

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

October 12, 2021

A regular meeting of the Board of County Commissioners of Gilpin County was held on October 12, 2021, in an online format only; no in-person 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 Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

**Agenda Review.** Commissioner Isenhart added to the Human Resources updates, a discussion on COVID-19 testing for unvaccinated employees, plus an update on the Rural Economic Development Initiative (REDI) grant.

**Public/Press Comment.** Commissioner Isenhart advised the meeting attendees that the Axton Ranch topic will first be heard by the Planning Commission, so comments to the Board of County Commissioners were not appropriate at this time. Public comments were as follows:

- Chris Hockley: 321 Timber Drive, expressed his views in opposition to the Board of Health's (BOH) mask mandate at Gilpin County RE-1 School, citing health concerns of mask wearing. He also asked if the Sheriff's Office and the State Patrol could increase patrol efforts on Highway 46, as speeding has increased, creating a public safety and noise problem.
- Darren Beck, 256 Gold Road, expressed his views in opposition to the BOH's mask mandate at the school, noting social and health complications from wearing masks. He stated he was speaking on behalf of a group of parents who support vaccinations and masks, but believe it should be a parent's choice. He requested an update from the BOH on their position on the mandate and asked if that position could be changing. The group has circulated a petition that could be submitted to the Board.
- Rhonda Horwitz-Romano, 466 Coyote Circle, spoke on behalf of her husband, Leonard, and herself thanking the Board for imposing the mask mandate at the Gilpin County RE-1 School, saying they thought it would keep kids and families safer, and the community too. She also spoke in support of Clinica Family Health's upcoming request for American Recovery Plan Act (ARPA) funding to establish health care in Gilpin County.
- Angel Hockley, 321 Timber Drive, stated that since the mask mandate was imposed at the school, her kids have been sick with ailments other than COVID-19. She had them tested and learned they were not positive.
- Tim Preister, 2433 Dogie Spur, spoke in opposition to the proposed Frei Quarry Walstrum expansion, citing environmental concerns, increased haul-truck traffic, and the detrimental effect it could have on outdoor recreation and fishing.

Commissioner Isenhart said that all other public comment would be heard later in the meeting, to help keep the remainder of the meeting on schedule.

**COVID-19 Update.**

Public Health Coordinator Bonnie Albrecht:

- Five new cases in the last seven days
- 60.7% of eligible residents are fully vaccinated
- Testing:
  - Polymerase chain reaction (PCR) testing is done only on Tuesdays now, 9a to 12p at the Z Casino parking lot in Black Hawk, and 12:30p to 4:30p at the new Public Health building, 15193 Highway 119.
  - There will be no rapid testing available for County staff next week while the Public Health office moves into the new building.
- Vaccine clinics through October:
  - October 13, 10a to 2p at the Library
  - October 14, 4p to 8p at the school
  - October 16, 9a to 3p at the Community Center
  - October 23, 5p to 9p at the Spooky Stroll event at the Exhibit Building
- Flu shot clinic on October 20 at the Community Center
- Another wave of COVID-19 is predicted.
- Vaccination clinics will be next week at the new building.

Emergency Manager Nathan Whittington:

- The Office of Emergency Management (OEM) is working with Public Health staff to issue supplies, and helped them move to the new building, for OEM integration.

**Treasurer's Monthly Report.** County Treasurer Mary Lorenz reported on operations in that office for the month of August 2021, saying there is a good amount in the County's bank accounts, but the interest rates are still low and the County is not earning much on its money. Tax collections are down a little from last year, but the tax lien list, to be published soon, should help. In response to a question from Commissioner Hollingsworth, she said Interim Finance Director Lorna Plamondon would know if any large expenses are expected in the last quarter.

**Clerk and Recorder's Monthly Report.** County Clerk and Recorder Sahari McCormick reported on operations in that office for the month of September 2021, noting that the recording office is doing well, and the motor vehicle office is very busy with transactions and training new employees. At this time, there are no penalties for late renewals, which can be done by mail or on the website myDMV.gov. She referred to the monthly finance variance report, saying there were no outstanding items, and revenues are ahead of 2019 and 2020. The ERTB included in the report is the Electronic Recording Technology Board, which collects a small portion of revenues on all recorded documents, including marriage licenses. There were fewer documents recorded in September.

**Request for ARPA Funding for Clinica Family Health.** Simon Smith, President and CEO of Clinica Family Health, made a formal request for Clinica to receive \$150,000.00 in support from Gilpin County's allocation of American Rescue Plan Act (ARPA) funds or other funds, for the opening of a medical health care clinic in Gilpin County. Clinica's current area of service extends from Estes Park south to Nederland. He gave an onscreen presentation of Clinica's request showing the history of health care clinics in Gilpin County, followed by their work with the Mountain Community Health Task Force to assess residents' needs and preferences for health care. CEO Smith then shared Clinica's business model, including a very lean 2% operating margin. Clinica is enrolled in the federal 340B Program, a drug price control program that allows qualifying providers serving uninsured and low-income patients in rural communities, to purchase outpatient drugs from manufacturers at discounted prices. They also offer dental and behavior health services, and work with Jefferson Center for Mental Health, a Gilpin County partner. Clinica has rented space in the Professional Building on Highway 46 near the Community Center at a monthly cost of slightly less than \$2,000. The timeline to open the clinic depends on staffing; CEO Smith anticipates opening in late March or early April of 2022.

After the screen presentation, CEO Smith stated that he would be making similar requests of the cities of Black Hawk and Central, and that it seems like Boulder County wants to support a clinic as well. He said Clinica wants to secure financial support of \$150,000.00 each from Boulder and Gilpin counties, then approach others.

Jeanne Nicholson, former Gilpin County Commissioner, State Senator and Gilpin County Public Health Nurse, stated that Clinica Family Health has been outstanding to work with through the needs assessment, has an excellent reputation in Colorado communities for services, and that a better organization could not be found. She also spoke about the results of a 2018 Gilpin County health assessment that indicated residents have particular concerns about their need for access to local health care and labeled transportation and/or distance to health care as major barriers. The US Department of Health and Human Services defines Gilpin County as an underserved area and identifies it as a health care professional shortage area.

Commissioner Hollingsworth said that in addition to this study, Gilpin County conducted a Quality of Life survey in 2019 and the lack of healthcare was identified as one of the top three needs in the county. Commissioner Isenhardt said Gilpin County did have a good healthcare transportation program prior to the pandemic, but having Clinica here would help the senior population, with only a 10-minute drive.

The Commissioners agreed that Clinica's request for ARPA funding would be added as a top priority in their budget talks. Numerous requests for ARPA funding have been received.

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

**Temporary Liquor Permit—Mid County Liquor.** Chief Deputy Clerk Ashley Martin presented an application for a Temporary Liquor Permit for an applicant to continue doing business at the Mid County Liquor retail liquor store, currently licensed under XTRACT, LLC. The applicant, Mary Kate McKenna (MKM Hospitality, LLC), has filed an application to transfer the license, which will likely be heard by the Local Liquor Licensing Authority (LLLA) in November. Chief Deputy Clerk Martin stated that a complete transfer application has been received, and it meets all of the requirements in order to file for a Temporary Liquor Permit. Commissioner Hollingsworth moved to approve the application for a Temporary Liquor Permit for MKM Hospitality, LLC, at Mid County Liquor, located at 17218 Highway 119. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

**Board of County Commissioners.** Commissioner Sill moved to adjourn as the Local Liquor Licensing Authority and to reconvene as the Board of County Commissioners. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

**Employee Insurance Renewal.** Human Resources Interim Director Susie Allen gave an onscreen presentation on the annual renewal of employees' partially self-funded health insurance, noting that after receiving numerous quotes, the best option was to keep the current insurance through Cigna, as coordinated by Moody Insurance Agency. Increases will be 4.99% for medical coverage and 10% for dental coverage. The only other change was to

extend the elimination period for short-term disability from eight to 15 days to accommodate the payroll cycle. Director Allen added that another change could be to bring FMLA in-house, which would be better for employees and is not difficult.

In response to a question from Commissioner Hollingsworth, she said there had been some problems early in the year in the transition to Cigna, but there have been no other challenges. As more employees are hired, the cost for insurance will not go up, as costs are based on usage and the complexity and severity of claims. The insurance is very low cost to employees.

Commissioner Sill moved to approve the renewal of health insurance for Gilpin County employees. The Moody Insurance executive summary included:

- Medical, negotiated premium of \$2,796,888.48
- Dental, annual total of \$131,484.60
- Vision, annual total of \$17,879.76
- Group Life AD&D, STD, LTD, FMLA, annual total of \$74,880.00
- Employee Assistance, \$1,904.40

for an annual grand total of \$3,023,037.24 at an increase of 4.84% for calendar year 2022. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

**Updating Public Works Organization Chart.** Commissioner Isenhart stated that 1.5 years ago, a new structure titled Infrastructure and Development Services (IDS) was intended to incorporate the Public Works and Community Development departments with one overall director, but the change did not work out. The current Board has separated Facilities Maintenance, Public Works and Community Development into three separate departments, which requires a change to the Public Works organizational chart. Human Resources Interim Director Susie Allen shared onscreen the latest draft of the chart for Public Works only, not including Facilities Maintenance. She asked if the Board wanted to keep the position titled Deputy Director of Public Works or restructure back to an earlier arrangement. Discussion followed regarding the duties these positions would have in overseeing the north and south team leaders, mechanics and the trash transfer supervisor, and some savings that might be realized in not having an IDS director. Commissioner Isenhart said that Public Works is the County's second-largest department and that a new director might have some better ideas. Until then, the chart presented today could be adopted, allowing a new director to analyze the teams and make suggestions.

Commissioner Hollingsworth moved to accept the chart for Public Works with a Director who oversees the Operations Supervisor, who oversees the team leaders and fleet mechanics. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 1, with Commissioner Sill voting against.

**Human Resources Updates.** Human Resources Interim Director Susie Allen updated the Board on the following:

- COVID testing policies and procedures are being drafted, with assistance from Employer's Council, to help clarify for employees the requirements in the County's public health orders.
- She will be meeting with Laurie Graves to discuss challenges in the Graves Salary Study, but is going forward as planned to meet the budget deadlines for November.
- Open enrollment for health insurance renewal will be held on November 3 for all employees.
- She hopes to have the Human Resources Director position posted today.
- ADA Coordinator. After brief discussion, Commissioner Hollingsworth moved to appoint Human Resources Specialist Ava Plamondon as the County's ADA Coordinator, pending a resolution at the next meeting. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.
- Commissioner Hollingsworth asked about having all new County employees undergo COVID testing within 72 hours prior to starting their job, and Commissioner Isenhart asked if all County employees should be tested. County Attorney Benning said it would be acceptable to require this of new employees. Interim Director Susie Allen asked if the Board wanted to retain weekly tests for unvaccinated employees. Commissioner Hollingsworth suggested posing the question to Employer's Council, and if they say it is the employer's decision, it could be done under the Board of Health umbrella.

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

- Gilpin County Senior Living (GCSL). He will meet with Jeanne Nicholson and GCSL's attorney to discuss the proposed lease, then will talk with the Board about the changes proposed by GCSL.
- Axton Ranch. Gilpin County has received an application for Location and Extent Review; however, this topic will first be heard by the Gilpin County Planning Commission at their meeting tonight.
- Dakota Hill Access Road Easement—Bonanza Land Company. At an elevation of 10,100 feet, this site hosts radio communications for Gilpin County, and the State has a microwave there for emergency communications. Years ago, Gilpin County built an access road to the site and installed power, and has been using that access since then. Gilpin County later entered into leases with the then land owner, Nycon, as the road crosses their property. During 2020, no lease was executed. Current owner, Bonanza Land Company, wants to renew a lease, which will be discussed in executive session.

- Lake Gulch Road Intergovernmental Agreement (IGA) with Central City. Lake Gulch Road runs adjacent to the Central City Parkway. In the past couple of years, the Proximo Company acquired property near there for a whiskey distillery and residential housing. Gilpin County has a similar (separate) IGA with the City of Black Hawk, allowing them to access Proximo. In the IGA with Central City, Gilpin County will convey a portion of Lake Gulch Road to Central City, for maintenance. Commissioner Sill moved to approve the IGA between Gilpin County and the City of Central for the Lake Gulch Road. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.
- Rural Economic Development Initiative (REDI) Grant Update. Gilpin County now has the contract for this grant and the funding has already been approved. Commissioner Hollingsworth moved to approve the Department of Local Affairs (DOLA) REDI grant to Gilpin County for \$99,000.00 to hire an 18-month position, with a 33% match. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.
- Frei Walstrum Spur Quarry Expansion—Second Amendment to Division of Reclamation, Mining, and Safety (DRMS) Construction Materials Permit. Al Frei joined the meeting via Zoom to talk about the Frei Quarry’s proposed Walstrum Spur Expansion, located north of I-70 near the Highway 6 exit. He screenshared the Walstrum Spur Amendment website, spoke about daily operations, how products are used, and the reclamation and revegetation phases of the project. Following is a summary of some of Mr. Frei’s talking points:
  - The existing site is approximately 280 acres, the proposed amendment would add 225 acres to the permit boundary for mining and eventual reclamation.
  - The geology is ideal for construction aggregates that are sold mostly to the Colorado Department of Transportation (CDOT). CDOT allows 800 truck trips per day; Frei Quarry averages 700.
  - Most of the concerns expressed have been about truck traffic, dust and viewsheds.
  - Frei Quarry will go to the Mined Land Reclamation Board (MLRB) board in November, and will also make a presentation to Clear Creek County.
  - A herd of bighorn sheep migrates through the quarry; Frei has created a safe habitat for them. There will be impacts to wildlife; Frei wants to find a way to balance that.

County Attorney Benning asked: Regarding the MLRB matter in November, has that comment period closed? Frei: Yes, but the DRMS is still taking comments generally, but those comments will not be considered in the MLRB hearing. There are strict deadlines and rules for comments in the MLRB hearing process and that deadline has passed.

County Attorney Benning advised the Board that only a fill site is located in Gilpin County, which is now full. The special use review approved by Gilpin County years ago was for 5 or 5.5 million cubic yards. The matter should be discussed in executive session, as the County has concerns about the remediation of the site.

Commissioner Isenhardt then allowed brief public comment as follows:

- Tim Preister: Mr. Frei, did you follow all of the rules? We’ve sent pictures of dust to you. Frei: Yes, we 100% followed the rules. We want you to come to the site and see our operations.
- Debbie Johnson, 1368 Robinson Hill Road: In 2016, we couldn’t see the quarry, but now, all we see is the quarry. Trucks run all night long, there has been dust for the past 10 years. The quarry is already affecting our property values.

Commissioner Sill asked Mr. Frei if any revegetation work was taking place on Gilpin County property? Frei said no revegetation work has started. Commissioner Sill said former Community Development Director Tony Petersen wrote an agreement stating that you would perform revegetation in 2007. Frei agreed and said it was a grading permit granted to fill a valley with material, and if not reclaimed, it would be stabilized.

### **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: budget meetings on October 13 and 18, and the Board’s regular meeting on October 26.

Commissioner Comments. Commissioner Hollingsworth said our emergency operations arranged Red Cross training for emergency evacuations. The public can sign up and participate in an evacuation. Information has been posted on the County’s website, on Facebook and in the local newspapers.

### **Minutes.**

Commissioner Sill moved to approve the Board of County Commissioners Meeting Minutes for August 31 and September 3, 2021. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

**Public / Press Comment.**

- Laura Jenéy, Gilpin County Planning Commission Chair: Tonight's meeting on the Axton Ranch application is not a public hearing and has not been posted as such. There will be no vote on the application tonight, but rather a discussion on how to proceed with the topic. At the end of the meeting, the Planning Commission accepts public comment on any topic, limited to three minutes.
- Chris Hockley (not audible): Darren Beck said Chris is asking about speeding on Highway 46 and the mask mandate for the Gilpin County RE-1 School. Commissioner Isenhart said Gilpin County can reach out to Sheriff Kevin Armstrong and the Colorado State Patrol (CSP) about drivers speeding on Highway 46.
- Darren Beck: The proposed health center is a high cost, but is needed. On masks (at the school), I represent a group who has started a petition and is willing to take legal action, and who wants to know when will you vote again on this mandate. He requested a reply by end of business today.
- Chris Hockley: What can we do for Sheriff Armstrong and the Sheriff's Office about speeders on Highway 46? I'm told they need support and resources, so I'm reaching out to the Board. Commissioner Hollingsworth said Sheriff Armstrong has contacted CSP, who increased their presence there.
- Debbie Johnson, 1368 Robinson Hill Road: We were never notified by Frei of the proposed expansion; zero reclamation has happened; we look over the north side of the quarry; sand has been blowing for years; can't see the views; this has gone on a long time; trucks haul all night long.

**Adjourn to Executive Session.** Commissioner Sill moved to adjourn into Executive Session as follows:

- For a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);
- For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);
- To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a)
- and for discussion of a personnel matter.

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 12:20 p.m.

Signed this 09<sup>th</sup> day of November 2021.