

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

May 10, 2016

A regular meeting of the Board of County Commissioners of Gilpin County was held on May 10, 2016, at the Gilpin County Old Courthouse. Chair Pro-tem Schmalz called the meeting to order at 9:00 a.m. In attendance were Chair Pro-tem Buddy Schmalz; Commissioner Gail Watson; County Manager Roger Baker; County Attorney Jim Petrock; and Deputy Clerk to the Board Sharon Cate. Chair Linda Isenhardt was absent.

**Election of Chair Pro-Tem.** Commissioner Watson nominated Commissioner Schmalz to serve as Chair Pro-tem in Commissioner Isenhardt's absence. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

**BMX Course Proposal.** Gilpin County CSU Extension Agent Dr. Irene Shonle, Extension Office Assistant Heather Pearce and Youth Program Associate Kirsten Springer, proposed the installation of a BMX bicycle course near the County's Fairgrounds and Community Center area. Dr. Shonle said a temporary course has been successful during the annual County Fair, and that a permanent course could provide a healthy activity, particularly for the middle school age group. The proposal included the posting of a sign that would notify all users that the course would be used at the rider's risk, define the hours, and require users to wear helmets, pads, long-sleeved shirts and long pants. Commissioner Watson moved to approve the BMX course as proposed with signage as discussed. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

**New Ambulance Certification and Licensing.** Gilpin Ambulance Authority Executive Director Brandon Daruna presented the inspection report on the Authority's new ambulance, Unit #114, for certification and licensing. He said the Ford F450 advanced life support ambulance had been inspected by the State and has permanent license plates. He further noted that the Authority will apply for a SEMTAC grant next year and if awarded, will help the Authority have three identical ambulances, which simplifies mechanical and other types of maintenance, plus helps staff be more familiar with the vehicles and equipment. Commissioner Watson moved to certify and license Unit #114 for the Gilpin Ambulance Authority. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

**Boundary Line Adjustment Application—BLA #16-02.** Community Development Director Tony Petersen presented a boundary line adjustment (BLA 16-02) application for Kevin A. and Molly N. Chapman, and Steven J. and Charlotte J. Rice, Sections 11, 12, 13 and 14, T3S, R72W, near Robinson Hill Road. He explained that the smaller of the two parcels in the proposed BLA is landlocked with no access to Robinson Hill Road, and that the exchange could grant access to both. Russ Bergren, future buyer of one of the parcels, was present and stated that the Chapmans had agreed to the land exchange. Chief Glenn Levy, of Timberline Fire Protection District, was also present and said both parcels in their entirety had been accepted into the District. Commissioner Watson moved to approve BLA #16-02 for Kevin A. and Molly N. Chapman, and Steven J. and Charlotte J. Rice, Sections 11, 12, 13 and 14, T3S, R72W, near Robinson Hill Road, as presented with the condition that an easement be given to newly created Lot 1A, onto Robinson Hill Road. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

**Deed Exchange per VPL #16-01.** Community Development Director Tony Petersen presented follow-up work to a vacation of public land (VPL #16-01), approved by the Board on January 26, 2016, for applicant Tyler Wilson, property owner at 53 Wallen's Place, to correct circumstances in which Mr. Wilson built a garage approximately six (6) feet into the platted right-of-way (ROW) of Wallen's Place. Director Petersen had proposed a trade in which the County would allow Mr. Wilson to keep his garage and deed a portion of the ROW to him in exchange for Mr. Wilson granting the County an easement over South Beaver Creek Road. Director Petersen noted that a survey had been performed and presented the deeds to formalize the exchange. Commissioner Watson moved to approve the VPL #16-01 deed exchange as presented. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

**Church Ditch Water Lease.** County Manager Baker presented the annual water rights lease between Gilpin County and Gary Gambino, through which Gilpin County leases four (4) inches of Church Ditch water rights, which are not currently needed for County purposes, to Mr. Gambino and several other property owners near Church Ditch. He stated that County Attorney Jim Petrock had written the original lease, which costs the County nothing while keeping all water rights. Commissioner Watson moved to approve the Church Ditch water lease for 2016. 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. The daily Jail population has dropped slightly over past couple of weeks to a more manageable number.

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

1. A brief executive session at the end of the regular meeting will be needed to discuss the dispute with Hart Intercivic, Inc., regarding unused election equipment.

2. Senate Bill 09-080, passed in this year's legislative session, allows for the collection of rainwater from rooftops in residential areas beginning in August, with conditions relating to existing residential water well rules. Two three-year monitoring periods have been set up, after which the state engineer will determine if there has been any impairment to existing water rights. If it is determined that impairment has occurred, the program could be terminated.

#### **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:

- Gilpin Ambulance Authority Board, May 11, Apex Facility
- Denver Regional Council of Governments, marijuana discussion, May 12
- ICS 402 Class, Black Hawk, May 12
- Timberline Fire Protection District, May 16, Station #7
- Five-county Commissioners and Legislators monthly breakfast, May 18, Idaho Springs
- Broadband discussion with Clear Creek County, May 18, Georgetown

**Meeting Minutes.** Commissioner Watson moved to approve the Board of County Commissioners Meeting Minutes for April 26, 2016. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

**Temporary Use Permit—TUP #16-01.** Community Development Director Tony Petersen presented an application for a temporary use permit, TUP #16-01, filed by Weirido Productions, LLC, for a three-day music festival (Weirdos in the Woods), including alcoholic beverages, camping, art displays, yoga, and new-age workshops, with an expected attendance of 500 people. The proposed location was on private property adjacent to USFS land near Wideawake, for July 22 through 24, 2016. Weirido Productions, LLC, works in conjunction with 7 Healing Stars, a widely varied group dedicated to wellness and the establishment of global oneness centers. Those present to discuss the application were: James Strickland and Eric Eanes, Weirido Productions, LLC; Jason Blumen, Groove Medical Services; and Jomar Suarez, 7 Healing Stars. Director Petersen explained the Gilpin County Zoning Code's two classes of TUPs, noting that amplified music requires Board of County Commissioners review, but not a public hearing. He noted there would be several other referrals and/or approvals required, such as the Sheriff's Office, the Public Health Office, the Fire District, the Ambulance Authority and the City of Central (parking).

Lengthy discussion between the Board and the applicants followed regarding impacts to area residents such as sound decibel levels, hours that music would be allowed, fire danger, increased traffic, potential draw on law enforcement and emergency medical services. The applicants stated that similar but smaller events had taken place for four years without a permit and that, if approved, this would be their first permitted event in Gilpin County.

County Attorney Jim Petrock asked the applicants the following questions:

1. Can they provide liability insurance naming Gilpin County as the insured in the amount of \$1 million?
2. The possession of marijuana is a federal crime and the proposed event area is surrounded by U.S. Forest Service land (federally owned). How will the applicants ensure that no federal laws are broken?

James Strickland replied that they would allow no alcohol or marijuana on the shuttle buses and that they would inspect attendees' bags for weapons, drugs, etc. Jomar Suarez said he had been advised by a park ranger to address these topics in a waiver that each attendee would sign.

Commissioner Watson said she didn't see a benefit to Gilpin County residents, partly in that the County has no sales tax; other communities have space for this type of concert, but it seems hard to do in this inaccessible area; and medical services were a big issue. Commissioner Watson and Commissioner Schmalz agreed that they needed more information and some input from local agencies in order to make a decision on the application. Commissioner Schmalz said his main concern was the impact of amplified music on area residents—decibels and hours allowed.

Commissioner Watson moved to table the application for TUP #16-01 until the Board of County Commissioners' next session on May 24, 2016. Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0.

**Public / Press Comment.** Those who spoke during public comment were:

Diana and Lewis Wagner, 11003 Highway 119, expressed their concerns about the local Dog Control Ordinance, a dog allowed to run loose on their property and its owner coming onto their property, as recorded by a camera they mounted on their home; they have discussed the situation with the Sheriff's Office. Commissioner Watson and Commissioner Schmalz agreed the current dog ordinance might not be able to help them, but that the revised ordinance possibly could, in that it would have improved enforceability. The Wagners then conveyed their past experiences with the earlier mentioned festival in their area and said they were worried that the road could not accommodate fire trucks and buses at the same time due to their size, and that the [amplified] music is played all night.

**Adjournment to Executive Session.** Commissioner Watson moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402 (4) (b), to receive legal advice on a potential settlement with Hart Intercivic, Inc.

Commissioner Schmalz seconded the motion, which passed by a vote of 2 to 0. There being no further business to come before the Board, they adjourned at 11:09 a.m.

Signed this 24<sup>th</sup> day of May, 2016.