

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

August 25, 2020

A regular meeting of the Board of County Commissioners of Gilpin County was held on August 25, 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 Ron Engels, County Manager Abel Montoya, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate. Commissioner Linda Isenhardt was absent.

**Agenda Review.** Three items were added for discussion today: the pre-disaster, Hazard Mitigation grant award letter, and the potential nomination of Timberline Fire Chief Paul Ondr for the George Mazotti Fire Chief award. County Attorney Benning said the resolution for the Library District ballot issue is a formal administrative act and required formal action by the Board of County Commissioners.

Commissioner Watson stated that Commissioner Isenhardt was called out of town for family crisis, and because Commissioner Watson has an AirBNB business, she must recuse herself from the vote and therefore the Board lacked a quorum to hold the public hearing on short-term rental regulations. She informed attendees that the public hearing for Resolution #20-15, "Approving Revisions to Section 2 of the Gilpin County Zoning Regulations to Add Section 2.16 Short-Term Rentals" was rescheduled to September 8, 2020.

**COVID-19 Update.** Emergency Manager Nathan Whittington:

- All of Gilpin County's personal protective equipment is safely housed in a warehouse; all has been inventoried; an inventory report will be sent to the Board of County Commissioners.
- Gilpin County was awarded a \$36,000 grant to complete a Hazard Mitigation Plan, a cooperative effort between the County, Central City, Black Hawk, and the Timberline Fire Protection District. Once the grant award letter has been signed by Board Chair Gail Watson, Emergency Manager Whittington will send it to the State and begin the process. He will talk to State officials regarding the County's question on the request for proposals (RFP) process and will report to the Board. Commissioner Engels moved to accept the Hazard Mitigation Grant award contract. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

**Board of Health.** Commissioner Engels moved to recess as the Board of County Commissioners and convene as the Board of Health. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

**Gilpin County Public Health Agency Update.** Public Health Coordinator Bonnie Albrecht:

- The number of confirmed cases of COVID-19 remains at 17 this week, with more people signing up for testing.
- Protect Your Neighbors. The Protect Our Neighbors phase would lessen some restrictions, but would also put more responsibility on the County and on individual casinos to maintain safe practices. Commissioner Engels noted that if some casinos are lax about health measures, they will be in trouble with the State and the consequences will be their own. Commissioner Engels moved to authorize Public Health Coordinator Bonnie Albrecht to submit Gilpin County's Protect Our Neighbors application. Commissioner Watson seconded the motion, which passed by a vote of 2 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 Watson seconded the motion, which passed by a vote of 2 to 0.

**Comprehensive Plan Update.** County Senior Planner Stephen Strohming introduces Francois DeKock of DTJ Design, who gave a video update on the County's Land Use Comprehensive Plan. Discussion followed regarding the timeline for final approval of the Plan, with County Manager Montoya saying the Plan could be approved in segments as work progressed. He referred to the 700 results from the second online community survey and said that of all the topics the Plan covers, the most important would be some major (and some minor) zoning regulations changes. A special meeting with the Planning Commission and the public is scheduled for tonight to create an updated version of the Plan.

**Public Hearing—Resolution #20-15, "Approving Revisions to Section 2 of the Gilpin County Zoning Regulations to Add Section 2.16 Short-Term Rentals.** For those just joining the Board's online meeting, Commissioner Watson repeated their opening information that Commissioner Isenhardt was called out of town for family crisis, and because Commissioner Watson has an AirBNB business, she must recuse from the vote and therefore the Board lacked a quorum to hold the public hearing on short-term rental regulations. She informed attendees that the public hearing for Resolution #20-15, "Approving Revisions to Section 2 of the Gilpin County Zoning Regulations to Add Section 2.16 Short-Term Rentals" was rescheduled to September 8, 2020.

**Board of Adjustment.** Commissioner Engels moved to recess as the Board of County Commissioners and convene as the Board of Adjustment. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

**Public Hearing—Variance Request—BOA #20-01.** Chair Watson opened the public hearing for a variance request for Thomas Lane, 147 Athena Road; applicant Thomas Lane was not present. County Planner Tami Archer presented the applicant’s request for relief from property line setback requirements to allow for the construction of a 1,165 sq. ft. addition to the single-family dwelling, which would encroach into the required 30-foot setback by 7.5 feet. Chair Watson opened the hearing to public comment. There being none, Chair Watson closed the hearing to public comment. Commissioner Engels moved to approve, BOA #20-01 for Thomas Lane, 147 Athena Road. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0. Chair Watson 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.)

**Board of County Commissioners.** Commissioner Engels moved to adjourn as the board of Adjustment and reconvene as the Board of County Commissioners. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

**Parks and Recreation Department Operating and Capital Expenditures.** County Manager Montoya shared a video presentation of the Parks and Recreation Department’s 2019 operating budget versus the capital expenditures budget to facilitate a discussion of a potential mil levy to reopen the Community Center as a special district. He explained that one mil would generate approximately \$400,000.00 annually, then modeled how different mil levy amounts in certain time increments, such as three, five and 20 years, would pay for operating expenses and building repairs. The Board then discussed specific ballot language, end dates (sunsetting) mil levies to hopefully be approved by residents in the election, and ways to keep the facility operating. They also discussed USDA low-interest rate loans, but agreed a more stable revenue stream was needed for loan payments. Commissioner Engels said the monthly report from the Division of Gaming indicated that revenues received in July 2020 were approximately 50% of those in July 2019, meaning the County’s disbursement will be severely impacted for quite some time.

**Recess.** The Board recessed from 11:40 a.m. to 11:45 a.m.

**Sheriff’s Office Operating and Capital Expenditures.** County Manager Montoya shared a video presentation of the Sheriff’s Office’s 2019 operating budget and the list needed capital expenditures, to facilitate a discussion of a potential mil levy and its ballot language. Discussion followed on some items on the list that could be deferred and others that were critical. Sheriff Armstrong reminded the Board that State SB20-217, an unfunded mandate, would require law enforcement agencies to purchase and install vehicle and body cameras, and that it would likely require a full-time position to manage the data. The discussion then moved to more specific mil levies and sunset dates. County Attorney Benning will present draft ballot language to the Board at their September 1, 2020, meeting.

**Potential Ballot Questions Language Timeline.** County Manager Montoya said the Board can make final revisions to the language on three separate ballot questions on September 1, and approve each by resolution on September 3 for submission to Clerk and Recorder Sahari McCormick that day. The Board agreed to post on the County’s website a single document that would give a summary of each of the following ballot questions and would accept public input.

1. Sheriff’s Office dedicated mil levy to be set by resolution.
2. Parks and Recreation Special District mil levy to be set by resolution.
3. Addressing Gallagher and the TABOR issue to stabilize County property tax revenue. Under TABOR there are spending limits and any overage must be returned. A successful ballot questions could override the TABOR restrictions and allow the County to keep the overage, a practice commonly referred to as “de-Brucing.”

**Resolution #20-16—Library District Resolution.** By law, library special districts are managed differently than other types of special districts and ballot questions must be submitted by the Board of County Commissioners, a mostly administrative function. Gilpin County’s resolution for this ballot questions includes language that gives examples of how much an individual household’s taxes would increase. Commissioner Engels moved to approve Resolution #20-16, “To Refer a Ballot Issue to the Registered Electors of the Gilpin County Library District Pursuant to Article X, Section 20 of the Colorado Constitution and C.R.S. § 24-90-112(1)(b)(III).” Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

**Election Intergovernmental Agreements.** Clerk and Recorder Sahari McCormick presented four separate Intergovernmental Agreements (IGA) for participation in Gilpin County’s election process. County Attorney Benning has worked with legal representatives from each entity and each IGA includes a disclaimer that the entities are responsible for the content and language of the ballot questions.

City of Black Hawk. Commissioner Engels moved to approve the IGA with the City of Black Hawk for participation in Gilpin County’s election process. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

City of Central. Commissioner Engels moved to approve the IGA with the City of Central for participation in Gilpin County’s election process. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

Gilpin County RE-1 School District. Commissioner Engels moved to approve the IGA with the Gilpin County RE-1 School District for participation in Gilpin County's election process. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

Gilpin County Library District. Commissioner Engels moved to approve the IGA with the Gilpin County Library District for participation in Gilpin County's election process. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

**Treasurer's Monthly Reports.** Treasurer Mary Lorenz gave the following reports:

Semi-Annual, January through June 2020. Commissioner Engels moved to accept the Semi-Annual report for January through June 2020. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

Monthly, July 2020. Property tax collections for this month are at 97.1% and there has been no increase in foreclosures.

**CSU Extension Update.** Gilpin County's CSU Extension Agent Jennifer Cook updated the Board on the following:

- A Tony Grampsas Youth Services Grant has been awarded and will cover some teen leadership activities. The award is for three years and can be renewed.
- 4-H STEM Youth Programs might start soon with strict COVID guidelines. CSU Extension and Gilpin County have similar COVID-19 safety guidelines, and Extension always follows the stricter of the two.
- Mountain Horticulture Programs.
- Noxious Weed Program. Extension is working on weeds in State rights-of-way on local highways.
- The Extension Advisory Committee has been very helpful.

**Western SARE Grant.** CSU Extension Agent Jennifer Cook stated that the Western SARE grant award would pay for the installation of signs near interesting local plants and at the community gardens to describe the activities and uses, plus a large sign at the native plant building with pictures of noxious weeds and native plant look-alikes. Commissioner Engels moved to approve submission of the grant application. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0.

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

Contract Renewal for OpenGov Software. The proposed renewal contract for the OpenGov software includes no increase in fees, but does shift the contract term to a calendar year. Commissioner Engels moved to approval the contract renewal with OpenGov as presented. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0. County Manager Montoya noted that on the Gilpin County website, OpenGov provides department reports, which are updated frequently. Commissioner Watson asked that events be moved to the Calendar section to keep the format simple.

**Board of County Commissioners Status Reports.**

Notice of Public Meetings. The Board's upcoming public meetings will include September 1, 3, 8 and 15, 2020.

Mazotti Fire Chief Award. Rick Wenzel, of Timberline Fire Protection District (TFPD), made Gilpin County aware of the Mazotti Fire Chief Award, and Commissioner Watson suggested that the Board submit a nomination letter for Chief Paul Ondr. Commissioner Engels agreed and the letter will be submitted upon receipt of language from TFPD.

**Public / Press Comment.**

- Commissioner Watson will send the draft ballot language for the Parks and Recreation Special District to Carolyn Collins Petersen, a volunteer on that interest group.
- Sandy Hollinsworth asked about the ballot questions and a Great Outdoors Colorado (GOCO) grant for the local food bank.
- Donna Okray Parman expressed her views on shorter sunset dates on the mil levy questions to improve their chances of being approved.
- Clerk and Recorder Sahari McCormick thanked Gilpin County Business Analysts Jaime Tirado and Gabrielle Chisholm for installing a new motor vehicle appointment scheduler on the website, saying it is much easier to use. Also, residents wanting to check the accuracy of their voter registration can go online to govotecolo.gov.

**Adjournment.** There being no further business to come before the Board, they adjourned at 1:45 p.m.

Signed this 08<sup>th</sup> day of September 2020.