

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

February 18, 2015

A special meeting of the Board of County Commissioners of Gilpin County was held on February 18, 2015, at the Gilpin County Old Courthouse. Chair Schmalz called the meeting to order at 10:35 a.m. In attendance were Chair Buddy Schmalz; Commissioner Gail Watson; Commissioner Linda Isenhart; County Manager Roger Baker; County Attorney Jim Petrock; and Deputy Clerk to the Board Sharon Cate.

**Gaming Grant Application #14-484—Health Transport—Budget Adjustment.** Commissioner Watson gave some background information on a Gaming Impact grant that the Mountain Family Health Center (MFHC) had received annually for many years from the Division of Local Affairs (DOLA). Because MFHC—the only medical provider in Gilpin County—closed in 2014, many Gilpinites were left with no health care provider, so Gilpin County applied for a Gaming Impact grant for health care transportation to providers in other areas. DOLA approved the grant application, but specified in the initial grant agreement that transportation for any types of trips other than medical care would not be funded and specified that the County would have to lease an ADA-accessible vehicle. After negotiation, DOLA agreed to fund the purchase of a vehicle, but retained the language limiting funding to medical transport only. The grant total was \$107,400, with a Gilpin County match of \$20,000; the contract amendment included \$25,390 specifically for the purchase of a vehicle, which will be split 50/50 between Gilpin County and the DOLA grant.

Commissioner Watson proposed that Gilpin County accept the amended grant and fund non-medical trips from the County budget. Commissioner Schmalz and Commissioner Isenhart spoke about their concerns of funding transportation for non-medical trips, such as banking, legal counsel, grocery shopping, etc., but after lengthy discussion said they thought the plan could work if administered by the Gilpin County Human Services Department alongside its other transportation services.

The Board of County Commissioners directed County Manager Baker to delay advertising for a temporary driver and to purchase a hybrid vehicle. Commissioner Watson asked if other needs (dental, grocery, legal and banking) could be served. The Board agreed they could, if first priority was given to health care transport. County Manager Baker said he would meet with Gilpin County Human Services Director Betty Donovan to discuss her department's administration of the new transportation service. Commissioner Isenhart clarified that DOLA would pay for the gaming impact expenses only and would help fund the purchase of a vehicle. The Board agreed. County Manager Baker said he expected to see a contract from DOLA by next week.

**Discussion of Draft Ordinance #15-01—An Ordinance Regulating the Local Impacts of Marijuana Growing, Cultivation and Processing on and in Non-Commercial Properties within Unincorporated Gilpin County.** County Manager Baker stated that after a public work session with the Gilpin County Sheriff's Office and other agencies, it had become apparent that the Board of County Commissioners needed to find a way to regulate the growing of large amounts of marijuana in residential areas. He cited the constitutional right to use, grow and possess marijuana, but that Gilpin County still needed to address the topic as a land use issue. He added that the legality of growing marijuana was not in question and that Gilpin County does not issue marijuana licenses, but that grow operations needed to be conducted safely in a confined area and that the County must have legal access to these types of operations.

Commissioner Schmalz explained that today the Board would review a draft ordinance and if a final draft was agreed upon, the ordinance could be scheduled for a first reading at a public meeting, then published in the newspaper of record, *the Weekly Register-Call*, followed by a final reading at a future meeting, all of which could take a few months.

County Attorney Petrock advised the Board that draft Ordinance #15-01 continued to be revised to assure a perfect interface with the County's existing resolutions prohibiting marijuana-based businesses (excepting two businesses existing at that time) and that state law gives counties policing power and even broader authority in the land use arena.

Commissioner Isenhart moved to schedule a first reading of draft Ordinance #15-01 on March 10, 2015. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Planning Commission Appointments.** Planning Commission Chair Laura Azevedo Jenéy recently informed the Board of County Commissioners' Office that the Planning Commission had interviewed four candidates for three vacant seats on that Commission; her message listed their recommendations for appointments.

Commissioner Watson moved to make the following appointments:

Roxann Goss as a regular member, for a term ending 12-31-2017

Joe Marr as the 1st alternate, for a term ending 12-31-2017

Sharon Perea as 2nd alternate for a term ending 12-31-2015

Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0. The Planning Commission and the Board agreed that fourth applicant Jane Billings was an excellent candidate and should reapply for the next available seat.

**County Manager Status Report.** County Manager Baker updated the Commissioners on the following items:

Colorado Counties, Inc. Correspondence. County Manager Baker referred to Colorado Counties, Inc.'s (CCI) 2015 list of federal legislation priorities and noted its similarities to the Gilpin County Commissioners' list of legislative priorities. Also in CCI's newsletter was an article about representatives from Colorado and the National Association of Counties (NACo) testifying before the U.S. Senate Environment and Public Works Committee and the House Committee on Transportation and Infrastructure at a hearing, "Impacts of the Proposed Waters of the United States Rule on State and Local Governments." The result of this hearing could have enormous consequences for counties. County Manager Baker also noted that Clear Creek County Commission Tim Mauck was one of the Colorado representatives testifying in Washington.

Colorado Division of Gaming Director Appointment. The Colorado Department of Revenue announced that Flavio Quintana has been appointed as the Director of the Colorado Gaming Division. He began employment with the Division as an auditor, attained Police Officer Standard Training (POST) certification, and worked his way up through the Division to his current position.

Community Center Use by Disabled Persons Free of Charge. County Manager Baker has been contacted by a resident asking why seniors were allowed to use the Community Center free of charge, but disabled persons were required to pay full price. After brief discussion, the Board agreed to talk about the topic with Director Kathi Lambert at a future public Board meeting.

USFS Meeting. U. S. Forest Service District Ranger Penny Wu will meet with the Board at a public work session on March 10, 2015, at 11:00 A.M., to talk about the possibility of a public shooting range in Columbine Campground and the parking dilemma at the nearby cemeteries.

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

1. County resident Karla Fuller has refiled her earlier lawsuit against Gilpin County, which had been dismissed without prejudice. Ms. Fuller intends to schedule her suit for trial.

**Notice of Public Meetings.** There are no scheduled public meetings in the upcoming week that would likely be attended by more than one Commissioner and at which public business would be discussed.

**Meeting Minutes.** Commissioner Isenhart moved to approve the Board of County Commissioners Meeting Minutes for February 10, 2015. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Public / Press Comment.** Resident Patricia Eaton said the Board had conducted a good meeting with good public turnout, and that it looked like marijuana would be a hot issue at future meetings.

**Adjournment.** There being no further business to come before the Board, they adjourned at 12:15 p.m.

Signed this 24<sup>th</sup> day of February 2015.