



## REGULAR MEETING AGENDA

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

October 11, 2023  
3:00 p.m.

### 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. EMPLOYEE  
INTRODUCTION:

Police Officer Jay Lopez  
Police Officer Michael Tenner  
Communication Officer Chelsea Roybal

6. PUBLIC COMMENT: *Please limit comments to 5 minutes*

7. APPROVAL OF MINUTES: September 13, 2023

8. PUBLIC HEARINGS:

None

9. ACTION ITEMS:

- A. Resolution 76-2023, A Resolution Approving an Amendment to the Professional Services Agreement with ERO Resources Corporation for the City's Water System Improvement Permit Applications in the Amount Not to Exceed \$126,435.56
- B. Resolution 77-2023, A Resolution Ratifying the Approval of the Proposal from the Colorado Intergovernmental Risk Sharing Agency for 2024 Property Casualty Coverage
- C. Resolution 78-2023, A Resolution Reappointing Ronald W. Carlson to be the City of Black Hawk Municipal Court Judge
- D. Resolution 79-2023, A Resolution Reappointing Thad Renaud and Robert Mack to be the City of Black Hawk Assistant Municipal Court Judges

10. CITY MANAGER REPORT: Distribution of the 2024 Proposed Budget

11. CITY ATTORNEY REPORT:

12. EXECUTIVE SESSION:

Executive Session to hold a conference with the City Attorney to receive legal advice on specific legal issues pursuant to C.R.S. § 24-6-402(4)(b) regarding intergovernmental issues, 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).

13. ADJOURNMENT:

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

**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 New Employee Introduction



Officer Jay Lopez

Officer Jay Lopez is a dedicated and experienced law enforcement professional with an illustrious career spanning over two decades in service to the City of Arvada community. Throughout his tenure, Officer Lopez has demonstrated unwavering commitment, adaptability, and a relentless pursuit of justice.

Officer Lopez began his career in 1998 as a patrol officer, where he swiftly established a reputation for exceptional dedication to public safety. He was later selected to serve as a motorcycle officer, showcasing precision and expertise while patrolling the streets of Arvada.

Officer Lopez's commitment to protecting the community led him to take on roles as an undercover officer/narcotics investigator. In these capacities, he worked tirelessly to dismantle drug-related criminal enterprises that spanned throughout the country and into Mexico.

Recognizing his leadership potential, Officer Lopez was promoted to the rank of sergeant in 2013. As a patrol sergeant, he oversaw the daily operations of his team, ensuring the safety of both officers and citizens. His leadership skills and dedication to mentoring junior officers set a high standard within the department.

In the role of Detective Sergeant, Officer Lopez undertook the formidable task of handling officer-involved shootings throughout Jefferson County. His meticulous investigative skills, combined with a deep understanding of criminal procedure, were instrumental in ensuring transparent and thorough investigations.

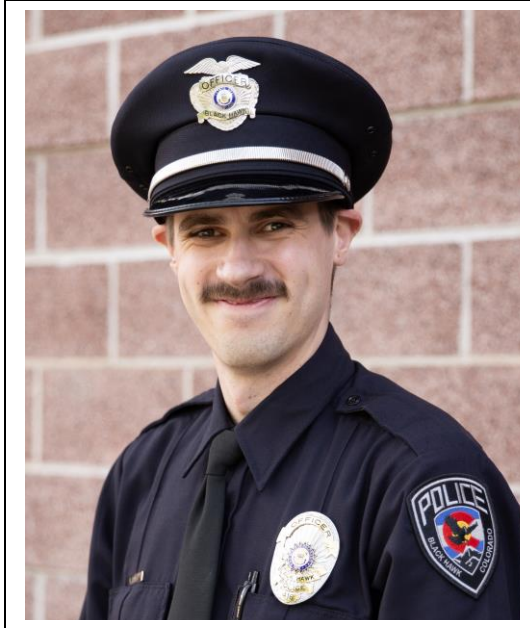
Officer Lopez embodies the values of integrity, service, and community engagement that are the hallmark of the Arvada Police Department. His unwavering commitment to upholding the law and protecting the public has left an indelible mark on the department and the community.

As Officer Lopez continues his exemplary service, he remains dedicated to the safety and well-being of Black Hawk residents, and his legacy as a seasoned and honorable police officer will continue to inspire both colleagues and future generations in law enforcement.

Officer Lopez is also an avid runner and has completed multiple ultra-marathons including his most recent endeavor, a 50 mile ultra-marathon in Leadville, Colorado.



# City of Black Hawk New Employee Introduction



**Michael Tenner**  
**Police Officer**

I have been working for the City of Black Hawk since March 24<sup>th</sup> as a Police Recruit and was sworn in as a Police Officer on June 15<sup>th</sup>. I was born and raised in Denver and graduated from East High School before attending Colorado Mesa University in Grand Junction. I enrolled in the Community College of Aurora's basic law enforcement academy while working full time at Littleton Public Schools as a security officer for the district. I have prior work experience at the University of Denver's Department of Campus Safety as well as volunteer experience at the Mesa County Sheriff's Office and Castle Rock Police Department.

I am thrilled to begin my career in law enforcement at the City of Black Hawk. I appreciate the trust this Council, our Chief of Police, the citizens, and visitors of this city have placed in me.

I plan to continue to develop personally and professionally by completing my bachelor's degree in criminal justice and hope to pursue my private pilot's license.

In my free time I enjoy playing ice hockey, skiing, aviation, and exploring new places to dine out.

My father still lives in Denver, and I enjoy trips out to the east coast to visit our extended family.



# City of Black Hawk New Employee Introduction



Chelsea Roybal  
Communications Officer

I'm a Colorado Native and was born and raised north of Denver, but I enjoy travelling to see my extended family in upstate New York. I graduated from Thornton High School and went on to attend a semester at Regis University. I then had my first son and started working at the Isle of Capri in Black Hawk. From there I spent the next 10 years working in Security and Surveillance at Ameristar.

I appreciate all the relationships I have been able to establish and build over the course of my tenure within the city. I am excited to see where this next venture takes me.

In my spare time I like to attend concerts, watch hockey and football with my family and travel to new places with my husband and children.



**City of Black Hawk  
City Council**

**September 13, 2023**

**MEETING MINUTES**

Maintenance Services Manager Steve Jackson 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, September 13, 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, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, 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 announced that agenda item 8C, Resolution 72-2023 was pulled from the agenda.
4. **CONFLICTS OF INTEREST:** City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. 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:

August 9, 2023

**MOTION TO  
APPROVE**

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

**MOTION PASSED**

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

7. PUBLIC HEARINGS:

**None**

8. ACTION ITEMS:

**A. Resolution 70-2023, A Resolution Ratifying the Agreement for Professional Services for Holiday Decorations with Alpine Artisan Studios in the Amount Not to Exceed \$199,445.00**

Mayor Spellman read the title.

Public Works Director Isbester introduced this ratification of Council's prior approval for new and replacement holiday decorations, including installation.

**MOTION TO  
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Resolutions 70-2023, a Resolution ratifying the Agreement for Professional Services for Holiday Decorations with Alpine Artisan Studios in the amount not to exceed \$199,445.00.

**MOTION PASSED**

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

**B. Resolution 71-2023, A Resolution Ratifying the Agreement for the Paving of Various City-Owned Properties with Classic Asphalt Solutions, LLC in the Amount Not to Exceed \$97,980.00**

Mayor Spellman read the title.

Public Works Director Isbester reiterated that this was ratifying a prior approval to get the work started before the weather changes.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolutions 71-2023, a Resolution ratifying the



Agreement for the paving of various City-owned properties with Classic Asphalt Solutions, LLC in the amount not to exceed \$97,980.00.

**MOTION PASSED**

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

**C. Resolution 72-2023, A Resolution Approving the Commercial Lease with Gypsy Soul Quilt Boutique for the Property Located at 221 Gregory Street, Unit C, Black Hawk, Colorado**

This item was pulled from the agenda.

**D. Resolution 73-2023, A Resolution Approving the Service Agreement Between the City of Black Hawk and Great Plains Communications for Internet Access to City Properties**

Mayor Spellman read the title.

Finance Director Hillis introduced this 36-month service agreement with our internet provider.

**MOTION TO APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve Resolutions 73-2023, a Resolution approving the service agreement between the City of Black Hawk and Great Plains Communications for Internet access to City properties.

**MOTION PASSED**

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

**E. Resolution 74-2023, A Resolution Reappointing Two (2) Regular Members to the City of Black Hawk Historic Preservation Commission**

Mayor Spellman read the title.

Community Planning & Development Director Linker recommended the reappointment of two current commissioners wishing to remain on the Historic Preservation Commission. Curtis Linder has been on the Commission since 2010, and Larry Linker has been on the Commission since 2013. Both are in good standing. Their four (4) year terms expired on August 1<sup>st</sup>, so she is requesting retroactive approval from August 1, 2023 to August 1, 2027.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolutions 74-2023, a Resolution reappointing two

(2) regular members to the City of Black Hawk Historic Preservation Commission.

**MOTION PASSED**

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

**F. Resolution 75-2023, A Resolution Authorizing the Mayor to Execute a Quitclaim Deed on Behalf of the City to a Newly Registered Elector Qualified to Serve on the Silver Dollar Metropolitan District**

Mayor Spellman read the title.

City Attorney Hoffmann stated that under the Eighth Amendment to the Service Plan of the Silver Dollar Metropolitan District, and upon their nomination, the City is authorized to execute a Quitclaim Deed for the property within the boundaries of the District to a new qualified elector.

**MOTION TO APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolutions 75-2023, a Resolution authorizing the Mayor to execute a Quitclaim Deed on behalf of the City to a newly registered elector qualified to serve on the Silver Dollar Metropolitan District.

**MOTION PASSED**

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

**9. CITY MANAGER REPORT:**

City Manager Cole reported on the lease item pulled from the agenda. He said the owner of the quilt store withdrew due to a family emergency.

**10. CITY ATTORNEY REPORT:**

City Attorney Hoffmann had nothing to report.

**11. EXECUTIVE SESSION:**

None

**12. ADJOURNMENT:**

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 3:07 p.m.

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Melissa A. Greiner, CMC  
City Clerk

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David D. Spellman  
Mayor



**RESOLUTION 76-2023**  
**A RESOLUTION**  
**APPROVING AN**  
**AMENDMENT TO THE**  
**PROFESSIONAL**  
**SERVICES AGREEMENT**  
**WITH ERO RESOURCES**  
**CORPORATION FOR THE**  
**CITY'S WATER SYSTEM**  
**IMPROVEMENT PERMIT**  
**APPLICATIONS IN THE**  
**AMOUNT NOT TO**  
**EXCEED \$126,435.56**

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

**Resolution No. 76-2023**

**TITLE: A RESOLUTION APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ERO RESOURCES CORPORATION FOR THE CITY'S WATER SYSTEM IMPROVEMENT PERMIT APPLICATIONS IN THE AMOUNT NOT TO EXCEED \$126,435.56**

WHEREAS, the City previously entered into an Agreement ERO Resources Corporation to provide administrative and technical services for Water System Improvements permit applications; and

WHEREAS, the Army Corp of Engineers has requested additional studies and the City seeks to separate the additional studies and updates and the corresponding scope of work from the Hidden Valley Infiltration Gallery project as it was defined in the original contract.

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

**Section 1.** The City Council hereby approves an Amendment to the Professional Services Agreement with ERO Resources Corporation, attached hereto as **Exhibit A**, in the amount not to exceed \$126,435.56, and the Mayor is authorized to execute the same on behalf of the City.

RESOLVED AND PASSED this 11<sup>th</sup> day of October, 2023.

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

ATTEST:

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



## CITY OF BLACK HAWK

### REQUEST FOR COUNCIL ACTION

**SUBJECT:** Change Order for the contract between the City of Black Hawk and ERO Resources Co. in the amount of \$126,435.56

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

***MOTION TO APPROVE*** Resolution 76-2023 a Resolution approving an Amendment to the Professional Services Agreement with ERO Resources Corporation for the City's Water System Improvement Permit Applications in the amount not to exceed \$126,435.56.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

In July of 2022 Council approved a Professional Service Agreement with ERO Resources for services related to obtaining all permits needed for Water System Improvements, including the studies and report preparation of the Environmental Impact Statement (EIS), Environmental Assessment (EA) and Alternative Analysis (AA). Since then the Corp of Engineers has added items to be studied that were not envisioned in the approved contract. Specifically they added a new raw water reservoir site for consideration in the **Unnamed Gulch** basin, is now required for the final alternative analysis portion of the permitting process. In addition, staff is now requesting that the Hidden Valley Infiltration Gallery be separated from the project as defined in the Water System Improvement Project. The need for the Infiltration Gallery is projected to be sooner than the permitting for the rest of the project is expected.

**AGENDA DATE:** October 11, 2023

**FUNDING SOURCE:** N/A

**STAFF PERSON RESPONSIBLE:** TI/BD

**DOCUMENTS ATTACHED:** agreement

**RECORD** [ ] Yes [ ] No

**CoBH Certificate of Insurance Required** [ ] Yes [ ] No

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

**SUBMITTED BY:**

Thomas Isbester, Public Works Director

**REVIEWED BY:**

Stephen N. Cole, City Manager

## **CHANGE ORDER NO. 1**

### **CITY OF BLACK HAWK WATER SYSTEM IMPROVEMENTS**

City of Black Hawk  
987 Miners Mesa Road  
Black Hawk, Colorado 80422  
Phone: (303) 582-1324

Contractor Name ERO Resources CO  
Contractor Address 1626 Cole Blve Suite 100  
Contractor Address Lakewood CO 80401  
Contractor Phone: 303.830.1188

#### **PART 1 GENERAL**

##### **1.1 SCOPE**

- A. This Change Order consists of 2 pages and the attachments detailed below:
  - 1. Scope of Work for Environmental Services for Black Hawk Water Supply Project dated Sept 12, 2023

#### **PART 2 CHANGES TO THE CONTRACT**

##### **2.1 CHANGE ORDER ITEM DESCRIPTIONS**

- A. Additional studies needed to conform to Corp of Engineers permitting requirements; Separate the Hidden Valley Infiltration Gallery from the project

#### **PART 3 CHANGES TO CONTRACT PRICE AND TIME**

##### **3.1 CONTRACT PRICE**

- A. This Change Order supersedes the cost data in the attached cost proposals and is summarized as follows:

Cost Proposal Request #(No.1):	\$ 126,435.56
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Total	<u>\$126,435.56</u>
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B. The Contract Price is changed as follows:

Original Contract Price:	\$361,799.57
Change in Contract Price due to Previous Change Orders:	\$(0.00)
Contract Price Prior to this Change Order:	\$361,799.57
Change in Contract Price due to this Change Order:	<u>\$126,435.56</u>
Contract Price with All Approved Change Orders:	\$488,235.13

### 3.2 CONTRACT TIME

SCHEDULE IS DICTATED BY JURSDICTIONAL AUTHORITY

\*\*\*\*\*

#### ACCEPTED BY OWNER

City of Black Hawk

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

#### ACCEPTED BY CONTRACTOR

Contractor Name

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Upon execution of the Change Order by the Contractor, Contractor hereby certifies that Change Order No. [ ] is: Executed in good faith, supporting data are accurate and complete to the best of the Contractor's knowledge and belief and that the amount and time extension requested accurately reflects the contract adjustments for which Contractor believes Owner is liable

END OF SECTION

# ERO Resources Corporation Scope of Work for Environmental Services for Black Hawk Water Supply Project Black Hawk, Colorado

September 12, 2023

## Background

In June 2022, the city of Black Hawk (City or Client) requested that ERO Resources Corporation (ERO) provide an outline and scope of work (2022 SOW) for permitting assistance for proposed water storage and diversion projects in Black Hawk, Colorado (project area) to meet future potable water needs. Preliminary discussions with the U.S. Army Corps of Engineers (Corps) indicated that based on the size, extent, and likely impacts of initially proposed alternatives, the likely and preferred permitting mechanism will be an Individual Permit (IP) under Section 404 of the Clean Water Act (CWA). Because of the nature of the proposed water supply project and potential impacts, discussions with the Corps indicated that particular attention and evaluation will be required as part of the permit process to accurately evaluate alternatives, describe the potentially affected environment, and mitigate potential impacts on several resources of concern in the project area. Resources of concern include hydrology, water quality, aquatic wildlife and habitat, wetlands, terrestrial wildlife and habitat, and cultural resources. As part of the CWA Section 404 process, the Corps needs to evaluate the impacts of the proposed project and document them in an environmental assessment (EA) in compliance with the National Environmental Policy Act.

ERO and GEI Consultants, Inc. (GEI) previously evaluated resources in 2011, 2012, 2016, and 2017 for the project. Since it had been several years since the resource evaluations occurred, ERO submitted the 2022 SOW to reevaluate the resources within the retained alternatives known at the time, which included proposed reservoir scenarios within Quartz Valley, Missouri Gulch, and Pickle Gulch drainages. The 2022 SOW outlined ERO's anticipated levels of effort based on preliminary understanding of the issues.

In June 2023, the Corps approved the revised Alternatives Analysis Report, which details the review and analysis of the project area, the no action alternatives, and a reasonable range of project alternatives. Through the Corps' review, which included an on-site field visit in May 2023, the Corps required that the City revise the retained alternatives to be further analyzed. Specifically, the Corps requested Unnamed Gulch be included as a retained alternative and the City dismiss the Quartz Valley scenarios.

This Scope of Work outlines the additional levels of effort ERO anticipates during this permitting process. The estimated costs for specific tasks are included per task and are based on ERO's understanding of the issues and depth of anticipated resource analysis based on discussions with the

Corps and initial agency scoping meetings conducted. Pending the results of additional agency scoping meetings, other issues may come to light that may require additional analysis, or some issues identified in this Scope of Work may not require the full level of effort anticipated herein. The tasks listed below were originally included in the 2022 SOW and the additional work necessary to complete the analysis of Unnamed Gulch and other components of the project are discussed below.

## **Task 1. Agency Meetings and Consultation**

ERO previously led an interagency meeting with the Corps, Environmental Protection Agency (EPA), Colorado Parks and Wildlife (CPW), Colorado Department of Public Health and Environment (CDPHE), and Colorado State Historic Preservation Office (SHPO) to discuss the proposed action and alternatives analysis. To date, ERO has facilitated initial scoping meetings with the EPA, CDPHE, and SHPO, however, additional coordination will likely be needed with these and other agencies including U.S. Forest Service (USFS), U.S. Fish and Wildlife (USFWS), Colorado Parks and Wildlife (CPW), Colorado Department of Natural Resources (DNR), and Gilpin County. ERO will continue to coordinate and lead agency meetings with the Corps and each agency to review potential resource impacts, review methods for impact analysis, and discuss concerns from each of the agencies. ERO will assist the City in preparing meeting materials and a presentation for each meeting.

ERO will assist the Corps with timely consultation and coordination with other regulatory agencies, tribes, and entities, if needed. Assistance will include drafting consultation letters and correspondence such as meeting attendance and emails.

### **Deliverables**

- Meeting notes after each agency meeting.
- Draft and final consultation letters, if needed.

### **Assumptions**

- Up to two additional coordination meetings with each agency. If additional meetings are necessary, a new scope of work will be prepared.

## **Task 3. Aquatic Resources – Unnamed Gulch**

While GEI has completed the survey work as described under the 2022 SOW, GEI will need to perform additional surveys to include Unnamed Gulch in its impact analysis.

Under this task, GEI will evaluate the aquatic resources within the Unnamed Gulch and determine whether perennial flow conditions will require additional monitoring to support the impact assessment and EA. GEI proposes two subtasks to support this effort:



- **Task 3a:** one site visit to Unnamed Gulch in fall 2023 to document physical habitat and flow conditions and determine whether instream habitat is suitable to support aquatic life use. If habitat is deemed suitable, Task 3b will be conducted.
- **Task 3b:** one follow-up site visit to Unnamed Gulch to collect aquatic life use data. An electrofishing survey to document the presence/absence of fish, benthic macroinvertebrates will be collected to evaluate overall stream health, and instream habitat features will be measured. The data will be analyzed, and metrics calculated to be consistent with previously collected data for this Project.

## **Deliverables**

- Habitat survey to validate current conditions of Unnamed Gulch for modeling:
  - Habitat mapping, site surveying, and flow measurements.
  - If suitable habitat is present, collection of aquatic life use data.
- Incorporation of findings into the draft and final technical report.

## **Assumptions**

- No substantial changes to the existing 2022 SOW will be needed.
- Physical habitat modeling parameters and inputs will not need revision.

## **Task 4. Cultural Resources**

Because the City is within the Central City-Black Hawk Historic Landmark District and the issuance of a Corps permit may have an effect on the district (including properties potentially eligible for inclusion in the National Register of Historic Places), compliance with Section 106 of the National Historic Preservation Act (1966, as amended) is mandated. ERO previously completed a Class III pedestrian survey of the action alternatives known at the time. As Unnamed Gulch and the proposed diversion structures have not been previously surveyed, this task outlines these two additional components:

- **Proposed Component 1:** The Unnamed Gulch reservoir component consists of a proposed reservoir within the Unnamed Gulch drainage, upstream of the proposed Upper Pickle Gulch Reservoir location. The following tasks will be conducted within an area of potential effects (APE) totaling 17 acres and defined as the Unnamed Gulch Reservoir.
- **Proposed Component 2:** The proposed locations for diversion structures or wells are located in T 3S, R 72W, Sections 7, 17, 26, and 32 and T 3S, R73W, Section 20. The APE for this component is about 5 acres.

### **Task 4a. File Search and Literature Review**

Under both components, ERO will conduct a required cultural resource file search and literature review with the Office of Archaeology and Historic Preservation (OAHP) to identify previous cultural resource inventories and documented cultural resources within the defined APE for each

component area. Additional records may be consulted, including general land office records, historical maps, and historical aerial imagery to identify potential unknown resources prior to Task 4b.

#### **Task Assumptions**

- Based on current wait times, ERO assumes the OAHP will return file search results within 15-20 business days. A \$30 fee will be charged for each section the project crosses. An additional fee of \$300 for a rush order may be requested.
- Additionally, as the area is known for mining, archival research will be conducted prior to fieldwork that includes review of BLM GLO mining plat maps.

#### **Task 4b. Cultural Resource Survey**

ERO will conduct an intensive Class III cultural resource survey of each component of the APE that conforms to the Secretary of the Interior's (SOI) Guidelines for Identification and by supervisory personnel that meet the SOI Professional Qualification Standards.

Identified cultural resources will be documented on relevant OAHP site forms, mapped, photographed, and located using a submeter global positioning system (GPS) unit. Each identified resource will be assessed for its eligibility to be listed in the National Register of Historic Places (NRHP) per 36 Code of Federal Regulations (CFR) 60.4 of the National Historic Preservation Act (NHPA, 1966, as amended). Minimal evaluative testing may be required to assess significance under Criterion D of the NHPA and may be required under federal permit stipulations. All potential historic properties will either receive an "eligible" or "not eligible" recommendation (i.e., no "needs data" recommendations that would require additional work).

This task will involve two archaeologists walking systematic transects to identify unknown cultural resources within the APE. Resources identified during Task 1 will be reevaluated under this task, if necessary.

#### **Task Assumptions**

- Ground conditions must be 80 percent free of snow and any pedestrian survey areas and access roads must be dry to initiate survey. These stipulations are required by SHPO and federal agencies.
- The number and complexity of cultural resources within the APE can substantially affect the level of effort to adequately document and evaluate the resources.
  - Proposed Component 1 (Unnamed Gulch): ERO's cost estimate assumes 5 cultural resources will be located within the APE. If more than 5 resources are encountered, ERO will contact the Client after the survey is completed to negotiate a new cost estimate.
  - Proposed Component 2 (Proposed Diversion Structures and/or Wells): ERO's cost estimate assumes that no cultural resources will be identified within this component.

### **Task 4c. Report Preparation**

ERO will include the findings of these two components in an overall cultural resource survey report that conforms to OAHP requirements. This report will include figures depicting the project area and tables listing documented cultural resources, their NRHP eligibility, and management recommendations. A separate appendix will include completed OAHP site forms and cultural resource site location maps (information exempted from the Freedom of Information Act and prohibited from disclosure to the general public). All documents and figures are reviewed for technical and editorial accuracy and are reviewed by the principal investigator prior to submission to the regulatory agency.

If the inventory results in negative findings, a standard OAHP limited-results inventory report format will be prepared in lieu of a full report.

### **Deliverables**

- Draft and final cultural survey report.

### **Assumptions**

- The Client will provide access through all lands within the APE, including gates or providing right-of-entry to facilitate access.
- ERO retains all necessary permits to conduct surveys on federal or state lands.
- ERO assumes that evaluative testing and treatment of historic properties, if needed, would be conducted under a separate SOW.
- ERO assumes that the National Historic District (5GL7) will not need to be reassessed if the APE crosses it.
- This Scope of Work does not include drafting a Programmatic Agreement or Treatment Plan. If either document is required, a new scope of work will be prepared.

## **Task 5. Wetlands and Open Water**

Under the 2022 SOW, ERO performed wetland delineations of the retained alternatives known at the time (reservoirs within Upper and Lower Pickle Gulch, Missouri Gulch, and Quartz Valley drainages). Since the Unnamed Gulch location has not been previously surveyed, ERO will delineate all wetlands, open waters, and channels in the Unnamed Gulch area including potentially jurisdictional and isolated wetlands and other waters. ERO will also delineate wetlands at the diversion structure locations. Wetlands will be delineated following the methods in the revised online version of the Corps' Wetland Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) (Corps 2010). Open water and channels will be determined based on the presence of an ordinary high water mark as defined in 33 Code of Federal Regulations Part 328. ERO will map the boundaries of wetlands, open water, and channels to submeter accuracy using a Global Positioning System (GPS) unit, or, when appropriate, boundaries will be mapped onto an appropriately scaled aerial photograph.

Wetlands will be classified according to Cowardin et al. (1979), and a functional assessment will be conducted using the Functional Assessment of Colorado Wetlands (FACWet) Method – Version 2.0.

### **Deliverables**

- Wetland mapping for Unnamed Gulch.
- Classification and functional assessment for wetlands associated with the Unnamed Gulch reservoir alternatives.

### **Assumptions**

- Performing the delineation is weather dependent. The ground must be free of snow, and in most instances, the soils must be unfrozen to collect the needed soil data.
- Changes to the boundaries of the project area will require additional effort and ERO will coordinate with the Client to determine if changes in the scope or budget are necessary.
- The routine method of areas equal to or less than 5 acres in size will be used. If the Corps requires the method for areas greater than 5 acres in size, a new scope will be prepared.

## **Task 6. Terrestrial Wildlife and Vegetation**

Under the 2022 SOW, ERO mapped vegetation communities for the retained alternatives known at the time (reservoirs within Upper and Lower Pickle Gulch, Missouri Gulch, and Quartz Valley drainages). Since the Unnamed Gulch location has not been previously surveyed, ERO will map the vegetation communities based on growth form (grassland, shrubland, or woodland/forest) and moisture regime onto aerial photographs using existing data and by identifying aerial photo signatures of known vegetation community types. ERO will provide analysis of proposed impacts on vegetation and wildlife based on the updated mapping. The identification of wildlife habitat will be based on aerial photography interpretation and incidental observations made during wetlands mapping and existing information from CPW. Impacts on vegetation and wildlife habitat will be determined using Geographic Information System analysis. No vegetation or terrestrial wildlife inventories are anticipated or proposed.

### **Deliverables**

- Vegetation and wildlife habitat mapping for Unnamed Gulch.
- Comparison of vegetation and wildlife habitat impacts for the alternatives.

## **Task 7. Threatened and Endangered Species**

Under the 2022 SOW, ERO identified threatened and endangered (T&E) species habitats that occur within the retained alternatives known at the time (reservoirs within Upper and Lower Pickle Gulch, Missouri Gulch, and Quartz Valley drainages), as well in areas outside of these areas that could be indirectly impacted by the project. Since the Unnamed Gulch location has not been previously assessed, ERO will identify T&E species habitats that occur within Unnamed Gulch and the surrounding USFS lands. ERO will update the T&E habitat assessment for the reservoir site alternatives in support of the

T&E determination and final IP application (2022 SOW Task 12). Based on the existing habitat, ERO will determine the manner and degree the preferred alternative could affect the sensitive species and habitat.

### **Deliverables**

- Updated habitat assessment.

### **Assumptions**

- No T&E surveys are included in this Scope of Work.
- This assumes no direct impacts on any T&E species will occur, and the BA will only address depletion species.
- This Scope of Work does not include the submittal of the BA as this effort is covered under the existing 2022 SOW.

## **Task 14. Meetings, Coordination, and Project Administration**

ERO staff will continue to review the project area, collect information necessary for preparation of the EA, and participate in internal scoping. ERO will work closely with the Client and Corps to ensure timely communication and correspondence throughout the project through phone calls and emails on an as-needed basis. ERO will work closely with the Client and Corps staff to ensure adherence with the schedule.

ERO will maintain a record of all communications, technical memoranda, draft documents, telephone logs, agency correspondence, resource references, and other supporting documentation used in the analysis and preparation of environmental documents. This task also includes administrative tasks including monthly invoice preparation, project set up, project record development and maintenance, and miscellaneous internal and external coordination.

### **Deliverables**

- Meeting notes and other correspondence, as needed.
- Organized project record (e.g., references, notes, and technical memoranda).

### **Assumptions**

- The project manager will participate in up to twelve virtual meetings/conference calls and up to three in-person meetings. If additional meetings are needed, a new scope of work will be prepared.
- All deliverables, including the project record, will be electronically submitted. No hard copies will be mailed.

## **Task 15. Hidden Valley Infiltration Gallery Permit for Expansion**

In May 2023, the City requested that ERO separate out the proposed expansion to the Hidden Valley Infiltration Gallery from the project and prepare a cost estimate to conduct a separate analysis and

permit application. The City intends to expand the operations of the Hidden Valley Infiltration Gallery from 1.78 cfs to its decreed capacity of 3 cfs. Through communication as to the status of the existing permit for the Hidden Valley Infiltration Gallery, the Corps indicated that the City will need to apply for a new permit and conduct a hydrologic analysis of the portion of Clear Creek that would be affected by an increase to diversions. As similarly described under Task 5, ERO will delineate all wetlands, open waters, and channels along the project reach that may be under Corps jurisdiction through Section 404 of the CWA. While LRE will perform the main components of the hydrologic analysis, including flow rates and water quality, ERO will work with GEI to perform an aquatics resource evaluation to determine any potential effects from the planned expansion.

If jurisdictional wetlands or other waters of the U.S. are found, and it is determined they will be impacted by the proposed expansion, ERO will prepare a pre-construction notification (PCN) as part of the request for authorization under one or more nationwide permits. The PCN will include a summary of the wetland delineation, threatened and endangered species information, and information on grading and structures provided by the Client.

ERO will review and combine the analyses conducted by LRE and GEI with the wetland delineation. ERO will coordinate with the Client on what other information ERO requires for the submittal to the Corps. Typical information includes plan and profile views, cross sections, figures showing and quantifying impacts to jurisdictional areas, quantities of fill material below the ordinary high water mark, details, background information on other approval requirements (e.g., those of the Federal Emergency Management Agency), and a discussion of the purpose of, and need for, the project. Typically, if wetland impacts are less than 0.1 acre, compensatory mitigation would not be required for the Corps.

## **Deliverables**

- Wetland mapping.
- Draft and final PCN, if necessary.
- Draft and final Nationwide Permit application submittal.

## **Assumptions**

- The proposed expansion would be authorized under a Nationwide Permit. If the Corps determines that an Individual 404 Permit Application is necessary, a new scope will be prepared.
- Compensatory wetland mitigation will not be required. If wetland mitigation is required, a new scope of work will be prepared for assistance with a wetland mitigation plan.
- Project reach will consist of the portion of Clear Creek from the Hidden Valley Infiltration Gallery downstream to the Clear Creek at Golden stream gage.
- Performing the wetlands delineation is weather dependent. The ground must be free of snow, and in most instances, the soils must be unfrozen to collect the needed soil data.
- No threatened or endangered species habitat is present and formal consultation with the Service is not required. If formal consultation is necessary, ERO will prepare a new scope of work.

## Estimated Costs

The above additional efforts for Tasks 1, 3-7, and 14, and new Task 15, will be completed on a time-and-materials basis for a cost not to exceed \$126,435.56 (see below for breakout).

Task 1.	Agency Meetings and Consultation	\$10,747.60
Task 3.	Aquatic Resources	\$6,850.00
Task 4.	Cultural Resources	\$25,165.80
Task 5.	Wetlands and Open Water	\$6,757.96
Task 6.	Terrestrial Wildlife and Vegetation	\$3,467.20
Task 7.	Threatened and Endangered Species	\$4,003.00
Task 14.	Meetings, Coordination, and Project Administration	\$39,444.00
Task 15.	Hidden Valley Infiltration Gallery Permit for Expansion	\$30,000.00
	<b>Total</b>	<b>\$126,435.56</b>



**RESOLUTION 77-2023**  
**A RESOLUTION**  
**RATIFYING THE**  
**APPROVAL OF THE**  
**PROPOSAL FROM THE**  
**COLORADO**  
**INTERGOVERNMENTAL**  
**RISK SHARING AGENCY**  
**FOR 2024 PROPERTY**  
**CASUALTY COVERAGE**

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

**Resolution No. 77-2023**

**TITLE:       A RESOLUTION RATIFYING THE APPROVAL OF THE PROPOSAL  
FROM THE COLORADO INTERGOVERNMENTAL RISK SHARING  
AGENCY FOR 2024 PROPERTY CASUALTY COVERAGE**

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

**Section 1.**       The City Council hereby ratifies the approval of the proposal from the  
Colorado Intergovernmental Risk Sharing Agency (“CIRSA”) for 2024 Property Casualty  
Coverage in the approximate amount (after credits) of \$458,045.91.

RESOLVED AND PASSED this 11<sup>th</sup> day of October 2023.

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

ATTEST:

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

# CITY OF BLACK HAWK

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Ratifying the Approval of the 2024 Quote for Renewal for Property Casualty Insurance with Colorado Intergovernmental Risk Sharing Agency (CIRSA).

**RECOMMENDATION:** Staff recommends the following motion to the City Council:

**MOTION TO APPROVE** Resolution 77-2023, A Resolution Ratifying the Approval of the Proposal from the Colorado Intergovernmental Risk Agency for 2024 Property Casualty Coverage.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

CIRSA presented a preliminary quote of \$437,167.98 for the annual renewal of the 2024 Property Casualty Insurance. The impact of loss experience increased the quote by \$24,917.93 bringing the amount of the 2024 Preliminary Quotation before credits to \$462,085.91. The City of Black Hawk actively works to control our losses and earned \$4,040.00 in Loss Control Credits this year. This credit will be used to reduce the 2024 contribution to \$458,045.91, which results in a 28.74% increase over 2023 coverage. CIRSA CFO, Linda Black stated the average member increase in contribution is 29% for 2024. CIRSA has changed its rating structure for 2024 because the pool was not collecting enough money to cover claims.

Some of the factors which impacted the quote are - City's total operating expenditure increased by 8.1%, property values increase by \$4M, and a \$1M fire truck was added to the vehicle schedule.

City staff continues to comply with CIRSA safety standards. Black Hawk recently scored 105% (100% with 5 bonus points) on our annual Risk Standards Audit of all departments. In addition, CIRSA's annual safety inspection of all facilities resulted in only a few requests for corrective action, which have been completed. The CIRSA inspector stated that he has to search to find any recommendations for correction when he visits Black Hawk because we do such a great job of managing safety in our facilities.

**AGENDA DATE:** October 11, 2023

**FUNDING SOURCE:** 010-1302-413-5101

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

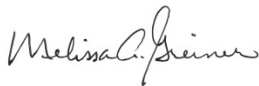
**STAFF PERSON RESPONSIBLE:** Melissa Greiner, CMC, City Clerk/Administrative Services Director

**DOCUMENTS ATTACHED:** N/A

**RECORD:** [ ]Yes [ X ]No

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

**SUBMITTED BY:**



Melissa Greiner, CMC  
City Clerk/Administrative Services Director

**REVIEWED BY:**



Stephen N. Cole  
City Manager

**RESOLUTION 78-2023**  
**A RESOLUTION**  
**REAPPOINTING RONALD**  
**W. CARLSON TO BE THE**  
**CITY OF BLACK HAWK**  
**MUNICIPAL COURT**  
**JUDGE**

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

**Resolution No. 78-2023**

**TITLE:       A RESOLUTION REAPPOINTING RONALD W. CARLSON TO BE THE  
CITY OF BLACK HAWK MUNICIPAL COURT JUDGE**

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

**Section 1.**       Pursuant to Article V, Section 3 of the City of Black Hawk Home Rule  
Charter, the City Council hereby reappoints Ronald W. Carlson to be the City of Black Hawk  
Municipal Court Judge, retroactive to May 1, 2022. Judge Carlson's term shall expire on April  
30, 2024.

RESOLVED AND PASSED this 11<sup>th</sup> day of October, 2023.

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

ATTEST:

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

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

**SUBJECT:** Reappointment of Ronald W. Carlson to be the City of Black Hawk Municipal Court Judge.

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

**MOTION TO APPROVE** Resolution 78-2023, A Resolution Reappointing Ronald W. Carlson to be the City of Black Hawk Municipal Court Judge.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The Municipal Court Judge was due to be reappointed for a two (2) year term on May 1, 2022; however, the Clerk's office missed bringing it before Council at that time. This Resolution reappoints Ronald W. Carlson retroactive to May 1, 2022 and shall expire on April 30, 2024, at which time Council will hear his reappointment for another two-year term.

**AGENDA DATE:** October 11, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** ☒ Yes ☐ No

**STAFF PERSON RESPONSIBLE:** Melissa Greiner, CMC, City Clerk

**DOCUMENTS ATTACHED:** N/A

**RECORD:** ☐ Yes ☒ No

**CITY ATTORNEY REVIEW:** ☒ Yes ☐ N/A

**SUBMITTED BY:**

**REVIEWED BY:**





Michele Martin, CMC  
Deputy City Clerk

Stephen N. Cole, City Manager

**RESOLUTION 79-2023**  
**A RESOLUTION**  
**REAPPOINTING THAD**  
**RENAUD AND ROBERT**  
**MACK TO BE CITY OF**  
**BLACK HAWK ASSISTANT**  
**MUNICIPAL COURT**  
**JUDGES**



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

**Resolution No. 79-2023**

**TITLE:       A RESOLUTION REAPPOINTING THAD RENAUD AND ROBERT  
              MACK TO BE CITY OF BLACK HAWK ASSISTANT MUNICIPAL  
              COURT JUDGES**

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

**Section 1.**       Pursuant to Section 2-126(b) of the City of Black Hawk Municipal Code,  
and at the request of Municipal Court Judge Ronald W. Carlson, the City Council hereby  
reappoints Thad Renaud and Robert Mack as Assistant Municipal Court Judges to act in the  
absence of Judge Carlson, retroactive to May 1, 2022. Judge Renaud's and Judge Mack's terms  
shall expire on April 30, 2024.

RESOLVED AND PASSED this 11<sup>th</sup> day of October, 2023.

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

ATTEST:

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

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

**SUBJECT:** Reappointments of Assistant Municipal Court Judges.

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

**MOTION TO APPROVE** Resolution 79-2023, A Resolution Reappointing Thad Renaud and Robert Mack to be City of Black Hawk Assistant Municipal Court Judges.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The assistant positions to the Municipal Court Judge were due to be reappointed for two (2) year terms on May 1, 2022; however, the Clerk's office missed bringing it before Council at that time. This Resolution reappoints both Thad Renaud and Robert Mack retroactive to May 1, 2022 and shall expire on April 30, 2024, at which time Council will hear their reappointment for another two-year term.

**AGENDA DATE:** October 11, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** ☒ Yes ☐ No

**STAFF PERSON RESPONSIBLE:** Melissa Greiner, CMC, City Clerk

**DOCUMENTS ATTACHED:** N/A

**RECORD:** ☐ Yes ☒ No

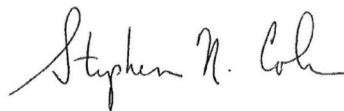
**CITY ATTORNEY REVIEW:** ☒ Yes ☐ N/A

**SUBMITTED BY:**

**REVIEWED BY:**



Michele Martin, CMC  
Deputy City Clerk



Stephen N. Cole, City Manager