

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

January 22, 2019

A regular meeting of the Board of County Commissioners of Gilpin County was held on January 22, 2019, at the Gilpin County Courthouse. Chair Linda Isenhart called the meeting to order at 9:03 a.m. In attendance were Chair Isenhart, Commissioner Gail Watson, Commissioner Ron Engels, County Manager Abel Montoya, County Attorney Jim Petrock, and Deputy Clerk to the Board Sharon Cate.

Agenda Review. Just prior to the beginning of today's Board of County Commissioners meeting, Gilpin County was notified that the 11:00 a.m. presentation by the Colorado Department of Transportation has been canceled. The Regional Directors will reschedule their presentation.

Public Hearing—Special Use Review, #18-01 (Resolution #19-03). At 9:01 a.m., Chair Isenhart opened a public hearing for Special Use Review (SUR) application, #18-01, Alternative Holistic Healing (Rocky Mountain Organics), for a marijuana cultivation facility. Applicant Jason Licata was present. County Planner Daniel Horn gave background of Ordinance #17-01, adopted on July 11, 2017, which approved three cultivation facilities in south-, mid- and north-County locations; the application for SUR #18-01 would fulfil the south-County position. He then outlined the procedure the applicant would undergo to establish the cultivation operation, if the application were approved by the Board.

Chair Isenhart opened the hearing to public comment. There being none, Chair Isenhart closed the hearing to public comment.

Planner Horn and applicant Jason Licata confirmed that the proposed building would be new construction with adequate electrical power available onsite, and that the property was zoned C-4, Heavy Commercial. The fees due to Gilpin County will be paid when the applicant has been approved for a license.

Commissioner Engels moved to adopt Resolution #19-03, "Approving Special Use Review Permit Application SUR #18-01 for Retail Marijuana Cultivation Facility Applicant – Rocky Mountain Organics DBA Alternative Holistic Healing." Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. Commissioner Engels seconded the amended motion, which passed by a vote of 3 to 0.

Chair Isenhart closed the public hearing. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)

Memorandum of Understanding for Communications Equipment. Sheriff Kevin Armstrong presented a Memorandum of Understanding (MOU) with the State of Colorado for Co-Location of Communications Equipment on one or more County-owned towers as part of Gilpin County's transition to the State's Digital Trunked Radio system. The MOU outlines the State's and County's responsibilities and would serve only public safety communications, not broadband or commercial uses. The document was examined, revised and approved-to-form by County Attorney Jim Petrock. Sheriff Armstrong stated he had no concerns about moving forward with the agreement at this time. Brief discussion followed.

Commissioner Engels moved to approve the Memorandum of Understanding for Communications Equipment between the State of Colorado and Gilpin County for Co-Location of Communications Equipment on one or more County-owned towers. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Budget Adjustment to Receive Central City Funds for Patrol Vehicle. Sheriff's Office Division Chief Tom Ihme stated that in accordance with the 2017 Intergovernmental Agreement (IGA) between the City of Central and Gilpin County for Law Enforcement/Public Safety Services, the Sheriff's Office needed the County to purchase a new patrol vehicle and then bill the City. He noted that adequate information about this purchase/reimbursement was not discussed in time for the regular budget process. The Sheriff's Office vehicle replacement budget for 2019 is \$70,000 for two vehicles, plus the City of Central has budgeted \$40,000 plus the trade-in value of one vehicle, which could approach a total of \$45,000 for this vehicle. A total of three new vehicles would be purchased in 2019. Division Chief Ihme noted that safety accessories would be added, some of which can be taken from outgoing vehicles. He said that vehicles used for patrol within the City are also used to patrol the entire County. Finance Director Clorinda Smith clarified that this particular vehicle would be a County-purchased vehicle with funds provided by Central City.

Commissioner Engels stated that this request should have been included during the budget process, as the Board had to make the decision to ask some departments to wait for new vehicles. He suggested that the Sheriff's Office wait on the purchase of one vehicle. Lengthy discussion followed with Commissioner Watson and Commissioner Isenhart in favor of the purchase, since the vehicle will be paid for by Central City.

Commissioner Watson moved to approve the budget adjustment to spend \$45,000 for a patrol vehicle. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 1, with Commissioner Engels voting against.

Vehicle Take Home List. Finance Director Clorinda Smith presented an updated list of positions/staff authorized to drive a County-owned vehicle to/from home, in the event the employee would need to respond to an after-hours alarm or emergency. She stated she has worked with all affected departments to make sure the list is accurate. Commissioner Watson moved to approve the 2019 take-home County vehicle list. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Resolution #19-02—Proposed Update to Employee Handbook—Political Activities. County Manager Montoya stated that on December 18, 2018, some updates to the Employee Handbook were discussed and some were approved, but the section on political activities had undergone further revision and was up for review by the Board today. A one-page guideline summarizing the prohibited activities was discussed. Commissioner Engels noted that some employees had expressed concerns about being able to advocate for candidates for County offices, and asked that communication regarding campaign rules be improved. County Manager Montoya said he would work with Human Resources Director Susie Allen to offer training to employees on the new guidelines. Commissioner Watson moved to adopt Resolution #19-02, "Proposed Update to Employee Handbook—Political Activities." Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Elected Officials' Acceptance and Adoption of Pay Plan and Employee Handbook. County Manager Montoya said Human Resources Director Susie Allen had created a signature sheet for each Gilpin County elected official to document her/his acceptance of the County's Pay Plan and Employee Handbook. He further noted that in an effort to continue the partnership with them, County Attorney Petrock had provided a letter to the elected officials to assist them in the administration of their official duties; pertinent Colorado statutes were cited regarding the Pay Plan and Employee Handbook. Commissioner Watson moved to approve the letter and the signature sheet confirming the elected officials' acceptance. Commissioner Engels seconded the motion which passed by a vote of 3 to 0.

Transfer of Development Rights—SBE #19-01. County Planner Daniel Horn presented application SBE #19-01 for Lone Pine Real Estate, LLC, to plat Lot 25 (a.k.a. Parcel D) in the Roosevelt Ridge subdivision, by transferring development rights from the Iron Cross mining claim, as permitted by Resolution #10-31, "Amendment to Resolution SBE 05-01." He stated that Roosevelt Ridge was originally intended to have a final build-out of 20 lots, with the option to increase that number to 27 by transferring development rights from other alienated lands. Approval of SBE #19-01 would not subdivide land, but would give development rights to Lot 25, which is currently 11 acres in size.

In response to a question from Commissioner Watson, Planner Horn stated that the one-acre Iron Cross mining claim would not specifically have a conservation easement on it, but that SBE #19-01 would restrict any development. He added that the fees for transfers of development rights and amending plats should probably be reviewed in the near future. Commissioner Watson moved to approve Resolution SBE #19-01, "Approving an Amendment to a Minor Subdivision of Parcel "D" Roosevelt Ridge Exemption Final Plat Creating Lot 25, All in Section 18, T2S, R72W," for Lone Pine Real Estate, LLC. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Legal Status Report. County Attorney Jim Petrock advised the Commissioners on the following legal issues:

1. County Attorney Petrock, Coroner Zane Laubhan, former Treasurer Alynn Huffman and former Sheriff Bruce Hartman testified two weeks ago in Lawrence Goodman's criminal trial, where he was convicted of 25 felony counts. The lawsuits involving *We the People* against Gilpin County are now over.
2. The Board will need to hold an Executive Session today to receive legal advice on a property acquisition matter.

Public Trustee's Reports. Treasurer/Public Trustee Mary Lorenz gave the following reports compiled by Former Treasurer/Public Trustee Alynn Huffman:

Fourth-Quarter 2018. The number of mortgage foreclosures in the County decreased during this period; fees totaling \$1,960.05 will be paid from the Public Trustee's account to the Board of County Commissioners, and \$1,289.49 will be paid from the Reserve Account to the Public Trustee Salary Fund in the County General Fund. Commissioner Watson moved to accept the report for Fourth Quarter 2018. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0. Commissioner Watson amended her motion to add that the reports would be accepted and signed after the report dates had been corrected and the figures had undergone a final check. Commissioner Engels seconded the amended motion, which passed by a vote of passed 3 to 0.

Year-End 2018. Commissioner Watson moved to accept the 2018 Year-End report with the caveat that the dates be corrected and the figures confirmed. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

County Manager Status Report. County Manager Abel Montoya updated the Board of County Commissioners on the following items:

Monthly Leadership Team Reports. The monthly departmental reports that had been submitted were discussed. The Parks and Recreation Department is now tracking the number of total visits to the Community Center, rather than unique visits; County Manager Montoya will ask Director Kyle Benedict to track both per month for comparison. County Manager Montoya said that transportation for students from the Gilpin County School RE-1 to the Library would be part of the 2019 Strategic Plan discussions in February and that the County could invite School Superintendent Dr. David MacKenzie to participate.

Inmates Pre-trial Diversion Program. Commissioner Engels said he had spoken with Representative KC Becker and a representative from Jefferson County about the potential benefits of talking to the District Court about a pre-trial diversion program for inmates who are not a menace to themselves or the community. After brief discussion, it was the consensus of the Board that County Manager Montoya should begin to set up meetings.

RFP for 2019 Gilpin County Quality of Life Survey. County Manager Montoya will issue a request for proposals (RFP) for a vendor to conduct a Quality of Life Survey among County residents; the RFP will close on February 11. The County's Senior Leadership Team and other stakeholders will work on some survey questions; other questions will address demographic and financial information, as determined by a professional, independent writer.

Board of County Commissioners Status Reports.

Notice of Public Meetings. The public meetings in the upcoming two weeks that could be attended by more than one Commissioner and at which public business may be discussed will include:

- Work session on grant opportunity with Colorado Parks and Wildlife, January 24, at the Courthouse
- Senior Leadership Team training with consultant Jeffrey Wein, February 6, 8:30 a.m. to 1:30 p.m., location to be determined

Consent Agenda. Commissioner Watson moved to approve the Consent Agenda containing:

- the Board of County Commissioners Meeting Minutes for January 8, 2019, as presented on the Consent Agenda. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

County Fair Code of Conduct. County Manager Montoya stated that County Fair Coordinator Heather Pearce and County Attorney Petrock had worked together to draft a Code of Conduct for political candidates while at the Fair, and a letter advising them of the new Code of Conduct. Facilities Use Coordinator Vicki Nemecek joined the discussion of the County's Facility Use Policy. The Board had agreed to some revisions to a draft version of the Code and today expressed approval of the letter.

Adjournment to Executive Session. Commissioner Engels moved to adjourn into Executive Session to receive legal advice in accordance with C.R.S. 24-6-402(4)(b). Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. There being no further business to come before the Board, they adjourned at 10:57 a.m.

Signed this 05th day of February, 2019.