



Minutes of the Meeting of the Board of County Commissioners, Gilpin County, Colorado, April 22, 2025

A regular meeting was held on Tuesday, April 22, 2025, at the Gilpin County Courthouse, 203 Eureka, and online via Zoom. In attendance were Commissioner Sandy Hollingsworth - Chair, Commissioner Susan Berumen, Commissioner Jeff Aiken, County Manager Ray Rears, County Attorney Todd Messenger, and Deputy Clerk to the Board, Kimberly Kaufman. Chair Hollingsworth called the meeting to order at 9:00 a.m.

Chair Hollingsworth started the meeting by acknowledging birthdays and the passing of Pope Francis.

The agenda was revised by adding Planning Commission Appointments were added to the Consent Agenda and the Limited Gaming Impact Committee Nomination was added as item 10.5. There were no other changes made.

County Attorney Todd Messenger asked the Commissioners if they had any conflicts of interest. None were noted.

Public and Press Comments were called. Deb Wray spoke on ATV use in the area near local cemeteries.

Commissioner Berumen moved to approve the Consent Agenda which included **Departmental Quarterly Reports for the 1st Quarter of 2025; Resolution 25-049, Authorizing Additional Expenditures Relative to Special Counsel Services of Dagner, Schluter, and Werber, LLC; Resolution 25-048, Authorizing the Execution of Church Ditch Water Rights Lease with Gary Gambino; Resolution 25-055, A Resolution Appointing Members to the Gilpin County Planning Commission; and approval of BoCC Meeting Minutes for December 17, 2024, and April 8, 2025.** Commissioner Aiken seconded; the consent agenda was approved 3 to 0.

Resolution 25-054, Recommending the Appointment of a Member to the Jefferson Center Board of Directors – presented by Commissioner Hollingsworth. The Jefferson Center for Mental Health Board position became vacant in December as the volunteer member who held the position was term-limited. This member position sits on the Board with a commissioner from each of the three counties served by the Jefferson Center. The open position was posted in the local newspaper and online. Interviews took place yesterday, and Jim Reid was recommended by the interviewers to fill the position. Commissioner Berumen and Aiken had been provided with the interview questions and answers to become familiar with Mr. Reid's background. It was noted the appointment is contingent on approval by Clear Creek County as well. Commissioner Aiken moved to adopt the resolution appointing Mr. Reid; Commissioner Berumen seconded; the resolution was adopted 3 to 0.



The **Public Hearing – CRS, LLC Application for 1041 Permit for Russell Gulch Reclamation Project - Resolution 25-053**, noticed for 9:00 a.m. was opened at 9:11 by Chair Hollingsworth. Torie Jarvis, Attorney with Sullivan, Green, Seavy, and Jarvis, and Rob Gutierrez, Community Development Director, presented. Chair Hollingsworth gave a brief summary on how the hearing would proceed.

Attorney Jarvis provided general information on 1041 basics for the benefit of Commissioner Aiken. 1041 is a state statute that delegates authority to counties and municipalities to regulate areas and activities of state interest. As a rural, heavily forested county, Gilpin shares the state interest in preserving wildlife habitat areas. As a result, development occurring in a wildlife area must obtain a 1041 permit to move forward with that project.

This applicant was seeking to reclaim mine tailings in a designated wildlife habitat area, so a 1041 permit was required. All of the impact-based state standards must be met. Staff recommendation was to approve the project. A permit from the Division of Reclamation, Mining, and Safety is needed due to the nature of the project. Other conditions for approval were discussed. Colorado Reclamation Services LLC (CRS) Representative Greg Smith and Harold Lesser spoke in support of the application.

Chair Hollingsworth opened Public Comment at 9:30 a.m. Bill Merline spoke as to his concerns regarding the project with tree removal during pine beetle fly season. Public Comment was closed at 9:36 a.m. Mr. Merline's concerns were addressed by the applicant. The Commissioners then asked a number of questions regarding various impacts of the project. To address one concern raised by Mr. Merline, Commissioner Hollingsworth invited the applicant to take advantage of Gilpin's CSU Extension Agent as she is an expert in our local flora and fauna. The reclamation process is anticipated to be complete in 15 months, far less than the requested two-year permit. Commissioner Berumen moved to adopt resolution 25-053 granting a 1041 permit to CRS LLC to conduct the Russell Gulch Reclamation Project in a Wildlife Habitat. Commissioner Aiken seconded; the motion passed 3 to 0. The Commissioners thanked them for their time and efforts. The Public Hearing was closed at 10:10 a.m. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's office.)

Chair Hollingsworth introduced Jim Reid, the newly appointed member of the Jefferson Center for Mental Health Board Member, who joined the meeting.

At 10:12, Public Hearing – Resolution 25-052, Approve Supplemental Appropriation to the 2024 Budget was opened by Chair Hollingsworth. Jamie Boyle, Interim Finance Director, presented the request for the approval of a supplemental appropriation for the Human Services fund to increase revenue and expenditure by equal amounts, \$325, 985.46, to reflect additional revenues received by the state and spent according to their statutory requirements. At **10:13**, Chair Hollingsworth **opened Public Comment**. There was none. Chair Hollingsworth **closed the public comment at 10:13 a.m.** Commissioner Aiken moved to adopt the resolution;



Commissioner Berumen seconded; the motion passed 3 to 0. The Public Hearing was closed at 10:14 a.m.

At 10:15 a.m., the second Public Hearing the was called. -- VPL-25-02, A Resolution Vacating Right, Title, and Interest in Third Avenue 30-Foot Right-of-Way, Rollinsville, Colorado – Rob Gutierrez, Community Development Director, and Rachel Vigil, Planner presented a quick overview of the petition with staff recommendation. The applicants are the owners of Rollinsville West LLC., Mark and Lynn Slinger. This application seeks the vacation of 10 feet of right-of-way (ROW) on Tolland Road in Rollinsville directly north of lots 1-20 for the purpose of expanding the usable area of the lots. Future plans include a boundary line elimination between the lots. There are two subdivision plats in conflict and encroachments into the ROW. (The original township plat and the and the Rollinsville Heights plat). Surveying and GIS work have been going on to clarify the matter. It was noted by staff our zoning regulations have six criteria that must be met in order to approve a roadway vacation; however, the meeting of those criteria does not require vacation. Staff recommended denial of the vacation as it reduces the amount of platted ROW that can be used for future maintenance and utilities. It also further complicates the property line conflicts. John Combs, Director of Public Works, weighed in with strong opposition to the vacation. Sixty foot of ROW is needed for drainage and sloughing of materials.

Chair Hollingsworth opened the hearing to **Public Comment at 10: 21 a.m.** Zach Delashmit, a business owner in Rollinsville, spoke in favor of the vacation. The applicants, Mark and Lynn Slinger, also spoke in favor of the vacation. The **Public Comment period was closed at 10:26** as no one else wished to speak. Commissioner discussion followed including if a 60 foot right of way existed on other county roads or other parts of this road, if the used portion of the road had changed over time, and if the applicants' development plans would be restricted. Attorney Messenger pointed out from a legal standpoint, property owners are assumed to know the condition of title; and there is an assumption the owners had the chance to review title and items in the public record that affects their property. Secondly, if necessary, the courts could review the original plat and records to determine if any portion was sold before it was platted again. If not, a review would take place of the more recent re-plat. Any interim conveyances could be determined. The County could choose to vacate what it owns, such as a portion of the ROW, but not what had been conveyed to someone else. The Commissioners decided they needed further information, including Commissioner Aiken desiring a site visit, to determine the appropriate action on behalf of the County. Commissioner Aiken moved to continue the matter to the next regular BoCC meeting on May 13th. Commissioner Berumen seconded, the motion was approved to continue the public hearing to May 13, 2025, at 9:30 a.m. in the same chambers. The **Public Hearing was closed at 10:50 a.m.**

The next **Public Hearing -- VPL-25-02, A Resolution Vacating Right, Title, and Interest in Third Avenue 30-Foot Right-of-Way, Rollinsville, Colorado** was opened at 10:51 a.m. by Chair Hollingsworth with the same parties as the previous hearing. Rachel Vigil, Planner presented. This petition was for vacation of the land known as Third Avenue in Rollinsville. Third Avenue



boundaries do conflict with the ROW of Tolland Road and appear to go into the travelled portion of Tolland. Third Avenue as indicated on the map was never developed into a road. Additionally, the preferred location for the Colorado Department of Transportation Mountain Rail Station is across the train tracks directly south of Third Avenue. Staff is recommending denial of this vacation as well. The Petitioners were invited to speak. Mark Slinger stated they were seeking vacation of Third, so their lots on either side of Third could be made into one lot on which they could eventually build a commercial building. Public comments were invited at 10:58 a.m. No one wished to speak. **Public Comment was closed at 10:59 a.m.** Manager Rears noted JR Engineering has been hired to prepare a plan for future Rollinsville development that would be helpful in making these decisions. The Commissioners also noted Timberline Fire is not currently supportive of additional commercial development in Rollinsville due to the limits on available water resources for firefighting. Commissioner Aiken moved to continue the matter indefinitely, so more information could be gathered. Commissioner Berumen seconded. The motion passed 3 to 0. The **Public Hearing was closed at 11:18 a.m.**

The Board took a short recess from 11:18 to 11:30 a.m.

Resolution 25-050, Implementation of Education Agreement for CDL (Commercial Driver's License) Training – Chanda Johnson, Human Resources Director and John Combs, Public Works Director, presented. Director Combs explained Public Works has had difficulty recruiting potential employees who are Commercial Driver's License (CDL) holders. To facilitate filling open positions, they were hiring in non-CDL drivers and helping them obtain the license. Public Works was seeking to add the hiring incentive of County paid CDL training conditioned on the employees' commitment to stay employed with the County for a two-year period. If the employee terminates employment within the two years, they would have a pro-rated rate to pay back the training cost based on length of service. The 4-week program costs \$5600 and has been budgeted. Commissioner Berumen made a motion to adopt the resolution; Commissioner Aiken seconded; the resolution passed 3 to 0.

Resolution 25-051, Appointing Members to the Rudolph Ranch Homestead Working Group – Melanie Bleyler, Community Engagement Officer, presented the Resolution seeking appointment of individuals to the Rudolph Ranch Working Group, a group of interested citizens and experts formed to recommend plans for the recently purchased property. Letters of Interest for targeted positions within the group had been publicly solicited. Seventeen (17) individuals applied for the nine (9) open positions. The Commissioners voted on paper ballots individually earlier that morning, handed them in, and were now presented with the results. The nine individuals who had each received at least two votes were publicly named with their position of appointment. The appointment for the Chair of the group was recommended. The Board determined two alternates were not needed due to number of members, and the resolution was amended accordingly. Commissioner Berumen moved to adopt the resolution as amended removing the alternate positions and accepting the selected members to the working group. Commissioner Aiken seconded; the resolution was approved 3 to 0. Commissioner



Hollingsworth thanked everyone for their applications and willingness to serve with congratulations to those selected.

Next on the agenda was the local Limited Gaming Impact Advisory Committee nomination. Because of the timing, Commissioner Hollingsworth stated they did not have the form to fill out as in years past, but they wanted to make the recommendation for filling the position now. Clear Creek County Commissioner George Marlin has been serving in the position, but he was not planning on reapplying. Gilpin County receives a significant amount of money through the fund every year, so representation is important. Commissioner Aiken expressed his interest in serving on the committee. Commissioner Berumen moved to recommend Commissioner Aiken from District 1 to be Gilpin County's nominee to fill the position. Commissioner Aiken seconded; the motion carried 3 to 0.

County Attorney's Report – Todd Messenger presented his legal report naming matters the legal team had been working on over the previous two weeks.

He noted there is a rule making hearing via Zoom on May 1st with regard to the digital accessibility rules. Because there are a number of ambiguities in the law that could create legal exposures for local governments, he sought the Commissioner's approval to speak, and possibly present written testimony, at the hearing to provide some clarity with respect to implementation of the rules. The three Commissioners supported Mr. Messenger's testimony at the hearing on behalf of the County.

Additionally, he enquired if, because of the questions raised in the earlier presentation on the Rollinsville matter, whether the Commissioners wanted to authorize Fairfield and Woods to look at the title and right-of-way issues. In the alternative, as the ongoing engineering study for Rollinsville with respect to the rail station could provide additional information, he enquired if they would prefer to hold off on the research of those matters to conserve County resources. This would allow for policy-directed legal research and conservation of financial resources. Discussion followed. It was determined since work sessions addressing roads and rights-of-way were scheduled in June and July, waiting would be most cost effective and help inform potential questions.

County Manager's Report – Ray Rears presented upcoming meetings

- Next Regular Meeting will be May 13, 2025
- Work Session is scheduled later this day at 2:00 p.m. to discuss right-of-way mitigation and budget amendments.
- Joint Work Session - May 20th with Clear Creek County Commissioners at 1:00 p.m.
- June 5th Work Session - moved from June 3, 2025 to CCI Conference.
- South Beaver Creek Road Community meeting - May 9, 2025 from 6:00 to 7:30 p.m.



Manager Rears outlined the meetings and events he had attended over the previous two weeks and other work he had accomplished over that time. He also provided a summary of the gaming numbers from the last six months.

Public or Press Comments were invited – Tim Woodward, District Wildlife Manager with Colorado Department of Parks and Wildlife provided an update regarding the introduction and habits of wolves. John Combs informed the Commissioners the new \$2.00 State Park Fees added to daily use passes resulted in a 1st quarter 2025 collection of approximately \$1200.

Board of County Commissioner Reports and Notice of Public Meetings

Additional Meetings and Events:

- May 13th 9:00 Regular BoCC meeting
- May 15th Open House for the Friends of Gilpin Community Center
- May 19th South Beaver Creek Open House
- CASA Awards breakfast
- Gilpin School Scholarship Dinner

Commissioner Berumen, Aiken, and Hollingsworth each discussed the meetings and events they attended and gave updates on what they were working on. The Board recessed at 12:33 p.m. to return at 1:00 p.m. for the legislative update with Policy Matters.

At 1:00 p.m., the legislative review with Policy Matters, LLC. lobbyists Heather Retzko and Katie Hancock began. Discussion followed regarding the status of the various pieces of legislation the Commissioners were following. An updated list as of legislation status and Commissioner positions as of April 22, 2025 is attached.

Lobbyist Updates 2025

House Bills

- HB25-1008. Complementary Behavioral Health Services in Jails. **Oppose.** In appropriations
- HB25-1031. Law Enforcement Whistleblower Protection. **Monitor. Re-passed House**
- HB25-1088. Costs for Ground Ambulance Services. **Monitor. Passed House**
- HB25-1108. Prohibitions in Rental Agreements Due to Death. **Support. Re-passed House**
- HB25-1120. Septic-System Replacement Enterprise. **Monitor**
- HB25-1147. Fairness & Transparency in Municipal Court. **Monitor. Passed Senate, back to House to concur with amendments. Laid over daily**
- HB25-1169. Housing Developments on Faith and Educational Land. **Amend. Laid over daily.**
- HB25-1182. Risk Model Use in Property Insurance Policies. **Support. Re-passed House**



- HB25-1208. Local Governments Tip Offsets for Tipped Employees. **Monitor. Passed.**
- HB25-1247. County Lodging Tax Expansion. **Support. Commissioner Aiken testified 3/26. Re-passed House**
- HB25-1271. Federal Benefits for Youth in Foster Care. **Amend. Will be heard on House floor later this week or earlier next week.**
- HB25-1272. Construction Defects & Middle Market Housing. **Support. Passed Senate, back to House to concur with amendments. Policy Matters will send over amendments for review.**
- HB25-1293. Drug Overdose Education & Opioid Antagonists in Schools. **Support. Passed House.**
- HB25-1295. Food Truck Operations. No Senate sponsor. **Amend. Laid over daily in House. Likely to die.**
- HB25-1302. Increase Access Homeowner's Insurance Enterprises. **Support. Will be heard on House floor later this week or earlier next week.**
- HB25-1303. Funding for Motor Vehicle Collision Prevention. **Support. Passed House**
- HB25-1311. Deductions for Net Sports Betting Proceeds. **Monitor.**

Senate Bills

- SB25-001. Colorado Voting Rights. **Support.**
- SB25-002. Regional Building Codes for Factory-Built Structures. **Support.**
- SB25-040. Future of Severance Taxes & Water Funding Task Force. **Monitor**
- SB25-045. Health-Care Payment System Analysis. **Support.**
- SB25-077. Modifications to Colorado Open Records Act. **Support. Governor Vetoed. Attempting an override of the veto.**
- SB25-142. Changes to Wildfire Resiliency Code Board. **Oppose. Remain opposed. No House sponsor**
- SB25-149. Local Government Duties Equestrian Protections. **Monitor**
- SB25-164. Opioid Antagonist Availability & State Board of Health. **Support**
- SB25-273. 14 Days Hospitals Retain Blood Draws for Investigations. **Support. Jeanne Nicholson testified on April 10. Passed on 2nd reading.**
- SB25-276. Protect Civil Rights Immigration Status. **Monitor.**

Others - For Discussion

- SB25-005. Taking two votes. One more vote in House before sending to Governor.
- SB25-225. Limited Gaming Fund Distribution. **Sent to Governor**
- SB25-257. Modify General Fund Transfers to State Highway Fund. Should go through with budget. Will not affect HUTF funding.
- HB25-1215. Redistribution of Lottery Fund. Policy Matters will research this further.
- iGaming Resolution – version shared with the county was financially based and didn't include social issues. Could still accept that resolution, create our own that references



the other resolution, or sign on to the original resolution AND create a separate resolution.

- Policy Matters can help secure sponsors for any bills might want to put forth next year.
- HB25-1319. County Commissioner Vacancies. Only applies to counties of 50,000 or more.
- HB25-1332. Responsible Stewardship on State Trust Lands. Recently introduced with a fiscal note.

Bills Signed

- HB25-1029. Municipal Authority over Certain land. **Oppose. Governor Signed**
- HB25-1050. Regional County Jail Approach. **Support. Governor Signed**
- HB25-1053. Landowner Immunity for Emergency Access to Property. **Support. Governor Signed**
- SB25-003. Semiautomatic Firearms & Rapid-Fire Devices. Sheriff opposes. **Monitor. Governor Signed**
- SB25-033. Prohibit New Liquor-Licensed Drug Stores. **Monitor. Governor Signed**
- SB25-060. Repeated Phone Calls Obstruction of Government Operations. **Support. Governor Signed**

Postponed Indefinitely (PI)

- HB25-1089. County Mail Ballot Signature Verification Requirements. **Support – Postponed Indefinitely**
- HB25-1099. Water Quality Data Standards. **Support – Postponed indefinitely**
- HB25-1199. Property Tax Payment Schedule. **Postponed indefinitely.**
- HB25-1237. Soft Closing of Alcoholic Beverage Establishments. **Oppose Postponed indefinitely.**
- HB25-1261. Consumers Construction Defect Action. **Postponed Indefinitely**
- SB25-012. Financial Assistance for County Jails. **Support Postponed indefinitely.**
- SB25-065. Indemnification of Peace Officers' Criminal Conduct. **Postponed indefinitely.**
- SB25-119. Measures to Modify the Department of Early Childhood. **Oppose – postponed indefinitely.**

There being no other business, the meeting was adjourned at 1: 42 p.m.

Approved this 8th day of July, 2025.

A signed and recorded version of these minutes is available via the Clerk & Recorder's Office.