

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

Wednesday, September 7, 2022

Zoom.us

1) Roll Call

Present:

Kris Holstrom, Chair

Hilary Cooper, Vice Chair

Lance Waring, Commissioner

Staff Present:

Mike Bordogna, County Manager

James Van Hooser, Assistant County Manager

Nancy Hrupcin, Legal Assistant

Carmen Warfield, Chief Deputy Clerk

Arrived later in the meeting:

Amy Markwell, County Attorney

2) 9:30 a.m. CALL TO ORDER.

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

Item 14.a. will be continued.

6) CONSENT AGENDA

6.a) Approval of the appointment of Todd Bittner to the Behavioral Health Solutions panel to ensure the interests of both schools from both sides of the County are given proper representation.

6.b) Ratification of Commissioner's signatures on a request for a 30-day extension for comments on the Sunday Mine Complex EA, DOI-BLM-CO-SO10-2022-006-EA

([ATTACHMENT - BLM Sunday Mine Extension Request.docx](#)).

([ATTACHMENT - 2022_09_01 Sunday Mine Plan Scoping Period Extension Request Response_SMCBOCC.pdf](#)).

6.c) Ratification of Commissioner's signatures on the Final Comments on the Bureau of Land Management Big Game Corridors RMPA.

([ATTACHMENT - Final BLM Big Game Corridors RMPA 9.2.22.pdf](#)).

MOTION by Lance Waring to approve the consent agenda with item 6.c. title shall read "Ratification of Commissioner's signatures on the final scoping comments on the Bureau of Land Management Big Game Corridors RMPA". **SECONDED** by Hilary Cooper. **PASSED 3-0.**

7) ADMINISTRATIVE MATTERS

7.a) [Approval of Chair's signature on Proclamation 2022-05 designating September, 2022, as "Suicide Prevention Month" in San Miguel County./MOTION](#)

(ATTACHMENT - September 2022, Suicide Prevention Month.docx)

Presented by: Corinne E Cavender, Tri-County Health Network

(ATTACHMENT I - Proclamation 2022-05)

MOTION by Lance Waring to approve the Chair's signature on Proclamation 2022-05 designating September, 2022, as "Suicide Prevention Month". **SECONDED** by Hilary Cooper. **PASSED 3-0.**

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

7.b) Update on the EPA removal project on the Telluride Valley Floor.

Presented by: Joni Sandoval, EPA Region 8; Katherine Jenkins, EPA Region 8

15.a. **MANAGER MATTERS**

Brief Updates with Mike Bordogna, County Manager

The Pet policy went into effect on Tuesday, September 6, 2022.

The Employee handbook is nearing completion and will be presented to the board on September 14, 2022, and September 28, 2022.

The County website will be highlighting new projects and a community engagement platform.

Update on the Lodging Tax board.

Update on the two extra water taps in Egnar will be sold.

James Van Hooser - Update with the Assistant County Manager

The Composting grant was submitted.

The Pathfinder Pit will need additional investigation on providing water to the area.

8) **PLANNING MATTERS**

8.a) 10:00 a.m. Public Hearing: Consideration of an application for Subdivision Exemption for Lot Line Adjustment submitted by John Herndon, owner of Lot 2 and Lot 3, Herndon Subdivision Exemption to adjust the boundary line between the two parcels / MOTION

(ATTACHMENT - BOCC Packet Materials Lots 2&3 Herndon Subd Exemption 9.7.22.pdf)

Presented by: John Huebner, Senior Planner; Kaye Simonson, Planning Director; John Herndon, Applicant; Jim and Gretchen Wells, Land owners next to the applicant

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

10:45 a.m. Chair Closed the Public Hearing.

MOTION by Lance Waring to approve the proposed Subdivision Exemption for Lot Line Adjustment between Lot 2 and Lot 3, Herndon Subdivision Exemption as presented, to authorize the Chair's signature on the corresponding final plat, and to adopt the corresponding Resolution No. 2022-46, finding that the proposed Subdivision Exemption for Lot Line Adjustment application is in compliance with all applicable Land Use Code standards in Section 5-1203, Lot Line Adjustments, including the submission of a final plat that complies with the final plat submission contents required in the Land Use Code. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

(ATTACHMENT II - Resolution 2022-46)

11:00 a.m. Recessed.

11:22 a.m. Reconvened.

9) **ADMINISTRATIVE MATTERS, Continued**

9.a) Consideration of a request by the Sheriff's Office to add a new position of Sheriff's

Assistant./MOTION

(ATTACHMENT - Sheriff's Assistant - Job description.pdf)

Presented by: Dan Covault, Undersheriff

MOTION by Lance Waring to approve the request in 2022 to add a new position [Sheriff's Assistant] with excess funds from the current positions not filled. [It will be a budgeted line item in 2023]. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

9.b) Presentation of the EcoAction Partners and San Miguel Power Association annual update.

(ATTACHMENT - 2023 SMC and EcoAction Contract for Services - draft.docx)

(ATTACHMENT - EAP_program_update_2022.pdf)

Presented by: Emma Gerona, EcoAction Partners; Terry Schuyler, SMPA; Wiley Freeman, SMPA; Kim Wheels EcoAction Partners

11) Lunch

12:32 p.m. Recessed.

12:50 p.m. Reconvened.

12:45 p.m. Amy Markwell arrived to the meeting.

12) PUBLIC HEALTH AND ENVIRONMENT

12.a) Consideration of approval of Chair's signature on a Memorandum of Understanding with the Colorado Department of Public Health and Environment (CDPHE) partnering with the Colorado Wastewater Utilities across the state./MOTION

(ATTACHMENT - Expanded Colorado Wastewater Monitoring Collaborative MOU (19).pdf)

Presented by: Grace Franklin, Public Health Director

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

10) NATURAL RESOURCES AND SPECIAL PROJECTS/Starr Jamison, Director

1. Attendance to a Cooperating agency meeting on big game habitat and Gunnison Sage Grouse.
2. Preparing to schedule a Wildfire mitigation and a Recreation Collaborative meeting
3. Attended a West Region Wildfire Council meeting focusing on the Ski Ranch subdivision
4. The request for a 60-day extension concerning the Sunday Mine Complex was denied
5. Waiting for a decision on the EV Readiness Grant that was submitted
6. Update on the Solar project

Presented by: Starr Jamison, NRSP Director

13) COUNTY HOUSING MATTERS

13.a) Consideration and adoption of Pinion Park Norwood policy statements./MOTION

(ATTACHMENT - Pinion Park Norwood Policies Memo - Updated.pdf)

(ATTACHMENT - PP-Policy Stmt 2022-02 AML.pdf)

(ATTACHMENT - PP-Policy Stmt 2022-03 Physically Working.pdf)

(ATTACHMENT - PP-Policy Stmt 2022-01 Household.pdf)

Presented by Lois Major, Attorney representing the County; Courtney McEleney, SMRHA Director

MOTION by Lance Waring to approve the Pinion Park policy statement [Area Medium Income Tier Restrictions]. **SECONDED** by Hilary Cooper. **PASSED 2-1.**

MOTION by Hilary Cooper to approve the Pinion Park policy statement [working in the Norwood R2j School District]. **SECONDED** by Lance Waring. **PASSED 3-0.**

MOTION by Lance Waring to approve the Pinion Park policy statement [Household for Pinion Park Norwood] with the correction of striking the words romantic or exclusive. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- 13.b) Consideration of a request from Jerid and Christina Cabot for an Exception to the Deed Restriction and Covenant Pinion Park Section 3.3.1.c improved Residential Property./MOTION

(ATTACHMENT - Cabot Exception Memo 09-02-2022.docx.pdf)

(ATTACHMENT - Cabot Exception Application_Redacted.pdf)

Presented by: Jerid Cabot, Applicant; Courtney McEleney, SMRHA Manager; Lois Major, Special Counsel to the County Housing Authority; James Van Hooser, Assistant County Manager

To be continued to the September 14, 2022, board meeting.

- 13.c) Consideration of a request from Norwood Public Schools for an Exception to the Affordable Housing Regulations and Guideline Pinon Park Section 10.3.6./MOTION

(ATTACHMENT - Norwood Public Schools - Exception Application.pdf)

(ATTACHMENT - Norwood Public Schools - Exception Memo.pdf)

Presented by: Courtney McEleney, SMRHA Manager; Lois Major, Special Counsel to the County Housing Authority; Todd Bitner, Superintendent of Norwood Schools

MOTION by Lance Waring to approve an Exception to Section 10.3.6 based on a finding that there are compelling circumstances and that granting the requested exception is consistent with the purpose and intent of the Covenant whereby granting Applicant permission to purchase a unit in Pinion Park Norwood under the following conditions:

1. Applicant shall enter into an Exception Agreement prepared by the County Attorney
2. The Exception shall terminate upon the sale of Purchased Unit
3. The word business shall be changed to institution. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- 13.d) Consideration of a request from Daniel Flores and Elisa Tzoc for an Exception to the Affordable Housing Regulations and Guidelines Section 4.1 Application Process./MOTION

(ATTACHMENT - Flores, Tzoc. Exception Form.pdf)

(ATTACHMENT - Flores-Tzoc Exception Memo.pdf)

Presented by: David Bruce, Telluride Homes; Courtney McEleney, SMRHA Manager; Lois Major, Special Counsel to the County Housing Authority

MOTION by Hilary Cooper to approve an Exception to Section 4.1 based on a finding that there are compelling circumstances and that granting the requested exception is consistent with the purpose and intent of the Covenant whereby granting Applicant permission to purchase a unit in Pinion Park Norwood under the following conditions:

1. Applicant shall enter into an Exception Agreement prepared by the County Attorney
2. The Exception shall terminate upon the sale of Purchased Unit. **SECONDED** by Lance Waring. **PASSED 3-0.**

2:26 p.m. Recessed.
2:35 p.m. Reconvened.

14) ADMINISTRATIVE MATTERS - Continued.

- 14.a) Continued discussion on the replacement of the Placer Valley Village - Applebaugh Bridge./MOTION - This item was continued to a future meeting.

(ATTACHMENT - Applebaugh Bridge - MemoRevised0803).pdf)

(ATTACHMENT - PVVBOCCLetterMemo08042022.pdf).

16) COMMISSIONER UPDATES:

- 16.a) Consideration of the Chair's signature on the appointment of Hilary Cooper to the Colorado Counties, Inc. Legislative Committee Commissioner Designation form./MOTION

(ATTACHMENT - Memo.2023 Legislative Committee.docx).

(ATTACHMENT - Designation Form.2023 Legislative Committee.docx).

Presented by: Hilary Cooper, Commissioner

MOTION by Lance Waring to approve the Chair's signature on the appointment of Hilary Cooper to the Colorado Counties, Inc. Legislative Committee Commissioner Designation form.
SECONDED by Hilary Cooper. **PASSED 3-0.**

Commissioner Updates:

Lance Waring - Update on the meeting with Ophir residents

Hilary Cooper - Sage Grouse operating agency meeting with BLM; Regional Opioid meeting; White House Invitation of the IRA program and funds; Jenn Dinsmore on the Crisis Response Program; West Slope Casa; GMUG Forest Plan Discussions; Meetings with the Colorado Forest Health

Kris Holstrom - Appointed to the UMC Board

17) ATTORNEY MATTERS

- 17.a) Update and other, as needed.

Presented by: Amy Markwell, County Attorney

Update on current litigation.

Presented by: Amy Markwell, County Attorney

- 17.b) Potential Executive Session: Consideration of proposed Amended and Restated Deed Restriction and Covenant, Lot C, San Bernardo Subdivision, Affordable Housing Apartment with Brent Moore and Elizabeth Tracy, citation (4)(b)(e) / MOTION

(ATTACHMENT - BOCC Packet Materials SB Lot C DR Covenant 090722.pdf).

MOTION by Lance Waring to go into executive session to discuss the proposed Amended and Restated Deed Restriction and Covenant, Lot C, San Bernardo Subdivision, Affordable Housing Apartment with Brent Moore and Elizabeth Tracy, citation (4)(b)(e). **SECONDED** by Hilary Cooper. **PASSED 3-0.**

Presented by: Amy Markwell, County Attorney; Lois Major, Attorney representing the County

2:56 p.m. Recessed.
4:17 p.m. Reconvened.

Note: 3:36 p.m. John Huebner, Senior Planner; Kaye Simonson, Planning Director came into the meeting.

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

Note: Staff direction to make changes as needed. This will be presented for final approval on September 21, 2022.

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 (ATTACHED III - Executive Session Minutes Attest)

18) ADJOURNMENT

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

4:19 p.m. Adjourned.

Respectfully submitted,

Carmen Warfield, Chief Deputy Clerk

Approved.

SAN MIGUEL COUNTY SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS

Kris Holstrom, Chair

ATTEST:

Mike Bordogna, County Manager