



Minutes of the Meeting of the Board of County Commissioners, Gilpin County, Colorado Tuesday, February 13, 2024

A regular meeting was held on Tuesday, February 13, 2024, at the Gilpin County Historic Courthouse and online via Zoom. Chair Berumen called the meeting to order at 9:00 a.m. In attendance were Susan Berumen, Chair, Commissioner Sandy Hollingsworth, Commissioner Marie A. Mornis, County Manager Ray Rears, County Attorney Brad Benning, and Deputy Clerk to the Board Lyndsey Denton.

Agenda Review.

Commissioner Mornis motioned to remove Resolution 24-36 from the Consent Agenda and move it to item 6.5 on the regular agenda. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0. The item was removed from the Consent Agenda and placed between Resolution 24-37 and the Public Hearing for BOA-23-2(B).

Conflicts of Interest.

County Attorney Benning asked each Commissioner if there are any conflicts with today's agenda. Each commissioner responded with no conflicts of interest.

Public or Press Comment.

Chair Berumen opened the meeting for public or press comment. Comments included:

- Kathleen Balfour, 392 Tchaikovsky Road, expressed her opposition of increasing the Parks and Recreation fees, and asked for other items on the budget be moved to fully fund the Community Center.
- Jane Sterling, 30 Trail Dust Road, requested to not raise the fees for Parks and Recreation since the budget has already been approved to fund the Community Center for 2024.
- Roxy Goss, 114 Gap Road, spoke in support of the potential grant for building a new Food Pantry and the possibility of a non-profit taking over the operations. She is currently a volunteer for the Food Pantry, and requested that services remain the same if a non-profit takes over.
- Donna Okray Parman, 529 High Point Circle, spoke in opposition of increasing the fees for Parks and Recreation, and expressed that other items can be reallocated to fund the Community Center. She also expressed a concern for the ADA access to the Commissioners' Meeting Room.

With no further comments in-person nor online, Chair Berumen closed the meeting to public comment.

Consent Agenda.

Resolution 24-36 was removed from the consent agenda and moved to the regular agenda during agenda review. Commissioner Mornis motioned to accept the consent agenda as amended, which included; the Human Services 4th Quarter 2023 Report, the Clerk & Recorder's January 2024 End of Month Report, the Gilpin County Semi-Annual Report ending December 2023, County Held Tax Liens, the approval of meeting minutes for January 9, 2024 meeting, and the approval of meeting minutes for January 23, 2024 meeting. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

New Employee Introductions.

Chanda Johnson, Human Resources Director introduced the departments with new hires.



- County Manager Rears introduced Melanie Bleyler as the new Community Engagement Officer, who will be managing public relations and media for Gilpin County.
- Joe Allaire, Finance Director, introduced Wendy **Gutcher** as the new Finance Clerk. She will mainly be handling payroll and other administrative tasks within the Finance Department.

The Board congratulated and welcomed the new staff with a round of applause.

Proclamation in Support of Black History Month.

Melanie Bleyler, Community Engagement Officer, presented the Proclamation and shared some of the history within Gilpin County. Commissioner Hollingsworth moved to adopt the Proclamation, "Accepting the Proclamation in support of Black History Month in Gilpin County." Commissioner Mornis seconded the motion, which passed by a vote of 3 to 0.

Resolution 24-37, Appointing a Member to the Foothills Regional Emergency Medical Services & Trauma Advisory Council (FRETAC) Board of Directors.

Cody Carroll, Gilpin Ambulance Authority Chief, submitted the item, but was not present at the meeting. County Manager Rears presented the resolution on his behalf. There is an opening on the FRETAC Board of Directors that must be a Gilpin County representative. Chief Carroll is recommending the appointment of Captain Bobby Putnum to the open position. Chair Berumen asked for a motion. Commissioner Hollingsworth moved to adopt Resolution 24-37, "Appointing Captain Bobby Putnam to the Foothills Regional Emergency Medical Services & Trauma Advisory Council (FRETAC) Board of Directors." Commissioner Mornis seconded the motion, which passed by a vote of 3 to 0.

Resolution 24-36, Authorizing the Execution for a Grant Agreement with the Colorado Department of Local Affairs for the Strong Communities Grant Program.

Rob Gutierrez, Community Development Director and Jamie Boyle, Grant Manager and Writer, presented the resolution for the execution of a grant award. It was mentioned that this item was originally on the consent agenda because it had previously come before the Board to approve the application for the grant, but did not have the language to execute the award, if received. Going forward, grants will be both approved in one resolution for application and execution, as long as the terms have stayed the same as the application. Staff went on to overview the Strong Communities grant, of which Gilpin County was awarded \$200,000. With these funds, the county will be able to perform an update to the Land Use Code/Zoning Regulations, perform a Housing Needs Assessment to include the cities of Central City and Black Hawk, and adopt infrastructure standards. This will make great progress for the county, and give the community a better foundation with updated Zoning Regulations. Chair Berumen asked for a motion. Commissioner Mornis moved to adopt Resolution 24-36 "Authorizing the Execution for a Grant Agreement with the Colorado Department of Local Affairs for the Strong Communities Grant Program." Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Board of Adjustment.

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

Public Hearing - Board of Adjustment - Resolution BOA-23-2(B), An Appeal to Extend Temporary Housing Permit TPHS-22-2 for 105 Conestoga Road, Black Hawk.

Rob Gutierrez, Community Development Director presented the resolution requesting to further extend a Temporary Housing Permit (TPHS) that was originally brought to the Board of Adjustment (BOA) on



October 24, 2023. The applicant was previously granted an extension for three months, with the benchmark to meeting 75% completion by the February 13, 2024 meeting. Community Development Staff and the Building Official, Kyle Parag, all consider the home as 75% complete currently. The rough plumbing and electrical inspections have passed, as well as the drywall inspection has passed. The structure is also enclosed – less the windows placed, which are custom and on order. Interior photos were shared with the BOA independently from the packet, with the intention to protect the applicant’s privacy. Director Gutierrez overviewed the TPHS renewal process, and the applicant’s request to extend the TPHS to align with the building permit, that expires on November 14, 2024.

Chair Berumen opened the Public Hearing to public comment. Comments included:

- Jodi Hoelter, 8 Sandau Lane, expressed her concerns with the property setbacks, and does not consider self-funding a hardship; the Zoning Regulations for TPHS’s should be followed as written.
- Kathleen Balfour, 392 Tchaikovsky Road, spoke in support of extending the TPHS, and about her experience as a Real Estate agent in the community; that most every home in Gilpin County is unique and takes a varied amount of time to complete home builds in Gilpin County.

With no further comments in-person nor online, Chair Berumen closed the Hearing to public comment.

The applicant, Amber Cusano, made an in-depth statement regarding her appeal to extend her TPHS. She noted her progress and adherence to the Zoning Regulations since receiving the TPHS. She spoke of other neighborhood concerns regarding public health and safety. She requested updates to the Zoning Regulations, more specifically regarding TPHS regulations to help streamline this process in the future, and take into consideration the uniqueness of building in Gilpin County. She thanked those who helped her in this process, and asked for the BOA’s consideration to extend her TPHS to align with the expiration of the building permit, to November 14, 2024.

The BOA commended the progress made by the applicant. Commissioner Mornis responded to a public comment made regarding adhering to Regulations; that the BOA has authority to be flexible within the regulations for situations such as these, and other unique situations. Commissioner Hollingsworth clarified that this unique request for today’s hearing is whether or not to extend the TPHS beyond the typical timeframe allowed. There were further questions regarding setbacks that were answered by staff. Chair Berumen asked for a motion. Commissioner Mornis moved to adopt Resolution BOA-23-2(B) “Approving and appeal to extend the temporary housing permit, TPHS-22-2, for 105 Conestoga Road, Black Hawk, CO 80422.” Commissioner Hollingsworth had a further question as to whether to set further benchmarks or if the building inspections would suffice. It was clarified that the inspections will occur with the building permit. Chair Berumen added to the motion to include the expiration date of November 14, 2024. Commissioner Hollingsworth then seconded the amended motion, which passed by a vote of 3 to 0.

Chair Berumen closed the Public Hearing at 10:26 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.

Commissioner Mornis moved to adjourn as the Board of Adjustment and reconvene as the Board of County Commissioners. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.



Childcare Steering Committee Recommendations.

Childcare Steering Committee members, Amy Carr, Kathleen Balfour, and Lyndsey Denton presented recommendations for next steps in offering early childcare options for the community. Ms. Denton overviewed the history of why these recommendations are being brought to the BoCC, as the landlord for the potential childcare center. The recommendation was to have members of the Steering Committee be founding members of a new non-profit childcare center, as well as continue an Advisory Committee to help families with alternative childcare options; such as in-home care, and for those who have specialized expertise, but not wanting to serve on the Board of Directors (BOD). There was discussion around the structure of building a strong BOD, and the recommendation to have a Gilpin County appointed member serve on the BOD, possibly a County Commissioner. The Steering Committee also made a request to obtain the potentially abandoned property inside the building, if possible. It was clarified by County Attorney Benning that the prior tenants abandoned the remaining property, and were not evicted. The funding for the new non-profit was discussed, as the Gilpin County budget has allocated \$100,000 to help support childcare for 2024. Commissioner Hollingsworth asked if the funds would be released only after the non-profit was formed and if in payments or lump sum. Discussion was as a lump sum for seed money with quarterly reports to the BOCC on its use. The proposed budget for the center was reviewed, including the offerings for food for students, fees, staffing and employee benefits. The Board of County Commissioners and the Steering Committee will work further during a work session on February 20, 2024.

Resolution 24-35, Adopting the Fee Schedule for Gilpin County Parks & Recreation.

Gabrielle Chisholm, Parks & Recreation Director presented the resolution for revising the fee schedule for Parks & Recreation. Rob Gutierrez, Community Development Director joined to update and maintain the Comprehensive Fee Schedule. Commissioner Mornis responded to a public comment made regarding the general verbiage used with the adoption of the Fee Schedule at the last meeting. The prior adoption included more department updates other than Parks and Recreation. The resolution for today's consideration is only for Parks and Recreation, and indicates as such. Director Chisholm highlighted that the increase in fees is a way to increase revenue, in order for Parks and Recreation Department to become more self-sustainable. It was also noted that the proposed fees are similar or lower than surrounding areas. There was discussion around the various discounts and scholarships offered to help offset some of the fee increases for those who may not be able to fully afford the proposed fees. Anyone who needs assistance in paying for services are encouraged to inquire with Parks and Recreation staff. The Parks and Recreation budget was reviewed; in particular, how revenue would be affected by the updated fees, and the various cost-cutting measures made to also reduce expenses. The reinstatement of offering the Annual Pass, with a fee increase, was deliberated with the caveat that hours and days are subject to change.

Chair Berumen asked for a motion. Commissioner Mornis moved to adopt Resolution 24-35, "Adopting the Fee Schedule for Gilpin County Parks and Recreation, with the amendment to remove all increases for all daily admission and retain the increases for childcare and other special events, effective March 1, 2024, and to retain the 30% discount to Veterans and disadvantaged, and to keep the annual pass at increased rate of \$260 and \$330." Commissioner Hollingsworth seconded the motion, which failed by a vote of 2 to 1. Chair Berumen and Commissioner Hollingsworth opposed.

Commissioner Hollingsworth motioned to adopt Resolution 24-35, "Adopting the fee schedule for Parks and Recreation, and effective March 1, 2024, as shown on Exhibit A; implement annual pass, and expand



publicity of scholarship opportunities.” Commissioner Mornis seconded the motion, which passed by a vote of 2 to 1. Commissioner Mornis opposed. County Manager Rears confirmed the new fees for the annual pass; resident fees of \$260 for kids and seniors over age 60, \$330 for adults, and \$540 for all non-residents.

Resolution 24-47, Adopting the Temporary Position of Maintenance Worker.

Chanda Johnson, Human Resources Director and Ryan Keenan, Facilities Director presented the resolution to adopt a Temporary Maintenance Worker position in the Facilities Department. This has been indicated by staff as a critical need, and temporary help is being requested for a period of 6 months. This is mainly to fill a gap with urgent, non-technical needs that are less specialized than those required with the open Tech I position, but not necessarily be a temp-to-hire arrangement. The temporary position is not a budgeted position, but funding is available due to unused budgeted staffing funds within the Facilities Department; which would be up to \$23,400 salary for the 6 months; of which benefits are not provided for temporary staff and would not be an additional cost. There was discussion regarding the job description, and revisions were made accordingly to be reflected in Exhibit A. Chair Berumen asked for a motion. Commissioner Hollingsworth moved to adopt Resolution 24-47, “Adopting the Temporary Position of Maintenance Worker for a 6-month period.” Commissioner Mornis seconded the motion, and also included the Whereas statements from the resolution. The motion passed by a vote of 3 to 0.

Resolution 24-48, Adopting the Temporary Position of Public Works – Office Assistant.

Chanda Johnson, Human Resources Director & John Combs, Public Works Director. The current office assistant has announced her intention to retire after serving over 12 years in the department. Director Combs is requesting a temporary position for someone to get trained under the current office assistant. This position supports the Facilities Department with administrative duties as well. It was clarified that this is not a budgeted position, but funds are available from other unfilled positions in the department and on-call pay available; up to \$21,247.02, there are no benefits for temporary employees. There was discussion around approving temporary only, temp-to-hire, or part-time. Due to many questions needing further clarification, it was concluded to further discuss this position at the upcoming work session, and make a determination about the position at the next regular Board meeting. Chair Berumen asked for a motion. Commissioner Hollingsworth moved to postpone Resolution 24-48, “Adopting the Temporary Position of Public Works – Office Assistant to a date certain of February 27, 2024.” Commissioner Mornis seconded the motion, which passed by a vote of 3 to 0.

Resolution 24-39, Authorizing the Submission of a Grant Application to the Colorado Department of Local Affairs (DOLA) for the Community Development Block Grant (CDBG) for Public Facilities.

Jamie Boyle, Grant Manager and Writer, presented the resolution for the grant for funding for building the new food pantry. She noted the maximum award amount of \$600,000, with Gilpin County’s portion would be approximately \$700,000; which could also be partially grant funded from private grants, to reach the total budgeted build amount of \$1.3 million. She also highlighted that this grant is a great fit for the building of the food pantry, but has significant oversight and reporting requirements and tight deadlines, as well as the requirement to conduct an environmental impact study. Grant Manager Boyle went on to review a second grant that could also be an option for the food pantry – the DOLA Energy and Mineral Assistance Impact Fund; which has more award funds available, up to \$1 million, and requires a 50% match. There are also less reporting requirements, but the project may be a slightly less fit than the CDBG grant. Grant Manager Boyle then overviewed another possible grant, the Community Resilience Initiatives (CRI) through Colorado Trust, for food access to the community to help with funding equipment and



fixtures, since the other grants cannot be used for the building's furnishings. The CRI grant will be brought to the Board at another time for approval. There was ongoing discussion regarding the proposed grants, as well as the general need for the food pantry, and possible additional uses for the building. Further discussion regarding the food pantry project will be discussed at a work session being held on February 20, 2024. There was no motion nor vote on this resolution, as the Board did not want to approve nor deny Resolution 24-39; with the intent to bring an alternative grant(s) to the Board at another meeting.

Resolution 24-38, Approving Acceptance of the 2024 Retail Flexible Funding Model Grant Offered to Gilpin County through the National Environmental Health Association (NEHA) and United States Food and Drug Administration (FDA).

Alisa Witt, Public Health Director and Jamie Boyle, Grant Manager and Writer presented the resolution to accept funding to help assist with improving standards and quality of the retail food program. It was recommended to accept the funds, as the retail food program is newer and needs support, since Gilpin County Public Health (GCPH) has recently become independent from Jefferson County Public Health (JCPH). There was discussion regarding the grant requirements. Chair Berumen asked for a motion. Commissioner Mornis moved to adopt Resolution 24-38, "Approving Acceptance of the 2024 Retail Flexible Funding Model Grant offered to Gilpin County through the National Environmental Health Association and the United States Food and Drug Administration in the amount of \$9,164.00". Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Resolution 24-40, Approving A Voting Service and Polling Center (VSPC) Location for the Gilpin County June 25, 2024 Primary Election.

Sahari McCormick, Clerk & Recorder overviewed the resolution to approve the request to use the Old/Historic Courthouse at 203 Eureka Street in Central City, as the VSPC for the Gilpin County Primary Election being held on June 25, 2024. Staff is currently working with the Central City Opera for use of their parking lot across the street from the Historic Courthouse, since they also actively use it in the summertime. Chair Berumen asked for a motion. Commissioner Hollingsworth moved to adopt Resolution 24-40, "Approving a Voting Service and Polling Center location as the Gilpin County Courthouse for the June 25, 2024 Primary Election". Commissioner Mornis seconded the motion, which passed by a vote of 3 to 0.

Resolution BLA-23-3, Approving A Boundary Line Adjustment (Amy Grooters and John Kuepper Revocable Living Trust and Valerie P. Kuepper Revocable Living Trust, Owners).

James Shrou, Planner, presented the resolution to recommend a boundary line adjustment between two parcels, due to an error of underground utility lines placed by the electric company. This request is only to reconfigure existing boundary lines, which would remedy Ms. Grooters' land used in misplaced utilities to have a utility easement. Planner Shrou confirmed that with the adjustment; there would be no new non-conformities', the parcels can still be developed based on the current Zoning Regulations, and no new parcels will be created. Chair Berumen asked for a motion. Commissioner Mornis moved to adopt Resolution BLA-23-3, "Approving a Boundary Line Adjustment for Amy Grooters and John Kuepper Revocable Living Trust and Valerie P. Kuepper Revocable Living Trust, owners." Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.



Resolution BLE-23-3, Approving a Boundary Line Elimination (Joseph Kopacz, Applicant).

James ShROUT, Planner, presented the resolution to recommend a Boundary Line Elimination (BLE) between five parcels in the Mosquito Creek area near Apex Valley Road. All of the parcels are currently vacant, with the intent for the applicant to build a new single-family dwelling. He further outlined the requirements via the Zoning Regulations, and confirmed that it would not create any new non-conformities, and would not create any further additional building lots; rather it would combine multiple mining claims into one larger parcel. There were no neighbor comments received, as the National Forest surrounds the property and the inner small lots not included in the BLE. The applicant, Joseph Kopacz joined virtually for questions and discussion. Chair Berumen asked for a motion. Commissioner Hollingsworth moved to adopt Resolution BLE-23-3, "Approving a Boundary Line Elimination for the Kopacz family." Commissioner Mornis seconded the motion, which passed by a vote of 3 to 0.

Resolution 24-41, Temporarily Designating the County Manager as the Hearing Officer for Employee Termination Hearings.

County Manager Rears presented the resolution requesting for the BoCC to temporarily designate the County Manager, himself, as a hearing officer for employee terminations, per Section V (F) of the Employee Handbook. This is only for matters arising between January 14 and March 6, 2024 to allow for the full hearing process. Chair Berumen asked for a motion. Commissioner Mornis moved to adopt Resolution 24-41, "Temporarily Designating the County Manager as a Hearing Officer for Employee Termination Hearings." Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

County Attorney's Report.

County Attorney Benning presented his report. He highlighted his continued work on water cases. He mentioned that Gilpin County Senior Living rejected the approved lease, as they are pursuing other avenues for a lease agreement. He has reviewed and negotiated several contracts for upcoming projects. He noted that there will be a Special Meeting for 1041 Regulations meeting scheduled soon. His office has also worked on records' requests, assisted Human Resources on personnel matters, and a potential breach of contract. A lawsuit has recently been brought to Gilpin County regarding a complaint about a road, which has been a main priority to conduct a response. There were questions raised regarding the status of the fire suppression ponds, of which County Manager Rears and County Attorney Benning will follow up regarding the potential of hiring a contractor to assist with determining qualifying resources.

County Manager's Report.

County Manager Rears gave his report. He requested guidance from the Board regarding the June 25, 2024 meeting, as it coincides with the Primary Election occurring on the same day at the Historic Courthouse. The Board agreed to move to this meeting to the Community Center. He further overviewed the upcoming work session schedule and topics. He noted the terrific turnout at Clear Creek Economic Development Corporation (CCEDC) conference. He is working with Community Development staff to conduct a Community Town Hall sometime in May, regarding the building permitting and inspection process, since the new building inspectors have now been providing services for approximately one year. There will also be a joint meeting with Central City and Black Hawk regarding housing and dispatch funding on March 19th at 5:30 p.m. Upcoming joint meetings to be scheduled quarterly thereafter.



Board of County Commissioners Report.

- Commissioner Berumen – Historic Saving Places event in Boulder on Jan 31- Feb 2, 2024; all commissioners attended via funds from a grant award. Some Gilpin County historic sites were mentioned and recognized at the event.
- Commissioner Mornis attended the monthly DRCOG meeting. She also attended the CCEDC breakfast on 2/9/24, and noted that the event was well attended and commended the CCEDC for bringing officials from all jurisdictions together to discuss economic development in our area.
- Commissioner Hollingsworth attended CCEDC workshop on 2/9/24, and various CCI Steering committees. She noted that she was recently elected to the Tourism, Resorts and Economic Development subcommittee as the Vice Chair. She also attended NoCo Places Executive Board meeting, highlighted the work being done with the unauthorized trail maps project; attended the Jefferson Center for Mental Health board meeting, noting the merger with new entity. She virtually attended the National Association of Counties (NACo) annual conference where they had discussion about broadband and economic support for communities. She mentioned her work on Senate Bill 23-059, that is trying to use excess funds for road maintenance for roads leading to state parks. Lastly, she reported that the Gateway to the Rockies Opioid Council (GROC) notification of grant award should be announced soon.

Public Meetings where two or more Commissioners may in attendance, conducting public business:

- Tuesday, 2/20/24 at 9:00 a.m. – BOCC Work Session, Historic Courthouse
 - Monday, 2/26/24 at 4:00 p.m. – BOCC/Lobbyist Work Session, online only via Teams
 - Tuesday, 2/27/24 at 9:00 a.m. – BOCC Regular Meeting, Historic Courthouse
- There was also note of County offices being closed on 2/19/24 for Presidents' Day.

Public or Press Comment.

Chair Berumen opened the meeting to public or press comment. There being no comments in-person nor online, Chair Berumen closed the meeting to public or press comment. County Manager Rears reiterated the ADA accommodations – anyone who needs accommodations needs to contact the Administration office 24-hours in advance.

Adjourn.

There being no further public business to come before the Board, Chair Berumen adjourned the meeting at 2:16 p.m.

Approved this 12th day of March, 2024.

A signed and recorded copy of these minutes are available through the Clerk & Recorder's Office via Reception Number 176111.