

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

Wednesday, October 5, 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

Amy Markwell, County Attorney

Nancy Hrupcin, Legal Assistant

Carmen Warfield, Chief Deputy Clerk

2) CALL TO ORDER.

9:30 a.m.

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

6) CONSENT AGENDA

6.a) Acceptance of the August 2022 payroll and vendor payments. (ATTACHMENT I)

(ATTACHMENT - 08-August Consent Agenda.pdf)

6.b) Ratification of Commissioners' signatures on a letter of support for Rocky Mountain Health Plans' proposal to serve as the Managed Service Organization for Colorado's Sub-State Planning areas 5 and 6.

(ATTACHMENT - MSO Contract Letter of Support.pdf)

6.c) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Hilary Taylor and William Taylor, Lot 5, Aldasoro Ranch Subdivision/PUD.

(ATTACHMENT - Taylor Deed Restriction and Covenant.pdf)

6.d) Approval of Minutes: September 7, 2022, and September 14, 2022.

(ATTACHMENT - 20220907-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20220914-BOCC-Minutes-Draft.pdf)

6.e) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Jacob Ames and Sonja Ames, Lot 149 Aldasoro Ranch Subdivision/PUD.

(ATTACHMENT - Ames Deed Restriction and Covenant.pdf)

- 6.f) Ratification of Commissioner's signature on a letter of support for the Town of Mountain Village gondola planning.

(ATTACHMENT - Letter of Support Gondola System.pdf)

- 6.g) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Brent Moore and Elizabeth Tracy, San Bernardo Subdivision, Low-Intensity Industrial, Lot C.

(ATTACHMENT - Brent Moore and Elizabeth Tracy Amended and Restated Deed Restriction.pdf)

- 6.h) Approval of the chair's signature on the Lawson Hill matrix regarding Lots Q-8R, Q-9R, Q-10R, Q-13R, and Q-14R for the Insubstantial PUD Amendment which was approved on August 3, 2022.

(ATTACHMENT - 02 - IPA.pdf)

(ATTACHMENT - 01 - BOCC staff report Lot 8 9 10 13 14 Lawson Hill.pdf)

(ATTACHMENT - Page 15 100522.pdf)

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

7) PARKS AND OPEN SPACE MATTERS

- 7.a) Introduction of the newly hired Associate Noxious Weed Manager.

(ATTACHMENT - Hannah Jimenez Resume.pdf)

Presented by: Janet Kask, Parks and Open Space Director; Julie Kolb, Noxious Weed Manager; Hannah Jimenez, Associated Noxious Weed Manager

- 7.b) Consideration of the appointment of Makayla Gordon to the San Miguel Basin Fair Board./MOTION

(ATTACHMENT - Fairboard Appointment Makayla Gordon_Redacted.pdf)

Present: Janet Kask, Parks and Open Space Director; Makayla Gordon, applicant for appointment

MOTION by Lance Waring to approve the appointment of Makayla Gordon to the San Miguel Basin Fair Board. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- 7.c) Consideration of the appointment of Paige Starks to the San Miguel Basin Fair board./MOTION

(ATTACHMENT - Paige Starks - Appointment to the Fairboard_Redacted.pdf)

Presented by: Janet Kask, Parks and Open Space Director; Paige Starks, applicant for appointment

MOTION by Lance Waring to approve the appointment of Paige Starks to the San Miguel Basin Fair Board. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

Other, as needed.

Presented by: Janet Kask, Parks and Open Space Director

Update on the Down Valley Connector Trail - Public meetings

8) ADMINISTRATIVE MATTERS

- 8.a) Consideration of the Proclamation 2022-006 naming October 2022 as Domestic Violence Awareness Month./MOTION

(ATTACHMENT - Proclamation 2022-006 Domestic Violence Awareness Month.docx)

Presented by: Ainslee Fessenden, San Miguel Resource Center

MOTION by Lance Waring to approve the Proclamation 2022-006 naming October 2022 as Domestic Violence Awareness Month. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

(ATTACHMENT II - Proclamation 2022-006)

- 8.b) Consideration of Chair's signature on Resolution 2022-51 authorizing the chair to sign documents in order to purchase Lot 7, a Subdivision of Lot 2 of the Lone Cone Library Subdivision, aka 1515 Juniper Street./MOTION

(ATTACHMENT - Resolution 2022-51 Acquisition of Certain Real Property)

Presented by: James Van Hooser, Assistant County Manager

MOTION by Lance Waring to approve Resolution 2022-51 authorizing the chair to sign the Resolution as presented. **SECONDED** by Hilary Cooper. **PASSED 2-1.**

(ATTACHMENT III - Resolution 2022-51)

9) PLANNING MATTERS

- 9.a) 10:00 am Public Hearing: Consideration of an application submitted by Sleeping Deer LLC, Thomas Miller (Applicant), owner of Lot 13 C, Parcel No. 452103101019 (Vacant property) and Lot 13B, Parcel No. 452103101018 (Residential property), Hastings Mesa Estates Subdivision seeking a Subdivision Exemption for Lot Line Vacation to remove the boundary line between the two lots and to create one parcel / MOTION

(ATTACHMENT - BOCC Packet Lots 13B & 13C Hastings Mesa Subdivision LLV 10.5.22.pdf)

Presented by: John Huebner, Senior Planner; Thomas Miller, Applicant

10:04 a.m. The Public Hearing was opened.

10:13 a.m. The Public Hearing was closed.

MOTION by Lance Waring to approve the proposed Subdivision Exemption for the Lot Line Vacation between Lots 13B and Lot 13C, Hastings Mesa Estates as presented, to authorize the Chair's signature on the corresponding final plat, and to adopt the corresponding Resolution No. 2022-48, finding that the proposed Subdivision Exemption for Lot Line Vacation application is in compliance with all applicable Land Use Code standards in Section 5-1214, Lot Line Vacations, including the submission of a final plat that complies with the final plat submission contents required in Land Use Code.

This approval shall be conditioned upon the Applicant's submission of a final plat that complies with the final plat submission contents required in the Land Use Code, and that addresses the seventeen (17) review comments from the County Surveyor listed in his August 26, 2022 letter. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

(ATTACHMENT IV - Resolution 2022-48)

- 9.b) 10:15 a.m. Public Hearing: Consideration of a Land Use Code (LUC) amendment to Section 5-10 Special Uses, to update application requirements and review criteria for uses allowed subject to Special Use Permit review for properties located within the unincorporated County / MOTION

(ATTACHMENT - BOCC Packet Special Uses LUCA 100522.pdf)

Presented by: Kaye Simonson, Planning Director; John Huebner, Senior Planner

People Who Addressed the Board:

Pam Bennett, County resident

Ashley Story, County resident

10:18 a.m. The Public Hearing was opened.

11:15 a.m. The Public Hearing was closed.

Note: During the Public Hearing the meeting was recessed.

11:03 a.m. Recessed.

11:10 a.m. Reconvened.

MOTION by Lance Waring to approve the adoption of the amendment to San Miguel County Land Use Code Section 5-10, Special Uses to enumerate application requirements, evaluation of cumulative impacts; and to clarify review criteria, processes and annual reviews, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

(ATTACHMENT V - Resolution 2022-49)

- 9.c) 10:30 a.m. Public Hearing: Consideration of a Land Use Code (LUC) amendment to Section 5-320 West End (WE), to allow Data Centers as allowed uses subject to a Two step Special Use Permit review for properties located within the unincorporated County / MOTION

(ATTACHMENT - BOCC Packet 10-05-2022.pdf)

Presented by: Kaye Simonson, Planning Director; Troy Hangen, Senior Planner

11:17 a.m. The Public Hearing was opened.

11:33 a.m. The Public Hearing was closed.

MOTION by Lance Waring to approve the adoption of the amendment to San Miguel County Land Use Code Section 3-101 Development Permits and 5-320 West End (WE) to Allow Data Centers, with a corresponding amendment to Article 6, Definitions, and adopt Resolution No. 2022-050, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code. **SECONDED** by Hilary Cooper. **PASSED 2-1.**

(ATTACHMENT VI - Resolution 2022-50)

- 9.d) Discussion on the Employee Housing Mitigation Impact Fee thresholds.

(ATTACHMENT - Employee Housing Impact Mitigation Fee 100522.pdf)

Presented by: Kaye Simonson, Planning Director

Public Who Addressed the Board:

Peter Lundeen, County resident

Shellie Duplan, Aldasoro Ranch, Director of Operations

Scott Bennett, County resident

Jim Mahoney, County resident and stated he was representing several owners of Elk Run Subdivision

Logan (did not provide her last name), County resident

11) Lunch

12:19 p.m. Recessed.

12:45 p.m. Reconvened.

12.a) Reading by Joanna Spindler, Poet Laureate, San Miguel County.

Presented by: Joanna Spindler, Poet Laureate

10) ADMINISTRATIVE MATTERS, Continued

10.b) Bright Futures presenting the 2023 Strong Start Budget.

Presented by: Cathy Barber and Kathleen Merritt; Bright Futures

12) PUBLIC HEALTH AND ENVIRONMENT

- 12.b) Discussion and request of a resolution supporting a ballot measure of Healthy School Meals for All, HB-1414.

(ATTACHMENT - HSMA Ballot One Pager, English (1).pdf)

(ATTACHMENT - HSMA Ballot One Pager, Spanish.pdf)

(ATTACHMENT - HSMA Flyer Eng.pdf)

(ATTACHMENT - HSMA Flyer ES.pdf)

Presented by: Grace Franklin, Public Health Director

Note: The board supports a resolution favoring the ballot measure for Healthy School Meals.

13) COUNTY HOUSING MATTERS

- 13.a) Consideration of a request from Telluride R-1 School District for an Exception to the Affordable Housing Regulations and Guidelines Pinion Park: Definition of Business Owner./MOTION

(ATTACHMENT - Telluride R-1 School District Exception Memo.pdf)

(ATTACHMENT - Telluride R1 School District Exception Application.pdf)

Presented by: Courtney McEleney, SMRHA Director; John Pandolfo, Telluride School District Superintendent

MOTION by Lance Waring to approve the exception based on these findings of fact, the SMCHA moves to grant an exception to Applicant Telluride R-1 School District to meet the Local Workforce Standard outside the NR-2jSD but inside San Miguel County conditioned upon the following:

- The Exception is granted for the Pinion Park initial sales and should Business Owner Applicant not close on a Pinion Park Housing Unit on or before January 1, 2023, this Exception shall be null and void;
- Business Owner Applicant must rent to Qualified Tenants and adhere to all rental regulations;
- Staff is directed to create an Exception Agreement that memorializes these terms

. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- 13.b) Consideration of a request from Tri-County Health Network for an Exception to the Affordable Housing Regulations and Guidelines Pinion Park: Definition of Business Owner./MOTION

(ATTACHMENT - Tri-County Health Network Exception Memo.pdf)

(ATTACHMENT - Tri-County Health Network Exception Application.pdf)

Presented by: Courtney McEleney, SMRHA; Lynn Borup, Tri-County Health Network

MOTION by Lance Waring to approve and grant an exception to Business Owner Applicant Tri-County Health Network to meet the Local Workforce Standard outside the NR-2jSD but inside San Miguel County conditioned upon the following:

- The Exception is granted for the Pinion Park initial sales and should Business Owner Applicant not close on a Pinion Park Housing Unit on or before January 1, 2023, this Exception shall be null

and void;

- Business Owner Applicant must rent to Qualified Tenants and adhere to all rental regulations;
- Staff is directed to create an Exception Agreement that memorializes these terms. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

13.c) Consideration of a request from Telluride Hospital District for an Exception to the Affordable Housing Regulations and Guidelines Pinion Park: Definition of Business Owner./MOTION

(ATTACHMENT - Telluride Hospital District Exception Memo.pdf)

(ATTACHMENT - Telluride Hospital District Exception Application.pdf)

Presented by: Chris Darnell, Telluride Hospital District; Courtney McEleney, SMRHA

MOTION by Lance Waring to approve and grant an exception to Business Owner Applicant Telluride Hospital District to meet the Local Workforce Standard outside the NR-2jSD but inside San Miguel County conditioned upon the following:

- The Exception is granted for the Pinion Park initial sales and should Business Owner Applicant not close on a Pinion Park Housing Unit on or before January 1, 2023, this Exception shall be null and void;
- Business Owner Applicant must rent to Qualified Tenants and adhere to all rental regulations;
- Staff is directed to create an Exception Agreement that memorializes these terms. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

14) NATURAL RESOURCES AND SPECIAL PROJECTS - Starr Jamison, Director

Presented by: Starr Jamison, NRSP Director

Update and other, as needed.

1. The window replacement for the front windows has been postponed and will occur in the Spring
2. Update on the EPA Tailings in Lawson Hill
3. Gunnison Sage Grouse Cooperating agency - Land use information submitted
4. Green House Gas Emissions enforcement of oversight requirements - the information will be sent to the Commissioners
5. Update Climate Action Plan
6. Update on the Solar Coop
7. Meeting with the Town of Ophir and USFS

15) **MANAGER MATTERS/Mike Bordogna**

10.a) Discussion and request for staff direction concerning the wage study and other Budget requests.

(ATTACHMENT - 2023 BOCC budget memo for 10.5.22.docx)

Presented by: Mike Bordogna, County Manager

2:47 p.m. Recessed.

2:51 p.m. Reconvened.

15.a) Consideration of the 2023 Employer Option Sheet and rates for the plans available through County Health Pool (CHP)./MOTION

(ATTACHMENT - CTSI Memo 2023 Employer Options 9 15 2022.pdf)

Presented by: Christina Lambert, Human Resources Director; Mike Bordogna, County Manager

Note: Board consensus to have the County cover the additional 5% increase for 2023 Health Insurance costs.

15.b) Consideration of Chair's signature on a grant extension request letter for the EIAFA-00355.

Presented by: Mike Bordogna, County Manager

MOTION by Hilary Cooper to approve the request for an extension to the EIAFA -00355 grant to June 2023 due to unforeseen circumstances. Insubstantial modifications will be made prior to the request of the chair's signature.. **SECONDED** by Lance Waring. **PASSED 3-0.**

Other, as needed.

1. Closed Captioning and being ADA Compliant by 2024
2. Public Health Employee - Andres Jacinto - will be receiving an award as Volunteer of the year
3. Upcoming SMRHA Board Meeting
4. Upcoming Public Meetings concerning the Down Valley Connector trail
5. Update on the replacement of the Applebaugh Bridge.
6. Manager Meetings with the Town of Telluride and Town of Mt Village
7. Update on the Siemens project
8. Employee evaluations have been sent to the Directors
9. CSU Extension - The 4H Position is being advertised.
10. The Wellness group has organized a 3-hour opportunity to assist County parks during a morning park clean up
11. Upcoming Electronic Waste days

James Van Hooser, Assistant County Manager
Update - Affordable Housing Mapping Project

16) COMMISSIONER UPDATES:

Hilary Cooper - Individual research on Housing in communities - focusing on affordability and subsidy; Reviewing Communication Tools; State of Colorado - Board of Health meeting; Ute Tribe Outreach - Govt to Govt Outreach; CCI Legislative Decisions

Lance Waring- Discussion with many citizens and HOA's concerning the proposed CDOT Chain-up stations; Town of Ophir communications; SMRHA meeting; EcoAction Partners

Kris Holstrom: Region 10 celebration - 50 years; Club 20 Caucus; Telluride Foundation Food Cohort group; Attended two different funding Webinars; Meeting with the Telluride Town Manager

17) ATTORNEY MATTERS

- 17.a) Potential Executive Session: Developing a position negotiation with the Town of Telluride on future development plans, citation (4)(e).

MOTION by Lance Waring to go into executive session to develop a position of negotiation with the Town of Telluride on future development plans, citation (4)(e). **SECONDED** by Hilary Cooper. **PASSED 3-0.**

3:37 p.m. Recessed.

4:18 p.m. Reconvened.

Presented by: James Van Hooser, Assistant County Manager; Amy Markwell, County Attorney

Note: The Board gave staff direction as requested.

MOTION by Hilary Cooper to come out of executive session, only the one item was discussed. **SECONDED** by Lance Waring. **PASSED 3-0.**

18) ADJOURNMENT

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

4:18 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