



REGULAR MEETING AGENDA

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

February 11, 2015
3:00 p.m.

RINGING OF THE BELL:

1. CALL TO ORDER:
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. ADENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. PUBLIC COMMENT: *Please limit comments to 5 minutes*
6. APPROVAL OF MINUTES: January 28, 2015
7. PUBLIC HEARINGS:
 - A. CB5, An Ordinance Amending the Black Hawk Municipal Code by the Repeal of Article XV of Chapter 6 Concerning Medical Marijuana Dispensaries and the Revision of Certain Licensing Requirements Within Article XVIII of Chapter 6 Regarding Retail Marijuana Establishments
8. ACTION ITEMS:
 - B Resolution 12-2015, A Resolution Approving Participation in a Multi-Agency Grant through the North Central Region for the Replacement of Breathing Apparatus
 - C. Resolution 13-2015, A Resolution Approving The Third Addendum to Personal Services Agreement with 5280 Strategies, LLC.
 - D. Resolution 14-2015, A Resolution Approving the Temporary Construction Easement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Maria Vela, Property Owner of 281 High Street
 - E. Resolution 15-2015, A Resolution Approving the Temporary Construction Easement for a Temporary Construction Laydown Area Associated with the Rehabilitation of 401 Chase Street Between the City of Black Hawk and Kathryn Lorenz, Property Owner of Lot 5, Block 17
 - F. Resolution 16-2015, A Resolution Directing the City Manager to Apply for Local Landmark Designation for the Property Located at 201 Selak Street and Generally Known as Black Hawk City Hall
 - G. Resolution 17-2015, A Resolution Approving the City's Professional Service Agreements for 2015
9. CITY MANAGER REPORTS:
10. CITY ATTORNEY:
11. EXECUTIVE SESSION:
12. PRESENTATION AT 4:30 PM: Richard Smith, Former HPC Chairman
13. ADJUORNMENT:

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**

January 28, 2015

MEETING MINUTES

Mountain-Ear Reporter John Scarffe rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, January 28, 2015 at 3:00 p.m. by Mayor Spellman.

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

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning and Development Administrator Linker, 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 stated that Action Item 8B had been pulled from the agenda.

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 stated no one had signed up for public comments.

6. APPROVAL OF MINUTES

January 14, 2015.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve the Minutes as presented.

MOTION PASSED

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

7. PUBLIC HEARINGS:

A. CB4, An Ordinance Amending the International Building Code, 2012 Edition, and the International Existing Building Code, 2012 Edition, as Adopted by the City of Black Hawk, by the addition Thereto of a new Sub-Section 18-5 (24) of the Black Hawk Municipal Code regarding Elevators

Mayor Spellman read the title and opened the public hearing.

Community Planning and Development Administrator Linker confirmed that this item was introduced at the January 14 meeting and was advertised as required, staff at this time recommends approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB4, An Ordinance Amending International Building Code, 2012 Edition, and the International Existing Building Code, 2012 Edition, as Adopted by the City of Black Hawk, by the addition Thereto of a new Sub-Section 18-5 (24) of the Black Hawk Municipal Code regarding Elevators.

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 Moates to Approve CB4, An Ordinance Amending the International Building Code, 2012 Edition, and the International Existing Building Code, 2012 Edition, as Adopted by the City of Black Hawk, by the addition Thereto of a new Sub-Section 18-5 (24) of the Black Hawk Municipal Code regarding Elevators.

MOTION PASSED

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

8. ACTION ITEMS:

B. Resolution 8, A Resolution Directing the City Manager to Apply for Local Landmark Designation for the Property Located at 500 Gregory Street and Generally Known as Gregory Monument Park

This item was pulled from the agenda.

C. Resolution 9, A Resolution Approving the Temporary Construction Easement as a condition of the Preservation Easement Agreement for the Rehabilitation of 401 Chase Street Between the City of Black Hawk and Joshua Smith and Mary Keehfuss, Property Owners of 401 Chase Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker stated that this Temporary Construction Easement was required as per the applicant's Historic Preservation Easement to allow the City to go onto their property to take care of the necessary improvements.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 9, A Resolution Approving the Temporary Construction Easement as a condition of the Preservation Easement Agreement for the Rehabilitation of 401 Chase Street Between the City of Black Hawk and Joshua Smith and Mary Keehfuss, Property Owners of 401 Chase Street.

MOTION PASSED

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

D. Resolution 10, A Resolution Approving the Temporary Construction Easement as a condition of the Preservation Easement Agreement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Lloyd and Christina Larsen, Property Owners of 301 High Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker said this was the same requirement as the previous Resolution.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 10, A Resolution Approving the Temporary Construction Easement as a condition of the Preservation Easement Agreement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Lloyd and Christina Larsen, Property Owners of 301 High Street.

MOTION PASSED

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

E. Resolution 11, A Resolution Approving the Temporary Construction Easement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Lloyd and Christina Larsen, Property Owners of 311 High Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker said this Temporary Construction Easement was required in the event the contractor needs to gain access to 301 High Street from the property owners of 311 High Street.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 11, A Resolution Approving the Temporary Construction Easement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Lloyd and Christina Larsen, Property Owners of 311 High Street.

MOTION PASSED

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

9 CITY MANAGER REPORTS:

City Manager Lewis had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item numbers 2 and 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 3:15 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S., § 24-6-402(4)(b), and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S., § 24-6-402(4)(e).

MOTION PASSED

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

MOTION TO ADJOURN

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:30 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.

Melissa A. Greiner
City Clerk

David D. Spellman
Mayor

DRAFT

**COUNCIL BILL 5
ORDINANCE 2015-5
AN ORDINANCE AMENDING
THE BLACK HAWK
MUNICIPAL CODE BY THE
REPEAL OF ARTICLE XV OF
CHAPTER 6 CONCERNING
MEDICAL MARIJUANA
DISPENSARIES AND THE
REVISION OF CERTAIN
LICENSING REQUIREMENTS
WITHIN ARTICLE XVIII OF
CHAPTER 6 REGARDING
RETAIL MARIJUANA
ESTABLISHMENTS**

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

COUNCIL BILL NUMBER: 5

ORDINANCE NUMBER: 2015-5

TITLE: AN ORDINANCE AMENDING THE BLACK HAWK MUNICIPAL CODE BY THE REPEAL OF ARTICLE XV OF CHAPTER 6 CONCERNING MEDICAL MARIJUANA DISPENSARIES AND THE REVISION OF CERTAIN LICENSING REQUIREMENTS WITHIN ARTICLE XVIII OF CHAPTER 6 REGARDING RETAIL MARIJUANA ESTABLISHMENTS

WHEREAS, having adopted a local licensing structure for the location of retail marijuana establishments in the City, the Board of Aldermen desires to repeal the licensing structure for medical marijuana dispensaries found in Article XV of Chapter 6 of the Black Hawk Municipal Code; and

WHEREAS, the Board of Alderman further desire to make certain amendments to Article XVIII of Chapter 6 of the Black Hawk Municipal Code concerning Retail Marijuana Establishments, to ensure that the City's licensing structure is consistent with that state licensing structure set forth in C.R.S. § 12-43.4-101, *et seq.*, and 1 CCR 212-2.102, *et seq.*

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

Section 1. Article XV of Chapter 6 of the Black Hawk Municipal Code is hereby repealed in its entirety.

Section 2. Section 6-557 of the Black Hawk Municipal Code is hereby amended to read as follows:

Sec. 6-557. Requirements of application for license; payment of application fee; denial of license.

(a) A person seeking a license or renewal of a license issued pursuant to this Article shall submit an application to the local licensing authority on forms provided by the City Clerk. At the time of application, each applicant shall pay a nonrefundable operating fee to the City in an amount to be determined by the City by separate Resolution to defray the costs incurred by the City for costs including but not limited to inspection, administration, and enforcement of retail marijuana stores. In addition, the applicant shall present one (1) of the following forms of identification:

(1) an operator's, chauffer's or similar type of driver's license issued by any state within the United States or a U.S. Territory;

(2) an identification card, issued by any state for purpose of proving age using requirements similar to those in C.R.S. §§ 42-2-302 and 42-2-303;

(3) a United States military identification card;

(4) a valid passport; or

(5) an enrollment card issued by the government authority of a federally recognized tribe located in the state of Colorado.

(b) The applicant shall also provide the following information on a form approved by, or acceptable to the City, which information shall be required for the applicant, ~~all employees, including the proposed manager of the retail marijuana store,~~ and all persons having a ten percent (10%) or more financial interest in the retail marijuana store that is the subject of the application or, if the applicant is an entity, having a ten percent (10%) or more financial interest in the entity:

(1) name, address, date of birth;

(2) a complete set of fingerprints;

(3) suitable evidence of proof of lawful presence, residence, if applicable, and good character and reputation that the City may request;

(4) an acknowledgment and consent that the City will conduct a background investigation, including a criminal history check, and that the City will be entitled to full and complete disclosure of all financial records of the retail marijuana store, including records of deposit, withdrawals, balances and loans;

(5) if the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;

(6) the name and complete address of the proposed retail marijuana store, including the facilities to be used in furtherance of such business, whether or not such facilities are, or are planned to be, within the territorial limits of the City;

(7) if the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a retail marijuana store;

(8) a copy of any deed, lease, contract or other document reflecting the right of the applicant to possess the proposed licensed premises along with the conditions of occupancy of the premises;

(9) evidence of a valid sales tax license for the business;

(10) if the retail marijuana store will be providing retail marijuana products in edible form, evidence of at a minimum a pending application for any food establishment license or permit that may be required by the State;

(11) a "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, all entry ways and exits to the marijuana store, loading zones and all areas in which retail marijuana will be stored or dispensed;

(12) a comprehensive business operation plan for the retail marijuana store which shall contain, without limitation, the following:

a. ***a copy of the Articles of Incorporation or Partnership/Operating Agreement for the licensee's business entity;***

b. a security plan meeting the requirements of Section 6-574 of this Article;

c. a description by category of all products to be sold;

d. a signage plan that is in compliance with all applicable requirements of this Article and other applicable provisions of the Black Hawk Municipal Code, as well as the Colorado Retail Marijuana Code and all rules and regulations promulgated thereunder; and

e. a plan for the disposal of marijuana and related byproducts.

(13) any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

(c) The applicant shall verify the truthfulness of the information required by this Section by the applicant's signature on the application.

(d) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the retail marijuana store, including, without limitation, a license from the state licensing authority and any development approvals or building

permits required by this Article and any other applicable provisions of the Black Hawk Municipal Code.

(e) Upon receipt of a completed application, the local licensing authority shall circulate the application to all affected departments of the City to determine whether the application is in full compliance with all applicable laws, rules and regulations.

(f) Upon receipt of an application for a new license, the local licensing authority shall schedule a public hearing on the application to be held not less than thirty (30) days after the date of the completed application. The local licensing authority shall cause a notice of such hearing to be posted in a conspicuous place upon the proposed licensed premises and published in a newspaper of general circulation within the City not less than ten (10) days prior to the hearing. Such posted notice given by posting shall include a sign of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters of not less than one (1) inch in height. Both the posted and the published notice shall state the type of license applied for, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application.

(g) Not less than five (5) days prior to the date of the public hearing for a new license, the local licensing authority shall cause its preliminary findings based on its investigation to be known in writing to the applicant and other parties in interest. The local licensing authority shall deny any application that does not meet the requirements of this Article. The local licensing authority shall also deny any application that contains any false, misleading or incomplete information. The local licensing authority shall also deny or refuse to issue a license for good cause. Denial of an application for a license shall not be subject to further administrative review but only to review by a court of competent jurisdiction.

(h) Before entering a decision approving or denying the application for a local license, the local licensing authority may consider, except where this Article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including the number, type and availability of retail marijuana establishments located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. The local licensing authority shall issue its decision within ninety (90) days of the receipt of the complete license application. Such decision shall be by Resolution and shall state the reasons for the decision. The Resolution shall be sent via certified mail to the state licensing authority and the applicant at the address shown in the application.

(i) The City shall, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable

requirements of this Article or other applicable requirements of the Black Hawk Municipal Code.

Section 3. Section 6-565, subsection (b) of the Black Hawk Municipal Code is hereby amended to read as follows:

(b) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this Article. All renewals of a license shall be for no more than one (1) year. An application for the renewal of an existing license shall be made to the local licensing authority not more than sixty (60) days and not less than thirty (30) days prior to the date of expiration of the license. A licensee may submit to the local licensing authority a late renewal application on the prescribed forms and pay a non-refundable late application fee in an amount of ~~five hundred dollars (\$500.00)~~ ***set forth in the City of Black Hawk Fee Schedule*** for a renewal application made less than thirty (30) days prior to the date of the expiration of the license. All other provisions concerning renewal applications apply to a late renewal application. The timely filing of a completed renewal application or a late renewal application shall extend the current license until a decision is made on the renewal.

Section 4. Section 6-567 of the Black Hawk Municipal Code is hereby amended to read as follows:

Sec. 6-567. Annual Operations fee; Transaction fee.

A licensee shall pay the following fees for the following purposes:

(a) ~~Upon issuance of~~ ***At the time of submittal of an application for*** a license or any renewal of a license, the licensee shall pay to the City a fee in an amount determined by the City by separate Resolution to be sufficient to cover the annual cost of inspections conducted pursuant to Section 6-583 of this Article by the Black Hawk Police Department, and such other departments of the City as may be designated by the local licensing authority, for the purpose of determining compliance with the provisions of this Article and any other applicable state or local laws or regulations; and

(b) The licensee shall pay a transaction fee of Two Dollars (\$2.00) per transaction. Such transaction fee shall be used by the City to offset the impacts caused by the issuance of such a license, including the impacts of increased law enforcement needs, increased emergency services needs, and the impact on Gregory Street and its associated buildings and infrastructure.

Section 5. Section 6-570, subsection (c) of the Black Hawk Municipal Code is hereby amended to read as follows:

(c) Whenever any licensee causes a change in its officers, directors or manager, and a license addendum is required to be filed with the State, an application fee ***as set forth by***

~~separate Resolution in the amount of one hundred dollars (\$100.00)~~ shall be paid to the City at the time of filing the addendum with the City.

Section 6. Section 6-574 of the Black Hawk Municipal Code is hereby amended to read as follows:

Sec. 6-574. Security requirements.

(a) Security measures at retail marijuana stores shall include at a minimum the following:

(1) security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

(2) robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;

(3) a locking safe *room within the licensed* ~~permanently affixed to the~~ premises that is suitable for storage of all marijuana and cash stored overnight on the licensed premises;

(4) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Article and other applicable provisions of the Black Hawk Municipal Code; and

(5) deadbolt locks on all exterior doors.

(b) All security recordings shall be preserved for at least seventy-two (72) hours by the licensee and be made available to the Black Hawk Police Department upon request for inspection.

Section 7. Section 6-580 of the Black Hawk Municipal Code is hereby amended to read as follows:

Sec. 6-580. Sales and business license required.

At all times *that a business is validly operating under this Article XVIII of Chapter 6*, ~~while a permit is in effect~~ the licensee shall also possess a valid business license issued ~~under Section 6-2 of~~ *in accordance with* the Black Hawk Municipal Code.

Section 8. Section 6-582 of the Black Hawk Municipal Code is hereby amended to read as follows:

Sec. 6-582. Required books and records.

(a) Every licensee shall maintain an accurate and complete record of all retail marijuana purchased, sold or dispensed by the retail marijuana store in any usable form. Such record shall include the following:

~~(1) the identity of the seller and purchaser involved in each transaction;~~

~~(12) the total quantity of, and amount paid for, the retail marijuana and/or the retail marijuana product(s); and~~

~~(23) the date, time and location of each transaction.~~

(b) All transactions shall be kept in a numerical register in the order in which they occur.

(c) All records required to be kept under this Article must be kept in the English language in a legible manner and must be preserved and made available for inspection for a period of three (3) years after the date of the transaction. Information inspected by the Black Hawk Police Department or other City departments pursuant to this Article shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

Section 9. 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 10. 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 11. 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 11th day of February, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Recommended revisions to the Black Hawk marijuana code.

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

MOTION TO APPROVE Council Bill 5-2015, An Ordinance Amending the Black Hawk Municipal Code by the Repeal of Article XV of Chapter 6 Concerning Medical Marijuana Dispensaries and the Revision of Certain Licensing Requirements Within Article XVIII of Chapter 6 Regarding Retail Marijuana Establishments

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Repeal of Article XV is per Council's direction. Recommended revisions are to align the licensing requirements for retail marijuana centers with the State's licensing structure.

AGENDA DATE: February 11, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

STAFF PERSON RESPONSIBLE: Melissa Greiner, City Clerk

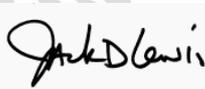
DOCUMENTS ATTACHED: N/A

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

REVIEWED BY:



Melissa Greiner, City Clerk

Jack D. Lewis, City Manager

RESOLUTION 12-2015
A RESOLUTION
APPROVING
PARTICIPATION IN A
MULTI-AGENCY GRANT
THROUGH THE NORTH
CENTRAL REGION FOR
THE REPLACEMENT OF
BREATHING APPARATUS

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

Resolution No. 12-2015

TITLE: A RESOLUTION APPROVING PARTICIPATION IN A MULTI-AGENCY GRANT THROUGH THE NORTH CENTRAL REGION FOR THE REPLACEMENT OF BREATHING APPARATUS.

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

Section 1. The City Council hereby approves the City's participation with the Timberline Fire Protection District and Central City in a Multi-Agency Grant through the North Central Region for the replacement of breathing apparatuses.

RESOLVED AND PASSED this 11th day of February, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: A resolution approving participation in a Multi-Agency Grant through the North Central Region for the replacement of breathing apparatus.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen: Approve participation in the joint grant and utilization of existing department funds to provide grant match.

MOTION TO APPROVE (or deny, etc.) *Resolution 12-2015 A resolution approving participation in a Multi-Agency Grant through the North Central Region for the replacement of breathing apparatuses.*

SUMMARY AND BACKGROUND OF SUBJECT MATTER: Currently the Fire Department is utilizing breathing apparatus (SCBA's) which are manufactured under the 2002 NFPA Standard. These SCBA's are not interoperable with our adjoining agencies. This means we cannot exchange bottles or utilize "buddy breathing" techniques in the event of an emergency with a member of an outside agency. All other agencies are interoperable with the exception of us due to the brand and age of the apparatus.

AGENDA DATE: February 11, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: Absorbed into existing Safety Gear budget for 2015.

DEPARTMENT DIRECTOR APPROVAL: Yes No

STAFF PERSON RESPONSIBLE: Fire Chief Don Taylor

DOCUMENTS ATTACHED: No

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:



Don Taylor, Fire Chief

REVIEWED BY:



Jack D. Lewis, City Manager

RESOLUTION 13-2015
A RESOLUTION
APPROVING THE THIRD
ADDENDUM TO
PERSONAL SERVICES
AGREEMENT WITH 5280
STRATEGIES, LLC.

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

Resolution No. 13-2015

**TITLE: A RESOLUTION APPROVING THE THIRD ADDENDUM TO
PERSONAL SERVICES AGREEMENT WITH 5280 STRATEGIES, LLC.**

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

Section 1. The City Council hereby approves the Third Addendum to Personal
Services Agreement between the City and 5280 Strategies, LLC, and authorizes the Mayor to
execute the same on behalf of the City.

RESOLVED AND PASSED this 11th day of February, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Renewal of Lobbyist Contract

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

MOTION TO APPROVE (or deny, etc.) Resolution 13-2015, A Resolution Approving the Third Addendum to Personal Services Agreement with 5280 Strategies, LLC.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

5280 Strategies, LLC has been the City's Lobbyist since 2010.

AGENDA DATE: February 11, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

STAFF PERSON RESPONSIBLE: Melissa Greiner, City Clerk

DOCUMENTS ATTACHED: Updated Attachment A and signed contract to follow.

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

REVIEWED BY:



Melissa Greiner, City Clerk

Jack D. Lewis, City Manager

THIRD ADDENDUM TO PERSONAL SERVICES AGREEMENT

THIS THIRD ADDENDUM TO PERSONAL SERVICES AGREEMENT (the "Third Addendum") is made and entered into by and between the City of Black Hawk, hereinafter referred to as "City" and 5280 Strategies, LLC., whose address is 303 S, Broadway #200-321, Denver, CO 80209, hereinafter referred to as "Contractor" as follows:

WHEREAS, the City and Contractor previously entered into a Personal Services Agreement dated January 1, 2010 (the "Original Agreement"); and

WHEREAS, the City and the Contractor desire to extend the Original Agreement for an additional year, for the Compensation set forth below.

NOW, THEREFORE, it is hereby agreed for the consideration hereinafter set forth, that Contractor shall continue to provide to the City the Personal Services to the extent provided herein.

1. **TERM.** The term of this Third Addendum shall commence on the 1st day of January 2015, and shall terminate on the 31st day of December, 2015 unless earlier terminated pursuant to Section 9 of the Original Agreement.
2. **COMPENSATION.** In consideration of the performance of the instruction and/or services provided herein, Contractor shall receive compensation as provided through the rate schedule listed in Attachment "A".
3. Except as modified herein and in subsequent addendums, the Original Agreement is in full force and effect and is hereby ratified by the City and the Contractor.

IN WITNESS WHEREOF, the parties have executed this Third Addendum as of the dates written opposite their respective signatures.

CITY OF BLACK HAWK, COLORADO

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

RESOLUTION 14-2015
A RESOLUTION
APPROVING THE
TEMPORARY
CONSTRUCTION
EASEMENT FOR THE
REHABILITATION OF 301
HIGH STREET BETWEEN
THE CITY OF BLACK
HAWK AND MARIA VELA,
PROPERTY OWNER OF
281 HIGH STREET

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 14 - 2015

TITLE: A RESOLUTION APPROVING THE TEMPORARY CONSTRUCTION EASEMENT FOR THE REHABILITATION OF 301 HIGH STREET BETWEEN THE CITY OF BLACK HAWK AND MARIA VELA, PROPERTY OWNER OF 281 HIGH STREET.

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

Section 1. The Temporary Construction Easement for the Rehabilitation of 301 High Street between the City of Black Hawk and Maria Vela, Property Owner of 281 High Street, attached hereto as **Exhibit A**, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

RESOLVED AND PASSED this 11th day of February, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: *Temporary Construction Easement to allow access from 281 High Street to the east side of 301 High Street for the rehabilitation of that property.*

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen: *I move to recommend **APPROVAL** of the Temporary Construction Easement to allow access from 281 High Street to the east side of 301 High Street for the rehabilitation of that property.*

MOTION TO APPROVE (or deny, etc.) 14-2015 - A Resolution Approving the Temporary Construction Easement for the Rehabilitation of 301 High Street Between the City of Black Hawk and Maria Vela, Property Owner of 281 High Street.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: *Maria Vela, property owner of 281 High Street does hereby grant, bargain, sell and convey to the City of Black Hawk a Temporary Construction Easement for the rehabilitation of 301 High Street.*

AGENDA DATE: February 11, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

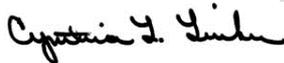
STAFF PERSON RESPONSIBLE: Cynthia L. Linker, CP&D Administrator

DOCUMENTS ATTACHED: Resolution 14-2015, Request for Council Action, Exhibit A - Temporary Construction Easement

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:



Cynthia L. Linker
CP&D Administrator

REVIEWED BY:



Jack D. Lewis, City Manager

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Maria Vela, who is the property owner of 281 High Street ("**Grantor**"), in consideration of **TEN DOLLARS (\$10.00)**, receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant, bargain, sell and convey to **CITY OF BLACK HAWK**, whose address is 201 Selak Street, Black Hawk, Colorado 80422, ("**Grantee**"), a Temporary Construction Easement for the rehabilitation of 301 High 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 east side of 301 High Street for the rehabilitation of that property. The City will repair any damaged existing rock walls, fences, landscaping, etc. to existing conditions within the area of the easement, as shown in **Exhibit A**. 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. The pictures in **Exhibit B-1** are dated December 10, 2014, and will be updated at the start of construction, anticipated March 2015 (pending **Exhibit B-2**).

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

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

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

6. Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders. All of the covenants herein

GRANTEE: CITY OF BLACK HAWK

By: _____
David D. Spellman, Mayor

Date: _____

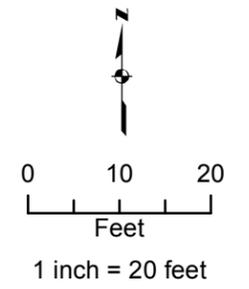
Attest: _____
Melissa A. Greiner, City Clerk

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

EXHIBIT A

Approximately 2' from property line. See attached survey.

Exhibit A
Temporary Construction Easement
281 High Street



Aerial Photograph Date: 2012
Date: 12-10-14



EXHIBIT B

Exhibit B-1
December 10, 2014

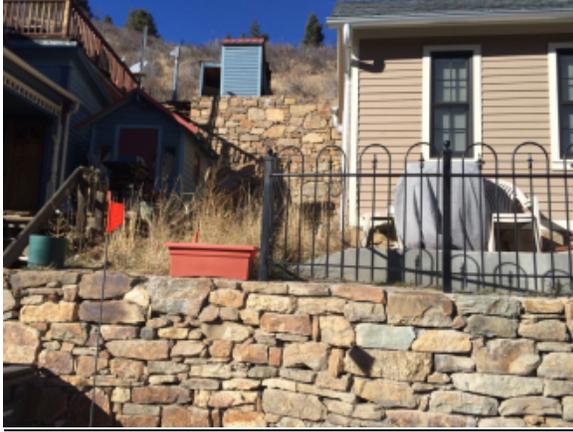




Exhibit B-2

(PENDING)

RESOLUTION 15-2015
A RESOLUTION
APPROVING THE
TEMPORARY
CONSTRUCTION
EASEMENT FOR A
TEMPORARY
CONSTRUCTION LAYDOWN
AREA ASSOCIATED WITH
THE REHABILITATION OF
401 CHASE STREET
BETWEEN THE CITY OF
BLACK HAWK AND
KATHRYN LORENZ,
PROPERTY OWNER OF LOT
5, BLOCK 17

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 15 - 2015

TITLE: A RESOLUTION APPROVING THE TEMPORARY CONSTRUCTION EASEMENT FOR A TEMPORARY CONSTRUCTION LAYDOWN AREA ASSOCIATED WITH THE REHABILITATION OF 401 CHASE STREET BETWEEN THE CITY OF BLACK HAWK AND KATHRYN LORENZ, PROPERTY OWNER OF LOT 5, BLOCK 17.

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

Section 1. The Temporary Construction Easement for a temporary construction laydown area associated with the rehabilitation of 401 Chase Street between the City of Black Hawk and Kathryn Lorenz, Property Owner of Lot 5, Block 17, 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 11th day of February, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa Greiner, City Clerk

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

SUBJECT: *Temporary Construction Easement for a temporary construction laydown area associated with the rehabilitation of 401 Chase Street.*

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen: *I move to recommend **APPROVAL** of the Temporary Construction Easement for a temporary construction laydown area associated with the rehabilitation of 401 Chase Street.*

MOTION TO APPROVE (or deny, etc.) *15-2015 - A Resolution Approving The Temporary Construction Easement For A Temporary Construction Laydown Area Associated With The Rehabilitation Of 401 Chase Street Between The City Of Black Hawk And Kathryn Lorenz, Property Owner Of Lot 5, Block 17.*

SUMMARY AND BACKGROUND OF SUBJECT MATTER: *Kathryn Lorenz, property owner of Lot 5, Block 17, does hereby grant, bargain, sell and convey to the City of Black Hawk a Temporary Construction Easement for a temporary construction laydown area associated with the rehabilitation of 401 Chase Street.*

AGENDA DATE: February 11, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

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

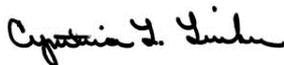
DOCUMENTS ATTACHED: Resolution 15-2015, Request for Council Action, Exhibit A - Temporary Construction Easement

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

REVIEWED BY:





Cynthia L. Linker
CP&D Administrator

Jack D. Lewis, City Manager

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Kathryn Lorenz, who is the property owner of Lot 5, Block 17 ("**Grantor**"), in consideration of **TEN DOLLARS (\$10.00)**, receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant, bargain, sell and convey to **CITY OF BLACK HAWK**, whose address is 201 Selak Street, Black Hawk, Colorado 80422, ("**Grantee**"), a Temporary Construction Easement for the rehabilitation of 401 Chase Street, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the tract of land described as follows:

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

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

2. City may use the Temporary Easement Property as a temporary construction laydown area for rehabilitation of 401 Chase Street. The City will repair any damage to existing conditions within the area of the easement, as shown in **Exhibit A**. The City will clean and finish grade all disturbed areas to return it to its native bare earth state. The pictures in **Exhibit B-1** are dated January 30, 2015, and will be updated at the start of construction, anticipated March 2015 (pending **Exhibit B-2**).

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

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

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

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

heirs, personal representatives, successors and assigns.

WITNESS our hand(s) and seal(s) this 3rd day of February, 2015.

GRANTOR:

BY: Kathryn R Lorenz

TITLE: Owner

STATE OF COLORADO)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this 3rd day of February, 2014-~~88~~²⁰¹⁵ by Kathryn Lorenz as Owner for Lot 5, Block 17.

WITNESS my hand and official seal.

My Commission Expires: 07/24/18

[Signature]
Notary Public
Address: PO Box 543, Central City CO 80427

REBECCA LYNN BLONDO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144029122
MY COMMISSION EXPIRES JULY 24, 2018

GRANTEE: CITY OF BLACK HAWK

By: _____
David D. Spellman, Mayor

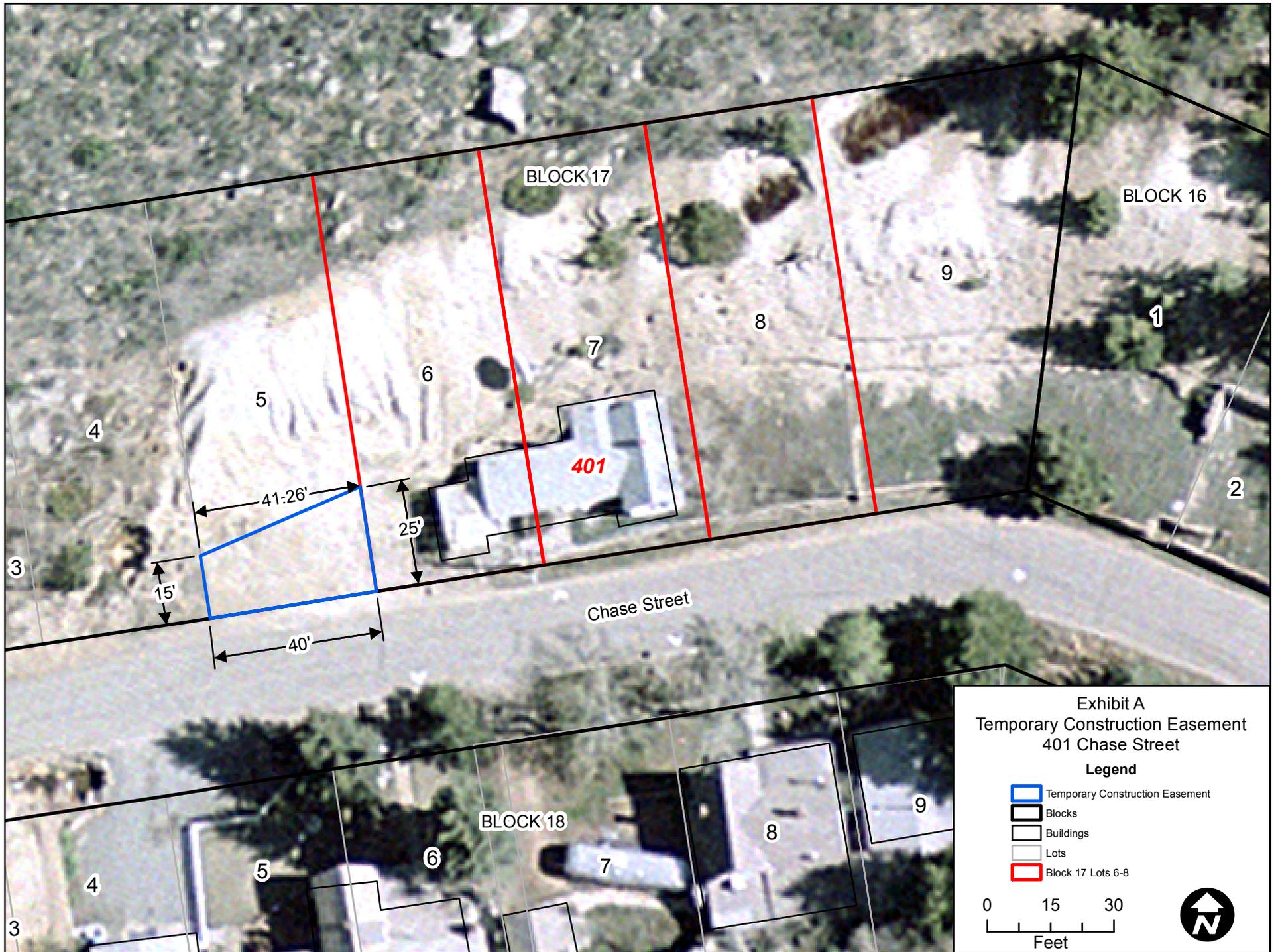
Date: _____

Attest: _____
Melissa A. Greiner, City Clerk

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

EXHIBIT A

The southern portion of the Block 5. See attached survey.



BLOCK 17

BLOCK 16

BLOCK 18

401

Chase Street

4

5

6

7

8

9

1

2

3

15'

41:26'

25'

40'

4

5

6

7

8

9

3

EXHIBIT B

Exhibit B-1
January 30, 2015



Exhibit B-2

(PENDING)

RESOLUTION 16-2015
A RESOLUTION
DIRECTING THE CITY
MANAGER TO APPLY FOR
LOCAL LANDMARK
DESIGNATION FOR THE
PROPERTY LOCATED AT
201 SELAK STREET AND
GENERALLY KNOWN AS
BLACK HAWK CITY HALL

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 16-2015

TITLE: A RESOLUTION DIRECTING THE CITY MANAGER TO APPLY FOR LOCAL LANDMARK DESIGNATION FOR THE PROPERTY LOCATED AT 201 SELAK STREET AND GENERALLY KNOWN AS BLACK HAWK CITY HALL

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

Section 1. The City Manager is directed to take all necessary steps to cause the City to apply for a local historic landmark designation pursuant to Section 16-425(1) for the City-owned property located at 201 Selak Street, and generally known as Black Hawk City Hall.

RESOLVED AND PASSED this 11th day of February, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: *Local historic landmark designation pursuant to Section 16-425(1) for the City-owned property located at 201 Selak Street, and generally known as Black Hawk City Hall.*

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen: *I move to recommend **APPROVAL** of the Resolution directing the City Manager to apply for Local Landmark Designation for the Property Located at 201 Selak Street and Generally Known as Black Hawk City Hall.*

MOTION TO APPROVE (or deny, etc.) *16-2015 - A Resolution Directing the City Manager to Apply for Local Landmark Designation for The Property Located at 201 Selak Street and Generally Known as Black Hawk City Hall.*

SUMMARY AND BACKGROUND OF SUBJECT MATTER: *The City Manager is directed to take all necessary steps to cause the City to apply for a local historic landmark designation pursuant to Section 16-425(1) for the City-owned property located at 201 Selak Street, and generally known as Black Hawk City Hall. If approved, the Historic Preservation Commission shall consider and review this nomination for designation at its next regular meeting.*

AGENDA DATE: February 11, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

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

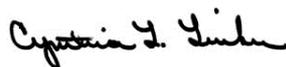
DOCUMENTS ATTACHED: Resolution 16-2015, Request for Council Action

RECORD: Yes No

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

REVIEWED BY:





Cynthia L. Linker
CP&D Administrator

Jack D. Lewis, City Manager

RESOLUTION 17-2015
A RESOLUTION
APPROVING THE CITY'S
PROFESSIONAL SERVICE
AGREEMENTS FOR 2015

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

Resolution No. 17-2015

TITLE: A RESOLUTION APPROVING THE CITY’S PROFESSIONAL SERVICE AGREEMENTS FOR 2015

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

Section 1. The City Council hereby approves the Professional Services Agreements with the entities and for the services set forth below (the “Agreements”), and authorizes the Mayor to sign the Agreements on behalf of the City.

<u>Entity</u>	<u>Service</u>
JVA Consulting Engineers	Structural Engineering
ICON Engineering, Inc.	Drainage
Cesare Inc.	Geotechnical
C.C.S. Consultants, Inc.	Survey
Stolfus & Associates, Inc.	Roadway /Traffic
W.L. Contractors, Inc.	Traffic Signal Maintenance & Repair
Ostrander Consulting, Inc.	Transit
SimplexGrinnell	Fire alarm systems
Leonard Rice Engineers, Inc.	Water Rights/Accounting
Golder Associates, Inc.	SCADA/Plant programming
One-Way, Inc.	Residential Trash pick-up

RESOLVED AND PASSED this 11th day of February, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of annual professional service agreements

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen: MOTION TO APPROVE Resolution 17-2015, a resolution approving the annual professional service agreements used by Public Works.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

City staff utilizes professional services to supplement some of the engineering and operations work the City accomplishes. These are budgeted items and completed on a time and materials basis. Staff recommends utilizing the following consultants:

010-3101-431-33-08	JVA Consulting Engineers	Structural Engineering
010-3101-431-33-08	ICON Engineering, Inc	Drainage
010-3101-431-33-08	Cesare, Inc.	Geotechnical
010-3101-431-33-07	C.C.S. Consultants, Inc.	Survey
010-3101-431-33-08	Stolfus & Associates, Inc.	Roadway /Traffic
010-3101-431-33-15	W.L. Contractors, Inc.	Traffic Signal Maintenance
010-3105-431-33-19	Ostrander Consulting, Inc.	Transit
Varies	SimplexGrinnell	fire alarm systems
501-3150-460-33-21	Leonard Rice Engineers, Inc.	Water Rights/Accounting
501-3150-460-33-04	Golder Associates, Inc.	SCADA/Plant programming
010-3101-431-41-03	One-Way, Inc.	Residential Trash pick-up

AGENDA DATE: February 11, 2015

WORKSHOP DATE: February 11, 2015

FUNDING SOURCE: see above

DEPARTMENT DIRECTOR APPROVAL: [x]Yes []No

STAFF PERSON RESPONSIBLE: Thomas Isbester

DOCUMENTS ATTACHED: N/A

RECORD: []Yes []No

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

SUBMITTED BY:



Thomas Isbester, Public Works Director

REVIEWED BY:



Jack D. Lewis, City Manager