

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

February 25, 2014

A regular meeting of the Board of County Commissioners of Gilpin County was held on February 25, 2014, at the Gilpin County Old Courthouse. Chair Watson called the meeting to order at 9:00 a.m. In attendance were Chair Gail Watson; Commissioner Connie McLain; Commissioner Buddy Schmalz; County Manager Roger Baker; County Attorney Brad Benning; and Sharon Cate, Deputy Clerk to the Board.

Sale of Public Land—Albert Extension Mine. County Planner Ray Rears gave an overview of a request to purchase a mining claim—Albert Extension, #N007732—owned by Gilpin County, located within the Black Hawk city limits. Chair Watson asked if there were anyone present to bid on the property. Jack Lewis, Black Hawk City Manager, bid \$12,500.00, on behalf of the City of Black Hawk. No other bids were offered.

Commissioner Schmalz moved to accept a bid of \$12,500 from the City of Black Hawk for the purchase of property owned by Gilpin County, S:7 T:3S R:72W Mine: Albert Extension – CT 100%; Account #N007732; 2 acres, 121/589, Black Hawk, Colorado, with all appurtenances. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

Commissioner Schmalz moved to convey to the City of Black Hawk, property owned by Gilpin County, S:7 T:3S R:72W Mine: Albert Extension – CT 100%; Account #N007732; 2 acres, 121/589, Black Hawk, Colorado. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

Treasurer’s Monthly Report—January 2014. Treasurer Alynn Huffman reported on operations in her office for the month of January 2014.

Grant Contract—Nevadaville—History Colorado. County Planner Ray Rears stated that the National Park Service has awarded a \$23,000 grant to Gilpin County, to be administered by Historic Colorado. The grant will fund a survey (inventory) of all residential and commercial structures and mining resources in Nevadaville, and the development of a survey plan, which could necessitate an amendment of the Central City/Black Hawk National Register District. Planner Rears presented a contract between Gilpin County and History Colorado to codify the grant award and scope of work. Commissioner McLain moved to approve the contract. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Public Hearing—Variance Request—ZC #14-01. Chair Watson opened the public hearing for a zoning change request, as presented by County Planner Ray Rears, for Marc Guiliani, for Government Lots 18 and 19, S35, T1S, R73W, 511 Forest Service Camp Road, a 36-acre parcel. The land had been owned by the United States Forest Service and was sold to a private party, creating the need to rezone the parcel from a Government Exempt classification to Resource Residential. Applicant Marc Guiliani was present for the hearing. Chair Watson opened the hearing to public comment. There being none, Chair Watson closed the hearing to public comment. Commissioner Schmalz moved to approve ZC #14-01, for Marc Guiliani, Government Lots 18 and 19, S35, T1S, R73W, 511 Forest Service Camp Road. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0. Chair Watson closed the public hearing. (The legal recording of the public hearing, including public comment, is an audio file available through the Clerk and Recorder’s Office.)

Public Hearing—Special Use Review--#SUR 14-01. Chair Watson opened the public hearing for a special use review, presented by County Planner Ray Rears for Sue Mohr, 556 Pisgah Lake Road, for the installation of a power generator in excess of 10 kilowatts (kw) as allowed by the Gilpin County Zoning Code. (Planner Rears prefaced the presentation by disclosing publicly that he owns a parcel of land adjacent to the subject property.) He stated that because there is no access to the power grid for this property, Ms. Mohr has applied to use a 9.8kw roof-mounted photovoltaic system that would include a 20kw auxiliary generator. Applicant Sue Mohr was not present, but general contractor Ted Cook and solar system contractor Travis Lindberg were and gave brief explanations of the overall power system and answered questions posed by the Board of County Commissioners. Chair Watson opened the hearing to public comment. There being none, Chair Watson closed the hearing to public comment. Commissioner McLain moved to approve SUR #14-01 for Sue Mohr, 556 Pisgah Lake Road, for the installation of a power generator in excess of 10kw, with conditions recommended by the Gilpin County Planning Commission. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Clerk and Recorder’s Monthly Report. Clerk and Recorder Colleen Stewart reported on operations in her office for the month of January 2014. She noted that the “Election Miscellaneous” entry of \$3,795.00 was a type of “reimbursement” from Secretary of State’s Office (SOS) for past election costs at a rate of \$.90 per voter. Since then, the SOS has sent a six-part survey to all Clerk and Recorders, which in part addresses election costs. Clerk Stewart said she hopes the surveys illustrate the actual (higher) costs incurred by counties.

Resolution #14-01—In Opposition to Public Trust Doctrine (Water) Initiatives. County Manager Baker presented the resolution, which he noted was based upon a sample resolution prepared by the Colorado Water Congress. County Attorney Brad Benning explained the difference between a public trust doctrine for water rights and Colorado’s existing doctrine based on prior appropriation; he noted that most current water users opposed the

proposal to move to a public trust doctrine, and that the County's existing water rights could be threatened. Commissioner McLain moved to adopt Resolution #14-01, "In Opposition to Public Trust Doctrine Initiatives." Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Facilities Charge Waiver—Christ the King Church. Gilpin County Events Coordinator Vicki Nemecek presented a request from Christ the King Church to waive the standard damage and electrical fees required for the use of the Fairgrounds facilities. Those in attendance on behalf of the Church were Pastor Tom Davidson, Judy Davidson and Staci McBrayer; Ms. McBrayer gave an overview of the event planned. Commissioner McLain moved to approve the request from Christ the King Church to waive the damage and electrical fees for the Fairgrounds facilities. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

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

House Bill 1142—Prohibiting Off-Site Electronic Sale of Lottery Tickets. The Gilpin County Commissioners agreed to send a letter to Senators Kevin Grantham and Jeanne Nicholson thanking them for sponsoring House Bill 1142, legislation that seeks to prohibit off-site electronic sale of lottery tickets. County Manager Baker said the House has approved the bill and it will now go to the Senate.

Kiowa County Letter—Limited Casino Gaming. Kiowa County is considering introducing legislation leading to a ballot question to "permit limited Casino gambling in Kiowa County," and sent a letter to the Gilpin County Commissioners asking for their support. The Gilpin County Commissioners discussed the potential impacts of limited stakes gaming outside of Gilpin and Teller counties and agreed to express their opposition. They directed County Manager Baker to draft a letter of opposition.

Public Hearing—Resolution #14-02—Supplemental Appropriations to 2014 Budget. Chair Watson opened a public hearing for Resolution #14-02, regarding Supplemental Appropriations to the 2014 Budget. County Finance Officer Clorinda Smith stated that the changes were necessary due to the Commissioners' request to split employee benefits out to different departments, a feature that was not included in the originally adopted 2014 budget. She further explained that the changes did not involve any additional expenditure, just a different method of accounting for benefits. Chair Watson opened the hearing to public comment. There being none, Chair Watson closed the hearing to public comment. Commissioner Schmalz moved to adopt Resolution #14-02, "Approving Supplemental Appropriations to the 2014 Budget." Commissioner McLain seconded the motion, which passed by a vote of 3 to 0. Chair Watson closed the public hearing. (The legal recording of the public hearing, including public comment, is an audio file available through the Clerk and Recorder's Office.)

Recognition of Employee John Combs. County Manager Baker read aloud an email from Todd Elliott and Linda Schwab commending Gilpin County Public Works employee John Combs for helping them in an emergency. The letter described life-threatening circumstances following an accident, and Mr. Combs' quick and diligent response. Mr. Combs attended today's Commissioner meeting and was surprised by the public recognition—including a standing ovation—of his service. Commissioner Watson presented Mr. Combs with a certificate honoring his actions.

Legal Status Report. County Attorney Brad Benning advised the Commissioners on the following legal issues:

Water Lawsuits. Gilpin County's water cases are proceeding.

Brannan Sand and Gravel Company. The lawsuit filed by the Brannan Sand and Gravel Company against Gilpin County for its August 19, 2008, denial of a quarry application has slowed considerably. Brannan will likely make an open records request from Gilpin County.

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:

- Broadband group, at the Old Courthouse, today at 1:00 p.m.

Minutes. Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for February 11, 2014. Commissioner McLain 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 10:10 a.m.

Signed this 11th day of March 2014