

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

June 25, 2019

A regular meeting of the Board of County Commissioners of Gilpin County was held on June 25, 2019, at the Gilpin County Courthouse. Chair Linda Isenhardt called the meeting to order at 9:01 a.m. In attendance were Chair Isenhardt, Commissioner Gail Watson, Commissioner Ron Engels, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate. County Manager Abel Montoya was absent.

**Sky Blue Construction Contract for Public Health / Human Services Building.** County Attorney Bradford Benning presented a Design-Build Construction Contract between Gilpin County and Sky Blue Builders, LLC, for potential remodeling and upgrading of a newly purchased existing structure at 15193 Highway 119. The building will eventually house the Public Health Agency and the Human Services Department. In review of the contract, some language corrections were noted and County Attorney Bradford Benning advised the Board that the term for correction of work could be negotiated up to two years, as late as the end of the first year. Commissioner Engels said that at a high level, the contract was what the Board wanted, and that it protects Gilpin County. County Attorney Benning further pointed out that with a design-build contract, the County would have the option of choosing a different contractor for the construction phase, and that the cost for Sky Blue's work so far was \$15,000.00. Commissioner Watson moved to accept the Design-Build Construction Contract with Sky Blue Builders, LLC. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

**Boundary Line Elimination Application—BLE #19-03.** County Planner Daniel Horn presented a boundary line elimination application, BLE #19-03, for Brandy Hale, combining Lots 8 and 31, Mountain Meadows Subdivision, to create a new 1.3-acre parcel, Lot 8A, Mountain Meadows Subdivision. Commissioner Watson moved to approve BLE #19-03, as presented. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

**Boundary Line Adjustment Application—BLA #18-05.** County Planner Daniel Horn presented a boundary line adjustment application, BLA #18-05, for Ty Mattern, 114 Lodge Pole Lane, for three lots in Block 5 of the Missouri Lakes #2 Subdivision. Planner Horn explained the history of these properties saying that the boundary lines had been adjusted twice before under the ownership of Harvey Stitt and James Stitt. He stated that the purpose of the current application for boundary adjustments of three lots in the five-lot contiguous group, now owned by Ty Mattern, was to allow greater separation between Mr. Mattern's residence and potential residences on the lots he intends to sell. Those three lots are currently known as Parcel 1, 2 and 4, Missouri Lakes #2 Subdivision.

Commissioner Engels moved to approve Resolution BLA #18-05, for Ty Mattern, 114 Lodge Pole Lane, for three lots in Missouri Lakes #2 Subdivision, adjusting the boundaries of each, known as: Parcel 1A, 1.4 acres, currently vacant; Parcel 2A, 1.45 acres, currently vacant; and Parcel 4A, 2.18 acres, including 1 dwelling. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Local Landmark Designation, Frontenac Mine Headframe / Shaft House.** Community Development Director Stephen Strohminger presented a request from Robert Young Jr., representing Elk Horn Investments, for Local Landmark Designation for the Frontenac Mine headframe/shaft house, located on Pewabic Mountain. To initiate the process, Mr. Young has applied for a building permit to re-roof the headframe/shaft house. Director Strohminger stated that some work would likely be done to stabilize the structure. He added that the Gilpin County Historic Preservation Advisory Commission (HAC) had thoroughly reviewed the extensive report from consultant Deon Wolfenbarger, had found that the request was eligible for this designation, had recommended approval and a stay of 120 days for the permit. Commissioner Engels clarified that there were two separate actions associated with the Frontenac Mine headframe/shaft house: 1, some proposed building improvements; and 2, the request for Local Landmark Designation, the second being the issue requiring a decision from the Board. Director Strohminger said Mr. Young was waiting for a decision on the designation before acting on the building permit. Discussion followed.

Commissioner Engels moved to approve HAC's recommendation to designate the Frontenac Mine headframe/shaft house as a local landmark. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Emergency Evacuation Easement Land Survey Cost Estimate.** Community Development Director Stephen Strohminger stated that in the County's endeavor to establish emergency evacuation routes in subdivisions, easements are being pursued with affected property owners. Currently, Director Strohminger is working with owners in the Wedgewood / La Chula Vista area, which will require a survey of the road centerline and the width of the easement. If approved, a land survey of two properties would be performed by Flatirons, Inc., at an estimated cost of \$5,585.00, but other property owners would also have to sign the agreement for an easement. The Board agreed to postpone the item at this time.

**Public Hearing—Variance Request—BOA #19-01.** At 9:44 a.m. Chair Isenhardt opened a public hearing for a variance request for James and Susan Modisher, 617 N. Dory Lakes Drive, Lot 80, Dory Lakes Filing #2, a 1.22-acre parcel. County Planner Daniel Horn presented the applicants' request for relief from property line setback requirements to allow for the construction of an unattached 864 sq.-ft. garage, which would encroach into the

required 30-foot setback by 12 feet. The applicants were present and spoke about the narrowness of one end of their lot, and that a required land survey had uncovered numerous instances of other structures being built too close to or across property lines. Planner Horn stated that the variance request did not meet any of the criteria for approval.

At 10:03 Chair Isenhardt opened the hearing to public comment. There being none, Chair Isenhardt closed the hearing to public comment. Commissioner Engels moved to deny BOA #19-01 for James and Susan Modisher, 617 N. Dory Lakes Drive, Lot 80, Dory Lakes Filing #2. Commissioner Isenhardt seconded the motion, which passed by a vote of 2 to 1, with Commissioner Watson voting against. At 10:04 a.m. Chair Isenhardt closed the public hearing. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office.)

**Commissioner Engels moved to adjourn as the Board of Adjustment and convene as the Local Liquor Licensing Authority. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.**

**Liquor License Renewal—Underground Liquor.** Deputy Clerk Sharon Cate presented an annual renewal application for the retail liquor store license at Underground Liquor, LLC, dba Underground Liquor, located at 15107 Highway 119, with a current expiration date of August 8, 2019. Commissioner Engels moved to approve the application at the local level, as presented, with a new expiration date of August 8, 2020. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Commissioner Engels moved to adjourn as the Local Liquor Licensing Authority and reconvene as the Board of County Commissioners. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.**

**Legal Status Report.** County Attorney Bradford Benning reported on the following:

- There are no current legal issues to report, just ongoing work with Sky Blue Builders, LLC.
- The Xcel Energy pipeline contract is completed with minor adjustments. Xcel Energy agreed to our terms, up to the full amount, to restore Dory Hill Road to its original condition.
- County Attorney Benning spoke about rules on residential wells, particularly the State's position on the commercial use of a residential well, such as a short-term rental.

**Clerk and Recorder Items.** Clerk and Recorder Sahari McCormick presented the following:

Monthly Reports—February and March, 2019. In response to a question from Commissioner Watson about the wide variances from the same months in 2018, Chief Deputy Clerk Elaine Lewers stated that the State's new distribution system was statutorily required, but could be updated by new legislation. She added that revenues are down in general, but she did not know why. Commissioner Watson said that although the economy is good, the total funds collected seem to be consistently lower and that the historic comparisons were concerning. She encouraged Clerk McCormick to make sure the State is not receiving money the County should be keeping. Commissioner Isenhardt said a learning curve was involved and that she was glad to see these reports coming in.

2020 Census, Complete Count Committee. Clerk McCormick introduced Jennifer Pool Radway from the 2020 Census, saying she was hoping to work with Gilpin County to coordinate the Complete Count Committee for a complete census, and that preparations were underway for an April 1, 2020, launch date. Ms. Pool Radway invited Gilpin County to participate, as the 2010 census showed that the more jurisdictions involved, the higher the number of responses received. This data is used for the distribution of federal funding. She listed several ways the County could help to increase individual household participation and said people could respond to the 2020 census online, by telephone, in person or on paper via the US Postal Service. Near the end of February or beginning of March, households will receive a paper census, with numerous reminders to participate.

**Board of County Commissioners Status Reports.**

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:

- Five-county Commissioners monthly breakfast, June 26, Silverthorne
- County Employee Recognition picnic, June 27, Fairgrounds

Colorado Counties, Inc., 2020 Legislative Issues Form.

- The Board discussed several Gilpin County issues that could be identified as 2020 legislation topics on a form provided by Colorado Counties, Inc. After discussion, the Board agreed they would submit the following: Increase county powers to allow more control, similar to that of home rule municipalities.

Planning Commission Appointment. Gilpin County Planning Commission Chair Laura Jenéy stated that applicant Shannon Arrington (present) gave the best interview they had ever conducted, they were all very impressed, and that the Commission members agreed she is an asset to the County. Commissioner Engels moved to appoint Shannon Arrington as the first alternate on the Planning Commission. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. The Board thanked Ms. Arrington and noted

that the Board, the Planning Commission and the Historic Advisory Commission might hold a joint meeting in August.

Foothills Regional Emergency Medical and Trauma Council (FRETAC) Appointment. Commissioner Isenhart said that she is acquainted with DJ Head, applicant for a vacant seat on FRETAC, and that she thought Gilpin Ambulance Director Brandon Daruna was thrilled to have this very knowledgeable person on staff, partly because of his background with Flight for Life. Commissioner Watson moved to appoint DJ Head to FRETAC. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Proposal for Meeting Room Chairs. Gilpin County Business Analyst Cindy Carter presented information on some audience chairs that could replace those currently used in the Board's meeting room. Discussion followed on the styles and prices of some chairs, 86 clean, used chairs being offered at a lower price, and some options for several executive chairs. Business Analyst Carter will arrange to have some sample chairs brought to the Courthouse for a final decision. After further discussion, the Board agreed to purchase audience chairs this year and to add executive chairs to the 2020 budget.

Picnic Preparations. Business Analyst Carter gave an overview of the preparations for the County Employee Recognition picnic scheduled for June 27, plus plans to have boxed lunches available for essential employees that could not attend. Employees from the Parks and Recreation and Public Works departments will help set up tables and chairs, and the Senior Leadership Team will do clean-up work afterward.

Monthly Senior Leadership Team Reports. The monthly departmental reports that had been submitted were discussed. Commissioner Watson asked Community Development Director Stephen Strohminger and Finance Director Clorinda Smith about funds received from the Frei quarry. Both explained how the funds have been deposited to date, with County Attorney Benning stating that some funds are directed by statute and that the remainder goes to the general fund. Commissioner Watson said the Board hopes to make open space money available for recreation and historic preservation, and would consider a resolution on changing that funding stream.

#### **Minutes.**

- Commissioner Engels moved to approve the Board of County Commissioners Meeting Minutes for May 21, 2019. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.
- Commissioner Engels moved to approve the Board of County Commissioners Meeting Minutes for June 11, 2019. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

**Adjournment to Executive Session.** Commissioner Engels moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402(4)(f)(I)&(II), to receive legal advice regarding two personnel matters.

Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0. There being no further business to come before the Board, they adjourned to Executive Session at 11:45 a.m.

Signed this 09<sup>th</sup> day of July 2019.