

**Minutes of the Proceedings of
The Board of County Commissioners of Teller County, Colorado
September 12, 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
Stephanie Kees, Clerk and 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.
Mrs. Stephanie Kees led the Pledge of Allegiance.

Minutes of Previous Meetings:

Action: Mr. Stone moved, and Mr. Williams seconded, to **approve** the minutes of the meeting of the Teller County Board of County Commissioners on August 8, 2024, as presented. All Commissioners voted yes.

Accounts Payable:

Action: Mr. Williams moved, and Mr. Stone seconded, that the Board **approve** the accounts payable run date of September 9, 2024, in the amount of \$1,163,926.36. All Commissioners voted yes.

Board Reports:

Mr. Stone:

- The Colorado Front Range Transportation Planning Region (CFRTPR) is working on its the 10-year improvement plan which includes 2 resurfacing projects on Highway 67; he reported that the traffic light project in Woodland Park has been completed.
- Announced the upcoming disc golf tournament supporting the Gold Belt Scenic Byway fundraiser.
- Met with U.S. Representative Brittany Pettersen during her visit to Teller County.
- Budget meetings are in process for 2025.
- The special legislative session meeting passed a property tax relief bill.
- Pikes Peak Area Council of Governments (PPACG) conducted interviews and has

selected a new lobbyist.

- He attended the 9-11 ceremony in Woodland Park and shared his thoughts that we must never forget 9-11.
- Noted that September is Leukemia and Lymphoma Awareness Month and provided an update on his treatment for blood cancer. He was diagnosed, treated and is in remission. He created lapel pins to share awareness and handed them out to those in attendance at the meeting.

Mr. Williams:

- Announced the upcoming annual event Light of Hope fundraiser for Court Appointed Support Advocate (CASA) on Wednesday Oct 2, 7:30-8:30 at Ute Pass Cultural Center.
- Discussed the recent visit by U.S. Representative Brittany Pettersen to Teller County. She brought 5 members of the Veterans Association (VA) and met with local veterans and also met with mayors and councilpersons within Teller County, Woodland Park, Cripple Creek and Victor. He sits on her Congressional Board for military academies.
- Department of Local Affairs (DOLA) director visited to discuss the expansion of the Teller County Wastewater Utility (TCWU) and working with the Colorado Department of Health and Environment (CDPHE).
- Attended the pancake breakfast for Divide Fire Protection District.
- Discussed the 9-11 ceremony sponsored by the American Legion and noted that all the speakers addressed trying to fix the division in our country.
- Expressed his opposition of Ballot Proposition 127 concerning the hunting of mountain lions because it disregards science and recommended a “no” vote.
- Stated that the County is doing all it can to ensure safe and secure elections and expressed the Commissioners’ ongoing support to the Clerk and Recorder and her staff.

Mr. Campbell:

- Budget meetings are in progress, and he noted that revenues are down and the Commissioners will have to make some difficult choices in the budget.
- Attended many events, including:
 - Aspen Valley Ranch Mountain Music Festival
 - Cruise Above the Clouds car show
 - Divide Fire Protection pancake breakfast.
 - Great Kite Flight in Divide
- He has attended meetings with the Pikes Peak Workforce Center (PPWFC), Colorado Technical Services, Inc. (CTSI), and a Department of Local Affairs (DOLA) meeting concerning three limited gaming impact grants.
- Announced that the Kiwanis Club recently donated \$5,000 to local kids’ organizations.

Elected Officials Report:

Stephanie Kees, Clerk & Recorder

- Gave an update on the November election.
 - Possibly a 2-card ballot with a multitude of state questions
 - Military and overseas citizens ballots will be mailed September 20th.
 - Domestic ballots will be mailed October 11th.
 - Provided information concerning Amendment K which would give Colorado County Clerks an additional 7 days to prepare the ballots.
 - Discussed the security measures in place.

The Commissioners expressed support in giving more time for Clerks and Recorders to prepare the ballots.

Commissioner Stone stated everyone should be responsible for election security.

Commissioner Campbell shared his past experience as an election judge in the 1990s. He has faith in the Clerk and Recorder's office.

Clerk Kees thanked the Board, Attorney Hurcomb and Administrator Herzog for their continued support.

Carol Kittleson, Assessor

- Has reviewed the property tax relief bill that passed in the special session and noted that the legislators did not contact any County Assessors for their input on this bill.

Administrator's Report:

Ross Herzog, County Administrator

- Commented on the ongoing budget review process and the hard work of the BoCC and staff.

Commissioner Williams made comments on the budget considerations.

2. Time Reserved for Department Heads: None

3. Time Reserved for the Public without an Appointment:

Jerry Jenkins-resident

- Commented on the cost for residents to bring their properties up to code.
- Expressed concerns that residents feel threatened with the code enforcement process.
- Made suggestions of assistance for those who cannot afford to clean their properties.
- Doesn't agree with how the County is approaching this subject.

Commissioner Williams explained the County's Land Use standards and the reasons for

Code Enforcement. He reassurance there is no targeting of residents and people have 10 days to respond to the Code Enforcement Officer after they receive their notice of violation. If there is no response, then further enforcement action, including legal action may be necessary; but the County's preference is to work with property owners to get compliance.

Dan Swallow, CDD Director explained the goal of compliance and that he desires to work with property owners.

Commissioner Stone explained the purpose of code enforcement and that there are significant violations in the County.

Mr. Jenkins is concerned with the recent purchases by one trash company in Teller County there may be a monopoly.

Aaron Helstrom-resident

- Inquired is there are any non-profit organizations that would be able to apply for grant money to assist owners with their clean-up.

Commissioner Williams commented that we have sources such as Focus on the Forest.

Commissioner Stone commented on needing to remove tires from the National Forest. The County may be able to recycle those tires.

4. Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.

Action: Mr. Stone moved, and Mr. Williams seconded, move to go into executive session for the purpose of discussing the purchase, acquisition, lease, transfer or sale of real property pursuant to Colorado Revised Statutes Section 24-6-402(4)(a). All Commissioners voted yes.

10:46 Board convened in Executive Session.

11:04 Board reconvened in Regular Session.

Chairman Campbell announced that the time is now 11:04 a.m. The Board's executive session has concluded, and we are now back in regular open session. While in executive session, the Board did not take any formal action and did not adopt any policy, position, resolution, rule or regulation. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Colorado Open Meetings law, I ask that you state your concerns for the record.

Hearing none, Mr. Campbell stated that the next agenda item is to convene as the Board of

Adjustment.

**11:06 RECESS AS THE TELLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONVENED AS THE TELLER COUNTY BOARD OF ADJUSTMENT**

CDD: Consider a request for a zoning variance for a setback from the 15-foot requirement to a 9-foot 11.75 inch setback.

Presenting: Lucy Caillouet, CDD Planner, presented the Staff Report and answered questions from the Board.

Kevin Compton, representative for the applicant, Colorado District of the Church of the Nazarene (Golden Bell) discussed the reasons for the request for the setback variance, the expense of building the requested garage in another location instead of the location requested, and the willingness to reduce the size of the variance request. Mr. Compton answered questions from the Board.

Public Comment: None.

The Board discussed revising the requested variance from 9 feet 11.75 inches to 11 feet. The Applicant agreed to this revision.

Action: Mr. Stone moved, and Mr. Williams seconded, to **approve** a request for a setback variance as follows:

1. The approved variance reduces the 15-foot setback to an 11-foot setback.
2. The construction of the garage must comply with the Teller County Building Code and must not encroach into the 10-foot utility easement.
3. Submit all plans and floor plans to the Teller County Building Department for review and approval before any construction.
4. Obtain all applicable permits in compliance with the requirements of the Teller County Building Department for the proposed improvements.
5. The approved variance for an 11-foot setback is being granted for the construction of the attached garage to the single-family dwelling only and applies to no other future buildings or structures on site.
6. Unless otherwise modified by these conditions, all material representations of the applicant in the submittal material and in the public hearing shall be considered binding.



All Commissioners voted yes.

**12:12 ADJOURN AS THE TELLER COUNTY BOARD OF ADJUSTMENT
RECONVENE AS THE TELLER COUNTY BOARD OF COUNTY
COMMISSIONERS**

5. CDD: Consider a request for a text change to the Teller County LUR, Section 8.3 E to accommodate smaller-scale craft distilling and rectifying operations in Teller County

Presenting: Justin McBryde, CDD Planning Manager

Public Comment: None.

Action: Mr. Stone moved, and Mr. Williams seconded, to **approve Resolution No. 09-12-2024(31)** a Resolution to **approve** a text change to the Teller County LUR, to add Sections 8.3.E.5 and 6 regarding distilleries. All Commissioners voted yes.

Board discussion on the LUR requirements to request a text change.

6. CDD: Consider a request to vacate existing Right-of-Ways along two properties

Presenting: Dan Swallow, CDD Director, presented the Staff Report.

Mr. Fransico Castillo: Applicant. Presented a packet of written information, including maps and photos of property and the rights-of-way he requests be vacated. As currently configured, he does not have a driveway and uses an easement from the neighboring commercial property to access his property. The previous owner of the property built part of the house into the County right-of-way and he is trying to correct this situation.

Mr. Castillo answered questions from the Board.

Public Comment: Aaron Helmstrom recommended approval.

Board discussion.

Action: Mr. Williams moved, and Mr. Stone seconded, to **approve** the requested of vacation of existing Right-of-Ways as shown on the vacation plat and ask the CDD Director to work with the applicant and return to the Board with an amended final plat showing the vacations with the conditioned upon any future development complying with the LUR and Building Code. All Commissioners voted yes.

The Board authorized the CDD Director to issue building permits to Mr. Castillo to repair and replace the deck on the property.

Commissioner's Business Items: Ross Herzog, County Administrator

The Board duly approved the following business agenda items:



1. Releasing the decon tractor and trailer to the Douglas County Sheriff's Office Hazmat Team.
2. Authorize the Director Human Services to sign an Intergovernmental Agreement (IGA) with El Paso County for the Chaffee Program.
3. Professional Services Agreement (POA) with Monarch Earthworks, LLC. with any modifications requested by the contractor and approved by the County Attorney.
4. Amendment #1 to the Colorado Department of Public Health and Environment Contract #2025*0150 (Public Health Emergency Preparedness (PHEP) Program).
5. Task Order with the Colorado Department of Public Health and Environment for the Women, Infants and Children (WIC) Program.
6. Other administrative matters received after agenda deadlines. None.

There being no further business, the meeting was adjourned at 1:59 p.m.

APPROVED: 
Robert Campbell, Chair, Board of County Commissioners

ATTEST: 
Stephanie Kees, Clerk & Recorder