

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES**

Wednesday, March 17, 2021

Zoom.us

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

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

1. **CALL TO ORDER.**
9:31 a.m.
2. **REVIEW OF AGENDA**
3. **CALENDAR REVIEW**
4. **CONSENT AGENDA**
 - a. Acceptance of the January 2021 Road Report.
 - b. Approval of the re-appointment of JJ Ossola to the Historical Commission.
 - c. Ratification of a comment letter concerning the San Miguel River Restoration project.
 - d. Ratification of a letter of support for a Farmers Water Emergency Grant application.
 - e. Approval of the San Miguel County Behavioral Health Solutions Community Partnership Agreement with Tri-County Health Network.
 - f. Approval of the re-appointment of Josh Sinks to the San Miguel Basin Fair Board.
 - g. Ratification of Chair's signature on the County Veterans Service Officers monthly report for February 2021.
 - h. Approval of the February 2021 Payroll and Vendor Payments. (ATTACHMENT I)
 - i. Approval of Minutes: Feb. 17, 2021, Feb. 24, 2021, and March 3, 2021.
Approval of the Chair's signature on Steincrusher agreement for gravel crushing for Road & Bridge

MOTION by Kris Holstrom to approve as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

5. **ADMINISTRATIVE MATTERS**
 - a. Update with Connie Clementson, BLM, Tres Rios Field Office.

Present: Shawn Reinhardt; Connie Clementson; Nathaniel West, Bureau of Land Management

6. **PLANNING**
 - a. Public Hearing - Consideration of approval of the Telluride Legoff #2 Pipeline Replacement Project Special Use Permit.

Presenter: Troy Hangen, Senior Planner; Kaye Simonson, Planning Director; Linda Straface, Project Manager for Black Hills Energy; Ally Little, Black Hills Energy

11:04 a.m. Chair Opened the Public Hearing.
11:07 a.m. Closed the Public Hearing.

People Who Addressed the Board:
Doug Tooley, County resident

MOTION by Hilary Cooper to approve the Telluride Legoff #2 6-inch Pipeline Replacement Project Special Use Permit, and Resolution, based on the finding that the uses, as proposed in the application, are consistent with and comply with the review standards in 5-307 F.V. Uses Allowed Subject to Two-step Special Use Permit review, 5-709 - Public Utility Structures and Electricity Transmission and Distribution Lines, and 5-10: Special Uses, and the County Master Plan, with the following conditions:

1. The Special Use Permit is issued to the Applicant, Rocky Mountain Gas LLC (dba

- Black Hills Energy), and runs with the land.
2. The applicant is required to work with San Miguel County Vegetation Management pertaining to existing noxious weed elimination and future revegetation and weed management.
 3. The applicant shall make efforts to contact or notify and property owner, leaseholder, permittee, or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa. The applicant shall coordinate with USFS and BLM personnel to determine which permittees may be impacted.
 4. Place ads in the Telluride and Norwood newspapers advising the traveling public of the work and possible closures.
 5. The applicant, Rocky Mountain Gas LLC, shall work from 6 a.m.-6 p.m. daily Monday-Friday. If CR X48 is closed for the season from the eastern part of the project to State HWY 62, then at the end of each working day, Rocky Mountain Gas LLC shall make it so there is public access from the western part of the project to the eastern part of the project. If CR X48 is open from the eastern part of the project to State HWY 62, Rocky Mountain Gas LLC may have CR X48 closed from 6 a.m. Monday - 6 p.m. Friday.
 6. The applicant shall post signs on each end of the project that has on it the contact information for the project supervisor and/or manager so access can be scheduled or planned during times when access may otherwise be restricted or unavailable.
 7. Place signs near State HWY 145 and State HWY 62 advising of the work and possible road closures. Signs shall meet MUTCD standards as approved by the County Road and Bridge Supervisor.
 8. The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road or Right-of-way.
 9. The distribution line will need to be placed at least 48" below the borrow ditch grade anywhere within the County Road or Right-of-Way.
 10. The gas line must be placed under all existing culverts, regardless of depth in the County Road.
 11. Any permanent structures must be placed as far off the roadway as possible near the Right-of-way line or written easements on private property and must be properly marked to prevent damage.
 12. No staging or storage of material, equipment, or vehicles will be authorized within the County Road or Right-of-way.
 13. All written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.
 14. Consult with Colorado Parks and Wildlife regarding wildlife including Gunnison Sage Grouse and Implement any practices or recommendations from that agency. The results of that consultation shall be provided to the County prior to any other permits being issued.

SECONDED by Kris Holstrom. **PASSED 3-0.** (ATTACHEMENT II – Resolution 2021-009).

7. ADMINISTRATIVE MATTERS, Continued

- b. Discussion on submitting comments on the SBEADMR proposed treatments.

Presenter: Megan Eno, Norwood District Ranger; Todd Gardiner, USFS; Joseph Gonzales, USFS

- a. Review of the CORE Program of the Sheriff's office.

Presenter: Jennifer Dinsmore, Chief Administrative officer

- c. Update with April Montgomery from the Southwest Basin Roundtable.

Presenter: April Montgomery, Southwest Basin Roundtable Member

8. SOCIAL SERVICES MATTERS

(Board of Commissioners sitting as the San Miguel County Board of Social Services.)

- a. ~~Approval of Chair's signature on Social Services Department Balance Sheet January 2021, Eamed Revenue and Expenditures January 2021, Expenditures through Electronic Benefit Transfers February 2021, Check Register for the Month of February 2021, MOE Report JAN-21 and 2021 Caselead Report.~~ Item continued to the March 24, 2021 board meeting.

12. **ATTORNEY MATTERS**

(Any of these items may involve an Executive Session C.R.S 24-6-402)

- a. Update on the State Board of Equalization notice of meeting.

Presenter: Amy Markwell, County Attorney

Note: Kris Holstrom will attend the State Board of Equalization meeting.

9. **UPDATE WITH THE COUNTY MANAGER**

- b. Potential Executive Session: Discussion on potential property for acquisition, citation (4)(e).

Presenter: Mike Bordogna, County Manager

MOTION by Hilary Cooper to go into Executive Session to discuss a potential property acquisition citation (4)(e). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

12:19 p.m. Recessed.

12:49 p.m. Reconvened.

MOTION by Kris Holstrom to come out of Executive Session and the only item stated above was discussed. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

10. **PUBLIC HEALTH AND ENVIRONMENT**

(Board of Commissioners sitting as the San Miguel County Board of Public Health and Environment)

- a. Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

Presenter: Grace Franklin, Public Health Director

Commissioner/Staff Updates:

Kris Holstrom - the State has approved 5 Star State Certification Program and the County can proceed

Hilary Cooper - Southwest County Call

Lance Waring – No COVID updates.

Mike Bordogna - COVID Funding update; Mountain Migration Survey; Donation options in appreciation of the County should go to local non-profits; the remaining Small Business Relief fund any unused funding will go back to the State

Jurisdictional Updates:

Todd Brown - Town of Telluride

DeLanie Young - Town of Telluride

Laila Benitez - Town of Mountain Village

Zoe Dohnal- Town of Mountain Village

General Public:

Douglas Tooley, County resident

Steve Togni, Lodging Committee

- b. Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation (4)(b).

No Executive Session was needed.

2:20 p.m. Recessed.

2:25 p.m. Reconvened.

9. **UPDATE WITH THE COUNTY MANAGER**

- a. Discussion on impacts on a proposed bill called the Enhanced Prosecution Accountability Act

Presenter: Mike Bordogna, County Manager and Hilary Cooper, Commissioner

- d. Other, as needed.
 - 1. Intergovernmental Meeting scheduled for 3/29/21 meeting to discuss the parking issues at the East End of the County
 - 2. An upgrade of the electricity will occur in the next few months at the transfer station. The goal is to improve the recycling of cardboard by purchasing a cardboard baler soon.
 - 3. Update on the State Land Board considering releasing the Wilson Mesa Parcel. This will be continued to a future State Land Board meeting.
 - 4. Scheduled meeting with jurisdictions who are a part of the San Miguel Facilities ownership
 - 5. Update on the current broadband projects.
 - 6. Update on a meeting with the Applebaugh subdivision HOA
 - 7. Natural Resources and special projects director are down to the finalists for the position. Final interviews will be occurring during the following week.
 - 8. Dominican Mine Clean-up is requesting comments - No comment letter will be provided unless the Town of Ophir expresses their need for assistance

Presenter: Mike Bordogna, County Manager

2:20 p.m. Recessed.
2:25 p.m. Reconvened.

11. **COMMISSIONER UPDATES**

- b. Kris Holstrom - Club 20, SMART Board meeting, Economic Recovery call, Update on the Blue Canyon highway construction
- c. Lance Waring - SMART Board Meeting, CC4CA, KOTO Guest Speaker
- a. Hilary Cooper - Update on the Dolores NCA Discussion, Update on Legislation

12. **ATTORNEY MATTERS**

(Any of these items may involve an Executive Session C.R.S. 24-6-402)

- c. Tourism Marketing Contract Negotiation Strategy Discussion and Instructing Negotiators C.R.S. 24-6-402 (4)(e)

Presenter: Amy Markwell, County Attorney

MOTION by Hilary Cooper to go into Executive Session to discuss Negotiating strategies, citation (4)(e). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

3:02 p.m. Recessed.
3:32 p.m. Reconvened.

MOTION by Kris Holstrom to come out of Executive Session. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

The board only spoke about the one item it stated. Additional direction was given concerning negotiation strategies.

3:34 p.m. Hilary Cooper left the meeting.

- b. Executive Session: Discussion with the County Attorney regarding litigation (San Miguel County District Court No. 18CV30004/Court of Appeals No. 10CA1913) for the purpose of receiving legal advice, citation (4)(b).

Presenter: Amy Markwell, County Attorney; Jeff Driscoll, Attorney representing the County

MOTION by Kris Holstrom to go into Executive Session. **SECONDED** by Lance Waring. **PASSED 2-0.**

3:34 p.m. Recessed.
3:46 p.m. Reconvened.

MOTION by Kris Holstrom to come out of Executive Session. **SECONDED** by Lance Waring. **PASSED 2-0.**

The board came out of Executive Session, and the Commissioners only discussed the litigation, citation (4)(b). Staff direction by the Commissioner to consider all litigation options, including appeal.

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 the chair is attached. (ATTACHMENT III)

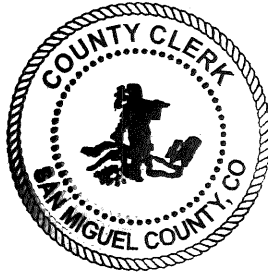
MOTION by Kris Holstrom to adjourn the meeting. **SECONDED** by Lance Waring. **PASSED 2-0.**

13. **ADJOURNMENT**
3:47 p.m.

20210317-BOCC-Audio

Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk



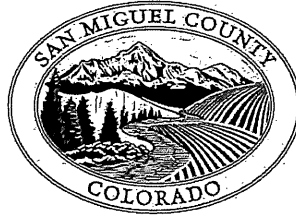
Approved March 17, 2021.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Lance Waring, Chair

ATTEST:


Mike Bordogna, County Manager



ATTACHMENT I

FINANCE OFFICE

RAMONA RUMMEL, FINANCE DIRECTOR

March 11, 2021

To: Board of County Commissioners
Mike Bordogna, County Manager

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

Staff is recommending the approval of these payments via consent agenda on March 17, 2021.

Any questions, please let me know. Thank you.

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

February 2021 Payments		
	PAYROLL	VENDOR PAYMENTS
101 - General Fund	\$516,329.10	\$365,547.31
102 - Road & Bridge Fund	\$89,387.48	\$82,466.36
103 - Social Services Fund	\$32,915.15	\$8,139.68
104 - Sales Tax Capital Fund		\$634,949.37
106 - Transit Fund		\$2,337.45
107 - Retirement Fund	\$26,119.66	
108- Parks and Open Space Fund	\$25,339.41	\$47,387.97
109 - Conservation Trust Fund		
110 - Lodging Tax Fund		\$144,198.88
111 - Vegetation Management Fund		\$218.36
112 - Early Childhood Education Fund		\$7,558.90
113 - Mental Health Fund		\$1,137.50
115 - Public Health & Environment Fund	\$22,126.90	\$9,794.68
116 - Energy Fund		
117 - COVID19 Fund	\$38,866.17	\$116,717.72
224 - Housing Authority		\$10,000.00
226 - Solid Waste Disposal District		\$5,023.10
301 - Grant Fund		\$120.00
TOTALS	\$751,083.87	\$1,435,597.28

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

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
GRANTING A SPECIAL USE PERMIT TO CONDUCT A MAINTENANCE
REPLACEMENT ALONG AN EXISINTING TRANSMISSION 6-INCH PIPELINE ON
PRIVATE PROPERTY AND COUNTY ROAD X48**

Resolution 2021-009

WHEREAS, Rocky Mountain Natural Gas LLC (RMNG), doing business as (dba) Black Hills Energy (BHE), submitted an application for a Special use Permit (SUP) for a maintenance replacement along the existing transmission Telluride 6-inch Pipeline within County Road X48 and private property approximately 10 miles northwest of Placerville, CO and approximately a third of a mile off of Highway 145. The project lies entirely within the County right-of-way (R.O.W.) and on private property owned by Jason Atwood and is in the Forestry, Agriculture and Open (F) Zone District;

WHEREAS, a Public utility structure, including dams and reservoirs is a Two Step process in the Forestry, Agriculture and Open (F) Zone District pursuant to San Miguel County LUC 5-307 F.V. (refer to Section 5-709), and Section 5-10: Special Uses;

WHEREAS, the SUP application was referred to the County Administrator, County Attorney, County Road and Bridge Director, County Director of Government Affairs / Natural Resources, Colorado Department of Transportation, San Miguel County Vegetation Management, and Norwood Fire Protection District for review and comment;

WHEREAS, the Applicant sent Notice of the application and the Board of County Commissioners (BOCC) public hearing to be held on March 17, 2021 to all property owners within 500 feet of the subject parcel, and a sign was posted on the property noticing the proposed SUP and the BOCC meeting to be held on March 17, 2021;

WHEREAS, a Public Hearing Notice for the proposed Special Use Permit application and the Board of County Commissioners meeting to be held on March 17, 2021 was published in the Norwood Post and the Telluride Daily Planet on February 24, 2021;

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 in Telluride on Wednesday, March 17, 2021. No written or other public comments were received.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves the proposed Special Use Permit to conduct a maintenance replacement along the existing transmission Telluride 6-inch Pipeline within County Road X48 and private property approximately 10 miles northwest of Placerville, CO and approximately a third of a mile off of Highway 145 finding the proposed Special Use Permit is in compliance with all applicable Land Use Code standards in Section 5-10: Special Uses and 5-709: Public Utilities Structures and Electricity Transmission and Distribution, with the following conditions,

1. The Special Use Permit is issued to the Applicant, Rocky Mountain Gas LLC (dba Black Hills Energy) and runs with the land.
2. The applicant is required to work with San Miguel County Vegetation Management pertaining to existing noxious weed elimination and future revegetation and weed management.
3. The applicant shall make efforts to contact or notify any property owner, lease holder, permittee or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa. The applicant shall coordinate with USFS and BLM personnel to determine which permittees may be impacted.
4. Place ads in the Telluride and Norwood newspapers advising the traveling public of the work and possible closures.
5. The applicant, Rocky Mountain Gas LLC, shall work from 6am-6pm daily Monday - Friday. If CR X48 is closed for the season from the eastern part of the project to State HWY 62, then at the end of each working day, Rocky Mountain Gas LLC shall make it so there is public access from the western part of the project to the eastern part of the project. If CR X48 is open from the eastern part of the project to State HWY 62, Rocky Mountain Gas LLC may have CR X48 closed from 6am Monday – 6pm Friday.
6. The applicant shall post signs on each end of the project that has on it the contact information for the project supervisor and/or manager so access can be scheduled or planned during times when access may otherwise be restricted or unavailable.
7. Place signs near State HWY 145 and State HWY 62 advising of the work and possible road closures. Signs shall meet MUTCD standards as approved by the County Road and Bridge Supervisor. Signs shall be placed in the County right-of-way and placement shall be approved by the County Road and Bridge Supervisor.
8. The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road Right-of-Way.
9. The distribution line will need to be placed at least 48” below the borrow ditch grade anywhere within the County Road or Right-of-Way.

10. The gas line must be placed under all existing culverts, regardless of depth in the County Road.
11. Any permanent structures must be placed as far off the roadway as possible near the Right-of-Way line or written easements on private property and must be properly marked to prevent damage.
12. No staging or storage of material, equipment, or vehicles will be authorized within the County Road or Right-of-Way.
13. All written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.
14. Consult with Colorado Parks and Wildlife regarding wildlife including Gunnison Sage Grouse and implement any practices or recommendations from that agency. The results of that consultation shall be provided to the County prior to any other permits being issued.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on March 17, 2021.

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

DocuSigned by:
 By: Lance Waring
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 Lance Waring, 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
BE2AF0C39C63408
 Carmen Warfield, Chief Deputy Clerk



EXHIBIT "A" Legal Description, and

EXHIBIT "B"- Public Hearing Record list are attached to this resolution

[Z:\Applications\2020_Telluride_NO2_Public Utility Structure_Black Hills\5 Packets\BOCC\Bocc Reso 2021-009.docx]

EXHIBIT "A"

LOTS 1 2 3 AND NE4SW4 SE4 SEC 3 44 12 NE4NE4 SEC 10 44 12 URANIUM AND THORIUM RESERVED BK 169 PG 557 CONT 498.96 ACRES CALCULATED FROM BLM RESURVEYS FILED 3 2 90 AND 6 17 91

Public Hearing Record

San Miguel County Board of County Commissioners

Application: Rocky Mountain Natural Gas LLC (RMNG), doing business as (dba) Black Hills Energy (BHE),
Telluride Legoff #2 Pipeline Replacement Project Special Use Permit

Date: March 17, 2021

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 Troy Hangen, Senior Planner dated March 17, 2021.
4. Application submitted by Linda Straface, Project Manager, received December 9, 2020.
5. "Applicant's Certification of Compliance with the Public Noticing Requirements" of the San Miguel County LUC Section 3-9 and of C.R.S. § 24-65.5-103(1) dated March 1, 2021.
6. Public Hearing Notice Published in the Norwood Post and Telluride Planet on February 24, 2021
7. Planning Commission Minutes from the February 11, 2021 meeting

AGENCY COMMENTS

8. Email received from Jo Heinlein, CDOT Access Manager, to Troy Hangen, Senior Planner, dated January 12, 2021.
9. Email received from Julie Kolb, SMC Vegetation Management, to Troy Hangen, Senior Planner, dated January 21, 2021.
10. Email received from Ryan Righetti, SMC Road and Bridge Director, to Troy Hangen, Senior Planner, dated January 21, 2021.
11. Email received from John Bockrath, District Chief, Norwood Fire Protection District, to Troy Hangen, Senior Planner, dated January 28, 2021.

12. Email received from Linda Straface, Project Manager, to Troy Hangen, Senior Planner, Dated February 22, 2021.
13. Email from Spencer Haley – USFS, to Linda Straface, Project Manager, Dated March 2, 2021

PUBLIC COMMENTS

None

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MEETING**

ATTACHMENT III

March 17, 2021

Date of Meeting

Executive Session Minutes Attest

I, Amy Markwell, County Attorney attest that the March 17, 2021
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
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Amy Markwell, County Attorney

I, Lance Waring, Chair of the San Miguel County Board of
Commissioners attest that the March 17, 2021
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:
Lance Waring
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Chair