



REGULAR MEETING AGENDA

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

November 8, 2023

SPECIAL PRESENTATIONS

1:30 p.m. Black Fox Mining – Bobtail Mine

2:00 p.m. PEH Architects – Copper Kitchen

2024 BUDGET WORK SESSION

Immediately following Special Presentations

REGULAR MEETING

Immediately following Budget Work Session

RINGING OF THE BELL:

1. CALL TO ORDER:
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. AGENDA 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: October 25, 2023
7. PUBLIC HEARINGS:
 - A. Local Liquor Licensing Authority Consideration of a Special Event Liquor Permit for Gilpin County - TENTATIVE
 - B. CB33, An Ordinance Amending the City of Black Hawk Municipal Code by the Addition Thereto of a New Section 6-81 and the Amendment of Section 6-73 Authorizing Retail Establishment Permits
8. ACTION ITEMS:
 - A. Resolution 83-2023, A Resolution Approving the City of Black Hawk Fee Schedule, as Amended
 - B. Resolution 84-2023, A Resolution Approving the Service Agreement Between the City of Black Hawk and Centurylink Communications, LLC dba Lumen Technologies Group for Internet Access to City Properties
9. CITY MANAGER REPORT:
10. CITY ATTORNEY REPORT:
11. EXECUTIVE SESSION:

Executive Session to hold a conference with the City Attorney to receive legal advice on specific legal issues regarding potential litigation and regarding options related to City-owned property pursuant to C.R.S. § 24-6-402(4)(b), and to instruct negotiators regarding City-owned land on Gregory Hill, the Gregory Street HARD District, other City-owned property, and potential property acquisition pursuant to C.R.S § 24-6-402(4)(e).

12. ADJOURNMENT:

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

AMERICANS WITH DISABILITY ACT NOTICE Any disabled person who plans to attend any governmental meeting of the City of Black Hawk and requires special assistance can contact City Hall at (303) 582-2221. Please make any request for assistance at least 24 hours before the scheduled meeting



**City of Black Hawk
City Council**

October 25, 2023

MEETING MINUTES

Public Works Director Isbester rang the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, October 25, 2023 at 3:00 p.m.
2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff Present: City Attorney Hoffmann, City Manager Cole, Police Chief Moriarty, Fire Chief Woolley, Administrative Services Director/City Clerk Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, Water Resource Engineer Dallam, City Engineer Reed, Community Planning & Development Director Linker, and Deputy City Clerk Martin.
- PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in reciting 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. City Council noted no conflicts.

City Attorney Hoffmann asked the audience if there were any objections to any member of the Council voting on any issue on the agenda this afternoon. There were no objections noted.
5. **PUBLIC COMMENT:** Deputy City Clerk Martin confirmed no one had signed up to speak.

6. APPROVAL OF
MINUTES:

October 11, 2023

**MOTION TO
APPROVE**

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

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously, noting the abstention from Aldermen Torres.

7. PUBLIC HEARINGS:

None

8. ACTION ITEMS:

A. Resolution 80-2023, A Resolution Approving the Acquisition of Certain Real Property Known as the Washington 611, the Mountain Rose 598, and the Jenkins Mining Claims

Mayor Spellman read the title.

City Manager Cole is seeking authorization to purchase property from Jeanie King for \$135,000. The property is located on top of Gregory Hill and is needed for future open space development. He said six acres are within the City, and almost four acres are outside of the City. He added that to execute this transaction, the City had to agree to purchase it all.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 80-2023, a Resolution approving the acquisition of certain real property known as the Washington 611, the Mountain Rose 598, and the Jenkins Mining Claims.

MOTION PASSED

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

B. Resolution 81-2023, A Resolution Approving a Change Order to the Professional Services Agreement with LRE Water, Inc. in the Amount Not to Exceed \$35,239.00

Mayor Spellman read the title.

Water Resource Engineer Dallam introduced this item. He said the original agreement to provide services associated with a water well in the 4-Mile Gulch did not have a survey, environmental assessment, or wetlands delineation in the scope of services; this change will add those items to the agreement so the well can be drilled.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 81-2023, a Resolution approving a change order to the Professional Services Agreement with LRE Water, Inc. in the amount not to exceed \$35,239.00.

MOTION PASSED

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

C. Resolution 82-2023, A Resolution Approving an Agreement with Lumin8 Transportation Technologies for Annual On-Call Traffic Signal Maintenance in the Amount Not to Exceed \$55,000.00

Mayor Spellman read the title.

Public Works Director Isbester introduced this on-call agreement, which is typical at the beginning of the year. He explained that Lumin8 used to be WL Contractors, and it took this long to get it executed because of the high turnover.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 82-2023, a Resolution approving an agreement with Lumin8 Transportation Technologies for annual on-call Traffic Signal Maintenance in the amount not to exceed \$55,000.00.

MOTION PASSED

There was no discussion, and the motions **PASSED** unanimously.

**9. CITY MANAGER
REPORT:**

City Manager Cole discussed the end-of-year meeting schedule. He said there were two presentations to be heard before the Budget Work Shop, so instead of meeting at 2:00 p.m. on November 8th, he'd like to change it to 1:30 p.m., then immediately following the budget review and then the Council meeting.

Also, he said at the beginning of the year, December 6th was added to Council's Meeting Schedule, but he feels that December 13th would work better, so he is asking permission to change it from the 6th to the 13th.

City Attorney Hoffmann suggested making a motion to set the December meeting to the 13th because it was already approved and noticed at the beginning of the year to December 6th. Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to set the December meeting to December 13, 2023. There was no discussion, and the motion **PASSED** unanimously.

10. CITY ATTORNEY
REPORT:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 5 only for Executive Session to instruct negotiators regarding various City properties and negotiations regarding possible property acquisition and negotiations related to Proximo.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:07 p.m. to hold a conference with the City's Attorney 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 Johnson **MOVED** and was **SECONDED** by Alderman Moates to adjourn the Executive Session at 4:00 p.m.

**MOTION TO
RECONVENE THE
REGULAR OPEN
SESSION**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to reconvene into the regular open session at 4:00 p.m.

**MOTION TO
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to authorize the City Manager to execute a Professional Services Agreement with Black Fox Mining, LLC, in an amount not to exceed \$60,000 for design work related to the Bobtail Mine.

MOTION PASSED

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

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:01 p.m.

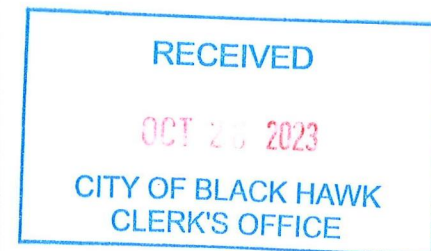
Melissa A. Greiner, CMC
City Clerk

David D. Spellman
Mayor

**LOCAL LIQUOR
LICENSING AUTHORITY
CONSIDERATION OF A
SPECIAL EVENT LIQUOR
PERMIT FOR GILPIN
COUNTY HISTORICAL
SOCIETY - TENTATIVE**

Application for a Special Events Permit

Departmental Use Only



☐ State Only Permit/State Property

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)**

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:

- | | |
|---|-----------------|
| 2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor | \$25.00 Per Day |
| 2170 <input type="checkbox"/> Fermented Malt Beverage | \$10.00 Per Day |

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate Gilpin County	State Sales Tax Number (Required) exempt
--	--

2. Mailing Address of Organization or Political Candidate
(include street, city/town and ZIP)

**PO Box 366
Central City, CO 80427**

3. Address of Place to Have Special Event
(include street, city/town and ZIP)

**830 Miners Road
Black Hawk, CO 80422**

4. Authorized Representative of Qualifying Organization or Political Candidate
Chanda Johnson

Date of Birth

Phone Number

Authorized Representative's Mailing Address (if different than address provided in Question 2.)
same

5. Event Manager

same

Date of Birth

Phone Number

Event Manager Home Address (Street, City, State, ZIP)

1400 Dory Hill Road, Black Hawk, CO 80422

Email Address of Event Manager

crjohnson@gilpincounty.org

6. Has Applicant Organization or Political Candidate been
Issued a Special Event Permit this Calendar Year?

☐ No ☒ Yes How many days? **3**

7. Is the premises for which your event is to be held currently licensed
under the Colorado Liquor or Beer codes?

☐ No ☒ Yes License Number **03-19555**

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☒ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date 12/14/23	Date	Date	Date	Date
Hours From 6:00p.m.	Hours From	Hours From	Hours From	Hours From
To 9:00 p.m.	To	To	To	To
Date	Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To
Date	Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature

Title

Human Resources Director

Date

10/26/23

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)

☐ City
☐ County

Telephone Number of City/County Clerk

Signature

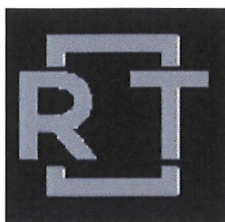
Title

Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	\$



October 25, 2023

To whom it may concern:

Rick Thomas Distillery, LLC has given permission to Gilpin County to use our main distillery building general premises space and outdoor patio for their holiday party on December 14, 2023. A map has been included that outlines in red the general premises space and outdoor patio space.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

/s/ Brian Watts

Brian Watts

Owner

Rick Thomas Distillery, LLC

830 Miners Road

P.O. Box 29

Black Hawk, CO 80422

brian@rtwhiskey.com

720-670-8913

**COUNCIL BILL 33
ORDINANCE 2023-33
AN ORDINANCE
AMENDING THE CITY OF
BLACK HAWK
MUNICIPAL CODE BY
THE ADDITION THERETO
OF A NEW SECTION 6-81
AND THE AMENDMENT
OF SECTION 6-73
AUTHORIZING RETAIL
ESTABLISHMENT
PERMITS**

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB33

ORDINANCE NUMBER: 2023-33

TITLE: AN ORDINANCE AMENDING THE CITY OF BLACK HAWK MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW SECTION 6-81 AND THE AMENDMENT OF SECTION 6-73 AUTHORIZING RETAIL ESTABLISHMENT PERMITS

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

Section 1. The City of Black Hawk Municipal Code is amended by the addition thereto of a new Section 6-81 to read as follows:

Sec. 6-81. Retail Establishment Permits Authorized.

(a) *Retail Establishment Permits authorized.* Retail establishment permits as defined by Section 44-3-424, C.R.S. are hereby authorized by the City, subject to the limitations set forth in Section 44-3-424, C.R.S.

(b) *Applications.* Applications for retail establishment permits shall be submitted to the City Clerk on forms provided by the City together with the applicable license fee as set forth by the fee schedule. No retail establishment permits shall be accepted by the City Clerk which is not complete in every detail.

(c) *Process.* Upon receiving a completed retail establishment permit application, the City Clerk may administratively approve such applications if the City Clerk determines that the applicant has complied with the provisions of Section 44-3-424, C.R.S.

(d) *Hearing.* If the City Clerk determines that an administrative approval of the retail establishment permit application is not warranted and that good cause exists for a hearing to consider whether the application should be granted, the City Clerk, at the direction of the local licensing authority, shall cause to be issued a notice of hearing on the retail establishment permit application. In the event a notice of hearing is issued, the notice shall be conspicuously posted on the premises at least ten (10) days prior to hearing. Hearings held on any retail establishment permit application may result in the approval or denial of such application, and the grounds for any decision shall be whether the applicant has established that it is able to offer complimentary alcohol beverages without violating the regulations in 44-3-424, C.R.S., and without creating a public safety risk to the neighborhood. The decision of the local licensing authority shall be final.

Section 2. Section 6-73 of the City of Black Hawk Municipal Code is amended by the addition thereto of a new subsection (a)(8) to read as follows:

Sec. 6-73. Administrative Approval.

(a) In addition to the authority vested in the City Clerk pursuant to Sections 6-55, 6-56 6-57, 6-78, and 6-79 of this Article, the City Clerk is authorized to administratively approve the following:

* * *

(8) Approval of retail establishment permits.

Section 3. Safety Clause. The City Council 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. 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 5. 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.

INTRODUCED AND ADOPTED ON FIRST READING this 8th day of November, 2023.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk, CMC

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: City Clerk Administrative Approval of Liquor Retail Establishment Permits.

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

MOTION TO APPROVE CB33, An Ordinance Amending the City of Black Hawk Municipal Code by the Addition Thereto of a New Section 6-81 and the Amendment of Section 6-73 Authorizing Retail Establishment Permits.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

HB 23-1061 Retail Establishment Permit was approved on June 2, 2023 and took effect on August 7, 2023. The Bill expanded the Art Gallery Permit to allow almost all other types of liquor retail establishments to serve complimentary liquor at their place of business for up to 24 days a year, subject to certain requirements.

The Permit must be approved at the state and local levels, and renewed annually.

City Attorney Hoffmann provided City Council a memorandum regarding this on August 2, 2023 for their consideration.

This Ordinance allows the City Clerk to administratively approve Retail Establishment Permits.

AGENDA DATE: November 8, 2023

DEPARTMENT DIRECTOR APPROVAL: [X]Yes []No

STAFF PERSON RESPONSIBLE: Melissa A. Greiner, City Clerk

DOCUMENTS ATTACHED: HB 23-1061

RECORD: []Yes [X]No

CoBH CERTIFICATE OF INSURANCE REQUIRED []Yes [X]No

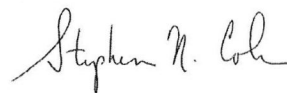
CITY ATTORNEY REVIEW: [X]Yes []N/A

SUBMITTED BY:



Michele Martin, CMC
Deputy City Clerk

REVIEWED BY:



Stephen N. Cole, City Manager

An Act

HOUSE BILL 23-1061

BY REPRESENTATIVE(S) Daugherty and Taggart, Bird, Boesenecker, Frizell, Lindsay, Lindstedt, Lynch, Mauro, Snyder, Titone, Vigil, Weinberg, McCluskie;
also SENATOR(S) Zenzinger, Cutter, Gardner, Moreno, Van Winkle, Winter F., Fenberg.

CONCERNING PERMITTING A RETAIL ESTABLISHMENT TO SERVE
COMPLIMENTARY ALCOHOL BEVERAGES AT A PLACE OF BUSINESS,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 44-3-424 as follows:

44-3-424. Retail establishment permit - definition.

(1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, A person operating ~~an art gallery that offers~~ A RETAIL ESTABLISHMENT MAY OFFER AND SERVE complimentary alcohol beverages for consumption only on the premises ~~may be~~ IF THE RETAIL ESTABLISHMENT HAS BEEN ISSUED ~~an art gallery~~ A RETAIL ESTABLISHMENT permit, which ~~shall~~ MUST be renewed annually. ~~An art gallery permittee~~

(b) A RETAIL ESTABLISHMENT PERMIT HOLDER shall not:

~~(a)~~ (I) Directly or indirectly, sell alcohol beverages; ~~by the drink,~~
~~shall not~~

~~(b)~~ (II) Serve alcohol beverages for more than four hours in ~~any one~~
~~day~~, A TWENTY-FOUR-HOUR PERIOD; ~~and shall not~~

~~(c)~~ (III) Serve alcohol beverages more than ~~fifteen~~ TWENTY-FOUR
days per year; ~~of licensure.~~

(IV) SERVE MALT LIQUOR WITH A SERVING SIZE OF MORE THAN
TWELVE OUNCES;

(V) SERVE VINOUS LIQUOR WITH A SERVING SIZE OF MORE THAN FIVE
OUNCES, BUT THE FIVE OUNCES OF VINOUS LIQUOR MAY BE MIXED WITH
NONALCOHOLIC BEVERAGES TO MAKE A LARGER SERVING SIZE;

(VI) SERVE SPIRITUOUS LIQUOR WITH A SERVING SIZE OF MORE THAN
ONE AND ONE-HALF OUNCES, BUT THE ONE AND ONE-HALF OUNCES OF MALT
LIQUOR MAY BE MIXED WITH NONALCOHOLIC BEVERAGES TO MAKE A
LARGER SERVING SIZE;

(VII) SERVE PRE-MIXED ALCOHOL BEVERAGE DRINK OF A SERVING
SIZE OF MORE THAN TWELVE OUNCES;

(VIII) HOLD ANY OTHER LICENSE ISSUED UNDER THIS ARTICLE 3 OR
4 OF THIS TITLE 44;

(IX) SERVE OR DISTRIBUTE ALCOHOL BEVERAGES BETWEEN 2 A.M.
AND 7 A.M.;

(X) PERMIT A PERSON UNDER EIGHTEEN YEARS OF AGE TO SELL,
DISPENSE, OR PARTICIPATE IN THE SALE OR DISPENSING OF AN ALCOHOL
BEVERAGE; OR

(XI) PERMIT A PERSON EIGHTEEN YEARS OF AGE OR OLDER AND
UNDER TWENTY-ONE YEARS OF AGE TO SELL, DISPENSE, OR PARTICIPATE IN
THE SALE OR DISPENSING OF AN ALCOHOL BEVERAGE, UNLESS THE PERSON

IS SUPERVISED BY ANOTHER PERSON WHO IS ON THE PERMITTED PREMISES AND IS AT LEAST TWENTY-ONE YEARS OF AGE.

(c) (I) THIS SECTION APPLIES TO A RETAIL ESTABLISHMENT THAT IS:

(A) AN ART GALLERY; OR

(B) ANY OTHER RETAIL ESTABLISHMENT, EXCEPT RETAIL ESTABLISHMENTS DESCRIBED IN SUBSECTION (1)(c)(II) OF THIS SECTION, THAT HAS NO MORE THAN TWENTY-FIVE EMPLOYEES AND HAS RETAIL SALES OF NO MORE THAN FIVE MILLION DOLLARS PER YEAR.

(II) THIS SECTION DOES NOT APPLY TO A RETAIL ESTABLISHMENT THAT:

(A) SELLS FIREARMS, MOTOR VEHICLES, MARIJUANA, GASOLINE, OR DIESEL FUEL;

(B) EDUCATES STUDENTS FROM KINDERGARTEN TO TWELFTH GRADE OR PROVIDES CHILD CARE; OR

(C) IS A CONVENIENCE STORE.

(2) (a) The state or local licensing authority may reject the application for ~~an art gallery~~ A RETAIL ESTABLISHMENT permit if the applicant fails to establish that the applicant is able to offer complimentary alcohol beverages without violating this section or creating a public safety risk to the neighborhood.

(b) Upon initial application, and for each renewal, the applicant ~~shall~~ MUST list each day that alcohol beverages will be served, which days ~~shall~~ MUST not be changed without a minimum of fifteen days' written notice to the state and local licensing authority.

(3) ~~An art gallery shall not be denied an art gallery~~ NEITHER THE STATE NOR A LOCAL LICENSING AUTHORITY SHALL DENY A RETAIL ESTABLISHMENT permit based solely on the ~~art gallery's~~ RETAIL ESTABLISHMENT'S proximity to any public or private school or the principal campus of a college, university, or seminary.

(4) ~~An art gallery~~ A RETAIL ESTABLISHMENT shall not charge an entrance fee or a cover charge ~~in connection with~~ IN EXCHANGE FOR offering complimentary alcohol beverages for consumption only on the premises.

(5) ~~An art gallery~~ A RETAIL ESTABLISHMENT permit may be suspended or revoked in accordance with section 44-3-601 if the ~~permittee~~ PERMIT HOLDER violates ~~any provision of~~ this article 3 or any rule adopted pursuant to this article 3 or fails to truthfully furnish any required information in connection with a permit application.

(6)(a) EXCEPT AS PROVIDED IN SUBSECTION (6)(b) OF THIS SECTION, it is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in ~~an art gallery~~ A RETAIL ESTABLISHMENT THAT HOLDS A permit ISSUED PURSUANT TO THIS SECTION to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article 3 or article 4 of this title 44. ~~except that~~

(b) A ~~person regulated under~~ RETAIL ESTABLISHMENT THAT HOLDS A PERMIT ISSUED PURSUANT TO this section may have an interest in:

(I) Other ~~art gallery permits; in~~ RETAIL ESTABLISHMENTS THAT HOLD A PERMIT ISSUED PURSUANT TO THIS SECTION;

(II) A license described in section 44-3-401 (1)(j) to (1)(t), (1)(v), or (1)(w), 44-3-412 (1), or 44-4-104 (1)(c); or ~~in~~

(III) A financial institution referred to in section 44-3-308 (4).

(7) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "Art gallery" means ~~an~~ A RETAIL establishment ~~whose~~ THAT HAS THE primary purpose ~~is to exhibit and offer~~ OF EXHIBITING AND OFFERING for sale works of fine art as defined in section 6-15-101 or precious or semiprecious metals or stones as defined in section 18-16-102.

(b) "RETAIL ESTABLISHMENT" MEANS AN ESTABLISHMENT THAT HAS THE PRIMARY PURPOSE OF SELLING GOODS OR SERVICES TO THE PUBLIC AND THAT:

(I) CONDUCTS THE BUSINESS DESCRIBED IN SUBSECTION (7)(a) OF THIS SECTION AT A PHYSICAL BUILDING IN COLORADO; AND

(II) DERIVES LESS THAN FIFTY PERCENT OF THE ESTABLISHMENT'S GROSS SALES OF GOODS AND SERVICES FROM THE SALE OF FOOD.

(8) ~~An art gallery~~ A RETAIL ESTABLISHMENT issued a permit shall not intentionally allow more than two hundred fifty people to be on the premises at one time when alcohol beverages are being served.

(9) ~~Nothing in this section~~ THIS SECTION DOES NOT:

(a) ~~shall be construed to~~ Abrogate any insurance coverage required by law; OR

(b) ~~to authorize a licensed art gallery~~ AUTHORIZE A RETAIL ESTABLISHMENT PERMIT HOLDER to violate:

(I) Section 44-3-901, including ~~without limitation~~, serving a visibly intoxicated person and taking an alcohol beverage off the licensed premises; or ~~to violate~~

(II) Any zoning or occupancy ordinances or laws.

SECTION 2. In Colorado Revised Statutes, 44-3-501, **amend** (1)(t) as follows:

44-3-501. State fees - rules - one-time fee waiver. (1) The applicant shall pay the following license and permit fees to the department annually in advance:

(t) For each ~~art gallery~~ RETAIL ESTABLISHMENT permit, ~~fifty~~ UP TO TWO HUNDRED dollars;

SECTION 3. In Colorado Revised Statutes, 44-3-505, **amend** (1)(o) and (4)(a)(IV) as follows:

44-3-505. Local license fees. (1) The applicant shall pay the following license fees to the treasurer of the municipality, city and county, or county where the licensed premises is located annually in advance:

(o) For each ~~art gallery~~ RETAIL ESTABLISHMENT permit, twenty-five dollars;

(4) (a) Each application for a license provided for in this article 3 and article 4 of this title 44 filed with a local licensing authority must be accompanied by an application fee in an amount determined by the local licensing authority to cover actual and necessary expenses, subject to the following limitations:

(IV) For a new ~~license~~ or renewal application for ~~an art gallery~~ A RETAIL ESTABLISHMENT permit, not to exceed ~~one~~ TWO hundred dollars;

SECTION 4. In Colorado Revised Statutes, 44-3-901, **amend** (1)(i)(IV) as follows:

44-3-901. Unlawful acts - exceptions - definitions. (1) Except as provided in section 18-13-122, it is unlawful for any person:

(i) (IV) Notwithstanding subsection (1)(i)(I) of this section, it is not unlawful for adult patrons of ~~an art gallery permittee~~ A RETAIL ESTABLISHMENT PERMIT HOLDER to consume alcohol beverages on the premises when the consumption is conducted within the limitations of a valid permit granted pursuant to section 44-3-424.

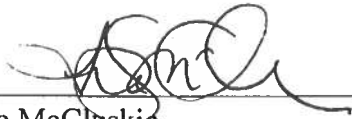
SECTION 5. Appropriation. (1) For the 2023-24 state fiscal year, \$98,744 is appropriated to the department of revenue for use by the liquor and tobacco enforcement division. This appropriation is from the liquor enforcement division and state licensing authority cash fund created in section 44-6-101, C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$77,154 for personal services, which amount is based on an assumption that the division will require an additional 1.4 FTE; and

(b) \$21,590 for operating expenses.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V

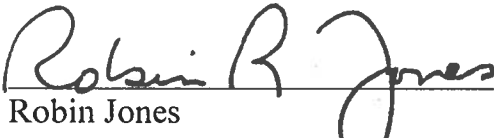
of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

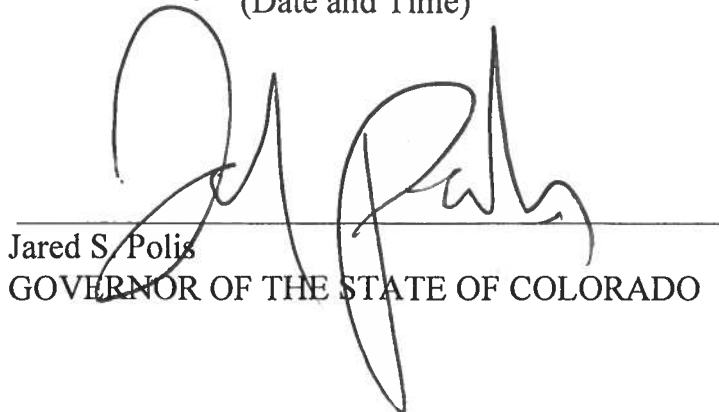


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Friday, June 2nd, 2023 at 3:40 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

RESOLUTION 83-2023
A RESOLUTION
APPROVING THE CITY OF
BLACK HAWK FEE
SCHEDULE, AS AMENDED

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 83-2023

TITLE: A RESOLUTION APPROVING THE CITY OF BLACK HAWK FEE SCHEDULE, AS AMENDED

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

Section 1. The City of Black Hawk Fee Schedule, as amended, attached hereto as **Exhibit A**, is hereby approved.

RESOLVED AND PASSED this 8th day of November, 2023.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

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

SUBJECT: City of Black Hawk Fee Schedule Amendment.

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

MOTION TO APPROVE: Resolution 83-2023, a Resolution Approving the City of Black Hawk Fee Schedule, as Amended.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Clerk's Office would like to amend the City's Fee Schedule to add a \$100 application fee for the Retail Establishment Permit just approved; add a Transfer of Ownership and Temporary Liquor License Permit that should have been added before; and delete the Business License fee as per Ordinance 2023-3, approved on January 25, 2023.

AGENDA DATE: November 8, 2023

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: ☒ Yes ☐ No

STAFF PERSON RESPONSIBLE: Melissa A. Greiner, City Clerk

DOCUMENTS ATTACHED: Amended Fee Schedule

RECORD: ☐ Yes ☒ No

CoBH CERTIFICATE OF INSURANCE REQUIRED ☐ Yes ☒ No

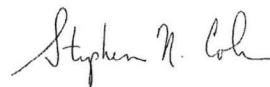
CITY ATTORNEY REVIEW: ☐ Yes ☒ N/A

SUBMITTED BY:



Michele Martin, CMC
Deputy City Clerk

REVIEWED BY:



Stephen N. Cole, City Manager

2024 City of Black Hawk Fee Schedule (amended 11.8.23)

Business/Sales Tax License		
Business License-New & Renewal	\$0.00	
Gaming License Related Fees		
Transportation Device Fee	\$40.80	per device/per year
Ambulance Fee (Silver Dollar Metro District Devices Excluded)	\$2.50	per device/per month
General Device Fee (except live table games)	\$1,050.00	per device/per year
General Device Fee on Table Games with Live Dealers	\$4,200.00	per device/per year
Liquor License		
Application Fee - new license	\$1,000.00	
Retail Liquor Store	\$22.50	
Liquor-licensed Drugstore	\$22.50	
Beer and Wine	\$48.75	
Hotel and Restaurant	\$75.00	
Tavern	\$75.00	
Optional Premises	\$75.00	
Club	\$41.25	
Retail Gaming Tavern	\$75.00	
Brew Pub	\$75.00	
Arts	\$41.25	
Racetrack	\$75.00	
Distillery Pub	\$75.00	
Lodging & Entertainment	\$75.00	
Vitner's Restaurant	\$75.00	
Fermented Malt Beverage On Premises	\$3.75	
Fermented Malt Beverage Off Premises	\$3.75	
Fermented Malt Beverage On/Off Premises	\$3.75	
 Art Gallery Permit	\$3.75	
Bed & Breakfast Permit	\$3.75	
Mini Bar Permit w/Hotel Restaurant License	\$48.75	
Annual Renewal Application Fee	\$100.00	
Late Renewal	\$500.00	
Special Event Liquor Permit	\$100.00	
Festival Permit	\$100.00	

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Tastings Permit	\$100.00	new and renewal
Retail Establishment Permit	\$100.00	new and renewal
Fingerprint Analysis (credit card payment through Idemia)	\$48.50	each analysis (\$38.50 + \$10 vendor service fee)
Transfer of Ownership	\$750.00	
Temporary Liquor License Permit	\$100.00	
Corp/LLC Change (per person)	\$100.00	
Change of Location	\$750.00	
Change of Manager (H&R, Tavern, L&E, and Campus Liquor Complex)	\$30.00	
Promotional Association Certification Application	\$100.00	
Attachment of a Licensed Premise	\$100.00	
Annual Renewal	\$100.00	
Lodging License		
Lodging License	\$100.00	
Short-Term Rental License	\$100.00	
Short-Term Rental License Life/Safety Inspection	\$150.00	
Retail Marijuana License		
New Application or Change of Ownership/CBO	\$2,500.00	
Renewal Application	\$500.00	
Annual Operations Fee	\$1,500.00	
Late Renewal Fee	\$500.00	
Transaction Fee	\$2.00	per transaction
Change in Corporate Officers, Directors, or Manager	\$100.00	per person ≥ 10% financial interest
New and Renewal Hospitality Establishments with or without sales	\$1,000.00	
Fingerprint Analysis (credit card payment through Idemia)	\$48.50	each analysis (\$38.50 + \$10 vendor service fee)
Escort Services License		
Application Fee	\$300.00	
Application Investigation Fee (Police Department)	\$250.00	
Renewal Fee	\$200.00	
Pawnbrokers Business License		
Application Fee	\$2,200.00	
Renewal Fee	\$5.00	
Investigation and Processing Fee	\$200.00	

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Sexually Oriented Business License		
Application Fee	\$750.00	
Renewal Fee	\$1,000.00	
Transfer of Ownership	\$200.00	
Manager's License	\$250.00	
Misc. Licenses/Permits		
Dog License Annual Fee (Males & spayed females)	\$3.00	
Dog License Annual Fee (Unspayed females)	\$5.00	
Newsrack Permit	\$0.00	
Public Assembly Permit (for profit organizations)	\$100.00	
Recreational Vehicle and Equipment Permit	\$0.00	
Mobile Auto Repair Permit and Annual Renewal	\$25.00	
Street Vendor Conditional Use Permit	\$100.00	for 6 months for each vehicle used
Shuttle Owner/Operator Registration and Annual Renewal	\$100.00	
Private Social Club Permit	\$100.00	
Solicitation		
Permit Fee	\$100.00	
Renewal Fee	\$50.00	
Fingerprint Fee/Background Check (credit card payment through Idemia)	\$26.50	each analysis (\$16.50 + \$10 vendor service fee)
Identification Badge	\$25.00	
Replacement Identification Badge	\$25.00	
Special Event Fees		
First day	\$50.00	
Each additional day	\$30.00	
Bicycle Event Permit	\$100.00	
Franchise Fees		
Cable Television Franchise Fee		
New Application	per contract	
Transfer	per contract	
Gas and Electric Franchise	3%	of all received revenues
Transfer	per contract	
Dory Hill Cemetery		
Plot Fee	\$50.00	

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Burial Fee - Casket	\$400.00	
Burial Fee - Cremated Remains	\$150.00	
Miscellaneous		
Code Books	online	
Open Records Request Research Fee	\$33.58	after first hour/per hour
Copies made	\$0.25	page
Public Hearing Notice Publication Fee	Actual Cost	plus 15% City Administration Fee
Reference: Black Hawk Municipal Code - Article XVII - Application Procedures and Submittal Requirements - Section 16-370 - Fees		
Building Fees		
Building Fees cover the cost of an initial Plan Review, one (1) round of response comments and primary inspections for Building, Plumbing, Mechanical, Electrical, and Structural. A reinspection fee is invoice separately. When the primary inspections included in the initial permit fee are exhausted, inspections then revert to an hourly fee and are invoiced separately; see Permit Fees Beyond Initial Building Permit Fees Collected.		
Land Use and Public Improvement Plan Review and Inspection fees are NOT collected with the Building Fee. These fees are invoiced separately using the Land Use fee schedule.		
Building Permit Fees Based on Total Valuation		
\$1.00 to \$500	\$23.50	
\$501 to \$2,000	\$23.50	for 1st \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25	for the 1st \$2,000 plus \$14.00 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.25	for the 1st \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75	for the 1st \$50,000 plus \$7.00 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75	for the 1st \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75	for the 1st \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75	for the 1st \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Residential Building Permit Fees	Reference Ordinance 2022-25	<p>R108.1 Residential Permit Fees. A permit shall be issued by the Building Official for new construction, rehabilitation, remodeling, additions, accessory buildings or alterations to all residential structures including relocated residential structures. Permit fees and plan review fees are assessed but not collected from the homeowner if the residence is located within the Historic Residential (HR) Zoning District. No Sales Tax is assessed or collected on these projects. New construction, rehabilitation, remodeling, relocation, addition or accessory building improvements are made in accordance with the Design Standards of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.</p> <p>Residential building outside the Historic Residential (HR) Zoning District are responsible for all currently adopted building fees for new construction, rehabilitation, remodeling, additions, accessory buildings, or alterations. All permit applications are reviewed by the Building Official and must meet the Design Standards of the City of Black Hawk, as adopted by the City Council.</p> <p>R108.1.2 Restoration and Community Preservation Fund Grant Program Fees. A permit shall be issued by the Building Official for all renovations that are approved by the City Council and funded by a Historic Restoration and Community Preservation Program; permit fee and plan review fees are assessed but not collected from the homeowner. No Sales Tax is assessed or collected on these projects.</p>
Initial Building Plan Review - initial review and one (1) round response comments	65%	of the Building Permit fee calculated above
Additional Building Plan Review/Response Comments (Initial response comments beyond one (1) round, and reviews of previously approved plans because of changes, additions, or revisions)	\$150.00	an hour - one (1) hour minimum collected thru CommunityCore
Permit Fees and Inspections Beyond Initial Building Permit Fees Collected	\$105.00	per stop/per hour - one (1) hour minimum plus 15% City Administration Fee.
Structural Engineering Review and Consulting Fee (3rd party)	Actual Cost	actual cost plus 15% City Administration Fee. City reserves the right to have a 3rd party Structural Engineer perform an independent review. All associated costs above and beyond the standard permit fee shall be incurred and paid by the applicant or property owner.
Building Consulting / Miscellaneous Services	\$150.00	an hour plus 15% City Administration Fee - one (1) hour minimum Includes all services not listed.

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Same Day Building Inspections During Regular Business Hours 9:00 a.m. - 4:00 p.m., Monday thru Friday	\$150.00	an hour with a two (2) hour minimum - collected in advance of inspection thru CommunityCore.
Inspections Outside of Regular Business Hours 9:00 a.m. - 4:00 p.m., Monday thru Friday	\$200.00	an hour with a four (4) hour minimum - collected in advance of inspection thru CommunityCore
Emergency Life & Safety Inspections	No Charge	
Re-Inspection Fee *Contractor/Homeowner not ready *Contractor/Homeowner not on site *Contractor/Homeowner disregards correction items	\$150.00	an hour for each re-inspection - one (1) hour minimum collected in advance of inspection thru CommunityCore
Special Investigation Fee - starting work without a permit.	\$500.00 \$1000.00 \$1500.00	1st Occurrence - collected thru CommunityCore 2nd Occurrence - collected thru CommunityCore 3rd Occurrence and additional Occurrence - collected thru CommunityCore
Expert Witness / Court Testimony	Actual Cost	plus 15% City Administration Fee.
Excavation Permit (commercial and residential alteration or addition)	\$7.00	per cubic yard.
CoBH Administration Fee: A CoBH 15% City Administration Fee shall be added to each invoice generated by Finance. The 15% Administrative Fee does not apply to fees collected through CommunityCore.		
Electrical Fees		
Electrical Only Plan Review - initial review and one (1) round response comments	65%	of the Electrical Permit fee calculated below.
Additional Electrical Plan Review/Response Comments (Initial response comments beyond one (1) round, and reviews of previously approved plans because of changes, additions, or revisions)	\$150.00	an hour - one (1) hour minimum collected thru CommunityCore
Residential Electrical Only Installation: (New, Remodel, Addition) (Round sq. ft. up to next 100 for calculation).		
Residential Installation (Based on enclosed living area only)		
LIVING AREA:		
≤ 1,000 sq. ft.	\$115.00	
1,001 sq. ft. but ≤ 1,500 sq. ft.	\$172.00	
1,501 sq. ft. but ≤ 2,000 sq. ft.	\$230.00	

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

≥ 2,001 sq. ft. (\$228.00 + (\$10.00) x each additional 100 sq. ft.)	Calculated Fee	
EXAMPLE: (2235 sq. ft.) first 2000 sq. ft. = \$228 + (300 (235 rounded up to next 100) x \$10.00) = \$258.00		
Commercial and other fees: Including some residential installations that are not based on square footage (not living area, i.e., garage, shop, etc.) Fees in this section are calculated from the total cost to customer (contract price), including electrical materials, items and labor - whether provided by the contractor or the property owner.		
Valuation of Installation (Based on cost to customer of labor, material and items)		
≤ \$2,000 = \$115.00 (base fee)	\$115.00	
≥ \$2,001 add \$10.00 per thousand of job valuation (always round up the next \$1000) to the Base Fee (\$115.00)	Calculated Fee	
EXAMPLE: The cost of the installation is \$5,150 (round up to \$6,000) (6 x \$10 = \$60) The base fee (shown above): \$115 + (6 x \$10.00) \$60 = \$175.00 Total Fee		
Mobile/Modular/Manufactured Home Set (per unit)	\$115.00	
Temporary Heat Release	\$115.00	
Temporary Electrical Meter	\$115.00	
Solar Permit Fees - Residential or Commercial Fees are calculated from the total cost to customer (contract price), including materials, items and labor - whether provided by the contractor or the property owner.		
Valuation of Installation (Based on cost to customer of labor, material and items)		
Not more than \$2000 (Base Fee)	\$115.00	
≥ \$2,001 add \$115.00 + \$10.00 per thousand of total job valuation (always round up the next \$1000)	Calculated Fee	

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

EXAMPLE: The valuation if \$5,150 (round up to \$6,000) the base fee as shown above; $\$115.00 + (6 \times \$10.00) = \$175.00$ total fee*		
Senate Bill 17-179 placed a cap on solar permit fees of: \$500.00 for residential installation and; \$1,000 for commercial installations. Caps on the permit fee are a combination of the solar (DC) installers permit are a combination of the solar (DC) installers permit and the electrical (AC) permit. Whichever one is issued first, the total fee for the second permit combine with the fee for the first permit cannot exceed the cap fees shown above.		
Special Investigation Fee - staring work without a permit.	\$500.00 \$1000.00 \$1500.00	1st Occurrence - collected thru CommunityCore 2nd Occurrence - collected thru CommunityCore 3rd Occurrence and Each Additional Occurrence - collected thru CommunityCore
Expert Witness / Court Testimony	Actual Cost	plus 15% City Administration Fee
Re-Inspection Fee: *Contractor/Homeowner not ready *Contractor/Homeowner not on site *Contractor/Homeowner disregards correction items A re-inspection fee may be assessed when additional inspections are required when the job is not ready for inspection (if 5 or more correction items are cited), access is not provided, violations from the last inspection are not completed, etc.	\$150.00	an hour for each re-inspection - collected in advance thru CommunityCore
1. Ensure that the work is completed within the time limitation of the permit. 2. Install electrical according to the currently adopted edition of the Colorado electrical Code (NEC). 3. Request an electrical inspection <i>prior</i> to covering and a final inspection <i>prior</i> to occupancy. 4. Temporary construction meters require a separate permit application from any other activity.		

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

CoBH Administration Fee: A CoBH 15% City Administration Fee shall be added to each invoice generated by Finance. The 15% Administrative Fee does not apply to fees collected through CommunityCore.		
Conveyance Consulting Services		
CONVEYANCE INSPECTION SERVICES		
Required Presence	\$155/per hour	any necessary request for Conveyance Inspector presence i.e. meetings, etc. Travel time not included, plus 15% City Administration Fee.
Shut Down/Dormant/Remove from Service Elevator	\$155/per unit	plus 15% City Administration Fee.
Dumbwaiter Periodic	\$155/per unit	plus 15% City Administration Fee.
Dumbwaiter Acceptance	\$355/per unit	plus 15% City Administration Fee.
Dumbwaiter Acceptance Re-Inspection(s)	\$155/per unit	plus 15% City Administration Fee.
Escalator Annual	\$675/per unit	Colorado - Category 5 test annual, plus 15% City Administration Fee.
Escalator Acceptance	\$700/per unit	plus 15% City Administration Fee.
Escalator Acceptance Re-Inspection(s)	\$500/per unit	plus 15% City Administration Fee.
Hydraulic Periodic	\$155/per unit	1-1.5 hours, plus 15% City Administration Fee.
Hydraulic Roped Periodic	\$210/per unit	1.5-2 hours, plus 15% City Administration Fee.
Hydraulic 5 Year	\$210/per unit	2 hours, Witnessed annual safety test, plus 15% City Administration Fee.
Hydraulic Roped 5 Year	\$375/per unit	3 hours, Witnessed annual safety test, plus 15% City Administration Fee.
Hydraulic Acceptance	\$525/per unit	plus 15% City Administration Fee.
Hydraulic Acceptance Re-Inspection(s)	\$325/per unit	plus 15% City Administration Fee.
Lift Periodic (material type B, platform, chair, etc.) Periodic	\$155/per unit	all lifts other than those described in the Conveyance Section, plus 15% City Administration Fee.
Lift Periodic Acceptance (material type B, platform, chair, etc.)	\$355/per unit	all lifts other than those described in the Conveyance Section, plus 15% City Administration Fee.
Remove Conveyance From Service	\$155/per unit	plus 15% City Administration Fee.
Traction Periodic	\$210/per unit	1.5-2 hours, plus 15% City Administration Fee.
Traction 5 Year	\$520/per unit	4 hours, Witnessed safety test with weights, plus 15% City Administration Fee.
Traction Acceptance	\$525/per unit	Plus 15% City Administration Fee.
Traction Acceptance Re-Inspection(s)	\$325/per unit	plus 15% City Administration Fee.
1st TCO Follow-Up Inspection	\$155/per unit	plus 15% City Administration Fee.

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

2nd TCO Follow-Up Inspection (only issued for back ordered parts)	\$310/per unit	plus 15% City Administration Fee.
CONVEYANCE MISCELLANEOUS SERVICES		
Conveyance Incident Investigation	\$135/per hour	Incident investigation, plus 15% City Administration Fee.
Consulting / Miscellaneous Services	\$155/per hour	Plus 15% City Administration Fee.
Development Review Committee (DRC) Meeting Attendance	No Charge	
Expert Witness / Court Testimony	Actual Cost	Plus 15% City Administration Fee.
Inspections Outside of Regular Business Hours - Reference Consultant's Current Professional Services Agreement.	Initial Per Unit Fee	Four (4) hour minimum, plus 15% City Administration Fee.
Re-Inspection Fee A re-inspection fee is charged in the following instances: 1. The Contractor is not ready at the time of inspection 2. The Contractor provides an incorrect address for the inspection 3. The Contractor is not on site at time of inspection 4. If violations are not corrected at the followup inspection.	Initial Per Unit Fee	Plus 15% City Administration Fee.
Special Investigation Fee - staring work without a permit.	\$500.00 \$1000.00 \$1500.00	1st Occurrence - collected thru CommunityCore 2nd Occurrence - collected thru CommunityCore 3rd Occurrence and Each Additional Occurrence - collected thru CommunityCore
Violation Fee - Escalator Annual - 30 days past due	\$800/per unit	Per occurrence, plus 15% City Administration Fee.
Violation Fee - 5-Year Witness Safety Test - 30 days past due	\$800/per unit	Per occurrence, plus 15% City Administration Fee.
CoBH Administration Fee: A CoBH 15% City Administration Fee shall be added to each invoice generated by Finance. The 15% Administrative Fee does not apply to fees collected through CommunityCore.		
CONVEYANCE PERMITS		
Commercial - Minor Alteration Covers: cab finishes, valve work, power unit install, door operator replacement, re-rope/brake suspension, escalator handrails. Permit Submittal Requirements: a conveyance permit application and manufacture specifications.	\$575/per unit	Includes initial plan review and initial response comments, collected thru CommunityCore

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Commercial - Major Alteration/New Construction/Re-rope Covers: controller, signal fixtures, rotating equipment, drive (multiple components), fire alarm, fire recall. Permit Submittal Requirements: a conveyance permit application with drawings stamped by a design professional licensed in Colorado.	\$865/per unit	Includes initial plan review and initial response comments, collected thru CommunityCore
Residential Elevator , Platform Lift or Dumbwaiter	\$575/per unit	Includes initial plan review and initial response comments, collected thru CommunityCore
Plan Review and Response Comments - Additional	\$155.00 per hour	Includes additional reviews and additional response comments per occurrence, collected thru CommunityCore
CoBH Administration Fee: A CoBH 15% City Administration Fee shall be added to each invoice generated by Finance. The 15% Administrative Fee does not apply to fees collected through CommunityCore.		
Electrical Permit: If an electrical permit is required, the cost shall fall under the Electrical Permit Fee Schedule as adopted by the CoBH.		
Building Permit: If a building permit is also required, the cost shall fall under the Building Permit Fee Schedule as adopted by the CoBH.		
Fire Permit: If a fire permit is also required, the cost shall fall under the Fire Permit Fee Schedule as adopted by the CoBH.		
MISC. Fees		
Right-of-Way Use Permit	\$35.00	
Street Cut Permit	\$300.00	for 1 to 100sf and \$2/sf for any additional
State Highway Access Permits		
Level 1	\$50.00	single family residential/agricultural
Level 2	\$100.00	commercial property & those in excess of 20 vehicular trips per day w/o roadway improvements.
Level 3	\$300.00	commercial property requiring roadway improvements.
Historic Landmarking	Consultant Fee	plus 15% City Administration Fee
Development in Flood Hazard Permit	Consultant Fee	plus 15% City Administration Fee
Public Hearing Notice Publication Fee	Actual Cost	plus 15% City Administration Fee
Fire and Police Protection Fee at time of Building Permit		
Multifamily Residential	\$70.00	per occupant/multiply fee x peak period occupant load as per IBC
Commercial	\$14.00	per occupant/multiply fee x peak period occupant load as per IBC

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Industrial	\$70.00	per occupant/multiply fee x peak period occupant load as per IBC
Change of Use	Consultant Fee	plus 15% City Administration Fee
Redevelopment	Consultant Fee	plus 15% City Administration Fee
Industrial	Consultant Fee	plus 15% City Administration Fee
Off-site commercial parking space fee (Parking Impact Fee)	\$2,000.00	per space
CoBH Administration Fee: A CoBH 15% City Administration Fee shall be added to each invoice generated by Finance. The 15% Administrative Fee does not apply to fees collected through CommunityCore.		
Reference: Black Hawk Municipal Code - Article XVII - Application Procedures and Submittal Requirements - Section 16-370 - Fees		
Utilities		
Disconnect/Reconnect Fees		
Notice of disconnection due to delinquency or failure to maintain	\$60.00	
Reconnection charge due to delinquency or failure to maintain	\$500.00	
Disconnection/shut off for convenience (>7 days)	\$200.00	
Reconnection charge for convenience (>7 days)	\$500.00	
Commercial Fire Flow Testing		
Permit (>48 hours in advance of test)	\$150.00	
Penalty for failure to acquire permit	\$5,000.00	
Land Use Fees		
Pre-Land Use Application & DRC Meetings	Consultant Fee	plus 15% City Administration Fee
Formal Land Use Application	Consultant Fee	plus 15% City Administration Fee
Commercial - Land Use Plan Review		
Boundary Line Agreement	Consultant Fee	plus 15% City Administration Fee
Certificate of Appropriateness Certificate of Architectural Compatibility	Consultant Fee	plus 15% City Administration Fee
Cost Reimbursement Agreement	Consultant Fee	plus 15% City Administration Fee
Civil Engineer Plan Review and Inspections	Consultant Fee	plus 15% City Administration Fee
Disconnection of Property	Consultant Fee	plus 15% City Administration Fee
Planned Unit Development	Consultant Fee	plus 15% City Administration Fee

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Signs	Consultant Fee	plus 15% City Administration Fee
Site Development Plan	Consultant Fee	plus 15% City Administration Fee
Special Review Use	Consultant Fee	plus 15% City Administration Fee
Subdivisions		
Preliminary Subdivision Processing Fee	Consultant Fee	plus 15% City Administration Fee
Final Subdivision Development Fee	Consultant Fee	plus 15% City Administration Fee
Minor Subdivision	Consultant Fee	plus 15% City Administration Fee
Site Development Commercial Plat	Consultant Fee	plus 15% City Administration Fee
Street Plan and Easement Vacation	Consultant Fee	plus 15% City Administration Fee
Variance	Consultant Fee	plus 15% City Administration Fee
Residential Land Use Fees	Reference Ordinance 2017-9 adopted June 14, 2017 and Municipal Code Section 16-370.	No fees for land use associated applications shall be charged or collected if the residence for which the application is made was constructed prior to 1991 AND is located within the Historic Residential (HR) Zoning District, and all land use applications are made in accordance with the Municipal Code of the City of Black Hawk, as adopted by City Council. This includes professional and/or consulting service fees. Reference Ordinance 2017-9 and Black Hawk Municipal Code Section 16-370 for additional conditions.
Restaurant Grills and Air Quality Compliance	Consultant Fee	plus 15% City Administration Fee
Recording Fee	Actual Cost	
Temporary Use or Temporary Structure Permits	\$50.00	plus Security Deposit, if applicable.
Water System Development Fees		
Nonresidential, in Gaming District	\$16.00	per square foot
Hotel	\$900.00	per room
Nonresidential, outside of Gaming District	\$8.00	per square foot
Expert Witness / Court Testimony	Actual Cost	plus 15% City Administration Fee
Miscellaneous Services	Consultant Fee	plus 15% City Administration Fee
CoBH Administration Fee: A CoBH 15% City Administration Fee shall be added to each invoice generated by Finance. The 15% Administrative Fee does not apply to fees collected through CommunityCore.		
Reference: Black Hawk Municipal Code - Article XVII - Application Procedures and Submittal Requirements - Section 16-370 - Fees		

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Electrical Permit: if a electrical permit is required, the cost shall fall under the Electrical Permit Fee Schedule as adopted by the CoBH		
Building Permit: If a building permit is also required, the cost shall fall under the Building Permit Fee Schedule as adopted by the CoBH		
Fire Permit: If a fire permit is also required, the cost shall fall under the Fire Permit Fee Schedule as adopted by the CoBH		
Police Department Fees		
Sex Offender Registration	\$100.00	initial registration
Renewal	\$50.00	
Portable Breath Test (PBT)	\$20.00	
VIN Checks (Residents Only)	\$0.00	
Copies onto CDs	\$25.00	
Fire Department Fees (Contact Fire Dept. for further details)		
New Construction, Addition, or Tenant Finish of Commercial and Multi-Residential Plan Reviews		Fee includes initial plan review, one round of response comments, one rough inspection, and one final inspection.
1 - 5,000 square feet	\$750.00	
5,001 - 10,000 square feet	\$750.00	plus \$0.05 per square foot over 5,000
10,001 - square feet or greater	\$1,000.00	plus \$0.05 per square foot over 10,001
Commercial Inspections		
Scheduled Annual Inspection	\$150.00	hour
First Re-inspection of violation noted during a Scheduled Annual Inspection	\$0.00	
Second or greater Re-inspection of violation noted during a Scheduled Annual Inspection	\$150.00	hour
Compliance Verification	\$150.00	hour
System Test	\$150.00	hour. Applies to testing and inspection of fire sprinkler, fire alarm system, and suppression system required in addition to those included in initial fee.
Re-inspection	\$150.00	inspection is scheduled and the contractor is unable to complete the inspection when the inspector arrives, 2) when corrections called out during a previous inspection are not made, or 3) when the contractor does not have the permit card
Outside Agency Support for Scheduled Inspections	\$50.00	hour. Assist adjacent fire agencies with fire and life safety inspections.
Parking Structures		Fee includes initial plan review, one round of response comments, one rough inspection, and one final inspection.

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

Separate or attached structure	1/2 new construction fee for same square footage (\$750.00 minimum fee)	
Automatic Fire Sprinkler System (NFPA 13, 13D, and 13R)		Fee includes initial plan review, one round of response comments, one rough inspection, one hydro inspection, and one final inspection.
New Fire Sprinkler System	\$0.05 per square foot of system coverage (\$750.00 minimum fee)	
Existing Fire Sprinkler System Modification (Relocate, remove, or add fire sprinklers)		Fee includes initial plan review, one round of response comments, one rough inspection, one hydro inspection, and one final inspection.
1 - 1,500 square feet of system coverage	\$500.00	
1,501 square feet or greater of system coverage	\$500.00	plus \$0.05 per square foot of system coverage
Fire Pump		Fee includes initial plan review, one round of response comments, one rough inspection, and one final inspection.
Fire Pump in fire sprinkler and/or standpipe system	\$300.00	per pump
Fire Alarm System		Fee includes initial plan review, one round of response comments, one rough inspection, and one final inspection.
1 -1,500 square feet of system coverage	\$500.00	
1,501 square feet or greater of system coverage	\$500.00	plus \$0.05 per square foot of system coverage
Existing Fire Alarm System Modification (Relocate, remove, or add fire alarm devices)		Fee includes initial plan review, one round of response comments one rough inspection, and one final inspection.
1 -1,500 square feet of system coverage	\$500.00	
1,501 square feet or greater of system coverage	\$500.00	plus \$0.05 per square foot of system coverage
False Alarm Fees		
Occurrence 6 to 10	\$100.00	per occurrence
Occurrence 11 to 15	\$250.00	per occurrence
Occurrence 16 to 20	\$500.00	per occurrence
Occurrence 21 to 25	\$1,000.00	per occurrence
Occurrence 26 or more	Discretionary	
Automatic Fire Suppression Systems for Commercial Cooking Operations		Fee includes initial plan review, one round of response comments, one rough inspection, and one final inspection.
Information review and inspection of a new system	\$500.00	per individual system
Modifications to an existing system	\$500.00	per individual system
Standpipe Systems		Fee includes initial plan review, one round of response comments, one rough inspection, one hydro inspection, and one final inspection.

2023 City of Black Hawk Fee Schedule (amended 01.11.23)

New standpipe	\$450.00	per standpipe riser
Modification to existing standpipe system	\$300.00	per standpipe riser
Additional Plan Review/Response Comments		
Second or Greater Plan Review/Response Comments	\$150.00	per hour
Public Safety Radio Amplification System		
Information review and on-site testing of the system at final inspection.	\$300.00	
Special Investigation Fee - starting work without a permit.		
First Occurrence	\$500.00	
Second Occurrence	\$1,000.00	
Third or greater Occurrence	\$1,500.00	
Administration Fees/Misc		
Administration Fee for All Invoices	15%	To be included on all plan review and inspection invoices.
CPR and First Aid Training for City residents and City staff	\$0.00	
CPR and First Aid Training for businesses	\$25.00	person includes certification card
Fire Extinguisher Training for City residents and City Staff	\$0.00	
Fire Extinguisher Training for businesses	\$10.00	person for businesses
Temporary Fire Watch	\$0.00	
Site Plans	\$100.00	
Outside Consultation/Third Party Review	Actual Cost plus 15% Administration Fee	The Fire Department reserves the right to have a third party perform an independent review. All associated costs above and beyond the standard fee shall be incurred and paid by applicant or property owner.
Blasting and Storage of Explosives Permit	\$150.00	includes one site inspection
Elevator Entrapment Rescue		
Occurrence 6- to 10	\$500.00	per occurrence
Occurrence 11 to 15	\$1,000.00	per occurrence
Occurrence 16 or more	\$1,500.00	per occurrence

RESOLUTION 84-2023
A RESOLUTION
APPROVING THE
SERVICE AGREEMENT
BETWEEN THE CITY AND
CENTURYLINK
COMMUNICATIONS, LLC
d/b/a LUMEN
TECHNOLOGIES GROUP
FOR INTERNET ACCESS
TO CITY PROPERTIES

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 84-2023

TITLE: A RESOLUTION APPROVING THE SERVICE AGREEMENT BETWEEN THE CITY AND CENTURYLINK COMMUNICATIONS, LLC d/b/a LUMEN TECHNOLOGIES GROUP FOR INTERNET ACCESS TO CITY PROPERTIES

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 Service Agreement between the City and CenturyLink Communications, LLC d/b/a Lumen Technologies Group for internet access to City properties attached hereto as **Exhibit A**, and the Mayor is authorized to execute the same on behalf of the City.

RESOLVED AND PASSED this 8th day of November, 2023.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: A Service Agreement with CenturyLink Communications, LLC d/b/a Lumen Technologies Group to provide internet access for City facilities. .

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

MOTION TO APPROVE: Resolution 84-2023, A Resolution approving the Service Agreement between the City and CenturyLink Communications, LLC d/b/a Lumen Technologies for Internet Access to City Properties.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: The attached Service Agreement establishes the fees the City will pay for Internet access for City facilities for the next 36 months.

AGENDA DATE: November 8, 2023

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: ☒ Yes ☐ No

STAFF PERSON RESPONSIBLE: Lance Hillis, Finance Director

DOCUMENTS ATTACHED: Service Agreement

RECORD: ☐ Yes ☒ No

CITY ATTORNEY REVIEW: ☒ Yes ☐ N/A

SUBMITTED BY:

Lance Hillis

Lance Hillis, Finance Director

REVIEWED BY:

Stephen N. Cole

Stephen N. Cole, City Manager

Customer Information and Contract Specifications

Customer Name: CITY OF BLACK HAWK - CO
Account Number: 3-993009

Currency: USD
Monthly Recurring Charges (MRC): \$1,419.00
Non Recurring Charges (NRC): 0

Description	ID
CAT	L299586

Service Order

Service Address	Description	Order Type	Term (Months)	Qty	Unit MRC	Unit NRC	Total MRC	Total NRC
201 SELAK ST BLACK HAWK COLORADO 80422 UNITED STATES	Dedicated Internet Access	New	36	1				
	- Standard Delivery - To the MPoE (Customer Provided)							
	Access - On Net	New	36	1			\$1,218.00	\$0.00
	- Bandwidth = Fast E							
	- Access Sub Bandwidth=50 Mbps							
	IP Port			1	\$0.00	\$0.00	\$0.00	\$0.00
	IP Logical			1	\$201.00	\$0.00	\$201.00	\$0.00
	- Billing Method=Flat Rate							
	- Peak Data Rate = 50 Mbps							
	Subtotal						\$1,419.00	\$0.00
	Totals						\$1,419.00	\$0.00

*If the Service Address column above is blank, no Service Address is required for the Service or the Service Address is identified as a data center in the Description column.

SLED Terms and Conditions Governing This Order

1. "Lumen" is defined for purposes of this Order as CenturyLink Communications, LLC d/b/a Lumen Technologies Group or its affiliated entities providing Services under this Order. This Order is subject to the applicable state or municipal public records laws governing Customer and is non-binding until accepted by Lumen, as set forth in section 4. Customer places this Order by signing (including electronically or digitally) or otherwise acknowledging (in a manner acceptable to Lumen) this document and returning it to Lumen. Pricing is valid for 90 calendar days from the date indicated unless otherwise specified.

2. Prior to installation, Lumen may notify Customer in writing (including by e-mail) of price increases due to off-net vendors

or increased construction costs. Customer has 5 business days following notice to terminate this Order without liability; or otherwise, Customer is deemed to accept the increase.

3. If a generic demarcation point (such as a street address) is provided, the demarcation point for on-net services will be Lumen's Minimum Point of Entry (MPOE) at such location (as determined by Lumen). Off-net demarcation points will be the off-net vendor's MPOE. If this Order identifies aspects of services that are procured by Customer directly from third parties, Lumen is not liable for such services.

4. The service(s) identified in this Order (the "Service(s)") is/are subject to the current, unexpired services agreement between Customer and Lumen ("Existing Agreement") provided that, if a service attachment describing the Services is not included in the Existing Agreement, then the current standard applicable Lumen Service Attachment(s) will apply in addition to the Existing Agreement. If Customer and Lumen do not have a current Existing Agreement, then the current applicable Lumen Master Service Agreement(s), State, Local and Education Government Agencies Version, Public Safety Version for public safety services, or E-Rate Version for E-Rate eligible services (each, a "Lumen MSA"), and applicable Service Attachment(s) for the Services described in this Order will govern, copies of which are available upon request. Customer will accept and pay all charges indicated on invoices for the Services.

Notwithstanding anything in any Existing Agreement to the contrary, Lumen will notify Customer of acceptance of requested Service in this Order by delivering (in writing or electronically) the date by which Lumen will install Service (the "Customer Commit Date"), by delivering the Service, or by the manner described in a Service Schedule. Lumen will deliver a written or electronic notice that the Service is installed (a "Connection Notice"), at which time billing will commence. At the expiration of the Service Term, Service will continue month-to-month at the existing rates, subject to adjustment by Lumen on 30 days' written notice. If the Existing Agreement governs and does not include early termination charges and if Customer cancels or terminates Service for any reason other than Lumen's uncured default or if Lumen terminates due to Customer's uncured default, then Customer will pay Lumen's standard early termination liability charges as identified in the Ancillary Fee Schedule at: <http://www.lumen.com/ancillary-fees>.

5. Neither party will be liable for any damages for lost profits, lost revenues, loss of goodwill, loss of anticipated savings, loss of data or cost of purchasing replacement service, or any indirect, incidental, special, consequential, exemplary or punitive damages arising out of the performance or failure to perform under this Order. Customer's sole remedies for any nonperformance, outages, failures to deliver or defects in Service are contained in the service levels applicable to the affected Service.

6. All transport services ordered from Lumen will be treated as interstate for regulatory purposes. Customer may certify transport service as being intrastate (for regulatory purposes only) in a format as required by Lumen, but only where the transport services are sold on a stand-alone basis, the end point's for the service are located in the same state and neither end point is a Lumen provided IP port ("Intrastate Services"). Where Customer requests that services be designated as Intrastate Services, Customer certifies to Lumen that not more than 10% of Customer's traffic utilizing the Intrastate Services will be originated or terminated outside of the state in which the Intrastate Services are provided. Such election will apply prospectively only and will apply to all Intrastate Services stated in this Order.

7. Charges for certain Services are subject to (a) a monthly property tax surcharge and (b) a monthly cost recovery fee per month to reimburse Lumen for various governmental taxes and surcharges. Such charges are subject to change by Lumen and will be applied regardless of whether Customer has delivered a valid tax exemption certificate. For additional details on taxes and surcharges that are assessed, visit <http://www.lumen.com/taxes>.

8. Customer will pay Lumen's standard: (a) expedite charges (added to the NRC) if Customer requests a delivery date inside Lumen's standard interval duration (available upon request or in Control Center at <https://www.centurylink.com/business/login/>) and (b) unless otherwise set forth in a Service Attachment, the ancillary charges for additional activities, features or options as set forth in the Ancillary Fee Schedule, available at <http://www.lumen.com/ancillary-fees>. If Lumen cannot complete installation due to Customer delay or inaction, Lumen

may begin charging Customer and Customer will pay such charges.

9. For certain services, equipment provided by Lumen to be located in Customer's premises ("CPE") is subject to the terms of the Customer Premise Equipment Addendum. A copy of the CPE Addendum and a list of services to which it applies is available upon request. For colocation, data center and/or hosting services, pre-arranged escorted access may be required at certain locations, and cross connect services are subject to whether facilities are available at the particular location to complete the connection.

10. Compliance with Laws. The parties comply with all laws and regulations applicable to the execution of this Order and to the provision of Services by Lumen, including, as applicable, procurement laws or regulations regarding cumulative purchases of Services by Customer.

11. E-Rate and/or RHC/HCF Funding. If Customer applies for or seeks E-Rate and/or RHC/HCF funding for the Service(s) to be provided under this Order, Customer's Service(s) will be governed by a current eligible Existing Agreement, or if Customer and Lumen do not have a current eligible Existing Agreement, the Lumen E-Rate MSA or Lumen SLED MSA with the E-Rate and/or RHC/HCF Program Addendum will apply and must be executed contemporaneously with this Order.

12. If your network service utilizes TDM technologies, then the following apply: (a) During the Service Term and on 60 days' prior written notice, Lumen may re-provision Customer's off-net TDM services ("Service Re-provision"). If Customer objects to the Service Re-provision, Customer may terminate the affected service by notifying Lumen in writing within 30 days of the date of the Service Re-provision notification; and (b) During the Service Term, Lumen may increase rates for off-net TDM services. Lumen will provide Customer 60 days' prior written notice before implementing the increase ("Rerate Notice"). If Customer objects to the increase, Customer must notify Lumen in writing within 30 days of the date of the Rerate Notice whether Customer will (i) receive the affected service on a month-to-month basis or (ii) terminate the affected service, subject to early termination liability charges. Under subsection (ii), Customer's requested disconnect date must be within 90 days of the Rerate Notice. Unless Customer so notifies Lumen, the affected service will continue to be provided at the increased rates.

Additional Order Terms

Invoices

Single prices shown above for bundled Services, or for Services provided at multiple locations, will be allocated among the individual services for the purpose of applying Taxes and regulatory fees and also may be divided on Customer's invoice by location served.

Activation Support

If requested by Customer, and for an additional charge, Lumen will provide assistance with activating and/or configuring equipment on Customer's side of the Demarcation Point ("Activation Support").

Signature Block

Customer: CITY OF BLACK HAWK - CO
Total MRC: \$1,419.00 Total NRC: 0
Signature:
Name:
Title:
Date:

Customer and the individual signing above represent that such individual has the authority to bind Customer to this Agreement.

Document Generation Date: 08-23-2023