

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

August 25, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on August 25, 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:

- Nederland Board of Trustees, Nederland Mayor and Gilpin County Board of County Commissioners to discuss common interests, August 25, 7:00 p.m. at Last Shot
- Early Childhood Health Grant committee meeting, August 27, 12:00 p.m. to 2:00 p.m. at the Gilpin Library

**Legal Status Report.** County Attorney Jim Petrock advised the Commissioners they would need to conduct an Executive Session to receive legal advice regarding a potential lease with WindStream Technologies, Inc., and the Dory Lakes Property Owners Association lawsuit against the County.

**2008 Comprehensive Financial Reports and Management Letter.** Wendy Swanhorst, of Swanhorst and Company LLC, independent auditor of Gilpin County, presented the 2008 Financial Statements and Management Letter. Ms. Swanhorst commended Gilpin County Financial Officer Clorinda Smith for doing an excellent job of maintaining strict internal controls and said her firm had found no deficiencies and that the County's records were in good shape. Two items listed in the Management Letter were: 1) Budget Compliance—In 2008, Library Fund expenditures exceeded the budgeted amounts by approximately \$20,000, which is a potential violation of Colorado statutes that require all expenditures to be approved by the governing board; and 2) Financial Condition—The Employees Retirement Fund reported a significant net loss for 2008; the fund should be monitored closely in the future. Financial Officer Smith explained that the County's match to the Retirement Fund had been reduced from 5% to 3%. Swanhorst and Company provided an "unqualified" opinion for 2008.

**2010 Holiday Schedule.** During brief discussion of the 2010 holiday schedule proposed by County Manager Baker, Commissioner Nicholson noted the State allows its workers 11 paid holidays and asked how common it was for counties to give 12, 13 or 14. County Manager Baker said Gilpin's proposed schedule was based on the State's and that although he had not compared it to that of other counties, he didn't think it was inconsistent. Commissioner Nicholson moved to approve the following list of County holidays for the year 2010:

January 1 <sup>st</sup>	Friday	New Year's Day
January 18 <sup>th</sup>	Monday	Martin Luther King, Jr. Day
February 15 <sup>th</sup>	Monday	Presidents' Day
May 31 <sup>st</sup>	Monday	Memorial Day
July 5 <sup>th</sup>	Monday	Independence Day Holiday
September 6 <sup>th</sup>	Monday	Labor Day
October 11 <sup>th</sup>	Monday	Columbus Day
November 11 <sup>th</sup>	Thursday	Veterans Day
November 25 <sup>th</sup>	Thursday	Thanksgiving Day
November 26 <sup>th</sup>	Friday	Thanksgiving Holiday
December 24 <sup>th</sup>	Friday	Christmas Eve Day
December 31 <sup>st</sup>	Friday	New Year's Eve Day

Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Resolution #09-19, Adopting the Gilpin County Premium Only Plan.** Susie Allen, Gilpin County Human Resources Director, stated that in order to be in compliance with IRS Section 125, Gilpin County needed to update its Premium Only plan for group health, dental and vision insurance benefits; she added that additional updates would likely be necessary next year. Commissioner Nicholson moved to approve Resolution 09-19, "Adopting the Gilpin County Premium Only Plan." Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Public Health Educator Proposal.** Susie Allen, Gilpin County Human Resources Director, proposed the addition of the Public Health Educator (PHE) position to the County pay plan and noted it would be administered via a year-to-year contract with the Colorado Department of Public Health and Environment (CDPHE). Commissioner Nicholson added that Gilpin County's PHE had been added under the Clear Creek County Public Health Agency and that the PHE would have an office in Gilpin's Public Health Building at 101 Norton Drive. She issued an open invitation for tours of the recently revamped building. Commissioner Nicholson moved to approve the pay plan amendment as proposed for public health educator position. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Resolutions/Intergovernmental Agreements to Conduct Coordinated Elections.** Clerk and Recorder Jessica Kays presented some intergovernmental agreements to conduct the 2009 coordinated election with four political entities within Gilpin County.

Resolution 09-20. Commissioner Schmalz moved to approve Resolution 09-20, “Approving Intergovernmental Agreement Between the Boulder Valley School District RE-2 and the Gilpin County Clerk and Recorder.” Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Resolution 09-21. Commissioner Schmalz moved to approve Resolution 09-21 “Approving Intergovernmental Agreement Between the Gilpin County School District RE-1 and the Gilpin County Clerk and Recorder.” Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Resolution 09-22. Commissioner Schmalz moved to approve Resolution 09-22, “Approving Intergovernmental Agreement Between the City of Black Hawk and the Gilpin County Clerk and Recorder.” Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Resolution 09-23. Commissioner Schmalz moved to approve Resolution 09-23, “Approving Intergovernmental Agreement Between the City of Central and the Gilpin County Clerk and Recorder.” Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

**Code Enforcement Actions.** Community Development Director Tony Petersen cited Gilpin County Ordinance #01-01, “An Ordinance Providing for the Abatement and Removal of Unsafe Buildings within the Unincorporated Portions of the County of Gilpin” and requested Board of County Commissioners approval to remove two abandoned mobile homes from a 2.4-acre vacant parcel in the Braecher Ranchettes. Following brief discussion of the taxes owed on the land, Commissioner Nicholson moved to grant approval to remove the two abandoned mobile homes in accordance with Ordinance 01-01, from 583 Golden Leaf Way, Assessor account #M003300, parcel #1711-342-00-013, part of the NW ¼, Sec 34, T2S, R72W, Book 270, Page 324. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Executive Session.** Commissioner Nicholson moved to recess to Executive Session to discuss the proposed property lease with WindStream Technologies and Dory Lakes Property Owners Association lawsuit against the County. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Public Hearing—Sentinel Mining and Kitzman Trucking—SUR 09-03.** Chair Whitman opened the public hearing for a special use review application (SUR 09-03), for Sentinel Mining and Kitzman Trucking. Community Development Director Tony Petersen presented their application to operate an aggregate recycling (rock crushing) center that would import and sort local construction excavation waste rock for specification rock export. Applicants Benjamin Kitzman, of Kitzman Trucking, Donald McCoy, of Sentinel Mining Corp, and John Watters were present. Chair Whitman opened the hearing to public comment at 10:30 a.m. Speakers included: Frederick Crawford, 7469 Virginia Canyon Road and Joe Behm, Chair/President of the Central City Business Improvement District. Chair Whitman closed the public comment portion of the public hearing at 10:37 a.m. The Board of County Commissioners agreed that input from the City of Black Hawk was necessary prior to voting on the special use review application.

Commissioner Nicholson moved to continue the public hearing for SUR 09-03 for Sentinel Mining and Kitzman Trucking to Tuesday, September 1, 2009, 10:00 a.m. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**County-Owned Land.** Commissioner Nicholson thanked Community Development Director Tony Petersen for compiling some maps depicting County-owned lands that could be potential sites for additional ball fields, a shooting range or other public uses. Commissioner Schmalz noted the need to expand an existing cemetery or create a new one in the County. Director Petersen will look into possible land trades with the Forest Service or the Bureau of Land Management to enhance any potential sites and will present his finding in October.

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

**Individual Sewage Disposal System Applications.** Craig Sanders, Environmental Program Supervisor for Jefferson County, presented the following individual sewage disposal system (ISDS) applications for the Gilpin County Public Health Agency:

Norval Olson, Lot 33, Mary Anna Subdivision, 469 Ronnie Road, a 0.96-acre parcel. Supervisor Sanders pointed out that Mr. Olson’s application had been reviewed and denied by the Gilpin County Board of Health on August 4, 2009, and that since then Mr. Olson had incorporated some new ideas into his application including water-saving fixtures and a small increase in the size of the absorption bed (leach field). Supervisor Sanders stated that he believed the revised application would meet the intent of Gilpin County’s ISDS regulations. Commissioner Nicholson moved to approve the revised ISDS application as presented. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

James Taylor, Lot 53, Bun-Gun Zhing Wak, 203 Long Trail Road, a 0.43-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.

Discussion followed regarding site inspections for ISDS applications.

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

**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.

Correspondence. The Board of County Commissioners received a letter from Casey Newman of Gamble Gulch expressing her appreciation for the weed control program and for Cooperative Extension Agent Dr. Irene Shonle.

**DOLA Gaming Impact Grants.** On August 18, 2009, Governor Bill Ritter announced a plan to balance the current 2009-10 state budget; the \$5.5 million allocation from the Division of Gaming has been recommended for elimination from the 2009 Local Government Limited Gaming Impact Program. Today Commissioner Nicholson spoke to the potentially far-reaching impacts of the loss of funding to several nonprofit agencies serving the Gilpin area and said the Board of County Commissioners should consider holding a public work session with the DOLA grant applicants to discuss any available options. Commissioner Schmalz said he thought it would be appropriate for the Board to communicate to the Governor that they were against cutting the DOLA gaming impact grants and that all funding should be restored as soon as possible. The Board will communicate with other jurisdictions affected by the budget cuts prior to stating their position to Governor Ritter and the state legislature.

**Property Lease Work Session.** Commissioner Nicholson said that as a result of today's Executive Session, they would conduct a public work session with WindStream Technologies, Inc., on September 1, 2009, 1:30 p.m. to discuss that company's possible lease of the County's old Road and Bridge building.

**Public / Press Comment.**

Lynn Volkens of the Weekly Register-Call asked if the news was official that the Local Government Limited Gaming Impact grants would be cut from the current State budget. Commissioner Nicholson explained that the Commissioners had received four letters from the Department of Local Affairs—one for each of the pending DOLA grant applications—stating that the 2009 Gaming Impact Program cycle “has been suspended until future revenues become available.” County Manager Baker added that the County is anticipating an official response from DOLA any day now.

Lynn Volkens also asked about the status of hiring a Public Health Agency Coordinator. Commissioner Nicholson said following some interviews held on August 21, the position would be offered this week to one applicant. If that person accepts, the position would be filled in mid-September; if that person doesn't accept, the interview panel will revisit the pool of applicants.

**Minutes.** Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for August 18, 2009. Commissioner Nicholson seconded the motion and noted the need to correct a typographical error. The motion passed by a vote of 3 to 0.

**Adjournment.** There being no further business to come before the Board, they adjourned at 11:15a.m.

Signed this 1<sup>st</sup> day of September 2009