

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

December 20, 2016

A regular meeting of the Board of County Commissioners of Gilpin County was held on December 20, 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.

Public Hearing—Resolution #16-13, Adopting 2017 Budget. Chair Isenhart opened a public hearing to review the proposed County Budget for 2017. Finance Officer Clorinda Smith gave a brief overview of the budget and answered questions from the Board. Chair Isenhart opened the hearing to public comment. There being none, Chair Isenhart closed the hearing to public comment. Commissioner Schmalz noted that the County is now in a better position than in years past, due in part to an improved mindset and numerous cuts in all departments and offices. He added that eight years ago, the County borrowed money to get through the year, but that was no longer necessary. Commissioner Schmalz moved to adopt Resolution #16-13, "Adopting the 2017 Budget," as presented. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. Chair Isenhart closed the public hearing. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)

Certification of Mill Levies. Finance Officer Clorinda Smith gave an overview of the Certification of Mill Levies for Budget Year 2017. She referenced page four, which lists the County's total assessed value at \$359,945,030, and noted that over \$3.5 million in property taxes will be collected, more than \$100,000 higher than 2016. Brief discussion followed. Commissioner Watson moved to approve the Certification of Levies and Revenue for Budget Year 2017. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Compensation Items. Human Resources Manager Susie Allen presented the following items, which were agreed upon by the Board during discussions of the 2017 budget:

2017 Market Adjustment. A 96-cent increase for full- and part-time benefited employees, effective December 31, 2016, would move approximately 22 employees over the maximum in their pay range. Commissioner Watson moved to approve the market adjustment. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

2017 Gilpin County Pay Plan. Pay ranges have been adjusted up by 1% each. Commissioner Watson moved to approve the pay plan adjustment as presented. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Resolution #16-19, Increasing the Employee Retirement Contribution to 5%. Manager Allen stated that several years ago, the County's match to employees' retirement contributions was lowered from 5% to 3%, but that improved conditions now allow the match to be restored. Commissioner Watson moved to approve Resolution #16-19, "Increasing the Employee Retirement Contribution to 5%." Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Resolution #16-17—Establishing All County Buildings as Non-smoking. Human Resources Manager Susie Allen stated that the proposed policy prohibiting smoking in County-owned buildings was an update to Resolution #99-03, and addressed the public as well as employees, and included County-owned vehicles. Commissioner Schmalz moved to approve Resolution #16-17, "Amending Resolution #99-03 and Prohibiting Smoking, Including Smoking of Tobacco and Vaping of any Substance in All County Owned Buildings." Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Treasurer's Items.

Monthly Report. Treasurer Alynn Huffman reported on operations in her office for the month of November, 2016, and updated the Board on bank accounts in which County funds are held. She added that this year the amount of uncollected taxes was the lowest she had ever seen.

Cancellation of Possessory Interest & Personal Property. Treasurer Huffman provided a list of possessory interest for tax year 2014 that remains unpaid and has been deemed uncollectible. Commissioner Watson moved to approve the cancellation of possessory interest for Terry Peterson, Account #L114755, in the amount of \$14.07, and Coffee Roaster, Account #P015078, in the amount of \$299.92. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Public Hearing—Planned Unit Development, ZC 16-01—Black Hawk Development Corp. Chair Isenhart opened a public hearing for a Planned Unit Development (PUD) final plat application presented by Community Development Director Tony Petersen on behalf of Black Hawk Development Corp., Wild Rose Plaza, 5312 Highway 119. David DiPane attended as a representative for owner Roger Guzman. Director Petersen gave an overview of the application noting that the PUD would change the zoning for the subject property and would correct actions taken

on this property in 1993. The Gilpin County Planning Commission recommended approval of the application with 10 conditions.

Chair Isenhart opened the hearing to public comment. Comment was received from:

Black Hawk City Manager Jack Lewis, who noted the property's proximity to the City of Black Hawk and water drainage/water quality concerns.

There being no further comment, Chair Isenhart closed the hearing to public comment. Commissioner Watson moved to approve the PUD final plat application, as conditioned. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. Chair Isenhart closed the public hearing. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)

Recess. The Board of County Commissioners recessed from 10:08 a.m. to 10:27 a.m. to host a reception in honor of Commissioner Buddy Schmalz' eight years of service on the Board. Commissioners Watson and Isenhart presented him with a gift of etched glass and thanked him for his service to the citizens of Gilpin County.

Public Hearing—Special Use Permit—Remus Spirits Distillery. Chair Isenhart opened a public hearing for a Special Use Review application presented by Community Development Director Tony Petersen on behalf of Judd Kaufman, dba Remus Spirits Distillery, 275 Tolland Road. Director Petersen gave a brief overview of the application and added that the subject property was zoned for heavy commercial, which would easily accommodate a liquor distillery business. Mr. Kaufman was present, as were property owners Dan and Karen Adler. Director Petersen further noted that the Gilpin County Planning Commission had recommended approval with six conditions.

Chair Isenhart opened the hearing to public comment. Comment was received from:

Ken Adler, who stated that he and others in that area were in favor of the proposed distillery business.

There being no further comment, Chair Isenhart closed the hearing to public comment. Commissioner Schmalz moved to approve SUR #16-03, as presented. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. Chair Isenhart closed the public hearing. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)

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

Onsite Wastewater Treatment System Variance Application. Community Development Director Tony Petersen presented an onsite wastewater treatment system (OWTS) variance request, BOH #16-02, for Barry Freniere, 43 Owl Drive. Mr. Freniere was present, accompanied by Eric Hamilton of All Service Septic, as a consultant. Community Development Director Tony Petersen stated that because the existing OWTS had been built undersized many years ago, and because there were no records, the applicant could not establish the required 100-foot distance between the water well and the leachfield. He further stated that Mr. Freniere's construction plan called for the new OWTS to be built to meet the 3N level of treatment, with a larger leachfield, far superior to the existing, failed system. Commissioner Watson moved to approve BOH #16-02 for Barry Freniere, 43 Owl Drive. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

The Board of Health adjourned and reconvened as the Board of County Commissioners.

NYCON Lease. County Attorney Jim Petrock advised the Board that some changes had been made to the lease between Gilpin County and NYCON Resources, Inc., through which the County gains access across property owned by NYCON, to reach Dakota Mountain, where the County maintains a communications/repeater tower. NYCON representatives had expressed a concern about the inventory of equipment on the tower site relative to the extent of the County's use of the road. Sheriff Bruce Hartman was present and stated that the equipment onsite included a tower, microwave and communications equipment, and an array for a power outage; if an antenna were needed to facilitate broadband in the future, it would not affect the lease. Commissioner Schmalz moved to approve the Tower Lease Agreement between NYCON Resources, Inc., and Gilpin County. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Memorandum of Understanding—Office of Information Technology. Sheriff Hartman informed the Board that he had met with staff from the State Office of Information Technology (OIT) regarding the need for a Memorandum of Understanding (MOU) to co-locate communications equipment on Gilpin County's tower on Dakota Mountain; the agreement has existed verbally for several years, but the OIT has now requested an MOU. He further stated that the Sheriff's Office works "hand-in-glove" with the State on communications. Commissioner Watson moved to approve the Memorandum of Understanding between the State Office of Information Technology and Gilpin County. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Mutual Aid Agreement—Town of Nederland. Sheriff Hartman said he had spoken with Nederland Police Chief Paul Carrill about mutual aid, and that the Sheriff's Office has similar agreements with other adjacent jurisdictions. Commissioner Watson moved to approve the Mutual Aid Agreement Concerning Law Enforcement Coverage Between the Town of Nederland, Colorado, and Gilpin County, Colorado. Commissioner Schmalz 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 Licensing Applications.

Liquor Licensing Clerk Sharon Cate presented a renewal application for a retail liquor store license for XTRACT, LLC, dba Mid County Liquors, located at 17218 Highway 119, with a current expiration date of February 15, 2017. Commissioner Schmalz recused himself from the discussion and vote on this application. Commissioner Watson moved to approve the application at the local level, as presented, with a new expiration date of February 15, 2018. Commissioner Isenhardt seconded the motion, which passed by a vote of 2 to 0, with Commissioner Schmalz abstaining.

Liquor Licensing Clerk Sharon Cate presented a renewal application for a hotel/restaurant license for Last Shot, LLC, dba Last Shot, located at 17268 Highway 119, with a current expiration date of February 28, 2017. Commissioner Schmalz moved to approve the application at the local level, as presented, with a new expiration date of February 28, 2018. 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.

DOLA Gaming Impact Grant Contracts. County Manager Baker presented two Gaming Impact Assistance Grant Agreements between Gilpin County and the Colorado Department of Local Affairs (DOLA) saying that DOLA now consolidates the grants into two main categories—County agencies and non-profit agencies. He also presented four Funding Agreements for non-profit agencies.

1. Multi-Project Grant Agreement—County Agencies. Commissioner Watson moved to approve the Multi-Project Grant Agreement for County agencies (Sheriff's Office Jail Operations, Sheriff's Office Operations and the Victim Services Program) between DOLA and Gilpin County. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.
2. Multi-Project Grant Agreement—Non-profit Agencies. Commissioner Watson moved to approve the Multi-Project Grant Agreement for non-profit agencies (Eagles' Nest Child Care, RE-1 School Based Counseling Program, Ambulance Operations and First Judicial District Attorney's Office) between DOLA and Gilpin County. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.
3. Gaming Impact Funding Agreements. County Manager Baker stated that traditionally the Funding Agreements had been arranged with the County as a grantee, but that now DOLA requires copies of these Agreements. He has obtained signed copies from all of the funded agencies, which are ready to be sent to DOLA. Commissioner Schmalz moved to approve the Funding Agreements for Gilpin Ambulance Authority, the First Judicial District, Eagles' Nest Child Care Center and Jefferson Center for Mental Health. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Building Lease—Rollinsville Shop/Timberline Fire Protection District. County Manager Baker presented the Rollinsville Shop Lease between Timberline Fire Protection District and Gilpin County for 2017, noting that the recent change in staff at Timberline would not affect the Lease. Commissioner Watson moved to approve the Rollinsville Shop Lease for 2017. Commissioner Schmalz 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:

Monthly Departmental Reports. The monthly departmental reports that had been submitted were discussed, with County Manager Baker pointing out that the jail population continues to be a concern, meaning not just number, but rather the nature of the detainees; the situation will have to be addressed. He also informed the Board that the temperature of the Community Center pools is now stable and both are currently usable.

PBS Film Festival. An upcoming film festival on the Public Broadcast System includes a film about Clara Brown, a woman born into slavery and who after being freed in 1859, made a life for herself in Central City. She earned a small fortune with a laundry business and helped many other pioneers. Filmmaker Patricia McInroy consulted with County Manager Baker in her historical research.

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:

- County employee holiday luncheon, tomorrow at the Century Casino
- A broadband conference call, December 21
- Five County breakfast meeting, December 21, in Summit County

Resolution #16-20—Board of County Commissioners 2017 Public Meeting Schedule. County Manager Baker presented a draft schedule of Board meetings for 2017. Commissioner Watson moved to adopt, as submitted, Resolution #16-20, “Adopting a Schedule of Public Meetings for the Board of County Commissioners for 2017.” Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

CCI Voting Proxy Designation—2017. Colorado Counties, Inc., (CCI) is a non-profit association whose purpose is to offer assistance to county commissioners, to provide information, education and legislative representation, and to encourage counties to work together on common issues to present a united voice to the Colorado General Assembly. Commissioner Isenhart stated that she believed it would be best to designate County Manager Baker as the voting proxy on the various steering committees within CCI, except for Human Services, which would be Gilpin County Human Services Director Betty Donovan. Commissioner Watson moved to designate County Manager Baker as the proxy for all CCI Steering Committees, except Human Services, and to designate Director Betty Donovan as the proxy for that Committee. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Library Board Appointments. Commissioner Watson moved to appoint Alan Smith and Alisa Witt to fill the vacant terms on the Library Board of Trustees expiring December 31, 2019, and to appoint Jeanette Lamer to fill the vacant term expiring December 31, 2017. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Memorandum of Understanding—Bureau of Land Management. Commissioner Watson proposed the approval of a Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM) through which Gilpin County would become a Cooperator in the BLM’s Resource Management Plan. She explained that BLM Field Manager Keith Berger had attended a meeting of the Northern Colorado Front Range Recreational Sport Shooting Range Partnership (RSS) recently and offered to work with the RSS for input on land parcels that might be of interest to RSS. Commissioner Watson also said the proposed MOU would allow Gilpin County to receive more information from BLM on land in the area. Commissioner Isenhart moved to enter into the MOU Between the Department of the Interior, Bureau of Land Management, Royal Gorge Field Office, and the County of Gilpin as a Cooperating Agency. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Meeting Minutes. Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for December 6, 2016. Commissioner Watson seconded the motion, which passed a vote of 3 to 0.

Public / Press Comment. *Weekly Register-Call* reporter Randy Beaudette asked about the County’s pay structure and what the Board meant by “bringing the work force up.” Commissioner Isenhart explained that she thought it was important for employees to receive training and in-house seminars, such as computer training.

Adjournment. There being no further business to come before the Board, they adjourned at 11:33 a.m.

Signed this 10th day of January, 2017.