



## REGULAR MEETING AGENDA

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

March 11, 2020  
3:00 p.m.

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: February 26, 2020
7. PUBLIC HEARINGS:
  - A. None
8. ACTION ITEMS:
  - A. Resolution 22-2020, A Resolution Approving Amendment No. 5 to the Construction Manager/General Contractor Agreement Executed on February 27, 2019 Between the City of Black Hawk and Roche Constructors, Inc., Increasing the Guaranteed Maximum Price (GMP) by \$297,700 for the Purpose of Installing Rock Slope Stabilization Measures Along the North Side of the Gregory Street Plaza
9. CITY MANAGER REPORTS:
10. CITY ATTORNEY:
11. EXECUTIVE SESSION:
12. ADJOURNMENT:

### MISSION STATEMENT

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



**City of Black Hawk  
City Council**

**February 26, 2020**

**MEETING MINUTES**

Julie Esterl, Principal Planner at Baseline Engineering, rang the bell to open the meeting.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, February 26, 2020, at 3:00 p.m. by Mayor Spellman.
2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.  
  
Staff present: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Fleet Superintendent Jackson, Senior Civil Engineers Ford and Reed, Community Planning & Development Director Linker, and Deputy City Clerk Martin.  
  
**PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.
3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed there were no changes to 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. No conflicts were 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 COMMENT:** Deputy City Clerk Martin noted that John Burtschi had signed up to speak.

John Burtschi, of Black Hawk, introduced himself to Council. He is the new lessee of Black Hawk Bean and Cream, the coffee shop located at 135 Clear Creek Street. He said he is very close to opening and is just waiting for Health Department approval. Once opened, he invited everyone down to enjoy some coffee and ice cream. He thanked Council for this opportunity and is excited to be part of the community. He said he would appreciate if Council could consider more lighting in the parking lot as he plans to be open late in the summer and comes in early in the morning when it is still dark. Council thanked him and are looking forward to the opening.

6. APPROVAL OF  
MINUTES:

February 12, 2020

**MOTION TO  
APPROVE**

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

**MOTION PASSED**

There was no discussion, and the motion passed unanimously.

7. PUBLIC HEARINGS:

**A. CB1, An Ordinance Amending the City of Black Hawk 2020 Pay Plan**

Mayor Spellman read the title and opened the public hearing.

City Clerk/Administrative Services Director Greiner introduced this request for the reorganization of the Public Works Department based on recommendations from the H.R. Green study conducted last year and noted that these changes would ultimately change the salary ranges. The details included in the packet, but she summarized by explaining the current hierarchy of eight direct reports to the Public Works Director, which is very time-consuming; the new structure would include the restructuring of the divisions down to three: engineering, maintenance (Streets, Fleet, and Facilities), and water, so there would only be three direct reports to the Director. She said there are a total of nine new positions, but only two new employees to be hired, which were approved in last year's budget.

Alderman Torres congratulated all who have worked on this. He thought everything was well explained and reasoned, and the solutions were very practical. All agreed it was a lot of work and well done.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB1, an Ordinance amending the City of Black Hawk 2020 Pay Plan open and invited anyone

wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

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

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve CB1, an Ordinance amending the City of Black Hawk 2020 Pay Plan.

**MOTION PASSED**

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

8. ACTION ITEMS:

**A. Resolution 20-2020, A Resolution Approving the First Amendment to the License Between the City of Black Hawk, Colorado, and Monarch Growth, Inc.**

Mayor Spellman read the title.

Baseline Engineering Planner Esterl introduced this item that was brought to the City's attention by Monarch. She said this is just a housekeeping item to amend the original license agreement from 2016 to add more airspace for their encroachment. She said it turned out to be a little more space of four square feet than was first anticipated.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 20-2020, a Resolution approving the First Amendment to the License between the City of Black Hawk, Colorado and Monarch Growth, Inc.

**MOTION PASSED**

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

**B. Resolution 21-2020, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Basin & Bend as Lessee**

Mayor Spellman read the title.

Finance Director Hillis explained that the previous lessee 7 Healing Stars had moved out of the space at 460 Gregory Street, and this agenda item is for a new tenant for a hunting and fishing store. He said the owner currently has a store in Evergreen, which he plans to close, and he lives in the County.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 21-2020, a Resolution approving the Agreement of Lease between the City of Black Hawk as lessor and Basin & Bend as lessee.

**MOTION PASSED**

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

**9. CITY MANAGER  
REPORTS:**

City Manager Cole had nothing to report.

**10. CITY ATTORNEY:**

City Attorney Hoffmann reported that in the packet was a correspondence that the City had received from the City of Central in response to the City of Black Hawk adopting the Resolution of Substantial Compliance related to the R.S.M. Annexation indicting their preliminary objection to the proposed annexation. He said that he at least strongly disagrees with the position City of Central has taken, but nonetheless, the City did have a productive meeting with Central yesterday and are continuing to discuss the matter with them.

Mayor Spellman added that Council does believe that the County Commissioners are in support of the annexation, so he has reached out to Commissioner Ron Engels and invited him to the public hearing on March 25 to speak in favor of the annexation as the Commissioner from District 1. Mayor Spellman said he believes Commissioner Engels is the appropriate commissioner to come and speak in favor of it and he thinks it is consistent with the County's plan and goal to diversify from gaming, so it is a good opportunity for the County to support this project and the project will certainly drive additional assessed valuation their way, ideally drive more visitation to Black Hawk, and drive gaming revenue, so he said he thinks the County realizes what a win-win this is not just for Black Hawk but also for the County.

**11. EXECUTIVE  
SESSION:**

City Attorney Hoffmann recommended item number 2 for Executive Session to discuss potential litigation and intergovernmental relations.

**MOTION TO  
ADJOURN INTO  
EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:13 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).

**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 4:25 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 4:25 p.m.

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Melissa A. Greiner, CMC  
City Clerk

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David D. Spellman  
Mayor

**RESOLUTION 22-2020**  
**A RESOLUTION APPROVING**  
**AMENDMENT NO. 5 TO THE**  
**CONSTRUCTION**  
**MANAGER/GENERAL**  
**CONTRACTOR AGREEMENT**  
**EXECUTED ON FEBRUARY 27,**  
**2019 BETWEEN THE CITY OF**  
**BLACK HAWK AND ROCHE**  
**CONSTRUCTORS, INC.,**  
**INCREASING THE**  
**GUARANTEED MAXIMUM**  
**PRICE (GMP) BY \$297,700 FOR**  
**THE PURPOSE OF INSTALLING**  
**ROCK SLOPE STABILIZATION**  
**MEASURES ALONG THE**  
**NORTH SIDE OF THE**  
**GREGORY STREET PLAZA**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 22-2020

**TITLE: A RESOLUTION APPROVING AMENDMENT NO. 5 TO THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR AGREEMENT EXECUTED ON FEBRUARY 27, 2019 BETWEEN THE CITY OF BLACK HAWK AND ROCHE CONSTRUCTORS, INC., INCREASING THE GUARANTEED MAXIMUM PRICE (GMP) BY \$297,700 FOR THE PURPOSE OF INSTALLING ROCK SLOPE STABILIZATION MEASURES ALONG THE NORTH SIDE OF THE GREGORY STREET PLAZA.**

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

**Section 1.** The City Council hereby approves Amendment No. 5 to the Construction Manager/General Contractor agreement executed on February 27, 2019 between the City of Black Hawk and Roche Constructors, Inc., increasing the Guaranteed Maximum Price (GMP) by \$297,700 for the purpose of installing rock slope stabilization measures along the north side of the Gregory Street Plaza.

RESOLVED AND PASSED this 11<sup>th</sup> day of March, 2020.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk





## CITY OF BLACK HAWK

### REQUEST FOR COUNCIL ACTION

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**SUBJECT:** Approve Resolution 22-2020, a Resolution approving Amendment No. 5 to the Construction Manager/General Contractor Agreement for the Gregory Street Plaza project. Amendment No. 5 would increase the Guaranteed Maximum Price (GMP) for the purpose of installing rock slope stabilization measures along the north side of the Gregory Street Plaza.

**RECOMMENDATION:**

If City Council chooses to approve Resolution 22-2020, the recommended motion is as follows: “Approve Resolution 22-2020, a Resolution approving Amendment No. 5 to the Construction Manager/General Contractor agreement dated February 27, 2019 between the City of Black Hawk and Roche Constructors, Inc., increasing the guaranteed maximum price (GMP) by \$297,700 for the purpose of installing rock slope stabilization measures along the north side of the Gregory Street Plaza.”

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

City Council approved a Construction Manager/General Contractor (CMGC) contract with Roche Constructors, Inc. on February 27, 2019 to complete preconstruction services for the Gregory Street Plaza project. City Council approved Amendment No. 1 to this Agreement on July 10, 2019 that authorized Roche Constructors to move the McAfee, Woodbury, and Norton Houses off their foundations and procure the precast sections of concrete box culvert necessary to reconstruct the flume between High and Church Streets. On September 25, 2019, City Council approved Amendment No. 2 that authorized building and site construction throughout the Gregory Street Plaza. On December 11, 2019, City Council approved Amendment No. 3, authorizing exterior rehabilitation of the historic church located at 331 Gregory Street. City Council approved Amendment No. 4 on January 22, 2020 for procurement and installation of an elevator at 221 Gregory Street.

The area behind the McAfee, Woodbury, and Norton Houses has recently been excavated, exposing a steep rock face. A rock slope stability evaluation report prepared by Terracon Consultants, Inc., dated February 7, 2020, recommended installation of about 80 rock bolts of various sizes at specific locations throughout this rock face. Additionally, all existing wire mesh will be removed, and new narrow-gauge wire mesh would be installed on the entirety of this rock slope. Amendment No. 5 to the original CMGC Agreement would authorize installation of these stabilization measures. The GMP increase due to the additional scope included in Amendment No. 5 is \$297,700, which would bring the overall project GMP to \$13,536,052.

**FUNDING SOURCE:** Gregory Street Plaza: 203-0000-502-58-14

**AGENDA DATE:** March 4, 2020

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

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

**PROJECT COMPLETION DATE:** March 31, 2021

**DOCUMENTS ATTACHED:**

Amendment No. 5

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

**SUBMITTED BY:**



\_\_\_\_\_  
Thomas Isbester, Public Works Director

**REVIEWED BY:**



\_\_\_\_\_  
Stephen N. Cole, City Manager

## **AMENDMENT NO. 5**

### **ACCEPTANCE OF THE PHASE 5 SCOPE OF WORK AND GUARANTEED MAXIMUM PRICE**

City of Black Hawk Gregory Street Plaza

March 11, 2020

This Amendment to the Agreement between the parties signing below shall establish Phase 5 of the jointly agreed scope of Work and shall increase the Guaranteed Maximum Price, in accordance with the terms of the Agreement entitled *Construction Manager/General Contractor Agreement*, dated February 27, 2019. Terms capitalized in this document are specifically defined in the Agreement and in the Contract Documents incorporated therein.

#### **A.1. PHASE 5 SCOPE OF WORK**

The Phase 5 scope of Work includes:

- Installation of rock slope stability measures along the north side of the Gregory Street Plaza. Such measures include rock bolts and mesh, as detailed in the Gregory Street Rock Slope Stability Evaluation prepared by Terracon Consultants, Inc. and dated February 7, 2020.
- A description of the Work is included within Exhibit B, which is incorporated herein and attached hereto.

#### **A.2. GUARANTEED MAXIMUM PRICE**

The increase in the Guaranteed Maximum Price due to the Phase 5 scope of Work is **\$297,700**, as presented in Exhibit B.

The total Guaranteed Maximum Price is therefore **Thirteen Million Five Hundred Thirty-Six Thousand, Fifty-Two Dollars (\$13,536,052)**, which includes the following:

- \$26,452 preconstruction fee, as approved by City Council on February 27, 2019.
- \$856,700 for house-moving and box culvert procurement, as approved by City Council in Amendment No. 1 on July 10, 2019.
- \$11,722,600 for Gregory Street Plaza site and building construction, as approved by City Council in Amendment No. 2 on September 25, 2019.
- \$535,800 for exterior rehabilitation of 331 Gregory Street, as approved by City Council in Amendment No. 3 on December 11, 2019.
- \$96,800 for procurement and installation of a traction elevator for 221 Gregory Street, as approved by City Council in Amendment No. 4 on January 22, 2020.
- \$297,700 for rock slope stability measures along the north side of the Gregory Street Plaza, as presented herein.

The Guaranteed Maximum Price is the maximum amount payable for performance of the scope of Work in accordance with the Contract Documents, including this Amendment and its incorporated Exhibit B.

### **A.3. CONTRACT TIME**

The date of Substantial Completion for the Gregory Street Plaza project remains March 31, 2021, as established in Amendment No. 2 to the Agreement.

#### A.4. AUTHORIZATION TO PROCEED

Based on the representations made herein, the Construction Manager/General Contractor is hereby authorized to:

- 1) Conclude negotiations with bidders, and notify Owner of the intent to award subcontracts in accordance with the Agreement;
- 2) Commence construction in accordance with the Agreement, pending procurement of required insurance and bonds.

IN WITNESS WHEREOF the parties hereto each herewith subscribe the same.

#### CITY OF BLACK HAWK, COLORADO

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Corey Y. Hoffmann, City Attorney

#### ROCHE CONSTRUCTORS, INC.

By: \_\_\_\_\_

Name: GREG LOCKWOOD

Title: PROJECT MANAGER

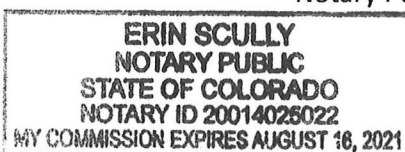
STATE OF COLORADO )  
COUNTY OF Gilpin ) ss.

The foregoing instrument was acknowledged before me this 3 day of March,  
2020 by Greg Lockwood as project manager of  
Roche.

My commission expires: 8.16.21

Witness my hand and official seal.

Erin Scully  
Notary Public



## EXHIBIT B

### Gregory Street, Rock Stabilization - Proposal Letter

Gregory Street, Black Hawk, Colorado 80422

Friday, February 28, 2020



#### I. Description of Work

Roche Constructors, Inc., (Roche) is pleased to submit this proposal letter for the Rock Slope Stabilization work located in Black Hawk, Colorado. The below pricing reflects all estimated supervision, labor, material, and equipment costs anticipated for completion of all work as detailed in the Gregory Street Rock Slope Stability Evaluation Report by Terracon Consultants, Inc. dated February 7, 2020.

#### II. Cost Summary

Roche agrees to perform all work as detailed in the above mentioned documents for the following costs:

<u>Description of Work</u>	<u>Bid Amount</u>
Rock Stabilization	\$ 260,810.00
<b>Cost of Work Sub Total:</b>	<b>\$ 260,810.00</b>
Builder's Risk Insurance	\$ 1,652.00
General Liability Insurance	\$ 1,752.00
Payment & Performance Bonds	\$ 2,244.00
Overhead & Fee	\$ 22,578.00
Contractor Contingency	\$ 8,664.00
<b>Project Total:</b>	<b>\$ 297,700.00</b>

#### III. Unit Costs

The below additive Unit Costs will affect the Project Total as desired in the following:

<b>Unit Cost #1:</b> Additional #8 x 10' Long Rock Bolt	Add: \$	441.00 / Per Each
<b>Unit Cost #2:</b> Additional #10 x 10' Long Rock Bolt	Add: \$	700.00 / Per Each
<b>Unit Cost #3:</b> Additional #10 x 25' Long Rock Bolt	Add: \$	987.00 / Per Each
<b>Unit Cost #4:</b> Additional #14 x 25' Long Rock Bolt (Tensionec	Add: \$	4,982.00 / Per Each

#### IV. Clarifications & Assumptions

- Construction duration is assumed to be approximately 5-days, 10-hour work weeks
- Anticipated lead times are 3-6 weeks from receipt of Notice to Proceed
- Price includes removal of existing mesh (chain link fencing) at northeast section
- Holes in front of new foundations will require the use of a man-portable drill operated off of a 120-foot man-lift
  - Holes not located in front of new foundations will utilize an excavator-mounted rock bolting drill
- Drape Mesh is to be by Geobrugg Deltrax System as specified in report
- All work is assumed to take place during construction of the Gregory Street Plaza project
- All surveying or layout is assumed to be by Terracon Consultants and is therefore not included in this proposal

#### V. Exclusions

- Building permits development fees or plan review fees (by Owner)
- Taxes (project exempt)
- All costs for third-party material testing or quality control (by Owner)
- Any additional general requirement costs required above and beyond existing construction scope
- Traffic Control of any kind

Thank you for allowing us the opportunity to be a part of your team. Please contact us with any questions.

Sincerely,

ROCHE CONSTRUCTORS, INC.

A handwritten signature in blue ink, appearing to read 'S. Hawley', is written over a horizontal line.

Sean Hawley  
Senior Estimator