

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

April 9, 2013

A regular meeting of the Board of County Commissioners of Gilpin County was held on April 9, 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.

**Cancellation of Property Taxes.** County Treasurer Alynn Huffman proposed the cancellation of taxes due from 2008 through 2012 on property located at S:12 T:3S R:73W, under the Assessor's deactivated account number R002468. Commissioner McLain moved to approve the cancellation of the property taxes on #R002468 in the amount of \$417.70. 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 Health.

**Individual Sewage Disposal System Variance Request—Boulder River Ranch Company.** Community Development Director Tony Petersen presented a variance request on an individual sewage disposal system (ISDS) for a structure at the Boulder River Ranch Company, 255 Pactolus Lake Road. The building houses a commercial use on the first floor and a two-bedroom employee apartment on the second floor. The proposed ISDS would be a temporary 2,000-gallon vault system with a high-water alarm and scheduled maintenance to be used only until a proposed well and septic system is installed within the next year. Director Petersen explained that state septic regulations do not prohibit this type of temporary variance and the local board of health may legally grant a variance. He also answered numerous questions posed by the Board of Health as to the appropriateness of granting a variance.

Commissioner McLain moved to approve the variance request on a temporary ISDS as presented, for a one-year period. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

The Board of Health adjourned and convened as the Board of Adjustment.

**Public Hearing—Variance Request—BOA #13-02.** Chair Schmalz opened the public hearing for a variance request for Lawrence M. Krug, Jr., 1147 Coyote Circle, a 2.86-acre parcel. County Planner Ray Rears presented the request for relief from property line setback requirements 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. Applicant Lawrence M. Krug was present and briefly explained his request. Chair Schmalz opened the hearing to public comment. There being none, Chair Schmalz closed the hearing to public comment. Commissioner McLain moved to continue the public hearing for BOA #13-02 for Lawrence M. Krug, Jr., 1147 Coyote Circle, to April 23, 2013, 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.)

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

**Public Hearing—Ordinance #13-01—Floodplain Damage Prevention —Second Reading.** Chair Schmalz opened a public hearing for Ordinance #13-01, Floodplain Damage Prevention, Second Reading. County Planner Ray Rears stated that the Federal Emergency Management Agency (FEMA) requires each state and local jurisdiction to adopt updated floodplain regulations consistent with FEMA's rules as related to the National Flood Insurance Program prior to January 14, 2014. Chair Schmalz opened the hearing to public comment. There being none, Chair Schmalz closed the hearing to public comment. Commissioner McLain moved to approve Ordinance #13-01, "Floodplain Damage Prevention," Second Reading. Commissioner Watson seconded the motion, which passed 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.)

**Thorn Lake School—Historic Structure Assessment Grant Application.** County Planner Ray Rears requested permission to apply for a grant from the Colorado State Historical Fund for a historic structure assessment of the Thorn Lake School located in Rollinsville, and explained the background of the Thorn Lake School's many past uses and locations. He stated that if awarded, the \$3,800 grant would require a 50% match from the County, which could be paid from the Historic Preservations account, with a current balance of \$2,273.90. County Planner Rears further explained that a national advertisement for the assessment generated only one bid—a two-member team including the chair of the Gilpin County Historic Preservation Advisory Commission, Mr. Bret Johnson. The Commission is aware of Mr. Johnson's bid and has consented to his proposal, with the final decision made by the Board of County Commissioners. Commissioner McLain moved to approve the Colorado State Historical Fund grant application for the Thorn Lake School historic structure assessment. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

The Board of County Commissioners recessed at 10:20 a.m. and convened as the Board of Human Services until 10:40 a.m. (See Board of Human Services April 9, 2013, meeting minutes.)

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

Brannan Sand and Gravel Company Litigation. On April 17, 2013, the Court of Appeals will hear oral arguments from all parties in the Brannan Sand and Gravel Company's litigation against Gilpin County for its August 19, 2008, denial of their gravel quarry application.

**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.

PILT Funds for School Districts. Updated agreements are necessary for processing of federal money—payments in lieu of taxes (PILT)—that states receive and pass on to counties for distribution to county road and bridge funds and to school districts. The Secure Rural Schools Act prescribed the formula by which PILT monies are distributed and Gilpin County had entered into an intergovernmental agreement (IGA) with the RE-1 and RE-2 school districts. That IGA has expired and representatives of the County and two school districts will discuss a new agreement to ratify the allocation formula for the approximately \$25,000 in PILT funds.

Breakfast Meeting with Gilpin County RE-1 School Officials. A breakfast meeting is being planned for April 15, 2013, between the Gilpin County Commissioners and some Gilpin County RE-1 School officials, including new superintendent David MacKenzie.

Colorado Rural Water Association Meeting Invitation. The Colorado Rural Water Association has invited the Gilpin County Commissioners to attend a meeting between that organization and the City of Central to discuss the City's source water protection 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 McLain and Watson and Community Development Director Tony Petersen will meet with local residents on April 10 to discuss senior housing.
- source water protection plan meeting between Central City and the Colorado Rural Water Association, April 11
- five-county Commissioners monthly breakfast meeting, April 17, in Frisco

**DOLA Gaming Impact Advisory Committee.** The Department of Local Affairs (DOLA) Limited Gaming Impact Program Advisory Committee has a vacancy and two candidates have been nominated: Gilpin County Commissioner Buddy Schmalz and Jefferson County Commissioner Casey Tighe. Commissioner Watson moved for Gilpin County to cast the County's vote for Commissioner Schmalz for the Limited Gaming Impact Program Advisory Committee vacancy. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

**Minutes.** Commissioner McLain moved to approve the Board of County Commissioners Meeting Minutes for March 26, 2013. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Commissioner Status.** Commissioner Watson met with the mayor of Gold Hill, who expressed a desire to revitalize the Gilpin Connector bus, as a connection to other public transportation. Commissioner Watson will consider meeting sometime soon with representatives from Jamestown and Gold Hill to discuss a shared public transit service for the Peak to Peak region.

**Parking Lot Leases.** County Manager Baker presented two parking lot leases between Gilpin County and the Central City Opera House Association (CCOHA). The first lease allows CCOHA to use the Old Courthouse parking lots during opera performances that do not occur during County business hours, as shown on an attached schedule; the second allows Gilpin County to use CCOHA's parking lot across the street from the Old Courthouse from August 19, 2013 through May 1, 2014, CCOHA's off-season months. Because both leases call for an annual payment of \$10, no funds are exchanged. Commissioner McLain moved to approve the leases between CCOHA and Gilpin County as presented. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Public/Press Comment.** Lynn Volkens, reporter for the *Weekly Register-Call*, asked if the Board of County Commissioners would consider establishing a countywide fire department. Commissioner Schmalz said the topic has been discussed and that the Board might consider it. Commissioner McLain agreed, but added that she would need a great deal more information.

**Adjournment.** There being no further business to come before the Board, they adjourned at 10:50 a.m.

Signed this 23<sup>rd</sup> day of April 2013