

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

July 23, 2013

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 23, 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.

Resolution #13-13—Rescinding Temporary Fire Restrictions. Because moisture levels in the area have increased significantly recently, Gilpin County Sheriff Bruce Hartman has lifted all fire restrictions in Gilpin County; the Arapaho and Roosevelt National Forests have also lifted their bans. Commissioner McLain moved to adopt Resolution #13-13, “Rescinding Temporary Fire Restrictions Imposed by Resolutions #13-08.” Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Clerk and Recorder’s Monthly Report. Clerk and Recorder Colleen Stewart reported on operations in her office for the month of June 2013, saying that business had been steady, but that there had been a significant increase in the numbers of recordings, meaning more properties were sold.

The Board of County Commissioners recessed and convened as the Local Liquor Licensing Authority.

Change of Location Permit Extension. Deputy Clerk Sharon Cate presented a request from John Dunham and Jan Petersen, owners of XTRACT, LLC, dba Mid County Liquors, to extend their recently approved Change of Location Permit. In a written request, they cited numerous state and federal deadlines that had complicated their construction plan, and asked for an extension to June 11, 2014, the maximum amount of time allowed, even though they hope to have their plan completed by October 2013.

Commissioner Watson moved to extend the Change of Location Permit for XTRACT, LLC, dba Mid County Liquors, moving from 17270 Highway 119 to 17218 Highway 119, effective until June 11, 2014. Commissioner McLain 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.

Treasurer’s Items. Treasurer Alynn Huffman gave the following reports:

Monthly—June 2013. The Commissioners questioned some confusing information in the report and Treasurer Huffman stated the clerical error would be corrected and an accurate report would be submitted immediately.

Semi Annual Report—January through June 2013. Commissioner McLain moved to accept the Treasurer’s Semi-Annual Report for January through June 2013. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Temporary Use Permit Application—TUP #13-03—Eye of the Heart Wildlife Refuge. Community Development Director Tony Petersen presented a temporary use permit (TUP) application for a local non-profit organization, Eye of the Heart Wildlife Refuge (EHWR), to host a fundraising event at 1744 Lump Gulch Road on August 10, 2013. EHWR President Laurel Higgins was present. Director Petersen stated that temporary use permits were a new process the County has established and that his concerns with the EHWR application were that the organization did not have a special use permit from the Forest Service to operate the refuge and that the live music should end at 10:00 p.m. or 11:00 p.m. rather than the 1:00 a.m. listed in the application. His presentation included a list of 10 conditions he recommended, if the Board chose to approve the application. Ms. Higgins gave a brief summary of her plan for conducting the fundraising event, now in its fourth year, and assured the Board that all activities would be contained on her 3.5 acres and not on Forest Service land. The Commissioners discussed accommodating nearby residents who could be impacted by the music and how to refine the TUP process. Commissioner McLain moved to approve TUP #13-03, for Eye of the Heart Wildlife Refuge, at 1744 Lump Gulch Road, with two changes to conditions regarding recycling options and what type of security would be provided. Commissioner Watson seconded the motion, which passed by a vote of 2 to 1, with Commissioner Schmalz voting against.

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

Public Hearing—Variance Request—BOA #13-06. Chair Schmalz opened the public hearing for a variance request for David Scrivner and the Joyce Boehmer Trust, 125 Lynnwood Lane. Community Development Director Tony Petersen presented the applicant’s request for relief from property line setback requirements to allow for the constructions of a 488-sq.-ft. bedroom/bathroom, which would encroach into the required 30-foot setback by 22 feet. Director Petersen said he had received no objections from adjacent property owners. Applicant David Scrivner and architect Wayne C. Gipp were present and provided information. Chair Schmalz opened the hearing to public comment. There being none, Chair Schmalz closed the hearing to public comment. Commissioner McLain moved to approve BOA #13-06, for David Scrivner and the Joyce Boehmer Trust, 125 Lynnwood Lane.

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.

Temporary Use Permit Application—TUP #13-04—Thunder Challenge Footrace. Community Development Director Tony Petersen presented a temporary use permit application for Warrior's Path, LLC, to host a 5K / 10K military-style obstacle footrace on August 24, 2013, on land owned by Goltra-West and a 40-acre BLM tract. Both entities have given their approval to use the land, which is located near a law enforcement shooting range. Rusty Shellman, spokesman for Warrior's Path, made the following statements:

- the proposed event would raise money for military families
- an off-duty Gilpin County Sheriff's duty would be employed by them for security
- not all participants begin the race/obstacle course at the same time

In response to a question from County Manager Baker, Mr. Shellman said he would look into whether part of the proposed route would include Colorado Department of Transportation right-of-way

Commissioner McLain moved to approve TUP #13-04, for Warrior's Path, LLC, as presented. 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.

Winks Panorama—National Register of Historic Places Nomination. Gilpin County has received a letter from the History Colorado Center requesting input on the nomination of Winks Panorama to the National Register of Historic Places. As a Certified Local Government, Gilpin County and the Historic Preservation Advisory Commission may participate in the nomination process and attend the meeting of the State Review Board on September 17, 2013, to speak during public comment. County Manager Baker explained that the property was already on the National Register, and that this was just a minor technical correction needed due to an incorrect legal description on the original nomination, which required the owners to obtain land from the US Forest Service.

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

Regulating Retail Marijuana Sales. To regulate the sale of retail marijuana in Gilpin County, the Board will need to enact an ordinance, which calls for two readings, publication in the local newspaper of record and a public hearing, all of which will take some time. County Attorney Petrock noted that currently three dispensaries had been allowed by the County, but one of them is not licensed by the State, so that business has withdrawn its request for a County retail license.

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:

- Organizational meeting for broadband feasibility study (details to follow)
- Rollins Pass trek, July 30 (details to follow)
- Board of Equalization, August 2, 9a, Commissioners meeting room
- Dan Weber, Golden Gate Canyon State Park, August 5, 10a

Local Emergency Planning Committee Nominations. County Manager Baker advised the Board that they needed to establish the roster for the local emergency planning committee (LEPC) to allow that group to begin formal meetings. Commissioner McLain moved to accept the LEPC roster as presented. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Broadband Feasibility Study Agreement. County Manager Baker presented a revised version of the two-county Broadband Feasibility Study to be conducted by Internet3, which has been signed by Internet3 and approved by Clear Creek County. He also presented a further amendment to that agreement that addressed Commissioner Watson's concern about the appropriate amount of time being spent studying each county, but noted that the Clear Creek County administrator had expressed concerns about how such a stipulation would be monitored and enforced. After some discussion, Commissioner McLain moved to approve the revised version of the Broadband Feasibility Study agreement as amended. Commissioner Watson 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 July 9, 2013. 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*, had questions about the list of conditions included in the temporary use permit process.

Adjournment There being no further business to come before the Board, they adjourned at 10:33 a.m.

Signed this 06th day of August 2013