

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, TELLER COUNTY, COLORADO, SEPTEMBER 12, 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

9:16 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. Bergeman gave the invocation. The Pledge of Allegiance was led by Mr. Becker.

MINUTES OF PREVIOUS MEETINGS:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the minutes of the July 15, 2002 special meeting of the Board of County Commissioners as presented. All commissioners voted yes.

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **approve** the minutes of the August 8, 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 August 20, 2002 meeting of the Board of County Commissioners as amended. All commissioners voted yes.

ACCOUNTS PAYABLE:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the accounts payable run of September 11, 2002 in the amount of \$321,237.35 as presented. All commissioners voted yes.

BOARD REPORTS:

**Mr. Becker** reported on the recent PPACG meeting.

Mr. Becker announced that the Action 22 fall conference will be in Alamosa starting tomorrow, September 13.

**Mr. Bergeman** complimented Code Enforcement Officer Jerry Kerr for his quick action on a recent Victor issue.

Mr. Bergeman announced that the Aspen Mine Center grand opening will be on Friday, September 27. Mr. Bergeman also announced that Community Health will be in the Center two days a week.

Mr. Bergeman gave a progress report on the Pikes Peak Regional Medical Center Association.

**Mrs. Fehn** announced that her October forums will be on October 2 and October 4. The program will feature the state amendments and school district ballot issues.

9:35 TIME RESERVED FOR ELECTED OFFICIALS AND THE PUBLIC WITHOUT PRIOR APPOINTMENT:

Mrs. Joiner reported on the November ballot content.

Jineen McWherter questioned Mr. Bergeman's comment on county assessments going up as reported in a local newspaper reflected some inside or psychic knowledge. Mr. Bergeman replied that his statement was based on historic figures.

Bob Campbell announced that Kiwanis has completed phase 1 of their project to equip ambulances in Teller County with child sized equipment. They have spent \$4,800 to date.

Steven Denton, Tranquil Acres, related the water difficulties in his subdivision. He requested help from the BOCC for transportation of potable water or for the county to state their inability to help, so that the state can step in. The Board directed Mr. Winkler to write

a letter to the state informing them of the County's inability to supply transportation of potable water for Tranquil Acres subdivision.

Recess as Board of County Commissioner and convene as the Teller County Facilities Corporation.

9:55 CONSIDER AMENDMENT TO THE TELLER COUNTY FACILITIES CORPORATION BY-LAWS AMENDING SPECIFIC ARTICLES REGARDING THE BOARD OF DIRECTORS:

Mr. Winkler read into the record the proposed Action.

Comments: Dar Conran asked if the meetings are public. The Board replied that they were.

Richard Bowles stated that he thought that there ought to be a public member. Mr. Bergeman asked Mr. Bowles for his solutions to the jail problems. Discussion followed. Dar Conran asked how often does the Facilities Corporation meet. Mrs. Fehn replied that they seldom meet and when they do, it is part of the regular Board of Commissioners meeting.

Jineen McWherter attempted to comment and was advised to focus her comments on the issue at hand. When this did not occur, the chair declared a recess.

The Board reconvened as the Teller County Facilities Corp.

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **approve the amendment to the by-laws as presented**. All commissioners voted yes.

Adjourn as the Teller County Facilities Corporation and reconvene as the Board of County Commissioners.

10:22 CONSIDER REQUEST FOR ABATEMENT ON STATE ASSESSED PROPERTY ACCOUNT TX159 OWNED BY EVERCOM SYSTEMS, INC.:

PRESENTING: AL JORDAN, TELLER COUNTY ASSESSOR

Mr. Jordan summarized his staff report and stated that the Assessor's office recommends approval of Abatement #02-091 in the amount of \$6271.54.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve Abatement #02-091** as recommended by the Assessor. All commissioners voted yes.

10:25 CONSIDER A REQUEST FROM GERALD PHILLIPS FOR A SUBDIVISION EXEMPTION TO ADJUST THE COMMON PROPERTY LINES IN AN AREA DESCRIBED AS SECTION 34, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6<sup>TH</sup> P.M. AS CENTERVIEW SUBDIVISION FILING NO. 1:

PRESENTING: BONNIE OLSON, SENIOR PLANNER

Ms. Olson summarized her staff report. John Towner, Pinnacle Design, representing the applicant, was present for questions. Ms. Olson read proposed Resolution #9-12-02(57) into the record.

Mr. Brandt read the proposed motion for approval into the record.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve Resolution #9-12-02(57)** for the proposed subdivision exemption, based on the findings that the request meets the criteria of Table 7 of the Teller County Land Use Regulations, subject to the condition that the Resolution not be signed and recorded by the Board of County Commissioners until each of the ten conditions outlined in the motion have been satisfied. All commissioners voted yes.

10:46 SET DATE FOR ARABIAN ACRES METROPOLITAN DISTRICT:

Ken Rupp stated that he appreciated the County working with him on the date and time of the meeting.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **set the hearing** for the proposed Arabian Acres Metropolitan District for **October 3, 2002 at 6:30 p.m.** All commissioners voted yes.

10:48 CONSIDER THE REVISION OR RESCISSION OF THE TELLER COUNTY TRANSPORTATION BALLOT ISSUE 1B:

Mr. Winkler read proposed Resolution #9-12-02(58) into the record. Board discussion ensued.

Richard Bowles asked what statute was involved in the concern. Mr. Brandt stated that it was C.R.S. 30-26-301.

Ms. McWherter asked when was this statute discovered. Mrs. Fehn replied that there had been discussion about it for some time.

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve Resolution #9-12-02(58)(attached)**, removing Teller County Ballot Issue 1B from submission to the November ballot, as presented. All commissioners voted yes.

11:01 COMMISSIONERS' BUSINESS ITEMS:

PRESENTING: GREG WINKLER, COUNTY ADMINISTRATOR

CONSIDER CONTRACT WITH DOLA FOR COLORADO HERITAGE PLANNING GRANT PROGRAM:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the contract as presented. All commissioners voted yes.

CONSIDER APPROVAL OF THE PPACG PURCHASE OF SERVICE CONTRACT FOR TRANSPORTATION:

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

CONSIDER LEASE WITH HSE COMMUNICATION FOR COMMUNICATION SITE:

ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve** the lease as presented. All commissioners voted yes.

ACTION: Mrs. Fehn moved and Mr. Bergeman seconded that the Board ratify the Sheriff's signature. All commissioners voted yes.

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH KIEWITT WESTERN CO.:  
Bryan Kincaid gave an update on the project.

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

CONSIDER RENEWAL OF CDPH&E WIC PUBLIC HEALTH GRANT:

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

CONSIDER APPROVAL OF GRANT CONTRACT FOR DIABETES PREVENTION FOR PUBLIC HEALTH: Mr. Winkler reported that this contract reflects a reduction of the amount from the previous year.

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

RATIFICATION OF THE LEAF GRANT FROM CDOT FOR THE SHERIFF'S DEPARTMENT:

ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **ratify the LEAF grant** as presented. All commissioners voted yes.

CONSIDER REQUEST FROM THE VICTOR ELKS LODGE: Mr. Winkler read a letter requesting the donation of the old elevator from the courthouse to the Victor Elks Lodge. ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **donate the elevator** as requested, with the provision that the donation be specified "condition as is". All commissioners voted yes.

CONSIDER CONSENT TO APPOINT JENNIFER MELITO: Dept. DA :  
ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **consent to the appointment** of Jennifer Melito as requested. All commissioners voted yes.

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH GMCO CO.:  
ACTION: Mr. Becker moved and Mr. Bergeman seconded that the Board **approve the contract** as presented. All commissioners voted yes.

CONSIDER LEASE WITH COMMUNITY OF CARING FOR DSS OFFICES IN ASPEN MINE CENTER:  
ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve the contract and authorize Jeremy Huffman to sign** as presented. All commissioners voted yes.

CONSIDER LEASE WITH COMMUNITY OF CARING FOR PUBLIC HEALTH OFFICES IN ASPEN MINE CENTER:  
ACTION: Mr. Bergeman moved and Mr. Becker seconded that the Board **approve the contract and authorize Chris Rubin to sign** as presented. All commissioners voted yes.

11:30 LEGAL MATTERS:  
PRESENTING: CHRIS BRANDT, COUNTY ATTORNEY

SCHMIDT : Mr. Brandt reported that the County is still looking for a third arbitrator.

SPRING CREEK: Mr. Brandt stated that the County is a minor participant in this law suit and a settlement is being negotiated.

BOARD OF ASSESSMENT APPEALS: Mr. Brandt reported that briefs have been filed.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 11:34 A.M.

APPROVED \_\_\_\_\_  
Chairman, Board of County Commissioners

ATTEST \_\_\_\_\_  
Clerk & Recorder