

**SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS
MINUTES**

Wednesday, June 5, 2024

Zoom.us

1) **9:02 a.m. CALL TO ORDER.**

2) **Roll Call**

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Anne Brown, Commissioner

Staff Present:

Mike Bordogna, County Manager

Jarrold Biggs, County Assistant Manager

Amy Markwell, Attorney

Rachel Allen, Assistant Attorney

Nancy Willis, Paralegal

Carmen Warfield, Chief Deputy Clerk

3) **MOMENT OF SILENCE**

5) **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.**

4) **REVIEW OF AGENDA**

6) **CONSENT AGENDA**

6.a) Approval of the Chair's signature on a Noxious Weed Management Agreement with Town of Telluride.

(ATTACHMENT - Noxious Weed IGA 5.14.24 (1).pdf)

6.b) Approval of the Chair's signature on a Noxious Weed Management Agreement with Town of Norwood.

(ATTACHMENT - Weed IGA San Miguel County-TON Signed 051524.pdf)

6.c) Approval of a renewal of Retail Beer Liquor License for SMCS LLC located at 1982 Highway 145, Telluride CO.81435.

(ATTACHMENT - Renewal Liquor License SMCS LLC.pdf)

(ATTACHMENT I - Written Findings)

6.d) Ratification of Chair's signature on a Homeland Security Grant Program from the Colorado Division of Homeland Security and Emergency Management.

(ATTACHMENT - 20240524- Updated Version To be signed ASAP_2.pdf)

6.e) Approval of the April 2024 Vendor and Payroll payments.

(ATTACHMENT - 04-April BOCC Consent Agenda.docx)

(ATTACHMENT II)

6.f) Approval of Minutes: March 20, 2024 and April 3, 2024.

(ATTACHMENT - 20240320-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20240403-BOCC-Minutes-Draft.pdf)

MOTION by Kris Holstrom to approve the Consent Agenda as presented. **SECONDED** by Lance Waring. **PASSED 2-0.**

7) **ADMINISTRATIVE MATTERS**

7.a) Recognition of Alan Hatfield for 25 years of service to San Miguel County.

Presented by: Ryan Righetti, Road and Bridge Superintendent

7.b) Recognition of Karen Bellerose for 10 years of service to San Miguel County.

Presented by: Jennifer Dinsmore, Chief Administrative Officer

9:40 a.m. Anne Brown joined the meeting.

7.c) Consideration of approving Proclamation 2024-06 proclaiming June 10- 16, 2024, as Men's Health Week./MOTION

(ATTACHMENT - 20240520_June includes Men's Health Month and Men's Health Week .pdf)

(ATTACHMENT - Proclamation 2024-06 Men's Health Week.docx)

Presented by: Carmen Warfield, Chief Deputy Clerk

MOTION by Anne Brown to approve Proclamation 2024-06 proclaiming June 10-16, 2024, as Men's Health Week. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT III - Proclamation 2024-06)

7.d) Consideration of approving Proclamation 2024-07 proclaiming the month of June as Immigrant Heritage Month./MOTION

(ATTACHMENT - Proclamation 2024-07 June Immigrant Heritage Month.docx)

Presented by: Anne Brown, County Commissioner

MOTION by Kris Holstrom to approve Proclamation 2024-07 proclaiming the month of June as Immigrant Heritage Month. **SECONDED** by Lance Waring. **PASSED 3-0.**

(ATTACHMENT IV - Proclamation 2024-07)

7.e) Consideration of Chair's signature on Resolution 2024-22 appointing Linnea Edwards as the Human Services Director for San Miguel County effective July 1, 2024./MOTION

(ATTACHMENT - SMC Memorandum - HSD Appointment 5 8 2024.docx)

(ATTACHMENT - Edwards Linnea Human Services Director - Resolution.docx)

Presented by: Christina Lambert, Human Resources Director; Linnea Edwards, Assistant Human Services Director

MOTION by Lance Waring to approve the Chair's signature on Resolution 2024-22 appointing Linnea Edwards as the Human Services Director for San Miguel County effective July 1, 2024, with the Board of County Commissioners sitting as the Board of Human Services. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT V - Resolution 2024-22)

- 7.f) Consideration by the Board to approve the purchase of a 2018 Kenworth T880 Day-cab Tractor in the amount of \$71,100.00 for the Road and Bridge Department./MOTION

(ATTACHMENT - 2018 Kenworth T880 Day-cab Tractor.pdf)

Presented by: Ryan Righetti, Road and Bridge Superintendent

MOTION by Kris Holstrom to approve the purchase of a 2018 Kenworth T880 Day-cab Tractor in the amount of \$71,100.00 for the Road and Bridge Department. **SECONDED** by Anne Brown. **PASSED 3-0.**

9:55 a.m. Recessed.

10:01 a.m. Reconvened.

8) **PLANNING MATTERS**

- 8.a) 10:00 a.m. Public Hearing: Consideration of a Lot Line Adjustment and a Lot Line Vacation for Fischer Hazen, FC Territories, Parcel #456113102031 and #456113102028 aka Lot 23, 8B, and 8C of Fall Creek Subdivision 2./MOTION*

(ATTACHMENT - BOCC PACKET.pdf)

(ATTACHMENT - Public Comment Received After Packet Creation.)

(ATTACHMENT - Updated plat 6/3)

(ATTACHMENT - Surveyor's narrative response to Dave Foley.)

(ATTACHMENT - 1987 Maintenance Agreement)

Presented by: Kaye Simonson, Planning Director; John Huebner, Senior Planner; Nicola Kerr, Associate Planner; Fisher Hazen, Applicant

10:12 a.m. The Chair Opened the Public Hearing.

10:13 a.m. The Chair Closed the Public Hearing.

MOTION by Anne Brown to approve the proposed Subdivision Exemption for Lot Line Adjustments and Lot Line Vacation to adjust the property line between Lots 23, 8B, and 8C of Fall Creek Subdivision 2, and to vacate the property boundary between lots 8B and 8C, as presented, to authorize the Chair's signature on the corresponding final plat, and to adopt the corresponding Board of County Commissioner Resolution No. 2024-25, finding that the proposed Subdivision Exemption for Lot Line Adjustments and Vacation of Lot Line application is in compliance with all applicable Land Use Code standards in Section 5-1203, Lot Line Adjustments, and Section 5-1214, Lot Line Vacations, including the submission of a final plat that complies with the final plat submission contents required in Land Use Code, subject to the following conditions:

1. All conditions set forth by referral agents.
2. Submission of a final plat that receives Dave Foley County Surveyor's approval. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT VI - Resolution 2024-25)

13. **MANAGER MATTERS**

Update and Other, as needed.

Presented by: Mike Bordogna, County Manager

1. Colorado Department Office of Transportation has a grant for multi-modal improvements – One applicant can apply from a Government Entity. The board agreed to be in the applicant role. There is a June 17 application deadline.
2. A DAVED HOA (Miramonte Building HOA) meeting will be held in June to discuss the maintenance of the building. Mike will be attending.
3. Senator Bennett has scheduled an upcoming visit to Nucla on June 9 concerning the Dolores Monument. The Commissioners will discuss if any of them would like to attend.

- 8.b) 10:20 a.m. Public Hearing: Consideration of the La Sal Vista Subdivision Preliminary Plan, and Rezoning of the 14.6 acre parcel from WM to WMLI Wright's Mesa Light Industrial Zone District, submitted by MJRummel Investments, LLC / MOTION*

(ATTACHMENT - BOCC Packet Materials La Sal Vista Preliminary Plan SUBD 060524.pdf)

Presented by: Kaye Simonson, Planning Director; John Huebner, Senior Planner; Morgan Rummel, Applicant; Ryan Righetti, Road and Bridge Superintendent

11:51 a.m. the Chair Opened the Public Hearing.

12:07 p.m. The Chair Closed the Public Hearing.

Public Who Addressed the Board:

Richard Grimes, County resident

MOTION by Anne Brown to approve the rezoning of the La Sal Vista property to Wrights Mesa Light Industrial – WMLI, and to adopt Board of County Commissioners Resolution 2024-23, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;
2. The proposed project is consistent with the Purpose of Land Use Code Section 5-319 D. III,
3. Wright's Mesa Light Industrial, WMLI;
4. The Applicant has demonstrated that the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; traffic; mitigation of geohazards; and mitigation of impacts on the environment;
5. The proposed rezoning implements Land Use Code Article 2, Land Use Policies;
6. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code; The proposed rezoning is consistent with and implements the Wright's Mesa Master Plan, an element of the San Miguel County Comprehensive Development Plan. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT VII - Resolution 2024-23)

MOTION by Anne Brown to approve the La Sal Vista Preliminary Subdivision, based on the findings that the Preliminary Plan is consistent with the San Miguel County Comprehensive Development Plan, and the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, and Activities of Local and State Interest/"1041" Environmental Review as set forth in Land Use Code Section 5-4, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Final Subdivision.
2. Lane widths shall be at least eleven (11) feet, exclusive of shoulders and barrow ditches, for all of Roads 1 and 2, with a posted speed of no more than 35 miles per hour, per LUC Figure 5-1C. Cul-de-sac turn arounds shall be provided for Road 2 with minimum road surface 90 feet in diameter and a minimum right-of-way 100 feet in diameter, LUC Section 5-502 F. There shall be no driveway access off of Road 1.
3. If another light industrial use is added to the subdivision, the subdivision road may require upgrades to meet County Road standards and an amended CDOT Access permit may be required.
4. Provide for an easement on the property for an all-weather walking path from the property for a highway crossing at a location to be determined. Concurrent with the highway crossing construction, the applicant shall construct an all-weather path within the easement.
5. Provide Covenants outlining permitted uses and include the Matrix of the Allowed Uses on the final plat, and to match County Land Use Code language. Remove Community/Recreational Center, Recreation Establishment, and Grocery Store/Supermarket from the list of allowed uses. Add a note to "Dwelling Live/Work (Home Occupation) stating the Home Occupation standards shall meet all requirements of the Land Use Code.
6. Should the Land Use Code be amended to allow Accessory Dwelling Units in the WMLI, the subdivision shall not prohibit such use.
7. Incorporate Dark Sky principles into covenants.
8. Ensure existing irrigation ditches are protected. Formal easements or plat notes shall be added to the final plat for the irrigation ditches, to provide clear understanding of the limitations around the irrigation ditches to all future property owners. Coordinate construction so as to not impact delivery of water.
9. Include a Site Constraints Map that can be recorded with the Final Plat, which shall include all setbacks required by the San Miguel County Land Use Code, Onsite Wastewater Treatment Systems

(OWTS) setbacks to existing features, all easements, and building envelopes as needed.

10. Road 1 shall be Oro Place and Road 2 shall split into North Oro Place and South Oro Place.

11. Prior to submitting the Final Subdivision, the applicant shall obtain the approved and executed Norwood Water Commission Water Service Agreement.

12. Prior to submitting the Final Subdivision, the applicant shall meet with county staff concerning the Community Road Maintenance Agreement to maintain the common element road, the Declaration of Protective Covenants, final construction drawings, and Subdivision Improvements Agreement.

13. The applicant will provide Engineered Plans, stamped by a Colorado Engineer, for all roadway and infrastructure improvements.

14. The Final Plat shall meet all requirements of LUC Section 4-5.

15. A draft Subdivision Improvements Agreement, consistent with the form set forth in LUC Appendix F, shall be submitted with the Final Subdivision Plan.

16. A Colorado State Stormwater permit will need to be applied for prior to commencement of any construction of subdivision improvements. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT VII-RESOLUTION 2024-24)

9) **Lunch**

12:16 p.m. Recessed.

12:45 p.m. Reconvened.

10) **PUBLIC HEALTH AND ENVIRONMENT**

Presented by: Grace Franklin, Public Health Director

1. Update on the Spring Clean-up Hazmat Event.

2. Women, Infant and Children (WIC) Farmers Market is fully funded.

3. The WIC program is requiring all entities to reapply.

4. June is Immigrant Heritage Month - there will be a variety of events [provided by community partners].

11) **NATURAL RESOURCES AND CLIMATE RESILIENCE**

11.a) **Update on the Forest Plan comments**

(ATTACHMENT - Selected Objection Responses from the USFS.pdf)

(ATTACHMENT - Memo - Update on GMUG Forest Plan 06042024.pdf)

(ATTACHMENT - Email to the USFS regarding the Winter ROS, May 30, 2024.pdf)

(ATTACHMENT - Email to David Cooper regarding Fens, May 30, 2024.pdf)

11.b) **Update to Bureau of Land Management Environmental Assessment - Sunday Mine Complex**

Presented by: Starr Jamison, NRCR Director

12) **AFFORDABLE HOUSING UPDATES**

Presented by: Jarrod Biggs, Assistant County Attorney; Mike Bordogna, County Manager

Update on the Housing needs survey - Residential and Business

Update on the Deep Creek and Pathfinder parcels- monitoring wells, finalize letter of intent on the Matterhorn Mill land adjacent to the pathfinder piece of land.

13.a) **Authorization of an extension of a Memorandum of Understanding between San Miguel County and Tri-County Health Network for the provision of Behavioral Health Fund Administration./MOTION**

(ATTACHMENT - BOCC Agenda Doc - Tri-County Health BHFA (06052024) - Google Docs.pdf)

(ATTACHMENT - SMC Tri-County Health Extension Letter - Google Docs.pdf)

Presented by: Jarrod Biggs, Assistant County Manager

MOTION by Lance Waring to approve an extension of a Memorandum of Understanding between San Miguel County and Tri-County Health Network for the provision of Behavioral Health Fund Administration. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

Manager Matters:

Update on the upcoming board meetings.

Centurylink has pulled their application for additional funding for redundant 911 fiber.

The leasing of Sheriff vehicles is currently backlogged for the vehicles to be outfitted.

13.b) Review of quotes for recruiting services for the County Attorney./MOTION

Presented by: Mike Bordogna, County Manager

13.c) Executive Session C.R.S.24-6-402 4(b): Conference with an attorney about a ballot question

MOTION by Anne Brown to go into executive session, to have a conference with an attorney about a proposed ballot measure under C.R.S.24-6-402 4(b). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

Presented by: Mike Bordogna, County Manager; Amy Markwell, County Attorney

2:22 p.m. Recessed.

2:51 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, only the ballot question as stated was discussed. **SECONDED** by Anne Brown. **PASSED 3-0.**

*Note: Staff directions was give to proceed with creating ballot language for presentation at a future meeting, knowing that there is a July 26th deadline to notify the Clerk of an intent to place language on the ballot.

*The County Attorney requested that the above item not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the Attorney and Chair is attached. (ATTACHMENT VIII- Attest)

14) COMMISSIONER UPDATES:

Kris Holstrom - Attendance at the Geothermal Conference, Listened and participated in the Park City, Utah meeting with the Town of Telluride and Mountain Village

Anne Brown - Collaborative Action for Immigrants (CAFI) meeting, Behavioral Health Think Tank, Gondola Leadership Council, Met with Colorado Trade COSI representative, Telluride Association of Realtors

Lance Waring - San Miguel Regional Housing Authority, Early Childhood Education Program

15) ATTORNEY MATTERS

15.a) Consideration of Chair's signature on Resolution 2024-26 updating the San Miguel County Administrative Policy Manual Section 3-4./MOTION

(ATTACHMENT - Resolution 2024-26 Update 3-4 Digital Accessibility.pdf)

Presented by: Amy Markwell, County Attorney, Kattie Neesham-Ramirez, Accessibility Coordinator

MOTION by Anne Brown to approve the Chair's signature on Resolution 2024-26 updating the San Miguel County Administrative Policy Manual Section 3-4. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT IV-Resolution 2024-26)

15.b) Executive Session for purposes of receiving legal advice pertaining to 2023CV030026, Three K Nine LLC v. Commissioners, pursuant to C.R.S. 24-6-402(4)(b).

Presented by: Bill Tuthill, Attorney representing the County; Rachel Allen, Assistant County Attorney; Amy Markwell, County Attorney

MOTION by Anne Brown to go into executive session, for purposes of receiving legal advice pertaining to 2023CV030026, Three K Nine LLC v. Commissioners, pursuant to C.R.S. 24-6-402(4) (b). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

3:13 p.m. Recessed.

3:49 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, only the one item stated was discussed. **SECONDED** by Anne Brown. **PASSED 3-0.**

Note: Staff direction was given.

Note: *(ATTACHMENT VIII - Attest)

16) **ADJOURNMENT**

MOTION by Kris Holstrom to adjourn the meeting. **SECONDED** by Anne Brown. **PASSED 3-0.**

3:50 p.m. Adjourned.

Respectfully submitted,

Approved

7/24/2024 *CHW*

BOARD OF COUNTY COMMISSIONERS



Jim Wong

ATTEST:

Mike Bowdman