

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

July 28, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 28, 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 week that could be attended by more than one Commissioner and at which public business may be discussed will include:

- Denver Regional Council of Governments meeting on renewable and sustainable energy options, July 29, at the Colorado History Museum
- Coordinator of Front Range Fuels Treatment to tour biomass-heated Road and Bridge building, July 20
- Library Board of Trustees annual picnic, August 1, Dory Lakes

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

Executive Session. The Commissioners need to conduct an Executive Session to receive legal advice on a personnel matter.

Byron Hacker's Lots Subdivision. County Attorney Petrock gave the Commissioners a letter he had received from Wayne Littrell regarding Dam Road in the Byron Hacker's Lots Subdivision. Mr. Littrell's letter, accompanied by a property deed and subdivision plat, states a request on behalf of the residents of the Hacker subdivision that the portion of Dam Road between Lots 27 and 28, bordering Highway 119 remain closed.

Public/Press Comment.

Gail Watson, 19508 Highway 119, asked that the state noise ordinance be enforced to quiet motorcycles travelling Highway 119. She stated that many of the motorcycles are equipped with loud, after-market mufflers and that at times she felt she has been forced to go indoors to escape the noise. Ms. Watson further stated that noise can be measured with a handheld device and that many municipalities are specifically addressing noise from loud motorcycles; staff at Ouray County directed her to C.R.S. 25-12-107. She asked that a noise ordinance be added to the County's Master Plan and that the Sheriff's Office enforce the ordinance.

Michelle Northrup, 59 Crest View Drive, spoke about the noise pollution as described above saying she was somewhat in support of noise control, but that the County received income from the motorcycle riders and that there should be some consideration for them.

Treasurer's Office Items. Gilpin County Treasurer Alynn Huffman gave the following reports:

Monthly Report. In May, 2009, as they have in two or three previous years, the Board of County Commissioners secured a Tax Anticipation Note in the amount of \$1,525,000, to help cover expenditures until the County receives its 2009 gaming tax distribution check in mid August. The loan will cost \$33,133.33; Commissioner Schmalz said it was important to note the County would be able to repay the loan immediately.

Semi-Annual Report. After brief discussion, Commissioner Nicholson moved to accept Treasurer Huffman's semi-annual report for the period January 1, 2009, through June 30, 2009. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Retail Liquor License Renewal Application—Coyote Liquors. Commissioner Nicholson moved to approve the renewal application for retail liquor license No. 02-35489-000, Coyote Liquors, 5312 Hwy 119. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. The approval is conditioned upon the business owner's removal of an illegal sign by July 31, 2009, as required by Gilpin County Resolution #07-01 and BOA #07-05. The current license will expire on August 10, 2009.

Colorado Department of Transportation TIGER Grant. Commissioner Nicholson stated that \$1.5 billion in federal stimulus funds from the American Recovery and Reinvestment Act (ARRA) have been made available to the Secretary of Transportation for discretionary grants, which have been designated as grants for Transportation Investments Generating Economic Recovery (TIGER). The Colorado Department of Transportation (CDOT) intends to submit a limited number of requests and is soliciting input from its planning partners. She said this information is important in that it shows Gilpin County will benefit from the stimulus funds partly through the widening of Highway 119 from Highway 6 toward Black Hawk. Also, as a member of the Denver Regional Council of Governments, Gilpin County is allowed to participate in planning and to vote on proposed projects.

Public Health Agency Transition. Commissioner Nicholson reported that the transition in the Public Health Agency since Gilpin County began contracting with Jefferson County in June 2009 has gone smoothly and said she has worked extensively with Administrative Assistant Shannon Cook to bring the Agency's operations up to date. Some of the topics in Commissioner Nicholson's written report were:

- Residential water testing will continue in-house; commercial testing will be done elsewhere

- Food inspection services for 2009 will be completed by the Colorado Department of Public Health and Environment, as they have already been paid for those services; in 2010, Jefferson County Public Health (JCPH) will begin performing the inspections and Gilpin County will begin collecting the fees from the food handling establishments.
- 18 Individual Sewage Disposal Systems (ISDS) have been inspected and approved by JCPH and are in the process of being installed. (Commissioner Whitman noted he had received many calls regarding the recent speedy review of ISDSs.)
- Violation notices for ISDS maintenance contracts are being updated and sent to property owners.
- A public health educator for the Tobacco Control Program will be hired soon.
- A summary of early childhood resources and health data was submitted to the local committee for the Colorado Trust Early Childhood Health Promotion Grant through the Triad Early Childhood Council.
- The office area where Women's, Infants' and Children's Nutrition Services (WIC) are provided has been made child-safe.
- Signage will be added to the Public Health Agency building.

Emergency Preparedness Report. Commissioner Nicholson gave a summary on the status of the Emergency Preparedness Office in Gilpin County and said she had met with Emergency Preparedness Director George Weidler, Sheriff Bruce Hartman and Undersheriff Jon Bayne on July 15 to discuss the status of the County's Emergency Preparedness Plan. Commissioner Schmalz said greater accountability was due from the Emergency Preparedness Office. County Manager Baker will address several areas of concern.

Special Use Review—Public Hearing—Sentinel Mining/Kitzman Trucking. Chair Whitman opened a public hearing for a special use review (SUR #09-03), for Sentinel Mining and Kitzman Trucking to operate an aggregate recycling center to import and sort local construction excavation waste rock for specification rock export. Commissioner Schmalz moved to continue the public hearing to 10:00 a.m. on August 25, 2009. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0. Chair Whitman closed the public hearing.

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.

FASTER Legislation. Senate Bill 09-108, Funding Advancements for Surface Transportation and Economic Recovery (FASTER) was signed into law on March 2, 2009, and will increase/create fees, fines and surcharges for statewide transportation improvements. Distribution to counties will utilize the existing Highway Users Tax Fund (HUTF) formula; Gilpin County will receive a 19% increase.

CCI Livestock Auction Purchase. Commissioner Whitman said Colorado Counties, Inc., has urged each of its steering committees to support the Junior Livestock Sale, an event at the Colorado State Fair. Commissioner Nicholson moved to approve \$100 for the Junior Livestock Sale. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Board of Equalization. At their August 4, 2009 meeting, the Board of County Commissioners will sit as the Board of Equalization to consider the Hearing Officer's recommendations and to rule on 23 property valuation protests.

Public / Press Comment. Mike Allen, 133 Service Berry Lane, referred to public comment made by some residents of Service Berry Lane and Dam Road at the July 14, 2009, Board of County Commissioners meeting, and asked that the topic of access not be discussed until all involved parties could be present.

Minutes.

Commissioner Schmalz moved to approve, as amended, the Board of County Commissioners Meeting Minutes for July 14, 2009. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Commissioner Schmalz moved to approve the Board of Human Services Meeting Minutes for July 14, 2009. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Executive Session/Adjournment. Commissioner Nicholson moved to adjourn to Executive Session to receive legal advice on a real estate matter and a personnel matter. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. The Board adjourned at 10:15 a.m.

Signed this 4th day of August 2009