

**Minutes of the Proceedings of
The Board of County Commissioners of Teller County, Colorado
May 9, 2024**

In attendance:

Bob Campbell, County Commissioner/Chair
Dan Williams, County Commissioner/Vice-Chair
Erik Stone, County Commissioner
Ross Herzog, County Administrator
Paul Hurcomb, County Attorney
Ashley Headrick, Chief Deputy Clerk & Recorder

1. 9:15 a.m. Convene in Regular Session:

The Board of County Commissioners of Teller County convened in regular session in the Teller County Centennial Building in Cripple Creek, CO.

Mr. Campbell presided.

Mr. Williams gave the invocation.

Mr. Fred Clifford led the Pledge of Allegiance.

Minutes of Previous Meetings:

Action: Mr. Williams moved, and Mr. Stone seconded, to **approve** the minutes of the meeting of the Teller County Board of County Commissioners on April 23, 2024, as presented. All Commissioners voted yes.

Accounts Payable:

Action: Mr. Stone moved, and Mr. Williams seconded, to **approve** the accounts payable run date of May 7, 2024, in the amount of \$736,633.08. All Commissioners voted yes.

Board Reports:

Mr. Stone:

- Commented on the end of the legislative session and the number of bills that attacked local government control and the health, safety and welfare of local citizens.
- The current Board of County Commissioners has been more involved in the legislative process than previous boards and they testified on a number of bills.
- Reported on his work on the Fourth Judicial District Judicial Performance Commission, which is comprised of 7 citizens, including 2 residents of Teller County. The Commission is almost done with its review of 15 judges this cycle, and their reviews will appear in the Blue Book before the elections this Fall.

Mr. Williams:

- Commented on the legislative session and the numerous times the Commissioners traveled to Denver to testify on bills. He noted there were some bipartisan efforts,

but not enough cooperation with local governments.

- Provided an update on his work with the Division of Natural Resources on the futile water rights and noted that the letter issued by the previous State Engineer that changed how futile water rights are handled was withdrawn by the new State Engineer.
- The Commissioners had a groundbreaking ceremony at the Florissant Park for the new playground equipment and upgrades.
- Discussed the planned improvements to the County Fairgrounds.
- The Commissioners attended a recent Woodland Park City Council meeting to meet the new Council.

Mr. Campbell:

- Reported on his work with Colorado Counties, Inc. (CCI) and the Task Force to significantly amend the property tax relief bill, which passed on the last day of the session.
 - Mr. Williams thanked Mr. Campbell for his leadership with CCI and his work at the state level on this important tax issue.
 - Mr. Stone commented on ballot initiatives as a danger to representational democracy.
- Mr. Campbell noted that this week is Public Service Recognition week. Yesterday, the Commissioners met with County employees in their departments to thank them for their service.

Elected Officials Report:

Krystal Brown, Treasurer & Public Trustee

- Thanked the Commissioners for meeting with County employees for Public Service Recognition week.
- Reported there will be new fees for the Public Trustee deeds based on bills passed by the legislature this session.
- Tax collections year are at 72.9% year to date, which is on track.
- Attended the State Treasurer and Public Trustee meeting in Limon in April.
 - The Commissioners thanked Krystal for her work.

Carol Kittleson, Assessor

- Commented on the new property tax bill and the changes her office will need to implement to comply with the bill.
- Reported on the two new employees in her office.
 - The Commissioners thanked Carol for her input and guidance during legislative sessions, which helped them with their testimony on the bills.

Administrator's Report:

Ross Herzog, County Administrator

- Provided an update on the road work, which is a bit behind after the recent storms. The road crews are working hard to get caught up.

- Updated the work on the County Fairgrounds, including ADA improvements and security improvements.
- Mr. Campbell commented on the quick work Public Works did to clear roads after the windstorm on May 6.
- Mr. Williams noted that calls from the public about road repairs and maintenance have gone down and thanked Public Works.
- Mr. Stone noted that they receive calls from the public who recognize how hard the Public Works crews are working./

2. Time Reserved for Department Heads: None.

3. Time Reserved for the Public without an Appointment:

Mr. CJ Lekan stated he previously made public comments about code enforcement and asked for a meeting with the Commissioners.

Mr. Williams informed Mr. Lekan the County had recently hired a Code Enforcement Officer.

Mr. Herzog informed Mr. Lekan that he will be available to meet with him after the Commissioners' meeting.

4. CDD: Consider a resolution approving an amendment to the Planned Unit Development (PUD) of Alpine Vista Subdivision and an amendment to the Official Zoning District Map of the corner lot from commercial (C-1) to Planned Unit Development (PUD).

Presenting:

Dan Swallow, Community Development Director.

Mr. Swallow presented the Staff Report, the Planning Commission's recommendation, and Staff's recommendation for approval of the PUD amendment and rezone of the Corner Lot, and denial of the request for the County to accept the proposed dedication and maintenance of roads and infrastructure because those requests are premature.

Board comments and discussion.

Mr. Fred Clifford, Director of Public Works, stated his position that the request for the dedication and maintenance of roads and infrastructure to the County was premature. There is a process in the Roadway Design regulations for the dedication of roads to the County, as well as a process in the Wastewater regulations for acceptance of infrastructure. Mr. Clifford will work with the applicant during those processes to review the actual plans, engineering and designs.

Applicant Presentation:

Mr. Craig Nelson, Landowner and Developer, and Mr. Jim Houk, Engineer from Kimley Horn presented the Applicant's requests, including a PowerPoint slide presentation. Mr. Nelson explained the reasons for the dedication and maintenance requests.

Board questions and discussion about conditional approval of the dedication and

maintenance requests.

Mr. Bryan Kincaid, Public Works, ROW Supervisor, clarified for the Board that there are some County owned roads that are not maintained by the County.

Public Comment:

Mr. Tony Perry, President and CEO of Park State Bank, spoke in favor of the Applicant, stated the Bank does not have a financial involvement with this proposed development, the Bank supports growth in the Divide area, and stated that the expansion of the Teller County Wastewater Utility is vital for the County.

Mr. Bryan Johnson, Executive Vice President of PK Enterprises, Inc. and Divide Water Providers, stated he fully supports the PUD Amendment, and noted that approximately 20 years ago the County was supposed to accept a road from PK Enterprises but never did.

Board discussion about revisions to the draft Resolution and asked the County Attorney to make the revisions during a recess.

12:04 p.m. Mr. Campbell recessed the meeting.

12:59 p.m. Mr. Campbell reconvened the meeting.

County Attorney Hurcomb explained the revisions to the draft resolution.

Board questions and discussion.

County Attorney Hurcomb read the revised Resolution.

Public Comment: None.

Mr. Campbell asked Mr. Nelson, Mr. Swallow and Mr. Kincaid if they had any questions about the revised Resolution. None of them had any questions.

Action: Mr. Stone moved, and Mr. Williams seconded, to **approve Resolution No. 05-09-2024(14)**, a Resolution amend the Planned Unit Development (PUD) of Alpine Vista Subdivision and an amendment to the Official Zoning District Map of the corner lot from commercial (C-1) to Planned Unit Development (PUD). All Commissioners voted yes.

5. CDD: Consider a resolution approving an amended final plat to adjust the interior lot line between Lot 39 and Lot 40 of Indian Creek No. 5.

Presenting: Dan Swallow, Community Development Director.

Mr. Swallow explained that the fully signed amended final plat is not yet ready, it should be ready for the next Commissioners' meeting on May 23, 2024, and the Applicant has agreed to move this item to the May 23rd meeting.

Action: Mr. Williams moved, and Mr. Stone seconded, to reschedule this item to the May 23, 2024 meeting. All Commissioners voted yes.

6. BoCC: Consider a resolution designating Teller County's Medical Directors for Emergency Medical Services.

Presenting: Ross Herzog, Administrator

Public Comment: None

Action: Mr. Williams moved, and Mr. Stone seconded, to **approve Resolution No. 05-09-2024(16)**, a Resolution to designate Teller County's Medical Directors for Emergency Medical Services. All Commissioners voted yes.

Commissioner's Business Items: Ross Herzog, County Administrator

The Board duly approved the following business agenda items:

1. Professional Services Agreement (PSA) with Pyramid Construction with any modifications requested by the Contractor and approved by the County Attorney.
2. Professional Services Agreement (PSA) with Vivid Engineering Group, Inc with any modifications requested by the Contractor and approved by the County Attorney.
3. Special Events Permit for Above the Clouds Ultra, a 50k and 10k trail running race.
4. Agreement between Teller County Finance and Teller County Department of Human Services.
5. Special Events Permit for 4 Mile Fire Protection Annual Garage Sale.
6. Other administrative matters received after agenda deadlines. None.

There being no further business, the meeting was adjourned at 1:50 p.m.

APPROVED: _____
Bob Campbell, Chairman, Board of County Commissioners

ATTEST: _____
Ashley Headrick, Chief Deputy Clerk