

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

July 26, 2016

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 26, 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—Zoning Change—ZC #16-01.** Chair Isenhart opened a public hearing for a proposed zoning change, ZC #16-01, for Thorodin Development, LLC, at 9 Karlann Drive; no applicant attended the hearing. Planner Daniel Horn stated that the applicant requested a zoning change from Commercial C4 to Residential RS to hopefully increase the marketability of a log style structure that has been used as a home and for various commercial enterprises over the years. He further stated that due to the failure of those businesses, the owner desires to sell the structure as a residence, prompting the need to change the zoning. Planner Horn's report indicated that the Gilpin County Planning Commission is in favor of the proposed down-zoning and recommends approval of the request. Chair Isenhart opened the hearing to public comment. There being none, Chair Isenhart closed the hearing to public comment. Commissioner Watson moved to approve ZC #16-01 for Thorodin Development, LLC, 9 Karlann Drive. 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 public comment, is an audio file available through the Clerk and Recorder's Office.)

**Clerk and Recorder's Items.** Clerk and Recorder Colleen Stewart gave the following reports:

Monthly—March—June, 2016. The office has been busy the past few months, particularly due to the increased number of vehicles purchased and registered.

Election—Primary. The Clerk's staff kept track of the number of ballots deposited in the drop boxes at the Old Courthouse, Community Center and Rollinsville (422), the number of ballots mailed (318), and the number of in-person voters (28). Clerk Stewart said it appeared that voters are becoming more accustomed to using mail ballots.

Ballot Drop Box Grants. Clerk Stewart announced that the Secretary of State's Office has arranged for a grant for each Colorado county to purchase a ballot drop box, which should cover approximately 80% of the costs for the box and surveillance. She has submitted an application and plans to install a 24-hour drop box at the Old Courthouse. She also said her office should receive \$8,000 in HAVA funds as a reimbursement for Dominion training. In looking ahead to the general election in November, Clerk Stewart said that the City of Central would have a question on the ballot, and that Boulder County and the City of Black Hawk might also.

**Public Hearing—Special Use Review—SUR #16-01.** Chair Isenhart opened a public hearing for a special use review/permit (SUR) for SGRY d.b.a. Shoshoni Retreat, 1400 Shoshoni Camp Road. Planner Daniel Horn explained the history of the Retreat and said approval of the SUR would remove the current legal-nonconforming classification and would allow SGRY to operate as they have in the past, but now under a valid special use permit. It would also allow SGRY to add two new structures, a library and a fireproof storage building. SGRY board member John Toll was present and shared some additional history of the Retreat and said the property was approximately 225 acres. Planner Horn said the Gilpin County Planning Commission recommended approval of the SUR with the following five conditions:

1. Residential staff shall not exceed 25.
2. Overnight guest capacity shall not exceed 75.
3. Day guest visitors shall not be restricted.
4. Food service shall be licensed by the applicable jurisdiction.
5. Expansion shall be restricted to no more than two (2) additional building permits for the purpose of adding a library building not to exceed 1,500 square feet, and a fireproof storage building not to exceed 400 square feet.

Chair Isenhart opened the hearing to public comment. There being none, Chair Isenhart closed the hearing to public comment. Commissioner Watson moved to approve SUR #16-01 for SGRY d.b.a. Shoshoni Retreat, with the Planning Commission's five recommendations, and adding a sixth requirement that the applicant contact the Timberline Fire Protection District prior to constructing the two additional buildings. 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 public comment, is an audio file available through the Clerk and Recorder's Office.)

**Public Hearing— Special Use Review—SUR #16-02.** Chair Isenhart opened a public hearing for a special use review/permit for True Blue Custom Milling, 7442 Virginia Canyon Road, for a mill designed to produce gold and other ore concentrated from abandoned mine dumps in the Russell Gulch area to be shipped to out-of-state mills for further processing. Planner Daniel Horn said the applicant was not ready to pursue today's request and asked that the public hearing be postponed.

Commissioner Schmalz moved to postpone the public hearing for SUR #16-02 for True Blue Custom Milling, 7442 Virginia Canyon Road. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. Chair Isenhardt 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.)

**Treasurer's Items.** Treasurer Alynn Huffman gave the following reports:

Monthly—June, 2016. After the Board indicated they had no questions, Treasurer Huffman reported on the status of tax collections, saying staff had made an extraordinary effort to contact property owners on delinquent accounts.

Semi-Annual—January through June, 2016. Commissioner Watson moved to accept the semi-annual, January through June 2016 report. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Clerk and Recorder—Staff Restructuring Proposal.** Clerk Stewart proposed the restructuring of her staff and modification of those positions' job title/description saying that her current three full-time Deputy Clerks were all cross-trained in recording and motor vehicle operations and that because future employees would be as well, it made more sense to recreate the positions as one, Deputy Clerk—Motor Vehicle Technician and Recording Specialist, at pay grade 70. The only financial impact would be an increase of approximately \$955 per year by moving the part-time Recording Specialist position from pay grade 65 to 70. She ended her proposal by noting that usually one year is needed to fully train a new employee. Commissioner Watson moved to approve the proposal to combine the two existing job descriptions into one, Deputy Clerk—Motor Vehicle Technician and Recording Specialist, at grade 70. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Facilities Maintenance Technician Position—Salary Proposal.** Public Works Director Bill Paulman advised the Board that the Facilities Maintenance Technician position had been open since October of 2015, because none of the applicants have been qualified nor would they be able to start work without extensive training, which is not an option at this time. He said the current starting wage, \$18.77, is for a new hire with no experience, but that he needed a more experienced worker and would like to advertise a starting wage of \$22.99 to attract that level of applicant. Director Paulman concluded his proposal by saying that because the position had been open for so long, some tasks had been hired out to contractors, and that he also anticipated the probable resignation of a current supervisor in the new few months. After discussion among the Board, Commissioner Watson moved to approve the request to advertise the Facilities Maintenance Technician position at a starting wage of \$22.99 to attract a qualified, experienced worker. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Library Director Hiring Issues.** Gilpin County Library Board of Trustees President Alan Smith informed the Board of County Commissioners that a very qualified candidate has applied for the Library Director position, and that because of that person's qualifications, experience and current salary, the Trustees are requesting permission to go up to 30% above the range minimum to make a sufficiently attractive offer. He further stated that the minimum starting salary is \$53,200 and the maximum is \$79,900, and that the proposed salary would cause a \$1,300 shortfall in the salary portion of the Library budget for the remainder of 2016. Commissioner Watson moved to approve the Library Board of Trustees request to offer a salary up to 30% into the range for the Library Director applicant. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Second Reading—Ordinance #16-01, Pertaining to the Welfare, Control and Licensing of Dogs.** Commissioner Isenhardt opened the discussion and Second Reading of Ordinance #16-01, "Pertaining to the Welfare, Control and Licensing of Dogs," by noting that the proposed Ordinance is a revision of existing Resolution #99-13, "For the Control and Licensing of Dogs." She explained that approximately six months ago Undersheriff Bayne had asked the Board to assist the Sheriff's Office with law enforcement regarding dog problems by removing the phrase "voice control" from the regulations. Commissioner Schmalz explained that the current dog laws have been in effect for many years, but that the term "voice control" was vague and made it difficult for the Sheriff's Office to investigate and for the District Attorney's Office to prosecute. Commissioners Isenhardt and Schmalz said they were in favor of enforcing the existing leash law as a means of protecting dogs in various situations.

Commissioner Watson said she had found negative language in the regulations and hoped that some changes could be incorporated into the Ordinance to change the focus to the welfare of dogs and to fully enforce Colorado statutes on cruelty and neglect, and laws about service dogs being off-leash. She proposed several specific changes, and noted that the community needed to trust the Sheriff's deputies to make reasonable conclusions about individual dog complaints. Commissioner Watson further noted that the Sheriff's Office does not destroy dogs that have been impounded, but does turn them over to Charlie's Place, a no-kill animal shelter that Gilpin and Clear Creek counties operate jointly. She also asked that the language of the proposed Ordinance be changed from "destroy" to "euthanize," for the rare situation in which euthanization occurs. Commissioner Watson said she too was in favor of leashing dogs, because some owners don't adequately care for their dogs, but that those who do have well-trained dogs could possibly have recourse through the Ordinance.

Commissioner Schmalz called on Undersheriff Jon Bayne to join the discussion, and asked him how the proposed changes to dog regulations could affect the Sheriff's Office. Undersheriff Bayne said he didn't know how a deputy responding to a dog complaint could see a dog and know whether or not it was obedience trained, and that well-trained dogs are usually not the ones that prompt a complaint; the Sheriff's Office responds to problems. He also said a goal of the revised regulations was to help the community understand that there can be no gray area in law

enforcement, even on dog control. County Manager Baker said he had compared several counties' dog regulations and had found that almost all of them required leashes, with the exception of the City of Boulder Voice and Sight Program, which will allow a dog owner to demonstrate that their dog responds to voice control and can receive a brightly colored tag for their collar to certify that level of training.

Discussion followed regarding local dog obedience classes, and dogs that have been highly trained by their owners. Commissioner Schmalz said the revision of the regulations was in response to a request from the Sheriff's Office and asked what the process for control should involve, if the Board were not able to accomplish their goal.

Commissioner Isenhardt opened the discussion to public comment and said each speaker would be limited to three minutes. Following is a summary of each speaker's comments.

Steven Jenéy—had written a letter and asked that it be included in the official record of the [Second Reading of] the Ordinance. Also:

- Some problems are about bad people, not bad dogs
- 90 days as punishment for a fourth offense seems strong
- Neighbors should talk to each other instead of calling the police.
- Owners of bad dogs should know that and put the dog on a leash.
- The Ordinance language is very strong; the intent of the law seems to matter over the letter of law, but the letter will prevail. The language is not owner-friendly and gives no recourse.
- An arbitration board could be useful, as could the creations of some dog parks.

Mary Waddell—had written a letter for the official record. Also:

- The Ordinance gives a lot of power to the accuser rather than the owner. A [responding] deputy doesn't know the dog or its behavior well.
- An arbitration board could help.
- These laws have been in place; maybe it's time to look at the whole topic again.

Gene Rothe—thanked the Board for the open discussion. Also:

- Keep in mind that you already have enforcement and penalties for misbehavior; why penalize all owners by restricting our rights if our dogs haven't done anything wrong? Raise the penalties for those who behave poorly.
- Residents in our neighborhood like to walk their dogs together; they all play well, have no trouble and then all go home.
- The language of the Ordinance could be changed from "training" to "behavior" and would be more accurate.

Virginia Unseld—

- As a 40-year resident of Colorado Sierra, I appreciate your looking at the Ordinance. There are now many more dogs, more barking, and some dogs at large too.
- Most owners think their dogs are good, but I agree that dogs should be on a leash.
- Going through a training course doesn't mean the dog has actually been trained or will respond to the owner. It's not enough to say a "trained" dog.
- I've seen three 3 dogs come up to me together, growling at me in my own yard, and another time there was a pit bull that came after me, with the owners calling it many times before it stopped. It's not easy for the accuser in a confrontation. During one instance, we took some pictures of a dog on our property and the owner came out and hit my husband, because the owner was against us having proof for court that the dogs were on our property. Another time my husband was bitten by a different dog.
- I love dogs, but let's also talk about barking dogs. Some owners think their dogs don't bark, but in my area we are surrounded by about 20 dogs that bark. We give the neighbors a copy of the resolution, and if needed, we call the police.
- One thing missing from the Ordinance is how many dogs an owner may have. (County Manager Baker said that regulation is included in the County's zoning code.)

Alynn Huffman—

- As 25-year citizens, we saw that people had a bunch of dogs when we first came here. Now we see that our county has grown and there is an increase in people and dogs. The population is now huge.
- One of ours ran all over, others we've had stayed home, but each dog is different, each owner is different, and all owners train their dogs differently. All owners love their dogs; all of them think their dog won't bite.
- I believe dogs should be on a leash and owners should make a space on their own property for their dog to run.
- Another big issue in our area is dogs barking at night. People can't sleep and can't leave their windows open, which is another owner problem that needs to be handled. People need to take responsibility for their dogs.

Rebecca Shirey—

- As a 26-year resident, I've had dogs and have always contained them.
- Voice-command dogs run up to me, some have bitten. I was once knocked down by a dog. I've called the Sheriff's Office, but staff will tell us to shoot the dogs.
- I want to walk my dog here, not go to Golden to a dog park.

- I recently called a neighbor whose dog was loose and had trapped a baby moose in a lake. What about the wildlife and people?

Discussion among the Board continued, with Commissioner Schmalz relating his experiences as a dog owner who walks his dog daily, saying his dog has been attacked by unleashed dogs and he has been bitten. He reiterated that the proposed elimination of the phrase “under voice control” was intended as a protection against dogs who do not respond. Commissioner Watson cited specific pages, sections, etc., for changes to the language in the Ordinance. The Board agreed that further discussion of dog parks and a potential arbitration board were needed.

Commissioner Schmalz moved to table until August 9, 2016, 9:30 a.m., Ordinance #16-01, “Pertaining to the Welfare, Control and Licensing of Dogs,” pending some minor changes to the language in the document. Commissioner Watson 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.

Belvidere Theater Quit Claim Deed. As follow up to a discussion between the Board and Central City Council about transferring title to the Belvidere Theater, County Attorney Petrock and Central City Attorney McAskin worked together, writing the quit claim deed in a manner acceptable to both entities, while addressing the statutory requirement of using the building for a “public purpose.” Today the Board reviewed the revised deed. Commissioner Watson moved to quit claim the Belvidere Theater (Gilpin County Assessor account #R002877) to the City of Central. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**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 Board of Equalization, August 2, 10:00 a.m. at the Old Courthouse

**Public / Press Comment.** John Scarffe, reporter for the *Mountain-Ear*, asked for clarification of the Belvidere Theater quit claim deed and if the transaction had to be approved by the City of Central. County Attorney Petrock responded that the transaction was now official.

**Adjournment.** There being no further business to come before the Board, they adjourned at 11:10 a.m.

Signed this 09<sup>th</sup> day of August, 2016.