

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

July 21, 2020

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 21, 2020, in an online format; no physical meeting was held. Chair Gail Watson called the meeting to order at 9:00 a.m. In attendance were Chair Watson, Commissioner Linda Isenhart, Commissioner Ron Engels, County Manager Abel Montoya, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

**Agenda Review.** A discussion of the Gilpin County Animal Response Team's (GCART) request to open the arena was added to the agenda.

**Moment of Silence for John Lewis.** The Board observed a moment of silence in honor of longtime civil rights advocate, John Lewis, who passed on July 17, 2020. He served as a congressman for the State of Georgia for 33 years.

**Public/Press Comment.** Resident Ryan Roberts expressed his opposition to SBE #19-02, 432 N. County Road, proposed by Florian Freymuth.

**COVID-19 Update.** Public Health Coordinator Bonnie Albrecht stated that Gilpin County now has 13 confirmed cases, with six or seven tests scheduled for this week. She has been working on the most recent variance to make it available, if requested. Coordinator Bonnie Albrecht then gave a brief comparison of the State and County public health orders that require masks. She noted that the County's restrictions are all at the recommendations of Public Health Director Dr. Mark Johnson, however, he will move Jefferson County to match the state on the minimum age not required to wear a mask as 10 years and under. She said casino patrons who have health reasons for not wearing a mask should have a note from their doctor.

**Board of Health.** Commissioner Isenhart moved to recess as the Board of County Commissioners and convene as the Board of Health. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0. Commissioner Engels moved to rescind Gilpin County Public Health Order #20-10, and to adopt the State guidelines via Public Health Order #20-11 and requirements on mask-wearing. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

**Board of County Commissioners.** Commissioner Engels moved to adjourn as the Board of Health and reconvene as the Board of County Commissioners. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

**Emergency Operations Center (EOC) Update.** Emergency Manager Nathan Whittington shared a video showing the EOC actions over past 139 days, and the potential results of his conversations with State and FEMA representatives regarding the FEMA Public Assistance (PA) grant. The three FEMA PA projects he is working on grant applications for are:

1. EOC build out (improving capabilities)
2. Critical infrastructure, Justice Center
3. Patrol division development

Emergency Manager Whittington also said the agreement with AT&T for the installation of an LMR cell tower is ready to be executed by both parties and the project could be scheduled soon. Commissioner Watson commended him for good, proactive and creative work. Commissioner Isenhart agreed and thanked him. Commissioner Watson asked Emergency Manager Whittington to try to make the various cell towers near the Justice Center communicate with each other. He noted that tower equipment the County no longer needs will be donated to the Gilpin County RE-1 School for improved communications there.

**AT&T Contract for Small Cell Tower Installation.** County Attorney Bradford Benning said the contract between the County and AT&T for installation of an LMR cell tower is straightforward and requires no funding from the County. Also, the County can terminate the agreement without financial penalty and remove AT&T equipment from the tower. Emergency Manager Whittington added that AT&T assumes all liability and maintenance for the tower. Commissioner Engels move to approve the contract with AT&T for a small cell tower at the Justice Center. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

**Intergovernmental Agreement with Boulder County for Enforcement of Rules and Regulations on Toll Trails.** County Attorney Bradford Benning said **Boulder County acquired property from** the Toll family that straddles the far western boundary between the two counties. The property will have a conservation easement and Boulder County wants to use it for a recreation area and some trails. He screen-shared an intergovernmental agreement (IGA) and map proposed by Boulder County that would assign all obligations for patrol, monitoring of visitors and maintenance of the trails to Boulder County. Discussion followed regarding increased traffic on Gilpin County's Tolland Road and at the East Portal, and parking. The topic will be scheduled for in-depth discussion at a Board work session.

**SBE #19-02, 432 N. County Road.** Commissioner Watson opened the review of an application for SBE #19-02, 432 N. County Road, by Florian Freymuth, clarifying that by trading the development right of a lot on Highway 72, it would have a deed restriction or a conservation easement on it and could never be built on. She further stated that this was a bad situation for the County and for her, as she had been granted the same type of transfer of development right (TDR) on property she owned. The Board had asked for a change in the Zoning Regulations last year, but that work has not been done.

Community Development Director Stephen Strohming informed the Board that the application met all of the criteria in the Zoning Regulations and that he recommended approval of the application with the following stipulations:

- Approve attached Resolution 19-02P
- Indicate the 25% building envelopes on Parcels B1 and B2 on North County Road in compliance with Section 3.6 of the Zoning Regulations
- Provide the conservation easement or deed restriction documents for Final Plat approval

Commissioner Engels asked staff to impose an immediate moratorium on Transfer of Development Rights until the Zoning Regulations updates can be completed, and said these types of actions should be based on community needs, not lots that are many miles apart. He and Commissioner Isenhardt agreed that the process was flawed and that the Zoning Regulations should be improved very soon.

Commissioner Engels said that under protest and on advice of Counsel he would move to approve SBE #19-02 with the staff report stipulations listed above. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0. Commissioner Watson apologized to the applicant and the neighbors who were against this land action, saying today was not the County's finest hour.

**Resolution #20-11, Stage 2 Fire Ban.** Sheriff Kevin Armstrong explained that when Gilpin County adopted Stage 1 fire restrictions, they had worked with Boulder and Jefferson counties on consistent language in the restrictions, and later found out those counties had changed their rules on gas-powered stoves, grills and/or gas fire pits, but had not notified Gilpin County. That change plus worsening conditions in the forest have prompted a step from Stage 1 to Stage 2. Commissioner Watson clarified that Sheriff Armstrong had already imposed a Stage 2 fire ban and today was requesting the Board's ratification of that action. Commissioner Engels moved rescind Resolution #20-10, "Imposing Temporary Stage 2 Fire Restrictions in Gilpin County" and approve Resolution #20-11, "Imposing Temporary Stage 2 Fire Ban in Gilpin County." Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

**Ballot Issues.** County Manager Montoya gave an overview of the very broad topic of potential ballot issues for the impending November 2020 election, saying several factors have brought Gilpin County to the point of needing to request mill levy increases to meet residents' needs. The factors involved are:

- The COVID-19 pandemic caused an economic crisis for the County, as the casinos had been closed and are only partially opened.
- The County has lost approximately \$3 million in revenues.
- Many County employees have been laid off, followed by a restructuring of services.
- Residents have asked how the Community Center could be reopened and how Sheriff's Office services could be funded.
- Revenue stabilization would relate to both the TABOR and the Gallagher Amendments.

County Attorney Benning noted that Gilpin County has no sales tax, and that in 1982 the Gallagher Amendment was put in place to produce a good ratio between residential and commercial property taxes.

County Manager Montoya screen-shared some graphs that showed the combined property tax rates for counties in Colorado, with Gilpin and San Miguel being the lowest at 0.25%. He explained ways that a countywide sales tax or some mill levy increases could help the County maintain Sheriff's Office resources, possibly reopen the Community Center and help maintain the Library special district. A mill levy increase could raise the median household's monthly payment for Sheriff's Office services and the Community Center from \$18.00 to \$36.00, approximately.

The Board thanked County Manager Montoya for a good demonstration of some options that could help correct the financial downturn caused by the pandemic. Discussion followed regarding the ongoing work with some citizen groups who will explore potential remedies, and the timeline for placing questions on the upcoming ballot. County Manager Montoya emphasized that these topics are complicated and education and clear communications would be needed to portray the full scope of the challenges and possible solutions. The Gilpin County website features a citizen survey about mill levies for the Sheriff's Office and the Community Center Campus. Town Halls (public forums) are held every two weeks, with resident participation strongly encouraged. The next Town Hall on July 23, will start at 5:30 p.m., with House Speaker KC Becker and Senator Tammy Story, followed by a more focused discussion of the Community Center and mill levies. Commissioner Watson closed the topic by saying that in the northern portion of the County, the Boulder Valley School District tax bill is almost seven times higher than that in the mid and southern portions, a huge discrepancy.

**2020 Payment in Lieu of Taxes (PILT) Report.** County Treasurer Mary Lorenz reported that some PILT funds (National Forest Service) for Gilpin County have been apportioned according to a formula wherein the two school districts in the County split 66% of the distribution, and the Public Works fund receives the remainder. The schools' portion of the formula is based on student counts: Gilpin County RE-1, 461 students (72.94%) and Boulder Valley RE-2, 171 students (27.06%).

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

- The Sheriff's Office Detentions monthly report tracks monthly bookings and indicates that most inmates are not residents, but are casino patrons. In the month of June, there was a total of 25 bookings, only 6 of which were Gilpin County residents. In June of 2019, there were 109 total bookings, only 7 of which were residents. The data clearly demonstrates the impact of gaming on the Jail.
- Government Experience Award. Gilpin County's partners at OpenGov, the contractor for some innovative features on the County's website, has nominated Gilpin County for a 2020 Government Experience Award. County Manager Montoya encouraged residents to learn about government agencies that use technology to cut costs and be more transparent. Prior to using OpenGov, the County might have had only a few people attending a Board meeting compared to 50 or 60 now, or 150+ attendees at Town Hall meetings. OpenGov also hosts the surveys and weaves with Zoom to create transparency. If Gilpin County receives the award, it will be announced at a future Board meeting.

#### **Board of County Commissioners Status Reports.**

- Library Board of Trustee Appointment. Commissioner Watson said that resident Dorothy Sweet has applied for a vacant seat on the Library Board of Trustees, and that most people know her as a very active volunteer on many County related activities and with other groups. Commissioner Isenhart moved to appoint Dorothy Sweet to the Board of Trustees. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.
- Frontenac and Aduddell Mine Nomination. Gilpin County Planner Tami Archer noted that property owner Bob Young Jr. requested and was granted Local Historic Landmark Designation for the Frontenac and Aduddell mines on June 11, 2010. At that time, he said he would establish some public trails and a parking area and would pursue National Register of Historic Places designation. Gilpin County has received a letter from Colorado Historic Preservation outlining that process and has provided the nomination form. Gilpin County would need to send the State a recommendation letter for National designation. Commissioner Engels moved to have Planner Tami Archer draft a recommendation letter and to have Chair Watson sign it. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.
- GCART Request to Open and Maintain the Fairgrounds Arena and Exhibit Building. Commissioner Watson said she would talk with representatives of the Gilpin County Animal Response Team (GCART) about a resiliency grant from Great Outdoors Colorado (GOCO) that is restricted to costs for outdoor uses. GCART has offered to operate and maintain the Fairgrounds Arena and Exhibit Building, however the County needs to understand that group's legal standing. County Manager Montoya clarified the issue by stating that GCART members respond to emergencies as volunteers under the direction of Emergency Manager Nathan Whittington and as such are covered under Gilpin County's liability insurance. Separate from that, GCART members also represent and work with the horse owners in the County, especially those that use the arena to exercise or train their horses. In this capacity, they are not covered by the County's insurance. County Attorney Benning added that if this group was to take on the responsibilities of managing the arena, they would need to seek legal counsel, become a legal entity and have liability insurance plus indemnify Gilpin County. After discussion, the Board agreed to schedule a work session with GCART representatives.

**Minutes.** Commissioner Engels moved to approve the Board of County Commissioners Meeting Minutes for July 14, 2020, as modified with Commissioner Watson's changes. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

**Public / Press Comment.** *Weekly Register-Call* reporter Randy Beaudette asked if the Sheriff's Office had been contacted about the status of their grant application. Sheriff Armstrong said he is still waiting to hear about this grant application.

**Adjourn to Executive Session.** Commissioner Engels moved to adjourn to Executive Session in accordance with:

- C.R.S. Section 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under
- C.R.S. Section 24-6-402(4)(f)(I)&(II) for discussion of a personnel matter not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any

elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;

Commissioner Engels noted that the Sheriff's Office's information for the scheduled work session contains employee-specific data that would not be appropriate for a public discussion. Commissioner Isenhart 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 11:45 a.m.

Signed this 28<sup>th</sup> day of July 2020.