

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

October 27, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on October 27, 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:

- School board candidate forum at the Gilpin County RE-1 School today at 3:00 p.m. with students and at 7:00 p.m. for the public

County Manager Baker noted the Commissioners had canceled their regular meeting scheduled for November 3, due to the general election.

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

Phillip Wolf Lawsuit. Last week the lawsuit Phillip Wolf had filed against Gilpin County and County Attorney Petrock in U.S. District Court was dismissed and the County was awarded attorneys' fees and costs. Mr. Wolf considered the County's enforcement of some zoning violations on his property to be unconstitutional and sought to have a federal judge overturn the decision of a Gilpin County court. Mr. Wolf's fines are now over \$200,000.

Wolf Brannan Property. Phillip Wolf has a court judgment against him on an unrelated matter that resulted in a \$2.3 million lien on his property in Gilpin County; it is the land on which the Brannan Sand and Gravel Company's quarry application was based. The County's liens have priority, as they were recorded earlier.

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:

Catherine Valen, S4,T2S, R72W, 2269 South Beaver Creek Road, a 19-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.

Draft Procedure for Malfunctioning Individual Sewage Disposal Systems. Craig Sanders, Environmental Program Supervisor for the Jefferson County Department of Health and Environment, presented a draft version of "Procedure for Malfunctioning Individual Sewage Disposal Systems" (ISDS). County Attorney Petrock said the document basically outlined the procedure Gilpin County has used to address malfunctioning ISDS for many years. Commissioner Nicholson pointed out two areas where text needed to more accurately reflect the roles of Public Health Medical Advisor and Hearing Officer. Program Supervisor Sanders was directed to amend the document before distribution and implementation.

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

Senate Bill 35 Exemption #09-02—Gilpin County School (Eagles' Nest Parcel). County Attorney Petrock stated that in the process of Gilpin County acquiring from the Gilpin County School RE-1 the land on which the Eagles' Nest Early Learning Center (ENELC) is located, a Senate Bill 35 exemption was necessary. Once separate from the School, ENELC will be eligible for more grants. The land deeds and plat map will soon be signed by the School Board and the Board of County Commissioners and can then be sent to the title company for processing.

Commissioner Schmalz moved to approve SBE35 #09-02 for the Gilpin County School District RE-1. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

2010 Board of County Commissioners Goals and Objectives. The Board of County Commissioners reviewed a draft list of their goals and objectives for the year 2010 noting some items were in progress, some had been accomplished, and some had been blocked by a lack of funds. The Commissioners directed County Manager Baker to update the document and present it at a future meeting for their signatures. Commissioner Nicholson moved to approve the draft version of the Board of County Commissioners 2010 Goals, as amended. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Discharging of Firearms within Subdivisions. County Manager Baker stated that after much research, staff believes the County has the authority to pass a resolution imposing statutory limits and defining the practice of safely discharging firearms as described in the Colorado statutes. He said the Community Development Department had created a table showing the population density of each subdivision that could be used to regulate safe shooting within the County.

Commissioner Nicholson agreed with County Attorney Petrock that there were many issues attached to the discharging of firearms and that a resolution at the county level could accomplish little to make residents any safer than they already are. Commissioner Schmalz said homeowners associations have more power to restrict or prohibit the discharging of firearms than local governments do.

The Board of County Commissioners agreed to schedule an open public work session for an evening in January and invite Sheriff Bruce Hartman to discuss the topic with them and Gilpin residents.

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.

Energy Audit. On October 21, 2009, Commissioners from four counties—Clear Creek, Grand, Jackson and Gilpin—discussed the hiring of a multi-county coordinator for an Energy Audit Program based out of the Governor's Energy Office. The Energy Coordinator would work with counties, municipalities, homeowners, utilities, and other interested stakeholder groups to examine ways to improve energy efficiency and reduce energy consumption in existing buildings and in the construction of new buildings. Commissioner Schmalz said the four counties in this region requested authorization to postpone submitting an application until all the Commissioners have had sufficient time to review the program and Energy Coordinator position. Commissioner Nicholson agreed that an extension of the application deadline was in order and Commissioner Whitman said he thought Gilpin County should continue its current program with the Colorado State University Extension Office for an energy audit. The four-county group will wait for further information from the Governor's Energy Office.

Dory Lakes Property Owners Association Board Meeting. The Board of County Commissioners agreed tentatively to meet with the Board of Directors of the Dory Lakes Property Owners Association (DLPOA) on November 4, 2009, in the Public Health Building to discuss a water use dispute.

Minutes. Commissioner Nicholson moved to approve the Board of County Commissioners Meeting Minutes for October 20, 2009. Commissioner Schmalz 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 the Dory Lakes water dispute. 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 10:12 a.m.

Signed this 17th day of November 2009