

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

April 8, 2014

A regular meeting of the Board of County Commissioners of Gilpin County was held on April 8, 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 County Land—Bonanza Mine.** County Manager Baker gave an overview of a request to purchase a mining claim, Bonanza Mine, #R007786, owned by Gilpin County, almost entirely encompassed by a privately owned 35-acre property on Robinson Hill Road. He noted that the Board may reject any bid less than Assessor's actual value of \$45,000, but must accept the highest and best bid equal to or over that amount. Chair Watson asked if there were anyone present to bid on the property. Peter Nusbaum, owner and resident of 423 Morningstar Circle, the property surrounding the Bonanza mining claim, stated that it was no longer classified as a mining claim, but as residential property. He then offered a bid of \$22,500; no other bids were offered. Discussion of the actual value versus the bid amount followed.

Commissioner McLain moved to reject the bid of \$22,500. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. At that time, Peter Nusbaum withdrew his bid and submitted a new bid for \$30,000. Commissioner Schmalz moved to accept the bid of \$30,000 with the stipulation that a boundary line elimination between the two properties be completed, for the property owned by Gilpin County, S:14 T:3S R:72W Mine: Bonanza, Account #R007786; approximately five acres, B0229/P0380, Black Hawk, Colorado, with all appurtenances. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0. It was later determined that Peter Nusbaum had submitted the bid for the Silver Star Properties. The sale documents will be executed under that name.

**Annual Fire Operating Plan.** Undersheriff Jon Bayne and Communications Director and Emergency Preparedness Coordinator Steven Watson presented the 2013 Annual Fire Operating Plan (AOP), a resource and management guide for the coordination of wildfire protection activities between: the Colorado Division of Fire Prevention and Control; the Gilpin County Board of County Commissioners; the Gilpin County Sheriff; and the Bureau of Land Management. Director Steven Watson stated that the changes to the annual AOP were almost entirely to its format, making it more uniform among all Colorado counties.

Commissioner McLain moved to approve the 2014 Annual Fire Operating Plan. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Third Amendment to Agreement for Inmate Health Care Services.** County Manager Baker stated that on February 11, 2014, the Board had approved a new price quote from Correctional Healthcare Companies (CHC), but that the Third Amendment to which the price quote had been attached had been overlooked. CHC has requested that the Third Amendment—an update for 2014—be approved and sent to them. The Fourth Amendment was approved by both parties on March 25, 2014, making approval of the Third Amendment only a matter of procedure.

Commissioner McLain moved to approve the 2014 Third Amendment to the Agreement for Inmate Health Care Services. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Facilities Damage Deposit Waiver Request—Clear Creek Metro Recreation District.** Ron Heath, of the Clear Creek Metropolitan Recreation District, was present to request a waiver of Gilpin County's damage deposit for use of the Exhibit Building. He cited several reasons why youth enrolled in the Clear Creek County summer camp could benefit from using Gilpin County facilities, and that Parks and Recreation Coordinator Kathi Lambert was in agreement with his request for the few hours he had requested. Commissioner Schmalz moved to waive the damage deposit for use of some Gilpin County facilities. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

**The Board of County Commissioners recessed and convened as the Board of Human Services at 9:35 a.m. After consideration of a Child Support Memorandum, the Board of Human Services adjourned and reconvened as the Board of County Commissioners at 9:40 a.m.**

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

Monthly Departmental Reports. The monthly departmental reports that had been submitted were discussed.

Correspondence. The Nederland Pirates FIRST Robotics Team member sent a letter to the Board thanking them for Gilpin County's donation of \$900 to help build their robot and to compete in robotics challenges throughout Colorado. The Pirates hope to demonstrate their robot at the 2014 Gilpin County Fair.

## **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:

- April 12, Black Hawk's 150<sup>th</sup> celebration, at the Black Hawk City Hall and Crooks Palace
- April 16, Five-county breakfast meeting, including a presentation by the Mountain Family Health Center, 8:00 a.m. in Idaho Springs; meeting with the Department of Local Affairs (DOLA) from noon to 1:00 p.m.
- April 17, Canyon Cares meeting, 1:00 p.m.

**Legal Status Report.** County Attorney Brad Benning advised the Board they would need to conduct an executive session to receive legal advice on pending litigation related to Gilpin County's water rights and also to discuss and determine positions relative to matters that may be subject to negotiations and developing strategy for negotiations. C.R.S. 24-4-402(4)(a) and (e).

**Minutes.** Commissioner McLain moved to approve the Board of County Commissioners Meeting Minutes for March 25, 2014. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

**Recess.** the Board of County Commissioners recessed from 9:45 a.m. until 10:00 a.m.

**Petition for Abatement or Refund of Taxes.** Assessor Anne Schafer presented the following Petition for Abatement or Refund of Taxes:

Schedule #R002380, American Gaming Enterprises, LLC. Assessor Schafer introduced William M. James, MAI, CCIM, representative for American Gaming Enterprises, LLC, and presented the Petition. She explained that the subject property lies between Gregory and Lawrence streets, north of the Reserve Casino and that it consisted mostly of a drainage ditch, with a small area considered to be buildable. Assessor Schafer further stated that after reviewing Mr. James' appraisal, she and her staff agreed that it had been overvalued and that a refund of taxes was in order.

Commissioner Schmalz moved to grant the Petition for Abatement or Refund of Taxes for American Gaming Enterprises, LLC, Parcel #R002380, and to grant a refund of \$14,369.82 for tax year 2011, and a refund of \$15,090.38 for tax year 2012, as presented. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

**Adjournment to Executive Session.** Commissioner Schmalz moved to adjourn into Executive Session in accordance with C.R.S. 24-4-402(4)(a) and (e). Commissioner McLain 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 10:07 a.m.

Signed this 22<sup>nd</sup> day of April, 2014