

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

Wednesday, August 7, 2024

Zoom.us

1) 9:30 a.m. CALL TO ORDER.

2) Roll Call

Present:

Anne Brown, Chair

Kris Holstrom, Vice Chair

Staff Present:

Mike Bordogna, County Manager

Jarrold Biggs, Assistant County Manager

Amy Markwell, County Attorney

Nancy Willis, Paralegal

Carmen Warfield, Chief Deputy Clerk

Absent:

Lance Waring, Commissioner

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

6) CONSENT AGENDA

- 6.a) Approval of Chair's signature on a Memorandum of Understanding between San Miguel County and the San Miguel County Clerk and Recorder regarding responsibilities for conducting the 2024 General Election to be held on Tuesday, November 5, 2024.

(ATTACHMENT - 2024 MOU BOCC & CR.clean.pdf)

- 6.b) Approval of the Commissioner's signature on a letter of support for the Habitat for Humanity of the San Juan's for the home loan rehabilitation program.

(ATTACHMENT - home loan rehabilitation program (2) (1).png)

(ATTACHMENT - Letter of Support Habitat for Humanity.docx - Google Docs.pdf)

- 6.c) The 2024 USDA Compost Grant Annual Report

(ATTACHMENT - BOCC Memo - USDA CFWR Annual Report (08072024).pdf)

(ATTACHMENT - Annual Report - NR233A750005CO43 062024 (1).pdf)

- 6.d) Ratification of the Monthly Veteran's Report

(ATTACHMENT - July 2024 VSO Report.pdf)

- 6.e) Approval of the Chair's signature on a U.S. Department of Transportation Federal Aviation Administration grant offer for Airport Improvement Program (AIP) Project No. 3-08-0088-039-2024 at the Telluride Regional Airport.

(ATTACHMENT - 20880308_The Grant Offer for Airport Improvement Program (AIP).pdf)

MOTION by Kris Holstrom to approve the consent agenda as presented. **SECONDED** by Anne Brown. **PASSED 2-0.**

7) ADMINISTRATIVE MATTERS

- 7.a) Consideration of a San Miguel County Use Tax Policy./MOTION

(ATTACHMENT - BOCC Memo - Use Tax Policy (08072024) (1).pdf)

(ATTACHMENT - San Miguel County Use Tax Policy (1).pdf)

Presented by: Jarrod Biggs, Assistant County Manager; Amy Markwell, County Attorney; Matt Gonzales, Building Official; Mike Bordogna, County Manager

MOTION by Kris Holstrom to approve the San Miguel County Use Tax Policy as amended. **SECONDED** by Anne Brown. **PASSED 2-0.**

- 7.b) Consideration of an employee milestones policy/MOTION

(ATTACHMENT - life milestones recognition policy 8.7.2024.docx)

Presented by: Mike Bordogna, County Manager

MOTION by Kris Holstrom to approve the employee milestones policy as presented. **SECONDED** by Anne Brown. **PASSED 2-0.**

9:55 a.m. Recessed.

10:00 a.m. Reconvened.

8) PLANNING MATTERS

- 8.a) 10:00 am Public Hearing: Consideration of Thor Energy Mining Special Use Permit for the Wedding Bell/Radium Hill project in the West End Zone District /MOTION

(ATTACHMENT - BOCC Packet Materials -Thor Energy PLC Wedding Bell-Radium Hill Project Mineral Exploration 8.7.24.pdf)

Presented by: John Huebner, Senior Planner; Kaye Simonson, Planning Director; Jeff Kurtz, Environmental Consultant for Thor Energy; Nicole Galloway Warland, Thor Energy; Tony Adkins, Thor Energy; Ryan Righetti, Road and Bridge Superintendent

10:00 a.m. The Chair Opened the Public Hearing.

10:33 a.m. The Chair Closed the Public Hearing.

Public Who Addressed the Board:

Bob Larson, Monadock Minerals

MOTION by Kris Holstrom to approve a Mining Special Use Permit (SUP) for Standard Minerals Inc. or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands located in the Groundhog and Section 23 areas in northwest San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 511, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Standard Minerals Inc., and does not run with the Land.
2. No future mining activity at the project site by Standard Minerals Inc., its lessees, or the property owners or its lessees is authorized by this approval.
3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.
4. Provide a list of onsite contacts for Standard Minerals Inc. and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.
6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the BLM and CDRMS approval action.
7. Provide monthly progress reports to County Planning.
8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
9. Exploration activities shall be limited to August 1 to October 30 in 2024 and 2025.
10. Access to the project shall be from Montrose County to SMC County Road U29W.
11. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.
12. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbances should avoid any areas with

cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.

13. The revegetation plan shall include soil restoration and best practices to maximize available water.

14. Provide documentation regarding the water source(s) for the project.

15. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.

16. Applicant shall obtain a Road and Bridge Access Permit prior to commencing operations.

17. Applicant will adhere to the applicable BLM Noise Abatement regulations for this project.

18. Maintain the remaining \$5,000 voluntary reclamation bond held by county throughout this Phase II project. **SECONDED** by Anne Brown. **PASSED 2-0.**

(ATTACHMENT I - Resolution 2024-39)

14.b) Executive Session: Discussion of day to day supervision matters with the County Attorney, County Manager and Human Resources Director.

MOTION by Anne Brown to go into executive session, to discuss day-to-day supervision matters with the County Attorney, County Manager and Human Resources Director pursuant to CRS 24-6-402(4)(b). **SECONDED** by Kris Holstrom. **PASSED 2-0.**

10:41 a.m. Recessed

11:37 a.m. Reconved.

In attendance at the executive session:

Anne Brown, Commissioner; Kris Holstrom, Commissioner; Jarrod Biggs, Assistant County Manager, Christina Lambert, HR director; Mike Bordogna, County Manager; Amy Markwell, County Attorney

MOTION by Kris Holstrom to come out of executive session, the only item that was discussed was the day-to-day supervision matters with the County Attorney, County Manager and Human Resources Director pursuant to CRS 24-6-402(4)(b). **SECONDED** by Anne Brown. **PASSED 2-0.**

Note: 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 II - Executive Session Minutes)

9) AFFORDABLE HOUSING UPDATES

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

Update on the Pathfinder Pit

1. The County is currently working with Buckhorn GeoTech on the Pathfinder geotechnical work. There are some old geotech files that Buchkhorn can build upon.

2. A meeting with Wright Water Engineers on available water and how much a well would produce. More information is needed.

3. It was discovered that the entrance off of Highway 145 from the existing to another location, would be more suitable for more housing units and terraces.

Update on the Deep Creek Housing site

1. Flood Plain mapping will be required for this site.

Update on the Matterhorn Mill Parcel

The Colorado Proposition 123, was passed by the people in 2022 to dedicate State Income Tax Revenue to fund housing projects initiatives. San Miguel County is looking to create a housing specialist position to keep the housing parcels moving forward.

Jarrold and Mike will meet with the Town of Mountain Village to discuss their Ilium project and how the County can support them.

Update on the Mill Creek PUD parcel 3.2 acres PUD amendment.

The land owner next to the Sheriff's office (vacant land) is working with an Architect to move his access easement over to address some of the Sheriff's security concerns, it will enable vehicular access to benefit the owner and the Sheriff's office.

10) **MANAGER MATTERS**

Update and other, as needed.

Presented by: Mike Bordogna, County Manager

A new building inspector has accepted a position with the building department.

The Plans examiner position has been offered with the building department.

Discussion at the San Miguel County Regional Housing Authority utilizing and hiring a hearing officer to hear any exception requests. This will be agendaized at a later meeting.

Attendance at a Gondola Manager meeting.

Update on the Behavioral Health Needs.

12:06 p.m. Jarrold Biggs left the meeting.

Update on the Fires located in San Miguel County.

There is a Colorado Energy Office grant in collaboration with the Town of Telluride, Town of Mountain Village, and the County to work together to support the reduction of greenhouse gas emissions and consumer energy costs.

The Forest Road 66 culvert is to be replaced.

The Applebaugh bridge is continuing its process on schedule.

The Ophir road paving project is being scheduled.

The Trout Lake road will be chip-sealed and completed this Fall.

Don't forget to complete the San Miguel Regional Housing Authority online if you did not receive a paper copy in the mail.

12) **Lunch**

12:21 p.m. Recessed.

12:47 p.m. Reconvened.

13) **PUBLIC HEALTH AND ENVIRONMENT**

Presented by: Grace Franklin, Director of Public Health

Update and other, as needed.

Update on COVID.

Update Avian Flu.
Upcoming back-to-school fair.

- 10.a) Discuss an adjustment to the staff pay at the San Miguel Regional Housing Authority./ MOTION (potential)

Presented by: Mike Bordgona, County Manager

MOTION by Kris Holstrom to approve the authorization of an additional expenditure for the San Miguel Regional Housing Authority budget from San Miguel County, for \$2,835.41 beginning, in 2025. For the remaining year, the funding will come from SMRHA current reserve funds. [There will be additional funding from The Town of Telluride to cover the total amount requested]. **SECONDED** by Anne Brown. **PASSED 2-0.**

11) **COMMISSIONER UPDATES:**

Kris Holstrom - Colorado Recycling Policy

Anne Brown - Collaborative action for immigrants meeting, Co-responder program, Rodeo, CCAT asking as individuals or as BOCC opposing 50 and 108 to be brought to the voters in the Fall - in support to sign onto the link as the Board of County Commissioners agreed by Anne and Kris to be ratified at the next meeting.

14) **ATTORNEY MATTERS**

- 14.a) Litigation Update

(ATTACHMENT - Attorney Memo.Litigation Update.8.7.2024.pdf)

Presented by: Amy Markwell, County Attorney

MOTION by Anne Brown to go into executive session, to address an item regarding litigation, citation 24-6-402(4)(b), conference with an attorney. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

1:19 p.m. Recessed.

1:41 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, and only the one item stated was discussed. **SECONDED** by Anne Brown. **PASSED 2-0.**

Note: 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 II - Executive Session Minutes)

15) **ADJOURNMENT**

MOTION by Kris Holstrom to adjourn the meeting. **SECONDED** by Anne Brown. **PASSED 2-0.**

1:43 p.m. Adjourned.

Respectfully submitted,

Approved 9/18/2024 Carmin Z. Wafer

BOARD OF COUNTY COMMISSIONERS

Jim Way

ATTEST:

Mark Saufman

ATTACHMENT I

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
APPROVING A MINING SPECIAL USE PERMIT FOR STANDARD MINERALS INC
WEDDING BELL / RADIUM HILL PROJECT, WEST END (WE) ZONE DISTRICT**

Resolution 2024-39

WHEREAS, Thor Energy PLC, on behalf of Standard Minerals Inc. ("Applicant"), has submitted an application seeking a Mining Special Use Permit for limited mineral exploration from drill pads on unpatented mining claims under Bureau of Land Management (BLM) federal public lands in T45N R18W in West End (WE) zone district, northwest San Miguel County off of County Road U29W near the Montrose County line. There are twenty-six (26) exploratory drill sites proposed at the project location for a two-year period, spanning 2024 and 2025, for the purpose of discovering uranium. The drilling program includes developing up to twenty-three (23) drill pads, each measuring about 50 feet by 50 feet. One of the pads (60 feet by 60 feet) will have up to four angle drill holes. The project area comprises BLM lands only and as such requires federal and state permit applications. The project plans to use existing BLM roads and routes locate on public land, and the limited development of temporary driveways to access drilling sites; and

WHEREAS, a West End Zone District Mining Special Use Permit (SUP) requires Two-step Planning Commission and Board of County Commissioner Review, per Land Use Code (LUC) Section 5-320 F XVI and 5-320 F XVII, pursuant to the standards contained in LUC Sections 5-320 West End Zone District, 5-320 K, Review Standards for all WE Zone District Special Uses, 5-407 Wildlife Habit Areas, 5-1002, Special Uses, 5-11 Conditional Uses on Federal Lands, and 5-16 Mining; and to the policies contained in LUC Sections 2-8, Natural and Man-made Hazard and Resource Areas, 2-11 Erosion, 2-34 Revegetation with Native Species, 2-35 Mining and Mineral Processing Operations; and

WHEREAS, the application was referred to the County Manager, County Attorney, County Road and Bridge Director, County Natural Resources Director, County Sheriff, County Open Space and Parks Director, Colorado Department of Public Health & Environment, Colorado Division of Reclamation-Mining and Safety, Colorado Parks and Wildlife, US Bureau of Land Management (BLM), Information Network for Responsible Mining (INFORM), and Sheep Mountain Alliance for review and comment; and

WHEREAS, at its regular meeting held on Thursday, July 11, 2024 the County Planning Commission reviewed the application and recommended approval to the Board of County Commissioners of a Special Use Permit (SUP) for Standard Materials Inc. or its contractor, for the proposed Mining Exploration on its mining claims on Bureau of Land Management (BLM) public lands off County Road W29U, the ("Property"), zoned West End (WE) as presented, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section

5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to certain conditions, by a vote of 5-0; and

WHEREAS, the County Planning Commission's actions and recommendations are contained in the minutes from the July 11, 2024 CPC meeting; and

WHEREAS, on or about July 18, 2024, a Public Notice sign was posted at the intersection of SH 141 and CR 10R by the Applicant for the Board of County Commissioner public hearing on August 7, 2024, since there were not accessible posting locations closer to the site that would have provided effective notice. No property owners other than the BLM are within 1,500 feet of the subject parcel, nor any municipalities within 3 miles; and

WHEREAS, A Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Friday, July 19, 2024 for the Board of County Commissioner public hearing to be held on-line and in person on Wednesday, August 7, 2024; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit "A";

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing held on-line and in person on Wednesday, August 7, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves a Mining Special Use Permit (SUP) for Standard Minerals Inc. or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands located in the Groundhog and Section 23 areas in northwest San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Standard Minerals Inc., and does not run with the Land.
2. No future mining activity at the project site by Standard Minerals Inc., its lessees, or the property owners or its lessees is authorized by this approval.
3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.

4. Provide a list of onsite contacts for Standard Minerals Inc. and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.
6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the BLM and CDRMS approval action.
7. Provide monthly progress reports to County Planning.
8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
9. Exploration activities shall be limited to August 1 to October 30 in 2024 and 2025.
10. Access to the project shall be from Montrose County to SMC County Road U29W.
11. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.
12. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.
13. The revegetation plan shall include soil restoration and best practices to maximize available water.
14. Provide documentation regarding the water source(s) for the project.
15. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.
16. Applicant shall obtain a Road and Bridge Access Permit prior to commencing operations.
17. Applicant will adhere to the applicable BLM Noise Abatement regulations for this project.
18. Maintain the remaining \$5,000 voluntary reclamation bond held by county throughout this Phase II project.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on August 7, 2024.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

By: Anne W. Brown
Anne Brown, Chair

Vote:	Anne Brown	<u>Aye</u>	Nay	Abstain	Absent
	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	<u>Absent</u>

ATTEST:

By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk



EXHIBIT "A" Public Hearing Record
EXHIBIT "B" Site Plan

EXHIBIT "A"

Public Hearing Record

Board of County Commissioners

Application: Thor Energy, PLC c/o Standard Minerals, Inc

Wedding Bell/ Radium Hill Project Mining Special Use Permit, West End
(WE) Zone District

Date: August 7, 2024

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of Commissioners from John Huebner, Senior Planner dated August 7, 2024.
4. Draft Board of County Commissioner Resolution #2024-39.
5. Draft County Planning Commission July 11, 2024 Meeting Minutes
6. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated July 11, 2024.
7. Application and Supplements submitted by Nicole Galloway Warland, Thor Energy, PLC dated June 5, 2024 and June 24, 2024.
8. Applicant's Certification of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated July 29, 2024.
9. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on July 19, 2024.

AGENCY COMMENTS

10. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June 10, 2024.
11. Email from Jennifer Dinsmore, SMC Sheriff's Office to John Huebner, Senior Planner dated June 10, 2024.
12. Letter from Tony Bonacquista, Colorado Parks and Wildlife Manager, to John Huebner, Senior Planner, dated July 1, 2024

PUBLIC COMMENTS

13. Letter from Nucla Naturita Area Chamber of Commerce to SMC Board of Commissioners, dated July 9, 2024.

EXHIBIT "A"

14. Letter from West End Economic Development Corporation to SMC Board of Commissioners, dated July 5, 2024.
15. Letter from Western Small Miners Association to SMC Board of Commissioners, dated July 10, 2024.

OTHER

16. Reclamation Report submitted by Thor Energy PLC dated May 2024.

EXHIBIT "B"

Site Plan

