

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

January 5, 2021

A special meeting of the Board of County Commissioners of Gilpin County was held on January 5, 2021, 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.

Agenda Review/ Conflicts of Interest. Review of the December 17 minutes was removed from the agenda, and a discussion of fines for parking on County roads was added. Commissioner Engels disclosed that he serves on Central City Opera Board of Directors and facilitated conversations leading up to that organization's application for a temporary use permit at the Fairgrounds. He did not consider this to be a conflict of interest, but wanted the public to be aware.

COVID-19 Update.

Sheriff Kevin Armstrong:

- Gilpin County's total case count is 130 cases, with a 4.6% positivity rate
- Vaccinations are being administered now, with 168 performed last week. The vaccinations are prioritized under phase 1A (healthcare workers for COVID patients and long-term care facilities) and 1B (first responders, home healthcare workers, corrections and funeral workers, and people over 70).
- In Gilpin County, call 303-515- 4342 Monday through Thursday for vaccination information.
- Gilpin County Epidemiologist Kelly Schosow said testing and vaccinations are not performed on the same days of the week to keep those groups separate. 23 people were tested on January 4, 2021. Test results are usually received within two days.
- After phases 1A and 1B are complete, vaccinations will be administered to food bank workers, grocery workers, etc. People can be vaccinated in their local jurisdiction, or in the jurisdiction where they are employed.
- Information will be posted on the County's website and communications will be improved.

CDPHE 5-Star Program. County Manager Montoya and Jason Gumer of the Monarch Casino gave a summary of the Colorado Department of Public Health and Environment's (CDPHE) 5-Star program, in which counties can apply to the State to create an advisory board of stakeholders to create COVID safeguards in addition to (more restrictive than) what the State requires. Approval would allow businesses to operate at one level lower on the State's COVID dial to increase business. Gilpin County's advisory board members would be appointed by the Board of County Commissioners, who would continue to serve as the County Board of Health. Mr. Gumer asked if the Board thought the Gilpin County application could be submitted by Friday of this week. An intergovernmental agreement between the County, Central City and Black Hawk could ensure the inspections process would be overseen by Gilpin County Public Health Coordinator Albrecht. The Board thanked Mr. Gumer and said County Manager Montoya could talk to both city managers and report back to the new Board later this month.

Public Hearing—Gilpin County Zoning Regulations. Chair Watson opened a public hearing for proposed changes to the Zoning Regulations. Senior Planner Stephen Strohminger said Gilpin County received a grant in 2019 from the Department of Local Affairs to complete a Comprehensive Plan, including a review of the Zoning Regulations. He said the Gilpin County Planning Commission had held numerous meetings and a public hearing. He then recommended approval of the changes, except TDR options 2 and 3, which they will continue to review through 2021. Senior Planner Strohminger gave an onscreen presentation of the proposed changes to some sections, noting the incorporation of the 1041 regulations.

Chair Watson opened the hearing to public comment. Those who spoke were:

- County Manager Montoya said someone had sent comments on dark skies and wildfire mitigation on small lots.
- Bill Merline, 86 Spruce Way: light trespass
- Carolyn Collins Petersen, 1429 Wedgewood: when will the new regulations take effect
- Judd Kaufman, 205 Willies Lane, for the Stage Stop at 60 Main Street: how will these changes relate to developing districts; is there special consideration for historic buildings
- Bill Merline, 86 Spruce Way: wildfire restrictions
- Written comments submitted by Timberline Fire Protection District Chief Paul Ondr: Concerns with some Chapters of Building Code

Following public comment, Chair Watson closed that portion of the hearing. The Board held a lengthy discussion of several sections of the Zoning Regulations.

Commissioner Engels moved to accept staff's recommendation to approve, with the transfer of development rights options 2 and 3 to be reviewed in 2021 by the Planning Commission. He added that direction was given to staff to re-engage on lighting standards, fire mitigation and other concerns and return with a recommendation when feasible. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 1, with Commissioner Watson voting against, naming many concerns and did not feel it was ready for approval. *(The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)*

Active Net Software Contract. Parks and Recreation Director Gabrielle Chisholm said the Max Galaxy software previously used by the Parks and Recreation Department is no longer supported, prompting a move to that company's regular Active Net software. It is more robust and is capable of credit card processing for the same price, plus six months of use were removed from the invoice. County Attorney Benning said he had sent some contract adjustments to Active Net and hoped to enter into a final contract soon. Commissioner Engels moved to approve the Active Net Software contract. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Public Hearing—Temporary Use Permit Application #20-05, Central City Opera. Chair Watson opened a public hearing for a temporary use permit application for Central City Opera (CCO) for use of the Gilpin County Fairgrounds for the 2021 Opera season. Parks and Recreation Director Gabrielle Chisholm gave an overview of the application that seeks to use parts of the Fairgrounds campus from June 8 to August 6. She shared onscreen a map of the Fairgrounds and the proposed use by CCO, and said Fire Chief Ondr's concerns had been addressed.

Chair Watson opened the hearing to public comment. Those who spoke were:

- Casey Newman, 4711 Gamble Gulch: Gilpin County citizens' needs are primary
- Web Sill, (Commissioner-elect) 2143 Bald Mountain Road: the proposed use would not be helpful
- Pat Pearce, CCO General Director: the Fairgrounds campus is CCO's best option
- Carolyn Collins Petersen, 1429 Wedgewood: the Friends of Gilpin County Community Center can be helpful
- Jeremy Fey (Central City Mayor) 202 W. 6th High St.: explore all options in Central City first.
- Casey Newman, 4711 Gamble Gulch: proposed use period is too long
- Larry Sterling, 30 Trail Dust Road: several logistical and emergency concerns
- Normadee Jones, written comments submitted: delay decision pending additional discussion
- Carolyn Collins Petersen, 1429 Wedgewood: delay decision pending additional discussion
- Anonymous written comments: save campus for evacuation center
- Larry Sterling, 30 Trail Dust Road: campus grounds are hard to navigate

Following public comment, Chair Watson closed that portion of the hearing. The Board held a lengthy discussion of current COVID concerns and of other potential sites for CCO's summer festival.

Commissioner Engels moved to grant conditional approval of TUP #20-05, upon COVID restrictions being in place on May 18, with the event to be suspended if there are COVID concerns. Commissioner Isenhart seconded the motion, which failed by a vote of 2 to 1, with Commissioner Engels voting in favor. County Manager asked that the Board clarify their decision with a motion to deny the application. Commissioner Isenhart moved to deny the application for TUP #20-05. Commissioner Watson seconded the motion, which passed by a vote of 2 to 1, with Commissioner Engels voting against. 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.)*

County Attorney Benning advised the Board that they needed to articulate their reasons for their decision to deny TUP #20-05. Commissioner Watson said she voted for denial of the application due to the length of the days requested, the lack of access to the campus for residents, and COVID concerns. Commissioner Isenhart added the lack of approval from Timberline Fire Protection District Chief Ondr, and Public Health Coordinator Albrecht, and said it would be hard to achieve the green level on the State's COVID dial.

Continuation of DOLA CARES Act Reimbursement Requests List. County Manager Montoya gave an update on the status of the CARES Act reimbursement requests and said costs to administer vaccinations could approach \$60,000.00. Sheriff Armstrong agreed and added that if Gilpin County performs vaccinations in casinos, the related costs could increase by thousands of dollars, which is not in the Sheriff's Office's budget. Staff will continue to work on the plan for the administration of vaccinations.

Possible USFS Land Exchange and Potential Impact on Rollins Pass. Gilpin County Historic Preservation Commission member B. Travis Wright shared onscreen a presentation of a potential land exchange of some US Forest Service public lands in Grand County to private developers. He spoke about the historic integrity of Rollins Pass, particularly on the west side, and said the land exchange would be an imminent threat to historic roads and fragile wildlife areas. Commissioner Watson thanked Mr. Wright for good work and for bringing the land exchange to Gilpin County's attention, saying Grand, Gilpin and Boulder counties all have to be good stewards of this area. Commissioner Isenhart said she was committed to preserving the historic nature of Rollins Pass, Gilpin County continues to work on the Moffat Tunnel work camp cabins, and that excessive traffic is a big problem in that area. Mr. Wright said citizens can send public comment to: Shoshana Cooper, District Ranger, Sulphur Ranger District,

PO Box 10, Granby, CO 80446 or shoshana.cooper@usda.gov. Also, the Gilpin County Board can make a recommendation to the Grand County Board to discuss the issue prior to any action being taken. He agreed with Commissioner Engels that congressman Joe Neguse and US Senator Michael Bennet should be part of the discussion.

C-PACE Program. Tracy Philip of C-PACE (Commercial Property Assessed Clean Energy) gave a brief recap of his presentation on December 17, 2020, for a privately funded program through which businesses in Gilpin County could apply for financial assistance for improvements for energy efficiency in existing buildings and new construction. Very little work, if any, would be required of County staff.

Commissioner Engels moved to approve the County applying to the State for this program. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Potential Joint Shooting Sports Park with Clear Creek County. Lisa Leben, Special Projects Manager for Clear Creek County, gave an onscreen presentation of that county's plan to create a shooting sports park, and the work that had been ongoing since 2012. Clear Creek County has requested \$400,000.00 from Gilpin County for its part in the joint venture. Commissioner Watson said Gilpin County's partnership on the shooting sports park would use funding that can't be used for any other purpose, including funds from the Frei Quarry that are restricted to this type of use. The County's Great Outdoors Colorado funds can also be used, as it is restricted for outdoor recreation only.

Commissioner Engels moved to approve the allocation of \$400,000.00, and that the next Board of County Commissioners consider adding when possible the other \$100,000.00 that is needed. Commissioner Engels amended his motion to say Gilpin County would partner with Clear Creek County to move forward in developing a shooting range for \$400,000.00. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0. Commissioner Watson asked Special Projects Manager Leben to thank the Clear Creek County Board, saying it has been a great partnership on many topics over the years.

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

- Library District IGA. Work has started on a draft intergovernmental agreement with the Library District to address administrative costs and to add the Library District to the County's insurance umbrella with County Technical Services, Inc.
- Lake Gulch Road IGA. Work continues on an intergovernmental agreement with Central City for maintenance of Lake Gulch Road.
- Update on zoning matters:
 - 26 Hornblend Rd.: Gilpin County has a judgement for a zoning violation of 18 or more junk cars and now needs to proceed with other actions to related to the penalties of over \$30,000.00.
 - 226 Mountain Meadows Road: This property has junk and trash. The property owner is working with the County, otherwise the County will have to move forward with the case.
 - 105 Miner's Candle Way: This property has trash, junk cars, a building with no permit, and the onsite wastewater treatment system (septic) is not operable. Gilpin County will work with the owners until mid-January, but if the violations are not remedied, a zoning complaint will be filed.
- Tolland Open Space Intergovernmental Agreement, and Request for Decision. County Attorney Benning referred to some conservation land owned by the Toll family in Gilpin and Boulder counties that has given a trail easement to Boulder County. He said Boulder County would like to move forward with building trails in Gilpin County. A draft intergovernmental agreement is being considered, that would address enforcement against violations in the county in which they occurred. Commissioner Watson expressed concern about access and parking and asked if trail building was a use-by-right Discussion continued regarding the need for Boulder County to apply for a special use review with Gilpin County.
- Ordinance: Parking on County Roads. The Board discussed updates to the County's ordinance for parking on County roads and what the new fines should be. Commissioner Watson said the new Board will be working on this topic, and Commissioner Isenhart said the new rules need to be in place prior to the summer season.
- Xcel Pipeline in Gilpin County. County Attorney Benning is working with the Public Utilities Commission (PUC) on a local homeowner's complaint that the pipeline near their home emits noise that is affecting their hearing.

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

Parks and Recreation Director Employment Contract. New directors are hired by contract, as will Gabrielle Chisholm, new director of Parks and Recreation. She began that position on December 28, 2020. The contract includes a salary that was based on a market study, plus provisions for use of a County cell phone or reimbursement for use of a private phone, and training. As to vacation leave, the County policy for contract employees allows two weeks per year, and decreases with years of service. Commissioner Engels asked if this

was the first employment contract under the new vacation accrual policy. County Manager said the Board approved in July a new vacation hours accrual cap. There is no severance pay for directors. Commissioner Engels moved to approve the contract between Gabrielle Chisholm and Gilpin County. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Jail Statistics. Inmate numbers were low at 18 per day in November, which is significantly fewer, due to the decrease in business in casinos.

Highway Users Tax Fund (HUTF) Annual Report. Road and Bridge Supervisor Dave Rich presented the annual Highway Users Tax Fund report, saying no asphalt has been added to County roads in the past year, and the number of lane miles is the same as last year, 145.5. Commissioner Engels moved to accept the annual HUTF report. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Legislative Update.

Local Boards of Health. A recently introduced house bill sponsored by Representative Cathy Kipp would seek to not allow Boards of County Commissioners to serve as their jurisdiction's Board of Health. Most smaller counties' Boards of County Commissioners do serve as both, but not the larger ones. The consensus was that Gilpin County is opposed to the bill.

Board of County Commissioners Status Reports.

Notice of Public Meetings. The Board's upcoming public meetings will include: January 12 and 19, 2021. Commissioner-elect Sandy Hollingsworth will be sworn into office on the 12th. The date of the opening ceremony for the Human Services/Public Health building with the Board will soon be determined. A future tour for residents is being planned.

BoCC 2021 Meeting Schedule. Commissioner Engels moved to approve the calendar of Board meeting dates for 2021, as presented. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

County Held Land / Colorado Natural Gas. Commissioner Watson noted that years ago employees Daurice McMillan and Ray Rears had done extensive research and had produced the list of County-held property that will facilitate the County's efforts to sell these parcels. She expressed her thanks for their work as well as those currently working on the project. She also said that Senator Tammy Story will work with the new Board of County Commissioners on concerns that not all of Colorado Natural Gas' service lines were installed correctly.

Minutes.

Commissioner Isenhart moved to approve the Board of County Commissioners Meeting Minutes for December 8, 2020. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Commissioner Isenhart moved to approve the Board of County Commissioners Meeting Minutes for December 15, 2020. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Public / Press Comment.

- Carolyn Collins Petersen, 1429 Wedgewood: Will there be an opportunity for public comment on the proposed Rollins Pass land exchange? (Information will be posted on the County's website.) Commissioner Watson will write a letter of opposition.
- Web Sill, (Commissioner-elect), 2143 Bald Mountain Road: I won't be able to be at the Courthouse on January 12th, and it's okay if Commissioner Isenhart and Commissioner-elect Sandy Hollingsworth make the annual appointments. Also, on the issue of parking on public roads, it might be best to issue a warning for the first offense and have it towed on a repeat offense. This would create no work for the Sheriff's Office and will have a greater effect. Also, have B. Travis Wright look at the James Peak Wilderness Act regarding the requirement for Moffat Road to be a two-lane rear-wheel-drive road in summer.
- Paul Ondr, 660 Hwy 46, TFPD Fire Chief: As to the changes to the Zoning Regs, I'm in disbelief it was passed. Many existing driveways are between 6% and 12% grade; passing this will increase the requirement of residential sprinklers in homes. It seems like it was "pass this now and deal with it later." County Manager said Chief Ondr will be invited to a meeting to address some details.
- Laura Jenéy, 80 Willies Lane: As to parking on county roads, was there a desire to expand this to all county roads? Sometimes in a subdivision it may be only for a few hours or a day. Commissioner Watson said it's more about visitors, not residents, so please be part of the public hearings. She thanked the Planning Commission for their hard work on the Zoning Regs. Planning Commission Chair Jenéy said in 2021 the Commission will address a topic or section every month.
- Bill Merline, 86 Spruce Way: As to locating a site for the Opera, there was talk about the school as a site, but of all the things you said about subdivision noise and lighting, Missouri Lakes is by the school.

Adjourn to Executive Session. Commissioner Engels moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402(4)(f)(I)&(II), for an employee evaluation. 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 2:00 p.m.

Signed this 12th day of January 2021.