



REGULAR MEETING AGENDA

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

September 9, 2020
3:00 p.m.

The City of Black Hawk is hosting Virtual City Council meetings in Zoom in response to the Coronavirus COVID-19 until further notice. There are no physical meetings at this time.

Join from a PC, Mac, iPad, iPhone, or Android device:
Please click this URL to join: <https://us02web.zoom.us/j/86957645780>

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888-475-4499 (Toll-Free)

Webinar ID: 869 5764 5780
International numbers available

Phone commands using your phone's dial pad while in a Zoom meeting:

- *6 – Toggle mute/unmute
- *9 – Raise your hand to make a public comment or to speak for or against a Public Hearing matter

Public Comment:

If you wish to make a public comment during the meeting,
please go to:

https://www.cityofblackhawk.org/comment_signup

and provide your Name, Email address, and Telephone.

During the Public comment section of the meeting, the host will go to sign up to ask for comments from those who have signed up

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: August 26, 2020
7. PUBLIC HEARINGS:
 - A. CB24, An Ordinance Approving the 2021 Operating Plan and Budget of the Black Hawk Business Improvement District
 - B. CB25, An Ordinance Amending Section 15-11 of the Black Hawk Municipal Code to Amend the Sign Permit Section of the City's Sign Code
8. ACTION ITEMS:
 - A. Resolution 60-2020, A Resolution Approving Change Order #1 to the Maryland Mountain Trail System Contract in the Amount of \$30,000.00 for Establishment of Trail Corridors

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

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**

August 26, 2020

MEETING MINUTES

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, August 26, 2020, at 3:00 p.m.
2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Acting Police Chief Cooper, Police Commander Jantz, Fire Chief Woolley, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning, and Development Director Linker, Baseline Consultant Harris, IT Manager Muhammad, and IT Systems Analyst Blenker.
- PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.
3. **AGENDA CHANGES:** City Clerk Greiner confirmed two changes to the agenda: items 8D and 8E were previously combined, and now are two separate ordinances.
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 zoom audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session for specific legal questions related to the November 3, 2020, Special Election.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:03 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 RESUME
TO OPEN, REGULAR
SESSION OF MEETING**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to reconvene to the open, regular session of the meeting at 3:45 p.m.

MOTION PASSED

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

6. PUBLIC COMMENT:

City Clerk Greiner confirmed no one had signed up to speak.

7. APPROVAL OF
MINUTES:

August 12, 2020 Regular City Council Meeting

**MOTION TO
APPROVE**

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

MOTION PASSED

There was no discussion, and the motion passed unanimously.

APPROVAL OF
MINUTES:

August 12, 2020, Black Hawk Urban Renewal Authority Meeting

**MOTION TO
APPROVE**

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

MOTION PASSED

There was no discussion, and the motion passed unanimously.

8. PUBLIC HEARINGS:

- A. **Resolution 46-2020, A Resolution Denying a Variance to Allow a Height Variance which would Allow a Structure 103 Feet in Height (continued to September 23, 2020)**
- B. **Resolution 47-2020, A Resolution Conditionally Approving a Certificate of Architectural Compatibility and a Site Development Plan for the T Mobile Facility Located at 821 Miners Mesa Road (continued to September 23, 2020)**

Mayor Spellman asked to continue the Public Hearings for Resolution 46-2020 and Resolution 47-2020 to September 23, 2020.

**MOTION TO
CONTINUE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Bennett to continue the Public Hearings on Resolution 46-2020 and Resolution 47-2020 to September 23, 2020.

MOTION PASSED

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

- C. **CB19, An Ordinance Approving the Rezone of Fifteen (15) Properties Owned by the City of Black Hawk (continued to September 23, 2020)**

Mayor Spellman asked to continue this Public Hearing for Ordinance 2020-19 to September 23, 2020.

**MOTION TO
CONTINUE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to continue the Public Hearing on CB19, an Ordinance approving the rezone of fifteen (15) properties owned by the City of Black Hawk to September 23, 2020.

MOTION PASSED

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

- D. **CB20, An Ordinance Setting a Ballot Question for a November 3, 2020 Special Election to be Conducted as a Coordinated Election with Gilpin County Pursuant to the Colorado Municipal Election Code**

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that this ordinance would set a Special Election for November 3, 2020, and authorize one ballot question, which would be concurrent with and contingent upon state approval of the state initiative allowing the three gaming communities to raise limits and add additional games. He said it would make the limits in Black Hawk unlimited, if passed at the state level, and give Council the authority, by resolution, to approve additional games. He added that

City Council would approve the additional games, and then the Gaming Commission would make the rules.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB20, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

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

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Armbright to approve CB20, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code.

MOTION PASSED

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

E. CB21, An Ordinance Setting a Ballot Question for a November 3, 2020 Special Election to be Conducted as a Coordinated Election with Gilpin County Pursuant to the Colorado Municipal Election Code

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item, which adds an additional ballot question to the Special Election set from Ordinance 2020-20. He said this is a TABOR question authorizing a new tax, an Excise Tax of .25% on the wager of a sports bet, not the proceeds but the initial bet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB21, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

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

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Torres to approve CB21, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code.

MOTION PASSED

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

F. CB22, An Ordinance Amending Chapter 4, Article IV, of the Black Hawk Municipal Code to Define Economic Nexus and Update Methods for Collection and Remittance of Sales Tax

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis introduced this amendment to Chapter 4 for sales tax. He said this amendment updates a few definitions regarding economic nexus and some changes in how online vendors collect and submit sales tax. He added that all Home Rule municipalities are making these changes.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB22, an Ordinance amending Chapter 4, Article IV, of the Black Hawk Municipal Code to define Economic Nexus and update methods for collection and remittance of sales tax open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

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

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve CB22, an Ordinance amending Chapter 4, Article IV, of the Black Hawk Municipal Code to define Economic Nexus and update methods for collection and remittance of sales tax.

MOTION PASSED

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

G. CB23, An Ordinance Approving Amendment No. 1 to the Amended and Restated Intergovernmental Agreement By and Between the City of Central, the City of Black Hawk, Gilpin County, and the Black Hawk-Central City Sanitation District

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that in the rush to get the amended and restated Growth Intergovernmental Agreement done due to the Central City lawsuit regarding Proximo, Central City now has some concerns about potential ambiguity related to Clear Creek County. He emphasized that the City of Black Hawk never intended to cover anything in Clear Creek County. Still, none the less, Central City was concerned it was an ambiguity, so Section 2 is further defined.

He went on to say that during this, the City recognized that they also had an issue in the area surrounding the Lynn property located in the Central City growth area. He said that all conversations had discussed that area being limited to open space, so this fixes that as well and identifies a new exhibit that is limited in Central City to being open space around the Lynn Ranch. It was noted that Central City has already executed this document.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB23, an Ordinance approving Amendment No. 1 to the Amended and Restated Intergovernmental Agreement by and between the City of Central and the City of Black Hawk open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

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

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve CB23, an Ordinance approving Amendment No. 1 to the Amended and Restated Intergovernmental Agreement by and between the City of Central and the City of Black Hawk.

MOTION PASSED

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

9. ACTION ITEMS:

None

10. CITY MANAGER REPORTS:

City Manager Cole had nothing to report.

11. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE SESSION:

None

13. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 3:55 p.m.

Michele Martin, CMC
City Clerk

David D. Spellman
Mayor

DRAFT

**COUNCIL BILL 24
ORDINANCE 2020-24
AN ORDINANCE
APPROVING THE 2021
OPERATING PLAN AND
BUDGET OF THE BLACK
HAWK BUSINESS
IMPROVEMENT DISTRICT**

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

COUNCIL BILL NUMBER: CB24

ORDINANCE NUMBER: 2020-24

**TITLE: AN ORDINANCE APPROVING THE 2021 OPERATING PLAN AND
BUDGET OF THE BLACK HAWK BUSINESS IMPROVEMENT
DISTRICT**

WHEREAS, the Black Hawk Business Improvement District has filed a proposed 2021 Operating Plan and Budget as required by Section 31-25-1211, C.R.S. (“Operating Plan and Budget”); and

WHEREAS, the City has reviewed the Operating Plan and Budget, provided notice of a public hearing held before the Board of Aldermen concerning the Amended Operating Plan and Budget in the manner stated in the Amended 2001 Operating Plan and Budget, and has held the public hearing; and

WHEREAS, the City of Black Hawk has found and does hereby find that the Operating Plan and Budget should be approved.

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

Section 1. Plan Approval. The City of Black Hawk hereby approves the 2021 Operating Plan and Budget, a copy of which is attached hereto and incorporated herein by reference. The services, improvements, and financial arrangements of the District shall conform so far as practicable to the Operating Plan and Budget.

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

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

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

READ, PASSED AND ORDERED POSTED this 9th day of September, 2020.

David D. Spellman, Mayor

ATTEST:

Michele Martin, CMC, Deputy City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: 2021 Operating Plan and Budget of the Black Hawk Business Improvement District

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

MOTION TO APPROVE Council Bill 24, An Ordinance Approving the 2021 Operating Plan and Budget of the Black Hawk Business Improvement District.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: The Black Hawk Business Improvement District has filed the 2021 Operating Plan and Budget as required by Section 31-25-1211. C.R.C. ("Operating Plan and Budget") for Council consideration and approval.

AGENDA DATE: September 9, 2020

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: ☒ Yes ☐ No

STAFF PERSON RESPONSIBLE: Melissa Greiner, City Clerk/Administrative Services Director

DOCUMENTS ATTACHED: Black Hawk Business Improvement District 2021 Operating Plan and Budget

RECORD: ☐ Yes ☒ No

CITY ATTORNEY REVIEW: ☒ Yes ☐ N/A

SUBMITTED BY:

REVIEWED BY:



Melissa A. Greiner, CMC
City Clerk/Administrative Services Director

Stephen N. Cole
City Manager

Black Hawk Business Improvement District
Office of the District Manager
P. O. Box 663
Black Hawk, CO 80422
303-582-3165
lhailey@centurylink.net

September 1, 2020

Melissa Greiner, City Clerk
City of Black Hawk
P. O. Box
Black Hawk, CO 80422

Via Email

RE: Black Hawk Business Improvement District ("BID") 2021 Operating Plan

Dear Melissa:

Enclosed is the BID's 2021 Operating Plan approved by the Board at our meeting this morning.

Please note that the BID will continue to suspend a vast majority of their services, transferring funds to the SDMD for operations. The Board will stay in place but will only meet periodically through 2021.

This Plan is being submitted for City Council consideration.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you,

Lynnette Hailey
District Manager

Enclosure

CC: Thomas George, Esq. via email

2021 OPERATING PLAN AND BUDGET

**BLACK HAWK
BUSINESS
IMPROVEMENT
DISTRICT**

City of Black Hawk, Gilpin County, Colorado

Spencer Fane LLP and Lynnette Hailey, BID Manager

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2021 OPERATING PLAN AND BUDGET FOR THE BLACK HAWK BUSINESS IMPROVEMENT DISTRICT

PURPOSE AND SCOPE OF THIS DOCUMENT

A. *Why Approve the 2021 Operating Plan and Budget Now?*

The Business Improvement District Act, specifically Section 31-25-1211, C.R.S., requires that the Black Hawk Business Improvement District file an operating plan and budget with the City Clerk no later than September 30th of each year.

Under the statute, the City is to approve the operating plan and budget within 30 days of the submittal of all required information.

B. *What Must Be Included in the Operating Plan?*

Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, et seq., C.R.S., as amended, this Operating Plan specifically identifies (1) the composition of the Board of Directors, (2) the services and improvements to be provided by the District, (3) the taxes, fees, and assessments to be imposed by the District, (4) the estimated principal amount of the bonds of the District, and (5) such other information as the City may require.

The District's 1995-1996, 1997, Amended 1997 and 1998, Amended 1998 and 1999, 1999 Amended and 2000, Amended 1999 and Amended 2000, 2000 Amended and 2001, 2002, 2003 and Amended 2003, 2004, 2005, Amended 2005, 2006, and Amended 2006, 2007, 2008, 2009, 2010, 2011, Amended 2011, 2012, 2013, 2014, 2015, 2016, 2017, and, 2018; Operating Plans and Budgets for 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 previously approved by the City, are incorporated herein by reference, and shall remain in full force and effect except as specifically or necessarily modified hereby.

COMPOSITION OF THE BOARD OF DIRECTORS

The Black Hawk Business Improvement District was organized by Councilman's Bill Number 26, Ordinance Number 95-8 of the City of Black Hawk on July 26, 1995. Under that Ordinance and subsequent enactments, the Board of Directors of the District has been appointed by the City Council. All Board members must, by law, be electors of the District. The Amended 1999 and Amended 2000 Operating Plan and Budget that was approved by the City increased the number of directors from five to seven. The Amended 2011 Operating Plan increased the number of directors from seven to nine. The current members of the Board of Directors are:

Sean Demeule, President
Dodd Hanneman, Vice-President
Brandon Lenssen, Treasurer
Lynnette Hailey, Secretary
John East, Assistant Secretary

Craig Pleva, Assistant Secretary
Edward E. Smith, Assistant Secretary

3 vacancies

The Director Sheet attached as **Exhibit I** provides more detailed information.

Future appointments shall be made by the City in accordance with the previously approved operating plans.

DESCRIPTION OF IMPROVEMENTS AND SERVICES

To date, the District has:

- Financed the acquisition of property by the City for the Colorado 279/119 intersection improvements;
- Financed, completed, and furnished to the City, the Main Street Project;
- Entered into an Intergovernmental Agreement with the City to organize the Black Hawk Transportation Authority which operated the shuttle bus system until its dissolution in 2011;
- Issued and has fully paid, as authorized by the Amended 1997 and 1998 Operating Plan and Budget, the Special Improvement District 1997-1 Special Assessment Bonds for additional public improvements to South Main Street (Isle of Capri-Riviera) according to the City-approved plans and has paid for the public improvements;
- Issued and has fully paid, as authorized by the Amended 1998 and 1999 Operating Plan and Budget, the Special Improvement District No. 1998-1, Special Assessment Bonds for additional public improvements to Main Street, Richman Street, limited drainage and appurtenances for the Creek side project (Black Hawk Brewery - KMM - Mardi Gras) according to the City-approved plans and paid for such public improvements;
- Issued and has fully paid, as authorized by the 1997 Operating Plan and Budget, the Special Improvement District No. 1997-2, Special Assessment Bonds for the Richman/Main SID (Lodge) and paid for public improvements to Richman Street (including the bridge), Colorado 119, Main Street, and related items according to the City-approved plans and has paid for such public improvements;
- Issued and has fully paid, as authorized by the 2000 Amended and 2001 Operating Plan and Budget, the Special Improvement District No. 1998-2 Special Assessment Bonds for the Richman/119 SID (Windsor-Hyatt) and has paid for the public improvements;
- Financed, retained Deloitte, and completed a market feasibility study of alternative access - specifically considering the proposed tunnel and related improvements;

- Successfully assisted in the organization of the Silver Dollar Metropolitan District for the Highway 119 lighting project and alternate access project (and, if feasible, alternate access construction project);
- Using the authority approved by the City in the Amended 1999 and 2000 Operating Plan and BID voters, issued the BID's General Obligation Bonds, Series 2000-1 in the aggregate principal amount of \$7 million for highway lighting improvements for Colorado 119 and continued work on the alternate access project. These projects have been assigned, for consideration, to the Silver Dollar Metropolitan District and the BID's General Obligation Bonds, Series 2000-1 have been defeased;
- Designed, and assigned to Silver Dollar Metropolitan District to implement, highway lighting improvements to Colorado 119 from the City of Black Hawk to US 6;
- Began engineering, design, negotiation, and related efforts with DMJM Harris, Weaver General Construction, and other contractors toward development of alternate access from Highway 119 to I-70/US 6 and assigned the project to Silver Dollar Metropolitan District;
- Worked with the City and the four property owners at the corner of Highway 119 and Richman Street concerning a proposed pedestrian bridge project;
- Developed a marketing and promotional program and funded a \$500,000 marketing effort in 2004 and additional marketing in 2005, particularly related to access after the slide on US 6. Marketing is ongoing and included a 2006 effort primarily relating to CDOT maintenance efforts on US 6 and additional work in 2007 and 2008. In 2009 and 2010, the District assisted with marketing efforts after the approval of expanded hours, games, and limits;
- As authorized by the 2003 Amended Operating Plan and Budget, organized and held an election for the Special Improvement District No. 2003-1 (Isle of Capri-Colorado Central Station) for additional public improvements to South Main Street, including a connection to Highway 119 and pedestrian bridges according to City-approved plans for the public improvements;
- Assisted with discussions of matters of interest to the Business Improvement District constituency, such as excavation, historic preservation, and environmental issues;
- In December, 2004, the District advance refunded and defeased its outstanding General Obligation Bonds, Series 1995, in the aggregate principal amount of \$2,125,000, in order to reduce interest costs;
- As authorized by the 2005 Amended Operating Plan and Budget, refunded the SID 1997-1 Bonds, the SID 1998-1 Bonds, the SID 1997-2 Bonds and the SID 1998-2 Bonds, thereby reducing the total interest payable over the life of the obligations by issuing bonds at a lower net interest cost and lower net effective interest rate;
- The District was an organizing and funding supporter of the Black Hawk-Central City Visitors and Convention Bureau until 2011 when it was dissolved;

- In 2012 the BID paid off its bonds and previously paid its SID bonds as planned; and
- In 2011, 2012 and 2013 the BID and the City jointly marketed the City, including the 2011 gold promotion.
- In 2014, 2015, 2016, 2017, 2018 and 2019 the BID continued city promotional/marketing efforts with District Manager Hailey as the lead; funded support of the City shuttle service; and, actively participated in Hwy 119 improvement studies. The marketing efforts will continue into 2020 without City financial participation.

In 2019, a majority of the Board decided to suspend all activities of the District, except for basic administration necessary to meet statutory and other legal requirements of the District, retaining the Board members for at least one meeting per year to approve/adopt the annual budget and suspending all tax and device collections and expenditures except as set forth in the District's IGA with the Silver Dollar Metropolitan District.

The District Board is requesting the City's consideration to terminate the July 19, 2016 IGA between the BID and the City of Black Hawk. This IGA was specifically adopted for marketing.

The District is suspending all services and improvements except for basic administration necessary to meet statutory and other legal requirements of the District into 2020 as listed in the previously approved operating plans.

INCLUSION POLICY

The District and the City hereby reaffirm the inclusion policy stated in the previously approved operating plans:

The owner of any property who, hereafter, (1) seeks a permit from the City to construct or operate a casino or gaming-related customer parking lot on any parcel not included within the District but located within the boundaries of the gaming district along Main Street, or (2) seeks a change in land use from residential to any commercial classification within the gaming district pursuant to the terms of the City zoning ordinance, or (3) seeks an expansion of an existing non-residential land use within the Main Street area of the gaming district by more than 20% as defined by the City zoning ordinance, or (4) seeks to develop a vacant parcel to a non-residential use within the Main Street area of the gaming district; shall receive substantial benefits for the particular parcel of property from the existence and improvements of the District in rough proportionality to the costs associated with inclusion into the District. As a condition of receiving such City permit, the property shall be included into the District. The City intends to enforce this requirement by appropriate ordinances and resolutions.

The City shall assist the BID in the BID's efforts to include other casino and gaming-related customer parking properties into the District.

POPULATION PROJECTIONS

No change in the population projection stated in the previously approved operating plans is anticipated.

DISTRICT BOUNDARIES

On March 19, 2009, by Ordinance No. 2009-9, Bullwhacker's Casino was included into the boundaries of the District following a petition by the landowner.

On September 14, 2011, by Ordinance No. 2011-15, Sasquatch Casino was included into the boundaries of the District following a petition by the landowner.

On August 27, 2014, by Ordinance No. 2014-15, the property at 201 Selak Street was included into the boundaries of the District following a petition by the landowner.

In early 2017 Inclusion documents were provided to both The Lodge for the Dakota property; and Saratoga. It is anticipated that Saratoga will submit its documentation to the BID District Manager for transmittal to the City for review and possible approval in late 2017.

On June 13, 2018, by Ordinance No. 2018-11, the "Dakota property" owned by JIJE, LLC (Lodge Casino) was included into the boundaries of the BID.

On August 8, 2018, by Ordinance No. 2018-13, the "Parking Lot property" owned by Kings, Queens and Jacks (Saratoga) was included into the boundaries of the BID.

There have been no other property inclusions or exclusions to the boundaries of the District since the parking lot property owned by Kings, Queens and Jacks inclusion.

ASSESSED VALUATION

The assessed valuation as reported by the Gilpin County Assessor was:

Year	Assessed Value
1996	\$ 28,332,070
1997	38,312,860
1998	44,753,460
1999	61,228,770
2000	87,064,580
2001	114,309,460
2002	145,844,030
2003	152,001,390
2004	154,968,800
2005	165,472,540
2006	178,738,050
2007	187,733,540

2008	194,262,080
2009	234,439,337
2010	233,846,480
2011	209,859,439
2012	207,835,604
2013	201,301,927
2014	203,633,883
2015	222,568,546
2016	225,333,704
2017	225,327,394
2018	230,748,807
2019	234,372,512
2020	288,858,477
2021	304,598,530*

*as reported in the August 26, 2020 preliminary figures from the Gilpin County Assessor

INTERGOVERNMENTAL AGREEMENTS

Main Street. The District entered into several intergovernmental agreements with the City concerning the Main Street Project.

Black Hawk Transportation Authority. The District entered into an IGA with the City to organize the Black Hawk Transportation Authority.

Medill Barnes was appointed by the BID Board to the Board of Directors of the Transportation Authority.

By motion adopted on September 21, 2010, the Board approved termination of the Black Hawk Transportation Authority Contract, effective December 31, 2010.

In 2011, the Black Hawk Transportation Authority was dissolved and the City of Black Hawk took over the transportation services previously provided, with the exclusion of service to the City of Central City.

IGA with Silver Dollar Metropolitan District. The BID and Silver Dollar Metropolitan District entered into a contract wherein the (then) new Silver Dollar District undertook the lighting and alternate access projects and reimbursed the BID for those projects.

IGA with CDOT. The BID entered an IGA with CDOT concerning lighting of Highway 119. This agreement was assigned to Silver Dollar Metropolitan District.

IGA with the Cities of Black Hawk and Central City to form the Black Hawk/Central City Visitors and Convention Bureau. Medill Barnes was appointed by the BID Board to the Board of Directors of the Bureau. The Bureau was dissolved in 2011.

IGA with the City of Black Hawk. IGA concerning marketing and promotion of Black Hawk. Lynnette Hailey was appointed by the BID Board as the point of contact in regards to the IGA. The District and City terminated this IGA in 2019.

OPERATION AND MAINTENANCE

The District suspended all activity, except for basic administration necessary to meet statutory and other legal requirements of the District, effective December 31, 2019.

FINANCIAL PLAN

The proposed 2021 budget is attached as **Exhibit II**, final adoption by the BID Board will occur after notice and public hearing as required by the Colorado Local Government Budget Law, and the budget may change following such hearing and prior to adoption.

CURRENT BONDS

Currently, the BID has no outstanding bonds.

Prior Debt and Bonds

The report concerning the General Obligation Bonds Series 1995-1 and Special Improvement District Series 1995-1 Special Assessment Bonds made in the 1998 Operating Plan remains unchanged. The GO Bonds, Series 1995 were refunded and defeased in December, 2004. These bonds were fully paid in 2012.

The BID was very successful in collecting its special assessments and retiring the 1995 SID bonds ahead of schedule. The 1995 SID bonds were fully paid in 2005. Bond repayment costs for the bonds issued for the Main Street Project will be as provided in the amortization schedules for the bonds as listed in the schedules in the official statements.

The SID 1997-1 Bonds, the SID 1998-1 Bonds, the SID 1997-2 Bonds and the SID 1998-2 Bonds are now defeased and were refunded in early 2005, reducing the interest payable over the life of the obligations. The refunding bonds were fully repaid in 2010 from available reserves; therefore, no special assessments for these bonds were imposed in 2011 or thereafter.

In August, 1998, the BID issued its Special Improvement District 1997-1 Special Assessment Bonds in the principal amount of \$2,940,000 for surface, underground and utility improvements for (a) Main Street from Mill Street to the Black Hawk - Central City Sanitation District wastewater treatment plant, (b) widening and improvements to the Mill Street Bridge, (c) signalization at Mill Street and State Highway 119 and Main Street, (d) drainage facilities, and (e) various appurtenances. Details concerning this bond issue were provided in the Official Statement supplied to the City Attorney under separate cover. For various reasons, the City and the landowners in the SID determined that a number of the improvements to the Mill Street Bridge and Colorado 119 should be delayed until CDOT's plans for 119 become more clear. As a result, part of the SID 1997-1 project was cancelled and a portion of the bond proceeds were used to retire part of the SID bonds. The SID 1997-1 improvements (other than the ones abandoned) are complete and the refunding bond debt service was paid as expected.

In December, 1998, the BID issued its Special Improvement District No. 1998-1 Special Assessment Bonds in the principal amount of \$3,000,000 to finance public surface, underground and utility improvements for Main Street widening, a trail along Clear Creek and Creek improvements, Richman/Main intersection widening, traffic signalization improvements and street lights, and various appurtenances adjacent to the site of the proposed Black Hawk Brewery and Casino (now Mardi Gras) and KMM Parking, LLC. Details concerning this bond issue were provided in the Official Statement previously supplied to the City Attorney. The improvements are complete and the refunding bond debt service was paid as expected.

In March, 1999, the BID issued its Special Improvement District No. 1997-2 Special Assessment Bonds Series 1999A in the principal amount of \$2,000,000 and Series 1999B in the principal amount of \$4,000,000 for street and drainage improvements to and along portions of Main Street and Richman Street, including the construction and installation of traffic islands, curbs, gutters, landscaping, sidewalks, signalization, lighting and utility extensions, and associated paving and striping; street and drainage improvements to and along portions of Colorado Highway 119, including the construction and installation of curbs, gutters, drainage structures, a retaining wall, guard rails, signalization, lighting and associated paving and striping; and the construction of a bridge, canalization improvements to and a segment of a pedestrian path along North Clear Creek. Details concerning this bond issue were provided in the Official Statement previously supplied to the City Attorney. The improvements are complete and the refunding bond debt service was paid as expected. The IRS has concluded an investigation of the tax-exemption for some of the bonds issued for the project. An agreement between the BID and the IRS concluded the matter and settled outstanding issues. The matter is now closed. Costs arising from the SID have been paid by the SID and landowner under indemnification provisions of the SID petition and associated landowner agreements.

In June, 2001, the BID issued its \$3,000,000 Special Improvement District 1998-2 Special Assessment Bonds for the Richman/119 project (Windsor-Hyatt SID) for various road, drainage, lighting, water, sewer and other public improvements. Work on the improvements is complete and debt service is being paid as expected. The bankruptcy filing previously affecting the property in this SID has not resulted in any interruption of the assessment payments. During 2006, Ameristar, as the current owner of the property in SID 1998-2, requested and received information about the SID and procedures for early retirement of the bonds.

The District obtained voted authority from its electors in November, 1999 for \$4 million for lighting of Colorado 119 and US Highway 6 and \$3 million for alternate access studies and related items. The BID issued its Series 2000-1 General Obligation Bonds in the aggregate principal amount of \$7 million. Work on the project began. With the organization of the Silver Dollar Metropolitan District, the Silver Dollar District acquired the projects from the BID for a payment that, together with unused bond proceeds held by the BID, was sufficient to purchase federal securities to defease the BID's Series 2000-1 General Obligation Bonds. As a result, the Series 2000-1 Bonds are no longer considered to be outstanding debt of the BID. As provided in the escrow documents, the debt service shall be paid as provided in the Official Statement previously supplied to the City Attorney.

November 2000 Election Results

The electors of the BID approved two ballot issues that were on the BID ballot for a mail ballot election in November, 2000. The first question deBruced ad valorem tax revenues generally (with no increase in the mill levy) and protected against the possible negative effects of the failed Tax Cut 2000 initiative. The second question increased the revenue and spending limit of the BID by \$8 million annually which allowed the BID to accept reimbursements by the Silver Dollar Metropolitan District of the BID's costs of the lighting, alternate access, organization of the Silver Dollar District, and general expenses. The BID used this authority to accept amounts received from the Silver Dollar District (plus other funds) to defease the BID's \$7 million General Obligation Bonds, Series 2000-1.

The Board also approved a resolution to place a ballot issue on the November, 2000 ballot to approve SID bonds for the Jackpot Springs public improvements to Colorado 119 and appurtenances, subject to City approval and completion of the necessary documentation; however, this question did not appear on the ballot due to the Jackpot Springs landowner's decision not to include the property into the BID at this time.

Bond Refundings to Produce Savings

Pursuant to the 2004 Operating Plan, the District's General Obligation Bonds, Series 1995 were refunded and defeased in order to reduce interest costs.

Pursuant to the Amended 2005 Operating Plan, the SID 1997-1 Bonds, the SID 1998-1 Bonds, the SID 1997-2 Bonds and the SID 1998-2 Bonds were refunded by issuance of Special Assessment Refunding Bonds Series 2005A, 2005B and 2005C, thereby reducing the total interest payable over the life of the obligations by issuing bonds at a lower net interest cost and lower net effective interest rate. The refunding bonds have been fully paid and so are no longer outstanding.

Proposed Debt and Bonds

Pursuant to the Amended 2003 Operating Plan, issuance of up to \$21,000,000 of special assessment bonds to complete the South Main Extension Project was requested by the newly created Special Improvement District No. 2003-1 at the November 4, 2003 election; however, on the advice of the landowners in the SID (Isle of Capri, its garage, and Colorado Central Station [now Lady Luck] Casinos), the election question allowed up to \$23,000,000, but the amount over

\$21,000,000 may only be used if approved by the City in the future by an amendment to this Operating Plan.

It is not known at this time whether the Richman/119 SID will progress to an additional bond issue (if hotel rooms are provided).

SID 2006-1

Riviera Black Hawk, Inc., as owner of the Riviera Casino, filed a petition with the District requesting the organization of SID 2006-1, with bond authority for up to \$5 million for street, lighting, signalization and bridge improvements for the South Main Street extension and Colorado 119. The BID created the SID and scheduled an election for this SID to be held on November 7, 2006. The City's approval of the Amended 2006 and 2007 Operating Plan and Budget included the ratification of the BID's prior actions on SID 2006-1, the election, and authority to proceed with issuing up to \$5 million of bonds for SID 2006-1 and taking such other actions relating to SID 2006-1 as the BID Board of Directors deems necessary or convenient. This 2016 Operating Plan and Budget continues this authority.

Device Tax Bond Proceeds

Previously, the City issued approximately \$2,250,000 in device tax bonds to assist in the completion of the Main Street Project. The BID worked to expend as little of the proceeds of these bonds as was reasonably possible while completing a high quality project. The City agreed to use the remaining proceeds for retirement of the device tax bonds.

A number of years ago, the District and the Black Hawk - Central City Sanitation District settled the dispute concerning the financing of the replacement sanitary sewer line in Main Street and the proceeds of the settlement were provided to the City for payment of a part of the device tax bonds issued to support the Main Street Project.

In 2010 SID 1998-1, SID 1997-2, Series A and B and SID 1998-2 were fully defeased. The District's General Obligation Bonds, Series 1995 were paid in 2012 and no other bonds are outstanding.

Because of the timing of the issuance of the Silver Dollar District's 2001 bond issue that was used to acquire the Highway 119 lighting and alternate access projects from the BID, (the issuance came after December 15), the debt service levy certified for the BID's 2000-1 General Obligation Bonds was unavoidably collected in 2001, but the payments were refunded to the taxpayers as the tax receipts were received by the BID.

No other bond issues are authorized at this time.

Operations

The draft 2021 budget attached to this Operating Plan as **Exhibit II** shows the General Fund, revenues and expenditures.

All operations in 2021 have been suspended, except for basic administration necessary to meet statutory and other legal requirements of the District.

Certification of the mill levy for collection in 2020 shall be made by the Board of the BID on or before December 15, 2020. The amount of the operational mill levy is set at the maximum of 4.073 without a TABOR election based on the BID's operational expenses with no debt service requirements in 2020, and is subject to Board approval, but in no event will the operational levy exceed the voter-approved authorization of 4.073 mills.

The draft 2021 budget attached as **Exhibit II** shows the expected mill levy, fees, and expenditures. The budget may be revised following the BID's formal budget hearing schedule during or before the last quarter of 2020.

PROCEDURE FOR OBTAINING A CITY APPROVAL OF MODIFICATIONS OF THE OPERATING PLAN

The 1995 Operating Plan for the District included a cumbersome method for the amendment of the Operating Plan. To simplify the procedures, the Section of the 1995 Operating Plan entitled "PROCEDURE FOR OBTAINING A CITY APPROVAL OF MODIFICATIONS OF THE OPERATING PLAN" was superseded and replaced by the 1999 Operating Plan, and that revision was superseded and replaced by a procedure listed in the 1999 Amended and 2000 Operating Plan by making minor revisions as requested by the City. No change is proposed in the current procedure, which is:

A. In such detail as may be reasonably requested by the City, the District shall set forth a written proposal for the modification of the Operating Plan ("Amendment").

B. The District shall file the Amendment with the City Manager and the City Attorney.

C. The City Clerk shall cause to be scheduled, and shall inform the District of, the date, time, and place for a public hearing by the City Council on the Amendment.

D. The City shall provide posted public notice of the date, time, place and purpose of the public hearing on the Amendment. Such notice may be combined in the notice of any other agenda item that may come before the Council and shall be posted at the time, in the location, and in the manner, as is provided by City ordinance for the posting of notice for regular meetings of the Council. Failure of the notice to specify that a public hearing shall be conducted concerning the Amendment shall not affect the validity of the notice.

E. The Council shall hold a public hearing on the Amendment in accordance with its regular procedures for public hearings.

F. The Council shall, within 30 days of the conclusion of the public hearing, adopt an ordinance approving, conditionally approving, or disapproving the Amendment as appropriate under the circumstances.

CITY OVERSIGHT OF DISTRICT ACTIVITIES

The District hereby submits the 2021 annual Operating Plan and Budget, including a brief report of District activities for the past year. In addition, the following is submitted:

- (1) District Name: Black Hawk Business Improvement District.
- (2) District Contact Person, address, telephone number, and fax number. (see attached **Exhibit I**).
- (3) Board of Director names, addresses, telephone numbers, fax numbers where applicable. (see attached **Exhibit I**).
- (4) Current Budget. (see attached **Exhibit II**).
- (5) Most recent Audit or Audit Exemption Application. (The District's 2020 audit may be included as a component unit of the City's audit).
- (6) Copy of any filing required by or for the State Securities Commissioner. (none required).
- (7) A list of all intergovernmental agreements of the District. (All intergovernmental agreements are listed above, no other such agreements exist).
- (8) Any alteration or revision to the debt service schedules provided in the operating plan. There are no currently outstanding debts. (A copy of the debt service schedules from the official statements for the prior bond issues were previously provided to the City. The South Main SID, Creekside SID, Richman SID and Richman/119 SID bond Official Statements were previously provided. For the General Obligation Bonds, Series 2000-1, for lighting and/or the alternate access study, the amortization schedules and documents for those bonds were previously provided to the City.)
- (9) A list of all lease-purchase agreements and a summary of their terms. (none).
- (10) A description of activities performed in the last budget year. (see above).
- (11) An Operating Plan description of activities to be performed in the next budget year (similar to this plan, although shortened) and a Budget for that year. (see above).

CONCLUSION

It is submitted that this Operating Plan and Budget consisting of the discussion of operational and debt service costs above for the Black Hawk Business Improvement District meets the requirements of the Business Improvement District Act. The Board of Directors respectfully requests City approval of the 2021 Operating Plan and Budget as submitted.

EXHIBIT I

BOARD OF DIRECTORS:

Sean Demeule, President
Ameristar Casinos Inc.
PO Box 45
Black Hawk, CO 80422
Term: Appt. 8/23/16 President 6/30/20

(w) 720-946-4010
(c) 318-393-1090
sean.demeule@pknmail.com

Dodd Hanneman, Vice-President
Z Casino - Maverick
PO Box 49
Black Hawk, CO 80422
Term: Appt. 2020

(w) 303-582-
(c) 303-859-7700
dhanneman@maverickgaming.com

Brandon Lenssen, Treasurer
Premier Entertainment Black Hawk, LLC
Golden Mardi Gras
PO Box 47
Black Hawk, CO 80422
Term: Appt.

(w) 303-582-2600 x 3001
(c) 720-480-3738
blenssen@goldenmardigras.com

Edward E. Smith, Assistant Secretary
PO Box 513
Black Hawk, CO 80422
Term: Appt. 4/5/2000

(w) 303-582-3412
(f) 303-582-3508
wildcardca@aol.com

John East, Assistant Secretary
BH Gaming & Development Company
PO Box 17432
Golden, CO 80402
Term: Appt 9/12/07

(w) 303-582-6300
(f) 303-582-6464
(c) 303-918-1102
jeast@bhwk.com

Craig Pleva, Assistant Secretary
Monarch Black Hawk
444 Main Street
Black Hawk, CO 80422
Term: Appt. 8/28/14

(w) 720-406-3754
(c) 720-219-8136
cpleva@monarchblackhawk.com

Vacant
Saratoga Casino Black Hawk
101 Main Street
Black Hawk, CO 80422
Term: Appt.

Vacant
Eldorado Lady Luck & Isle Casino, Black Hawk
101 Main Street
Black Hawk, CO 80422
Term: Appt.

DISTRICT MANAGER/CONTACT PERSON

Lynnette Hailey
PO Box 663
Black Hawk, CO 80422

Deliveries:
100 Marchant Street
Black Hawk, CO 80422

303-582-3165
(c) 303-585-1726
lhailey@centurylink.net

EXHIBIT II
2021 Proposed Budget

BLACK HAWK BUSINESS IMPROVEMENT DISTRICT
BUDGET DOCUMENT
 GENERAL FUND
 FOR THE YEAR ENDED DECEMBER 31, 2021

8/27/2020

	BUDGET 2020	PER August ACTUAL FINANCIALS	ESTIMATE TO YEAR END 2020	PRELIMINARY BUDGET 2021
BEGINNING FUND BALANCE	434,527	437,282	437,282	376,735
REVENUE:				
PROPERTY TAXES	1,176,521	1,002,042	1,176,521	1,240,630
INTEREST		7,596	8,000	6,000
SPECIFIC OWNERSHIP TAXES	75,000	62,032	75,000	75,000
TOTAL REVENUES	1,251,521	1,071,670	1,259,521	1,321,630
TOTAL REVENUE AND FUND BALANCE	1,686,048	1,508,952	1,696,803	1,698,365
ADMINISTRATIVE				
ACCOUNTING	4,000	3,855	8,000	8,000
AUDITING	4,200	0	4,200	4,200
INSURANCE	400	1,648	5,347	2,000
LEGAL	2,000	1,693	10,000	5,000
TREASURERS FEES	23,530	30,167	32,000	24,813
MISCELLANEOUS	0	500	1,000	1,000
OPERATIONS AND ADMINISTRATION	100,000			0
TRANSFER TO SILVER DOLLAR METRO DISTRICT	1,251,521	244,500	1,142,396	1,321,630
TRANSFER TO SILVER DOLLAR FOR DEVICE FEES		117,125	117,125	
CONTINGENCY/MARKETING RESEARCH	1,016	0	0	0
TOTAL EXPENDITURES	1,386,667	399,488	1,320,068	1,366,642
ENDING FUND BALANCE	299,381	1,109,464	376,735	331,722
ASSESSED VALUATION	288,858,477		preliminary	304,598,530
MILL LEVY	4.073			4.073
	1,176,521			1,240,630

ASSUMES TRANSFER OF ALL REVENUE RECEIVED IN 2021 TO SILVER DOLLAR

**COUNCIL BILL 25
ORDINANCE 2020-25
AN ORDINANCE
AMENDING SECTION 15-
11 OF THE BLACK HAWK
MUNICIPAL CODE TO
AMEND THE SIGN
PERMIT SECTION OF THE
CITY'S SIGN CODE**

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

COUNCIL BILL NUMBER: CB25

ORDINANCE NUMBER: 2020-25

**TITLE: AN ORDINANCE AMENDING SECTION 15-11 OF THE BLACK HAWK
MUNICIPAL CODE TO AMEND THE SIGN PERMIT SECTION OF THE
CITY'S SIGN CODE**

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

Section 1. Section 15-11 of the Black Hawk Municipal Code is amended by the
addition thereto of new subsection (e) to read as follows:

Sec. 15-11. Sign permit.

(e) Exemptions. Signs located on City of Black Hawk property such
as City buildings used for a governmental purpose, City of Black Hawk
installations of integrated signage, stand-alone City monuments, sculptures,
historic tourism and related governmental signage, and signs on City trails and
other signs located on City property used for a governmental purpose shall not
require review and approval in accordance with this Chapter. In the case of such
signs, review and approval shall be performed in accordance with Sec. 16-368. –
City Council design review and compatibility process.

Section 2. 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 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance
or the application thereof to any person or circumstances shall for any reason be adjudged by a
court of competent jurisdiction invalid, such judgment shall not affect application to other
persons or circumstances.

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

READ, PASSED AND ORDERED POSTED this 26th day of August, 2020.

David D. Spellman, Mayor

ATTEST:

Michele Martin, CMC, Deputy City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a proposed amendment to the City of Black Hawk Municipal Code, Section 15-11 – Sign Permit, pursuant to the City of Black Hawk sign code ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, September 9, 2020, at 3:00 p.m. or as soon as possible thereafter. The City of Black Hawk is hosting virtual City Council meetings via Zoom in response to the Coronavirus COVID-19 until further notice. There are no physical meetings at this time. This meeting will accommodate public engagement via a Zoom URL and/or phone number to join. Please go to the City of Black Hawk's website for further instructions prior to the meeting.

ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC
City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: To consider CB 25, an Ordinance amending the City of Black Hawk Municipal Code Section 15-11 – Sign Permit.

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

MOTION TO APPROVE CB25, an Ordinance (2020-25) amending section 15-11 of the Black Hawk Municipal Code to amend the Sign Permit section of the City's Sign Code.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The City of Black Hawk has identified the need to update portions of the Municipal Code within Chapter 15 (Sign Code). The proposed amendment requires that signs installed on City property be reviewed and approved in accordance with Sec. 16-368 – City Council Design Review and Compatibility process, and are not required to be included in a Comprehensive Sign Plan. This amendment will allow for installations on City property that may consist of signage, including monuments, sculptures, trail signs, historic tourism signs, and other installations on City property.

AGENDA DATE: September 9, 2020

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: ☒ Yes ☐ No

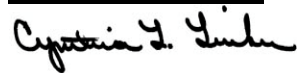
STAFF PERSON RESPONSIBLE: Cynthia L. Linker
CP&D Director

DOCUMENTS ATTACHED: CB25, Ordinance 2020-25
Staff Report

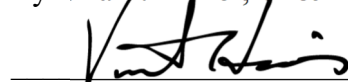
RECORD: ☒ Yes ☐ No

CITY ATTORNEY REVIEW: ☒ Yes ☐ N/A

SUBMITTED BY:

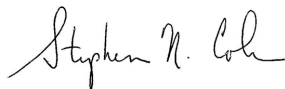


Cynthia L. Linker, CP&D Director



Vincent Harris, AICP, Baseline Corporation

REVIEWED BY:



Stephen N. Cole, City Manager



RESOLUTION 60-2020
A RESOLUTION
APPROVING CHANGE
ORDER #1 TO THE
MARYLAND MOUNTAIN
TRAIL SYSTEM
CONTRACT IN THE
AMOUNT OF \$30,000.00
FOR ESTABLISHMENT OF
TRAIL CORRIDORS

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

Resolution No. 60-2020

**TITLE: A RESOLUTION APPROVING CHANGE ORDER #1 TO THE
MARYLAND MOUNTAIN TRAIL SYSTEM CONTRACT IN THE
AMOUNT OF \$30,000.00 FOR ESTABLISHMENT OF TRAIL
CORRIDORS**

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

Section 1. The City Council hereby approves Change Order #1 in the amount of
\$30,000.00 for expenses pertaining to the establishment of original trail corridors associated with
the Maryland Mountain Trail System project, and authorizes the Mayor to execute the same on
behalf of the City.

RESOLVED AND PASSED this 9th day of September, 2020.

David D. Spellman, Mayor

ATTEST:

Michele Martin, CMC, Deputy City Clerk



CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT:

Approve Resolution 60-2020, a Resolution approving Change Order #1 to the Maryland Mountain Trail System contract.

RECOMMENDATION:

If City Council chooses to approve Resolution 60-2020, a Resolution approving Change Order #1 to the Maryland Mountain Trail System contract, the recommended motion is as follows: “Approve Resolution 60-2020, a Resolution approving Change Order #1 to the Maryland Mountain Trail System contract in the amount of \$30,000.00 for establishment of trail corridors.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

When the Maryland Mountain Trail System project was put out to bid, it was advertised that all trail corridors (except one) had been marked in the field, and the contractor would simply need to follow the flagging and establish a trail within 50’ or so of all markings. However, the trail corridors were not marked to this level of accuracy. Some trails were not marked at all, and some marked trails were unworkable due to steep terrain, rock outcroppings, or other natural obstacles. Therefore, the contractor was required to first establish a corridor for each trail, then narrow down the corridor until a workable trail could be constructed.

The step of establishing the original trail corridors is outside of the contractual scope. Therefore, the contractor has kept track of the hours expended to establish these corridors, and they have estimated additional hours necessary to perform this work on the final couple of trails. The total amount of time was determined to be 400 man-hours at a rate of \$75 per man-hour.

FUNDING SOURCE:

Program Expenses / Maryland Mountain Improvements:
203-0000-502-58-17

AGENDA DATE:

September 9, 2020

ORIGINATED BY:

Tom Isbester / Matt Reed

STAFF PERSON RESPONSIBLE:

Tom Isbester / Matt Reed

PROJECT COMPLETION DATE:

December 18, 2020

DOCUMENTS ATTACHED:

Maryland Mountain Trail System Change Order #1

CITY ATTORNEY REVIEW:

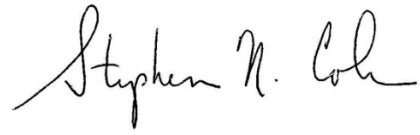
[] Yes [X] No [] N/A INITIALS _____

SUBMITTED BY:



Thomas Isbester, Public Works Director

REVIEWED BY:



Stephen N. Cole, City Manager



CITY OF BLACK HAWK, COLORADO
Public Works Department

Change Order
No. 1

Date of Issuance: 25-Aug-20

Effective Date: 25-Aug-20

Project: Maryland Mountain Trail System	Owner: City of Black Hawk, Colorado	Owner's Contract No.: 16007
Contractor: High Country Conservation, LLC 2251 Chestnut Ave. Buena Vista, VA 24416 (864) 986-8034		Date of Contract: 8-Apr-20
		Architect's Project No.: N/A

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Additional 400 (+/-) man-hours of labor necessary for high-level planning and trail layout.

Attachments: None.

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 260,436.80

Change from previously approved
Change Orders No. 0 to No. 0:

\$ 0.00

Contract Price prior to this Change Order:

\$ 260,436.80

Increase of this Change Order:

\$ 30,000.00

Contract Price incorporating this Change Order:

\$ 290,436.80

CHANGE IN CONTRACT TIME:

Original Contract Time:

Final completion date: 18-Dec-20
Ready for final payment date: 18-Dec-20

Change from previously approved
Change Orders No. 0 to No. 0:

Final completion (days): 0
Ready for final payment (days): 0

Contract Time prior to this Change Order:

Final completion date: 18-Dec-20
Ready for final payment date: 18-Dec-20

Change of this Change Order:

Final completion (days): 0
Ready for final payment (days): 0

Contract Time with all approved Change Orders:

Final completion date: 18-Dec-20
Ready for final payment date: 18-Dec-20

ACCEPTED:


City of Black Hawk, Colorado

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

High Country Conservation, LLC

By:  _____
Contractor (Authorized Signature)

Date: 8/25/2020