

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

September 22, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on September 22, 2009, at the Gilpin County Old Courthouse. Chair Whitman called the meeting to order at 9:00 a.m. In attendance were Chair Forrest Whitman; Commissioner Buddy Schmalz; County Manager Roger Baker; County Attorney Jim Petrock; and Sharon Cate, Deputy Clerk to the Board. Commissioner Jeanne Nicholson was absent.

Notice of Public Meetings. There will be no public meetings in the upcoming two weeks that would likely be attended by more than one Commissioner and at which public business may be discussed. Commissioner Whitman noted the Board of County Commissioners have canceled their September 29th meeting and will meet next on October 6, 2009.

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

Phillip Wolf Lawsuit. Phillip Wolf has apparently filed a lien in the Maritime Court against several County staff and some past and current Commissioners.

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

Individual Sewage Disposal System Application. Craig Sanders, Environmental Program Supervisor for the Jefferson County Department of Health and Environment, presented the following individual sewage disposal system (ISDS) application:

Max Felix, Lot 22, Mary Anna Subdivision, 136 Rudi Lane West, a 1.09-acre parcel. Commissioner Schmalz moved to approve the ISDS application as conditioned. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

Failing ISDS. Supervisor Sanders discussed a draft document detailing procedures for dealing with failing ISDS systems. After some input from County Attorney Petrock, Supervisor Sanders indicated he would have the document reviewed by County staff before submitting it to the Board of Health for approval.

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

Wind Turbine Project. Gilpin County Cooperative Extension Agent Dr. Irene Shonle and Troy Whitmore, Director of External Affairs for United Power, gave an overview of a collaborative wind generation project between United Power, Colorado State University Cooperative Extension and Gilpin County, in which a 2.4 kW residential wind generator would be purchased and installed by United Power at the Gilpin County Community Center. The wind turbine tower would be placed in an island in the Center's parking lot and the electricity generated would be fed back into the electrical grid via an existing meter and the County would be credited for the electricity. The turbine would also transmit wind generation data to an internet web site; CSU would add educational materials in support of the demonstration, all of which would provide information to area residents and businesses to assist in their consideration of the purchase and installation of wind generators. Also present on behalf of United Power were Board of Directors Vice President Rick Newman and New Energy Program Coordinator Jerry Marizza.

Vice President Newman, a longtime Gilpin County resident, said the alternative energy project was an exciting opportunity for Gilpin County, not only to have local data, but also because it could help establish national guidelines. He noted that Program Coordinator Marizza and Dr. Shonle had worked together to design the project, which is currently considered to be on the cutting edge of clean energy demonstration projects in the nation. Program Coordinator Marizza added that the purpose was not to locate the most electricity-producing site, that it was simply a test site to provide local wind generation data. The data will be displayed in the adjacent Cooperative Extension Office with the educational materials provided by CSU. He responded to questions from Commissioner Schmalz saying the proposed construction could possibly be completed within a one-month period.

Program Coordinator Marizza concluded the presentation by asking the Board of County Commissioners to allow the construction of the wind turbine on a Community Center parking lot island. Discussion followed regarding insurance of the tower and turbine; County Attorney Petrock will write an agreement and present it to the Board at their October 6, 2009, meeting. Commissioner Schmalz said the demonstration project would be a good opportunity for Gilpin County and that he hoped it would prove to be educational.

Treasurer's Monthly Report. Treasurer Alynn Huffman reported on operations in her office for the month of August 2009. In response to a question from Commissioner Whitman, Treasurer Huffman said new fencing around the Bald Mountain Cemetery would be paid from the Bald Mountain Cemetery fund. She also said her office was preparing past delinquent property tax notices prior to the annual Tax Lien Sale. Treasurer Huffman publicly commended her staff for their diligence in contacting delinquent tax payers. She reported that all State taxes have been paid (both current and prior years' taxes); only eight personal property delinquencies were published; and only current taxes are delinquent on real property in the County.

Ambulance Service Agreement—Notice of Termination. Black Hawk City Attorney Corey Hoffmann was present to pose the question of whether the three entities that make up Gilpin Ambulance, Inc. —Black Hawk, Central City and Gilpin County—should terminate, without cause, the Ambulance Service Agreement saying it wasn't prudent to continue to pay into both that agency and the new Gilpin Ambulance Authority. Attorney Hoffmann has been working with Gilpin Ambulance, Inc. Attorney Mark Cohen regarding an appropriate mechanism to transfer some assets from Gilpin Ambulance, Inc. to Gilpin Ambulance Authority.

Commissioner Schmalz moved to approve a letter calling for the termination of the Ambulance Service Agreement. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

Recess. The Board of County Commissioner recessed for 10 minutes.

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

Public Hearing—Variance Request—BOA #09-03. Chair Whitman opened the public hearing for a variance request (BOA #09-03), for Charles and Donna Smith, S8 T2S R72W, Lot 20, Block ID, Mountain Meadows Tracts, 136 Lone Ponderosa Drive, a 1.10-acre parcel. Planner Ray Rears presented the request for relief from property line setback requirements to allow for the construction of an addition to a single-family dwelling, which would encroach into the required 15-foot setback by 6 feet. Applicant Charles Smith was present. Chair Whitman opened the hearing to public comment. There being none, Chair Whitman closed the hearing to public comment. Commissioner Schmalz moved to approve BOA #09-03, for Charles and Donna Smith, S8 T2S R72W, Lot 20, Block ID, Mountain Meadows Tracts, 136 Lone Ponderosa Drive. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0. Chair Whitman closed the public hearing.

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

Boundary Line Elimination Application. Gilpin County Planner Ray Rears presented the following Boundary Line Elimination (BLE) application:

BLE #09-09. The consolidation of the following five (5) lots would be conditioned upon the lienholder(s) accepting the new legal description: Mountain Meadows Tracts, Block ID, Lot 2, a portion of Lot 12, Lot 13, Lot 14 and Parcel B. Commissioner Schmalz moved to approve BLE #09-09, as conditioned, to create a new 4.87-acre lot, Parcel C, Mountain Meadows Subdivision. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

SBE 09-02—Christ the King Church. County Planner Ray Rears presented an application for a Senate Bill 35 subdivision exemption, SBE #09-02, for Christ the King Community Church and briefly told the history of the applicant's land use issues at their property on Hwy 46 near mile marker 1. Church representatives Bob Unruh and Paul Dellinger were present. On February 24, 2009, the proposal and conditions of approval were imposed on each Parcel 1 and Parcel 2 as part of Special Use Review #08-03. The subdivision exemption and the creation of both parcels were not completed as part of that original action, because the applicant's surveyor was unable to complete the plat in time for the Board of County Commissioners review. Related to today's SBE application were restrictive covenants and the applicant's request to have application fees waived.

Commissioner Schmalz moved to accept the Restrictive Covenant and Deed Restriction for Lot 17, Block 11, Colorado Sierra Alpha Unit #3. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

Commissioner Schmalz moved to approve SBE 09-02 for Christ the King Community Church. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

Community Development Director Tony Petersen joined the discussion regarding the applicant's request to have their application fees waived and explained the fee procedure. Commissioner Schmalz said he believed fees are part of this process for a reason and that he would not be inclined to waive them.

Conservation Easement Revision. Community Development Director Tony Petersen said in 2006, Gilpin County had accepted conservation easement over two properties as created by SBE #06-03, owned by Golden Julie, LLC, David Waldner, Manager, but that the issue had become complicated due to tax loopholes. The donors have requested a revision to their agreement with Gilpin County stating that if the County were to sell the conservation easements, any proceeds would go to some type of similar conservation effort. Director Petersen and County Attorney Petrock said they saw no drawbacks to the proposed revision. Commissioner Schmalz moved to approve the conservation easement revisions as presented. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

County Manager Status Report. County Manager Roger Baker updated the Commissioners on the following items:

Monthly Departmental Reports. The monthly departmental reports that had been submitted were discussed.

DOLA Gaming Impact Grants. Commissioner Schmalz referred to the recent announcement from the Department of Local Affairs (DOLA) that "the 2009 Gaming Impact Program cycle has been suspended until future revenues become available." He noted that Colorado Counties, Inc., had made reversing or at least modifying the decision a legislative priority, and that he hoped that the legislature and DOLA realize that since the money is generated in the gaming counties, at least a portion of it should be spent in the gaming counties. County Manager Baker said that both El Paso and Jefferson counties have taken strong positions in opposition to the suspension, which should help in the legislature. Commissioner Schmalz indicated that he had discussed the

issue with State Representative Claire Levy, and that she thought the issue would be addressed at the legislature in the next few weeks.

Public / Press Comment. Lynn Volkens of the *Weekly Register-Call* had questions about the location of today's conservation easement (Kings Flat) and about the budget hearing schedule. (The schedule is posted on the County's web site.)

Minutes. Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for September 15, 2009. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

Adjournment. There being no further business to come before the Board, they adjourned at 10:55 a.m.

Amended and signed this 20th day of October 2009