

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

Wednesday, January 19, 2022
Held via Zoom.us

1) Roll Call

Present:

Kris Holstrom, Chair
Hilary Cooper, Vice Chair - will be joining the meeting later
Lance Waring, Commissioner

Staff Present:

Mike Bordogna, County Manager
Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant
Carmen Warfield, Chief Deputy Clerk

2) 9:34 a.m. CALL TO ORDER.

3) REVIEW OF AGENDA

4) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

5) CONSENT AGENDA

- a) Authorization of December 2021 Payroll and Vendor Payments. (ATTACHMENT I)

(ATTACHMENT - BOCC Consent Agenda-December.pdf).
- b) Ratification of Chair's signature on County Veterans Service Officer's December 2021 Report.

(ATTACHMENT - December 2021 VSO Report.pdf).
- c) Approval of reappointment of Jim Botenhagen to the Board of Adjustment

(ATTACHMENT - Botenhagen letter 1.7.22.pdf).
- d) Approval of Ian Bald for reappointment to the SMC Planning Commission

(ATTACHMENT - Bald Application PC.pdf).
- e) Acceptance of the 2020 Taxes received through December 31, 2021.

(ATTACHMENT - Authorities Taxes Receivable 12.31.21.pdf).
- f) Acceptance of the Fourth Quarter 2021 Road Reports.

(ATTACHMENT - 10.21 - 11.21.docx).

(ATTACHMENT - 12.21.docx).
- g) Approval of Chair's signature on the Norwood Fire Protection District 2022 Ambulance Licenses for the following vehicles: 2009 Dodge Ram 4500 SLT, Braun, VIN # 3DWD66L9G52318.

(ATTACHMENT - 2022 Norwood Ambulance Report-Redvale Dodge.pdf).
(ATTACHMENT - Norwood Ambulance license.pdf).
- h) Ratification of Chair's signature on a letter to the Colorado Department of Human Services concerning the shared Manager Service Organization, West Slope Casa.

(ATTACHMENT - West Slope CASA Comment Letter.pdf).

(ATTACHMENT - San Miguel County Mail - Letter from San Miguel County.pdf).
- i) Ratification of Commissioners signature on the comment letter for the Colorado Oil and Gas Conservation Commission's Financial Assurance Rulemaking.

(ATTACHMENT - San Miguel County Mail - We received your Public Comment for Docket# 210600097.pdf).

(ATTACHMENT - Financial Assurance Comment letter.pdf).

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

6) **ROAD AND BRIDGE MATTERS**

- a) 9:35 am Public Hearing and Consideration of Chair's signature on the Resolution #2022- 2 for accepting Road 58P into the county road system and adopt the revised map, updated on December 31, 2021, as the official map of the road system of the county./MOTION

(ATTACHMENT - 58P Map (2).pdf).

(ATTACHMENT - R&B Telluride Planet Notice 12.29.21.pdf).

(ATTACHMENT - R&B Norwood Post Notice 12.29.21.pdf).

(ATTACHMENT - R&B Telluride Planet Notice 1.5.22.pdf).

(ATTACHMENT - R&B Norwood Post Notice 1.5.22.pdf).

(ATTACHMENT - Resolution 2022-2 Accepting Road 58P DRAFT (1).pdf).

Presented by: Amy Markwell, County Attorney; Ryan Righetti, Road and Bridge Superintendent

9:39 a.m. Chair Opened the Public Hearing.

9:41 a.m. Chair Closed the Public Hearing.

MOTION by Lance Waring to approve Resolution 2022-2 accepting 58P road into the county road system. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

(ATTACHMENT II - Resolution 2022-02)

7) **ADMINISTRATIVE MATTERS**

- a) 9:45 am PUBLIC HEARING: Approval of the Supplemental Budget for the year 2021./MOTION

(ATTACHMENT - Norwood Post 01.12.22.pdf).

(ATTACHMENT - BOCC memo - 01.14.22.pdf).

(ATTACHMENT - Supplemental Appropriation Resolution .pdf).

Presented by: Ramona Rummel, Finance Director

9:45 a.m. Chair Opened the Public Hearing.

9:45 a.m. Chair Closed the Public Hearing.

MOTION by Lance Waring to approve the Chair's signature on Resolution 2022-04 appropriating additional sums of money to defray expenses in excess of amounts budgeted for San Miguel County, Colorado. **SECONDED** by Kris Holstrom. **PASSED 2-0.**

(ATTACHMENT III - 2022-04)

17) **COMMISSIONER UPDATES:**

Kris Holstrom - Region 10 Meeting, Regenerative Recovery Coalition, SMART Board Meeting

Lance Waring - SMART Board Meeting, Town of Ophir meeting

9:49 a.m. Hilary Cooper joined the meeting.

Hilary Cooper - Forest Health Advisory Council hearings, Southwest Opioid Regional Council, CCI Stakeholder Meetings - Short Term Rentals, Gunnison Sage Grouse Habitat Wildlife mapping, CCAT meetings

8) **PLANNING MATTERS**

- a) 10:00 am Public Hearing - Consideration of a Mining Special Use Permit in the Wright's Mesa zone district - United Companies Skelton Pit./MOTION

(ATTACHMENT - BOCC Packet Materials - United Norwood Skelton Pit Mine SUP 1.19.22.pdf).

(ATTACHMENT - M Gaston Comments 1.18.22.pdf - Late comment letter).

Presented by: John Huebner, Senior Planner; Kaye Simonson, Planning Director; Ben Langenfeld, representative of the Applicant; Ryan Righetti, Road and Bridge Superintendent; Amy Markwell, County Attorney

11:10 a.m. Chair Opened the Public Hearing.

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11:34 a.m. Chair Closed the Public Hearing.

Public Who Addressed the Board:

Matt Hoisch, KOTO

Lee Taylor, County resident; Planning Commission

Peggy Smelt Day, County resident

Mary Ann Gaston, County resident

MOTION by Hilary Cooper to approve and adopt Resolution 2022-03 for a Mining Special Use Permit (SUP) to the United Companies for the extraction of sand and gravel, and processing of gravel on a vacant unimproved 25-acre parcel, Parcel No.429513300013, zoned Wright's Mesa (WM) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-319 G VII, Uses allowed subject to Two-step Planning Commission and Board of Commissioners SUP review; Section 5-319 K, Review Standards for all WM Zone District Special Uses, Section 5-1002, Special Uses, and Section 5-16 Mining; and to the LUC policies contained in 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 subject to the following specific terms and conditions:

General Conditions:

1. This Special Use Permit (SUP) is issued to the Applicant and also runs with the land.
2. This SUP Approval is subject to all written representations of the applicant, in the original application submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

Specific Conditions:

1. The Special Use Permit shall only be valid as long as the applicant holds the following current State permits (Colorado Department of Public Health and Environment (CDPHE) Air Quality Permit, CDPHE Stormwater Discharge Permit, and Colorado Division of Reclamation, and Mining Safety (CDRMS) (Mining and Reclamation Permit) relative to the approved use and complies with all state and county requirements and regulations at all times. The applicant is requested to engage a rangeland specialist for the preparation of a reclamation plan for the site.
2. The applicant shall enter into a new road agreement with San Miguel County Road and Bridge (R&B) for hauling related to the pit and for the maintenance of County Road 44Z N, and/or shall apply for and secure hauling permit(s) from R&B, prior to commencing mining activity on the site.
3. The applicant shall submit a landscaping plan providing for the screening of the existing United Norwood Gravel Pit office/scales within sixty (60) days of BOCC approval of this SUP, and shall implement the plan within one (1) year.
4. The applicant is to submit to the Planning Department in a timely manner a copy of all plans and applications submitted to, and permits issued by, the state, county or any other government agency required by this SUP.
5. The permitted hours of operation are Monday through Friday 7:00 am to 6:00 pm during daylight hours. The Planning Director may allow the mine to operate outside of the hours and days of 7:00 am and 6:00 pm Monday through Friday for a limited period of time for publicly funded projects. Such a request is to be submitted to the Planning Director for review. The Director may require that any such request to temporarily expand operating hours include plans to mitigate the impacts of the activity to the surrounding neighbors, i.e. use of the hot mix asphalt batch plant, Jake brakes, or any other relevant impacts or concerns. The Director may approve, approve with conditions, or deny such a request.
6. The following production activities: concrete mixing and hot mixed asphalt are prohibited at the Skelton Pit. Mining of sand and gravel rock, sand screening, road base, and washed rock is authorized on the site. Crushing of gravel shall only be permitted at the Skelton Pit site if it is not occurring at the Montrose pit and all sound analysis for proposed crushing has been submitted to Planning and the sound mitigation plan has been subsequently approved by the county.
7. The Applicant shall provide written notice to the Planning Department prior to the commencement of mining activities at the site.
8. Provide a list of onsite United Companies contacts for the Skelton Pit operation to the Planning Department, Sheriff's Office and Road and Bridge Department. Update the contact list annually.
9. This Special Use shall commence within three (3) years of this approval. If mining activity does not commence in that time frame, this Special Use approval shall be reviewed by the Board of Commissioners and the approval may be rescinded and terminated or extended, and may be subject to additional modifications or conditions.
10. The wildlife habitat improvement plan, shall be submitted prior to commencement of mining activities at the site and shall be reviewed by the Planning Department and deemed appropriate for the scale of the impact.

Review Period:

1. There shall be an annual review following approval in January 2023, and every year thereafter, and after the first full calendar year following commencement of mining activities at the site. Prior to these annual reviews by the Planning Commission, notice will be provided to the neighbors and individuals and review agencies who received notice for this SUP application, prior to the scheduled public meeting so they may take their

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comments, questions or concerns known to the CPC. The CPC shall then make it

recommendation to the BOCC as to any recommended changes to the approved SUP, if any.

The BOCC may then take action to allow the SUP to continue as approved, modify or add conditions, or even revoke the SUP for non-compliance with the BOCC Resolution terms and conditions of approval, or if there are unintended substantial impacts to neighbors adjacent to the site. As a part of its consideration the BOCC may make a determination in its discretion if there is a need for additional annual reviews, or periodic reviews of the terms and conditions of the SUP in the future or not. **SECONDED** by Lance Waring. **PASSED 3-0.**

Staff Direction was given to modify and provide clarification of the approval included but not limited to the following road and traffic mitigation, jake brake, gravel pit, time of operation, target potential speed reduction to have completed by mid-February - any mitigation with our pit. The motion provided in the minutes as stated includes the recommendation from the public and the board of County Commissioners. (ATTACHMENT IV -2022-03)

9) **Lunch**

12:05 p.m. Recessed.

12:35 p.m. Reconvened.

10) **ADMINISTRATIVE MATTERS, Continued**

- a) Approval of Chair's signature on Resolution 2022-05 of the Board of County Commissioners of San Miguel County, Colorado naming Joanna Spindler to the Honorary Post of Poet Laureate of San Miguel County./MOTION

(ATTACHMENT - SpindlerDraftRes22.doc) .

Presented by: Art Goodtimes, Joanna Spinder, Emma Youngquist, Daivea Chesonis, Talking Gourds

MOTION by Lance Waring to approve as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

(ATTACHMENT V- Resolution 2022-05)

11) **PUBLIC HEALTH AND ENVIRONMENT**

- a) Update and other, as needed.

(ATTACHMENT - Public Comment = 2022-01-16 Letter to SMC PH Director and Medical Officer and BOH (1).pdf)

Presented by: Grace Franklin, Director of Public Health

Public Who Addressed the Board:

Catherine White, County resident

Greg Craig, County resident

Todd Bitner, Superintendent of Norwood Schools

Ericka Braune Lapsys, County resident

Carrie Andrew, County resident

Nola Svoboda, County resident

Emily Masson, County resident

(ATTACHMENT VI – Public Health Agency Order 2022-01

12) **SOCIAL SERVICES MATTERS**

- a) Approval of Chair's signature on Social Services Department Balance Sheet November 2021, Earned Revenue and Expenditures November 2021, Expenditures through Electronic Benefit Transfers December 2021, Check Register for the Month of December 2021, County Allocation/MOE Report NOV, and 2022 Caseload Graph/MOTION

Behavioral Health Solutions (BHS) Update

(ATTACHMENT - SMC January Packet.pdf) .

(ATTACHMENT - Caseload Report 2022.pdf) .

(ATTACHMENT - 2016-2021 Caseload Chart.xlsx - Chart2.pdf) .

Presented by: Carol Friedrich, Director of Social Services; Corrinne Cavender BHS

MOTION by Hilary Cooper to approve. **SECONDED** by Lance Waring. **PASSED 3-0.**

13) RECOGNITION

- a) Recognition and appreciation of Sergeant Curtis Funke who has served San Miguel County for almost 26 years.

Presented by: Sheriff Masters

Thank you Sergeant Curtis Funke for your years of service.

- b) **PARKS AND OPEN SPACE**Update on developing trails with the Telluride Mountain Club.

(ATTACHMENT - Correspondance Trails.pdf)

(ATTACHMENT - GMUG_trails_proposal_comment_from_SMC.pdf)

Presented by: Janet Kask, Parks and Open Space Director

14) NATURAL RESOURCES AND SPECIAL PROJECTS

- a) Discussion on Board Position for the County spearheading a Recreation Collaborative.

Presented by: Starr Jamison, NRSP Director

2:55 p.m. Recessed.

3:00 p.m. Reconvened.

15) MANAGER MATTERS/Mike Bordgona

- b) Update and other, as needed.

1. In-person meeting with the Assistant County Manager candidate
2. The board must appoint a County Assessor to fulfill Peggy Kanter's term.

- a. Further discussion on the Pathfinder Pit project for community housing.

Staff direction to move forward with a site analysis on the Pathfinder pit and then other properties considered at a later time.

Commissioner Updates Continued:

Hilary Cooper - Dolores NCA, Managed Service Operation for Mental Health supporting a review of services, Legislative updates; Southwest Rural, San Miguel Basin Work group, Local government approach to 30x30, Early Childhood newly formed Department at the State Level, Montezuma Land Company

18) ATTORNEY MATTERS

- e) Potential Executive Session: Discussion to continue under the current service agreement with Marketing Telluride, Inc (MTI), citation (4)(b)(e).

(ATTACHMENT - IGA.MarketingTelluride.10.24.05.pdf)

(ATTACHMENT - MTI Notice Letter.pdf)

Item continued to February 2, 2022.

- c) Executive Session: Discussion with an Attorney concerning the Personnel matters involving a lawsuit, citation (4)(b)(f).

MOTION by Lance Waring to go into executive session to discuss with an Attorney a Personnel matters involving a lawsuit, citation (4)(b)(f). **SECONDED** by Hilary Cooper. **PASSED 3-0.**

3:58 p.m. Recessed.

4:05 p.m. Reconvened.

Presented by: Jeff Driscoll, Attorney representing the County; Amy Markwell, County Attorney

MOTION by Hilary Cooper to come out of executive session. **SECONDED** by Lance Waring. **PASSED 3-0.**

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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 VII)

- a.) Consideration of whether San Miguel County should seek party status for the COGCC Rulemaking re: High Priority Habitat Map.

Presented by: Amy Markwell, County Attorney; Starr Jamison, NRSP Director

- b.) Potential Announcement by the Board of County Commissioners appointing the County Assessor - fulfilling the remaining term for Peggy Kanter.

Presented by: Mike Bordogna, County Manager

MOTION by Lance Waring to approve to approve Sarah Enders to fulfil the remaining term for Peggy Kanter as Assessor. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- d.) Executive Session regarding the Water Opposition Case for the purposes of obtaining legal advice, citation (4b).

Presented by: Amy Markwell, County Attorney; Mark Hamilton, Attorney representing the County

4:07 p.m. Recessed.

4:45 p.m. Reconvened.

MOTION by Hilary Cooper to go into executive session to discuss the Water Opposition Case for the purposes of obtaining legal advice, citation (4b). **SECONDED** by Lance Waring. **PASSED 3-0.**

MOTION by Lance Waring to come out of executive session. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

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 VI)

- f.) Executive Session: Discussion on the Wilson Mesa Parcel that is currently owned by the State Land Board, citation (4)(a).

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

4:46 p.m. Recessed.

5:20 p.m. Reconvened.

MOTION by Hilary Cooper to go into executive session to discuss the Wilson Mesa Parcel that is currently owned by the State Land Board, citation (4)(a). **SECONDED** by Lance Waring. **PASSED 3-0.**

MOTION by Lance Waring to come out of executive session. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

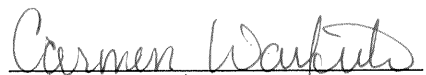
Board only talked about the one item stated.

19) **ADJOURNMENT**

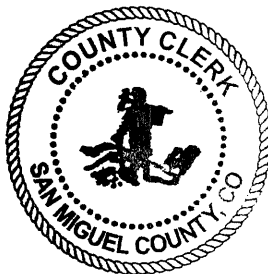
MOTION by Lance Waring to adjourn. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

5:20 p.m. Adjourned.

Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk

Approved April 20, 2022.



SAN MIGUEL COUNTY SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS


Kris Holstrom, Chair

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
Wednesday, January 19, 2022

ATTEST:



Mike Bordogna, County Manager

These minutes summarize the final decision made by the Board at the referenced meeting. This meeting was also audio recorded and that recording is available for review. In the event there is confusion as to what the final decision of the Board is, the Board will rely on the audio tape to interpret the Board's intent. The audio tape shall act as an official record of these proceedings for any necessary purpose when, in the opinion of the Board, the minutes are in any way insufficient. An audio copy of the Board of County Commissioners' proceedings is available on the website at <https://www.sanmiguelcountyco.gov/661/Agendas-and-Minutes> or by contacting the Deputy Clerk to the Board.



ATTACHMENT I

FINANCE OFFICE

RAMONA RUMMEL, FINANCE DIRECTOR

January

To: Board of County Commissioners
Mike Bordogna, County Manager

Below please find a summary of payments issued during the month of December 2021. This presentation of claims is required per CRS 30-25-110.

Staff is recommending the approval of these payments via consent agenda on January 19, 2022.

Any questions, please let me know. Thank you.

Per 30-25-110 C.R. S. Claims presented to the board - when-how paid.

December 2021 Payments		
	PAYROLL	VENDOR PAYMENTS
101 - General Fund	\$875,677.73	\$319,049.79
102 - Road & Bridge Fund	\$117,591.43	\$134,215.79
103 - Social Services Fund	\$55,663.76	\$9,698.10
104 - Sales Tax Capital Fund		
106 - Transit Fund		\$8,332.69
107 - Retirement Fund	\$57,181.59	
108- Parks and Open Space Fund	\$42,108.12	\$22,258.05
109 - Conservation Trust Fund		
110 - Lodging Tax Fund		\$20,728.52
111 - Vegetation Management Fund		\$12,608.14
112 - Early Childhood Education Fund		
113 - Mental Health Fund		\$2,392.50
115 - Public Health & Environment Fund	\$37,735.02	\$9,646.52
116 - Energy Fund		
117 - COVID19 Fund	\$27,358.64	\$43,873.73
224 - Housing Authority		
226 - Solid Waste Disposal District		\$3,069.27
301 - Grant Fund		\$926,869.45
TOTALS	\$1,213,316.29	\$1,512,742.55

P.O. BOX 486 • Norwood, Colorado 81423 • (970) 327-4885 •
ramonar@sanmiguelcountyco.gov

ATTACHMENT II

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
FOR ACCEPTING ROAD 58P WITHIN THE TOWN OF SAWPIT**

Resolution #2022-2

WHEREAS, pursuant to C.R.S. § 43-2-110 as amended, the Board of County Commissioners (“BOCC”) has the authority to include roads in the county’s road system; and

WHEREAS, the BOCC has been requested to accept Jackson Street which is situated within the town limits of the statutory Town of Sawpit (“Town”) into the county road system; and

WHEREAS, the County has been providing road maintenance to Jackson Street on behalf of the Town pursuant to intergovernmental agreements for decades; and

WHEREAS, the Town and County entered into an Intergovernmental Agreement in 2020 whereby the County paid funds to the Colorado Department of Transportation for needed improvements along Jackson Street and in exchange the Town would either reimburse the money or convey a fifty (50) foot ROW in fee or by easement from a point beginning at the intersection of SH 145 and Jackson Street heading north until Jackson Street intersects with and continues east along a portion of Blake Street and Wheeler Avenue to its termination at the Town’s boundary to the County (“Property”); and

WHEREAS, the Town and owners of Lots 1 and 2 in the Town conveyed the Property to the County by executing quitclaim deeds so the Property can be added to the County Road System and included as a portion of County Road 58P; and

WHEREAS, the County executed Resolution #2021-10 asserting their desire to acquire the following described real property to be added to the County Road System and authorizing the Chair or Vice Chair to execute any and all documents related to the acquisition of the Property:

LOT OWNER’S PROPERTY DESCRIPTION

A portion of Lots 1 and 2, Block 1, Town of Sawpit, according to the Plat recorded March 5, 1896 in Plat Book 28 at page 10 in the office of the Clerk and Recorder of San Miguel County, Colorado, further described as follows:

BEGINNING at the Southeast corner of said Block 1, said point being the Point of Beginning (P.O.B.);

thence S 63°11’01” W a distance of 45.07 feet;

thence 37.46 feet along the arc of a non-tangential curve, concave to the southeast, having a central angle of 16°50'39", a radius of 127.44 feet, and a chord of 37.33 which bears N 36°39'25" E;
thence N 63°53'13" E a distance of 11.67 feet;
thence S 26°49'00" E a distance of 16.53 feet to the Point of Beginning (P.O.B.);

TOWN’S PROPERTY DESCRIPTION

A portion of the Town of Sawpit, San Miguel County, Colorado, further described as follows:

BEGINNING at the Southeast corner of Block 1, Town of Sawpit, according to the Plat recorded March 5, 1896 in Plat Book 28 at page 10 in the office of the Clerk and Recorder of San Miguel County, Colorado, said point being the Point of Beginning (P.O.B.);

thence N 26°49'00" W a distance of 16.53 feet;
thence N 63°53'13" E a distance of 28.27 feet;
thence N 80°40'04" E a distance of 52.20 feet;
thence S 83°53'46" E a distance of 41.00 feet;
thence S 00°00'00" E a distance of 51.29 feet;
thence N 75°48'09" W a distance of 7.11 feet;
thence N 83°53'46" W a distance of 32.64 feet;
thence S 80°40'04" W a distance of 38.05 feet;
thence S 63°53'13" W a distance of 23.22 feet;
thence 65.79 feet along the arc of a non-tangential curve, concave to the east, having a central angle of 48°40'51", a radius of 77.44 feet and a chord of 63.83 which bears S 15°20'52" W;
thence 50.45 feet along the arc of a non-tangential curve, concave to the south, having a central angle of 05°35'08", a radius of 517.50 feet, and a chord of 50.43 which bears N 89°22'25" W;
thence 74.37 feet along the arc of a non-tangential curve, concave to the east, having a central angle of 33°26'10", a radius of 127.44 feet, and a chord of 73.32 which bears N 11°31'01" E;
thence N 63°11'00" E a distance of 45.07 feet to the Point of Beginning (P.O.B.)

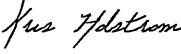
WHEREAS, quitclaim deeds were executed by the Town of Sawpit and Alexander and Kenneth Jones in May and June of 2021 granting the above described real property to the County. The deeds are incorporated herein by reference; and

WHEREAS, notice of a public hearing was published in the Norwood Post and Telluride Daily Planet on December 29, 2021 and on January 5, 2022; and

NOW THEREFORE BE IT RESOLVED, the County of San Miguel, Colorado by and through its Board of County Commissioners, hereby accepts the above dedication of property as a Public Highway (Public Right-of-Way) pursuant to C.R.S. §43-2-201(1)(a).

DONE AND ADOPTED by the Board of County Commissioners of the County of San Miguel, State of Colorado, at a public hearing held in Telluride, Colorado on January 19, 2022.

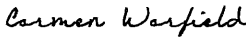
**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

DocuSigned by:


DCE710637985480...
Kris Holstrom, Chair

Vote:	Hilary Cooper	Aye	Nay	Abstain	× Absent
	Kris Holstrom	× Aye	Nay	Abstain	Absent
	Lance Waring	× Aye	Nay	Abstain	Absent

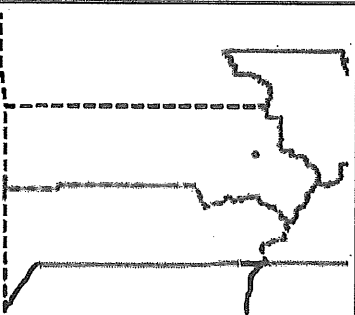
Attest:

DocuSigned by:


BE2AF0C39C83408...
Carmen Warfield, Chief Deputy Clerk



Exhibit A - Map



Legend

- Road
- County Boundary
- Town Boundary
- Tax Parcels cache

Map Generated
12/20/21 10:59 AM

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION
www.sanmiguelco

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY
TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED
FOR SAN MIGUEL COUNTY, COLORADO

RESOLUTION 2022 – 04

WHEREAS, certain operating expenditures for 2021 for San Miguel County have exceeded those anticipated at the time of adoption of the 2021 budget, and

WHEREAS, there have been revenues received or otherwise made available in 2021 which were not anticipated or were not assured at the time of adoption of the 2021 budget, and

WHEREAS, a public hearing was held on January 19, 2022, before the San Miguel County Board of Commissioners, San Miguel County, Colorado to accept public comment, and

WHEREAS, the need exists to appropriate additional expenditures for use by various county funds and spending agencies, as follows:

Social Services Fund	\$ 275,000
Sales Tax Capital Fund	\$ 250,000
Transit Fund	\$ 850,000
Lodging Tax Fund	\$ 485,000
Public Health Fund	\$ 17,500
COVID19 Fund	\$ 605,000
Grant Fund	\$ 692,500

AND, WHEREAS, Funds available to be appropriated for the above purposes include:

Social Services Fund	
Federal and State Backfill Funding	\$ 275,000
Sales Tax Capital Fund	
Grant Funding	\$ 250,000
Transit Fund	
RETA Funding/SMART Reimbs	\$ 850,000
Lodging Tax Fund	
Lodging Tax Revenue	\$ 485,000
Public Health Fund	
Operating Reserve	\$ 17,500
COVID19 Fund	
Contract and Grant Funding	\$ 605,000
Grant Fund	
Grant Funding	\$ 692,500

AND, WHEREAS, appropriate public notice of this action has been made as required by section 29-1-106 and 109, C.R.S.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of San Miguel County, Colorado, for the purposes detailed above:

THAT, the 2021 appropriation for the San Miguel County Social Services Fund is hereby increased from \$1,446,550 to \$1,721,550;

AND THAT, the 2021 appropriation for the San Miguel County Sales Tax Capital Fund is hereby increased from \$4,565,766 to \$4,815,766;

AND THAT, the 2021 appropriation for the San Miguel County Transit Fund is hereby increased from \$162,200 to \$1,012,200;

AND THAT, the 2021 appropriation for the San Miguel County Lodging Tax Fund is hereby increased from \$700,000 to \$1,185,000;

AND, THAT, the 2021 appropriation for the San Miguel County Public Health Fund is hereby increased from \$431,489 to \$448,989;

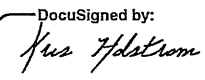
AND, THAT, the 2021 appropriation for the San Miguel County COVID19 Fund is hereby increased from \$155,738 to \$760,738;

AND THAT, the 2021 appropriation for the San Miguel County Grant Fund is hereby increased from \$2,681,000 to \$3,373,500;

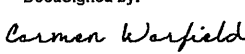
AND, THAT the supplemental appropriations detailed above increase the total appropriations for San Miguel County for 2021 from \$30,848,752 to \$34,023,752.

ADOPTED this 19th day of January, 2022.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

DocuSigned by:

By: DCF710637985480...
Kris Holstrom, Chair

ATTEST:

DocuSigned by:

BE2AF0C39C63408...
Carmen Warfield, Chief Deputy Clerk



Vote:	Hilary Cooper	Aye	Nay	Abstain	x Absent
	Kris Holstrom	x Aye	Nay	Abstain	Absent
	Lance Waring	x Aye	Nay	Abstain	Absent

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
APPROVING A MINING SPECIAL USE PERMIT FOR UNITED COMPANIES
SKELTON PIT IN THE WRIGHT'S MESA (WM) ZONE DISTRICT**

Resolution 2022-03

WHEREAS, J Ben Langenfield, Lewicki & Associates, on behalf of the United Companies and Skelton, Inc., PO Box 125, Norwood, CO 81423 ("Applicant"), has submitted an application seeking a Mining Special Use Permit for the extraction of sand and rock, and processing gravel on a vacant unimproved 25-acre parcel, #429513300013 the ("Property"), more specifically described in Exhibit A, Legal Description, zoned Wright's Mesa (WM) located off CR 44Z N just south of the Montrose County line approximately 2 miles northeast of the Town of Norwood;

WHEREAS, a Wright's Mesa Zone District Mining Special Use Permit (SUP) requires Two-step Planning Commission and Board of County Commissioner Review, per Land Use Code (LUC) Section 5-319 G VII, pursuant to the standards contained in LUC Sections 5-319 K, Review Standards for all WM Zone District Special Uses, 5-1002, Special Uses, and 5-16 Mining; and to 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;

WHEREAS, the application was referred to the County Manager, County Attorney, County Building Official, County Road and Bridge Director, County Government Affairs and Natural Resources Director, County Sheriff, County Site Inspector, County Vegetation Manager, Colorado Department of Transportation, Colorado Division of Reclamation Mining and Safety, Colorado Department of Public Health & Environment, Colorado State Patrol, Colorado Division of Water Resources, Colorado Parks and Wildlife, Montrose County Planning Department, Norwood Fire District, and the Town of Norwood for review and comment;

WHEREAS, at its regular meeting held on Thursday, October 14, 2021 the County Planning Commission (CPC) considered and continued the application to November 18, 2021 with direction to the applicant to provide additional information and respond to questions raised by the CPC;

WHEREAS, at its regular meeting held on Thursday, November 18, 2021 the CPC continued its review of the application and recommended approval to the Board of County Commissioners of a Mining Special Use Permit (SUP) to the United Companies for the extraction of sand and gravel, and processing of gravel on a vacant unimproved 25-acre parcel, #429513300013 the ("Property"), zoned Wright's Mesa (WM) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-319 G VII, Uses allowed subject to Two-step Planning Commission and Board of Commissioners SUP review; Section 5-319 K, Review Standards for all WM Zone District Special Uses, Section 5-1002, Special Uses, and Section 5-16 Mining; and to the LUC policies contained in 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, subject to certain conditions, by a vote of 4-1;

WHEREAS, the CPC's recommendations are set forth in the minutes from the November 18, 2021 CPC meeting;

WHEREAS, the Applicant sent Notice of the application and the Board of County Commissioners (BOCC) Public Hearing to be held on January 19, 2022, to all property owners within 1,500 feet of the subject parcel per LUC Section 5-1605. Additional notice was provided to all property owners further south along CR 44Z N to State Highway 145, and a sign was placed on the property and a second sign at the intersection of CR 44ZN and SH 145 to provide notice concerning this application and the BOCC Public Hearing to be held on-line, Wednesday, January 19, 2022;

WHEREAS, a legal notice for the Wednesday, January 19, 2022 Board of County Commissioners Public Hearing was published in the Norwood Post and Telluride Daily Planet on January 5, 2022;

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

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing held on-line on Wednesday, January 19, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves the proposed Mining Special Use Permit (SUP) to the United Companies for the extraction of sand and gravel, and processing of gravel on a vacant unimproved 25-acre parcel, Parcel No. 429513300013, zoned Wright's Mesa (WM) as shown on the site plan attached as Exhibit C, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-319 G VII, Uses allowed subject to Two-step Planning Commission and Board of Commissioners SUP review; Section 5-319 K, Review Standards for all WM Zone District Special Uses, Section 5-1002, Special Uses, and Section 5-16 Mining; and to the LUC policies contained in 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 subject to the following specific terms and conditions:

General Conditions:

1. This Special Use Permit (SUP) is issued to the Applicant and also runs with the land.
2. This SUP Approval is subject to all written representations of the applicant, in the original application submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

Specific Conditions:

3. The Special Use Permit shall only be valid as long as the applicant holds the following current State permits (Colorado Department of Public Health and Environment (CDPHE) Air Quality Permit, CDPHE Stormwater Discharge Permit, and Colorado Division of Reclamation, and Mining Safety (CDRMS) Mining and Reclamation Permit) relative to the approved use and complies with all state and county requirements and regulations at all times. The applicant is requested to engage a rangeland specialist for the preparation of a reclamation plan for the site.
4. The applicant shall enter into a new road agreement with San Miguel County Road and Bridge (R&B) for hauling related to the pit and for the maintenance of County Road 44Z N, and/or shall apply for and secure hauling permit(s) from R&B, prior to commencing mining activity on the site.
5. The applicant shall submit a landscaping plan providing for the screening of the existing United Norwood Gravel Pit office/scales within sixty (60) days of BOCC approval of this SUP, and shall implement the plan within one (1) year.
6. The applicant is to submit to the Planning Department in a timely manner a copy of all plans and applications submitted to, and permits issued by, the state, county or any other government agency required by this SUP.
7. The permitted hours of operation are Monday through Friday 7:00 am to 6:00 pm during daylight hours. The Planning Director may allow the mine to operate outside of the hours and days of 7:00 am and 6:00 pm Monday through Friday for a limited period of time for publicly funded projects. Such a request is to be submitted to the Planning Director for review. The Director may require that any such request to temporarily expand operating hours include plans to mitigate the impacts of the activity to the surrounding neighbors, i.e. use of the hot mix asphalt batch plant, jake brakes, or any other relevant impacts or concerns. The Director may approve, approve with conditions, or deny such a request.
8. The following production activities: concrete mixing and hot mixed asphalt are prohibited at the Skelton Pit. Mining of sand and gravel rock, sand screening, road base, and washed rock is authorized on the site. Crushing of gravel shall only be permitted at the Skelton Pit site if it is not occurring at the Montrose pit, and all sound analysis for proposed crushing has been submitted to Planning and the sound mitigation plan has been subsequently approved by the county.
9. The Applicant shall provide written notice to the Planning Department prior to the commencement of mining activities at the site.
10. Provide a list of onsite United Companies contacts for the Skelton Pit operation to the Planning Department, Sheriff's Office and Road and Bridge Department. Update the contact list annually.

- 11. This Special Use shall commence within three (3) years of this approval. If mining activity does not commence in that time frame, this Special Use approval shall be reviewed by the Board of Commissioners and the approval may be rescinded and terminated or extended, and may be subject to additional modifications or conditions.
- 12. The wildlife habitat improvement plan, which shall include a timeline for implementation, shall be submitted prior to commencement of mining activities at the site and shall be reviewed by the Planning Department and deemed appropriate for the scale of the impact.

Review Period:

- 13. There shall be an annual review following approval in January 2023, and every year thereafter, and after the first full calendar year following commencement of mining activities at the site. Prior to these annual reviews by the Planning Commission, notice will be provided to the neighbors and individuals and review agencies who received notice for this SUP application, prior to the scheduled public meeting so they may make their comments, questions or concerns known to the CPC. The CPC shall then make its recommendation to the BOCC as to any recommended changes to the approved SUP, if any.

The BOCC may then take action to allow the SUP to continue as approved, modify or add conditions, or even revoke the SUP for non-compliance with the BOCC Resolution terms and conditions of approval, or if there are unintended substantial impacts to neighbors adjacent to the site. As a part of its consideration the BOCC may make a determination in its discretion if there is a need for additional annual reviews, or periodic reviews of the terms and conditions of the SUP in the future or not.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on January 19, 2022.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

DocuSigned by:
By: Kris Holstrom
DCE710637985480...
Kris Holstrom, Chair

Vote:	Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:

DocuSigned by:
By: Carmen Warfield
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Carmen Warfield, Chief Deputy Clerk



EXHIBIT “A” Legal Description
EXHIBIT “B” Public Hearing Record
EXHIBIT “C” Site Plan

EXHIBIT "A"

Legal Description

N2 NE4 SW4 N2 N2 S2 NE4 SW4 SEC 13 T45 R13 25 ACRES MOL TOTAL ASSESSED
ACRES 25 AC, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

ALSO KNOWN AS, PARCEL #: 429513300013.

EXHIBIT "B"

Public Hearing Record

San Miguel County Board of County Commissioners

Application: United Companies – Skelton Pit, Mining Special Use Permit, application –
Wright's Mesa Zone District

Date: January 19, 2022

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 County Commissioners from John Huebner, Senior Planner dated January 19, 2022.
4. Draft Board of County Commissioners Resolution #2022-03.
5. Draft San Miguel County Planning Commission November 18, 2021 Meeting Minutes.
6. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated November 18, 2021.
7. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated October 14, 2021.
8. Application and Supplements submitted by Ben Langenfeld, P.E., Lewicki & Associates received July 25, 2021, August 16, 2021 and November 10, 2021.
9. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 and CRS § 24-65.5-103(1) dated October 7, 2021 and October 5, 2021; and December 22, 2021.
10. Emails from Ben Langenfeld, P.E., Lewicki & Associates to County Planning and Road and Bridge staff, dated September 14-29, 2021.
11. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on September 29, 2021, Meeting Notices on October 6, 2021 and November 10, 2021.
12. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on January 5, 2022.
13. Response to Planning Commission Questions.
14. Emails from Jason Burkey, United Companies to County Planning and Road and Bridge staff, dated November 23, 2021.

EXHIBIT "B"

15. Email strings from Ben Langenfeld, P.E., Lewicki & Associates to County Planning and Road and Bridge staff, dated December 20, 2021 – January 11, 2022.

AGENCY COMMENTS

16. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated September 2, 2021.
17. Email from John Bockrath, Norwood Fire Protection District, to John Huebner, Senior Planner, dated September 2, 2021.
18. Email from Patti Grafmyer, Town of Norwood, to County Planning Commission dated September 7, 2021.
19. Email string from Lucas West, Colorado Division of Reclamation, Mining and Safety to John Huebner, Senior Planner, dated September 7, 2021.
20. Email from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated September 9, 2021.
21. Email from Greg Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated September 14, 2021.
22. Letter received from Ryan Righetti, County Road and Bridge Director to County Planning Department dated September 24, 2021.
23. Letter received from Mark W. Caddy, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated October 3, 2021.
24. Emails received from Steve White, Montrose County Planning and Development Director, to John Huebner, Senior Planner, dated October 14 & 15, 2021.

PUBLIC COMMENT

25. Email received from Jackson Ordean to County Planning Commission dated September 11, 2021.
26. Letter received from James Fourney, 4Knee Ventures, LLC to County Planning Department dated September 13, 2021.
27. Letter received from Martha P. Whitmore, Esq., on behalf of Ken Crouse, to County Planning Commission dated September 23, 2021.
28. Letter received from Mary Ann Gaston to John Huebner, Senior Planner, dated September 26, 2021.

EXHIBIT "B"

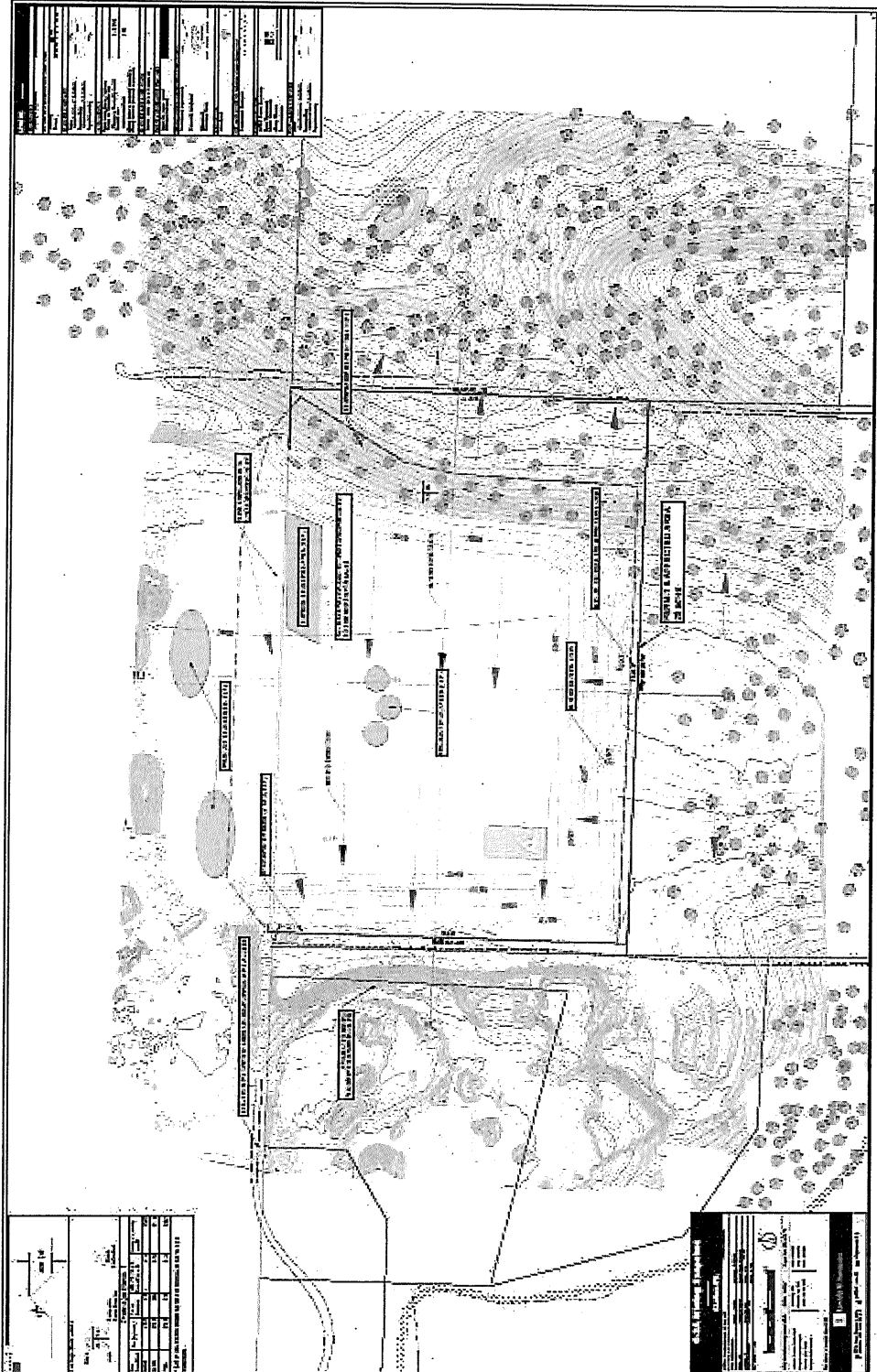
29. Email string with Madeline Gardner with John Huebner, Senior Planner, dated September 15, 2021.
30. Email from Madeline Gardner to John Huebner, Senior Planner, dated October 6, 2021.
31. Email from Peggy Smelt-Day to John Huebner, Senior Planner, dated October 7, 2021.
32. Letter from member of the Wright's Mesa Coalition for Quality of Life to County Planning Department, received November 3, 2021.
33. Email received from Jackson Ordean to John Huebner, Senior Planner dated November 19, 2021.
34. Email received from Vicky Ordean to John Huebner, Senior Planner dated November 19, 2021.
35. Emails received from Mary Ann Gaston to John Huebner, Senior Planner, and others dated November 19-24, 2021.
36. Email received from James Fournery, 4Knee Ventures, LLC to County Planning Department dated December 10, 2021.
37. Email received from Jackson Ordean to John Huebner, Senior Planner dated January 10, 2022.
38. Email received from Jackson Ordean to John Huebner, Senior Planner dated January 13, 2022.
39. Email from Madeline Gardner to John Huebner, Senior Planner, dated January 14, 2022.
40. Letter received from John Williams to Planning Department dated January 3, 2022.
41. Letter received from Mary Ann Gaston to SMC BOCC dated January 17, 2022.

OTHER

42. Planning Commission Resolution 1992-11 Approving SUP County Norwood Gravel Pit, dated September 16, 1992.
43. Board of Commissioner Memorandum of Understanding with Skelton regarding 44Z N road reconstruction dated July 7, 1993.
44. SMC Gravel Task Force Recommendations, dated October 27, 1998, pp 1-30.
45. Montrose County Gravel Mining Mitigation Standards, pp. 49-54.
46. Response to Wright's Mesa Coalition for Quality of Life Questions.

EXHIBIT "C"

Site Plan



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO NAMING JOANNA SPINDLER TO THE HONORARY POST OF POET LAUREATE OF SAN MIGUEL COUNTY

Resolution #2022 - 05

WHEREAS, San Miguel County has continued a tradition of appointing county poet laureates upon the recommendation of the Telluride Institute’s Talking Gourds poetry program since 2006; and

WHEREAS, preceding San Miguel County Poet Laureates have included Rosemerry Wahtola Trommer of Placerville (2006-10), Ellen Marie Metrick of Norwood (2011-13), Peter Waldor of Telluride (2014-16), Elissa Dickson of Telluride (2016-18), Daiva Chesonis of Norwood (2019-2021); and

WHEREAS, Ms. Spindler has lived in San Miguel County for many years and is an adult programming specialist with the Wilkinson Library here in Telluride; and

WHEREAS, Ms. Spindler has been a long-time collaborator with Talking Gourds and now the lead partner on the Bardic Trails zoom virtual poet series in this time of Covid; and

WHEREAS, Ms. Spindler is an inspiring performer of her poetry and has appeared on stage many times in Telluride; and

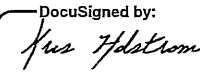
WHEREAS, Ms. Spindler has been recommended for this honor by the Telluride Institute’s Talking Gourds poetry program;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The San Miguel County Board of County Commissioners (“BOCC”) does hereby appoint Ms. Spindler as Poet Laureate of San Miguel County; and
2. The BOCC does hereby declare that Ms. Spindler shall serve a two-year term, from January 1, 2022 to December 31, 2024, and her responsibilities will be to promote the literary arts in Telluride, San Miguel County, and around the state.

DONE AND APPROVED by the BOCC at a regular meeting held at Telluride, Colorado, on January 19, 2022.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

DocuSigned by:

DCE710637985480
Kris Holstrom, Chair

ATTEST:

DocuSigned by:
Carmen Warfield

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Carmen L. Warfield, Chief Deputy Clerk to the Board



VOTE:

Hilary Cooper	☒ Aye	☐ Nay	☐ Abstain	☐ Absent
Kris Holstrom	☒ Aye	☐ Nay	☐ Abstain	☐ Absent
Lance Waring	☒ Aye	☐ Nay	☐ Abstain	☐ Absent



ATTACHMENT ✓1

Department of Public Health and Environment
GRACE FRANKLIN, DIRECTOR

PUBLIC HEALTH AGENCY ORDER # 2022-01

**ADOPTION OF THE STATE OF COLORADO COVID-19 ORDERS AND ADDITIONAL
SAFETY REQUIREMENTS TO CURTAIL THE SPREAD OF COVID-19**

EFFECTIVE: TUESDAY, FEBRUARY 1, 2022 at 12:01 AM MST

RECITALS AND FINDINGS

WHEREAS, local public health orders are adopted pursuant to the legal authority set forth in sections 25-1-506, 25-1-508 and 25-1-509 of the Colorado Revised Statutes. Under these laws, the San Miguel County Board of Health and San Miguel County Public Health Director (Public Health Director) have the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over property and over the persons or the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health; and

WHEREAS, in Colorado, the Combined Hospital Transfer Center (CHTC) maintains at Level III the highest level, which escalates the reach of the Transfer Center from an individual hospital or regional level to the statewide level, creating a single point of contact for any hospital in the state that needs to transfer patients due to capacity concerns; and

WHEREAS, as of January 26, 2022 there have been thirty one (31) hospitalizations and seven (7) COVID-19 related deaths in the County since the COVID response; and

WHEREAS, wastewater treatment data has continued to indicate a moderate level of disease burden within San Miguel County; and

WHEREAS, on December 20, 2021 the Centers for Disease Control released data about the increased transmissibility of the Omicron variant; and

WHEREAS, San Miguel County (SMC) continues to sustain a moderately high incidence rate of COVID cases; and

WHEREAS, the CDC and American Association of Pediatrics state that masks are effective in reducing the transmission of COVID and face masks can be safely worn by all children 2 years of age and older, with rare exception; and

WHEREAS, additional or different restrictions may need to be imposed and future orders issued by the Public Health Director to effectively address the ongoing pandemic. Accordingly, **the Public Health**

P.O. BOX 949 · Telluride, Colorado 81435 · (970) 728-4289

Director reserves the right to increase restrictions in future orders and amendments should the protection of public health necessitate such measures and no person should presume that future orders will automatically or necessarily relax the restrictions contained in this Order.

NECESSITY OF THIS ORDER

This Order is issued based on evidence of the occurrence and transmission of and vaccination against COVID-19 within San Miguel County. This Order is further based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population within San Miguel County places the population at risk for serious health complications, including death, from COVID-19.

INTENT

The intent of this Order is to ensure that the community as a whole has the opportunity to live, work, and play in environments that do not put them at undue risk for infection of COVID-19. Additionally, maintaining low COVID-19 transmission keeps hospital capacity manageable and allows for other medical care to continue, allows businesses to stay open without capacity restrictions, and reduces the likelihood that schools will have to close to in-person learning. Preventing further spread or a resurgence of disease will require that all individuals and businesses be responsible for adhering to the requirements of this Order. Should a surge of illness continue, additional restrictions on activities may be implemented. All provisions of this Order should be interpreted to effectuate this intent.

ORDER

I. GENERAL

- A. This Order rescinds and replaces in full all prior public health orders issued by the San Miguel County Public Health Director.
- B. This Order shall apply to all unincorporated areas of San Miguel County, Colorado, and all incorporated (municipal) areas that do not have a public health agency, to wit: Town of Telluride, Town of Mountain Village, Town of Norwood, Town of Ophir, and the Town of Sawpit, Colorado.
- C. Nothing in this Order prevents any individual local governmental entity, business or service provider from adopting more protective standards for the health and safety of their jurisdictions, employees, offices, businesses or customers.
- D. Nothing in this Order prevents businesses or service providers from denying any or all of their services as they deem appropriate and necessary under the circumstances.
- E. **Most Restrictive Standard Controls.** To the extent there is a conflict between State, County, Town or Business rules/orders, the more restrictive provisions control.
- F. **Posting Compliance Signage.** Businesses from all industries **must** post appropriate signage to communicate current COVID-19 protocols, as instructed by San Miguel county Public Health.
- G. **Take the Pledge.** Everyone is strongly encouraged to follow the Five Commitments of Containment to curb the spread of COVID-19 and help keep our community open: wear a mask;

physically distance; minimize group size; wash hands frequently; and stay at home when sick and get tested.

H. * **Cooperation with Contact Tracing, Quarantine Orders, and Isolation Orders.** All individuals must cooperate with contact tracing efforts conducted by San Miguel County Public Health as well as any quarantine or isolation orders issued by County Public Health.

I. * **Isolation and Quarantine.**

1) All individuals who have a confirmed positive COVID-19 test, regardless of where that test was performed or how it was provided (medical practitioner, at home COVID-19 test, or County Public Health) must isolate for 10 days from onset of symptoms or test date if asymptomatic. Isolation means you must stay at home away from all other people. If possible, use a separate bedroom and bathroom and stay out of shared spaces. If you need to be in a shared space, limit the amount of time in that space and wear a mask. Wash hands frequently and disinfect shared spaces. **Prohibited activities after being confirmed positive for COVID-19 include but are not limited to** going out of your home to run, walk, ski, hike, bike, attend school, go to work or go shopping for essential or non-essential items. County Public Health has resources to assist in getting essential items delivered to your home. Individuals may only leave their homes in order to seek essential medical care.

2) All individuals who have been notified that they are a close contact with a person who tested positive must quarantine for 10 days from the last date of known close contact. Quarantine means to stay in their home and not interact with others outside of your household. If a close contact individual becomes symptomatic during this timeframe, they must notify San Miguel Public Health immediately for next steps.

3) All individuals who have any symptom that is associated with COVID-19 (runny or stuffy nose, fever, cough, loss of smell or taste, shortness of breath, or difficulty breathing) are strongly encouraged to receive a COVID-19 test and self-quarantine, stay in their home and not interact with others outside of your household.

J. **Responsibility for Compliance.**

- **Individuals.** Each individual present within San Miguel County whether they are a full-time resident, part-time resident or visitor is responsible for compliance with this Order and any additional restrictions implemented by individual towns, businesses and facilities.
- **Businesses.** The responsibility for compliance for businesses within this Order shall apply to the owner of the Business and owner of the property on which the facility or event is located.
- **Everyone** should take steps to review and become familiar with the materials found on the County and State websites, posted by the business or facility as well as materials that are sent to them through the mail or various electronic media. <https://covid-19-sanmiguelco.hub.arcgis.com/>

K. **Severability.** If any provision of this Order is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

- L. **Conflicting Interpretations.** To the extent any ambiguity exists between this Order and any statement made by San Miguel County staff and officials or others regarding the interpretation or effect of this Order, the express terms of this Order and its interpretation by the Public Health Director or her designee shall control.
- M. **Penalties.** Failure to comply with any provision of this Order may result in (1) a fine of up to five thousand (\$5,000) dollars and/or imprisonment in the county jail for up to eighteen (18) month pursuant to C.R.S. §§ 25-1-516 and 18-1.3-501; (2) loss of business license(s); (3) and/or a temporary shutdown of your business or worksite.

II. FACE COVERINGS

- A. "Face Covering" shall mean a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and that fits snugly but comfortably against the side of the face and remains in place without the use of one's hands. Face coverings include, but are not limited to, medical masks, cloth masks, buffs and gaiters. Face coverings do not include any mask that incorporates a one-way valve that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order.
- B. All persons, regardless of vaccination status, shall be required to wear a Face Covering when entering, waiting in line to enter and while in the following locations open to the public within San Miguel County:
1. Any place of business or facility engaged in any sales or other transactions of any kind to the general public and any place that offers services, facilities, privileges, or advantages to the general public;
 2. Any County, Town of Telluride, Town of Mountain Village, Town of Ophir, Town of Sawpit and Town of Norwood owned or operated building or indoor facility of any kind; and
 3. Any public transportation.
- C. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons under this Order:
1. Persons in restaurants or other food establishments which are permitted by state and local regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking; provided, however, that face coverings must be worn while entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed;
 2. Persons working in a place of business who do not come into contact with the public and who do not share workspace with other persons not of their household; provided, however, that face coverings shall be worn while entering or exiting the building or otherwise when within six feet of another person in or around that place of business and as may otherwise be required under any other orders or directives issued by any entity with jurisdiction;
 3. Persons younger than 2 years of age;
 4. Persons who are performing on stage or at least 6 feet from the audience, if fully vaccinated or have proof of a negative covid test within 72 hours of performance.

5. Persons who are **actively participating** in activities in buildings 30,000 sq feet or larger, such as, the arena at the Hanley Pavilion Ice Rink (ice surface and player bench) or the Event Center at the SMC Fairgrounds. If the person moves to the spectator or other common areas and six (6) foot distancing from others cannot be maintained, a Face Covering must be worn.
6. Persons for whom a face covering would cause impairment due to an existing health condition or persons who, because of a disability, are unable to wear a face covering; and
7. Persons in a place of business such as banks, financial institutions or other security sensitive businesses who are requested to remove or lower their face covering for purposes of verifying their identity to carry out a sale or transaction; provided, however, that face coverings must otherwise be worn while in the establishment.

III. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

- If you have questions regarding this Order, please contact the San Miguel County Health Department at 970.728.4289 and/or email publichealth@sanmiguelcountycolorado.gov.
- Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the San Miguel County District Court within 90 days of the date of this Order, pursuant to C.R.S. § 25-1-515. However, you must continue to obey the terms of this Order while your request for review is pending.

IV. FURTHER GUIDANCE & GUIDELINES

- **San Miguel COVID-19 Information & Links:**
<https://www.sanmiguelcountycolorado.gov/590/Coronavirus>
- **San Miguel COVID-19 Communication Assets**
<https://drive.google.com/drive/folders/1W3NKG9kxZWj84VuncUjSlaT0BkoK45XS>
- **Colorado Public Health & Executive Orders:** <https://covid19.colorado.gov/covid-19-in-colorado/public-health-executive-orders-resource>
- **CDPHE COVID-19 Dial Dashboard:**
<https://covid19.colorado.gov/data/covid-19-dial-dashboard>
- **CDPHE Environmental Cleaning Guidance:**
<https://drive.google.com/file/d/1XOnjAL2nzdPnb7Dabz7-IX8Pw7XlvUe8/view>
- **CDPHE Guidance for Wearing Masks:** <https://covid19.colorado.gov/mask-guidance>
- **CDPHE Outdoor Event Guidance:** <https://covid19.colorado.gov/outdoor-events>
- **US Department of Labor OSHA Information:** <https://www.osha.gov/SLTC/covid-19/>
- **US Centers for Disease Control & Prevention:** <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- **US Centers for Disease Control & Prevention - Visiting Bars and Restaurants:**
<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/personal-social-activities.html#restaurant>

(End of Order)

This Order is in effect from

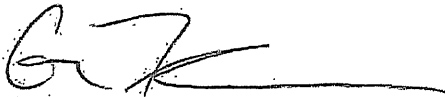
TUESDAY, FEBRUARY 1, 2022 at 12:01 AM MST

to

MONDAY, FEBRUARY 28, 2022 at 11:59 PM MST

and is subject to continuing review by the Public Health Director.

DONE AND SIGNED, as the official Order of the Director of the San Miguel County Department of Public Health and Environment.



Grace Franklin, Public Health Director

01/27/22

Date

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MEETING

01/19/2022

Date of Meeting

Executive Session Minutes Attest

I, Amy Markwell, County Attorney attest that the 01-19-2022
Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

DocuSigned by:
Amy Markwell
13D669A155064D6...
Amy Markwell, County Attorney

I, Kris Holstrom, Chair of the San Miguel County Board of
Commissioners attest that the 01/19/2022
Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

DocuSigned by:
Kris Holstrom
D6F710637985490...
Chair