

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, TELLER COUNTY, COLORADO, NOVEMBER 20, 2003. IN ATTENDANCE WERE:

JERRY BERGEMAN, CHAIRMAN BOB CAMPBELL, VICE-CHAIRMAN
JIM IGNATIUS, COMMISSIONER
GREG WINKLER, COUNTY ADMINISTRATOR
CHRIS BRANDT, COUNTY ATTORNEY
PATRICIA CROWSON, CLERK & RECORDER

9:20 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. Ignatius gave the invocation. The Pledge of Allegiance was led by Mr. Winkler.

MINUTES OF PREVIOUS MEETINGS: No minutes were available.

ACCOUNTS PAYABLE:

ACTION: Mr. Campbell moved and Mr. Ignatius seconded that the Board **approve** the accounts payable run of November 19, 2003 in the amount of \$609,876.88 as presented. All commissioners voted yes.

BOARD REPORTS - LEGISLATIVE UPDATE:

Mr. Ignatius advised that he and Mr. Campbell participated in a DHS state supervisor new commissioner's orientation. Mr. Ignatius also congratulated Sharon Quay and her staff on the opening of the Woodland Park library.

Mr. Campbell reiterated the accounts of Mr. Ignatius' and his invitation last week to be a part of the "Colorado 100", which is a series of meeting sponsored by The Bighorn Group. The Group is taking financial issues to forums to discuss with elected officials, community leaders, school boards, etc. such issues as TABOR, Amendment 23, etc. to talk over what works and what does not.

Mr. Bergeman reported on Colorado Counties Inc., which is an organization of all but two counties in Colorado. The CCI Board was informed that the City and County of Denver had joined. The CCI Board got together to discuss dues and the fact that the National Association of Counties will be in Denver for one of their annual meetings in 2006; and that \$20,000. be taken each year of Denver's dues and put towards supporting that conference.

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

Richard Harrison, Florissant resident, stated that he had seen a Teller County truck with a portable welding unit on it in his neighbor's driveway, and had seen dirt being dumped on his neighbor's property. He believes welding was being done in the basement of that house. Mr. Harrison questioned why this work was being done at a private residence by county employees.

The commissioners advised that it would be looked into and that Mr. Harrison would be contacted.

9:30 EMPLOYEE SERVICE AWARD:

PRESENTING PATRICIA CROWSON, CLERK AND RECORDER

Mrs. Crowson, Clerk and Recorder, presented Joan Hendricks with a 20-Year Service Award.

9:35 COMMISSIONERS BUSINESS ITEMS:

PRESENTING GREG WINKLER, COUNTY ADMINISTRATOR

CONSIDER ACCEPTANCE OF THE THIRD QUARTER PUBLIC TRUSTEE REPORT

ACTION: Mr. Campbell moved and Mr. Ignatius seconded to **accept** the report and authorize the Chair to sign. All commissioners voted yes.

CONSIDER CONTRACT WITH THE U.S. FOREST SERVICE REGARDING THE HARVESTING OF LUMBER IN THE HAYMEN BURN AREA

This is an agreement between the Forest Service and Teller County in order to provide monies for harvest timber sale that is going to take place in the Haymen area. The Forest Service will pay Teller County \$23,100. in magnesium chloride chemicals in order to have that applied to roads that effect the area where the logging will take place. They have also allocated \$21,150. in the event it is needed to make repairs to the paved or chip and seal portion of Wildhorn Road caused by the logging trucks.

ACTION: Mr. Campbell moved and Mr. Ignatius seconded **approval** of the contract and have the commissioners sign the Agreement. All commissioners voted yes.

CONSIDER AMENDMENT TO AGREEMENT WITH KEWIT, COLORADO SPRINGS UTILITY, ERS AND TELLER COUNTY REGARDING LOWER TWIN ROCKS ROAD

This is a settlement agreement and release of any further settlements among the four parties. This nets Teller County approximately \$46,000. in agreed upon settlement amounts from Colorado Springs Utilities, ERS and Kewit. This concerns the Twin Rocks Road and County Road 42.

ACTION: Mr. Ignatius moved and Mr. Campbell seconded to **approve** the agreement as amended and authorize the Chair to sign. All commissioners voted yes.

RATIFICATION OF RESCISSION OF RESOLUTION 10-29-2003(52) CONCERNING FIRE BAN

The Resolution rescinds and repeals Teller County Resolution numbers 7-10-2003(32) and 10-29-2003(52) effective November 17, 2003.

ACTION: Mr. Campbell moved and Mr. Ignatius seconded **approval** of **Resolution 11-20-03(55)**. All commissioners voted yes.

9:45 LEGAL MATTERS

PRESENTING CHRIS BRANDT, ATTORNEY

No report.

Recess

10:00 OFFICE OF THE SHERIFF: INTRODUCTION OF THE MODEL TRAFFIC CODE ORDINANCE

PRESENTING DEPUTY SHERIFF JAY BARNES

The ordinance adopts by reference the 2003 edition of the "Model Traffic Code" and repealing all ordinances in conflict and providing penalties for violation.

ACTION: Mr. Ignatius moved and Mr. Campbell seconded **approval** of the first reading and to go forward with publication, and for a second reading on December 11, 2003 and to become law on January 16, 2004. All commissioners voted yes.

EXECUTIVE SESSION:

ACTION: Mr. Campbell moved and Mr. Ignatius seconded to go into Executive Session to have discussions regarding determining negotiating strategies and positions and instructing negotiators under Section 4e regarding the Schmidt Construction and Colorado Classic litigation including, but not limited to those, and to have conferences with the county attorney with the purpose of receiving legal advice on those and other specific legal questions under Section 4b, both 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 stated that no matters were adopted and no formal actions were taken in executive session.

Colorado Classic Log Homes II, Ltd v The Teller County Building Department, the Board of Review of the Teller County Building Department, and the Teller County Board of County Commissioners

Attorney Brandt advised that there was a Rule 106 appeal by Colorado Classic Log Homes of the Board's March 13, 2003 decision to revoke the license of that contractor. Judge Lohr, in his decision of October 23, 2003, found one of the three bases for the Board's decision to be unconstitutional and he could not determine from the record what action this Board would have taken based on the other two reasons upon which the Board acted, so the Judge has remanded the matter back to the Board to consider what action to take on the license based on the two proper provisions and not on the third improper provision. This matter needs to be rescheduled for a further hearing.

ACTION: Mr. Campbell moved and Mr. Ignatius seconded to have the County Administrator place the matter back on the agenda to reconsider the process. All commissioners voted yes.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 10:50 A.M.

APPROVED _____

Chairman, Board of County Commissioners

ATTEST _____

Clerk & Recorder