

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

September 24, 2013

A regular meeting of the Board of County Commissioners of Gilpin County was held on September 24, 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 Brad Benning; and Sharon Cate, Deputy Clerk to the Board.

Public/Press Comment.

Scott Murphy, 34 Fiddler's Green, spoke as a parent of two Gilpin County RE-1 students saying he is in favor of having a full-time School Resource Officer (SRO) (deputy) stationed at the Gilpin County School and that he is disappointed that no deputy was present the first day and week of the school year. He noted that at a recent emergency meeting of the RE-1 School Board, the Board approved an expenditure of \$35,000 toward funding of an SRO position and hoped that the Gilpin County Commissioners would approve a match of \$35,000. Mr. Murphy asked that the school and county officials consider applying for federal grants now to fund the position next year.

Dana Jones, 632 Meadowlake Drive, stated that not all Gilpin County residents are in favor of an SRO, as some believe it could lead to the criminalization of students, but also because many residents live in the Boulder Valley RE-2 District and do not want their taxes to fund an item that serves only the Gilpin County RE-1 District. She said some residents see the topic as taxation of all residents for a non-County purpose.

Kris Icenogle, 1893 Coyote Circle, spoke as a parent of a Gilpin County RE-1 student and a friend of a student who recently found a bullet at the school saying that because no officials believed the bullet was a problem, no action was taken. She suggested that an SRO could hold school safety classes and teach children to turn to police officers for help instead of to fear them. Ms. Icenogle stated that she lives in the Boulder Valley School District, pays those taxes and sees that three-fourths of that district has SROs. She said grants could help fund the position and that many residents do see this as a county issue and she hopes Gilpin County will be involved.

Sierra Darby, 776 Brewers Drive, spoke in favor of having an SRO and believed it helps students learn not to fear police officers.

Jean Walsh, 210 Scenic Road, requested that the Gilpin County Commissioners pass an official proclamation designating November as Pancreatic Cancer Awareness month, in line with the national campaign. She referred to her family's personal experience with the disease and their disappointment with a lack of research and treatment progress. Ms. Walsh said that on October 27, there will be a national Night of Remembrance event at the State Capitol, with purple lights shining on the Capitol.

Treasurer's Items.

Monthly Report. Treasurer Alynn Huffman reported on operations in her office for the month of August 2013, saying there are no prior outstanding taxes due in all categories except real property.

Authorizing Sale of County Certificate of Purchase in Excess of \$10,000. Treasurer Huffman explained that she wanted to assign the tax lien certificate for Hunter Bates Mining Corporation, Schedule #R002336, to a private party, rather than have the County hold that certificate. The total amount due was \$20,906.72, which requires the approval of the Board of County Commissioners, as it is over \$10,000. Commissioner McLain moved to authorize by the Board of County Commissioners, the sale of a County Certificate of Purchase for Schedule #R002336, the Hunter Bates Mining Corporation, in the amount of \$20,906.72. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Public Hearing—Housing Needs Assessment, Community Development Block Grant. Chair Schmalz opened a post-award public hearing for a Housing Needs Assessment Community Development Block Grant, as required by the Department of Local Affairs (DOLA). In 2010, DOLA awarded a \$50,000 Community Development Block Grant (CDBG) to Gilpin County to fund a housing needs assessment, which was performed by Economic and Planning Systems, Inc. Tony Petersen, Community Development Director for Gilpin County, briefly reviewed the Assessment's Executive Summary and explained that today's public hearing was for the purpose of allowing citizens to review and comment on the performance of Gilpin County in carrying out the Assessment, and that no action was required by the Board of County Commissioners.

Chair Schmalz opened the hearing to public comment. Patricia Eaton, 1280 Tolland Road, was the only speaker.

Following public comment, Chair Schmalz closed the hearing at 9:28. (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 Board of Adjustment.

Public Hearing—Variance Request—BOA #13-07. Chair Schmalz opened the public hearing for a variance request for Newell and Jane McNeil, 215 Weasel Way, a 1.5-acre parcel. County Planner Ray Rears presented the applicants' request for relief from property line setback requirements to allow for the enlargement of a deck, which would encroach into the required 30-foot setback by seven feet. Applicant Newell McNeil was present.

Chair Schmalz opened the hearing to public comment. Jan Headrick, 205 Weasel Way, was the only speaker. Written public comment had been submitted by Phil Headrick. Following public comment, Chair Schmalz closed that portion of the hearing at 9:39. Commissioner McLain moved to approve BOA #13-07 for Newell and Jane McNeil, 215 Weasel Way. 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.

Boundary Line Adjustment Application—BLA #13-01. County Planner Ray Rears presented a boundary line adjustment application for His Followers Limited LP, on SBE #08-01 and three mining claims: Hazeltine, Church Placer and Howard Recompense, all located in the Russell Gulch area. He stated that the request was not to increase the number of parcels, but to adjust the property boundary lines on the existing four parcels of various sizes to create four uniform lots. Charles Carlson, consultant and representative for the applicant, was present and stated that the owners' intention was to reconfigure the parcels to make them suitable for home-building lots, and that they would look into the water quality in that area.

Commissioner Watson moved to approve BLA #13-01, for His Followers Limited LP, on SBE #08-01 and three mining claims, Hazeltine, Church Placer and Howard Recompense creating four new lots, Parcels 1, 2, 3 and 4. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 1, with Commissioner McLain voting against.

State Historical Fund Grant Contract. County Planner and Historic Advisory Commission Liaison Ray Rears presented a contract between the Colorado Historical Society and Gilpin County for the State Historical Fund grant award program. Gilpin County was awarded a \$3,800 grant for the structural assessment of the Thorn Lake School, which requires a formal contract. Commissioner McLain moved to approve the grant award contract between Colorado Historical Society and Gilpin County. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Public Works Items. Public Works Director Curt Logsdon presented the following three items for the Board of County Commissioners' consideration:

Ralston Creek Limited Road Maintenance Agreement. Earlier this year, the Gilpin County Public Works Department received a request from a non-profit organization on Ralston Creek Lane to perform road work in exchange for payment. Director Logsdon studied the proposal and determined that the County could receive revenues in excess of expenditures for their services to reshape Ralston Creek Lane, but that doing so would require a policy decision by the Commissioners. Discussion followed regarding the possibility of using the extra revenue to fund annual maintenance on roads not classified to receive maintenance, and on the difficulties the Ralston Creek group has experienced in hiring a local contractor. Director Logsdon stated that even if all of the concerns with the proposal could be addressed, the recent heavy rain has created road work in other parts of the County that would require his crew's full efforts until such time as the ground freezes and becomes unworkable. The Commissioners agreed to revisit the request in 2014.

Extension of Slash Site Closing Date. Director Logsdon and the Commissioners discussed changing the annual beginning and ending dates of the slash collection program to better serve residents and to keep the program fiscally efficient. They agreed that opening in May (rather than April) and closing in later in the year might be more effective, and that Director Logsdon should return to the Commissioners with information for the 2014 budget hearings.

Public Works Fleet Supervisor Salary. Human Resources Director Susie Allen joined Director Logsdon for his proposal to the Commissioners for a one-time increase up to \$61,230 in the hiring salary for the fleet supervisor position. He stated that it was almost impossible to attract and keep a qualified employee in the position, as other jurisdictions and the private sector pay higher salaries. Director Allen said the County's last salary survey was two years old and that the Mountain States Employers Council said it appears that several Gilpin County salaries were below market average, as the job market has changed in the past months. A lengthy discussion of the proposal followed, with Commissioner Schmalz explaining that if the Commissioners were to approve the requested increase, something else in the budget would have to be cut. The Commissioners took no action on the proposal.

Colorado Counties Official Employees Retirement Association 401(a) Participation Agreement. Human Resources Director Susie Allen proposed an amendment to the existing participation agreement between Gilpin County and the Colorado Counties Official Employees Retirement Association (CCOERA), pertaining to County employees who also work as election judges. She said the language in the agreement needed to clarify that the additional work hours such as service as an election judge should not qualify these employees for CCOERA retirement benefits, nor could those hours count toward CCOERA calculations. Commissioner McLain moved to approve the Amended Agreement between Gilpin County and CCOERA. 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.

Correspondence—Grand County. The Grand County Commissioners sent a letter to the Gilpin County Commissioners indicating they would like both Boards and the US Forest Service District Rangers to meet and to continue working on the Rollins Pass/Boulder Wagon Road.

Legal Status Report. County Attorney Brad Benning advised the Commissioners on the following legal issues:

Denver Water Lease. Work continues on the final lease with Denver Water for additional water to be used by Public Works for road maintenance.

Water Court Cases. Gilpin County's water court cases are moving forward.

Brannan Sand and Gravel Company Litigation. The Brannan Sand and Gravel company continues in their litigation against Gilpin County for the Board of County Commissioners' August 19, 2008, denial of their quarry application. The matter is currently before the Colorado Supreme Court.

Executive Session. Pursuant to C.R.S. 24-6-402(4)(b) the Board will need to hold an executive session to receive legal advice regarding potential litigation.

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:

- Monthly Coffee and Conversation with the Commissioners, September 26, 6:30 p.m. at the Community Center
- Department of Local Affairs Gaming Impact hearings, October 2 and 3, in Cripple Creek

School Resource Officer. The Commissioners attended a September 11, 2013, Gilpin County RE-1 School Board meeting to discuss the mutual funding of a School Resource Officer position, a Gilpin County deputy who would be trained in school safety. The School Board approved an expenditure of \$35,000, which they hoped the County would match. Today the Commissioners discussed the difficulties of having two school districts within the county and how the position might be funded. All agreed that grants or any other funding would be actively pursued for next year and into the future. County Manager Baker summarized the discussion by saying that the Commissioners wanted the County Attorneys to draft an agreement between the School and the County based on the School Board's meeting minutes and to present it for next year's budget. Sheriff Bruce Hartman, present in the audience, stated that his office could continue to schedule a deputy at the school, but that it would not be full-time coverage.

Colorado Counties, Inc., Legislative Meeting. Prior to attending the CCI fall legislative committee meeting on October 4, Commissioner Schmalz noted that one of the issues under discussion would be the lack of influence of small counties in state government, and the Phillips Plan, which would make representation in one of the houses of the state legislature (probably the state senate) on a one-County, one-vote basis rather than proportional to population. He briefly discussed the pros and cons of the idea—including the fact that the plan would likely require a constitutional amendment—and asked if the Commissioners wanted to direct him to take a position for or against the plan. The Commissioners did not state a clear preference.

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

Public / Press Comment.

Patty Unruh, interim reporter for the *Weekly Register-Call*, requested and received assistance with some of the information presented during today's meeting.

Milton Tedford, Ralston Creek Lane, asked the Commissioners to render a decision on the proposal to perform work on Ralston Creek Lane for payment. Commissioner Schmalz explained that due to recent heavy rain, the Public Works Department would not be able to work on any projects other than damaged roads, and recommended that the group on Ralston Creek Lane seek a private contractor to perform the work.

Lori Doyle, 104 Mother Mountain Way, said she had been cited for having a habitually barking dog, but that although the dog actually barks very little, one of her neighbors shoots guns, creating a far louder noise. She said another neighbor has made threats of violence against her. She asked why one resident can shoot guns without citation, but another receives a barking dog citation. Commissioner Schmalz explained to Ms. Doyle that the issue was under the purview of the Sheriff's Office.

Dana Jones, 324 Meadowlake Drive, spoke on the issue of noise regulation in the County saying it has become a very big problem and that she hoped the County would address the lack of noise control. She also said there doesn't seem to be much the County can do about the shooting of guns, but asked that the County review its existing ordinances on guns, animals and noise. Ms. Jones asked if the Board of County Commissioners directs the Sheriff's Office. Commissioner Schmalz said sheriffs are elected officials and manage their offices independently, as do all elected officials at the county level.

Tom Jirkovsky, local property owner, questioned the Commissioners about his plan to request an exemption from the land subdivision process. Community Development Director Tony Petersen said Mr. Jirkovsky's case didn't qualify for the County's subdivision code, but that the Board could approve his plan in the spirit of Senate Bill 35. Commissioner Schmalz advised Mr. Jirkovsky to work with Director Petersen on a land use application.

Local Road Conditions Report. Public Works Director Curt Logsdon said some County roads have mud bogs due to underground water and that some have been restricted to one lane at night to perform maintenance work. The unusually heavy traffic after the recent rain has put an additional burden on some roads. He reported on other roads and incidents and said Public Works has repaired some private driveways that were flood-damaged. Director Logsdon said his crew has been working overtime hours to keep roads open.

County Manager Baker added that the Sheriff's Office has logged 155 hours and 720 miles assisting the Boulder County Sheriff's Office with roadblocks in that jurisdiction, and that Human Services Director Betty Donovan and an employee have helped Boulder County Human Services in providing assistance to those affected by the flood in Boulder County.

Commissioner Watson reminded staff to list on the County's web site all possible types of services available for residents affected by recent heavy rain, and to communicate the County's actions to the public.

Adjournment to Executive Session. Commissioner McLain moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402, to receive legal advice on potential litigation. 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 12:15 p.m.

Signed this _____ day of _____, 2013

Buddy Schmalz, Chair

Sharon E. Cate, Deputy Clerk to the Board

Connie McLain, Commissioner

Gail Watson, Commissioner