

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

November 13, 2012

A regular meeting of the Board of County Commissioners of Gilpin County was held on November 13, 2012, at the Gilpin County Old Courthouse. Chair McLain called the meeting to order at 9:00 a.m. In attendance were Chair Connie McLain; Commissioner Buddy Schmalz; Commissioner Forrest Whitman; County Manager Roger Baker; County Attorney Jim Petrock; and Sharon Cate, Deputy Clerk to the Board.

**Notice of Public Meetings.** The public meetings in the upcoming three weeks that could be attended by more than one Commissioner and at which public business may be discussed will include:

- Colorado Counties, Inc., Winter Conference, November 26—28, in Colorado Springs

**Legal Status Report.** County Attorney Jim Petrock advised the Commissioners on the following legal issues:

Brannan Sand and Gravel Company Litigation. The Brannan Sand and Gravel Company's case against Gilpin County has been remanded from District Court back to the Colorado Court of Appeals to review District Judge Berryhill's finding. It will likely be March or April of 2013 before a final decision is made in the case stemming from the Board of County Commissioners August 19, 2008, denial of Brannan's gravel quarry application.

Work Session on Amendment 64. The Board of County Commissioners should plan to hold a work session to discuss the relationship between Amendment 64, the legalization of marijuana in limited quantities, and medical marijuana facilities within the County.

Revised Septic Regulations from State. The State Water Quality Division has proposed the complete statewide revision of regulations on septic systems, beginning with a rulemaking meeting in March 2013.

The Board of County Commissioners recessed and convened as the Board of Health.

**Purchase of Services Agreement—Public Health.** Two employees of the Jefferson County Public Health—Jim Rada, Environmental Health Services Division Director, and Norma Tubman, Director of Community Health Services—were present to discuss the Purchase of Services Agreement for 2013. The Agreement calls for JCPHD to deliver certain public health services to Gilpin County; compensation is outlined as one full-time Public Health Coordinator's salary and benefits, plus an indirect cost rate of 15% to cover administrative costs associated with the Coordinator's position. JCPH will also bill at the rate of \$73 per hour for maternal child health nurse home visits to high risk families and children with special needs.

Directors Rada and Tubman answered questions from Commissioner McLain and County Manager Baker regarding home visits to high risk families, training and inspection for swimming pools, and other items. Director Rada also explained details of the new statewide septic regulations (mentioned above by County Attorney Petrock) saying the State's intent was to standardize septic standardize regulations while allowing greater flexibility for various types of sites; input had been received from the Colorado School of Mines.

Commissioner Whitman moved to approve the Purchase of Services Agreement, as presented, effective January 1, 2013. Commissioner Schmalz seconded the motion. Director Rada asked which county would perform septic system inspections. County Manager Baker said Jefferson County would continue to do them unless Gilpin County indicates otherwise. The motion passed by a vote of 3 to 0.

Director Rada informed the Board that the State Board of Health would soon conduct a rulemaking hearing for regulations on restaurants and grocery stores to bring the state code into alignment with the federal code. In turn, Jefferson County will update its inspection program basing the frequency of inspections on each business's internal risk factors to allow timely intervention. Another change statewide will be to adopt the public health standards as required in the 2008 Public Health Act.

Director Tubman spoke about the Community Health Assessment and Community Health Plan, which Jefferson County and Gilpin County collaborated on and added that Gilpin County Public Health Coordinator Ann Marie Bailey had submitted recent data; a report will be ready by the end of November. She also said Jefferson County had looked into Gilpin County's question about using emergency medical technicians (EMT) to administer immunizations to residents, during the course of some types of ambulance visits. Commissioner Schmalz clarified that the hope had been to utilize existing resources and to have EMTs perform some level of a health assessment while they administered immunizations.

The Board of Health adjourned and reconvened as the Board of County Commissioners.

**Treasurer's Report—October 2012.** Treasurer Alynn Huffman reported on operations in that office for the month of October 2012 and noted that the annual Tax Lien Sale would be held the following day, November 14, 2012, for only 246 properties.

The Board of County Commissioners recessed and convened as the Board of Adjustment.

**Public Hearing—Variance Request—BOA #12-06.** Chair McLain opened the public hearing for a variance request, BOA #12-06, for Richard Dale George Sr., and Margaret Jean Anderson George, 260 Hacker Drive, Lot 14, Block 30, Byron Hackers Lots, a 0.56-acre parcel. Planner Ray Rears presented the request for relief from property line setback requirements to allow for the construction of an addition to the single-family dwelling, which would encroach into the required 30-foot setback by 18 feet. The applicants were not present. Chair McLain opened the hearing to public comment. There being none, Chair McLain closed the hearing to public comment. Commissioner Schmalz moved to deny BOA #12-06 for Richard Dale George Sr., and Margaret Jean Anderson George, 260 Hacker Drive, Lot 14, Block 30, Byron Hackers Lots. Commissioner Whitman seconded the motion, which passed by a vote of 3 to 0. Chair McLain closed the public hearing. (The legal recording of the public hearing is an audio file available through the Clerk and Recorder's Office.)

**Public Hearing—Variance Request—BOA #12-02.** Chair McLain opened the public hearing for a variance request for Daniel Marks, 34982 Pine Ridge Lane, a 20-acre parcel, property schedule #R011274, which had been continued from the Board's October 16, 2012, meeting. Planner Ray Rears stated that Mr. Marks has withdrawn his variance request, with the intention of presenting a boundary line adjustment (BLA) application in the near future. If the adjacent property owners cannot agree upon a BLA, Mr. Marks could submit an application for a similar variance request. (The legal recording of the public hearing is an audio file available through the Clerk and Recorder's Office.) Chair McLain closed the public hearing.

The Board of Adjustment adjourned and reconvened as the Board of County Commissioners.

**Public Hearing—Resolution #12-16—Approving Revisions to Sections 1.5, 1.7, 2.2 and 2.3 of the Gilpin County Zoning Regulations.** Chair McLain opened a public hearing for some proposed zoning regulation revisions. Community Development Director Tony Petersen gave an overview of the proposed revisions and explained that most of the revisions were necessary to eliminate any language inconsistencies within the code. He further explained that Section 2.2 revisions were in response to recent requests to have photovoltaic systems greater than 5kw approved administratively rather than through the special use review process. Chair McLain opened the hearing to public comment. Those who spoke were: Billy Vines, employee of Golden Electric; Don Parker, owner of Golden Electric; and local resident Virginia Lipsky.

Following public comment, Chair McLain closed that portion of the hearing.

Commissioner Whitman moved to adopt Resolution #12-16, "Approving Revisions to Sections 1.5, 1.7, 2.2 and 2.3 of the Gilpin County Zoning Regulations," as presented. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. Chair McLain closed the public hearing. (The legal recording of the public hearing is an audio file available through the Clerk and Recorder's Office.)

The Board of County Commissioners recessed and convened as the Local Liquor Licensing Authority.

**Liquor License Renewal App—Stage Stop.** Commissioner Schmalz moved to approve the annual tavern liquor license renewal application for Stage Stop, License #42-86580-0000, at 60 Main Street, Rollinsville, with an expiration date of November 28, 2013. Commissioner Whitman seconded the motion, which passed by a vote of 3 to 0.

**Liquor License Renewal Application—Last Shot.** Commissioner Schmalz moved to approve the annual hotel and restaurant liquor license for Last Shot, LLC, at the Last Shot, 17268 Highway 119, with an expiration date of February 28, 2013. Commissioner Whitman seconded the motion, which passed by a vote of 3 to 0.

The Local Liquor Licensing Authority adjourned and reconvened as the Board of County Commissioners.

**County Manager Status Report.** County Manager Roger Baker updated the Commissioners on the following items:

Monthly Departmental Reports. The monthly departmental reports that had been submitted were discussed.

Library Board Resignations. Commissioner Whitman moved to accept the resignations of Laura Staneff and Michele Saeger from the Library Board of Trustees. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. Commissioner Schmalz moved to appoint Joe Tinucci to the Board of Trustees for a term ending on December 31, 2014. Commissioner Whitman seconded the motion, which passed by a vote of 3 to 0. Commissioner Whitman moved to appoint Alan Smith to the Board of Trustees for a term ending December 31, 2016. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Minutes.** Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for October 30, 2012. Commissioner Whitman seconded the motion, which passed by a vote of 3 to 0.

**Adjournment.** There being no further business to come before the Board, they adjourned at 10:33 a.m.

Signed this 04<sup>th</sup> day of December 2012