

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, TELLER COUNTY, COLORADO,
MARCH 13, 2003. IN ATTENDANCE WERE:

JERRY BERGEMAN, CHAIRMAN
CLARKE BECKER, VICE-CHAIRMAN
BOB CAMPBELL, COMMISSIONER

GREG WINKLER, COUNTY ADMINISTRATOR
CHRIS BRANDT, COUNTY ATTORNEY
JULIANA MESTAS, DEPUTY CLERK & RECORDER

9:15 The Board of County Commissioners of Teller County convened in regular session in the Teller County Centennial Building in Cripple Creek with Chairman Bergeman presiding. Mr. Campbell gave the invocation. The Pledge of Allegiance was led by Mr. Brandt.

MINUTES OF PREVIOUS MEETINGS: Mr. Becker moved and Mr. Campbell seconded that the Board **approve** the minutes from October 10, 2002, as presented. All commissioners voted yes.

Mr. Becker moved and Mr. Campbell seconded that the Board **approve** the minutes from February 13, 2003, as amended. All commissioners voted yes.

Mr. Becker moved and Mr. Campbell seconded that the Board **approve** the minutes from February 27, 2003, as presented. Mr. Becker and Mr. Campbell voted yes. Mr. Bergeman abstained, due to his absence at the meeting.

ACCOUNTS PAYABLE: Mr. Becker moved and Mr. Campbell seconded that the Board **approve** the accounts payable run of February 13, 2003, in the amount of \$261,613.67, as presented. All commissioners voted yes.

BOARD REPORTS: Mr. Campbell gave information regarding his meeting with the Central Front Range Planning Commission and the Twenty-Thirty Plan. He announced the Commission's intent to schedule public meetings.

Mr. Becker gave an update about the Central Front Range Pikes Peak Area Council of Governments. The Council expressed their concerns to the Governor and would have continuing discussions with the Governor's office and the Transportation Commission. Mr. Becker reported that there had been discussions regarding dissolving the Urban Area Policy Committee because of duplication of effort with the Transportation Advisory Committee. Mr. Becker also reported that he would be attending the National Association of Regional Councils Policy Conference in Washington D.C. to speak with Congressional Representatives about the reauthorizations of T-21, Workforce Investment Act, and the Economic Development Administration. He also reported budget cuts from the Pikes Peak Area Agency on Aging, in the amount of \$23,013. Mr. Becker gave information regarding State Treasurer Coffman's intent to use Historical Preservation funds for tourism promotion, and, he also advised of a proposed ballot question regarding Video Lottery Terminals.

Mr. Bergeman spoke about his involvement with the National Association of Counties regarding Public Lands and Gateway Cities. Mr. Bergeman reported that he had received information indicating that the Joint Budget Committee is considering retaining a portion of Limited Gaming Impact funds in the State General Fund. Mr. Bergeman stated his concerns about the potential impact on non-profit organizations.

9:47 TIME RESERVED FOR ELECTED OFFICIALS AND THE PUBLIC WITHOUT PRIOR

APPOINTMENT: Mr. Winkler reported that he had attended a meeting of the Energy Mineral Impact Assistance Committee to assist in presenting a grant request from Teller County in the amount of \$155,000.00 for repairs to the Hay Creek Bridge and Teller County Road One. The City of Victor also presented a grant request in the amount of \$24,000.00 for communication upgrades. Both grants were fully funded.

Mr. Winkler read a letter commending Linda Wiedman, Records Specialist for the Assessor's Office.

9:53 CONSIDER REQUEST TO ESTABLISH AN EMERGENCY FOOD ASSISTANCE PROGRAM:

PRESENTING: MARY BIELZ, EXECUTIVE DIRECTOR FOR COMMUNITY OF CARING, TED BORDEN, COORDINATOR FOR THE ASPEN MINE CENTER

Ms. Bielz and Mr. Borden asked the Board to establish a Commodities Program for Teller County. Ms. Bielz stated that Community of Caring would be the record-keeping agency for the program. Ms. Bielz explained that the program's purpose was to use non-perishable surplus food, provided by the Federal Government, for low-income families and individuals. Ms. Bielz requested that the Board endorse Community of Caring as the lead agency. Ms. Bielz asked that the Board approve an agreement with Community of Caring establishing Teller County as the fiscal agent.

Sheryl Decker, Assistant County Administrator, explained the terms of the agreement.

ACTION: Mr. Campbell moved and Mr. Becker seconded that the Board **approve** the agreement. All commissioners voted yes.

Recess

10:10 CONSIDER APPEAL BY COLORADO CLASSIC LOG HOMES, II, LTD OF THE TELLER COUNTY BOARD OF REVIEW DECISION:

PRESENTING: RICHARD RADEKE, BUILDING OFFICIAL

Mr. Radeke stated that this matter was being brought before the Board as under the appeals process of the Building Code. Mr. Radeke reported that the matter had been heard at the February 5, 2003 Board of Review meeting. Colorado Classic Log Homes, II, Ltd. was represented at the hearing to dispute the complaint filed by Jim and Sara Bohanan. The Board of review voted to revoke the residential homebuilder's license based on violations of Section 107(b) of the Building Code.

Mr. Michael Smith, representing Colorado Classic Log Homes, II, Ltd., stated that the contract had not been abandoned, but that the dispute was over payment of funds. He reported that the compaction test had been done improperly. Mr. Smith gave information regarding the history of the matter and he stated that no deviations from the plans had been made.

Eric Mitchell, Chief Engineer for Colorado Engineering, presented information regarding his site visit and his recommendations for repair. He stated that standards for compaction and soil reports vary.

Ron Frindt, Attorney for Mr. and Mrs. Bohanon, spoke to represent the homeowners. Mr. Frindt stated that a packet of 137 documents was presented at the initial hearing. He summarized information and correspondence in support of the Board of Review's decision.

Mr. Smith responded to Mr. Frindt's comments and restated his position.

Phil Swan, Divide, gave his support for Colorado Classic Log Homes, II, Ltd.

Mr. Brandt advised the Board its decision is to be based on the record, and that the matter could not be referred back to the Board of Review for clarification or further testing.

Mr. Becker moved and Mr. Campbell seconded that the Board **affirm** the decision of the Board of Review. Mr. Becker and Mr. Campbell voted yes. Mr. Bergeman voted no.

12:00 COMMISSIONER'S BUSINESS ITEMS:

PRESENTING: GREG WINKLER, COUNTY ADMINISTRATOR

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH TELLER 2 WAY:

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

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH ARKO EXECUTIVE SERVICES, WEST, INC.:

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

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH ARAMARK FOOD SERVICES:

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

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH CORRECTIONAL HEALTHCARE MANAGEMENT INC:

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

CONSIDER OFFER FROM COLORADO DEPARTMENT OF TRANSPORTATION TO OBTAIN TWO LAND PARCELS:

Mr. Winkler reported that parcel 213X has a fair market value of \$33,00.00. Parcel 215X has a fair market value of \$9,000.00.

No action was taken.

CONSIDER PROFESSIONAL SERVICES AGREEMENT WITH KNS COMMUNICATIONS LTD:

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

CONSIDER RESOLUTION DESIGNATING AN ADDITIONAL COUNTY ZONING OFFICIAL FOR THE PURPOSES OF CODE ENFORCEMENT:

ACTION: Mr. Becker moved and Mr. Campbell seconded that the Board **approve resolution number seven**. All commissioners voted yes.

CONSIDER RESOLUTION DESIGNATING THE COUNTY ZONING OFFICIAL AND BUILDING INSPECTOR:

ACTION: Mr. Campbell moved and Mr. Becker seconded that the Board **approve resolution number eight**. All commissioners voted yes.

12:10 LEGAL MATTERS:

PRESENTING: CHRIS BRANDT, COUNTY ATTORNEY

JAMES P. BOYLE V. ROBER M. CASTENDEDA, ET AL:

Teller County has filed a disclaimer regarding the Quiet Title Action.

PATTEN V. TELLER COUNTY:

The Court of Appeals has dismissed the appeal.

12:15 EXECUTIVE SESSION:

ACTION: Mr. Becker moved and Mr. Campbell seconded that the Board go into Executive Session to have discussions under Section 4(a) a regarding the purchase, acquisition, lease, transfer or sale of property including the Catamount property; under Section 4(e) to discuss negotiating strategies and positions and instructing negotiators including Catamount; under Section 4(f) to have discussions regarding personnel matters; and under Section 4(b) for the purposes of receiving legal advice on these, impact fees, pending litigation, and other specific legal questions, all under C.R.S. Section 24-6-402, with the Board, Mr. Brandt, and Mr. Winkler in attendance. All commissioners voted yes.

The Board reconvened in regular session and reported that no matters were adopted and no formal actions were taken in executive session.

Mr. Campbell discussed that prior part time determination was erroneous being based on inaccurate information, and therefore that the Coroner's position was currently classified part-time based on inaccurate information.

ACTION: Mr. Campbell moved and Mr. Becker seconded that the Coroner's position be considered full-time at the full salary prescribed in Colorado Revised Statutes. All commissioners voted yes.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 12:52 P.M.

APPROVED _____
Chairman, Board of County Commissioners

ATTEST _____
Clerk & Recorder