

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

February 15, 2022

A regular meeting of the Board of County Commissioners of Gilpin County was held on February 15, 2022, in an online format only; no in-person meeting was held. Chair Sandy Hollingsworth called the meeting to order at 9:00 a.m. In attendance were Chair Hollingsworth, Commissioner Linda Isenhart, Commissioner Web Sill, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

Public/Press Comment.

Outdoor Lighting Regulations, Section 4.12 of the Gilpin County Zoning Code.

- Donna Okray Parman, 529 Highpoint Circle, asked the Board to support the dark sky issue today.

Discussion of Short-Term Rentals. Most public comment on this topic was regarding a supposed moratorium, that had not been put forward by the Board of County Commissioners. One comment warned against increased risk of fires started by visitors' campfires.

- David Nobles, 2170 Apex Valley Road and 2234 Apex Valley Road
- Angie Zachman, 195 Nero Road
- Elliot Andrews, 1082 Coyote Circle
- Janine Drew, 1782 Apex Valley Road
- Andrea Clair, 19137 Highway 119
- Rick Newman, 4711 Gamble Gulch
- Judd Motchan, 16512 Highway 119

Celebrating Lincoln Hills 100th Anniversary. Former Judge Gary Jackson gave an onscreen photo history of his family's involvement in Winks Lodge and other facets of Lincoln Hills, the only recreation resort for African Americans west of the Mississippi River in the early 1900s. Lincoln Hills also included the Phyllis Wheatley Black YWCA for young women, and small lots for sale to the African American community, with some families purchasing multiple adjacent lots. Some photos in the presentation showed Winks Tavern, the local social gathering spot, and some historic cabins held by residents and sometimes rented by numerous famous Black entertainers. The "Honeymoon Cabin" is available for tours.

The online meeting was interrupted at this point by a malicious intrusion and had to be closed. The meeting was restarted shortly thereafter with a new online link.

Annual Proclamation of Black History Month. Commissioner Hollingsworth gave an overview of the Board's annual proclamation for Black History Month, recognizing that people of African American heritage have played a vital role in the development of Central City, Lincoln Hills churches and other aspects of the history of Gilpin County, other local communities and the nation. The proclamation also states that Gilpin County opposes racism against people of color. After discussion, Commissioner Sill moved to use the last sentence of the proclamation and to proclaim that the Gilpin County Board of County Commissioners, do hereby proclaim the month of February as Black History Month. Commissioner Hollingsworth seconded the motion, which passed by a vote of 2 to 0, as Commissioner Isenhart was unable to rejoin the interrupted meeting.

COVID-19 Update. Public Health Coordinator Alisa Witt:

- One-week positivity rate is 7.1%, down from 15.4% last week
- More Gilpin County residents were tested last week than most previous weeks, so the 7.1 positivity rate is valuable in that it is from a larger sample.
- Out of 109 resident tests, only 6 were positive, which supports the case rate going down.
- Vaccination clinics will be held on Wednesdays, from 10:00 a.m. to 2:00 p.m. at the Library, and on Saturdays, from 9:00 a.m. to 3:00 p.m. at the Community Center. Children's vaccinations are available only Saturdays at the Community Center.
- Polymerase chain reaction (PCR) testing continues.
- Public Health building will soon take over County employee testing, possibly by next week.

Commissioner Hollingsworth said on February 10, the Board approved ending the mask mandate at local schools, and approved that each County department director or elected official could determine what level of masking would be implemented in their work area.

Proposed Addendum to H2R Solutions Consulting Agreement. Human Resources Director Chanda Johnson requested an addendum to the County's Consulting Agreement with H2R to assist with certain Human Resources tasks. The request is for an additional \$16,000.00, which Commissioner Isenhart said is already included in the 2022 Human Resources budget. Commissioner Sill moved to approve the addendum in the amount of \$16,000.00. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Determination of Location of June 2022 Primary Election. Clerk and Recorder Sahari McCormick said the County needs to designate a location to conduct the June 2022 Primary Election, with the Old Courthouse (first floor) in Central City and the Community Center in mid-county as the two options. She noted that most votes are cast by

mail-in ballots, which can be deposited in drop boxes or mailed via the US Postal Service. Through discussion, it was determined that the Board's meeting room on the second floor of the Old Courthouse would be used for the June 2022 Primary Election location.

At 10:06 a.m., the Board recessed their meeting to allow time for the computer support team, Teryx, Inc., to assess a threat by meeting hackers and set up a new online meeting link. The meeting resumed at 10:30 a.m.

Clerk and Recorder's Monthly Report. Chief Deputy Ashley Martin reported on operations in the recording and motor vehicle (MV) divisions of that office for the month of January 2022, saying it was similar to January of 2021. The self-service site for searching documents is a success and can be accessed via the Clerk and Recorder's web page. Still requiring Appts for inhouse searching and marriages. MV appointments are available this month and every day in March. For MV registration renewals, the office accepts checks sent in the mail. Chief Deputy Martin addressed complaints about some residents not receiving the registration renewal postcard reminders, saying that the postcards are sent by the State as a courtesy, not the County. If a resident is not receiving the reminders, they should contact the Clerk and Recorder's Office to verify their mailing address. The State's MV website can perform many types of transactions online.

Public Hearing, Resolution #21-14, Approving Revisions to Section 4.12 of the Gilpin County Zoning Regulations (Outdoor Lighting). Chair Hollingsworth opened a public hearing to review newly made revisions to the Outdoor Lighting section of the Zoning Regulations. The Board had considered revisions at two previous public hearings, then asked the Gilpin County Planning Commission to rewrite the section. Community Development Interim Director Tami Archer gave an overview of the updated proposed changes.

Chair Hollingsworth opened the hearing to public comment.

- Commissioner Hollingsworth read comments from Karen Auvinen, 178 Upper Travis Gulch, received via email, supporting the proposed revisions.
- Written public comment was received from Susan Wahl, Bill Merline, Carolyn Petersen, Bill Thibedeau and Denise Arthur, all in support of the proposed revisions.
- Donna Okray Parman has sent emails in support.
- Interim Director Archer said no public comment has been in opposition to the proposed revisions.
- Rhonda Horwitz-Romano, 466 Coyote Circle, spoke in full support of the proposed revisions.

Following public comment, Chair Hollingsworth closed this portion of the hearing.

Commissioner Isenhardt moved to adopt Resolution #21-14, "Approving Revisions to Section 4.12 of the Gilpin County Zoning Regulations." Commissioner Sill seconded the motion, which passed by a vote of 3 to 0. Chair Hollingsworth 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.) The public hearing ended at 10:51.

Shout Out Award. County Attorney Bradford Benning and Interim Community Development Director Tami Archer presented a Shout Out Award to Paralegal Sarah Baciak, saying she takes on huge daunting tasks and produces amazing results, and they are very appreciative of her work. County Attorney Benning said Paralegal Baciak is a valued member of the staff and Gilpin County community, she is a hard worker, is friendly, and she jumps into tasks and does great work. The Board also thanked her for her work.

Facilities Maintenance Requests. Facilities Manager Ryan Keenan presented six proposed requests for proposals (RFP) for work to be done in various County buildings. He had presented the RFPs in 2021, but was unable to find contractors to perform the work. During preparations for the 2022 budget, \$880,000.00 for capital improvements was approved. The six projects listed were replacement of the gas boiler at the Old Courthouse, replacement of the Community Center heating/cooling roof-top units, renovation of the Community Center entry walk way, roofing repairs at the Justice Center and the Community Center. Replacement of the Community Center cardio hall flooring, and performing a food pantry feasibility study were added. Facilities Manager Keenan requested permission to re-issue the RFPs, and the Board agreed it was the best plan of action.

Discussion of Proposed Memorandum of Understanding with Clear Creek County for Emergency Use of Gilpin County Fairgrounds in a Disaster. Deputy Emergency Manager Diane Stundon proposed a memorandum of understanding (MOU) between Gilpin and Clear Creek counties, in which Clear Creek County would have the use of Gilpin County's fairgrounds for animal evacuations in the event of an emergency there. During Board discussion, Commissioner Hollingsworth said she wanted it stated in the MOU that priority would always be given to Gilpin County for use the Fairgrounds, if both counties needed it at the same time. Deputy Stundon stated that the Gilpin County Animal Response Team (GCART) would do most of the fairgrounds work and animal care, but that Clear Creek County would also help. Commissioner Isenhardt moved to approve the Memorandum of Understanding with Clear Creek County for Emergency Use of Gilpin County Fairgrounds in a Disaster. 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 issues:

1. Short-term rental legal matters—some owners are building second dwellings on their property and providing water, which is regulated by the State. It is likely these owners don't have a legal water source.

2. Frei Quarry Updates—Reclamation Bond and related matters. Recently Commissioners Hollingsworth and Sill and staff toured the Frei Quarry. Gilpin County had issued a Notice of Violation to the Frei Quarry based on some concerns, all of which have been addressed except one item. The background is that mine waste tailings were being dumped on a Gilpin County property owned by the quarry, but not included within the permit area. The County had issued a Special Use Permit in 2007, which is still active, but they are still depositing the waste. County Attorney Benning hopes this issue will be resolved this month. Frei Quarry has also indicated they will file any subsequent amendments to their mining operation in the Gilpin County Clerk and Recorder’s Office. There was a dispute on whether this should be required or not. Quarry owners and the State Division of Mining Reclamation assert that it is not required, but Frei Quarry said they will file any future amendments to their mining plan in the Clerk and Recorder’s Office to provide public materials.
3. FEMA floodplain maps—compliance. Periodically FEMA updates its floodplain maps based on new data. The new maps will go into effect on April 6, 2022, and will be posted on the County's website. The good news is that Paralegal Sarah Baciak was able to confirm with FEMA that no public hearing is required because the County already has an ordinance in place for adoption of future floodplain amendments, but notice of the new maps would still be required. Paralegal Baciak noted that the document is Gilpin County Ordinance #13-01, meaning it went into effect in 2013.
4. Researching water grants. Gilpin County owns water rights in Dory Lake, and periodically the County pumps water into Ralston Creek to augment the use of water at the Justice Center wells. The pumps are now failing and the State can shut down the Justice Center wells if the augmentation requirement is not met. The pumps are submerged at the bottom of Dory Lake, making them hard to maintain, so Facilities Manager Ryan Keenan is seeking potential contractors for replacement work. County Attorney Benning hopes to talk with the president of the Dory Lakes Property Owners Association president regarding the County’s plan.
5. Memorandums of Understanding (MOUs) under review.
 - a. The Gilpin County Office of Emergency Management and Code Three Associates, Inc., are working together on animal control and sheltering.
 - b. Parks and Recreation and CSU Extension are working on an agreement for the Eagle Program.
6. Final changes to Gilpin County Human Services Intergovernmental Agreement with Adams County through which Gilpin County case workers would temporarily assist them with critical needs. County Attorney Benning is working on final language to ensure Gilpin County will be compensated for its case workers’ hours.
7. Zoning Violation Updates—29 Pitts Place, the property owner is making slow progress on removing trash and hopes to meet the deadline of the end of March. 226 Mountain Meadows Drive is also a trash and vehicles case and there are some concrete barriers obstructing the road at this address. County Attorney Benning is working with the property owner’s attorney to confirm all of the vehicles are operable and licensed and to have the barriers removed. The County can resort to “self-help” laws to remove them and pursue the matter in court. 351 Aurora Road is a case in which many cars are parked on the property. Code Enforcement Official April Neilsen has confirmed that all of the vehicles are licensed and operable and the property is in compliance at this time.
8. Sheriff’s Office body camera contract. The body cameras and contract are needed to comply with a State of Colorado mandate. Sheriff Armstrong and staff are satisfied with the contract and this should be ready to sign soon.
9. County Attorney Benning is working with Timberline Fire Protection District to provide assistance to them in the acquisition of some property.

The Board thanked County Attorney Benning and staff for their vigilance on enforcing County regulations.

Board of County Commissioners Status Report.

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: on February 18, a special meeting for an executive session to discuss contract negotiations with the final candidate for the county manager position; on February 24 the Board will participate in a work session with the cities of Central and Black Hawk regarding the Gross Dam Reservoir expansion and tree removal haul roads. The work session is not open to the public, but it warrants mention. The Board does not want the haul trucks to travel through Gilpin County and the two cities. The hauling plan is not final and could change. On March 1, the Board will hold their next regular meeting.

Minutes. Commissioner Isenhardt moved to approve the Board of County Commissioners Meeting Minutes for February 1, 2022. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Public / Press Comment.

Judd Motchan, 16512 Highway 119, recently purchased Severance Lodge and will be seeking a non-profit partner to apply for historic preservation funds.

Bill Merline, 86 Spruce Way, thanked the Board and staff for great work on the outdoor lighting revisions.

Paula Fisher, 12 Dill Pickle Place, said the Eagle Program had been mentioned earlier, and noted it is a great program for youth.

Dave Hoenke, 655 Pinon Circle, spoke about short-term rentals, referring to a moratorium that has not yet been discussed or approved.

Recess. Commissioner Isenhart moved for the Board to recess in order to hold a work session at 12:15. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Work Session to Discuss Short-Term Rentals. The Board held a work session from 12:15 p.m. to 1:34 p.m. to discuss various aspects of short-term rentals in Gilpin County.

Regular Session of Board of County Commissioners. Commissioner Isenhart moved to reconvene the regular session of the Board of County Commissioners. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Adjourn to Executive Session. Commissioner Isenhart moved to adjourn into Executive Session 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). Commissioner Sill 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 1:36 p.m.

Signed this 01st day of March 2022.