

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

November 26, 2013

A regular meeting of the Board of County Commissioners of Gilpin County was held on November 26, 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.

The Board of County Commissioners recessed and convened as the Board of Human Services at 9:04 a.m. (See BOHS meeting minutes, 11/26/2013.) They reconvened as the Board of County Commissioners at 9:07 a.m.

**Amendment to Pay Plan—Case Manager Supervisor.** Human Services Director Betty Donovan proposed amending the Gilpin County Pay Plan by adding a Case Manager Supervisor position. Human Resources Director Susie Allen, who was present to provide information about the pay plan and the proposed position, stated that adding the position had been discussed in the Human Services budget hearing. Commissioner McLain moved to approve an amendment to the pay plan by adding the position of Case Manager Supervisor. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Public Hearing—Variance Request—SUR #13-05—Smartlink.** Chair Schmalz opened the public hearing for a special use review (SUR) for Smartlink (AT&T Wireless). Planner Ray Rears presented the applicant's request to allow for the construction of an 85-foot cell phone service tower on a 13.08-acre parcel at an address to be determined on Young Ranch Road, accessed from the Central City Parkway. The tower would have the appearance of a pine tree at a facility that would include a 40-foot x 70-foot leased area for antenna and other equipment, plus a 50kw diesel generator for emergency backup power, all to be enclosed in a six-foot-high chain link fence. Applicant representative Mark Sawyer, Scottsdale, Arizona, was present. Discussion of the proposed tower ensued.

Chair Schmalz opened the hearing to public comment. There being none, Chair Schmalz closed the hearing to public comment. Commissioner McLain moved to approve SUR #13-05, for Smartlink (AT&T Wireless), address TBD on Young Ranch Road, as conditioned. 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, including public comment, is an audio file available through the Clerk and Recorder's Office.)

**Request to Fill a Position.** Public Works Director Curtis Logsdon proposed the hiring of an Equipment Operator I or Equipment Operator II (EO1 or EO2) to fill a vacancy on his crew. Human Resources Director Susie Allen stated that filling the position had been approved in the Public Works budget hearing. Director Logsdon said the position had been vacant for two or three months, and that after much advertising, no qualified applications had been received; however, a current EO1 had tested well and could be moved up to EO2 creating a vacant EO1 position. Commissioner McLain moved to approve filling the EO2 position. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Memorandum of Understanding—Security Resource Officer.** Sheriff Hartman stated that he was in agreement with some changes that had been made to a Memorandum of Understanding between the County and the Gilpin County School RE-1 to provide a School Resource (security) Officer. Commissioner McLain moved to approve the Memorandum of Understanding for Provision of a School Resource Officer. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Public Hearing—Resolution #13-21, Supplemental Appropriations.** Chair Schmalz opened a public hearing for Resolution #13-21, "Approving Supplemental Appropriations to the 2013 Budget." Finance Director Clorinda Smith proposed a list of unanticipated expenditures to the General Fund. Chair Schmalz opened the hearing to public comment. There being none, Chair Schmalz closed the hearing to public comment. Commissioner McLain moved to approve Resolution #13-21, "Approving Supplemental Appropriations to the 2013 Budget." Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Treasurer's Items.**

Monthly Report—October 2013. Chief Deputy Treasurer Mary Lorenz spoke briefly about fund balances and taxes collected.

Cancellation of Personal Property Taxes. Deputy Public Trustee Lorenz proposed the cancellation of taxes on the following three personal property accounts, which have been deemed uncollectible:

- AC Coin and Slot Service, #P015030, tax year 2012, \$411.90
- AC Coin and Slot Service, #P015257, tax year 2012, \$574.62
- Rollins Villains, #P015178, tax year 2013, \$203.53

Commissioner McLain moved to approve the cancellation of taxes on the three personal property tax accounts as presented. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Tax Lien Sale Results. Chief Deputy Lorenz stated that fewer properties than last year were offered at this year's tax lien sale, but that more money was generated by this year's sale. The proceeds of the sale are transferred to the General Fund.

**Clerk and Recorder's Monthly Report.** Clerk and Recorder Colleen Stewart reported on operations in her office for the month of October 2013.

**Election Report.** Clerk and Recorder Colleen Stewart reported on the November 5, 2013, mail ballot election saying it had been certified on November 22, 2013. In response to a question from County Manager Baker, she said that in allowing other jurisdictions to participate in a coordinated election, she charged per mailed ballot, which were sent to all active and inactive voters listed in Gilpin County; calculations on the fee per ballot included printing and mailing costs. Clerk Stewart also said that this the mailing cost for this election was not inexpensive, but that the mailing of ballots to active and inactive voters would help create an accurate list of active voters, resulting in a much lower cost for future mail ballot elections. She further stated that it would not be economically feasible to install a vote drop box in the northern portion of the County, as the use of a drop box would require either camera surveillance or the presence of an election judge, neither of which had been approved in the budget hearing. Clerk Stewart concluded her report by saying the votes had been counted in record time and that the entire process had been free of problems.

**Resolution #13-23—Adopting Community Development Fees.** Community Development Director Tony Petersen requested approval of Resolution #13-23, "Adopting Community Development Department Fees for Planning Services, Documents, Applications and Permits," to update the fee schedule. He briefly summarized the changes for mobile food businesses and other items. Commissioner McLain moved to adopt Resolution #13-23, "Adopting Fees for Planning Services, Documents, Applications and Permits." Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Boundary Line Adjustment, Preliminary Plan—BLA #13-03.** Community Development Director Tony Petersen presented a boundary line adjustment preliminary preview for Gregory Smith and Mountain Mama Properties, LLC, for some mining claims on Bobcat Trail. He explained the many facets involved in the owners' plan for the property, and said the final approval of the application would result in a net loss in buildable lots. County Attorney Petrock said he found the preliminary plan to be in order. Commissioner McLain moved to approve the preliminary plan of BLA #13-03, for Gregory Smith and Mountain Mama Properties, LLC. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

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

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

Gilpin County Little League. The Gilpin County Little League sent an appreciation plaque to the Commissioners for their support.

FEMA Applications. County Manager Baker distributed a copy of the first of what are likely to be many applications for FEMA (Federal Emergency Management Agency) reimbursement for road work required by the recent heavy rains. While many of the costs incurred by the County have been approved for reimbursement, there is still some discussion of work necessary for the restoration of a historic bridge.

**Legal Status Report.** County Attorney Jim Petrock advised the Commissioners that they would need to hold an executive session to receive legal advice on litigation, water rights and the Rollins Pass Needles Eye Tunnel.

**Board of County Commissioners Status Reports.**

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:

- a tour with Governor Hickenlooper of areas in Gilpin County that were damaged during the September storms, November 29
- the Colorado Counties, Inc., winter conference, December 2—4, in Colorado Springs

**Minutes.** Commissioner McLain moved to approve the Board of County Commissioners Meeting Minutes for November 5, 2013. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Adjournment to Executive Session.** Commissioner McLain moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402, 4b and 4e, to receive legal advice on litigation, water rights and the Rollins Pass Needles Eye Tunnel. Commissioner Watson 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 10:10 a.m.

Signed this 10<sup>th</sup> day of December 2013