

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

August 4, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on August 4, 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:

- Library Board of Trustees Chair and Library Director meeting with Commissioners to discuss Connector bus service, today at 12:00 p.m. at the Old Courthouse
- Colorado Department of Transportation project status forum, tonight at 5:00 p.m. at the Gilpin County School
- Commissioners' public work session, tonight at 7:00 p.m. at the Community Center
- Denver Regional Council of Governments Sustainability Workshop, August 10, 9:00 a.m. to 12:00 p.m.

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

Individual Sewage Disposal System Applications. Dr. Jim Dale, Environmental Health Services Director for Jefferson County Public Health (JCPH), and Craig Sanders, JCPH Environmental Program Supervisor, presented the following eight applications for the Board of Health's review under the individual sewage disposal system (ISDS) regulations:

Norval Olson, Lot 33, Mary Anna Subdivision, 469 Ronnie Road, a .96-acre parcel. Commissioner Nicholson moved to deny the ISDS application as presented. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Scott Frazier, Lot 2, KK Ranch, 1299 Highway 72, a 1-acre parcel. Commissioner Schmalz moved to approve the ISDS application as presented. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Jeff Perryman, Lot 48, Bun-Gun Zhing-Wak Subdivision, 50 On a Hill Road, a .79-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.

Wendy and Duncan Hawksbee-Simson, S35, T1S, R72W, Watchdog Subdivision, address TBD, a 9.93-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.

Steven P. Johnson, S15, T3S, R73W, Russell Gulch area, address TBD, a 1.43-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.

Roland Connors, Lot 65, Meadowlake Mountain Acres Subdivision, address TBD, a 2.07-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.

Loren Anderson, Parcel 1711-081-01-039, 142 Meadow Way, a .96-acre parcel. Commissioner Schmalz moved to approve the ISDS application as presented. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

Edward Davis, Lot 7B, Block G, Lincoln Hills Subdivision, 67 Pitts Place, a 3-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.

Commissioner Nicholson thanked Dr. Dale and Mr. Sanders for quickly processing Gilpin County's backlog of ISDS variance applications and said the Board of Health was looking forward to working with them on potential updates to Gilpin's ISDS regulations. Mr. Sanders said future applications would contain more technical information including a site map. He also commended Public Health Agency Administrative Assistant Shannon Cook for being extremely helpful during the transition to the new contractual arrangement between the two counties.

Lynn Volkens of the *Weekly Register-Call* referred to the date on the ISDS summaries and asked how long the applications had been waiting to be processed. Mr. Sanders said some had been waiting since April 2009.

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

Historic Structure Alteration Permit. Planner Ray Rears gave an overview of an application for a Historic Structure Alteration Permit (HR09-01) for the I.O.O.F. (Odd Fellows) building at 81 Russell Gulch Road, built in 1895. Ann DeCicco was present on behalf of owner/applicant Ed DeCicco. Commissioner Schmalz said he was pleased to see residents take an interest in and place value on the historic preservation of buildings in Gilpin County and that the application indicated the preservation of the I.O.O.F. Hall would be done correctly. Commissioner Nicholson moved to

adopt HR 09-01, "Designating 81 Russell Gulch Road—Russell Gulch I.O.O.F. Building—as a Local Landmark." Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Boundary Line Adjustment Application. County Planner Ray Rears presented a boundary line adjustment application (BLA #05-08A) for Michael and Aspen L. Vincent, owners of Parcel A as created by BLA 05-08, and Mark F. Ruiz Jr. and Tricia L. Mamaclay, owners of Parcel B as created by BLA 05-08. He explained that a minor correction to the legal descriptions of the two lots was necessary. Commissioner Nicholson moved to approve BLA #05-08A, for Michael and Aspen L. Vincent, owners of Parcel A, and Mark F. Ruiz Jr. and Tricia L. Mamaclay, owners of Parcel B, in Dory Lakes #2, as shown on Exhibit A. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Recess. The Board of County Commissioners recessed from 10:05 a.m. to 10:15 a.m., at which time they convened as the Board of Equalization.

Board of Equalization Decisions on Property Valuation Protests. On June 30, 2009, the Board of County Commissioners appointed Steve Miller, SRA, as Gilpin County's independent Hearing Officer to review petitions submitted by property owners protesting the Assessor's valuation of their property(s). County Attorney Petrock stated that today's proceedings of the Board of Equalization (BOE) were not hearings and the BOE would not hear protests from property owners, but would make decisions on the petitions based on Hearing Officer Miller's recommendations. Assessor Anne Schafer was present, as were Chief Appraiser David Kurronen, and Appraiser Laura Burtschi. Assessor Schafer noted that valuations were always based on a structure's livable, heated square footage instead of the total square footage as might be inferred from the information on the Notice of Determination. In response to a question from Commissioner Schmalz, Assessor Schafer said outdoor smoking areas were not considered to be part of a casino's floor plan. The BOE issued the following decisions:

N002574. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$2,280. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R000845. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$159,550. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R004903. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$100,030. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R005934. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to adjust the Assessor's valuation to \$235,000. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R004631. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$469,360. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R004167. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$10,568,550. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

R003907. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$19,666,650. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

R003806. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$24,378,400. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

R004670. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$98,010. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

R003294. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$276,360. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R003409. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the property owner's valuation of \$30,000. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

R003439. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the property owner's valuation of \$30,000. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R002932. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$261,030. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R005546. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$381,310. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

N010045. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$6,130. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R000460. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$36,330. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R005703. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to adjust the property valuation to \$35,000. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

R009699. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to adjust the property valuation to \$35,000. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R009698. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to adjust the property valuation to \$35,000. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R009697. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to adjust the property valuation to \$35,000. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R009702. Commissioner Nicholson moved to affirm the Hearing Officer's recommendation to adjust the property valuation to \$35,000. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

R002385. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$7,341,510. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

R010991. Commissioner Schmalz moved to affirm the Hearing Officer's recommendation to accept the Assessor's valuation of \$61,868,390. Commissioner Nicholson seconded the motion, which passed by a vote of 3 to 0.

The Board of Equalization 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. In reviewing the monthly departmental report that had been submitted by the Community Development Department, County Manager Baker noted the Department was still ahead of revenue projections despite a decreased caseload, due to a fee paid by the Frei Gravel Quarry to deposit materials in Gilpin County.

2009 Gaming Tax Distribution. Next week Gilpin County will receive its 2009-2010 Gaming Tax Distribution check in the amount of \$8,196,194.61, approximately \$300,000 less than the amount budgeted by the Board of County Commissioners, elected officials and department directors. County Manager Baker noted that although gaming revenues have recently been substantially higher, the Gaming Commission would need to take a higher percentage to administer the Amendment 50 changes: additional table games; higher bet limits; and longer gaming hours. He projected that by the budget session in late 2010, the overall financial picture should be much better. Commissioner Schmalz said some members of the gaming industry remain guarded until the Gaming Commission's official revenue report was released sometime near August 27th.

Public / Press Comment. Lynn Volkens of the Weekly Register-Call asked if monthly reports would be required from the new staff in the Gilpin County Public Health Agency, as they had been from the previous director. Commissioner Nicholson said she would submit periodic reports until the coordinator is hired; for today, she relied on Mr. Sanders' report since he needed to attend the meeting and most of the public health activities in the past week were focused on ISDS work. Lynn Volkens also asked about the \$27,000 in revenue listed under Open Space in the Community Development Department monthly report. County Manager Baker explained that is was a fee (per cubic yard) for material deposited in Gilpin County by the Frei Gravel Quarry.

Minutes. Commissioner Nicholson moved to approve, as amended, the Board of County Commissioners Meeting Minutes for July 28, 2009. Commissioner Schmalz seconded the motion, which passed a vote of 3 to 0.

Adjournment. There being no further business to come before the Board, they adjourned at 11:00 a.m.

Signed this 11th day of August 2009