

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

October 6, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on October 6, 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 Jeanne Nicholson and Commissioner Buddy Schmalz; County Manager Roger Baker; County Attorney Brad Benning; and Sharon Cate, Deputy Clerk to the Board.

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 County budget hearings, October 5 through 8 at the Apex Facility; open to the public
- Quarterly Roundtable Breakfast for area elected officials and leaders, October 20, 8:00 a.m. at Crook's Palace

County Manager Baker noted the Board had canceled their October 13 meeting and that their October 20 meeting would begin at 10:00 a.m. to allow time for the Quarterly Roundtable Breakfast.

Legal Status Report. County Attorney Brad Benning advised the Commissioners on the following legal issues:

Dory Lakes Property Owners Association Litigation. Gilpin County was successful in defending itself against a lawsuit filed by the Dory Lakes Property Owners Association (DLPOA). The Court dismissed DLPOA's claim based on the statute of limitations defense. As the prevailing party, the County has submitted a bill of costs to the Court. DLPOA filed a motion to amend the judgment, to which Gilpin County has filed a response. The County also filed a motion for reconsideration of the minor issue of the pipeline easement.

Brannan Litigation. The Brannan Sand and Gravel Company has filed a motion for reconsideration of the Judge's previous ruling prohibiting discovery; the judge has yet to rule on the motion.

Phillip Wolf Lawsuit. A lawsuit filed in federal court by Phillip Wolf against County Attorney Jim Petrock was dismissed last week. Mr. Petrock will file a motion for attorney fees. Mr. Wolf has repeatedly filed requests for reconsideration of the initial Gilpin County zoning violation. The District Court will not grant relief, so he has filed the request in federal district court.

Executive Session. The Board will need to conduct an Executive Session at the end of their regular meeting today to receive legal advice on the Court's judgment against the Dory Lakes Property Owners Association.

Public/Press Comment. Art Wolf, a new resident of the Gilpin Gardens subdivision, expressed concerns about the discharging of firearms and racing of motorbikes through the Roosevelt Ridge subdivision.

Introduction of Ann Marie Bailey as Gilpin County Public Health Coordinator. Craig Sanders, Environmental Program Supervisor for the Jefferson County Department of Health and Environment, introduced Ann Marie Bailey, RN, BSN, MS, as Gilpin County's new Public Health Coordinator. Ms. Bailey's work history includes eight years in Alaska as a Nurse Epidemiologist and State Influenza Program Coordinator; a Cancer Prevention and Control Program Manager; and a Hospital Education Director. Prior to that, Ms. Bailey worked for 17 years with Boulder County Public Health where she was the Communicable Disease Control Coordinator for 10 years. Besides her broad-based experience in epidemiology, emergency preparedness, and communicable disease control, she has taught courses on and conducted Community Health Assessments.

On June 30, 2009, the Commissioners, sitting as the Gilpin County Board of Health (GCBOH), adopted Resolution #09-18, creating the position of Contract Director of the Gilpin County Public Health Agency and naming Dr. Mark Johnson, Executive Director of the Jefferson County Department of Health and Environment (JCDHE) as the Agency Director. The GCBOH wanted to expand the Agency's capabilities and services beyond those offered in its current form and because of the economy of scale and scope of services offered by the JCDHE, the GCBOH also approved an intergovernmental agreement for certain public health services. The contractual position of Gilpin County Public Health Coordinator was outlined in that intergovernmental agreement. The Public Health Director, Dr. Johnson, and the Public Health Coordinator, Ms. Bailey, are both employees of Jefferson County.

After the introduction Ms. Bailey said she was glad to be back in Colorado and was excited to begin her work.

Central City Water Status Report. Craig Sanders, Environmental Program Supervisor for the Jefferson County Department of Health and Environment, advised the Gilpin County Board of Health that on September 30, 2009, a main water line in Central City had burst and because the water system lost adequate pressure, contamination was a possibility. Central City issued an Order stating that once the system was restored, water must be boiled for at least one minute prior to consumption, but until then, bottled water was recommended. Program Supervisor Sanders said the Jefferson County Department of Health and Environment (JCDHE) had not been notified of the situation until today, but that once the water tests had been cleared by the State, JCDHE would notify Gilpin County immediately. Commissioner Schmalz asked if the water test usually required 24 hours and expressed concern that the test results were still not available today. He added that the lack of test results was a huge problem for local casinos. Program Supervisor Sanders explained that the State water testing laboratory doesn't operate on weekends and that some employees were on "furlough" days, but that JCDHE would take over those responsibilities on January 1, 2010. Commissioner Schmalz replied that if JCDHE contracts for the tests, the results should be made available quicker.

Public Health Agency Status Report. Craig Sanders, Environmental Program Supervisor for the Jefferson County Department of Health and Environment, stated that he and Office Assistant Shannon Cook had been drafting updates to the Gilpin County Public Health Agency's policies and procedures. Commissioner Nicholson noted that the Agency's monthly report on activities indicated that 21 Individual Sewage Disposal System inspections were done in September, and that numerous other activities were now current.

Proposed Resolution Prohibiting Discharge of Firearms in Designated Areas. County Manager Baker stated that the Board of County Commissioners had conducted an informal public work session in January 2009, to discuss some citizens' concerns over the discharging of firearms within the County. On June 30, 2009, the Board directed Community Development Director Tony Petersen to evaluate all County-owned properties' potential suitability for a shooting range. County Manager Baker also noted that Colorado statutes contain serious internal contradictions and that the adoption of local laws would do little to assist in the enforcement of state laws. Gilpin County resident Dick Detsch joined today's discussion and pointed out that state laws regarding shooting restrictions are based on the average population of 100 per square mile. He also requested a copy of a petition bearing approximately 300 residents' signatures that he had submitted to the Board several months ago calling for local restrictions on the discharging of firearms.

County Attorney Brad Benning advised the Board that prior to the adoption of a resolution, the Board would need to hold a public hearing and that a resolution would have to have a rational basis, which in this case would be a population density study.

Discussion continued regarding other counties' local restrictions and the national forests' regulations on discharging firearms. The Board directed County Manager Baker and staff to use GIS (geographic information system) mapping to perform a population density study of Gilpin County.

Water Supply Agreement—Gilpin County School RE-1. County Manager Baker gave an overview of the process to transfer ownership of the Eagles' Nest Early Learning Center (ENELC) building from the Gilpin County School RE-1 school district to Gilpin County to help expand ENELC's ability to secure financial grants. One remaining difficulty in the transfer is that ENELC's water is supplied by the School District as part of their augmentation plan. During discussion of a water supply agreement, Commissioner Nicholson pointed out that there was no information on the cost of the water and who would pay for it. A revised agreement will be presented to the Board of County Commissioners at a future meeting.

Wind Turbine Demonstration Agreement—United Power. The Board of County Commissioners reviewed a draft version of a license agreement between Gilpin County and United Power for the construction 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. County Attorney Brad Benning explained that an exhibit being prepared for inclusion in the agreement would be presented at the Board's meeting on October 20, 2009. United Power's New Energy Program Coordinator Jerry Marizza was present today and asked if the Board was comfortable enough with the agreement in its current form to give their verbal agreement for the project so he might begin to purchase equipment and initiate construction.

Commissioner Nicholson moved to approve a provisional license agreement between United Power and Gilpin County provided that the County Attorney saw no concerns with a verbal agreement prior to a final agreement. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Annual Ambulance Inspections and Licensing. Following review of the written inspections of each of the six ambulances operated by Gilpin Ambulance, Inc., Commissioner Schmalz moved to approve all of the inspections and to license each ambulance. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Retail Liquor License Transfer—Trackside Tavern. Commissioner Nicholson moved to approve at the local level Marshall Mills' application to transfer the liquor license at 60 Main Street to Trackside, LLC, formerly known as the Stage Stop Inn. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. The application will be mailed to the Colorado Department of Revenue, Liquor Enforcement Division.

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. Attendance at the Community Center is down due to the recent closure; ridership on the Gilpin County Connector was similarly affected.

Bus Grant Award. County Manager Baker distributed a letter from the Colorado Department of Transportation (CDOT) that included Gilpin County on a list of local governments and non-profit agencies which would be receiving Federal Transit Authority 5311 grant funding through CDOT for the purchase of new buses. Although ordinarily this grant program requires a 20% match, because this is American Recovery and Reinvestment Act funding no match will be required. County Manager Baker has until October 12 to submit specifications for the vehicle the County wishes to purchase for a new Gilpin County Connector bus.

Colorado Counties, Inc. Interim Business Task Force. County Manager Baker asked the Commissioners if any of them could testify before the Colorado Counties, Inc., Interim Business Task Force on October 13th or 28th. Commissioner Nicholson said at least one Gilpin Commissioner would testify; County Manager Baker will notify Colorado Counties, Inc. of the Commissioners' availability.

Public / Press Comment. Dick Detsch referred to the possible resolution regarding the discharging of firearms discussed earlier in the meeting and asked the Board not to make the passage of such a resolution contingent upon the establishment of a shooting range in the County.

Minutes. Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for September 22, 2009. Commissioner Whitman seconded the motion, which passed by a vote of 3 to 0.

Executive Session. Commissioner Nicholson moved to adjourn to Executive Session to receive legal advice on three legal matters: Dory Lakes Property Owners Association; Brannan Sand and Gravel's appeal; and Phillip Wolf's most recent suit. There being no further business to come before the Board, they adjourned at 10:10 a.m.

Signed this 20th day of October 2009