

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, TELLER COUNTY, COLORADO, MARCH 14, 2002. IN ATTENDANCE WERE:

LUCILE FEHN, CHAIRMAN
JERRY BERGEMAN, VICE-CHAIRMAN
CLARKE BECKER, COMMISSIONER

GREG WINKLER, COUNTY ADMINISTRATOR
CHRIS BRANDT, COUNTY ATTORNEY
CONNIE JOINER, CLERK & RECORDER

9:23 The Board of County Commissioners of Teller County convened in regular session in the Teller County Centennial Building in Cripple Creek with Chairman Fehn presiding. Mr. Becker gave the invocation. The Pledge of Allegiance was led by Mr. Bergeman.

MINUTES OF PREVIOUS MEETINGS:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the minutes of the February 14, 2002 meeting of the Board of County Commissioners as amended. All commissioners voted yes.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the minutes of the February 28, 2002 meeting of the Board of County Commissioners as submitted. All commissioners voted yes.

ACCOUNTS PAYABLE:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the accounts payable run of March 13, 2002 in the amount of \$331,101.21 as presented. All commissioners voted yes.

REPORTS AND LEGISLATIVE UPDATES:

Mr. Becker reported on Action 22 activities.

Mr. Becker also reported on the March 13 PPACG meeting.

Mr. Becker gave a status report on the Older Coloradans Act.

Mr. Bergeman reported on the National Association of Counties (NACO) national meeting that he recently attended in Washington D. C.

Mrs. Fehn reported on the March 11 Alliance of Property Owners' Associations reorganization meeting.

Mr. Bergeman explained the purpose of NACO.

9:43 TIME RESERVED FOR ELECTED OFFICIALS AND THE PUBLIC WITHOUT PRIOR APPOINTMENT:

Mrs. Joiner reported on the status of the legislation to change the county caucus dates from April 9 to April 23 and moving the possible county assembly dates to April 25 - May 18.

Michael O'Brien, Colorado Mt. Estates, stated that he had made code violation reports to County code enforcement, which had not been acted upon. Mr. O'Brien's report was given to Mr. Winkler for investigation.

9:47 COMMISSIONERS' MISCELLANEOUS:

PRESENTING: GREG WINKLER, COUNTY ADMINISTRATOR
CONSIDER APPROVAL OF THE WIC CHANGE ORDER LETTER WITH THE STATE OF COLORADO:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** and authorize the chairman to sign the WIC change order as presented. All commissioners voted yes.

CONSIDER APPROVAL OF THE PROFESSIONAL SERVICES CONTRACT WITH THE TELLER COUNTY REGIONAL ANIMAL SHELTER:

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **approve** and authorize the chairman to sign the professional services contract with the regional animal shelter as presented. All commissioners voted yes.

CONSIDER SERVICE AGREEMENT WITH THE SOUTHERN COLORADO REGIONAL TREATMENT CENTER:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** and authorize the chairman to sign the agreement with the Southern Colorado Regional Treatment Center as presented. All commissioners voted yes.

It was announced that due to schedule conflicts, it will be necessary for the March 28, 2002 meeting of the Board of County Commissioners to begin at 1:00 p.m.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the change in meeting time for the March 28, 2002 meeting of the Board. All commissioners voted yes.

It was also announced that the TCDOT road presentation will be at the March 28, 2002 meeting

10:00 CONSIDER APPROVAL OF PROGRAM YEAR 2002 GRANT AGREEMENT BETWEEN COLORADO DEPARTMENT OF LABOR AND THE EL PASO AND TELLER COUNTY CONSORTIUM:

PRESENTING: EVALYNN GRAHAM, PP WORKFORCE CENTER

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **approve** and authorize the chairman to sign the 2002 grant agreement as presented. All commissioners voted yes.

10:05 CONSIDER APPOINTMENT OF ROBERT M. STEVENS TO THE PIKES PEAK WORKFORCE INVESTMENT BOARD:

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **appoint Robert M. Stevens** to the Pikes Peak Workforce Investment Board as requested. All commissioners voted yes.

10:10 CONSIDER RESOLUTION REGARDING COMPLIANCE WITH THE COLORADO REVISED STATUTES CONCERNING ADOPTION OF MASTER PLANS:

PRESENTING: JANE MANNON, SENIOR PLANNER

HB01S2-006 Ms. Mannon read proposed Resolution #3-14-02(17) into the record.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve Resolution #3-14-02(17)(attached)** as presented. All commissioners voted yes.

10:18 CONSIDER PLANNING COMMISSION RECOMMENDATION ON AMENDMENT TO THE TELLER COUNTY LAND USE REGULATIONS REGARDING THE SUBDIVISION DEFINITION AND RELATED RESOLUTIONS: Ms. Mannon summarized her staff report and summarized proposed Resolution #3-14-02(18).

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve Resolution #3-14-02(18)(attached)** with the date correction. All commissioners voted yes.

Ms. Mannon summarized her staff report and summarized proposed Resolution #3-14-02(19).

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve Resolution #3-14-02(19)(attached)** with the date correction. All commissioners voted yes.

Ms. Mannon summarized her staff report and summarized proposed Resolution #3-14-02(20).

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve Resolution #3-14-02(20)(attached)** with the date correction. All commissioners voted yes.

10:44 CONSIDER PLANNING COMMISSION RECOMMENDATION ON AMENDMENT TO THE TELLER COUNTY LAND USE REGULATIONS REGARDING MOBILE HOMES:
Ms. Mannon summarized her staff report and read the proposed Resolution into the record. Dar Conran, requested that the Resolution be tabled, to allow time for the Mobile Homeowners Association to examine the document. Cindy Olson and Wendy Pardue also asked for the Resolution to be tabled.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **continue the hearing to the April 11, 2002 meeting of the Board.** All commissioners voted yes

10:58 CONSIDER PLANNING COMMISSION RECOMMENDATION ON AMENDMENT TO THE TELLER COUNTY LAND USE REGULATIONS FOR CORRECTIONS AND CLARIFICATIONS TO TABLE 6: DRAWING REQUIREMENTS:

Ms. Mannon summarized her staff report and read proposed Resolution #3-14-02(21) into the record.

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **approve Resolution #3-14-02(21)(attached)** with the date correction. All commissioners voted yes.

Recess

11:07 CONSIDER PROPOSED SETTLEMENT AGREEMENT REGARDING KING et.al. v. TELLER COUNTY:

PRESENTING: CHRIS BRANDT

Mr. Brandt reported on the proposed terms of the settlement. He stated that litigation is still continuing and that all communication and mediation is confidential.

Comments and questions were received from Cindy Olson, Dar Conran, Richard Bowles and Helene Dearborn.

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board approve the settlement of the King and Zander lawsuit against the County generally on the terms and conditions set forth in the draft Settlement Agreement and Release dated effective March 14, 2002, the final form of which shall be subject to the review and approval by the County Attorney, and authorize the Chairman to sign the Settlement Agreement and Release when so approved by the County Attorney, which terms shall include the following general provisions:

- The Kings and Zanders will convey to the County, by Special Warranty Deed, the property described in the Petition to Condemn, free and clear of any lien or encumbrance.
- The County will relocate and repair fences as necessary; will relocate the King's and Zander's gates as necessary; and will, by July 2, 2002, remove tree stumps from the tree cut area, and re-level the ground in that area.
- The lawsuit will be dismissed, with prejudice, with each party to pay their own costs and attorney's fees.
- The County will pay to the Kings and Zanders, collectively, the total sum of \$50,000.00.

All Commissioners voted yes.

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11:31 LEGAL MATTERS:

PRESENTING: CHRIS BRANDT, COUNTY ATTORNEY

TONY J. LONCAR v. TELLER COUNTY CODE ENFORCEMENT: Mr. Brandt reported that the County has filed a motion to dismiss. Mr. Loncar has approximately a month to respond.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 11:32
A.M.

APPROVED _____
Chairman, Board of County Commissioners

ATTEST _____
Clerk & Recorder