

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

July 28, 2020

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 28, 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 Isenhardt, Commissioner Ron Engels, County Manager Abel Montoya, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

**Public/Press Comment.** Laura Jenéy, County resident and Chair of the Planning Commission, encouraged residents to participate in the second Land Use Comprehensive Plan survey, available on the Gilpin County website until July 31. The next public workshop is scheduled for August 25.

**COVID-19 Update.** Public Health Coordinator Bonnie Albrecht informed the Board that Gilpin County has 13 confirmed cases, with 10 or more residents scheduled for tests today. In the casinos, most patrons are following the health safety protocols, though some are confused about the requirements.

**Treasurer and Public Trustee's Reports.** Treasurer and Public Trustee Mary Lorenz reported on:

- operations in the Treasurer's Office for the month of May 2020, saying she and her staff are very busy and are somewhat behind their work load. Tax collections have been down from last year, but are now improving.
- Public Trustee Second Quarter 2020. There have not been many transactions and only two mortgage foreclosures, but there has been an increase in the number of releases of deed of trust, due to mortgage refinancing and property selling. Commissioner Engels moved to accept the Public Trustee's Second Quarter 2020 report. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

**Consideration of Furniture Specifications and Interior Finishes for Health and Human Services Building.** Business Analyst Jaime Tirado said he and Human Services Director Laura Solomon had met with KI/Canter, the furniture group working on the new Health and Human Services (HHS) building, to view options and to keep the pricing correct. County Manager Montoya noted that Gilpin County had approved the furniture contract and the choices being presented today would keep the project at or under budget. Business Analyst Tirado was joined by Danielle Van Boxel of KI/Canter in the online presentation. During discussion, the Board provided input on furniture changes to accommodate seniors and families.

Oniel Thomas, of Sky Blue Construction, shared images of some interior and exterior paint colors, and said paint samples were available at the Courthouse for the Commissioners to view and provide their input. He noted that the building shingles are 30-year quality, and then discussed cabinetry and flooring options. Sky Blue hopes to begin the interior finishes in early October.

**Colorado Mounted Thunder's Arena Use Application.** County Manager Montoya stated that on July 24, 2020, the Board had heard an overview of a temporary use permit granted to the Colorado Mounted Thunder for the use of the Fairgrounds Arena for a mounted rider gun-powder-only shooting event in August, and had later received legal advice in Executive Session. He said none of the application information had changed, and that today a Board decision was necessary. After discussion, the Board agreed that due to Gilpin County's current fire ban, the COVID-19 pandemic, and the Community Center being closed, the event was not in County residents' best interest. Commissioner Engels moved to rescind the Temporary Use Permit due to the pandemic and the fire ban. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

**Sheriff's Office Grant Update.** Sheriff Kevin Armstrong announced that the State grant his office had applied for has been awarded for the full amount of \$785,956.00 to help cover personnel costs until December 31, 2021. He thanked the Board for delaying any layoffs in the Sheriff's Office until they received notification from the grant committee about the award, and he thanked Undersheriff Tonia Kapke, Victim Services Director Shannon Arrington, Deputy Sean Stanfield and Deputy Andy North Skelton for writing this application. Sheriff Armstrong said his staff continues to look for grants for the Sheriff's Office.

**General Public Use of the Community Center Campus Outdoor Arena.** The Board discussed the numerous requests received for use of the outdoor Fairgrounds arena, and some activities that are taking place at the Community Center Campus outdoor areas. County Manager Montoya noted that the County is allowing general use of the ballfields with COVID-19 safety signs posted and a portable toilet onsite. He said direction was needed on the use of the Fairgrounds arena and what restrictions would be in place, such as a limit on the number of horses and riders in the arena at one time, the hours of operation, and which County position would oversee these activities and work with arena maintenance contractor Larry Sterling on arena surface maintenance. The Board agreed legal advice from County Attorney Benning was needed, as well as input from Emergency Manager Nathan Whittington regarding GCART's function at the Fairgrounds arena and surrounding area. Some other features of the Community Center Campus are being used, such as the walking trail, the BMX bike track, and the community gardens. County Manager Montoya said the parameters for use of the outdoor arena and greater campus could be determined at a Board meeting in August, after hearing comments from County Attorney Benning and Emergency Manager Nathan Whittington.

After Commissioner Engels summarized the discussion, Commissioner Isenhart moved to narrow the use of the Exhibit Building to 4H activities. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

County Manager Montoya listed the following as allowable uses at this time:

- The playground is open for up to 10 people at a time while practicing social distancing.
- The ballfields for individual (non-league) use is open for up to 25 people at a time per field.
- The outdoor arena is open for up to 4 horses/4 riders for a 2-hour time limit.
- The indoor arena may be used only for official 4-H, or GCART emergency activities.

The overall topic will be revisited at an August Board meeting.

**Discussion of Ballot Issues Language and Confirmation of Authorization and Notification to County Clerk and Recorder that Ballot Issues will be Provided in August for Placement on the Ballot for the November 3, 2020, Election.** County Manager Montoya stated that Board direction was needed for work on some ballot measures, specifically, a mill levy question to fund the Community Center, a mill levy question to supplement the Sheriff's Office budget, and a question on revenue stabilization. He also referred to inquiries from the public about a potential Countywide sales tax. The Board agreed to not work on a sales tax at this time, but to direct County Manager Montoya, County Attorney Benning and staff to work on ballot question language for the other three items. County Attorney Benning advised the Board that Clerk and Recorder Sahari McCormick is planning the layout of the ballot, which will include questions for other jurisdictions in addition to those for Gilpin County. Clerk and Recorder Sahari McCormick said the ballot questions must be submitted to her no later than September 1 to allow her time to complete the ballot and submit it to the Colorado Secretary of State' Office on time.

Further discussion focused on educating the public about each mill levy and the revenue stabilization issue. County Manager Montoya said a leader from each of the six resident committees could provide important assistance on this work, especially after September 1, when the County is not allowed any further involvement on ballot issues.

**Resolution #20-13, Imposing a Six-Month Moratorium on Minor Subdivision Exemption with Transfer Development Rights.** County Attorney Bradford Benning referred to Section 3.5 of the Gilpin County Zoning Regulations regarding Transfer of Development Rights (TDR) and said the Board had agreed on a moratorium on TDRs for six months. The moratorium would permit staff enough time to review all of the Zoning Regulations and the Master Plan, with no TDR applications or approvals allowed during this time. Commissioner Engels moved to adopt Resolution #20-13, "Imposing Temporary Moratorium of the Operation of Zoning Regulation 3.5 (Transfer of Development Rights) in Gilpin County." Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

**Resolution #20-14, Supporting the 30x30 Campaign to Protect 30% of Lands and Ocean by 2030.** The Board thanked Congressman Joe Neguse and US Senator Michael Bennet for their work to preserve livable conditions on the planet and said the language in the proposed 30 x 30 Campaign resolution aligns with their local commitment as well. Commissioner Isenhart moved to adopt Resolution #20-14, "Supporting the 30x30 Campaign to Protect 30 Percent of Lands and Ocean by 2030." Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

**Legal Status Report.** County Attorney Bradford Benning advised the Commissioners on the following legal issue:

National / State Settlement in Opioid Litigation. The national lawsuit of approximately 40 defendants against some pharmaceutical companies was consolidated into one case; it was intended to hold these companies accountable for making opioid drugs too easily available to patients. The settlement for this case includes a formula to determine how each jurisdiction has been affected by opioid disorders and what financial settlement they would receive. At this time, it appears that Gilpin County's portion would be approximately \$7,000.00, but it will take a year or more for this work to be completed. The Board agreed that County Attorney Benning should continue his work for Gilpin County on this case.

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

Resolution #20-12, Amended Holiday Schedule. The State legislature renamed Columbus Day as Frances Xavier Cabrini Day and moved it to the first Monday in October. To match the State, Gilpin County would need to amend its list of paid holidays for employees. County Manager Montoya proposed adding one more paid holiday for employees in 2020 named Employee Appreciation Day on September 4. Commissioner Isenhart noted that it could also include Indigenous People's Day, as they have been long overlooked. Commissioner Watson agreed, but said the federal holiday list has 10 paid days, with the national average being 7.7 days. These additions would give employees 13 paid holidays in addition to the generous leave benefits. She said if the Employee Appreciation Day were only for the year 2020 it would make more sense, as this has been an exceptionally challenging year.

The Board agreed they should delete Columbus Day, add Cabrini Day and add a proclamation for Indigenous People's Day. Commissioner Engels moved to adopt Resolution #20-12, "Amending the Designated Paid

Holidays for Employees,” which removed Columbus Day from the list and added Frances Xavier Cabrini Day on the first Monday in October. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Commissioner Engels moved to declare September 4, 2020, as Employee Appreciation Day and to direct Finance staff to record it as a paid holiday. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

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

Notice of Public Meetings. The Board’s upcoming public meetings will include:

- July 30, to finalize furniture changes for the Health and Human Services Building, plus an executive session.
- The Board will not hold a meeting on August 11 nor a work session on August 13.
- The next meeting will be held on August 18, followed by August 25 and September 1.

#### **Minutes.**

Commissioner Engels moved to approve the Board of County Commissioners Meeting Minutes for July 21, 2020, as amended. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

**Public / Press Comment.** Sandy Hollingsworth, 224 N. County Road, thank those involved with all of the positive outcomes discussed today.

**Adjournment to Executive Session.** Commissioner Engels moved to adjourn into Executive Session as follows:

- To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);
- 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)(b)
- For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);
- For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I)&(II) and 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 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 12:10 p.m.

Signed this 06<sup>th</sup> day of August 2020.