

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

February 9, 2016

A regular meeting of the Board of County Commissioners of Gilpin County was held on February 9, 2016, at the Gilpin County Old Courthouse. Chair Isenhart called the meeting to order at 9:00 a.m. In attendance were Chair Linda Isenhart; Commissioner Buddy Schmalz; Commissioner Gail Watson; County Manager Roger Baker; County Attorney Jim Petrock; and Deputy Clerk to the Board Sharon Cate.

Certificate of Appreciation for Exemplary Services. Human Services Director Betty Donovan introduced Veterans Services Officer Richard Winfrey, saying he is a good employee who will be recognized today by the Board of County Commissioners for working hard to assist the family of a recently passed veteran. He was presented with a Certificate of Appreciation and was thanked by the Board. VSO Winfrey said it was gratifying to be honored and that he enjoys his work.

The Board of County Commissioners recessed at 9:05 and convened as the Board of Human Services until 9:15 a.m., at which time they reconvened as the Board of County Commissioners. (See BoHS meeting minutes of February 9, 2016.)

Funding Request. County Manager Baker informed the Board that the Nederland High School After-Prom committee had recently filed a funding request, which has been funded in the past at \$1,000. Commissioner Schmalz asked if the group had requested funding from Boulder County and suggested that Gilpin County ask them to do so, if they haven't yet. Commissioner Watson moved to fund the Nederland High School After-Prom activities at \$1,000 for 2016. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Grant Agreement—Caring for Colorado. Commissioner Isenhart stated that Commissioner Watson had sought and been approved for funding from the Caring for Colorado Foundation for the Gilpin Connect healthcare transportation service. Commissioner Watson said the term for the funding is March 1, 2016 to February 28, 2017. Discussion followed regarding the increasing use of the transportation service. County Attorney Petrock affirmed that there was no conflict in accepting funds for operational expenses and that TABOR laws do not apply to funds received. Commissioner Watson moved to accept \$22,701.00 from the Caring for Colorado Foundation for the Gilpin County healthcare transportation service, and to sign the grant agreement. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Land Exchange, Bonanza Land, LLC. Community Development Director Tony Petersen proposed a land trade of four County-owned mining claims in exchange for a mining claim owned by Bonanza Land, LLC, which could be a potential site for a recreational shooting range; there would be no money involved in the trade. Commissioner Watson said she would like to have staff, a Colorado Parks and Wildlife shooting range expert and Sheriff Hartman view the land offered by Bonanza Land, LLC, prior to approving the trade. Discussion followed concerning returning the four County-owned lots to the tax rolls and the potential benefit to the County of such a trade. Commissioner Schmalz moved to approve the proposed land trade of mining claims as presented: 1) N012092, Whiting, #161, at 2.010 gross acreage, in Central City, County owns 100% of the surface rights; 2) N007715, Lynne, #17518, at 3.930 gross acreage, in Russell Gulch, County owns surface rights less 150 ft. by 175 ft. Lot 3 with house; 3) N007539, Danforth, #1001, at 4.999 gross acreage, in Russell Gulch, County owns an undivided ½ share; 4) N007783, Paris, #16799, at 1.200 gross acreage, in Russell Gulch, County owns an undivided ¾ share, in exchange for the La Place mining claim owned by Bonanza Land, LLC, MS #6003, accessed from the Central City Parkway. Commissioner Watson directed staff to move forward with an onsite visit with Colorado Parks and Wildlife and then seconded the motion, which passed by a vote of 3 to 0.

Marijuana Retail Growing Facility Proposal. Joe and Jason Licata, of Rocky Mountain Organics, 5312 Highway 119, presented a conceptual plan for the Board's consideration of a possible 1,500 sq. ft. marijuana grow operation at that location. They implied the County could receive revenue from allowing this type of business and added that they would be willing to haul water to an onsite cistern, rather than drawing from the groundwater in that area. Community Development Director Tony Petersen noted Gilpin County's moratorium on marijuana businesses and said a great deal of work would be necessary to change the County's position. County Manager Baker cited the requirement for an excise tax to be presented to voters, and he said other decisions such as fee amounts and frequency would have to be carefully considered. County Attorney Petrock advised the Board to proceed slowly and carefully before making any decisions regarding marijuana businesses. The Board agreed to make potential marijuana grow operations the main topic of their Coffee with the Commissioners open forum, scheduled for February 16, 2016.

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.

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

- An Executive Session is in order to discuss the Nycon lease negotiations.
- Petrock and Fendel, P.C., will file its reply in the County's lawsuit against the State Treasurer by February 12, 2016.

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 the Commissioners, February 16, 6:30 p.m. at the Community Center
- Five-county monthly Commissioners and Legislators breakfast, February 17, in Idaho Springs
- Meeting with the Jefferson Center for Mental Health to discuss the Mobile Crisis Unit, on February 10, 2:00 p.m.

Team Fitness Challenge. Commissioner Watson outlined a plan for Gilpin County employees to participate in a new fitness program, which could later be expanded to include County residents. She also asked about the possibility of opening the Community Center on Sundays to tie into the Team Fitness Challenge. Commissioner Schmalz said the Community Center had previously been closed on Sundays due to low attendance and that if reopened, attendance would have to support that decision. The Board directed County Manager Baker to work with Community Center Kathi Lambert on possibly opening on Sundays.

Meeting Minutes.

Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for January 26, 2016. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Commissioner Schmalz moved to approve the Board of Human Services Meeting Minutes for January 26, 2016. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Public / Press Comment. John Scarffe asked for clarification on Gilpin County's current restrictions on future marijuana businesses. County Manager Baker said the Board would have to amend its ordinance in order to impose impact fees, but that if they wanted to place an excise tax on grow operations, they would have to put it on the ballot for a vote. He added that there are other types of impact fees that would not require a vote.

Weekly Register-Call reporter Randy Beaudette asked if meetings of the Northern Colorado Front Range Recreational Sport Shooting Range Partnership were open to the public. Commissioner Watson replied that she thought they were, and provided Mr. Beaudette with the date and time of the group's next meeting.

Adjournment to Executive Session. Commissioner Schmalz moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402 (4) (b) and (e), to receive legal advice on land use negotiations. 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 9:52 a.m.

Signed this 23rd day of February, 2016 .