

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

March 12, 2013

A regular meeting of the Board of County Commissioners of Gilpin County was held on March 12, 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.

Nederland High School After-Prom Funding Request. Susan Hastings and Marylou Harrison, of the Nederland High School After-Prom Committee, were present to request \$2,500 in funding for that event and noted that 42 Gilpin County RE-1 students would be eligible to attend. Discussion followed concerning the importance of providing students with structured activities after the prom has ended. Commissioner McLain moved to donate \$1,000 to the Nederland High School After-Prom event. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Clerk and Recorder's Monthly Report. Chief Deputy Clerk and Recorder Gail Maxwell reported on operations in that office for the month of January 2013, and answered questions about a check received from the state for election expenses and about the state health and domestic fund. She explained that the fund had not been discontinued, but no marriage licenses had been recorded during that month.

Ordinance #13-01—Floodplain Drainage Prevention—First Reading. Gilpin County Planner Ray Rears presented Ordinance #13-01, "Floodplain Drainage Prevention," explaining that the Federal Emergency Management Agency (FEMA) requires each state and local jurisdiction to adopt updated floodplain regulations consistent with their rules as related to the National Flood Insurance Program. Those requirements were updated by the Colorado Water Conservation Board on January 14, 2011, with a three-year transition period provided to all communities until January 14, 2014; Gilpin County's current ordinance, adopted in 1989, must be replaced in order to remain in good standing with FEMA. A jurisdiction's failure to adopt updated floodplain regulations could result in an increase in residents' property insurance rates. There are several floodplains within Gilpin County, the main one being Apex Valley.

Commissioner McLain moved to authorize the publication of Ordinance #13-01, "Floodplain Drainage Prevention" and to schedule the second reading for April 9, 2013. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Memorandum of Understanding—Recreational Shooting Sports Cooperative. Some federal, state and county land management agencies from the northern front range have agreed to collaborate on the development and implementation of a Recreational Sport Shooting Strategy; a formal memorandum of understanding (MOU) is necessary to provide a framework for the agencies. County Manager Baker said the MOU was primarily a declaration of intent by a multi-level organization, authorizing each agency to commit to the process, but not to a resolution or outcome; it also would not preclude any agency from moving forward on developing a separate shooting range site.

Commissioner McLain moved to approve the Recreational Sport Shooting Strategy Memorandum of Understanding. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

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

Public Hearing—Variance Request—BOA #13-01. Chair Schmalz opened the public hearing for a variance request for Virginia Lipsky, Lot 2, Chalet Park #1, 314 Norton Drive, a 1.2-acre parcel. Planner Ray Rears presented the request for relief from property line setback requirements to allow for the construction of a ground-mounted photovoltaic array (solar panels), which would encroach into the required 30-foot setback by 25 feet. Applicant Virginia Lipsky was present, as were Don Parker, owner of Golden Solar Electric, and Billy Vines, photovoltaic system designer, who gave some technical information on the proposed array and the location they had chosen. Planner Ray Rears stated that staff had no recommendation on the application, but added that if the Board of Adjustment approved it, he would recommend certain conditions.

Chair Schmalz opened the hearing to public comment. Speakers included Darrel Gilbert, 286 Norton Drive, and Matt Lindberg, 368 Norton Drive. (Written public comment had also been submitted.)

Following public comment, Chair Schmalz closed that portion of the hearing and clarified that the task before the Board of Adjustment was to determine if there were extraordinary conditions present on the subject property that would warrant granting a variance from property setback requirements. Lengthy discussion followed.

Commissioner McLain moved to deny BOA #13-01, for Virginia Lipsky, Lot 2, Chalet Park #1, 314 Norton Drive. 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.)

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

Colorado Counties Official Employees Retirement Association 401(a) Agreement Amendment. Human Resources Director Susie Allen presented an amended 401(a) Participation Agreement with the Colorado Counties Official Employees Retirement Association (CCOERA). She explained that the County has excluded paid commissions when calculating CCOERA contributions by loosely defining commissions under “bonuses.” Commissions are used only for Parks and Recreation instructors and lifeguards who teach private/semi-private swim lessons on rare occasions. CCOERA has suggested that it would be best to specifically identify commissions as exclusions under the “Definition of Compensation” section of the Participation Agreement to avoid confusion. The proposed change would not create any additional cost to the County and no other changes to the Agreement were proposed.

Commissioner McLain moved to approve the proposed amendment to the CCOERA 401(a) Participation Agreement. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Memorandum of Understanding—Communications Network. County Manager Baker presented a Memorandum of Understanding (MOU) to establish the Gilpin/Clear Creek Communications Consortium for governing, operating and maintaining a regional radio network. Parties to the MOU would be Gilpin and Clear Creek counties, the City of Black Hawk and the Evergreen Fire Protection District. Brief discussion followed.

Commissioner McLain moved to approve the Communications Network Memorandum of Understanding, effective March 12, 2013. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

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. The statistics from the Gilpin Detention Center show an average daily population of 51, the highest since 2010, after Gaming Amendment 50 had been enacted. The increasing jail population is problematic.

Nederland Area Seniors. The Nederland Area Seniors Newsletter included some 2012 statistics regarding their activities—meals, events, outings, programs, classes, newsletters, foot care, etc. Many Gilpin County seniors, particularly those in the northern portion of the County, participate in the group.

Local Government Limited Gaming Impact Committee Nominee. As a subdivision of the Department of Local Affairs, the Local Government Limited Gaming Impact Committee is soliciting nominations for a vacant seat. Commissioner McLain nominated Commissioner Schmalz to serve on the Committee. Commissioner Watson seconded the nomination, which passed by a vote of 3 to 0. Commissioner Schmalz said Gilpin County has never been directly represented on this committee; having a representative would be a good opportunity to voice local viewpoints.

Senate Bill 133. On March 8, 2013, Governor Hickenlooper signed SB133 appropriating \$5 million for the Department of Local Affairs Gaming Impact Fund.

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

Brannan Sand and Gravel Company Litigation. All legal briefs filed in the Brannan Sand and Gravel Company’s lawsuit against Gilpin County have been submitted to the Court of Appeals and are scheduled for oral argument on April 17, 2013.

Water Supply Plan—Justice Center. A water court officer has ruled in favor of Gilpin County, against two nearby well water users who objected to the County’s substitute water supply plan.

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:

- Commissioners’ work session, today after their regular meeting
- Colorado Counties, Inc., steering committee meetings, March 15 and 16
- Breakfast meeting with Central City officials, March 18
- Five-county Commissioners’ breakfast meeting, March 20, in Grand County; tour of shooting range and animal shelter to follow.

Minutes. Commissioner McLain moved to approve the Board of County Commissioners Meeting Minutes for February 26, 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 10:27 a.m.

Signed this 26th day of March 2013