

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**WEDNESDAY, JANUARY 7, 2015**  
**REGULAR MEETING**  
Second Floor, Miramonte Building  
Telluride, Colorado

Present: Chair Joan May  
Vice-Chair Elaine R.C. Fischer  
Commissioner Art Goodtimes

Staff Present: County Administrator Lynn Black  
County Attorney Steve Zwick  
Chief Deputy Clerk John Huebner

1. Call to order / Moment of silence  
9:35 a.m.
2. Review of Agenda
3. Calendar Review
4. CONSENT AGENDA:
  - a. Acceptance of December 2014 Road Report.
  - b. Acceptance of Building Department Report for November 2014.
  - c. Acceptance of December 18, 2014 Telluride Regional Airport Monthly Report.
  - d. Approval of Minutes: October 22, 2014; November 5, 2014; November 19, 2014.
  - e. Approval of Chair's signature on Memorandum of Agreements with Southwest Institute for Resilience, d/b/a Telluride Farmers Market and Norwood Farm and Craft Market concerning the management of the U.S.D.A. Agricultural Marketing Service Grant Funding for the Farmers Market Promotion Program (FMPP).
  - f. Approval of Advanced Life Support Ambulance Permit and Ambulance Service License for 2015 to St. Mary's Care Flight.
  - g. Approval to authorize the Sheriff's Office to purchase four vehicles for the Operations Division at a cost of \$128,620 subject to approval by the County Attorney of any appropriate document agreements.
  - h. Approval of Chair's signature on Agreement for Services with Keenan's Plumbing & Heating, Inc. for Sheriff's Office Ventilation Upgrade project in the amount of \$10,565.
  - i. Approval of Chair's signature on Renewal of 3.2% Beer Liquor License for Society Conoco LLC dba Society Conoco, 100 Society Drive, Telluride, CO based on the County Clerk's Written Findings.  
(ATTACHMENT II)
  - j. Approval of an Agreement with Telluride Helitrax, Inc. to perform avalanche control work for County to maintain safety on CR D65 (Ophir).
  - k. Approval of Chair's signature on letter of engagement with Blair and Associates PC for audit services for the year ending December 31, 2014 in the amount not to exceed \$21,500.
  - l. Approval of certain vehicles to be declared surplus; a 2009 Dodge Dakota pickup (formerly driven by Environmental Health) and 2009 Toyota Highlander (formerly driven by Sheriff – Operations Deputy), and to direct staff to dispose of the assets.
  - m. Approval of Chair's signature on Agreement for Services with JLS Cleaning Services for routine janitorial services in the County Glockson Building in 2015 in the amount of \$6,000.
  - n. Approval to appoint Pam Pettee as a private sector representative on the SMC Transit Advisory Committee to a three year term.

Present: Ramona Rummel, County Finance Manager

**MOTION** by May to approve as presented. **SECONDED** by Fischer. **PASSED 3-0.**

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5. ADMINISTRATIVE MATTERS:

- a. Consideration to appoint the Chair and Vice-Chair for the 2015 County Boards (i.e. Commissioners, Equalization, Housing Authority, Public Health & Environment, Social Services, Weeds).

**MOTION** by Fischer to appoint Joan May as Chair and Elaine Fischer as Vice-Chair for the 2015 County Boards. **SECONDED** by May. **PASSED 3-0.**

- b. Consideration to appoint Commissioners to 2015 Boards and Committees.

Present: Lynn Black, County Administrator; John Huebner, Chief Deputy Clerk to the Board

**MOTION** by Fischer to appoint Commissioners to 2015 Boards and Committees with additions as presented. **SECONDED** by Goodtimes. **PASSED 3-0.**

- c. Discussion of a proposed Ordinance ordaining a process to develop, maintain, and operate mass transportation systems within the County pursuant to §30-11-101(1)(f), C.R.S.

Present: Steve Zwick, County Attorney; Lynn Black, County Administrator

**Board Consensus** to direct staff to schedule First Reading of proposed Ordinance.

- d. Public Lands / Consideration of a comment letter to the Colorado State Land Board concerning specific parcels of land in the County nominated for designation into the Stewardship Trust.

Present: Linda Luther, County Open Space and Recreation Coordinator; Mike Rozycki, County Planning Director

**MOTION** by Goodtimes to approve comment letter [to the Colorado State Land Board concerning specific parcels of land in the County nominated for designation into the Stewardship Trust] as presented. **SECONDED** by Fischer. **PASSED 3-0.**

6. SAN MIGUEL COUNTY HOUSING AUTHORITY MATTERS:

- b. Consideration of a request by Ruth E. Biener for an extension to an exception granted May 16, 2012.

Present: Shirley Diaz, SMRHA Director; Bob Biener, representative of Applicant

**MOTION** by Fischer to approve the extension [to the previously granted exception for an additional twelve months, from January 1<sup>st</sup> until December 31, 2015] for the renters as presented with all the documents involved in the potential purchase price for purchasing the unit as listed [below:

- i. Ms. Biener shall be allowed to have her renters stay until their lease expires unless there is a buyer wanting to close in 60 days from a mutually executed contract;
- ii. Ms. Biener shall notify SMRHA if her renters are pre-qualified for a loan and want to enter into a purchase contract for the unit;
- iii. Once the lease ends in the spring there are to be no additional renters, the unit must be sold;
- iv. Ms. Biener will provide a marketing plan for the unit by January 31, 2015 which includes the price, dates for showings, and will then update SMRHA quarterly including names of attendees at the showings;
- v. All offers for the unit discussed will be provided to SMRHA within 5 days, whether written or verbal;
- vi. No additional loans may be placed on the property;

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vii. The County Attorney's Office is authorized to execute an additional exception agreement with any additional language needed.] **SECONDED** by Goodtimes. **PASSED 3-0.**

- a. Consideration of an Exception Request from Charles and Brenda Colwell to Section 5-1305 C. II, [Ownership, Use and Occupancy Regulations] and permission to own two properties in San Miguel County per Section 5-1306 C. IV a.ii. of the San Miguel County R-1 Housing Deed Restriction and the Guidelines, Rules and Regulations governing Affordable Housing in the Telluride R-1 School District

Present: Lois Major, Attorney for the SMCHA

**MOTION** by Fischer to approve as presented [granting an Exception Agreement between the SMCHA and the Colwells pursuant to the terms agreed upon in this meeting and as laid out in the draft Exception Agreement.] **SECONDED** by Goodtimes. **PASSED 3-0.**

- c. Other, as needed
  - 1. Update of the sale of Ross deed-restricted property in Mountain Village.
  - 2. Update of a letter sent to Alicia Noguera that she had waived her right to re-appear concerning hearing before the SMCHA.

Present: Lois Major, Attorney for the SMCHA

**7. ADMINISTRATOR'S REPORT:**

- a. County Administrator Update.
  - 1. Governments transit and housing issues meeting(s) scheduling.
  - 2. CCI special meeting item on 1/22/15.
  - 3. 2/2/15 IG meeting item: carbon footprint / EcoAction Partners.
  - 4. 2/2/15 IG meeting item: proposed civil detox holding center.

Present: Lynn Black, County Administrator; Steve Zwick, County Attorney

**8. COMMISSIONER AND PUBLIC DISCUSSION:**

- a. ~~Public Discussion~~
- b. Commissioner Update on Outside Meetings
  - 1. Elaine Fischer – Telluride Arts District
  - 2. Art Goodtimes – Dolores County / CO Water Plan / Dolores River / OHV and CCI / GuSg / WEBA / Norwood Forward
  - 3. Joan May – Airport / Telluride Foundation
- c. ~~Website postings and press releases~~
- d. ~~General Discussion~~

**9. ATTORNEY MATTERS:**

- a. Update on land negotiations, Citation (4)(a).
- b. Update on litigation
  - 1. GHDC v. TSG and SMC BOCC, San Miguel County District Court Case No. 2014CA1296, Citation (4)(b).
  - 2. Discussion of San Miguel County C.R. S7 legal status, Citation (4)(b).

Present: Steve Zwick, County Attorney; Linda Luther, County Open Space and Recreation Coordinator; Mike Rozycki, County Planning Director

**MOTION** by Fischer to go into Executive Session for Update on land negotiations, Citation (4)(a); Update on litigation GHDC v. TSG and SMC BOCC, San Miguel County District Court Case No. 2014CA1296, Citation (4)(b); and Discussion of San Miguel County C.R. S7 legal status, Citation (4)(b). **SECONDED** by Goodtimes. **PASSED 3-0.**

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Note: Executive Session Minutes are confidential pursuant to 24-6-402(2) (d.5) (II)(A)(C), C.R.S. – Item 9.a.

Note: The County Attorney requested that items 9.b.1. and 9.b.2. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT I)

11:23 a.m. Recessed.  
11:45 a.m. Reconvened.

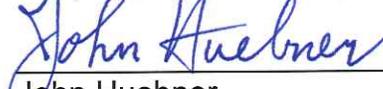
**Board** only discussed the three items in executive session that were on the agenda.

**MOTION** by Goodtimes to authorize county legal staff to send demand letter to Dufficy/Heizer contingent upon the county receiving the executed deeds and dedication for County Road S7 from Umetco. **SECONDED** by Goodtimes. **PASSED 3-0.**

10. Adjournment.  
11:47 a.m.

Audio MP3 20150107-BOCC-Audio.

Respectfully submitted,



John Huebner  
Chief Deputy Clerk

APPROVED February 4, 2015.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

  
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Joan May, Chair

ATTEST:



Lynn M. Black  
County Administrator

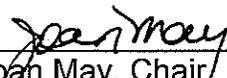
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Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, January 7, 2015 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.

  
\_\_\_\_\_  
Steven J. Zwick, County Attorney

I, Joan May, Chair of the San Miguel County Board of Commissioners attest that the Wednesday, January 7, 2015 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.

  
\_\_\_\_\_  
Joan May, Chair

OFFICE OF  
SAN MIGUEL COUNTY CLERK

M. Kathleen Erie  
P.O. Box 548  
Telluride, Co 81435  
(970) 728-3954

WRITTEN FINDINGS

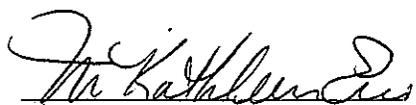
Date: December 9, 2014

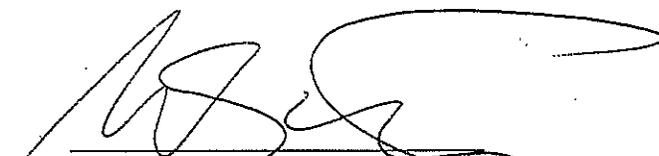
To: San Miguel County Board of Commissioners

Re: Renewal of Retail Beer Liquor License for Society Conoco LLC  
d/b/a The Society Conoco  
100 Society Drive  
Telluride, Colorado 81435

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1. Application is complete.
2. All fees have been paid.
3. William Masters, Sheriff, gives his approval on this renewal.
4. Insurance attached.

  
M. Kathleen Erie, County Clerk

  
William Masters, Sheriff