



**MINUTES OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
GILPIN COUNTY, COLORADO**

Tuesday, December 12, 2023

A regular meeting was held on Tuesday, December 12, 2023, at the Gilpin County Historic Courthouse and online via Zoom. Chair Mornis called the meeting to order at 9:00 a.m. In attendance were Chair Marie A. Mornis, Commissioner Sandy Hollingsworth, Commissioner Susan Berumen, County Manager Ray Rears, County Attorney Brad Benning, and Deputy Clerk to the Board Lyndsey Denton.

Agenda Review. Chair Mornis asked if there were any amendments to the agenda. Commissioner Hollingsworth moved to add an item for Sahari McCormick, Clerk & Recorder to present a letter from the Colorado County Clerks Association regarding elections. This item was added between Resolution BLE-23-4 and Resolution 23-117 on the agenda.

Conflicts of Interest. County Attorney Benning asked each Commissioner if they had any conflicts of interest at today's meeting. All Commissioners responded with no conflicts.

Public or Press Comment. Chair Mornis opened the meeting for public and press comment. Donna Okray Parman, 529 High Point Circle, expressed her views regarding the meeting style in which the Board of County Commissioners meets. With no further comments in person nor online, Chair Mornis closed the meeting for public and press comment.

Consent Agenda. Chair Mornis asked for a motion to accept the consent agenda. Commissioner Hollingsworth moved to, "Adopt the consent agenda, which includes the Clerk & Recorder's Report for November 2023, the Treasurer's Report for October 2023, and the approval of Meeting Minutes for November 14, 2023 meeting." Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

New Employee Introductions. Chanda Johnson, Human Resources Director, introduced two departments with new hires. Alisa Witt, Public Health Coordinator, introduced Marie Larson as the new Community Health Specialist, who just recently graduated with her Masters of Public Health. Paige Sons, Child and Adult Protection Program Manager, introduced Caitlan Mitchell to the Human Services team as a Caseworker, who started in October.

PUBLIC HEARING – Resolution 23-124, Adopting the 2024 Budget. Chair Mornis opened the public hearing at 9:07 a.m. Joe Allaire, Finance Director, presented the resolution to adopt the 2024 budget. He highlighted that the draft budget was presented to the Board on October 10, 2023, and has been in the revision process since then. He requested to present the budget in its final form at next weeks scheduled Board of County Commissioners meeting on December 19, 2023. This is mainly due to the recent changes occurring at the state level with property tax legislation. He went on to mention that this will be the first year that the county will start to utilize priority-based budgeting. He overviewed the reasoning behind the list of priorities, and noted \$7 million in capital outlay for 2024. The budget is presented with lower revenues and higher expenditures due to capital needs, safety needs, and continuity of government through staffing and compensation and to draw down unallocated funds as a best government finance practice for this one year.

Chair Mornis opened the public hearing for public comment.

- Donna Okray Parman, 529 High Point Circle, expressed her views regarding the funding for the Community Center, and how she recalls that it was previously open seven days a week for everyone and was paid for by the General Fund.



- Bruce Parman, 529 High Point Circle, expressed his views regarding the Community Center funding, and his stance that those who voted against Proposition 1A want the Community Center funded by the county, not that they want to have it closed.
- Jane Sterling, 30 Trail Dust Road, expressed her views regarding the budget and the Community Center funding, hours of operation, and the future of the pool.
- Eric Douglas, 1327 Golden Gate Drive, thanked the Board of County Commissioners and staff for the work they have done with the budget and showed his appreciation.
- Phillip Gibbs, 2107 Dory Hill Road, expressed his views in favor of the proposed budget in regards to the reserve and funding capital requirements.
- Arwen Ek, 187 Forest Hill Road, shared her thoughts regarding the partnership between Parks & Recreation and the Holistic Homestead.
- Kathleen Balfour, 392 Tchaikovsky Road, expressed her views regarding the budget overspending in areas, and funding can be put towards Community Center.

With no other public comment in-person nor online, Chair Mornis closed the hearing to public comment.

There was further discussion regarding public comments and the budget. It was noted that there have been revisions after the draft budget was proposed in October, with the final proposed version having the Community Center with the pool, open four days a week. The proposed budget will also be reserving six months of operating costs for the county, investing in the emergency fund, and starting an acquisition fund. Chair Mornis asked for a motion. Commissioner Hollingsworth moved to continue the public hearing for Resolution 23-124 "Continuing the hearing for adopting the 2024 Budget to December 19, 2023, at 9:00 a.m., at this location." Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0. The public hearing will be continued to 12/19/23 @ 9am, at this location (203 Eureka Street, Central City, CO). There will be no public comment at the continued hearing. *(The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)*

Resolution 23-122, Adopting 2024 Minimum Wage Adjustments. Chanda Johnson, Human Resources Director, presented the resolution for minimum wage adjustments. The new minimum wage presented is \$14.42 per hour for non-exempt employees, and \$1057.69 per week for exempt employees, which is the new Colorado minimum wage requirement. This eliminates some of the pay grades from the Non-Exempt and Exempt pay tables, shown as Exhibits. Director Johnson noted that there currently are no employees affected, but this ensures future hires to be hired with the new minimum wage requirements. Chair Mornis asked for a motion. Commissioner Berumen moved to adopt Resolution 23-122, "Adopting 2024 Minimum Wage Adjustments." Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Board of Adjustment. Chair Mornis asked for a motion to recess as the Board of County Commissioners. Commissioner Berumen moved to, "Recess as Board of County Commissioners and convene as Board of Adjustment." Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

PUBLIC HEARING - Resolution BOA-23-3, Setback Variance Request, TBD High Point Circle, Black Hawk, CO 80422 (Daniel Jaynes, Applicant). Chair Mornis opened the public hearing at 9:51 a.m. James Shrout, Planner I, presented the resolution to request a variance from Section 2.3 of the Gilpin County Zoning Regulations, in order for the applicant to meet proper driveway specifications. The variance would allow for a 20-foot setback instead of a 30-foot setback. Staff are recommending approval based on their findings. Planner Shrout also noted that the variance would not change land use or structures.

Chair Mornis opened the hearing to public comment. Donna Okray Parman, 529 High Point Circle, shared her observations of this property, as it is her neighbor. She did not have any objections to the variance request. Chair Mornis closed the hearing to public comment.



With no further discussion, Chair Mornis asked for a motion. Commissioner Hollingsworth moved to adopt Resolution BOA-23-3, "Approving a Variance from Section 2.3 of the Gilpin County Zoning Regulations to allow for a setback of 20-feet from the required setback of 30-feet in the RS Residential Zoning District for a Single-Family Dwelling." Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0. Chair Mornis closed the public hearing at 9:58 a.m. *(The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)*

Board of County Commissioners. Chair Mornis asked for a motion to adjourn as the Gilpin County Board of Adjustment. Commissioner Hollingsworth moved to, "Adjourn as Board of Adjustment and reconvene as Board of County Commissioners." Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

PUBLIC HEARING – Resolution 23-119, Granting a Special Use to Always Choose Adventures at 300 Swamp Angel Lane, Central City, CO 80427. Chair Mornis opened the public hearing at 9:59 a.m. Rob Gutierrez, Community Development Director, and James Shrou, Planner 1, presented the resolution for special use to allow for a recreational campground for Always Choose Adventures (ACA), at 300 Swamp Angel Lane in Central City, near the Gilpin County and Clear Creek County line. This was continued public hearing from November 14, 2023. Planner Shrou overviewed ACA, their mission and plan for special use review. He highlighted that a meeting was held with Emergency Responders, including Clear Creek dispatch to discuss the emergency plan. He also noted that the Planning Commission held a meeting on November 14th, 2023, and voted in the affirmative to approve the Special Use Review.

Chair Mornis opened the hearing to public comment. There were no public comments, but the applicant, Chantelle Shoaee, Founder and Executive Director of ACA, spoke regarding her plan. She thanked Community Development, specifically James Shrou, in his efforts to assist her with the Special Use Review. ACA helps those with chronic illness and disabilities, amongst other groups, to recreate responsibly. She noted that there will be 12 events in 2024, with a maximum of 40 people per event. With no further public comment in-person nor online, Chair Mornis closed the hearing to public comment.

The Board of County Commissioners raised concerns regarding access, road maintenance, emergency response, and other matters of safety; all of which were clarified by the applicant and staff. It was noted that a condition for approval is to erect a 6-foot fence around the Swamp Angel Mine shaft located on the property, in which a fence has not yet been built, but it will be. They are currently working with the Division of Mining Reclamation and Safety to secure the mine shaft. Chair Mornis asked for a motion. Commissioner Berumen moved to adopt Resolution 23-119, "Granting a Special Use Permit to Always Choose Adventures for the Purpose of Operating an Educational Campground Facility Associated with a Non-profit Organization at 300 Swamp Angel Lane, Central City, CO 80427." Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0. Chair Mornis closed the public hearing closed at 10:33 a.m. *(The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)*

Resolution BLE-23-4, Approving a Boundary Line Elimination, 174 Woodbine Place (Richard and Vicki Babb, Applicants). James Shrou, Planner 1, presented the resolution for a boundary line elimination (BLE) to combine four parcels into one, enlarged parcel. A single-family dwelling already exists on one of the parcels. He gave a brief history of the property and the reasons for the BLE. He also noted that staff recommend approval of the BLE. Chair Mornis asked for a motion. Commissioner Hollingsworth moved to adopt Resolution BLE-23-4, "Approving a Boundary Line Elimination with Richard and Vicky Babb as the Applicants." Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.



Colorado County Clerks Association Executive Board Letter. Sahari McCormick, Clerk & Recorder, presented a summary of a letter received from the Executive Board of the Colorado County Clerks Association regarding elections. The letter was sent to all Colorado elected officials. Clerk McCormick reiterated that there are many safeguards in place to ensure secure elections for the County.

Resolution 23-117, Approving a Memorandum of Understanding for the Collaboration and Coordination in Wildfire Risk Mitigation and Forest Health Projects within the Clear Creek Watershed. Jennifer Cook, CSU Extension Director, presented the resolution regarding the Memorandum of Understanding (MOU) between the City of Golden, the City of Westminster, the City of Black Hawk, the City of Arvada, the City of Thornton, the Town of Empire, the County of Jefferson, the County of Clear Creek, Clear Creek Fire Authority, the County of Gilpin, the Colorado State Forest Service, and the United States Department of Agriculture, United States Forest Service, Rocky Mountain Region, Arapaho and Roosevelt National Forests and Pawnee National Grassland. It was noted that the Clear Creek Watershed & Forest Health Partnership (CCWFHP) was originally formalized through an MOU in September 2022. The MOU presented today extends collaboration beyond the local governments, who are members of the CCWFHP, to include coordination with the Colorado State Forest Service and the United States Forest Service. Chair Mornis asked for a motion. Commissioner Berumen moved to adopt Resolution 23-117, "Approving a Memorandum of Understanding for the Collaboration and Coordination in Wildfire Risk Mitigation and Forest Health Projects within the Clear Creek Watershed." Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Resolution 23-120, Approving an Intergovernmental Agreement with La Plata County for Providing Social Services Programs to the Residents of La Plata County. Janey Barker, Human Services Director, presented the resolution to enter into an Intergovernmental Agreement (IGA) with La Plata County, as they solicited many counties for support due to staffing shortages. They are requesting assistance with processing Supplemental Nutrition Assistance Program (SNAP) and Medical Assistance (MA) applications, redeterminations and changes. It is estimated for Gilpin County Human Services staff, one staff and one supervisor, to work six to eight hours per week, which will not significantly interfere with their current workload. La Plata County will pay for staff and benefits, including any overtime, up to a maximum of \$30,000 per year. The MOU will be in effect until December 31, 2024, but work is expected to last approximately three to six months. Chair Mornis asked for a motion. Commissioner Hollingsworth moved to adopt Resolution 23-120, "Approving an Intergovernmental Agreement between La Plata County and Gilpin County for Providing Social Services Programs to the Residents of La Plata County with a cost not to exceed \$30,000 through December 31, 2024". Commissioner Berumen seconded the motion, which passed by a vote of 2 to 1. Chair Mornis being the opposing vote expressed a concern that the present staffing workload is insufficient for a 40-hour work week.

Resolution 23-121, Awarding a Contract to CSHQA for Architect and Engineering Services for a New Food Pantry Facility. Ryan Keenan, Facilities Director presented the resolution to award a contract to CSHQA for architect and engineering services for a new food pantry facility. CSHQA scored the highest through the Request for Proposal (RFP) process. The building design and square footage were discussed, and was clarified that all stakeholders will meet during the design process to consider all possibilities. The timeline will be approximately a one-year process, and likely be completed in phases. The proposal stated that CSHQA will also help find bids for construction, and be the lead construction administrator on the build itself. Chair Mornis asked for a motion. Commissioner Berumen moved to adopt Resolution 23-121, "Awarding a Contract to CSHQA for Architect and Engineering Services for a New Food Pantry Facility." Commissioner Hollingsworth seconded the motion, which passed by a vote of 2 to 1. Chair Mornis being the opposing vote expressed concern about building a new facility when there is a backlog of capital improvements for existing buildings.

Board of Health. Chair Mornis asked for a motion to recess as Board of County Commissioners and convene as Board of Health. Commissioner Hollingsworth moved to, "Recess as Board of County Commissioners and



convene as the Board of Health for Gilpin County.” Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

Resolution 23-123, Adopting the Gilpin County Community Health Improvement Plan. Alisa Witt, Public Health Coordinator, presented the resolution to approve the Community Health Improvement Plan (CHIP), which was reviewed and discussed during a recent work session. The CHIP is a five-year plan that is required by the State, and the deadline to submit the plan is December 31, 2023. Coordinator Witt mentioned that she would like to have more revisions completed during the beginning of 2024, but we are required to submit something by the deadline. The revised CHIP would be presented to the Board of Health again in early 2024. There was discussion regarding some of the data presented in the plan was during a pandemic, and suggested to include a disclaimer on the datasets. There was further discussion around other suggested revisions, including the presentation and layout of the priorities. It was mentioned that the CHIP would be available on Colorado Department of Public Health and Environment website and the Gilpin County website in early 2024. Chair Mornis asked for a motion. Commissioner Hollingsworth moved to adopt Resolution 23-123, “Approving the 2024-2028 Gilpin County Community Health Improvement Plan.” Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

Board of County Commissioners. Commissioner Berumen moved to adjourn as Gilpin County Board of Health and reconvene as Gilpin County Board of County Commissioners. Commissioner Hollingsworth seconded, which passed by a vote of 3 to 0.

Resolution 23-105, Authorizing the Execution of Facility Use Agreement with Gilpin County 4-H. Sarah Baciak, Paralegal, presented the resolution to renew the agreement with Gilpin County 4-H for the lease of the storage room in the Exhibit Barn. The current agreement expires at the end of 2023. The renewed lease would be effective from January 1, 2024 through December 31, 2026, with rent being \$1.00 per year. Chair Mornis asked for a motion. Commissioner Berumen moved to adopt Resolution 23-105, “Authorizing the Execution of Facility Use Agreement with Gilpin County 4-H.” Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Resolution 23-116, Authorizing the Execution of Information Technology Professional Service Agreement with Teryx, Inc. Sarah Baciak, Paralegal, presented the resolution to renew the lease with Teryx, Inc for Information Technology (IT) contracted services. The current contract is set to expire at the end of 2023. This resolution is to continue the IT service to extend to June 30, 2024, with the intent to release an RFP for IT services in early 2024. County Manager Rears overviewed the Board’s priority to release RFPs every three years for contracts, and the possibility of adding a staff member to serve as an IT Manager. There were minor changes to Appendix 2 due to former services that are no longer used. Tobias Tonelli and Jessica Kays, co-owners of Teryx, Inc. were invited to speak to clarify questions. Chair Mornis asked for a motion. Commissioner Hollingsworth moved to adopt Resolution 23-116, “Authorizing the Execution of Information Technology Professional Service Agreement with Teryx, Inc.” Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

Resolution 23-115, Amending the Master Policy & Procedure Manual: Public Records Request Policy, P-9/ Community Garden Policy, P-10/ Signature Stamp Policy, P-11/ Website Policy, P-12. Sam Bower, Administrative Analyst, presented the resolution to amend to the master policy and procedure manual. These policies were all previously reviewed and discussed at a recent work session. He overviewed the revisions that were made as a result of the feedback received during the work session. The website policy was discussed in length, as it had the most revisions from the work session. The other policies had minor revisions. The resolution would approve all four policies, and include them to the Master Policy & Procedure Manual. Chair Mornis asked for a motion. Commissioner Berumen moved to adopt Resolution 23-115, “Amending the Master Policy & Procedure Manual to include: Public Records Request Policy, P-9/ Community Garden Policy,



P-10/ Signature Stamp Policy, P-11/ Website Policy, P-12.” Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Resolution 23-118, Adopting a Schedule of Public Meetings for the Board of County Commissioners for 2024. Lyndsey Denton, Deputy Clerk to the Board, presented the resolution to approve the list of meeting dates for Board of County Commissioners regular meetings for 2024, which was revised the day of the meeting to switch one of the dates in April. Otherwise, it primarily keeps to the same schedule of the second and fourth Tuesdays of each month. A Scrivener’s error was mentioned in the resolution, to be revised before signing. Chair Mornis asked for a motion. Commissioner Hollingsworth moved to adopt Resolution 23-118, “Adopting a Schedule of Public Meetings for the Board of County Commissioners for Gilpin County for 2024.” Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

Gilpin County Senior Living Contingent Ground Lease Agreement. Brad Benning, County Attorney invited members of the Gilpin County Senior Living Board to the table to present them the lease and for discussion. Former State Senator Jeanne Nicholson, Ruth Arnold, and John Pineau, all introduced themselves. County Attorney Benning presented the contingent lease agreement with Gilpin County Senior Living, highlighting the benchmarks to be met. There was discussion regarding the benchmarks, mainly around water rights, with clarifications made by County Attorney Benning. As this was the first presentation of the latest revised lease agreement, it was recommended to allow Gilpin County Senior Living time to go over the contract and for both parties to have negotiations; then to bring back to the Board of County Commissioners at the first meeting in 2024 for approval. Chair Mornis asked for a motion. Commissioner Hollingsworth moved to, “Place this on the January 9th, 2024 agenda to allow time for the parties to review it with the intention of approving it on that date.” Commissioner Berumen seconded the motion, which passed 3 to 0.

County Attorney’s Report. County Attorney Benning gave his report; highlighting water rights, finalizing Gilpin County Senior Living lease, and a county roads memo to address a number of various road issues within the county. He has been working with Upper Clear Creek Watershed Association (UCCWA) on project matters and letters of support. He overviewed the various contracts he has been working on. He had a follow-up with Black Hawk on the water project. He also had great discussions with Sarah Baciak, Paralegal regarding priorities and future focuses. There was further discussion regarding the Black Hawk water project and public access to the reservoir near Paradise Valley. It was mentioned that 1041 powers could be an avenue for the County to discuss measures including environmental considerations, and that the County’s current 1041 regulations need to be updated. The Board requested that the 1041 powers be a priority in 2024.

County Manager’s Report. County Manager Rears presented his report; highlighting that there are no more work sessions for 2023. The schedule for 2024 work sessions will be determined at the first meeting in January. The EV Charger grant of \$62,500 has been received, noting it has a 100% grant match of \$62,500. The scanning project is going well. That area will be cleared out soon, with the intention of adding cubicle-type spaces for additional work stations. He has been attending to Gilpin Ambulance Authority (GAA) and Clear Creek Economic Development Council (CCEDC) Board matters. He attended the childcare town hall meeting, noting that the steering committee has been created to make recommendations to the Board of County Commissioners in February 2024. There is currently a childcare survey out for community input that closes on December 31, 2023. He conducted 16 staff reviews, noting they all have developed goals for next year. He conducted interviews for the Community Engagement Officer and the Public Health Director. He attended the Association of Colorado Administrators (ACCA) Conference. He noted the various RFPs in process. He also referenced the two letters of support that were sent on behalf of the Board of County Commissioners, and the Grants Manager Report. There was further discussion regarding the former Eagles’ Nest building and the loan provider giving feedback on items within the building, as well as the disposition of county property policy with disposing of items from the building. County Manager Rears to follow-up with Public Works to provide signs on dumpsters.



Board of County Commissioners Report. Commissioner Berumen gave her report; highlighting the various work sessions and the childcare town hall. She also commended the outcome of the Winter Arts Festival. Commissioner Hollingsworth gave her report. All the Commissioners attended the Colorado Counties Inc. (CCI) Winter Conference at the end of November. Commissioner Hollingsworth attended the Gateway to the Rockies Opioid Council (GROC) meeting, noting the next round of funding coming available in 2024. Jefferson Center for Mental Health is in negotiations, and are looking at merging with WellPower, a Denver-based mental health organization to combine for programming variety and financial strength as funding to community mental health centers has been declining.

Chair Mornis announced the upcoming meetings where two or more Commissioners' will be in attendance; the next Board of County Commissioners meeting is on December 19, 2023. Chair Mornis also mentioned the success of the Winter Arts Festival.

Public or Press Comment. Chair Mornis opened the meeting for public or press comment. Kathleen Balfour, 329 Tchaikovsky Road, spoke about the childcare steering committee and access to the childcare survey. With no further comments in-person nor online, Chair Mornis closed the meeting for public or press comment.

Recess to Executive Session. Chair Mornis asked for a motion to recess to Executive Session. Commissioner Hollingsworth moved to, "Recess to Executive Session to discuss the potential acquisition of real property under C.R.S. 24-6-402(4)(a); to determine matters that may be subject to negotiation and instructing negotiators under C.R.S. 24-6-402(4)(e); and to receive legal advice from the County Attorney on matters related to the prior stated reasons for the executive session under C.R.S. 24-6-402(4)(b)." Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

The Board of County Commissioners meeting was recessed at 12:17 p.m.

Chair Mornis reconvened the Board of County Commissioners meeting at 1:30 p.m.

Adjourn. Chair Mornis asked for a motion to adjourn. Commissioner Hollingsworth moved to, "Adjourn the Board of County Commissioners meeting at 1:30 p.m." Commissioner Berumen seconded the motion, which passed by a vote of 3 to 0.

There being no further public business to come before the Board of County Commissioners, they adjourned at 1:30 p.m.

Approved this 9th day of January, 2024.

Marie A. Mornis, Commissioner

Lyndsey Denton, Deputy Clerk

Sandy Hollingsworth, Commissioner

Susan Berumen, Commissioner