

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

June 24, 2014

A regular meeting of the Board of County Commissioners of Gilpin County was held on June 24, 2014, at the Gilpin County Old Courthouse. Commissioner Schmalz called the meeting to order at 9:00 a.m. In attendance were Commissioner Connie McLain; Commissioner Buddy Schmalz; County Manager Roger Baker; County Attorney Jim Petrock; and Sharon Cate, Deputy Clerk to the Board. Commissioner Gail Watson was absent.

Election of Chair Pro Tem. Commissioner McLain moved to appoint Commissioner Schmalz as Chair Pro Tem for the June 24, 2014, Board of County Commissioners meeting. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

Alps Hill Road Acceptance. Marge Eller, resident of Alps Hill Road, thanked the Board of County Commissioners for their time and stated that the declining condition of Alps Hill Road had made it impassable at times and extremely rough at all times, and requested the County's help in making the road drivable. She stated that she had moved to the area 16 years ago and knew at that time that the road received limited maintenance, but that in recent years many new, expensive homes had been built, with those owners paying significant amounts in property taxes. She said she had missed some work days, and cited numerous instances of service delivery trucks being unable to traverse Alps Hill Road; one instance of law enforcement being unable to respond to an incident; and an observation by Central City Fire Chief Gary Allen that at times the area could be accessed only by Dakota Ridge Road. Ms. Eller said her biggest concerns were that emergency responders might not be able to assist residents due to the deterioration of the road, and that prospective buyers were bypassing properties for sale. She concluded her discourse by saying that she believed that the residents of Alps Hill Road deserved the same services as the Commissioners receive.

Commissioner Schmalz said the Board has struggled with declining road conditions throughout the County and that the Board hopes to find a way to address the problem equitably. He proposed a July 8, 2014, work session with affected property owners and County staff to discuss a possible solution. Ms. Eller again thanked the Board for their attention and asked that they keep her and other residents apprised of the upcoming work session.

Boundary Line Elimination Application. Gilpin County Planner Ray Rears presented the following Boundary Line Elimination (BLE) application:

BLE #14-02. Commissioner McLain moved to approve BLE #14-02 for Joseph John Immordino and Joseph Julius Immordino, combining Lots 33 and 34, Colorado Sierra Delta Subdivision, to create a new 0.75-acre parcel, Lot 33A, Colorado Sierra Delta Subdivision. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

Resolution #14-10—Amending and Restating the Gilpin County Premium Cafeteria Plan. Human Resources Director Susie Allen proposed some updates to the Gilpin County Premium Cafeteria Plan and Summary Plan, which enables County employees to elect to pay for their share of the group health insurance premiums on a pre-tax, salary reduction basis. Director Allen said the updates were necessary due to the health insurance renewal period having been changed; to comply with IRS requirements; and to accommodate the possibility that in the future County health insurance could be offered as a Health Savings Account.

Commissioner McLain moved to adopt Resolution #14-10, "Amending and Restating the Gilpin County Premium Cafeteria Plan." Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

US Forest Service Annual Operating Plan and Financial Plan (Patrol Agreement). Sheriff Bruce Hartman presented the annual agreement between Gilpin County and the US Forest Service (USFS) through which the USFS pays the Sheriff's Office to patrol certain USFS roads and campgrounds within the County. He stated that the mutually beneficial agreement had been in place for many years, and recommended its approval for 2014.

Commissioner McLain moved to approve the 2014 Annual Operating and Financial Plan (Patrol Agreement) between Gilpin County and the US Forest Service, effective through December 31, 2014. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

Intergovernmental Agreement Between Central City and Gilpin County for Public Information Officer. Sheriff Bruce Hartman proposed an agreement between the Central City police and fire departments and Gilpin County for use of the County's Public Information Officer, saying that PIO Cherokee Blake has been trained and performs the job well. He added that other local emergency service organizations have utilized her skills in the past and that Central City would like assurance that they may call upon her. Sheriff Hartman explained that individual entities supply a PIO with the pertinent public information to be disseminated and that the Sheriff's Office has no involvement. Commissioner McLain moved to approve the Intergovernmental Agreement Between the Central City Police and Fire Departments and the County of Gilpin Regarding the Use of the County's Public Information Officer. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

Clerk and Recorder's Monthly Report. Clerk and Recorder Colleen Stewart reported on operations in her office for the month of May 2014, and noted that today's primary election was going well. She quoted some mail ballot voting numbers from the Secretary of State's office, which indicated that so far, voter turnout had been light throughout Colorado. Discussion followed regarding the less-obvious expenses of the new voting procedure.

Resolution #14-11—Opposing Initiative #135. County Manager Baker informed the Commissioners that a group from Rhode Island is in the signature-gathering phase of preparing Initiative #135 for the state ballot, to allow casino-type gaming within Arapahoe [horse racing] Park. The Initiative would also propose the expansion of gaming into Arapahoe County, and Pueblo and Mesa counties. The group plans to install 2,500 gaming devices at Arapahoe Park, which would make that facility larger than the Ameristar, Colorado's largest casino to date. County Manager Baker stated that if the initiative were to pass, it would have dire financial implications for Gilpin County. He further noted that if enough signatures are collected and the measure is certified for the state ballot, after that time public entities may not expend public funds to voice their position.

Commissioner McLain moved to approve Resolution #14-11, "Opposing Initiative #135." Commissioner Schmalz seconded the motion, which passed by a vote of 2 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.

PILT. The US Department of the Interior has notified Gilpin County that the Payment in Lieu of Taxes (PILT) to the County for 2014 would be \$97,000.00. The PILT payments compensate local jurisdictions for federal land administered by agencies with the USDI and on behalf of the US Forest Service and the US Army Corps of Engineers.

Energy and Mineral Impact Assistance Grant Denial. Clerk and Recorder Colleen Stewart had applied for a grant from the Energy and Mineral Impact Assistance (EMIA) fund, a program of the Department of Local Affairs (DOLA), but recently received notice the application was denied. County Manager Baker noted that the denial letter was copied to State Senator Kevin Grantham, who represents Teller County; DOLA Executive Director Reeves Brown has yet to explain why.

Library Board Appointment. Pam Thompson had submitted a letter of interest for a long-standing vacancy on the Library Board of Trustees. Commissioner McLain moved to appoint Pam Thompson to the Library Board of Trustees for a five-year term ending December 31, 2019. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

FRETAC Board Appointment. County Manager Baker stated that Gilpin County's current representative on the Front Range Emergency Trauma Advisory Council (FRETAC), Dawn Braddy, has resigned, and the new executive director of Gilpin Ambulance Authority, Brandon Daruna, has asked to be appointed. Commissioner McLain moved to accept Dawn Braddy's resignation and to appoint Brandon Daruna to FRETAC as one of the County's representatives. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

USFS—Eldora Ski Area Project. The US Forest Service (USFS) has issued a press release regarding the Draft Environmental Impact Statement for the Eldora Mountain Resort Ski Area Project—a proposed expansion of that business and the area it occupies. One alternative was to extend the project slightly into Gilpin County, which, although unlikely, would require the County's participation in the USFS process.

Legal Status Report. County Attorney Jim Petrock advised the Commissioners that at their July 8, 2014, meeting, he would likely have two matters for executive session.

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:

- Coffee with Commissioners, (open public forum) Thursday, June 26, 6:30 p.m. at the Community Center

CCI Legislative Issue Form. No issues identified or submitted to CCI.

Elected Officials Salary Commission Survey. Colorado Counties, Inc., has distributed a survey on behalf of the County Elected Official's Salary Commission, to collect ideas on how county elected officials' salaries could be raised and by what amount. The issue has gone before the state legislature in years past, but no action has been taken, leaving county elected officials at the same pay rate since 2006. County Manager Baker said four of the six Gilpin County elected officials—other than commissioners—had responded to the survey. Commissioner Schmalz said raising county elected officials' salaries is a difficult, political question, in that it must be done at the state level, but also that approved increases do not take effect for several years. He and Commissioner McLain agreed they would be in favor of a 15% increase—the lowest amount suggested—for elected officials.

Temporary Use Permit. Community Development Director Tony Petersen presented an application for a Temporary Use Permit, TUP #14-02, for Michael Milasinovich dba Earthlings for a Future, LLC, through which Mr. Milasinovich seeks to host a three-day music festival/fundraising event at the Trinity Mountain Ranch (TMR) on Gap Road. The proposed event dates are August 1—3, 2014, for which 2500 day tickets could be sold, and 500 camping tickets per day. Director Petersen stated that in using FEMA standards to gauge an acceptable crowd density, the space at TMR was more than adequate for the expected number of attendees. He then addressed a list of recommended conditions that could be required for approval, including: ending amplified music at a reasonable hour; written permission from the landowner; proof of insurance; sanitation; security; emergency medical response; parking; health permits and fire permits; plus additional referrals and/or approvals from the Sheriff's Office, the local health agency, the Timberline Fire Protection District and the Gilpin Ambulance Authority. Mr. Milasinovich was present and spoke about the status of each requirement, but said he would not enter into any service contracts unless he had preliminary approval of the application by the Board of County Commissioners.

Lengthy discussion followed regarding the potential impacts of such an event, and Mr. Milasinovich's plan to mitigate those impacts, with both Commissioner Schmalz and Commissioner McLain expressing their reluctance to allow the event.

Commissioner McLain moved to approve TUP #14-02 for Michael Milasinovich dba Earthlings for a Future, LLC, contingent upon full execution by July 18, 2014, of all pending contracts and receipt of all required Gilpin County approvals including all amplified music to cease by 10:30 p.m., revocable upon staff notification of noncompliance sent to the applicant and the landowner of record. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

Meeting Minutes.

Commissioner McLain moved to approve the Board of County Commissioners Meeting Minutes for June 10, 2014. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

Commissioner McLain moved to approve the Board of Human Services Meeting Minutes for June 10, 2014. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

Public / Press Comment. Richard Deubel said he had read about the possibility of a shooting area being established in his neighborhood and was in favor of it until he heard the exact location; he asked if there would be hearings on potential locations. Commissioner Schmalz assured Mr. Deubel that if any potential shooting range locations were considered within Gilpin County there would be public hearings giving residents ample opportunity to speak. He also said that many locations were being viewed within a four-county region, and that the process could take years to complete.

Stacy Mc Brayer stated that in her past employment in animal control, she had responded to numerous events similar to the one proposed earlier in today's meeting and that often times the parking lots become party areas. She expressed further concerns that one of the proposed parking lots was close to the Colorado Sierra subdivision; the applicant might not have contacted the service providers as stated; security is very important and that there was no space large enough to park 2,500 vehicles. Commissioner Schmalz assured Ms. McBrayer that if the event came to pass, it would be watched closely.

Adjournment .There being no further business to come before the Board, they adjourned at 10:30 a.m.

Signed this 08th day of July, 2014