

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

July 14, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 7, 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 Jim Petrock; 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:

- Five-County Commissioners (and legislators) monthly breakfast meeting July 15, 8:00 a.m. in Idaho Springs
- Colorado Counties, Inc. Public Lands Committee's tour of Gilpin County's biomass-heated Road and Bridge building, July 16, 2:00 p.m.
- TRIAD Early Childhood Council lunch meeting, July 24 at the Gilpin County Library

**Legal Status Report.** County Attorney Jim Petrock advised the Commissioners they would need to hold an executive session to receive legal advice on a personnel matter.

**Public/Press Comment.** Frank Gregg, 251 Hacker Drive, and Roger Lickey, 103 Service Berry Lane, spoke about a disagreement between several property owners in the area of Hacker Drive and Service Berry Lane regarding an access easement and the legal status of a road. County Attorney Petrock advised the Board of County Commissioners that the disagreement was likely a civil matter and as such would have to be resolved in court. The Commissioners directed staff to provide Mr. Gregg and Mr. Lickey with any technical information available in County maps and other relevant documents.

**The Board of County Commissioners recessed and convened as the Board of Human Services. (See BOHS minutes from July 14, 2009 meeting.) The Board of Human Services adjourned and reconvened as the Board of County Commissioners.**

**Parks and Recreation Items.** Penny Kipley, Director of Parks and Recreation, and several of her staff—Aquatics Coordinator Noele Cook, Programs Coordinator Keith Cook and Assistant Pat Newton—addressed the following topics:

Ballfield Use. Commissioner Schmalz summarized a problem in scheduling various groups' use of the County's ballfields saying the first ten days in July were in high demand and that Little League needed to have priority during that period. He also said the adult softball leagues needed to be more flexible to allow more field time for youth, as they were the primary concern of the Board of County Commissioners when the ballfields were first constructed. Commissioner Schmalz added that it was difficult to schedule adequate practice time for Little League and that Gilpin County had not hosted a tournament in many years. Commissioner Nicholson suggested a compromise of Little League not hosting a tournament yet, which would keep from increasing Little League's need for field time, in exchange for greater flexibility on the part of the adult leagues. She further noted that Community Development Director Tony Petersen is researching County-owned lands to see if any might be suitable as additional ballfields. After lengthy discussion, it was agreed the schedule for the ballfields during the first ten days of July 2010 would give more time to Little League and that the adult leagues would be notified in advance of the new schedule. Commissioner Whitman reiterated that staff was directed to write the schedule as agreed upon today.

Virginia Graeme Baker Act Compliance. The 2007 Virginia Graeme Baker Act was established to prevent swimmers from being held by suction against swimming pool drains by requiring all public swimming pools to have anti-entrapment drains and/or similar devices installed. Director Kipley stated she had an extensive analysis done on what would be needed for Gilpin County's pools to come into compliance; an early estimate to retrofit drain covers was \$98,000, but further research has located covers that can be installed by County staff for approximately \$5,700 for both pools. Commissioner Nicholson moved to approve the purchase of eight (8) anti-entrapment drains for all of the drains in both County-owned swimming pools at a cost not to exceed \$6,000. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

DOLA Gaming Impact Grant Award Committee Meeting. Director Kipley has been contacted by the Department of Local Affairs regarding accommodations for the annual Gaming Impact Grant Award Committee hearings. The particular days requested would require the cancellation of the Gilpin Seniors weekly Friday luncheon. Commissioner Nicholson suggested that rather than disrupt the Seniors' meal schedule, the hearings could be held in the Commissioners' Meeting Room in the Old Courthouse in Central City. After brief discussion, Commissioner Whitman directed staff to look into holding the hearings at the Old Courthouse.

Gilpin County Trail. The grand opening of the new foot trail encircling the Community Center, Fairgrounds and Exhibit Building will be held on Saturday, July 25, from 11:00 a.m. to 1:00 p.m. and will include a ribbon-cutting ceremony, refreshments, a short talk on ADA-compliance issues, and a walk along the trail. Benches and signs will soon be installed, as horses, bicycles, and motorized vehicles are prohibited from using the trail. Commissioner Nicholson noted the trail had been paid for with Colorado Lottery (Great Outdoors Colorado) funds that could not be used for other purposes.

**Recess.** The Commissioners took a 10-minute recess.

**Clerk and Recorder's Monthly Report.** Clerk and Recorder Jessica Kays reported on operations in her office for the month of June 2009 and noted that revenues from the newly revised vehicle registration fees had increased and vehicle *late* registration fees had increased dramatically. She gave a brief description of some legislation that became effective July 1, 2009, that uses funds generated from the fees for the maintenance/construction of roads and highways throughout Colorado. County Manager Baker said Governor Ritter has indicated he would be flexible on late fees for recreational vehicles. Commissioner Nicholson said the new legislation was partly flawed, especially as they affect recreational vehicles used occasionally or seasonally, but was the majority of it was effective.

**Potential Legislation on Clerk and Recorders' Funds.** Commissioner Whitman stated that a discussion had not gone well among the General Government steering committee at Colorado Counties, Inc., regarding possible legislation to clarify the proper use of and accounting for two funds administered by clerk and recorders' offices: the Vehicle Late Registration Fee fund and the Uninsured Motorist Fee fund. He said many Commissioners were unaware of the potential for problems with the two funds and that others did not want to change current practices, but that CCI would research the topic. Clerk and Recorder Kays noted that many counties in Colorado want to use Late Fee revenues to offset election expenses.

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

Monthly Departmental Report. The monthly Library report was discussed.

Correspondence—James Peak Wilderness and Protection Act. The Gilpin County Commissioners have received a copy of a letter sent by the Grand County Commissioners to Tom Vilsack, Secretary of the U.S. Department of Agriculture, requesting that the USDA begin the process of repairing Rollins Pass Road to allow its passage by two-wheel vehicles, as provided in the James Peak Wilderness and Protection Act. The Gilpin Commissioners commented that Boulder County, one of the counties affected by the Act, would not send such a letter, as the Boulder County Commissioners were not in favor of repairing Rollins Pass Road.

#### **Minutes.**

Commissioner Nicholson moved to approve the Board of County Commissioners Meeting Minutes, as amended, for June 30, 2009. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Commissioner Nicholson moved to approve the Board of County Commissioners Meeting Minutes, as amended, for July 7, 2009. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Commissioner Schmalz moved to approve the Board of Human Services Meeting Minutes, as amended, for July 7, 2009. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

**Adjournment.** Commissioner Nicholson moved to adjourn to Executive Session to receive legal advice on a personnel matter. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. There being no further business to come before the Board, they adjourned at 10:45 a.m.

Signed this 28<sup>th</sup> day of July 2009