

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

March 1, 2022

A regular meeting of the Board of County Commissioners of Gilpin County was held on March 1, 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.

Moment of Silence. Commissioner Isenhart asked for a moment of silence, saying that nations around the world are hoping for no more war in Ukraine. She asked those present to send hopes for peace.

Agenda Review. The topic of a public comment period for the location of the November 8 general election was added to the agenda.

Public/Press Comment.

- Timberline Fire Protection District (TFPD) Chief Paul Ondr provided information on a potential [fire fuels] mitigation project in the Missouri Lakes subdivision, emphasizing that the intent is not to take out all of the trees in any neighborhood, but to increase safety.
- Donna Okray Parman, 529 Highpoint Circle, thanked the Board for the moment of silence for Ukraine and for releasing the mask mandate, and expressed her views on the termination of the mask mandate, the requirement for vaccinations to attend Gilpin County Senior Lunches, the Dory Lakes [fire fuel] mitigation project last year, the government thinning the road in front of her house by 30 feet, any potential plan for Dory Lakes, and respect for the 30-foot easement.
- Paul Britton, Missouri Lakes HOA President, 691 Pinon Circle, thanked Chief Ondr for his comments, appealed to the Board of County Commissioners to stop the Missouri Lakes fire mitigation project and plan a discussion to include the entire community. He requested a copy of the deeded easement for review and expressed his views on how many trees he thought might be removed.
- Michelle Sullivan, 475 Evergreen Road, Missouri Lakes HOA board member, expressed her views on [fire fuel] mitigation efforts, residents' innate acceptance of the risk of living in a treed area, and the idea of spending project money on planned evacuations instead, which would be more valuable.
- Bill Merline, 86 Spruce Way, Missouri Lakes HOA board member, expressed his opposition to the Missouri Lakes potential fire fuels mitigation project, cutting trees, the impact on property values, the lack of timely information to the HOA board.
- TFPD Chief Ondr said he and Gilpin County Community Development Interim Director Tami Archer are not aware of any zoning regulations that require the removal of trees within 30 feet of a structure, and asked that any documentation be sent to him.

COVID-19 Update. Public Health Coordinator Alisa Witt:

- The past week's one-week case count was down to 6.
- Of those tested last week, the one-week positivity rate is 3.3% down from 6.7% the week before, meaning COVID-19 is waning in Gilpin County.
- 69.7 % of County residents have been vaccinated with one dose, and 64.1% of the County population is fully immunized at this point. Public Health is working to vaccinate more residents.
- Regarding a public comment made earlier in this meeting about a vaccine and mask mandate at senior luncheons, Coordinator Witt said there is no mandate, but asking participants of groups to be fully vaccinated is a safe and reasonable request. She will schedule a discussion with the group.

March is National Women's History Month. Commissioner Hollingsworth noted that March is National Women's History Month, then read a statement citing important strides women have made and the history of the dedicated month. The Board agreed that they honor local women for their accomplishments and care giving.

Clear Ballot Verification of Ballot Count. Clerk and Recorder Sahari McCormick explained that Gilpin County uses the Dominion voting system and that Clear Ballot can use Verify Now to confirm the County's election results. For this year's general election, a high estimate would be 4,000 ballots at estimated one-time expense of \$11,300.00. Commissioner Sill moved to accept the request to have Clear Ballot audit the Dominion election process at an approximate expense of \$11,300.00. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Public Comment Period on November 8, 2022, General Election Location. Clerk and Recorder McCormick stated that state law requires the County to solicit public comment for the location of the polling center for this year's elections. From March 3 through May 2, 2022, she will post a survey in the two newspapers of record and on social media so voters can comment on the election location. The second public comment period will begin on May 27, 2022, after which she will submit the County's election plan to the Secretary of State's Office.

Discussion of County Manager Employment Contract. County Attorney Benning stated that the final candidate for the county manager position, Ray Rears, is present to discuss any remaining details of Gilpin County's employment contract; he had met previously with County Attorney Benning. Once the employment contract is signed by both

parties, it becomes a public record. Mr. Rears worked for Gilpin County for 11 years as the Community Development Planner, then for Central City as the Community Development Director. He earned a Masters Degree in Public Administration at CU Denver and graduated from the Executive Program with high honors.

Each Commissioner spoke with enthusiasm about their interactions with Mr. Rears and what they thought he would bring to the County and said they were eager for him to begin working with them. Afterward, Mr. Rears thanked the Board, noted his 18-year process to become the Gilpin County Manager, and said he was excited to begin his new position.

Commissioner Isenhardt moved to hire Mr. Ray Rears to be the next Gilpin County Manager effective March 7, 2022. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0. Commissioner Hollingsworth signed the contract with Mr. Rears, then they shook hands. A round of applause was heard throughout the Old Courthouse. A reception for Mr. Rears will be scheduled soon.

Hazard Mitigation Plan, Open Public Comment Period. Emergency Management Director Nathan Whittington stated that Gilpin County is updating its Hazard Mitigation Plan in cooperation with the cities of Black Hawk and Central City, as well as the Timberline Fire Protection District. This plan will lower the area's risk from natural and human-caused hazards, reduce losses from future disasters, make the jurisdictions more resilient, and make the County eligible for FEMA grant funding. The draft plan is currently available for public review and comment on the Gilpin County Sheriff's web page through March 13, 2022. A public work session will be scheduled so the Board and Emergency Management Director Whittington can explain their partnerships with the US Forest Service, NoCo 2050 PLACES and many others, and how they collaborate.

Intergovernmental Agreement with Northwest Enterprise Zone. Central City Community Development Director Ray Rears presented information on an intergovernmental agreement with the Northwest (Colorado) Enterprise Zone, which Gilpin County joined in 2017. He explained the various benefits of being in the Enterprise Zone, including business tax credits, commercial vehicle tax credits, vacant building rehabilitation, job training and more. Two local non-profit organizations—the Central City Opera and the Belvidere Theater Foundation—have taken advantage of this program. The annual cost is \$2,000.00, which is shared equally by Gilpin County and the City of Central. Commissioner Sill said he would like to see an updated agreement that included greater detail about how the County could exit the agreement. Chair Hollingsworth asked about how to provide information to other businesses. After discussion, the Board agreed to postpone a decision pending additional information.

Funding Requests, After Prom Events. Interim Finance Director Lorna Plamondon presented requests from the Gilpin County RE-1 School and the Nederland Senior/Middle School for \$1,000.00 each to fund after-prom events. She noted these two expenditures are typically included in the County's annual budget. The Board agreed the after-prom events were a good way to keep youth safe. Commissioner Sill moved to approve \$1,000.00 in funding for each for the Gilpin County RE-1 School and the Nederland Senior/Middle School. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

Treasurer's Reports. County Treasurer Mary Lorenz presented the following reports:

Corrected December 2021. A correction to this report was necessary due to an error in the way the mill levies were entered regarding the Public Works Department and a portion of the taxes they collect. The error was corrected in January, the amounts were recalculated and were dispersed correctly to other districts. Treasurer Lorenz also explained that the suspense fund is money the County holds for other parties, and is at \$115,000.00 as of December 31, 2021.

Corrected Semi-Annual, Second Half 2021. Since the December report was corrected, it affected the semi-annual report. Commissioner Sill moved to approve the corrected semi-annual report for July 1 2021 to December 31, 2021. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

January 2022 Monthly. Property tax collections were higher in January 2022 than in the same month the previous two years.

Continued Discussion of Short-Term Rentals. Commissioner Hollingsworth gave an overview of the Board's recent discussions of short-term rentals (STR) within the County and said they have been in communication with two other county commissioners and Colorado Counties, Inc., to learn more about various ways to regulate STRs. They provide income to owners, including residents, but they also impact neighbors with increased traffic, noise, fires, dogs, lack of water and lack of proper sanitation. Code Compliance Officer April Nielsen added that 69% of the STRs in Gilpin County are owned by non-residents and 75% of her work hours are spent on STR work. Interim Community Development Director Tami Archer explained that the regulations do not include a process for renewals, so when a license expires, the operator must apply for a new operating license. If the Board wants to move to a tiered fee structure, the Planning Commission would not be involved.

Board discussion continued on if a modified fee structure could set one fee for Gilpin County resident-owned STRs and a higher fee for those owned by non-residents. They also talked about potential benefits of a temporary moratorium on new applications. County Attorney Benning advised the Board that one requirement in the current STR regulations is that there must be a local manager to respond to the property within one hour. A temporary moratorium could be a maximum of six months and could be terminated earlier. A change to the regulations

would be an action separate from imposing a temporary moratorium. A temporary moratorium would allow the Board time to determine the best way to regulate STRs and would give staff time to address the current workload.

Commissioner Isenhardt moved to implement a temporary 90-day moratorium on new STR applications effective March 7, 2022. Commissioner Hollingsworth seconded the motion, which passed by a vote of 2 to 1, with Commissioner Sill voting against, citing the need to take immediate action on a modified fee structure for non-resident owners of STRs.

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

Clear Creek Watershed and Forest Health Partnership Memorandum of Understanding (MOU). This MOU is for water preservation, fire mitigation efforts, and forest health in the Watershed basin, and, unlike a contract, it is not binding. Numerous entities are considering joining the MOU and are sharing ideas on ways to address these critical issues. Emergency Management Director Whittington said he could see the benefit of the proposed MOU, but that he had numerous questions about it. CSU Extension Director Jennifer Cook said the Watershed group has a grant opportunity to fund the rewriting of Gilpin County's Community Wildfire Protection Plan and potentially an evacuation analysis. They would perform much of the administration of these, which would take a large workload off of County staff. The Watershed group will raise money mostly from downstream entities and Gilpin County is not being asked to pay, but because it is upstream, would reap more benefits. Discussion followed regarding some of the language in the MOU. Commissioner Isenhardt moved to approve entering into the MOU Establishing the Clear Creek Watershed and Forest Health Partnership for Collaboration and Coordination in Wildfire Risk Mitigation and Forest Health Projects within the Clear Creek Watershed. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

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: March 15, regular Board meeting and then a three-week break to the April 5 regular Board meeting. Commissioner Hollingsworth said there had been no work session on the Gross Dam haul routes.

Commissioner Comments. Commissioner Sill encouraged the Board to hold a work session on the short-term rental (STR) topic so that when the 90-day moratorium ends, they don't have to address the issue again. Chair Hollingsworth replied that there will be multiple work sessions and public comment opportunities.

Employee Shout-Out. The Board thanked the Public Works employees for their tireless efforts to keep County roads open during the recent snow storm.

Minutes. Commissioner Sill moved to approve the Board of County Commissioners Special Meeting Minutes for February 10, 2022. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

Commissioner Isenhardt moved to approve the Board of County Commissioners Meeting Minutes for February 15, 2022. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Public / Press Comment.

- Donna Okray Parman, 529 Highpoint Circle, expressed her dissatisfaction with the rules of public comment during a Board meeting, and on the seniors' newsletter note requiring attendees to have proof of vaccination (against COVID-19) or a negative test within three days of the lunch.
- Bill Merline, 86 Spruce Way, expressed his dissatisfaction with the information on fire mitigation efforts in the Missouri Lakes subdivision.
- Brian Morris 105 Shady Springs Court, Huntsville Alabama, expressed his views on STRs as a non-resident owner.

Adjourn. There being no further business to come before the Board, they adjourned at 12:00 p.m.

Signed this _____ day of _____, 2022.

ATTEST:

Sandy Hollingsworth, Chair

Sharon Cate, Deputy Clerk to the Board

Linda Isenhardt, Commissioner

Web Sill, Commissioner