

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

June 30, 2015

A regular meeting of the Board of County Commissioners of Gilpin County was held on June 30, 2015, at the Gilpin County Old Courthouse. Chair Schmalz called the meeting to order at 9:03 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.

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

Public Hearing—Variance Request—BOA #15-03. Chair Schmalz opened the public hearing for a variance request for Kevin Gilmartin, Lot 41, Lakeview Subdivision, a 0.51-acre parcel. Planner Ray Rears presented the applicant's request for relief from two property line setback requirements to allow for the construction of a detached garage on the east property line, which would encroach into the required 30-foot setback by 15 feet, and a separate dwelling on the west property line, which would encroach into the required 30-foot setback by 15 feet. Applicant Kevin Gilmartin was present. Chair Schmalz opened the hearing to public comment. Joseph Davis, 195 Elk Place, spoke as the site excavator and a nearby (not adjacent) neighbor. Following public comment, Chair Schmalz closed the hearing to public comment.

Commissioner Isenhart moved to approve BOA #15-03 for both property line variances, as presented, for Kevin Gilmartin, Lot 41, Lakeview Subdivision. Commissioner Schmalz seconded the motion. Discussion followed. The motion failed by a vote of 1 to 1, with one Commissioner not voting; variance requests require a unanimous vote for approval in order to pass. Commissioner Watson moved to continue the public hearing for BOA #15-03 to July 14, 2015, 9:05 A.M. Commissioner Isenhart 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, including public comment, 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.

Request to Vacate a Road—VPL #15-01. County Planner Ray Rears presented VPL #15-01, an application to vacate public land, a portion of Kegley Road, filed by Scott Preble, Lorraine R. Hudak and John Payne, Lots 1—4 in Block 1 and Lots 1—4 in Block 2, K & K Ranch Subdivision. The application called for that section of the roadway to be vested to the abutting property owners, the applicants. County Attorney Jim Petrock advised the Board of County Commissioners to require full compliance with the conditions recommended by staff regarding ingress, egress and utility easements and the completion of a boundary line elimination by the owner (Preble) of K & K Ranch, Block 2, Lots 1A & 2A prior to recording. Commissioner Watson moved to approve VPL #15-01 with stipulation that the approval resolution was not to be recorded until the conditions had been met. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Boundary Line Adjustment Application—BLA #15-02. County Planner Ray Rears presented BLA #15-02, a boundary line adjustment application for Judd Motchan and Peter M. Morgan, for two parcels described as: Parcel of Land 245/80, 1.66 acres, schedule number R004256, and Parcel of Land 242/89, .55 acres, schedule number R012191. Planner Rears explained that a mortgage lien exists on one of the parcels, but that a new buyer would soon assume the mortgage. He recommended conditional approval of the application. Applicants Judd Motchan and Peter Morgan were present. In response to a question from Mr. Morgan to the Board, County Attorney Jim Petrock advised them that they could name new roads on a plat. Commissioner Watson moved to approve BLA #15-02, as presented, for Judd Motchan and Peter M. Morgan, creating two new parcels described as Parcel 1, at 16530 Highway 119, and Parcel 2, at 16512 Highway 119, and to grant a 30-foot-wide right-of-way to Gilpin County, but not bind the County to maintenance or improvement of the roadway, and to name the road Lynne Port Lane at Peter M. Morgan's request. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

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

Liquor License Renewal Application—Underground Liquors. Commissioner Isenhart moved to approve at the local level the application for the annual renewal of the retail liquor store license for Underground Liquor, LLC, dba Underground Liquor, currently located at 15107 Highway 119, with a current expiration date of August 8, 2015, with the understanding that the owners would submit the renewal application in a more timely manner in future years. Commissioner Watson 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.

Proposed Position Upgrades—Public Works. Human Resources Director Susie Allen and Public Works Director Bill Paulman presented Director Paulman's following proposals as measures to attract qualified applicants to three positions:

1. Mechanic, Pay Grade Change—Raise the mechanic position from grade 80 to grade 85 and allow flexibility for starting pay. After lengthy discussion, Commissioner Watson moved to accept the proposal to shift

the mechanic position from pay grade 80 to 85 and to move the one current mechanic to grade 85 at the same percentage into the range. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

2. Equipment Operator 1 & 2, Minimum Starting Wage
 - a) EO 1—Retain the current pay grade of 75 and the maximum wage of \$23.68, but raise the minimum starting hourly wage to \$17.15.
 - b) EO 2—Retain the current pay grade of 80 and the maximum wage of \$27.22, but raise the minimum starting hourly wage to \$19.15. Commissioner Watson moved to accept the proposal to change the minimum starting hourly wages for the Equipment Operator 1 and 2 positions as presented and increase current employees to the new minimum starting pay. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

Timberline Fire Protection District/Rollinsville Facility Lease. Public Works Director Bill Paulman proposed a new lease between Gilpin County and the Timberline Fire Protection District (TFPD) that would revise the arrangement for use of the County's Rollinsville Public Works shop to allow TFPD to conduct no more than two (2) public events in the shop per year. Commissioner Isenhardt moved to approve the revised lease between Gilpin County and TFPD for use of the County's Rollinsville Public Works shop. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. TFPD Board Chair Jim Crawford said TFPD appreciated the ability to host public events, saying they would be beneficial to the community.

Recess. The Board of County Commissioners recessed from 10:28 A.M. to 10:38 A.M.

Request to Fill a Position—Caseworker III. Human Services Director Betty Donovan presented her request to fill a new, unbudgeted full-time position of Caseworker III, which would be 90% reimbursed by the Colorado Department of Human Services. Human Resources Director Susie Allen noted that the state funding for the position would be ongoing and that Gilpin County could request additional money to cover the benefits attached to this position. Commissioner Watson moved to approve the Caseworker III position to be funded 90% by the Colorado Department of Human Services. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

Proposed Changes to Parks and Recreation Department Staff. Parks and Recreation Services Manager Kathi Lambert presented her request to the Board to consider changing two positions on her staff. Human Resources Director Susie Allen was also present. Manager Lambert stated that the proposed changes would shift greater responsibility onto those two positions and could potentially raise the hourly wages. After further discussion, the Board directed staff to: provide detailed information about the potential impacts of the proposed changes; update the two job descriptions; not make changes to those salaries at this time. Commissioner Watson moved to direct staff to pursue these updates, but later withdrew her motion because a vote was not required.

Treasurer's Monthly Report. Treasurer Alynn Huffman reported on operations in her office for the month of May 2015. She noted her staff's exemplary efforts in contacting property owners regarding taxes that were due, which resulted in many tax payments. In closing, Treasurer Huffman explained the Sheriff's Office's "Public Nuisance" account, which receives funds from persons convicted of certain types of crimes.

Clerk and Recorder's Monthly Report. Clerk and Recorder Colleen Stewart reported on operations in her office for the month of May, 2015. She also introduced her grandson, Kay, age 13, who viewed the Board's proceedings as a good civics lesson. Clerk Stewart informed the Board that she had entered into an agreement with the City of Black Hawk to receive \$15,000 from the City to digitize and computerize County records. She will add this amount to the \$6,500 [Colorado] Statewide Portal Authority grant her office was awarded to perform a complete digitization of all County records maintained by that office. Commissioner Watson commended Clerk Stewart for being so resourceful in securing outside funding for an important project.

New Ambulance Inspection and Certification. Gilpin Ambulance Authority Executive Director Brandon Daruna was present to discuss the recent inspection of and request to license a new ambulance in the Authority's fleet. Boards of County Commissioners are statutorily required to function as the ambulance licensing authority in their jurisdiction. Director Daruna spoke briefly about the cost of new ambulances depending on the type of equipment installed. Commissioner Watson moved to approve the licensing and certification of the Gilpin Ambulance Authority's new ambulance, Unit #112. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

Mutual Aid Agreement—Gilpin/Boulder County Sheriff's Offices. Sheriff Bruce Hartman presented a Mutual Aid Agreement between Gilpin and Boulder counties through which if reasonably available, Gilpin County will respond to emergency incidents within Boulder County at the request of the Boulder County Sheriff's Office. Sheriff Hartman explained that the cooperative measures listed in the Agreement have been in place for a long time and that the proposed Agreement would simply formalize the two counties' understanding. In response to Commissioner Watson, Sheriff Hartman confirmed that in some types of incidents, there could be FEMA funding that would—through a lengthy process—reimburse Gilpin County for any employee overtime pay incurred. Commissioner Watson moved to approve the Mutual Aid Agreement between Gilpin and Boulder counties, as presented. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

Land Lease Agreement—Fidelity Tower, Inc. Neil Wiser, principal owner and President of Fidelity Tower, Inc., gave a brief history of the cooperative efforts between his company and the County for the installation of a cell phone service tower on County-owned land near the Justice Center. A previous lease had expired and the new one proposed today with T-Mobile as the cell service carrier would give the County unlimited space to mount its own communications equipment on the tower. Also, the newly proposed tower would be considerably shorter than the one previously planned and would not be required by the FAA to have lights. President Wiser introduced Jason Provalenka as the project supervisor, who spoke about the difficulty in establishing cell service towers in sparsely populated areas. Commissioner Watson moved to accept the Land Lease Agreement between Gilpin County and Fidelity Tower, Inc. Commissioner Isenhart 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:

Correspondence. The Union Pacific Railroad Company sent notice to Gilpin County of its intent to comply with the Rail Safety Improvement Act of 2008 by installing positive train control poles and infrastructure along all passenger and hazardous transport rail lines. They will erect a 60-foot pole near the East Portal in Gilpin County.

Project Status Report. County Manager Baker gave updates on several items included on the Commissioners' list of current projects and noted that the Fidelity Tower, Inc., lease just signed would probably make solicitation of cell phone services to lease space on the Justice Center tower unlikely.

Commissioner Watson requested staff to begin applying for DOLA severance grants for the Old Courthouse.

Commissioner Watson asked County Manager Baker to follow up on selling the old Gilpin Connector bus.

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:

- Commissioners' work session today, following their regular meeting, to discuss the total rewards package for County employees

CCI Legislative Issue Form. County Manager Baker asked the Board to identify the issues they would like to see addressed in the 2016 legislative session. After discussion they listed:

1. the repeal of Senate Bill 152, which prohibits counties and cities from directly providing broadband services within their jurisdictions
2. direction to, and additional funding for the Colorado State Patrol for enforcement of existing laws prohibiting loud after-market motorcycle mufflers on Colorado highways
3. direct TABOR refunds to CDOT for infrastructure projects and to K-12 education, especially for capital projects
4. raise state minimum wage to \$10 (or more) per hour

Meeting Minutes. Commissioner Isenhart moved to approve the Board of County Commissioners Meeting Minutes for June 9, 2015. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

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

Signed this 14th day of July, 2015 .