

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

July 8, 2014

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 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 Jim Petrock; and Sharon Cate, Deputy Clerk to the Board.

Sale of County Owned Land. After receiving a request to sell some County-owned parcels in the Nevadaville area, Gilpin County published a Notice of Public Land Sale in the June 5 and June 12, 2014, editions of the *Weekly Register-Call*, in accordance with C.R.S. 39-11-143. The statute requires that: properties acquired through taxes must be sold unless there is a public purpose for the properties; they must be sold if a bid is made for an amount equal to or greater than the actual value as established by the assessor; they may be sold for lesser amounts; and they may be sold in groups. Proceeds from such sales are disbursed among the taxing entities to which taxes were originally owed. County Manager Baker advised the Board of County Commissioners that research suggests that not all of the parcels offered today were acquired through taxes and therefore, different rules would apply. He further explained that two properties had been removed from the list leaving a total of seven.

R007762, R007766 and R007767. Darrel Knudsen, of Bonanza Land, LLC, bid \$15,000 for the group of three lots. Commissioner McLain moved to accept the bid. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R007763, R007764, R007771 and R007775. Darrel Knudsen bid \$3,000 for the group of four lots. Commissioner Watson suggested that more research be done on the property records before accepting the bid. Commissioner McLain moved to not accept the bid. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Petition for Abatement or Refund of Taxes. Assessor Anne Schafer presented the following Petition for Abatement or Refund of Taxes and recommended its approval.

Schedule #R002385, Big T Parking Lot, Pinnacle Entertainment (by Property Tax Service Company). Commissioner Schmalz moved to grant the petition for the abatement or refund of taxes for Pinnacle Entertainment, Parcel #R002385, and to grant a refund of \$21,085.64 for tax year 2012, and a refund of \$20,183.30 for tax year 2013. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

Boundary Line Elimination Application. Gilpin County Planner Ray Rears presented the following Boundary Line Elimination (BLE) application, noting that today's action was necessary to fulfill a condition of a prior sale of public land.

BLE #14-03. Commissioner McLain moved to approve BLE #14-03 for Peter Nusbaum, Silver Star Properties, LLC, combining Schedule #R001491 (33.7 acres) and Schedule #R07786 (5.16 acres), accessed via Robinson Hill Road, to create a new 38.86-acre lot, Parcel 1. 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:

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

Correspondence. The Commissioners have received a letter of thanks from Judge Jack Berryhill, which also announced his retirement. Judge Gloss is also retiring.

The Board of County Commissioners recessed and convened as the Local Liquor Licensing Authority.

Liquor License Annual Renewal Applications. Liquor Licensing Clerk Sharon Cate presented the following applications for the annual renewal of two retail liquor store licenses:

1. Black Hawk Development Corp., dba Coyote Liquors, 5312 Highway 119, current expiration date of August 10, 2014. Commissioner McLain moved to approve the renewal application at the local level, with a new expiration date of August 10, 2015. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.
2. Underground Liquor, LLC, 15107 Highway 119, current expiration date of August 8, 2014. Commissioner McLain moved to approve the renewal application at the local level, with a new expiration date of August 8, 2015. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

The Local Liquor Licensing Authority recessed and reconvened as the Board of County Commissioners.

Legal Status Report. County Attorney Jim Petrock advised the Commissioners that in accordance with C.R.S. 24-6-402, they would need to hold an executive session after their regular meeting to discuss Gilpin County's complaint against the Colorado State Treasurer regarding the distribution of gaming tax revenues, and a status report on the Brannan Sand and Gravel Company's ongoing litigation against Gilpin County for its August 19, 2008, denial of their application for a quarry permit.

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:

- Historic Preservation Commission Training, July 11, Denver
- Five-county monthly breakfast meeting, July 16, Idaho Springs

Meeting Minutes. Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for June 24, 2014. Commissioner McLain seconded the motion, which passed by a vote of 2 to 0, with Commissioner Watson abstaining, as she was absent on June 24, 2014.

The Board of County Commissioners recessed and reconvened as the Board of Adjustment.

Public Hearing—Variance Request—BOA #14-02 Chair Watson opened the public hearing for a variance request for Thomas Brienza, 1335 Dory Hill Road. Community Development Director Tony Petersen presented the applicant's request to allow for the construction of a detached garage approximately 15 ft. from the centerline of a 25-foot-wide dedicated but unimproved access easement crossing Mr. Brienza's property. Director Petersen explained that because of the easement, Mr. Brienza's building plan was unable to meet County setback requirements. Applicant Thomas Brienza was present and gave an overview of the easement complications on his property. Chair Watson opened the hearing to public comment. There being none, Chair Watson closed the hearing to public comment.

Commissioner McLain moved to approve BOA #14-02, for Thomas Brienza, 1335 Dory Hill Road. Commissioner Schmalz 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.)

The Board of Adjustment recessed and reconvened as the Local Liquor Licensing Authority.

Public Hearing—Special Event Liquor Permit—Gilpin County Fair. Chair Watson opened the public hearing for a Special Event Permit application for the Gilpin County Fair, as presented by Gilpin County Events Coordinator Vicki Nemec. The Fair is scheduled for August 15 and 16, 2014, at 230 Norton Drive. Chair Watson opened the hearing to public comment. There being none, Chair Watson closed the hearing to public comment.

Commissioner McLain moved to approve at the local level the application for a special event liquor permit for the Gilpin County Fair, for August 15 and 16, 2014, at 230 Norton Drive. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

The Local Liquor Licensing Authority adjourned at 9:55 a.m.; the Board of Adjustment reconvened at 10:00 a.m.

Public Hearing—Variance Request—BOA #14-01. Chair Watson opened the public hearing for a request for a variance from the Zoning Code for Penn Bullwhackers Retail, LLC/Z-Stop Gas Station, LLC, 1351 Highway 119, a 7.16-acre parcel. County Planner Ray Rears presented the applicant's request to amend the original approval of BOA #07-01 and BOA #12-01 to permit:

- a two-sided internally lit video display LED lighted monument sign. The proposed sign would be 30 feet in height, constructed of a non-natural material for a total of 451 sq. ft.
- a total lumen output at the site of 361,670.

Applicant John Zimpel, 101 Gregory, and 120 Lawrence St., and Joe Prevost of Freeman Signs were present. Mr. Prevost briefly summarized the plan for the proposed sign. Lengthy discussion followed.

Chair Watson opened the hearing to public comment. There being none, Chair Watson closed the hearing to public comment.

Commissioner Schmalz moved to approve BOA #14-01a, a variance from the Zoning Code to allow the existing out-of-compliance lighting for the entire site at a level of 328,134 lumens. Commissioner McLain seconded the motion, which passed by a vote of 3 to 0.

Commissioner McLain moved to deny BOA #14-01b, for Penn Bullwhackers Retail, LLC/Z-Stop Gas Station, LLC, 1351 Highway 119. Commissioner Schmalz 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.)

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

Public / Press Comment. Teri Metallo introduced herself as a reporter for the *Mountain-Ear* newspaper.

Adjournment to Executive Session. Commissioner Schmalz moved to adjourn into Executive Session in accordance with C.R.S. 24-6-402, to receive legal advice on two litigation matters: Gilpin County's lawsuit against the Colorado State Treasurer regarding the distribution of gaming tax revenues; and the Brannan Sand and Gravel Company's ongoing litigation against Gilpin County. 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 10:54 a.m.

Signed this 22nd day of July, 2014