

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

October 20, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on October 20, 2009, at the Gilpin County Old Courthouse. Chair Whitman called the meeting to order at 10:00 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:

- Five-county breakfast meeting, October 21, 2009, 8:00 a.m. in Idaho Springs

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

Public Hearing—Variance Request—BOA #09-04. Chair Whitman opened the public hearing for a variance request for Ken Adler, Parcel A, to be created by Boundary Line Adjustment (BLA) #09-03 (see below), currently a 1.32-acre parcel. Applicant Ken Adler was not present. Community Development Director Tony Petersen presented the request for relief from property line setback requirements to allow for future building to come within 11' of the east property line, which would encroach into the required 15 -foot setback by four (4) feet. He explained that in 2002, the Gilpin County Road and Bridge Department had built a rock retaining wall at their facility on the parcel adjacent to the subject parcel that had inadvertently overlapped onto Mr. Adler's parcel by four (4) feet. Chair Whitman opened the hearing to public comment. There being none, Chair Whitman closed the hearing to public comment. Commissioner Nicholson moved to approve, BOA #09-04, for Ken Adler, Parcel A, to be created by BLA 09-03. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. Chair Whitman closed the public hearing.

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

Boundary Line Adjustment Application. BLA #09-03. Community Development Director Tony Petersen presented boundary line adjustment application (BLA) #09-03 for Ken Adler, Parcel 1, 1.32 acres, and lots owned by Gilpin County Road and Bridge Department totaling 0.57 acres on Tolland Road. Commissioner Nicholson moved to approve BLA #09-03, for Ken Adler, Parcel 1, now 1.23 acres, and lots owned by Gilpin County Road and Bridge Department now totaling 0.66 acres on Tolland Road, with the condition that the County would approve a BLA Plat prepared at its own expense, and a fully executed quit claim deed, also prepared at the County's expense, to be recorded in the Gilpin County Clerk and Recorder upon plat approval. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

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

Contract—Children with Special Health Care Needs. Gilpin County Public Health Coordinator Ann Marie Bailey, RN, MS, presented Contract Amendment #2, an adjustment to the Master Contract and subsequent Task Order between the Colorado Department of Public Health and Environment (CDPHE) and the Gilpin County Board of County Commissioners. Coordinator Bailey noted the contract contained the new name "Gilpin County Public Health Agency" and that the maximum amount payable to Gilpin County by the State during the one-year renewal term had been increased by \$1,202 for an annual total of \$3,606. The contract facilitates the Maternal and Child Health Program, part of which provides services for children from birth through age 20 with special health needs, defined to include children who have, or are at increased risk for a chronic physical, developmental, behavioral or emotional condition and who also require health and related services of a type or amount beyond that required by children generally. Commissioner Nicholson said the mailing address in the contract be updated to that of the Commissioners Office in the Courthouse and moved to approve Contract Amendment #2 between the CDPHE and the Gilpin County Board of County Commissioners in the amount of \$1,202 for the renewal term of October 1, 2009 through September 30, 2010, for services for children with special health care needs. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

H1N1 Influenza Report. Gilpin County Public Health Coordinator Ann Marie Bailey, RN, MS, reported on the status of H1N1 saying the State's current focus was on providing vaccines first to children age 6 months through age 4, health care providers, and to individuals who work with children or parents of children under those ages. She noted that at an emergency preparedness meeting she had attended last week in Jefferson County she learned that county had received only 25% of the vaccines it needed. Coordinator Bailey said when the Jefferson County group discussed their plan to conduct vaccine clinics at their school districts, she reminded them to include Gilpin County; the clinics should take place sometime near the end of November. Commissioner Nicholson asked if the Eagles' Nest Early Learning Center and pregnant women were considered high risk groups; Coordinator Bailey replied that they were. Commissioner Nicholson said we can help Mountain Family if they need help administering the vaccine and that if 100 doses were received, that could cover 35 pregnant women, Gilpin County's average at any given time and 50 children at ENELC, which is the average enrollment number. Commissioner Schmalz said it was extremely important that the vaccines don't go unused and that it was critical that the Mountain Family Health Center had a plan to immediately administer them. Coordinator Bailey said she has a list of volunteers in this area that could help administer the vaccines and that she had been monitoring absenteeism at the Gilpin County School. The recent average number of students absent per day is 28 to 30, but not all necessarily due to the flu. Although a quick flu test doesn't give an entirely true confirmation, health officials are seeing more cases of the H1N1 flu and not the

seasonal flu. Commissioner Nicholson asked Coordinator Bailey to keep the Gilpin County Board of Health updated regularly on the number of cases by age group.

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

Clerk and Recorder's Monthly Report. Clerk and Recorder Jessica Kays reported on operations in her office for the month of September 2009 and said her staff was preparing for the election coming up on November 3, 2009. She said early voting was available this week and next, as are mail-in ballots. Clerk Kays spoke about the questions on this year's ballot for the various jurisdictions within Gilpin County. She also said citizen discontent over the late motor vehicle fees had eased some, and that those registering trailers made up the largest group that had been caught off guard by the new laws.

Snow Cat Funding Request. The Gilpin County Sheriff's Office had requested the Board of County Commissioners approval to use monies from the Search and Rescue fund and the Mine Rescue fund to purchase a used snow cat from the Jefferson County Sheriff's Office. Undersheriff Jon Bayne was present to explain that the snow cat was a 4-track, all-terrain type of vehicle that could traverse through deep snow to access remote areas. If Gilpin County were to experience a storm with several feet of snow, similar to the storm in 2003, the snow cat could provide a way to deliver food and emergency medical supplies to remote residences and could be used to perform emergency evacuations of up to 8 people per trip. Undersheriff Bayne noted there could be some winters when the machine would not be used, but during a severe snowstorm, it could well become a lifesaving piece of equipment.

Discussion continued about the possibility of working with the Clear Creek County Sheriff's Office to cross-train deputies from both counties on the use of critical-access equipment to be prepared for emergencies in either county.

Commissioner Schmalz moved to approve the Sheriff's Office's unbudgeted expense of \$11,503.17 for the purchase of a used snow cat machine from the Jefferson County Sheriff's Office, to be paid from the Search and Rescue fund and the Mine Rescue fund. Commissioner Nicholson seconded the motion and added a friendly amendment that Sheriff Hartman could petition the Public Nuisance Fund committee to pay the remaining approximately \$500 needed to meet the total purchase price of \$12,000 from that fund or use any unspent funds in his capital improvement portion of his 2009 budget. Commissioner Schmalz accepted the amendment to the motion, which passed by a vote of 3 to 0.

Treasurer's Monthly Report. Deputy Treasurer Mary Lorenz reported on operations in that office for the month of September 2009. Commissioner Nicholson pointed out the Public Nuisance Fund's balance of \$56,514.78, which could be used for the above noted snow cat machine purchase.

Interim E.M.S. Services Agreement. Commissioner Schmalz stated that the complicated process of dissolving Gilpin Ambulance, Inc., (GAI) a non-profit organization, required an interim agreement for emergency medical services (EMS) between the three participating entities, Central City, Black Hawk and Gilpin County, until the new Gilpin Ambulance Authority (GAA) begins operations on January 1, 2010. He added that transferring assets from GAI to GAA was another part of the process and that by beginning now, the three entities hoped the GAA could be phased in by December 31, 2009. County Attorney Petrock clarified that under point #2 in the proposed interim agreement no additional funding would be required from Gilpin County. Commissioner Schmalz moved to approve the EMS Interim Service Agreement between the City of Black Hawk, the City of Central and Gilpin County, conditioned on: the fact that Gilpin County would not pay any addition fees for the remainder of the year: the assets would be transferred from GAI to GAA as per the Establishing Agreement; and, the list of assets be attached to the Interim Agreement as Exhibit A. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Demonstration Wind Turbine Revised Agreement. County Manager Baker referred to the proposed revised agreement between United Power and Gilpin County for a Wind Turbine Demonstration project to be constructed near the Community Center, saying some of the exhibits were not yet available and that the turbine location had been moved to an area between the Community Center and the Exhibit building. He further stated that there had been discussion of adding a second turbine of a different design. County Attorney Petrock said that there was no rush on the County's part to sign the agreement, but because United Power was eager to begin the project, it would be acceptable for the Board of County Commissioners to approve the agreement with conditions.

Commissioner Nicholson moved to approve the revised License Agreement between Gilpin County and United Power for a wind turbine demonstration project conditioned upon the attachment of a description of the site and the work to be done. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

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

BLE #09-11 Commissioner Nicholson moved to approve BLE #09-11 for David and Forsythia Theisen, combining Lots 28A and 28B, Byron Hacker Lots Subdivision, to create a new 2.31-acre parcel, Lot 28C, Byron Hacker Lots Subdivision. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. Commissioner Nicholson said this BLE brought the County's total to 1497 since beginning the program and that the 1500th should be celebrated.

Gilpin Tunnel Rail Corridor Historic Properties Survey. On May 8, 2007, the Board of County Commissioners approved a contract between the State and Gilpin County to survey 90 properties in northern Gilpin County in an area defined as the Gilpin Tunnel District, including Pinecliffe, Lincoln Hills, Rollinsville, Tolland and the Moffat Tunnel. The survey was coordinated by County Planner and Historic Liaison Ray Rears, was paid for by a State Historical Fund grant in the amount of \$41,349 and was matched by \$20,369 in County funds, for a total project cost

of \$61,178. Today, Kathleen Corbett, Architectural Historian, and Jason Marmor, M.A., Historic Resources Specialist, presented a summary of the survey and stated that the main purpose was to:

- identify existing national- or state-registered structures
- identify potentially eligible structures or districts for national or state register or local landmark designation
- provide information and assistance to property owners of identified sites
- preserve identified structures or sites from development pressure
- move forward with designation of eligible sites
- promote public awareness of the sites and property owner awareness of potential tax credits
- create a historical district(s) if any area is identified

The Commissioners thanked Ms. Corbett and Mr. Marmor for their work and their enthusiasm with Gilpin County's historical sites. Commissioner Schmalz said the database of property information would be valuable for research. County Planner Rears made note of the fact that the project had come in under budget.

Historic Advisory Commission Appointment. County Planner and Historic Liaison Ray Rears said a late application had been received in response to an advertisement for letters of interest to serve on the Historic Advisory Commission (HAC). Commissioner Nicholson said the Commissioners had hoped to receive letters from candidates with certain types of professional qualifications in addition to the district residency variance, as required by HAC's bylaws. County Planner Rears said he had asked the current applicants for additional information regarding their professional history. Commissioner Nicholson moved to appoint Vicki Nemecek to HAC because she does not live in the district already heavily represented on that commission and because she has a strong planning background. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Human Services Citizens Advisory Board Appointment. Commissioner Schmalz moved to appoint Claudia Schaffler to the Human Services Citizens Advisory Board. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Water Supply Agreement—Gilpin County School RE-1. On October 6, 2009, the Board of County Commissioners examined a draft water supply agreement between the Gilpin County School RE-1 school district and Gilpin County for water supplied to the adjacent Eagles' Nest Early Learning Center (ENELC). Gilpin County is in the process of acquiring the ENELC property to help that non-profit organization expand its ability to secure financial grants. Today County Attorney Petrock addressed the concerns voiced by the Commissioners on October 6 and said the County would need to approve a Senate Bill 35 application for the ENELC property; lease the property to ENELC for a nominal amount; sign an access agreement with the school; and attach a copy of the existing intergovernmental agreement between the City of Central and the School Board as part of the City's water augmentation plan to remain in compliance with that agreement's restrictions. Once those documents and a property deed are secured, the acquisition would be complete. County Attorney Petrock said the Gilpin County School RE-1 School Board would consider the proposed water supply agreement at their regular meeting on October 22, 2009, and would contact him soon after.

Commissioner Schmalz moved to approve the water supply agreement between the Gilpin County School RE-1 school district and Gilpin County for water supplied to the adjacent Eagles' Nest Early Learning Center. Commissioner Nicholson seconded the motion, which passed by a vote of 3 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.

Clear Creek Economic Development Corporation Letter. The Board of County Commissioners received a letter from the Clear Creek Economic Development Corporation (CCEDC) requesting financial support for that organization's Business Loan Fund, which operates in Clear Creek and Gilpin counties. In discussing the request, the Gilpin Commissioners said they felt more information was in order on loan applications from Gilpin-based businesses, especially more recent applications. County Manager Baker was directed to acquire that information and report back to the Board.

Gilpin Connector Schedules. Route schedules are now available on the Gilpin Connector bus.

Public/Press Comment. Lynn Volkens of the *Weekly Register-Call* asked for clarification on the recent average of absenteeism at the Gilpin County School and on the possibility of a second wind turbine demonstration being constructed at the Community Center/Exhibit Building. Commissioner Nicholson said the average daily number of students absent was 28 to 30, but they were not all necessarily absent due to the H1N1 influenza. County Manager Baker said the second turbine was only a discussion item at this time. Claudia Schaffler asked for clarification on the number of seasonal flu shots available. Commissioner Nicholson said there was also a current shortage on the seasonal flu shots and that although the criteria for high risk groups was different for seasonal flu than for the H1N1 flu, the policy to make them available first to high risk groups was the same.

Pam North of the *Mountain-Ear* asked if the County would offer free flu shots to its residents. County Manager Baker said the guidelines for the H1N1 flu shots were the same as for the seasonal flu shots which is that the available shots will be given free of charge to residents considered to be in high risk groups. Commissioner Nicholson pointed out the shortage of H1N1 flu vaccines and reiterated that the high risk groups will receive the vaccines first. Commissioner Whitman said the Mountain Family Board of Directors, of which he is a member, was considering approval of a triage document to use to decide who should receive the vaccine; people should call the clinic for more information.

Minutes. Commissioner Nicholson moved to approve the Board of County Commissioners Meeting Minutes for Oct 6, 2009, as amended. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Commissioner Schmalz moved to amend the September 22, 2009 Board of County Commissioners Meeting Minutes, specifically the conservation easement section. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0. Commissioner Nicholson abstained, as she was absent from the September 22, 2009 meeting.

Adjournment. There being no further business to come before the Board, they adjourned at 12:00 p.m.

Signed this 27th day of October 2009