

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

June 15, 2021

A regular meeting of the Board of County Commissioners of Gilpin County was held on June 15, 2021, in an online and in-person hybrid meeting. Chair Linda Isenhardt called the meeting to order at 9:00 a.m. In attendance were Chair Isenhardt, Commissioner Sandy Hollingsworth, Commissioner Web Sill, County Attorney Bradford Benning, Deputy Clerk Sharon Cate and Clerk & Recorder Sahari McCormick.

Called to order at 9:00am

Agenda Review. Commissioner Hollingsworth will make a comment during Commissioner comments.

Public/Press Comment. Donna Okray Parman, 529 Highpoint Circle, Black Hawk, hopes more people decide to attend meetings, and thanks the county for opening to the public. She represents the GRRIFT group, and states flight sounds have gotten worse. Appreciates the help from Brad for fighting this with the FAA but wants the County to keep going.

COVID-19 Update.

Public Health Coordinator Bonnie Albrecht:

- Cases slowing down, 5 cases in last 7 days, 8 total this month. Hospitalizations declining across state. 55% in Gilpin have the first shot and 48.9% fully vaccinated. July 2 CDPHE will bring bus to casinos for vaccines. 3 more drawings for state vaccine lottery with \$50k scholarships going to kids also. Mobile clinics from Jeffco coming up for the Farmers Market in Central City and the county fair. J&J vaccines available on Wednesday thru June.

Emergency Manager Nathan Whittington:

- National Smile Power Day. Diane Stundon working on after-action report of what was experienced in last year and to build a long-range plan. Providing vaccine support for Bonnie. Assisting Gabrielle Chisholm with county fair, working on covid protocols. Hazard mitigation kick off meeting will be looking for commissioner feedback and involvement. Managing 24 different grants, 4 grants total 1.3 million dollars, with a total of all being 4.3 million. Awarded \$637,000 in grants over last year.

County Treasurer Mary Lorenz

- Title 1 National Forest Service Money Apportioned to Schools. Annual event, \$25,794 given between both schools and public works fund.
- Treasurer's Monthly Report: April 2021 we are slightly ahead compared to last year. In 2021 collected 86.31% compared to last year we were at 63.59% at same time. On line payments up, 59 more online payments than last year.

Sheriff's Office Report Sheriff Kevin Armstrong

- For May, dispatch calls are increasing as summer comes in.
 - Victim services 120 people served, 180 different crimes.
 - Evidence, disposed of 46, total 9200 pieces of evidence still remain.
 - Detentions total bookings about same, male bookings are up, gaming violations is up. Daily jail population is increasing to 22. Average by year is increasing.
 - Patrol suspicious incidents and shooting complaints are up, animal complaints way up as is DUI.
 - Miscellaneous: More V.I.N. inspections. 35 summonses for traffic. Monthly revenue for jail, \$1549 for month. Concealed weapons permits decreasing. Still distributing CO detectors, working with USFS on shooting concerns and parking ticket printing. CSP to address speeding on 119 and 46.

Public Hearing TUP-21-3 Bike Race with Tami Archer

- Chair Linda Isenhardt opened a public hearing for the temporary use permit for the bike race on roadways in Gilpin County. Application has been withdrawn by applicant. May revisit event next year.
- Public comment: Donna Okray Parman said she was opposed and glad it was withdrawn. Same for Commissioner Hollingsworth due to unaddressed safety concerns.
- Chair Isenhardt closed the hearing to public comment and moved to accept the withdrawal of TUP-21-3, Commissioner Sill moved to accept the motion, Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0. Chair Isenhardt closed the public hearing at 9:38am. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)

Public Hearing SUR #21-1 Boulder County Parks/Open Space, Trail Construction Request – Brad Benning and Tami Archer

- At 9:41am Chair Isenhardt opened a public hearing for the Special Use Review (SUR) 21-1 that would permit a public back country trail on private land in Resource Residential. Tami Archer Community Planner, with County Attorney Brad Benning and Justin Atherton-Wood, Senior Planner Boulder Parks and

Open Space presented overview of area that includes constructed and maintained 120 miles of trail, 32 trailheads, 22 restrooms and 15 shelters.

- Chair Isenhart opened the hearing to public comment. Jennifer Cook, CSU Extension Agent is all for more trails, but wants to know what plans Boulder has for weed management. Sarah from Caribou Ranch will be eyes on the ground for weed management along with other reporters. Hearing no other public comments, Chair Isenhart closed the meeting to public comment.
- **Commissioner discussion: Commissioner Hollingsworth:** Major recreation corridor, appreciate looking at it from conservation-recreation use. Gates permanent for blocking motorized use? Agreement with Toll Family when skiing is open, trail is closed, which is part of what gates are for. Expectation is that hikers/bikers patrol trail, there will be rangers to help manage land to prevent motorized use. Will they help patrol parking issues? They will with IGA with help from USFS. No plans to expand parking on west side yet. Can it be accessed from Jenny Creek/Yankee Doodle to connect? Yes. Explain what has been done for watershed and riparian habitat: Some analysis has been done during the formulation process, looked at alternatives for trail placement.
- **Commissioner Sill:** Has no problems with trail. What is your authority, or sheriff's authority in this area? Conservation easement was passed flows to state of Colorado. Is gift to Boulder County? Easement held by USFS. Boulder County holds 650 ft strip through easement. After trail built, easement goes to 30 ft total trail. Trail is completely in Gilpin. What do we have to protect the trail, what falls to Gilpin? Boulder Park patrol patrols trail, in case of emergency who gets called? Conrad Lattes (Boulder Asst County Attorney) Boulder Sheriff doesn't have any jurisdiction in Gilpin and Gilpin will have jurisdiction over trail. Hoping to make it so there is no burden on Gilpin. Want to enter into IGA so Rangers can monitor and enforce Boulder rules/regs in open space into Gilpin. Rangers do not currently have power to write a ticket into Gilpin Court so it can be enforced at wishes of Toll Family and Boulder rules/regs. Concerned about giving up control of Gilpin to Boulder. Doesn't want Boulder agents on Gilpin land enforcing Boulder rules. Feels we are giving up our authority to Boulder.
- **County Attorney Brad Benning:** They have their rangers enforce thru an IGA. Only burden of ticket can be paid to Boulder County but if it goes to court, it is Gilpin court. No burden to Gilpin Sheriff's office. It has no direct impact; we are not enforcing rules. Alternative is Gilpin enforcing rules/regs at our expense. Trail is on private land. All subject to agreement with Toll Family as they defined how it is to be used.
- **Chair Linda Isenhart:** Others covered concerns she has about parking and land use. Toll Family has authority on what happens on their land.
- Chair Isenhart requested a motion to approve SUP #21-1 for the purpose of Boulder County's Open Space Trail Construction request, Commissioner Hollingsworth moved to approve, Commissioner Sill seconded the motion, which passed by a vote of 3 to 0. Chair Isenhart closed the public hearing at 10:34am. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)

Parks and Recreation Items – Gabrielle Chisholm

- **Tivity Health Contract** – Silver Sneakers, Fitness for Seniors - 65 and over can come in and Tivity will reimburse up to \$25 a month. Want autonomy to do our own surveys but County Attorney Benning says contract currently prohibits surveys of any kind. Penalty if we didn't get them their money in time. We only get reimbursed maximum of \$25; they can come as often as they'd like at \$3 a visit.
- Donna Okray Parman: can you continue to work on the under 65 population?
- Commissioner Sill moves to approve partnering agreement with Tivity and Gilpin Parks and Recreation, Commissioner Hollingsworth seconds. Version being approved is Brad Benning's redline changes. Motion passed by a vote of 3 to 0.
- **Fairground Rental Request – Holistic Homestead** Arwen Ek has reached out to continue past collaboration with farmers market and events. 4th of July event would be July 2-4 from 10a-4p, but they are also proposing a Mountain Mama Fun Run, Labor Day Farmers Market, Holistic Health Fair in gym at Parks and Rec. Fees? \$75 a day for parking lot. Lobby is free. Gym is \$30-40 an hour.
- This is a community event, not a county event. Are we stricter with booth requirements during county fair than we are for farmers market (a rental?) Fair is under our control; farmers market is under their control.
- Commissioner Sill has questions on cost and cottage foods vs prepared foods. Has to do with state health department and what your license is?
- Commissioner Hollingsworth has concerns about race and safety and demand on first responders and sanitation for a 3.2 mile course. If Gabrielle rents the lot, and Arwen charges her vendors, who gets proceeds? Will there be portapotties? What insurance is in place?
- Arwen Ek, 1847 Forest Hill Rd, Black Hawk, Director of Holistic Homestead. She is proposing a more formalized partnership with Holistic Homestead and Parks & Rec. Requires proof of insurance, food license from public health, special use permit from public health and special event tax license. Vendor fee is \$25 a day and \$60 for whole weekend. Free booth space to local govt agencies (ie extension office). Wants to call it the Gilpin County Farmers Market so county feels they have ownership. For safety they reach out to first responders to alert them of events, to have safety tent and presence of first responders. Willing to pay for community organization fee. She is offering county a farmers' market at her expense. She is offering to do hard work of booking and completing paperwork and organizing. HH is nonprofit and mission is to improve health & wellness in county.
- Commissioner Hollingsworth doesn't see it as a Gilpin sponsored event at this time, and wants to keep it as a rental. She supports the other 3 events but wants more info on Fun Run. Chair Isenhart

agrees. Commissioner Sill is worried about fairness with county fair and if we give \$75 rentals and allow them to collect their own funds from own vendors. He wants to approve only one event at a time.

- Motion for 4th of July Farmers Market on July 2,3,4th 10a-4p at the Fairgrounds: Motion moved to approve rental for 4th of July weekend farmer's market passed by a vote of 3 to 0.
- Gabrielle to bring an update of event for BOCC 7/6. Rest of proposal will be tabled to a future meeting.

Recessed at 11:23am

Reconvened 11:31am

The Board of County Commissioners recessed and convened as the Board of Health at 11:32am

- Discussion of potential lifting of mask order at Transfer Station
- Bonnie Albrecht agrees that masks outdoors is unnecessary if 6ft distance is maintained and if people are vaccinated. Commissioner Hollingsworth suggested signs should read masks are appreciated for county staff. Commissioner Sill suggested we eliminate requirement of masks at transfer station. Commissioner Hollingsworth concurs. Chair Isenhart agrees and to change signs to Sandy's suggestion.
- Motion to lift mask order at Transfer station if distance can be maintained passed by a vote of 3 to 0. County Attorney Benning will amend Public Health order 20-05.
- The Board of Health adjourned and reconvened as the Board of County Commissioners. 11:34am

Legal Status Report – County Attorney Brad Benning

- FAA Final Ruling Decision filed 6/8/21 included Douglas and Arapahoe County, Mountain Aviation, Arapahoe Airport authority. Gilpin brought claims under historic national preservation act. The district circuit court ruled all petitioners, none had standing. We had procedural standing, did not satisfy 3rd element of it threatening concrete evidence that we have. Found no evidence of claims and affidavits. Attorney Benning will be discussing with other attorneys for next steps, chance of re-hearing.
- Library District Intergovernmental Agreement (redline version) allows us to get paid by library district, in past we funded the library in addition to the mill levy they received prior to the 2020 election to increase the mill levy. Library is self-funded now, IGA is for compensating county. Michael Carlson, Library Director stated Brad is doing a great job and the library board wants to take another week to look at IGA again. Will put this back on July 6 agenda due to an error in section 3.5. Table to July 6. Motion made to table discussion passed by a vote of 3 to 0.

Board of County Commissioners Status Report

- Notice of Public Meetings July 6 next BOCC meeting. July 1 Lincoln Hills site tour.
- Planning Discussion of Staff Picnic. Coordinate with Parks & Rec to see what dates are available. County Manager Abel Montoya to discuss with SLT.
- Board's Summer Evening Meetings to resume as an informal chance to listen to residents will schedule 3 meetings. Each will pick several dates and email Sharon with dates to coordinate.
- Membership in National Association of Counties (NACo) is \$450 per year; will table until Abel returns since he uses their resources a lot.

Commissioner Comments

- **Commissioner Hollingsworth:** Gilpin had a job fair, 25 positions open, including staff for senior programs to re-open, thanks to Stephanie Garrett for coordinating fair. Gilpin is a great place to work.
- She requests to revisit staff vacation use cap at 208 hours. If they don't use it, they lose it at end of the year. Spoke to numerous employees and didn't have staffing to cover department and is asking if we could extend it for 3-6 months for people to use it so they didn't lose it. Discuss on July 6th. Commissioner Sill is ok with one time deal to use it.
- **Commissioner Sill:** Amazed at amount of work Sandy has done. He doesn't want to attend CCAT retreat with her next week.

Consideration of Board of County Commissioners Meeting Minutes for May 13, 18, and 24, and June 1, 2021. Motion to approve all dates meeting minutes which passed by a vote of 3 to 0. Letter against gun violence and racism: Commissioner Sill stated that it is ok to send out with Commissioner Hollingsworth and Commissioner Isenhart's signatures. Commissioner Sill will not sign it.

Press/public comment (3-minute limit per person)

- Donna Okray Parman, 529 Highpoint Circle, expressed concerns over public comment time limit. She requested substantial summary of FAA dismissal of joint lawsuit against the FAA. Written public comment may be submitted and will be recorded with approved meeting minutes.
- Bill Merline: 86 Spruce Way. Expressed his views on the FAA and Metroplex lawsuit, and asked what further actions can be taken?
- Jackie Conley: 1016 Indian Peak Road. Expressed her views of frequency of flights over Gilpin County and asked what further actions can be taken?

Adjourned to Executive Session Chair Isenhardt moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402(4)(b), to receive legal advice on specific legal questions, and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, to receive legal advice on FAA. Commissioner Hollingsworth 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 12:36pm.

Signed this 06th day of July 2021.