

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

May 4, 2021

A regular meeting of the Board of County Commissioners of Gilpin County was held on May 4, 2021, in an online format; no physical meeting was held. Chair Linda Isenhart called the meeting to order at 9:00 a.m. In attendance were Chair Isenhart, Commissioner Sandy Hollingsworth, Commissioner Web Sill, County Manager Abel Montoya, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

Agenda Review. A review of the April 30, 2021, meeting minutes was added to the agenda.

Public/Press Comment. Stu Swineford, 516 S. Beaver Creek Rd., expressed his concerns about dispersed shooting as a health and safety issue for residents, saying gunfire can be heard on any day all around the county. He said that he believes the Board should take a stand on this and enforce the laws on shooting in residential areas, as there is evidence that shooters are abusing the forests and wildlife.

COVID-19 Update.

Public Health Coordinator Bonnie Albrecht:

- 13 new cases in the past 7 days, 51% of the population has had a first dose vaccination and 35% are fully vaccinated. The demand for vaccinations has dwindled; the clinic will continue to offer second doses.
- The governor has updated the state mask order to say that if 80% of employees in a business have provided proof of vaccination or 85% of employees in a restaurant have been fully vaccinated, guests are not required to wear masks. County Manager Montoya said the Commissioners would sit as the Board of Health at a special meeting on May 13 to address any potential changes.
- As to casinos, Gilpin County's Public Health Order is still in place, meaning casinos can have 50% capacity or up to 500 patrons onsite.

Emergency Manager Nathan Whittington:

- The Emergency Operations Center is still supporting the vaccination clinic, with two events last week at the Ameristar and Monarch casinos. He also helped the Isle Casino with a state-sponsored clinic, attended by 170 people.
- Gilpin County has doses available for anyone.

FEMA Funds Overview. Emergency Manager Nathan Whittington gave a brief overview of the status of FEMA funds for COVID expenses and Gilpin County's first submittal for reimbursement. The County's grant request for moving the Emergency Operations Center made it to the next level of consideration for approval. He has completed the requirements of classes for a BRIC grant through FEMA, plus he is working on other grants. County Manager Montoya added that the state will receive \$1.9 million in CARES Act money, and the new American Recover Act will pay \$1.2 million in two installments.

May is Mental Health Month Proclamation. Ryan Nelson, Marketing Coordinator for the Jefferson Center for Mental Health (JCMH), discussed the status of mental health and said JCMH helped 35,000 people in the past year. With today's proposed proclamation, JCMH hopes to increase awareness and overcome the stigma of seeking help for mental health issues. Commissioner Hollingsworth moved for Gilpin County to have a proclamation that May is Mental Health Month, in May of 2021. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Local Prioritization of Limited Gaming Impact Grant Applications. Staff Accountant Lorna Plamondon presented the annual list of applicants for Limited Gaming Impact funds to be paid out in 2022, saying this year's funding would be much less than in previous years. Prior to today's meeting, each Commissioner had ranked the seven applications and sent their vote to County Manager Montoya. He said the tally/ranking for the applicants were as follows: #1, Sheriff's Office Patrol; #2 Sheriff's Office Detentions; #3 Gilpin Ambulance Authority; #4 Victim Services; #5 Eagles Nest Early Learning Center; #6 Jefferson Center for Mental Health; and #7 the First Judicial District Attorney's Office. Commissioner Sill moved to approve the DOLA gaming impact grant application prioritization for 2022 funds as listed. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Treasurer's Monthly Report. County Treasurer Mary Lorenz reported on operations in her office for the month of March 2021, saying that all County departments are doing a great job on cutting back on spending, as the Treasurer's account balance is higher now than the same period in the past two years.

Commissioners' List of Boards and Commissions. Annually, each Commissioner serves on various boards and commissions associated with Gilpin County. Due to recent changes, the list needs to be updated to reflect that on the Gilpin Ambulance Authority Board, an alternate representative is needed in case Commissioner Isenhart is unable to attend a meeting. Commissioner Sill moved to appoint Commissioner Hollingsworth as the alternate representative on the Gilpin Ambulance Authority Board. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Commissioner Sill noted that no residents have expressed an interest in serving on the Denver Regional Council of Governments (DRCOG) Committee on Aging, so he is attending those meetings, as well as the DRCOG Board of Directors. He said resident representatives are preferred on the Committee on Aging and that seniors need this representation.

Board of Health. Commissioner Sill moved to recess as the Board of County Commissioners and to convene as the Board of Health. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Onsite Wastewater Treatment System Variance Application. Chair Isenhardt opened a public hearing for an onsite wastewater treatment system (OWTS) variance application, BOH #21-1, for Kristina Lang, 6007 Apex Valley Road. Applicant Kristina Lang was present online. County Planner Tami Archer explained that the septic system has an alarm indicating when it needs to be pumped. It has been evaluated by an engineer whose recommendation is to continue with the current vault system with the requirement that the owner keep a contract with a Gilpin County approved contractor for pumping twice per year. Chair Isenhardt opened the hearing to public comment. There being none, Chair Isenhardt closed the hearing to public comment. Following a discussion of owner occupancy, Commissioner Sill moved to approve the OWTS application, BOH #21-1 for Kristina Lang, 6007 Apex Valley Road. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0. Chair Isenhardt 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 Hollingsworth moved to adjourn as the Board of Health and reconvene as the Board of County Commissioners. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Dispersed Shooting within Gilpin County and on US Forest Service Land. Scott Haas, Clear Creek District Ranger for the US Forest Service (USFS), was present online to discuss with the Board, the topic of dispersed shooting in Gilpin County and in the national forests. He explained that based on work by the Northern Sport Shooting Collaborative (NOCO 2050) the USFS Supervisor's decision was to close national forest lands by opening public shooting ranges. There is a range near Mt. Evans in Clear Creek County, so the national forest lands south of I-70 can be closed; to close the lands north of I-70 would require an additional shooting range, which Gilpin County and Clear Creek County are currently partnering on for a shared shooting range. A grant application to Colorado Parks and Wildlife is pending. The second part of the decision was to pursue an adaptive management approach per local and national regulations; this plan does not prohibit lawful hunting.

Each Commissioner expressed his/her views on dispersed shooting, followed by Sheriff Kevin Armstrong saying that in February of 2021, a 12-acre fire was started by a ricocheted bullet, which prompted a fire ban through the fall of 2020. He stated that the objective is not to restrict people's rights, but to ensure they use the proper backstop for safe shooting. County Attorney Benning said the Board is statutorily allowed to designate areas where shooting can be prohibited, but there are exceptions that relate to population density. Gilpin County has a low population density. Resolution #13-24 is still in effect designating areas in which it is unlawful.

District Ranger Haas said the US Forest Service appreciates its Gilpin County partnership to safeguard responsible recreation through planning, preparing and being safe in all activities. He added that the USFS has very limited staffing and expressed his thanks to the Sheriff's Office for their partnership.

Recess. The Board recessed from 10:33 a.m. to 10:38 a.m.

Church Ditch Water Lease. County Attorney Benning presented the annual Church Ditch Water lease, saying Gilpin County owns 4 shares of the Church Ditch water, but that it is of no use to the County at this time and should be leased to preserve those water rights. A group of farmers in Arvada lease the water for additional irrigation, paying the County's water assessment of \$680.00 plus \$35.00 for administration costs. Commissioner Sill moved to approved the Church Ditch Raw Water Lease for the 2021 irrigation year. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Parks and Recreation Fitness Contracts. Joline Logan, Coordinator of Guest Services for Gilpin County Parks and Recreation, presented two contracts to help seniors 65+ to participate in Medicare insurance-based fitness programs. Staff at the Community Center uses software to track seniors' visits for reimbursement; there is no cost to the County. Staff are still pursuing the Silber Sneakers Program. County Manager Montoya noted that the goal is to have the pools open by the week of May 17. Commissioner Hollingsworth moved to approve pursuing contracts with two providers, United Healthcare and American Specialties Health, for 65+ health care access programs. Commissioner Sill 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:

Resolution #21-06, Use of Force Policy and Peaceful Protest Policy. One requirement of a recent grant application is to adopt a resolution based on federal law, to prohibit the use of force against non-violent protests, and to define which public areas protestors may use. Large protests could be accommodated at the Community Center or other facilities, but protests are not allowed inside the Courthouse. Commissioner Hollingsworth moved to adopt

Resolution #21-06, "Regarding Protection of Individuals Engaging in Nonviolent Civil Rights Demonstrations." Commissioner Sill 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:

Gilpin Ambulance Authority in Apex Facility. Gilpin Ambulance Authority (GAA) Chief Paramedic/Manager Brandon Daruna proposed a reconfigured use of the Apex facility by moving GAA down to the building's first floor, and moving the County's People, Culture and Finance offices to the second floor. Coroner Zane Laubhan's office would be moved to the Justice Center. Manager Daruna also requested use of one additional bay at the Apex facility to house a back-up ambulance. County renovations to Apex are estimated at \$60,000.00 to create two new offices for Gilpin County Facilities personnel. A formula for cost sharing between the three entities in the Gilpin Ambulance Authority—City of Black Hawk, City of Central and Gilpin County—is needed before work can begin, if approved by the Board. The consensus was to move forward with this plan.

Speeding Traffic on Highway 119. As soon as the Board began to receive complaints about speeding traffic on SH119, the Sheriff's Office parked a vehicle beside the road, and arranged increased Colorado State Patrol (CSP) which helped considerably. The Sheriff's Office is working with the CSP, who is offering to host a virtual town hall with Gilpin County residents. Information will be posted on the County's website.

Ethics and Secondary Employment Handbook Amendment. People, Culture and Finance Director Lori Schroyer proposed amendments to the Employee Handbook to allow greater flexibility for employees to hold a second job, or to be independent contractors as instructors within Parks and Recreation. County Attorney Benning said he had spoken with the Employers' Council who agreed with him that there is no problem in allowing second jobs or independent contracts under these conditions. Each Commissioner had questions, and language changes were discussed and agreed upon. Commissioner Isenhardt said the Board would need to see the final copy of the changes. Commissioner Sill moved to approve changes to ethics and secondary employment in the Employee Handbook. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Potential Legislation for the Assessment of Casinos' Increased Property Values Due to Sports Betting. On May 5, 2021, the state legislature will consider a bill that could increase the assessed value of casinos due to sports betting. County Attorney Benning, Assessor Schafer and Commercial Appraiser Rich Jortberg will testify, and asked if a Commissioner would also participate. County Attorney Benning offered to write a letter of support for a Commissioner to read, or he can submit the letter at the hearing. Commissioner Hollingsworth offered to testify in support of this bill.

DOLA Letter for Resiliency and Recovery Roadmap. County Manager said for the Resiliency and Recovery Roadmap project, Gilpin County has partnered with Grand and Clear Creek counties, and the towns of Estes Park, Lyons and Nederland to pursue funding through the Department of Local Affairs (DOLA). The purpose is to work regionally toward recovery, on behalf of residents and businesses for affordable housing and for Human Services departments' needs due to the pandemic. Also, for economic resiliency, broadband access must be improved. County Manager Montoya proposed an application letter authored by Business Analyst Caitlin Lovett, that will include the Board's recommendations.

Public Health / Human Services Building. In response to Commissioner Sill's question about the status of the Public Health / Human Services building, County Manager Montoya said a contractor will replace all of the door locks in the building, to be paid for by the general contractor. Newly hired Facilities Manager Ryan Keenan and Sky Blue Builders' manager made some notes and will send a new punch list to be completed within 30 days. Gilpin County is withholding payment until this work is done. On May 13, County Manager Montoya and a representative of DOLA will do a building walkthrough, and Gilpin County should receive reimbursement soon.

Board of County Commissioners Status Reports.

Notice of Public Meetings. The Board's upcoming public meetings that could be attended by more than one Commissioner and at which public business may be discussed will include: Board of Health on May 13, regular Board meeting on May 18, five-county commissioners and legislators monthly virtual breakfast on May 26.

Request for Support of Senate Bill 175, Including a Letter for Prescription Affordability. After brief discussion, the Board agreed they are in favor of Senate Bill 175 plus a letter to support prescription affordability.

Animal Protection Legislation, Initiative 16. This initiative has gone to the Colorado Supreme Court for a decision. Due to how it was written, it is not considered to be good legislation, as it has more than one initiative in it. The Board agreed they would not support the initiative in its current form.

Commissioners' Comments. Commissioner Hollingsworth reminded meeting attendees of the food drive on May 8 at the Justice Center from 10:00 a.m. to 1:00 p.m., organized by the local Rotary, and that May is Asian

and Pacific Islander Heritage Month. Also, the governor's office held Build Back Stronger Listening Sessions; many staff attended them and rallied for increased rural funding.

Minutes.

Commissioner Sill moved to approve the Board of County Commissioners Meeting Minutes for April 20, 2021. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Commissioner Hollingsworth moved to approve the Board of County Commissioners Meeting Minutes for April 30, 2021. Commissioner Sill seconded the motion, which passed by a vote of 2 to 0, as Commissioner Isenhart was absent on April 30.

Adjourn. There being no further business to come before the Board, they adjourned at 12:20 p.m.

Signed this 18th day of May 2021.