing	LS	1	21,800.00	21,800.00
4.	Purchase 18-inch steel pipe	LF	630	49.00	30,870.00
5.	Install 18-inch Steel Pipe	LF	630	219.73	135,279.90
6.	Remove & Dispose Existing Pipeline	LS	630	28.84	18,169.20
7.	Connect to existing pipeline	EA	2	1,110.00	2,220.00

**TOTAL BID:**  
*Two Hundred Thirty Three Thousand and Four Hundred Five Dollars*  
 (words) (figures)  
 \$233,405.00

**GREEN LAKE PIPELINE REPLACEMENT SUBCONTRACTOR LISTING**

The following information is submitted for each subcontractor that will be used in the work if the Bidder is awarded the Agreement. Additional numbered pages shall be attached to this page as required. Each page shall be headed "SUBCONTRACTOR LISTING" and signed. All work to be subcontracted over \$3,000 shall be listed.

Amount of Subcontract	Name and Address of Subcontractor	Portion of Work

\_\_\_\_\_  
Signature

END OF SECTION

**RESOLUTION 29-2016**  
**A RESOLUTION**  
**AWARDING THE BID AND**  
**APPROVING THE**  
**CONSTRUCTION OF THE**  
**R.A. CLARK EMERGENCY**  
**OPERATIONS CENTER**  
**PROJECT TO ROCHE**  
**CONSTRUCTORS, INC. IN**  
**AN AMOUNT NOT TO**  
**EXCEED \$1,662,700.00**

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

**Resolution No. 29-2016**

**TITLE: A RESOLUTION AWARDING THE BID AND APPROVING THE CONSTRUCTION OF THE R.A. CLARK EMERGENCY OPERATIONS CENTER PROJECT TO ROCHE CONSTRUCTORS, INC. IN AN AMOUNT NOT TO EXCEED \$1,662,700.00.**

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

**Section 1.** The City Council hereby awards the bid and approves construction of the R.A. Clark Emergency Operations Center project to Roche Constructors, Inc. in an amount not to exceed \$1,662,700.00, and authorizes the Mayor to execute the same on behalf of the City.

RESOLVED AND PASSED this 13<sup>th</sup> day of April, 2016.

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

ATTEST:

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



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

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**SUBJECT:** A Resolution awarding the bid for construction of the R.A. Clark Emergency Operations Center to Roche Constructors, Inc.

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

MOTION TO APPROVE Resolution 29-2016, a Resolution awarding the bid and approving the construction of the R.A. Clark Emergency Operations Center project to Roche Constructors, Inc. in an amount not to exceed \$1,662,700.00.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

On July 22, 2015, City Council awarded the design contract for the R.A. Clark Emergency Operations Center (EOC) to a team led by Roche Constructors, Inc. The intent was to construct the EOC as a design/build project, establishing a Guaranteed Maximum Price (GMP) and issuing a construction contract upon completion of the design process. The GMP has been established at \$1,662,700.00; any additional costs caused by design flaws or omissions will be paid for by the contractor. Currently there is \$1,200,000 in the budget. If approved, staff will come back with a budget amendment request for an additional \$500,000 to cover the difference and some of the furnishings not included in the building.

**FUNDING SOURCE:** Police Parking Structure: 305-3101-431-75-06

**WORKSHOP DATE:** April 13, 2016

**ORIGINATED BY:** Matt Reed

**STAFF PERSON RESPONSIBLE:** Matt Reed

**PROJECT COMPLETION DATE:** December 31, 2016

**DOCUMENTS ATTACHED:** N/A

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

**SUBMITTED BY:**

**REVIEWED BY:**

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Thomas Isbester, Public Works Director

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Jack D. Lewis, City Manager