

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

May 21, 2013

A regular meeting of the Board of County Commissioners of Gilpin County was held on May 21, 2013, at the Gilpin County Old Courthouse. Chair Schmalz called the meeting to order at 9:00 a.m. In attendance were Chair Buddy Schmalz; Commissioner Connie McLain; Commissioner Gail Watson; County Manager Roger Baker; County Attorney Jim Petrock; and Sharon Cate, Deputy Clerk to the Board.

Public/Press Comment. Robert Griffith, 198 Lower Russell Gulch Road, expressed concern that much of the land on Pewabic Mountain and in that general area is extremely dry, and that many of the property owners are not engaged in removing forest fire fuels from their land. He suggested that parcels with dangerous amounts of forest fire fuels should receive a special assessment to encourage fuel removal or to pay the County for performing this task. Commissioner Schmalz responded that the County shared Mr. Griffith's concerns, but that it is governed by state law and such special assessments are not allowed. He also said there might be other ways to address this concern.

Prioritizing Department of Local Affairs Grant Fund Applications. County Manager Baker stated that before submitting grant applications to the Department of Local Affairs (DOLA) for the Local Government Limited Gaming Impact Fund, the Board of County Commissioners is required to review and rank the applications submitted by entities within their County. He further noted that applications approved by DOLA in 2013 were for funds that would be used in 2014. After their review of the DOLA grant applications, the Board ranked them as follows:

1. Mountain Family Health Centers
2. Detentions Center—Gilpin County Sheriff's Office
3. Communications—Gilpin County Sheriff's Office
4. Gilpin County RE-1 School-based Counseling—Jefferson Center for Mental Health
5. Eagles' Nest Early Learning Center
6. First Judicial District Attorney's Office
7. Gilpin County Victim Services
8. Law Enforcement Personnel—Gilpin County Sheriff's Office
9. Digitizing Gilpin County Property Records—Gilpin County Clerk and Recorder's Office

Commissioner McLain moved to approve the prioritization of the nine (9) applications as listed. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Annual Operating Plan and Financial Plan (Patrol Agreement). Sheriff Bruce Hartman presented the 2013 Annual Operating Plan and Financial Plan between the Gilpin County Sheriff's Office and the U.S. Forest Service. The Plan facilitates the reimbursement of \$9,200 from the USFS to the Sheriff's Office for patrol activities on certain Forest Service roads and at campgrounds and other areas within Gilpin County. Sheriff Hartman said the Agreement was something of an "extra benefit" to Gilpin County, as the Sheriff's Office would respond to an emergency at those areas or roads anyway, but the Agreement also provides funding for equipment.

Commissioner McLain moved to approve the 2013 Annual Operating Plan and Financial Plan between the Gilpin County Sheriff's Office and the U.S. Forest Service in the amount of \$9,200. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Clerk and Recorder's Monthly Report. The Board of County Commissioners reviewed Clerk and Recorder Colleen Stewart's report on operations in her office for the month of April 2013, and had no questions.

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

Public Hearing—Variance Request—BOA #13-02 (Continued). Chair Schmalz opened a public hearing at 9:30 a.m., which had been continued from April 23, 2013, for a variance request for Lawrence M. Krug, 1147 Coyote Circle, to allow for the construction of a 1,400 sq. ft. garage/workshop, which would encroach into the required 30-foot setback by 26 feet. Planner Ray Rears stated that on April 23, Mr. Krug had been directed by the Board of Adjustment to provide a land survey and written acceptance from the property owner on his lot's eastern border. Applicant Lawrence M. Krug was present and distributed photos that depicted the parcel boundaries, but said his neighbors would not endorse his plan. Chair Schmalz opened the hearing to public comment. There being none, Chair Schmalz closed the hearing to public comment. Planner Rears said there were other alternatives for this parcel and said staff continued to recommend denial of the variance application.

Commissioner Watson moved to deny BOA #13-02, for Lawrence M. Krug, 1147 Coyote Circle. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 1, with Commissioner McLain voting against denial. Chair Schmalz 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 Adjustment adjourned and reconvened as the Local Liquor Licensing Authority.

Tasting Event Application. Liquor Licensing Clerk Sharon Cate presented an application from the Rollinsville Country Store and Liquors, Liquor License #42826610000, to conduct a Tasting event in accordance with C.R.S. 12-47-301(10), scheduled for May 27, 2013. Commissioner Watson moved to approve the application, with the condition that food be provided to attendees of the Tasting. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

Stage Stop—Manager Registration Application. Liquor Licensing Clerk Sharon Cate presented an application to register Heather Hatwan as the manager at the Stage Stop, Liquor License #42865900000, in Rollinsville in accordance with C.R.S. 12-47-301(8). Commissioner McLain moved to approve the application. Commissioner Watson 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. In referring to the Human Resources report, he noted that the total number of employees had decreased, in part because the Property Tax Work Off Program had ended for the year on May 15. The Parks and Recreation report does not include more specific information on utilities usage because it is very difficult to determine how Colorado Natural Gas is billing Gilpin County. County Manager Baker said it could require filing a complaint with Public Utilities Commission in order to receive accurate and complete billing information.

CSU Extension Citizens Advisory Board. Commissioner Watson moved to appoint Julie Shaw to the Colorado State University Cooperative Extension Citizens Advisory Board in Gilpin County. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

The Board of County Commissioners recessed from 9:55 a.m. to 10:00 a.m.

Public Hearing—Resolution #13-05—Revision to the Gilpin County Zoning Regulations. Chair Schmalz opened a public hearing at 10:00 a.m. for proposed Resolution #13-05, "Revision to the Gilpin County Zoning Regulations." County Planner Ray Rears gave a detailed review of each of the proposed revisions. Chair Schmalz opened the hearing to public comment. Those who spoke were: Gloria Gaines 781 Martin Drive, on behalf of the Gilpin Historical Society; and Richard and Margaret George, property owners in the Byron Hacker Lots Subdivision. The Board also reviewed written public comment that had been hand-delivered to their office. Following public comment, Chair Schmalz closed the hearing to public comment.

County Attorney Petrock recommended continuing the public hearing to allow time to include a fee structure in the proposed revisions to the zoning regulations. Commissioner McLain moved to continue the public hearing for Resolution #13-05, "Revision to the Gilpin County Zoning Regulations," to June 11, 2013, at 10:00 a.m. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. Chair Schmalz closed the public hearing. (The legal recording of the public hearing is an audio file available through the Clerk and Recorder's Office.)

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 has 10 days from to appeal the Court of Appeals' decision to the Colorado Supreme Court.

Medical Marijuana Regulations. County Attorney Petrock is reviewing House Bill 1317, a 58-page document outlining the Colorado legislature's regulations on medical marijuana. The additional work to be done by the Colorado Department of Revenue must be completed by July 1, 2013. The Board of County Commissioners will hold a work session on June 11, after their regular meeting to discuss Gilpin County regulations.

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

- Public health work session, Commissioners' meeting room, May 21, 1:30 p.m.
- Monthly 'Coffee with Commissioners' discussion, May 23, 6:30 p.m.
- US Forest Service work session, Commissioners' meeting room, May 28, 1:00 p.m.
- Senior housing meeting, Commissioners' meeting room, May 29, 1:30 p.m.
- Colorado Counties, Inc., summer conference, Keystone, June 3 through 5

Minutes. Commissioner McLain moved to approve the Board of County Commissioners Meeting Minutes for May 7, 2013. Commissioner Watson 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 11:15 a.m.

Signed this 11th day of June 2013.