

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

September 1, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on September 1, 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.** There will be no public meetings in the upcoming two weeks that could be attended by more than one Commissioner and at which public business may be discussed. The Board of County Commissioners canceled their September 8, 2009 meeting.

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

DLPOA Lawsuit. The Dory Lakes Property Owners Association's lawsuit against the County will be heard in court next week; negotiations continue between the two parties.

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:

Jack and Peggy Abeyta, Lot 22, Mountain Meadows Subdivision, 312 Morning Star Circle, a 0.93-acre parcel. Commissioner Nicholson moved to approve the ISDS application as presented. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Individual Sewage Disposal System Fact Sheet.** Craig Sanders, Environmental Program Supervisor for the Jefferson County Department of Health and Environment (JCDHE), stated he had reviewed Gilpin County's individual sewage disposal system (ISDS) regulations, had conferred with Jefferson County Environmental Health Services Director Dr. Jim Dale and had drafted a fact sheet charting Gilpin County's ISDS permit process. The Gilpin County Board of Health will review the draft and provide any necessary input.

Supervisor Sanders introduced two employees of JCDHE who would assist with Gilpin County environmental health tasks: David Volkel, of the Air Pollution and Zoonosis programs, and Victor Fenhaus of the Onsite Wastewater (ISDS) program. Commissioner Nicholson recalled Gilpin's request for JCDHE to take over Gilpin's radon testing and to work with Cooperative Extension Agent Dr. Irene Shonle on the radon education and testing she's done to date. Supervisor Sanders responded to Commissioner Nicholson's question about the testing of large water systems saying those would be done by the Colorado Department of Public Health and Environment and that JCDHE would test smaller systems.

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

**2010 LEAF Grant Application.** Sheriff Bruce Hartman presented his office's application for a Law Enforcement Assistance Funding (LEAF) grant to help with overtime pay for deputies working specifically on DUI—driving under the influence—enforcement activities. He noted that there was no need to purchase any additional equipment and that all Gilpin County deputies are in full compliance with the required sobriety-testing skills. Commissioner Schmalz spoke to the need to focus on DUI prevention as well as enforcement; Sheriff Hartman agreed and said arrest data was necessary to justify continuing the LEAF program. Commissioner Nicholson moved to approve the LEAF grant application in the amount of \$33,509 for the term of January 1, 2010, through December 31, 2010. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Demolition Proposal, US Forest Service—HR #09-02, Stackow Cabin.** Gilpin County Planner Ray Rears presented a proposal from the U.S. Forest Service to demolish an old cabin (Stackow) located on USFS land, which the USFS considers to be a potential liability. Because Gilpin County is a Certified Local Government, the USFS was required to solicit the County's opinion on demolition. Planner Rears referred the request to the Gilpin County Historic Advisory Commission (HAC) which has recommended that the Board of County Commissioners designate the structure as a local landmark. Commissioner Schmalz said he would like to have seen the USFS apply the same effort to stabilizing the building as it did to documenting its past and advocating its demolition, the costliest option of all. Commissioner Nicholson moved to advise the U.S. Forest Service that the Stackow cabin is eligible as a local landmark and that a stay of demolition should be considered. Commissioner Schmalz seconded the motion and said he would support saving the cabin. The motion passed by a vote of 3 to 0.

**Colorado Counties, Inc., 2010 Legislative Issues.** The Board of County Commissioners discussed several of the many topics submitted to Colorado Counties, Inc., as potential issues for the 2010 legislative session. Some topics will be withdrawn before the legislative committee meets in October.

**Recess.** The Board of County Commissioners took a brief recess at 9:52 a.m.

**Public Hearing (Continued)—Sentinel Mining and Kitzman Trucking—SUR 09-03.** Chair Whitman re-opened the public hearing continued from August for a special use review application (SUR 09-03), for Sentinel Mining and

Kitzman Trucking. Community Development Director Tony Petersen recapped the application to operate an aggregate recycling center (rock crushing) that would import and sort local construction excavation waste rock for specification rock export. Applicants Benjamin Kitman, of Kitman Trucking, Donald McCoy, of Sentinel Mining Corp, and John Watters were present for the continued public hearing. Director Petersen said he had discussed the proposal with Black Hawk City Manager Mike Copp. Chair Whitman opened the hearing to public comment. There being none, Chair Whitman closed the hearing to public comment.

Commissioner Schmalz and Nicholson stated their views on the proposal and the limits recommended by the cities of Black Hawk and Central. Commissioner Nicholson moved to approve SUR 09-03, contingent upon 17 conditions in the resolution, for the operation of an aggregate recycling center by Kitman Trucking and Sentinel Mining Corporation. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. Chair Whitman closed the public hearing.

**Gilpin County Public Health Agency Update.** Commissioner Nicholson reported on the status of the Gilpin County Public Health Agency (GCPHA) saying Administrative Assistant Shannon Cook, who works part-time in two County departments, would work full time at the GCPHA for approximately three weeks to process the backlog of individual sewage disposal system (ISDS) maintenance contracts. She will be assisted by a Road and Bridge worker, currently restricted to light duty work after an injury. Assistant Cook will continue to computerize the ISDS files and will write monthly departmental reports.

Commissioner Nicholson also reported that the H1N1 vaccine would be made available in mid-October and that the “at-risk” population was not the usual one for influenza vulnerability; it is children from 6 months to young adults age 24; pregnant women; and people 24 to 65 with chronic conditions. The local Mountain Family Health Center will be prepared to administer the H1N1 immunizations and prior to that will conduct clinics to administer vaccines for the seasonal flu. The County has an adequate supply of Tamiflu (with generous expiration dates) to treat severe symptoms for very ill patients.

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

Forest Service Work. The U.S. Forest Service is soliciting public comment on the Emergency Power Line Clearing Project within the Medicine Bow-Routt, Arapaho and Roosevelt, and White River National Forests.

Resignation from Human Services Citizens Advisory Board. Commissioner Nicholson moved to accept, with regret, the resignation of Rick Newman from the Human Services Citizens Advisory Board. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Department of Local Affairs Letters. Susan Kirkpatrick, Executive Director of the Department of Local Affairs, (DOLA) has sent a letter to each applicant for a 2009/2010 Local Government Limited Gaming Impact Program grant regarding the suspension of that program, as the Commissioners had discussed the previous week. Although the letter indicated that the funding cut was part of a plan that would be considered by the Joint Budget Committee (JBC) in September, County Manager Baker noted that in the distribution of gaming taxes just made by the Division of Gaming, the program had received \$5.5 million; he had included in the meeting material packets a paper copy of a PowerPoint presentation from the August 27<sup>th</sup> Gaming Commission hearing. Commissioner Nicholson agreed that the decision was probably not final, and suggested that the County work with other affected entities to lobby the members of the JBC to restore at least partial funding to the program; she emphasized that some applicants, such as Mountain Family Health Centers, had suffered funding cuts in the proposed state budget already, and that this double penalty was not fair.

County Manager Baker said that the 1<sup>st</sup> Judicial District Attorney’s Office, which relied on gaming impact funding for most of its Gilpin County operations, was taking the lead in responding to the DOLA action; he was instructed to contact Susan Kirkpatrick and local legislators to determine the exact status of the funding, but was reminded that the JBC would be meeting soon and timely action was required.

**Severance Agreement.** Commissioner Nicholson moved to approve Gilpin County’s severance agreement with Jennifer Lavelly. Commissioner Schmalz seconded the motion. Commissioner Whitman noted that the agreement included two months of pay plus \$15,522.49 and would be executed upon receipt of a release by County Attorney Petrock. The motion passed by a vote of 3 to 0.

**Public / Press Comment.** Lynn Volkens of the *Weekly Register-Call* asked about the bill-paying procedure in the Gilpin County Public Health Agency, and if the local fire protection districts would be affected by the proposed budget cuts to the 2009/2010 Local Government Limited Gaming Impact Program.

**Minutes.** Commissioner Schmalz moved to approve, as amended, the Board of County Commissioners Meeting Minutes for August 25, 2009. Commissioner Whitman seconded the motion, which passed by a vote of 3 to 0.

**Adjournment.** There being no further business to come before the Board, they adjourned at 10:45 a.m.

Signed this 15<sup>th</sup> day of September 2009