

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, TELLER COUNTY, COLORADO, MAY 27, 2004. 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

9:00 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. Mr. Winkler led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETINGS: Minutes from May 13, 2004 were available.

ACTION: Mr. Ignatius moved and Mr. Campbell seconded **approval** of the May 13, 2004 minutes with corrections. All commissioners voted yes.

ACCOUNTS PAYABLE:

ACTION: Mr. Campbell moved and Mr. Ignatius seconded that the Board **approve** the accounts payable run of May 25, 2004 in the amount of \$428,189.48 as presented. All commissioners voted yes.

BOARD REPORTS - LEGISLATIVE UPDATE:

Mr. Ignatius:

Mr. Ignatius announced ribbon cutting for new businesses in Teller County. He thanked the volunteers who contributed to the successful Colorado State Forest Service's Cultural Center event.

Superintendent of RE-2 schools, John Pacheco's retirement party was on May 19<sup>th</sup>. Tomorrow is the Rocky Mountain Dinosaur Resource Center's ribbon cutting at 9:15 a.m.

The 4-Mile Park opening is Saturday, May 29<sup>th</sup>. There will be a "branding of the bridge" ceremony.

Mr. Campbell:

On June 1<sup>st</sup> at 5:00 p.m. at the Cripple Creek City Council Meeting, the Forest Service will have a public input meeting concerning the opening or non-opening of Gold Camp Road. The Forest Service is going through a study whether Tunnel 3 should be repaired.

Last week the commissioners testified to the Gaming Commission regarding County budgets, finances, taxes, etc.

Last Saturday the commissioners were invited to Arabian Acres and Trout Haven Homeowner's annual meeting and spoke to those present.

Mr. Bergeman:

Yesterday Community Health, which has changed its name to Peak Vista Community Health Center, had an opening of the Senior Health Clinic in Colorado Springs. The reason this is important to Teller County is that they provide medical care to those who cannot access it. The Center has a clinic in Divide and the Aspen Mine Center in Cripple Creek and provides much needed medical services to Teller County.

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

PRESENTING CURT LOGSDON, DIRECTOR TELLER COUNTY TRANSPORTATION

This resolution establishes off-highway vehicle routes on certain county roads due to road damage and flooding because of the Hayman fire. These roads include parts of Trail Creek Road and County Road 51/Cedar Mountain Road.

**ACTION:** Mr. Campbell moved and Mr. Ignatius seconded to **approve Resolution 5-27-04(25)** as presented. All commissioners voted yes.

Phil Ogden, attorney for Kenneth Mirise, asked to have the opportunity to address Item #12. Mr. Mirise wanted assurance that the resolution would not affect the Rideout Ranch. He was assured he would have the opportunity to speak during that agenda item.

9:30 EMPLOYEE SERVICE AWARDS:  
PRESENTING AL JORDAN, ASSESSOR

Mr. Jordan presented Sylvia Goff, chief appraiser, with a 15-Year Service Award.

9:35 CLERK AND RECORDER:

PRESENTING CHRISTI HEPPARD, CHIEF DEPUTY  
CONSIDER REQUEST FOR TRANSFER OF LIQUOR LICENSE FOR CLEATS BAR AND GRILL, INC., DBA CRYSTOLA BAR AND GRILL

Sally Clark, applicant, was present.

**ACTION:** Mr. Ignatius moved and Mr. Campbell seconded to **approve** the transfer of liquor license. All commissioners voted yes.

9:40 COMMISSIONERS BUSINESS ITEMS:

PRESENTING GREG WINKLER, COUNTY ADMINISTRATOR

CONSIDER APPROVAL OF CONTRACT WITH THE STATE OF COLORADO FOR THE 2004-2005 ENVIRONMENTAL HEALTH PROGRAM

This contract affords Teller County \$21,752. from July 1, 2004 to June 30, 2005.

This is that portion that the State pays Teller County for the inspections of restaurants in the county.

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

CONSIDER APPROVAL OF APPLICATION TO U.S. DEPARTMENT OF AGRICULTURE TO ADD TELLER COUNTY TO SANGRE DE CRISTO RESOURCE CONSERVATION AND DEVELOPMENT AREA

This is an application made by the County that must be approved by the U.S. Secretary of Agriculture. This allows for the local NRCS district to apply for additional grant resources to assist in soil conservation, water development and resources towards the Hayman burn area.

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

CONSIDER APPROVAL OF CONTRACT WITH THE STATE OF COLORADO  
FOR 2004-2005 PUBLIC HEALTH NURSING CONTRACT

This contract affords the County \$37,186.42 to offset the cost of providing public health, nurses and the services they provide to the citizens of the County.

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

CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH  
COLORADO STRIPE WRIGHT, LTD

This contract provides for annual striping of the County's hard service roads in the amount of \$38,675.

**ACTION**: Mr. Campbell moved and Mr. Ignatius seconded to **approve** the professional services agreement and direct the Chair to sign. All commissioners voted yes.

CONSIDER ACCEPTANCE OF RESIGNATION OF PHYLLIS KINCADE,  
CAROLINE HAIRE AND BART TAALASEN AS MEMBERS OF THE  
RAMPART LIBRARY DISTRICT AND APPROVE SANDY KING AND  
SYLVIA MOODY AS MEMBERS OF THE BOARD OF DIRECTORS OF THE  
RAMPART LIBRARY DISTRICT

**ACTION**: Mr. Ignatius moved and Mr. Campbell seconded to **accept** the resignations and approve the appointments as presented. All commissioners voted yes.

CONSIDER APPROVAL OF ONE SUBCONTRACT BETWEEN THE  
UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER AND THE  
PIKES PEAK WORKFORCE CENTER  
PRESENTING VYDIA GARCIA TORRES

**ACTION**: Mr. Campbell moved and Mr. Ignatius seconded to **approve** the subcontract as presented and direct the Chair to sign. All commissioners voted yes.

CONSIDER APPROVAL OF EXPENDITURE AUTHORIZATION  
MODIFICATION TRANSFERRING \$200,000. FROM THE DISLOCATED  
WORKER PROGRAM TO THE ADULT PROGRAM  
PRESENTING VYDIA GARCIA TORRES

**ACTION**: Mr. Campbell moved and Mr. Ignatius seconded to **approve** the transferring of funds as presented and direct the Chair to sign. All commissioners voted yes.

9:55 **ASSESSOR**:

CONSIDER REQUEST FOR ABATEMENT FROM DAVID AND MARGARET  
NOLTE ON PROPERTY LEGALLY DESCRIBED AS: L8 DIVIDE RANCHES 1  
PRESENTING AL JORDAN, ASSESSOR

Mr. Nolte was present.

**ACTION**: Mr. Ignatius moved and Mr. Campbell seconded to **approve** Abatement #04-037 as presented. All commissioners voted yes.

9:56 COMMISSIONERS BUSINESS ITEMS, CONT'D:  
PRESENTING GREG WINKLER, COUNTY ADMINISTRATOR

CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH  
FITNESS SCIENCES, LLC

This is for health assessment and fitness programs. The effective date of the contract is May 1, 2004 and expires December 31, 2004. The contract amount is \$30.00 per hour, not to exceed the budgeted amount in each grant.

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

CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH  
JERIANNE HEIMENDINGER DBA JERIANNE HEIMENDINGER  
ENTERPRISES

This is for nutritional education, consulting and assessment. The contract amount is \$100. per hour not to exceed the budgeted amount in each grant.

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

CONSIDER ACCEPTANCE OF CONTRACT BETWEEN COLORADO  
DEPARTMENT OF TRANSPORTATION AND THE CENTRAL FRONT  
RANGE REGIONAL PLANNING COMMISSION

Teller County acts as the fiscal agent for the Central Front Range Regional Planning Commission for monies to be used between CDOT and the Regional Planning Commission. All the expenses and revenues come through the County and funds are administered by the County.

**ACTION:** Mr. Campbell moved and Mr. Ignatius seconded to **approve** the Agreement of Assignment including changes requested by the County that may be included and authorize the Chair to sign. All commissioners voted yes.

CONSIDER ADDITIONAL ADMINISTRATIVE MATTERS RECEIVED AFTER  
AGENDA DEADLINES

APPOINT DALE THOMPSON AS A REGULAR MEMBER TO THE TELLER  
COUNTY PLANNING COMMISSION:

This position is by statute a three-year term.

**ACTION:** Mr. Ignatius moved and Mr. Campbell seconded the **appointment** of Mr. Thompson as a regular member of the Planning Commission. All commissioners voted yes.

10:05 CSDS-BUILDING:  
PRESENTING LYNDA MORGAN

CONSIDER TO AMEND ARTICLE II, SECTION 102.h OF THE TELLER  
COUNTY BUILDING CODE CONCERNING LETTERS OF REFERENCE

**ACTION:** Mr. Campbell moved and Mr. Ignatius seconded to **approve Resolution 5-27-04(26)** as presented. All commissioners voted yes.

10:10 CDS-D-BUILDING:

PRESENTING LYNDA MORGAN

CONSIDER TO AMEND ARTICLE II, SECTION 104.a OF THE TELLER COUNTY BUILDING CODE CONCERNING EXPERIENCE

**ACTION:** Mr. Campbell moved and Mr. Ignatius seconded to **approve Resolution #5-27-04(27)**. All commissioners voted yes.

10:15 LEGAL MATTERS

PRESENTING CHRIS BRANDT, COUNTY ATTORNEY

None

Recess

10:40 ASSESSOR:

PRESENTING AL JORDAN, ASSESSOR

CONSIDER REQUEST FOR ABATEMENT FROM COMMUNITY OF CARING FOUNDATION ON PROPERTY LEGALLY DESCRIBED AS L6R B20 CR CK FREM ADD

Ted Borden with the Aspen Mine Center was present.

**ACTION:** Mr. Ignatius moved and Mr. Campbell seconded to **approve Abatement #04-058** for 2002 in the amount of \$1,443.61 and for 2003 in the amount of \$1,841.88 as presented. All commissioners voted yes.

10:54 CDS-D-PLANNING

PRESENTING TERRI BERNATH

CONSIDER AN AMENDMENT TO A DEVELOPMENT PLAN IN THE PLANNED BUSINESS CENTER (PBC) ZONE DISTRICT FOR KARL SEIFERT AND JEFF SLATER FOR THE ADDITION OF A LOGSMITHING BUSINESS ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF SE ¼ SE ¼, SECTION 31, T12S, R69W, OF THE 6<sup>TH</sup> P.M., TELLER COUNTY

Karl Siefert, Ute Pass County Store property owner, and Jeff Slater were present.

**ACTION:** Mr. Ignatius moved and Mr. Campbell seconded to **approve Resolution #5-27-04(28)** as presented. All commissioners voted yes.

11:10 CDS-D-PLANNING:

PRESENTING TERRI BERNATH

Ken Klco, representative of Fremont County.

CONSIDER AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR MINING FOR PHANTOM CANYON GRAVEL PIT BY FREMONT COUNTY ON A 9.8 ACRE TRACT OF LAND OWNED BY THE COLORADO STATE LAND BOARD LEGALLY DESCRIBED AS A PORTION OF SECTION 16, T16S, R69W, OF THE 6<sup>TH</sup> P.M., TELLER COUNTY

**ACTION:** Mr. Ignatius moved and Mr. Campbell seconded to **approve Resolution #5-27-04(29)** as presented. All commissioners voted yes.

11:15 CLERK AND RECORDER:

PRESENTING JULIE MESTAS, SUPERVISOR

CONSIDER APPLICATION FOR 3.2% BEER LICENSE FROM DIVIDE VENTURE FOODS, LLC, DBA DIVIDE VENTURE FOODS

Orin LaGree, owner, was present.

**ACTION**: Mr. Campbell moved and Mr. Ignatius seconded to **approve** the application. All commissioners voted yes.

11:20 **DEPARTMENT OF TRANSPORTATION:**  
**PRESENTING CURT LOGSDON, DIRECTOR TELLER COUNTY**  
**TRANSPORTATION**  
**CONSIDERATION OF A RESOLUTION DESIGNATING CERTAIN ROAD**  
**RIGHTS-OF-WAY IN TELLER COUNTY, COLORADO, AS PUBLIC RIGHTS-**  
**OF-WAY AND PUBLIC ROADS UNDER RS 2477**

The following individuals spoke to the resolution:

- Phil Ogden, attorney, representing Kenneth Mirise
- Gil Cannell, Quinlan Gulch
- Jean Garren, Teller County Planning Department
- Ryan Christian, Quaker Ridge Camp
- Dave Bryan, Woodland Park
- Jim Lockhart, Sierra Club

**ACTION**: Mr. Ignatius moved and Mr. Campbell seconded to **approve Resolution 5-27-04(30)** and remove #21 and #22 from the consideration. Mr. Ignatius withdrew his motion after request of counsel.

**ACTION**: Mr. Ignatius moved and Mr. Campbell seconded to **approve Resolution #5-17-04(30)** as presented with the replacement of the text in paragraphs 21 and 22 in each case with the word “deleted”. All commissioners voted yes.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 12:40 p.m.

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

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