

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, TELLER COUNTY, COLORADO, JULY 10, 2003. IN ATTENDANCE WERE:

JERRY BERGEMAN, CHAIRMAN CLARKE BECKER, VICE-CHAIRMAN
BOB CAMPBELL, COMMISSIONER
GREG WINKLER, COUNTY ADMINISTRATOR
CHRIS BRANDT, COUNTY ATTORNEY
PATRICIA CROWSON, 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. Bergeman gave the invocation. The Pledge of Allegiance was led by Robert Moody.

MINUTES OF PREVIOUS MEETINGS:

ACTION: Mr. Campbell moved and Mr. Becker seconded **approval** of the March 27, 2003 minutes. All commissioners voted yes.

Mr. Campbell addressed the June 12 minutes indicating that “Department of Gaming” should be Division of Gaming.

ACTION: Mr. Campbell moved and Mr. Becker seconded **approval** of the June 12, 2003 minutes as corrected. All commissioners voted yes.

ACCOUNTS PAYABLE:

ACTION: Mr. Becker moved and Mr. Campbell seconded that the Board **approve** the accounts payable run of June 10, 2003 in the amount of \$241,656.74.41 as presented. All commissioners voted yes.

BOARD REPORTS:

Mr. Campbell reported on an ongoing planning process for the Central Front Range Planning Committee for the Department of Transportation. Inventory has been formatted concerning the whole region as far as existence and types of roads and goals. Objectives and planning are in the process. Designations for some of the roads in this county look promising as far as how they eventually might be ranked for future improvements. These are future plans to meet the next set of obligations that Department of Transportation wants to make.

Mr. Campbell reminded everyone of events happening this weekend, i.e. Woodland Park Rodeo, Pikes Peak Folk Festival in Divide along with activities in Cripple Creek and Victor.

Mr. Bergeman indicated that there have been discussions regarding Hwy 67 and County Road 81. Mr. Winkler said that as far as improvements go, everything has been planned, however, due to the state budget and the actions of the legislature, the amount of money has been severely cut from gaming funds to CDOT, which impacts that intersection. Improvements at this intersection have been approved by CDOT for the last 18 months however, with the delay in funding and the uncertainty of next year’s funding, it may be a few years out before the funds are available through gaming in order to make the improvements. The Board has asked that Mr. Winkler inquire regarding an illuminating light at that corner. He has spoken to CDOT and a quote is forthcoming. Mr. Bergeman inquired

concerning an acceleration lane coming off of County Road 81. Mr. Campbell advised that some funds have been released.

Mr. Becker indicated that he has chaired his last PPACG meeting yesterday. The Transportation Improvement Plan was approved for 2004 - 2009. Not included in those numbers is \$125,000,000 that the Transportation Commission decided to go out to bond and re-evaluate money for Hwy 25. Concerning the Energy Mineral Funds and Technical Assistant Grants, which have gone through the Pikes Peak Area Council of Governments in the past, which Teller County has been the recipient of some of that money; unfortunately that money is not available, but because some of that money has been freed, they are now accepting grants for specific projects. Therefore, PPACG is applying for a grant for around \$40,000 to get a growth management approach as to city boundaries of the entire region. Mr. Becker along with Jane Mannon from the Victor/Cripple Creek Gold Mine, will be going to the San Luis Valley to address commissioners from six of those counties concerning cyanide and the gold mine's issues. Mr. Becker will also be going to the Fremont County EDC for a presentation concerning video lottery terminals.

Mr. Bergeman indicated an e-mail had been received from Pitkin County in reference to cyanide leach mining. Their administrator indicated that that county had received numerous letters from concerned citizens regarding open pit mining and the impacts of cyanide. Cripple Creek/Victor Gold Mine is the only open pit mine that uses cyanide leach as a process and is a zero discharge facility. Therefore, there is no need to mitigate since there is no discharge. Mr. Bergeman received a thank-you letter from Sherry Porter in the court clerk's office thanking the facilities office for their response during the lightning storm and to the Sheriff's office during the Jimenez trial for securing the building and keep the process moving. Mr. Bergeman indicated that the hospital raffle is on-going and tickets are still available. The early bird drawing is on July 19 at the Elk's Lodge at 7pm.

Mr. Campbell advised the Board that the Department of Local Affairs has been asked to assist in getting public input and a meeting will be held in regions that have statutory cities of less than 5,000 people. Meeting will be announced concerning the CDOT planning process.

9:25 TIME RESERVED FOR ELECTED OFFICIALS, DEPARTMENT HEADS AND PUBLIC WITHOUT AN APPOINTMENT

Mrs. Crowson, Clerk & Recorder, thanked the Information Technology Department for their efforts during the lightning storm in keeping her office's recording up and running.

Victor Smith, a teacher at Woodland Park High School, announced his intentions as a candidate for Mr. Becker's commissioner vacancy.

9:45 EMPLOYEE SERVICE AWARDS

PRESENTING MR. BERGEMAN AND BERRY PFLUG AND BRAD SHAW,
TRANSPORTATION DEPARTMENT

They presented Bob Blunt, Equipment Operator I, with his 5-Year Service Award.

PRESENTING CONNIE JOINER, TREASURER

Mrs. Joiner presented Deborah Petty with her 5-Year Service Award.

9:44 COMMISSIONERS BUSINESS ITEMS

PRESENTING GREG WINKLER, COUNTY ADMINISTRATOR

CONSIDER RENEWAL OF THE CONSUMER PROTECTION
ENVIRONMENTAL HEALTH OFFICER PROGRAM

This is a renewal of the Consumer Protection Division contract from July 1, 2003 to June 30, 2004. This is a contract where the state pays Teller County to provide for the inspections of restaurants. The contract amount is \$21,752. which pays for the inspection of restaurants, camps and schools through one of the individuals in the Environmental Health office.

ACTION: Mr. Campbell moved and Mr. Becker seconded to **approve** the contract and authorize the Chair to sign. All commissioners voted yes.

CONSIDER PROFESSIONAL SERVICES AGREEMENT WITH MESA
PAVING, INC.

This is an agreement regarding the Parks Division/Facilities, by the BOCC with Mesa Paving, Inc. effective July 25, 2003 with an expiration date of September 15, 2003. This is for the installation of bridge, abutments and parking area and to coordinate toilet installation. The cost of the contract is \$51,742.96. All of the funds related to this contract are funds that have been acquired through Conservation Trust Fund grants. This is Phase I of the 4 Mile Park construction.

ACTION: Mr. Becker moved and Mr. Campbell seconded to **approve** the agreement as presented. All commissioners voted yes.

9:45 LEGAL MATTERS:

PRESENTING CHRIS BRANDT, COUNTY ATTORNEY

Chrisbens Bankruptcy: The County received a notice from the Bankruptcy Trustee for an application to sell certain weapons back to Mr. Chrisbens. The objection deadline is July 24, 2003. They were weapons Mr. Chrisbens owned at the time of bankruptcy, so they became assets of the bankruptcy estate.

Mr. Brandt referred to a copy of a letter to Mr. Bowles, which is in the commissioners' files.

9:50 PRESENTING GREG WINKLER, COUNTY ADMINISTRATOR
CONSIDER ADDITIONAL ADMINISTRATIVE MATTERS RECEIVED
AFTER AGENDA DEADLINES:

APPOINTMENT OF BUD ROBINSON TO THE PLANNING COMMISSION

Mr. Winkler asked the board to appoint Bud Robinson, an alternate member of the Planning Commission, to be a regular member of the commission to take over the term that was vacated by Mr. Tom King.

ACTION: Mr. Becker moved and Mr. Campbell seconded to **appoint** Bud Robinson as a regular member for the remainder of his existing term to the Teller County Planning Commission effective immediately, for the record of his existing terms. All commissioners voted yes.

APPOINTMENT OF DONALD PHILLIPS AS ALTERNATE MEMBER TO THE PLANNING COMMISSION

ACTION: Mr. Becker moved and Mr. Campbell seconded **approval** of the appointment of Donald Phillips as an alternate member to the Planning Commission and his term to commence upon his resignation from his present position on the Board of Adjustment. All commissioners voted yes.

10:00 **RESOURCE EXCHANGE:** CONSIDER A REQUEST TO APPROVE A RESOLUTION PLACING A PROPERTY TAX INCREASE ISSUE FOR THE PURPOSES OF PROVIDING AND PURCHASING SERVICES AND SUPPORT FOR TELLER COUNTY'S DEVELOPMENTALLY DISABLED CITIZENS AND/OR THOSE WITH MENTAL RETARDATION ON THE NOVEMBER 4, 2003 GENERAL ELECTION BALLOT

PRESENTING BOB GARDNER, ATTORNEY FOR THE RESOURCE EXCHANGE, STEVE HALL, EXECUTIVE DIRECTOR OF THE RESOURCE EXCHANGE, KYLE BLAKLEY AND SARA JACK

Mr. Winkler read the resolution. It provides for referral for approval of the registered voters at PAGE 4 OF 6, BOCC 07-10-03

the November 4, 2003 coordinated election. The ballot issue concerns a property tax increase for services and support for this county's developmentally disabled citizens.

Robert Moody, Westwood Lake Estates, commented on the wording of the ballot issue.

Bill Buckhanan supported the Resolution, however he had questions concerning distribution of money.

George Parkhurst, Woodland Park, wanted to know what level of service would be provided.

Debra Doyle, Woodland Park, spoke as a parent who receives funding from the Resource Exchange.

ACTION: Mr. Becker moved and Mr. Campbell seconded to **approve Resolution #07-10-03(25)** as presented. All commissioners voted yes.

Recess

10:50 **CDS - PLANNING:** CONTINUED FROM THE JUNE 12, 2003

HEARING TO CONSIDER A REQUEST FROM DAVID UNRUH ON BEHALF OF BARRY PARK AND DAVID UNRUH FOR A SUBDIVISION EXEMPTION TO ADJUST THE COMMON PROPERTY LINE BETWEEN PROPERTIES LEGALLY DESCRIBED AS THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 251, TOWNSHIP 12 S, RANGE 69W OF THE 6TH PM

PRESENTING PAUL CLARKSON, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES

ACTION: Mr. Campbell moved and Mr. Becker seconded to **approve Resolution #07-10-03(26)** as presented. All commissioners voted yes.

10:55 FINANCE: CONSIDER REQUEST TO APPROVE RESOLUTIONS AMENDING THE TELLER COUNTY 2003 FISCAL YEAR BUDGET PRESENTING LAURIE LITWIN, COUNTY BUDGET OFFICER

This is a resolution to amend the 2003 General, Road & Bridge and Capital Projects fund budgets.

ACTION: Mr. Becker moved and Mr. Campbell seconded to **approve Resolution #07-10-03(27)** as presented. All commissioners voted yes.

This is a resolution to amend the 2003 General Fund Budget for Teller County.

ACTION: Mr. Becker moved and Mr. Campbell seconded to **approve Resolution #07-10-03(28)**. All commissioners voted yes.

This is a resolution to adjust the 2003 Wastewater Utility Enterprise Fund Budget for Teller County.

ACTION: Mr. Becker moved and Mr. Campbell seconded to **approve Resolution #07-10-03(29)** as corrected. All commissioners voted yes.

This is a resolution to amend the 2003 Employee Benefits Fund Budget for Teller County.

ACTION: Mr. Campbell moved and Mr. Becker seconded to **approve Resolution #07-10-03(30)**. All commissioners voted yes.

This is a resolution to amend the 2003 General and Road and Bridge Fund Budgets for Teller County.

ACTION: Mr. Campbell moved and Mr. Becker seconded to **approve Resolution #07-10-03(31)**. All commissioners voted yes.

11:15 ADMINISTRATION: SECOND READING OF PROPOSED TELLER COUNTY ORDINANCE 12, REGARDING A PROGRAM FOR THE IMPLEMENTATION OF OPEN FIRE BANS WITHIN THE UNINCORPORATED AREAS OF TELLER COUNTY WHEN NEEDED PRESENTING GREG WINKLER, COUNTY ADMINISTRATOR

Mr. Winkler recognized for the record, that Sheryl Decker has done all of the work concerning this ordinance. The Board will then consider a resolution intended to implement the open fire ban authorized by Ordinance #12 which restricts open burning in unincorporated areas of Teller County and is effective beginning July 10, 2003 and remains in effect until amended or rescinded.

ACTION: Mr. Campbell moved and Mr. Becker seconded to **approve the adoption of Ordinance #12** as presented. All commissioners voted yes.

Mr. Winkler read a resolution implementing a fire ban under Ordinance #12 into the record and asked that it be approved.

Rick Langenberg, reporter at the Mountain Jackpot, asked questions regarding regulations.

ACTION: Mr. Becker moved and Mr. Campbell seconded **approval** of **Resolution #07-10-03(32)** as presented. All commissioners voted yes.

11:20 TRANSPORTATION: CONSIDER ADOPTION OF SPEED LIMITS ON TELLER COUNTY ROAD 11 BETWEEN TELLER COUNTY ROAD 112 AND TELLER COUNTY ROAD 1

PRESENTING BRYAN KINCAID, CDOT

The Board of County Commissioners, through a traffic investigation as specified in the Manual of Uniform Traffic Control Devices, would be establishing speed limits on portions of County Road 11.

ACTION: Mr. Campbell moved and Mr. Becker seconded to **approve Resolution #07-10-03(33)** as presented. All commissioners voted yes.

11:25 ADMINISTRATION: STATUS UPDATE AND CONSIDERATION OF AN EXTENSION OF THE AUTHORIZATION FOR THE TEMPORARY WASTE TRANSFER STATION PERMITS

PRESENTING GREG WINKLER, COUNTY ADMINISTRATOR

This is a resolution to allow for extension of temporary waste-transfer facilities until September 11, 2003.

Paul Clarkson addressed Mr. Becker's question as to delay of the meeting on the 13th. He stated nothing had been done in June by Woodland Landscape Material.

ACTION: Mr. Campbell moved and Mr. Becker seconded to **approve Resolution #07-10-03(34)** as presented. Mr. Campbell voted no, Mr. Becker and Mr. Bergeman voted yes.

11:38 EXECUTIVE SESSION:

ACTION: Mr. Becker moved and Mr. Campbell seconded that the Board go into executive session pursuant to CRS 24-6-402 in order to have discussion concerning the lease, transfer or sale of property interests including Catamount under Section 4(a), and to have discussions regarding the determination of negotiating strategies and positions and instructing negotiators pursuant to Section 4(e), and to have discussions with the County Attorney for the purpose of receiving legal advice on these and other specific legal questions under Section 4(b), with the Board, the County Attorney and Mr. Winkler in attendance. All commissioners voted yes.

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

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 1:05 P.M.

APPROVED _____
Chairman, Board of County Commissioners

ATTEST _____
Clerk & Recorder