DocuSign Envelope ID: 6EF66F12-5DD9-472B-BA4B-3623DEE9F95D

SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS
MINUTES
Wednesday, January 18, 2023
Zoom.us

1) Roll Call

Hilary Cooper, Chair
Lance Waring, Vice Commissioner
Kris Holstrom, Commissioner

Staff Present:
Mike Bordogna, County Manager
James Van Hooser, Assistant County Manager
Amy Markwell, County Attorney
Carmen Warfield, Chief Deputy Clerk

Absent:
Nancy Hrupcin, Legal Assistant

2) CALL TO ORDER.

9:32 a.m. Begin

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

6) CONSENT AGENDA

6.a) Approval of Commissioner's signature on the 2022 HUTF Signature Sheet

(ATTACHMENT - 2022 HUTF Signature Sheet.pdf)

6.b) Approval of two Norwood Fire Protection District Ambulance Licenses for 2016 Lifeline Ford F-450, Vin # 1FDUF4HTOGEC32760 and 2020 Malley Industries Ford Tansit Van, Vin #1FDBR2CG3LKB12413.

(ATTACHMENT - Norwood Inspection for Ambulance Licenses.jpg)

(ATTACHMENT - Norwood Ambulance Licenses Application.pdf)

6.c) Ratification of Commissioner's support on services in rural remote areas of Colorado for Broadband. The request was made through Colorado Counties, Inc. - Western District.

(ATTACHMENT - Broadband letter to Governor Polis -v12.15.22 (2).docx)

6.d) Approval of Minutes: October 19, 2022 and November 28, 2022.

(ATTACHMENT - 20221019-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20221128-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 Emily Bordogna, Unit 22B, Lawson Hill Subdivision/PUD.

(ATTACHMENT - Deed Restriction Emily Bordogna.pdf)

6.f) Approval of the re-appointment of Gretchen Wells (R2-JT representative) to the Lodging Tax Panel.

6.g) Approval of Commissioner's signature on a letter of support for the Norwood Nordic Association request for grant funds from the EDA State Outdoor Recreation grant for equipment and maintenance.

(ATTACHMENT - OEDIT Grant.draft letter of support norwood nordic-Draft.docx)

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

7) ADMINISTRATIVE MATTERS

7.a) HEARING: Consideration of a request by the assessor to DENY petition ABMT2022-17 for abatement or refund of taxes for the tax year 2021. Mulligan Family Trust, 5885 McKenzie Springs Rd, R1040098110/MOTION

(ATTACHMENT - ABMT2022-17 Mulligan Family Trust.pdf)

(ATTACHMENT - Homeowner appeal Attachment 1 documentation mulligan.pdf)

(ATTACHMENT - Homeowner appeal -Attachment 2 email Garland Industries Mail - Mulligan Family Trust CBOE Appeal.pdf)

(ATTACHMENT - Homeowner appeal - Attachment 3 Scan.pdf)

(ATTACHMENT - Homeowner appeal - Attachment 4 scan_20230111200725.pdf)

Presented: Dave Hoover and Patrice Campbell, Assessor's Office

MOTION by Lance Waring to approve the request by the assessor to DENY petition ABMT2022-17 for abatement or refund of taxes for the tax year 2021. Mulligan Family Trust, 5885 McKenzie Springs Rd, R1040098110. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT I)

7.b) Discussion and review of a request to appeal the Road and Bridge department response concerning access to County Road 62X. /MOTION

(ATTACHMENT - Auten Letter.docx)

(ATTACHMENT - Auten Purposed Parking Area.docx)

(ATTACHMENT - Auten's Proposal to plow - My plea.pdf)

Presented by: Suzanne and Perry Auten, Homeowners; Ryan Righetti, Road and Bridge Supervisor; Bob Biener, Caretaker of neighboring property

Note: The homeowners are encouraged to work with staff to work on a solution and be prepared to make the necessary adjustments in preparation for next winter.

MOTION by Lance Waring to deny and uphold the Director's recommendation of denial on a request to appeal the Road and Bridge department response concerning access to County Road 62X. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

DocuSign Envelope ID: 6EF66F12-5DD9-472B-BA4B-3623DEE9F95D

10:44 a.m. Recessed.
10:49 a.m. Reconvened.

7.c) Consideration of approval of the proposed 2023 Boards and Committees - representation by the Board of County Commissioners./MOTION

(ATTACHMENT - Boards & Commissions 1.11.2023.xlsx)

MOTION by Hilary Cooper to approve the proposed 2023 Boards and Committees - with the added section of representation by the Board of County Commissioner in Outside Commissioner Boards. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

7.d) Consideration of Commissioner's signature on a letter of support for a grant submission for the multi-use walkway connecting the County Park and Ride to the existing underpass./MOTION

(ATTACHMENT - Lawson support letter LW.docx)

Presented by: Lance Waring, Commissioner; Pam Hall, Lawson Hill Property Owners; Mike Bordogna, County Manager

Note: The letter will be modified for the specific grant that Lawson Hill will be applying for instead of a blanket letter - the letter will be drafted and put through the process to ratify at a future meeting.

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

Presented by: Starr Jamison, NRSP Director

Update and other, as needed.
1. Sneffels Energy Board Meeting
2. Update with EcoAction Partners and San Miguel Power Association
3. Update on upcoming meetings and projects

9) PARKS AND OPEN SPACE MATTERS

9.a) Consideration of Chair's signature on Resolution 2023-03 setting the vegetation control and management fee schedule./MOTION

(ATTACHMENT - NWM Fee Resolution 1-2023.docx (1).pdf)

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

MOTION by Lance Waring to approve the Chair's signature on Resolution 2023-03 setting the vegetation control and management fee schedule. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT II - Resolution 2023-03)

10) MANAGER & ASSISTANT MANAGER MATTERS

Mike Bordogna - County Manager
Update and other, as needed.
Attended the Gondola meeting in Mountain Village
Gunnison Valley Transportation Planning Region Committee meeting
Met with representatives from the housing grant
Update on future meetings
Pathfinder pit analysis - report from James in the next two weeks.
Note: James Van Hooser was unable to attend this portion of the meeting.

11) No Lunch break was taken.

13) COMMISSIONER UPDATES:

DocuSign Envelope ID: 6EF66F12-5DD9-472B-BA4B-3623DEE9F95D

Lance Waring - Sneffels Energy Board Meeting; Discussion with citizens of Ophir concerning the burn piles from the slash; SMART meeting; Gondola Subcommittee meeting
Kris Holstrom - GVTPR meeting; Dark Sky Initiative; Rural Recycling meeting; SMART Board meeting
Hilary Cooper - State funding for Affordable Housing; Land planning

12) ATTORNEY MATTERS

12.b) Executive Session: Discussion of a Personnel Matter related to hiring an assistant County Attorney, citation (4)(f).

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

MOTION by Lance Waring to go into executive session, to discuss a Personnel Matter related to hiring an assistant County Attorney, citation (4)(f). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

11:37 a.m. Recessed.
11:41 a.m. Reconvened.

MOTION by Lance Waring to come out of executive session, only the one item stated was spoken of. **SECONDED** by Kris Holstrom. **FAILED 0-0.**

11:43 p.m. Recessed.
12:14 p.m. Reconvened.

12.a) Executive Session: Update and Negotiations with San Miguel Water Conservancy District, citation (4)(b)(e).

MOTION by Lance Waring to go into executive session, to receive an update and discuss negotiations with San Miguel Water Conservancy District, citation (4)(b)(e). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

12:16 p.m. Recessed.
1:15 p.m. Reconvened.

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

MOTION by Lance Waring to come out of executive session, only the one item stated was spoken of. **SECONDED** by Kris Holstrom. **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 III)

14) ADJOURNMENT

MOTION by Lance Waring to adjourn the meeting. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

1:16 p.m. Adjourn.

DS

Respectfully submitted,

DocuSigned by:
Carmen Warfield
BE2AF0C39C63408...
Carmen Warfield, Chief Deputy Clerk

Approved March 15, 2023.

SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS

DocuSigned by:
Hilary Cooper
EB1DDC2E8F0642A...
Hilary Cooper, Chair

DocuSign Envelope ID: 6EF66F12-5DD9-472B-BA4B-3623DEE9F95D

ATTEST:

DocuSigned by:

Mike Bordogna

6BB3DFF17C9841E...

Mike Bordogna, County Manager

PETITION FOR ABATEMENT OR REFUND OF TAXES

RECEIVED
AUG 31 2022
By

County: San Miguel

Date Received
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 8 27 2022
Month Day Year

RECEIVED
AUG 31 2022
ABMT 2022-17

Petitioner's Name: Mulligan Family Trust (Sean & Diana Mulligan)

Petitioner's Mailing Address: PO Box 77
Placerville Co 81430
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
R1040098110	5885 McKenzie Springs Rd. Placerville, Co. 81430

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2021 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Overvaluation or erroneous valuation (not sure, 4th error in 4 years).

Petitioner's estimate of value: $2,100,000 (2021)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature

Daytime Phone Number (925.) 818-3939

Email spm3166@gmail.com

By
Agent's Signature*

Daytime Phone Number ( )

Printed Name:

Email

***Letter of agency must be attached when petition is submitted by an agent.**

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II:

Assessor's Recommendation
(For Assessor's Use Only)

Tax Year 2021

	Actual	Assessed	Tax
Original	2530218	182,020	7009.59
Corrected	2,100,000	151,260	5825.02
Abate/Refund	430,218	30,760	1184.57

☐ **Assessor recommends approval as outlined above.**

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: _____ Protest? ☐ No ☐ Yes (If a protest was filed, please attach a copy of the NOD.)

☒ **Assessor recommends denial for the following reason(s):**

See attached documentation

Assessor's or Deputy Assessor's Signature

15-DPT-AR No. 920-66/17

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition 39-1-113(1.7) C.R.S.

Section IV: Decision of the County Commissioners

WHEREAS, the County Commissioner of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 01/18/2023 at which meeting there were present the following members: Lance Waring, Kris Holstrom, and Hilary Cooper with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Sarah Enders present and Petitioner Sean Mulligan not present Agent - n/a not present, and where, the said County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board of County Commissioners with the recommendation of the Assessor and the petition be denied with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
2021	$0	$0	0	$0	$0

DocuSigned by:
Hilary Cooper
EB1DDC2E8F0642A...

Board of County Commissioners, Chair

I, Carmen Warfield, County Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied form the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

DS

Date signed 1/18/2023.

DocuSigned by:
Carmen Warfield
BE2AF0C39C63408...

County Clerk's or Deputy Clerk's Signature

Section V: **Action of the Property Tax Administrator**

(For all abatement greater than $10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

☐ Approved ☐ Approved in Part $_____ ☐ Denied for the following reason(s):

Secretary's Signature | Property Tax Administrator's Signature | Date

DocuSign Envelope ID: 6E2A495C-51E1-413F-BE98-318BF5EF272B

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, SETTING THE VEGETATION CONTROL & MANAGEMENT FEE SCHEDULE

Resolution #2023 - 03

Whereas, pursuant to C.R.S. §35-5.5-101, the Board of County Commissioners of San Miguel County, Colorado ("Board") is authorized to manage the business and budget of San Miguel County, and to establish noxious weed management criteria, noxious weed management plans, fees for herbicide management of noxious weeds, fees for mechanical treatments of noxious weeds, and to charge fees that cover the direct and indirect costs of such services; and

Whereas, the Vegetation Control & Management Department requested the establishment of new service fees to cover additional staff time and costs related to noxious weed management, which involve both herbicide and mechanical treatments; and

NOW THEREFORE BE IT RESOLVED THAT, the Board finds that setting Vegetation Control & Management fees for Noxious Weed Management is necessary to cover current costs to provide noxious weed control services, and noxious weed management plans and further the Board finds that the proposed new fees to cover noxious weed management and noxious weed management plans are necessary to cover related costs to conduct such reviews. Therefore, the Board approves the revisions to the Vegetation Control & Management Fee Schedule as proposed by Staff and attached hereto as "**Exhibit A**."

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on January 18, 2023.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

DocuSigned by:
Hilary Cooper
EB1DDC2E8F0042A...
Hilary Cooper, Chair

ATTEST:

DocuSigned by:
Carmen Warfield
DE2AF0C39C63408...
Carmen L. Warfield, Chief Deputy Clerk to the Board

DS

VOTE:

Hilary Cooper	X Aye	Nay	Abstain	Absent
Kris Holstrom	X Aye	Nay	Abstain	Absent
Lance Waring	X Aye	Nay	Abstain	Absent

DocuSign Envelope ID: 6E2A495C-51E1-413F-BE98-318BF5EF272B

"EXHIBIT A"

SAN MIGUEL COUNTY VEGETATION CONTROL & MANAGEMENT FEE SCHEDULE

Noxious Weed Management Plans Management Plans	$100.00 flat rate per plan
Noxious Weed Manager/Staff Time Mapping Services	$65.00/hour
Spray Services/County Truck, UTV or ATV Spray Truck + 1 Technician/hour	$85.00/hour
Spray Truck + 2 Technicians/hour *(in-County service)*	$110.00/hour
Herbicide Costs	Varies depending on herbicide, not included in spray service rates
Mechanical Services Mechanical Services with weed incineration	$100.00/hour
Backpack Herbicide Treatments	$85.00/hour
Native Grass Seed Native seed mix for revegetation	Rate varies depending on mix and species composition
Biological Controls Available	Rate varies depending on weed species
Mining and Special Use Permitted Projects Flat rate for inspection and mapping of special use permits and other projects requiring revegetation Includes travel to and from site twice (beginning/end), and 2 technicians	$660.00 flat rate

---

Disclaimer and Appeal

Vegetation Control & Management staff shall, to the best of their ability, notify the applicant if it appears there may be the need for additional charges. Applicants may appeal the charges to the BOCC.

Fees assessed by the San Miguel County Vegetation Control & Management Department are charged for the primary purpose of defraying the County's reasonable direct and indirect costs to provide a service or to regulate an activity under the County's regulatory scheme. Some fees may be non-refundable.

DocuSign Envelope ID: 751EAC9E-EFAA-4A75-B016-F5F934EAA41D

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS MEETING

01/18/2023

Date of Meeting

Executive Session Minutes Attest

I, Amy Markwell, County Attorney attest that the 01/18/2023

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
13D809A155004D0...

Amy Markwell, County Attorney

I, Hilary Cooper, Chair of the San Miguel County Board of Commissioners attest that the 01/18/2023

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:
Hilary Cooper
EB1DDC2E0F0642A...

Chair