

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

September 29, 2021

A regular meeting of the Board of County Commissioners of Gilpin County was held on September 29, 2021, in an online format only; no meeting was held at the Old Courthouse. Chair Linda Isenhart called the meeting to order at 9:00 a.m. In attendance were Chair Isenhart, Commissioner Sandy Hollingsworth, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate. Commissioner Web Sill was absent.

Agenda Review. A discussion of a grant application to the Alan Green Foundation was added, to follow the Human Resources items.

COVID-19 Update.

Emergency Manager Nathan Whittington on behalf of Public Health Coordinator Bonnie Albrecht:

- 17 cases in last seven days
- 60.5% of eligible residents are vaccinated
- Testing:
 - Rapid testing on Monday 1:30 p.m. - 3:30 p.m. and Wednesday 9 a.m. - 11 a.m. at the Public Health office
 - Polymerase chain reaction testing only on Tuesdays now, 9 a.m.-12 p.m. at Z Casino parking lot and 12:30 p.m. to 4:30 p.m. at Public Health
- Vaccine clinics through October:
 - Wednesday 10 a.m. - 2 p.m. at Library
 - Saturday 9 a.m. - 3 p.m. at the Community Center

Now eligible for booster shots:

- People 65 years and older and residents in long-term care settings **should** receive a booster shot of Pfizer-BioNTech's COVID-19 vaccine at least 6 months after their Pfizer-BioNTech primary series.
- People aged 50-64 years with underlying medical conditions **should** receive a booster shot of Pfizer-BioNTech's COVID-19 vaccine at least 6 months after their Pfizer-BioNTech primary series.
- People aged 18-49 years with underlying medical conditions **may** receive a booster shot of Pfizer-BioNTech's COVID-19 vaccine at least 6 months after their Pfizer-BioNTech primary series, based on their individual benefits and risks.
- People aged 18-64 years who are at increased risk for COVID-19 exposure and transmission because of occupational or institutional setting **may** receive a booster shot of Pfizer-BioNTech's COVID-19 vaccine at least 6 months after their Pfizer-BioNTech primary series, based on their individual benefits and risks.
- People who received a Johnson & Johnson or Moderna vaccine should continue to wait until they are approved in the coming weeks.

Emergency Manager Nathan Whittington:

- The Office of Emergency Management (OEM) completed a mass mailer postcard designed to address hesitancy to be vaccinated.
- The OEM continues to monitor the status of personal protective equipment and orders for County facilities.

Amended Election Agreement with City of Black Hawk. Clerk and Recorder Sahari McCormick presented an amended version of a previously approved election agreement with the City of Black Hawk. Section 4 of the agreement had been adjusted to reflect changes to the preparation and mailing of the ballot issue notice prior to the November 2, 2021, coordinated election. Commissioner Hollingsworth moved to approve the First Amendment to the Intergovernmental Agreement for the 2021 Coordinated Election with the City of Black Hawk. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.

Autoagent Software Contact for Electronic Payment of Property Taxes. County Treasurer Mary Lorenz proposed the renewal of the County's contract with Autoagent, the vendor for some electronic payment transactions. She said that adding the ability to pay taxes with a credit card by telephone or in the office have been requested services and is a less expensive method of some transactions. County Attorney Benning has approved the contract and Teryx, Inc., the County's IT services provider, has agreed to facilitate these services. There is no fee charged to the County for providing electronic tax payment services, but it does cost the payer a small fee. County Treasurer Lorenz responded to Commissioner Hollingsworth that the system will not allow duplicate payments. Commissioner Hollingsworth moved to accept the agreement with Autoagent for payment solution services. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.

Sheriff's Office August 2021 Report. Division Chief Sean Wheeler shared the Sheriff's Office's August 2021 report onscreen and explained many of the statistics in Dispatch, Victim Services, Evidence, Detentions, Arrests by Agency, Inmate meals, and the sectors of the Patrol Division. He noted that most crimes are generated within the gaming establishments. The report concluded with notes received from residents and visitors to Gilpin County, saying the deputies are courteous and professional.

Sheriff's Office Regional SWAT Team Intergovernmental Agreement. Division Chief Sean Wheeler proposed an Intergovernmental Agreement (IGA) for a special weapons and tactics team (SWAT) with Clear Creek County for mutual aid. The IGA provides for the sharing of in-kind services and costs by both parties (but neither one individually) and for team member training. Division Chief Wheeler will try to keep new equipment costs under \$5,000, within the current budget. Commissioner Hollingsworth moved to approve the IGA by and between Clear Creek County and Gilpin County to Establish a Collective Special Weapons and Tactics Team (SWAT) for Mutual Aid. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.

Human Resources Items. Co-Directors David Woodlock and Susie Allen presented the following.

Resolution #21-11, Approving Juneteenth as a Gilpin County Holiday. Co-Director Allen stated that Juneteenth is a federal holiday, and if added to the County's list of holidays would cause no financial impact in 2022, as one of the others falls on a weekend. The impact in 2023 would be approximately \$16,000, due to 24/7 operations pay. Commissioner Isenhart noted that Frances Xavier Cabrini Day is not an additional holiday, as it replaces Columbus Day, and that Juneteenth would be an appropriate way to recognize the intent and progress of African Americans. Commissioner Hollingsworth moved to adopt Resolution #21-11, "Amending Designated Paid Holidays for Gilpin County Employees" to include Juneteenth. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.

Graves Salary Study—Additional Funding to Determine Financial Impacts. The Graves Salary Study was performed almost two years ago, but has not been officially accepted to date. On August 10, 2021, the Board did approve updating the pay structure, but the expenditure for that work still needs to be approved. Commissioners Isenhart and Hollingsworth agreed it would be beneficial to have Graves advise the Board of the financial impacts of implementing the study. Commissioner Hollingsworth moved to approve the expenditure of \$3,150 for the Graves Study financial impact analysis. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.

Employers Council Human Resources Consulting for COVID Project. Assistance is needed for work on the County's COVID Policy, testing policies and other aspects of managing COVID tasks. Commissioner Hollingsworth noted that the County's public health orders have included COVID leave and implementing policy, and some tasks were not been completed by the previous HR staff since January of 2021. The cost of this work could be reimbursed by FEMA funding. Commissioner Hollingsworth moved to approve working with an Employers Council consultant for the amount of \$1,600 to achieve COVID compliance and policy creation. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.

Co-Director Allen also informed the Board that although the Gilpin County Employee Handbook does not allow weapons on County property, the rule would be difficult to enforce without a metal detector and a deputy onsite. Further work with County Attorney Benning is needed on this topic to protect staff and the public. Commissioner Hollingsworth noted that new state legislation says counties can decide individually on their gun laws, so she would like to look into this and see about new legislation.

CSU Extension Office—Grant Application to Alan Green Foundation. Gilpin County's CSU Extension Director, Jennifer Cook, asked for the Board's approval to submit an application to the Alan Green Foundation to receive up to \$5,000 to use as matching funds for the Boulder Watershed Collective's (BWC) grant application to the Water Supply Reserve Fund. This combined grant funding would help pay for a portion of a bioblitz, an intensive survey of a given area over a short period of time, with the goal of documenting as many wildlife and vegetation species as possible within that timeframe. The area that would be surveyed is the Gilpin County side of Rollins Pass. This information is then used to help plan conservation/restoration efforts in the Boulder Creek headwaters area. Extension Director Cook also requested a letter of support from the Board for the BWC's grant application to the Water Supply Reserve Fund. Commissioner Hollingsworth moved to approve the application to the Alan Green Foundation for \$5,000 as a grant match for the Boulder Watershed Collective, and the submission of a letter of support. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.

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

- Introduction of Paralegal Sarah Baciak. County Attorney Benning introduced Sarah Baciak, a newly hired paralegal in his office. She is very experienced, has exceptional organizational skills and has a positive outlook. Sarah was warmly welcomed by all.
- Red Tail Cabins Reciprocal Easement Agreement with Burney Investments, LLC. On January 10, 2018, Gilpin County purchased two historic cabins on Red Tail Road, near the boundary line with Jefferson County. Today, County Attorney Benning proposed the Commissioners consider and approve a Reciprocal Easement Agreement with Burney Investments conditioned on any final changes recommended and approved by the County Attorney. The Agreement allows the County access to its Red Tail Cabin Property and provides Burney access to their property via the road through the County's Red Tail Cabin property.
- Dakota Ridge Memorandum of Understanding. Gilpin County continues to wait for an updated Memorandum of Understanding (MOU) with the State, for their placement of radio communications equipment on the County's tower on Dakota Ridge. The new MOU should include clarification of each entity's maintenance duties.

- **United Power Communications Tower Lease.** United Power has requested placing some radio equipment on Gilpin County's communications tower located on Dakota Ridge, and an agreement is in process. A structural study of the tower will be required of United Power, and the State will do an assessment of the new equipment to determine the tower's ability to support all three entities' equipment. Also, the access road and other improvements at the site need maintenance. Commissioner Hollingsworth moved to approve the United Power Tower Licensing Agreement between Gilpin County and United Power. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 0.
- **Bonanza Land Company—Access Road Easement to Dakota Hill Site.** The road to the County's communications tower on Dakota Hill crosses land owned by Nycon, who leased the land to the County. Later, the Bonanza Land Company purchased the land. Many years ago, the County built the access road, then later had electric power installed and made other improvements. Last year, during the COVID pandemic, the lease was not addressed. Later today, in executive session, County Attorney Benning will provide the Board with additional information concerning a potential lease.
- **Frei Walstrum Quarry Expansion—Second Amendment to DRMS Construction Materials Permit.** County Attorney Benning screenshared a map of the Frei Quarry located north of I-70, where it intersects with US Highway 6. The quarry operations are located almost entirely within Clear Creek County, but a small portion is in Gilpin County. Years ago, Frei Quarry was granted a Special Use Review (SUR) permit by Gilpin County to allow for the location of 5.5 million cubic tons of excess material, subject to certain requirements regarding water drainage and other factors. Frei Quarry pays fees to Gilpin County for the use of that land; the County uses this revenue to protect wildlife habitats. The materials produced are mainly crushed granite for road base, mostly for contracts with the Colorado Department of Transportation.

Today, County Attorney Benning informed the Board that Frei Quarry has applied to the State Division of Reclamation, Mining and Safety (DRMS) for permits to expand operations through a project termed the Walstrum Spur Amendment. He is working to determine if formal notice of the proposed expansion should have been sent to Gilpin County. Commissioner Hollingsworth asked about what other counties were allowed to comment on the permit application; who monitors the water quality and environmental impacts; and was the SUR permit form Gilpin County open-ended or was there an end date. County Attorney Benning said he would discuss the topic in greater detail with the Board in executive session later today.

Lack of Quorum. At 2:52 p.m., Commissioner Hollingsworth was suddenly called out of the meeting and the Board no longer had a quorum, as Commissioner Sill was absent. Commissioner Isenhart explained that other than the Notice of Public Meetings, the remainder of the agenda topics would have to be postponed to a future meeting.

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: October 5, a special meeting of the Board.

Adjourn. Commissioner Isenhart adjourned the meeting at 2:54 p.m.

Signed this 26th day of October 2021.