

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES
WEDNESDAY, MARCH 16, 2016
REGULAR MEETING
Second Floor, Miramonte Building
Telluride, Colorado

Present: Chair Joan May
Vice-Chair Art Goodtimes
Commissioner Elaine R.C. Fischer (via telephone)

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

1. Call to order.
9:31 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
 - a. Authorization of February 2016 Payroll and Vendor Payments. (ATTACHMENT I)
 - b. Acceptance of February 2016 Road Report.
 - c. Acceptance of Building Department Monthly Report for February 2016.
 - d. Approval to authorize the Sheriff's Office to purchase four vehicles on a state bid price with an aftermarket installation of emergency equipment and graphics in the total amount of \$213,122, subject to approval by the County Attorney of any applicable contract documents.
 - e. Approval to authorize the purchase and installation of a new booking workstation in the Jail from Xybiz Systems, Inc. by the Sheriff's Office, subject to approval by the County Attorney of any applicable documents, in the amount of \$6,462 to be paid for by SCAAP grant funds.
 - f. Approval to authorize the purchase and installation of replacement flooring in the Jail from Flairmont Furniture/Carpet One by the Sheriff's Office, subject to approval by the County Attorney of any applicable agreement documents, in an amount not to exceed \$12,500 to be paid for by SCAAP grant funds.
 - g. Approval of Chair's signature on resolution authorizing the Chair of the Board to execute all closing documents required to effect the acquisition of real property, from Silcombe LLC, of Condo Unit 601 Building F Eider Creek Condos, known as 35 Pilot Knob Ln #601, Telluride, Colorado 81435 in the amount of \$345,000 plus closing costs with funds from the San Miguel County Sales Tax (Capital) Fund. (ATTACHMENT II – Resolution #2016-6)
 - h. Approval of a Renewal of Hotel and Restaurant Liquor License by Wick Hospitality Group LLC, dba The Angler Inn, 22332 Highway 145, Placerville, CO 81430. (ATTACHMENT III – Written Findings)
 - i. Approval to declare as surplus: 1994 Ford F150 (VIN#1FTEX14N5RKB83202), 1993 Ford Ranger (VIN#1FTCR15X6PTA45587), 2007 Ford 150 (VIN#1FTPX14V27KB92462), 2002 Ford F150 Supercab (VIN#1FTOX18L22NB19057), 2008 Ford Expedition (VIN#1RMPU165X6LA97321), 1971 Water Truck (VIN#C70EVM31665), 2009 Toyota Highlander (VIN#JTEEW41A792036798), and 1996 Subaru Legacy (VIN#4S3BD435XT7202870) on behalf of the various county departments and to direct staff to dispose of the assets.
 - j. Approval of Chair's signature on request by the Assessor to approve Petition #2016-4 for Abatement or Refund of Taxes for 2015, Schedule #1080060001, the amount of \$122,495.18 to Marlay Partners LLC due to clerical error in data entry by Valuewest, Inc. (ATTACHMENT IV – Petition)
 - k. Ratification of Chair's signature on a letter dated February 29, 2016 to the Norwood District Ranger regarding county comments of the Telluride Snowmobile Adventures LLC's proposed relocation of its Alta Lakes Road base camp.

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- l. Ratification of Chair's signature on a letter dated March 3, 2016 to the Town of Sawpit in support of the proposed annexation of the "Bradbury Property" into the Town of Sawpit.
- m. Ratification 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 Blythe Ellen Sargent, Lot 308-10, Lawson Hill Subdivision/PUD.
- n. Ratification 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 Dean Bubolo, Lot 302-2, located in San Miguel Ridge, Lawson Hill Subdivision/PUD.
- o. Approval to designate Kristl Howard, County Human Resources Director as the Designated Agent for both the San Miguel County Board of County Commissioners and San Miguel County Housing Authority, as required by HB 12-1244, to serve notification purposes under the Colorado Governmental Immunity Act.

MOTION by Goodtimes to approve [Consent Agenda] as presented. **SECONDED** by Fischer. **PASSED 3-0.**

5. ADMINISTRATIVE MATTERS:

- a. Presentation of Telluride Medical Center 2015 Annual Report and Strategic Plan.

Present: Gordon Reichard, Telluride Medical Center Executive Director

- b. Discussion of Annual Energy Report: County Facilities and Public Outreach.
- c. Update on CDOT Annual Town Hall Meeting regarding Grants and Funding Forecast.

Present: Nina Kothe, County Commissioners Office

- d. Consideration of a letter to the GMUG Forest Supervisor requesting the county participate in the resolution of objections process for the Spruce Beetle Epidemic and Aspen Decline Management Response Final Environmental Impact Statement and Record of Decision.

Present: Dave Schneck, County Environmental Health Director

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

- f. Consideration of signing on to a letter to the Colorado General Assembly in support of HB 16-1355 which amends county and municipal planning statutes and the Oil and Gas Conservation Act to clarify the authority of local governments to site oil and gas facilities, and repeals existing statute that prohibits local governments from designating an area of oil and gas and development as an area of state interest.

Present: Dave Schneck, County Environmental Health Director

MOTION by Goodtimes to approve county participation and signing on to letter. **SECONDED** by Fischer. **PASSED 3-0.**

- g. Consideration of a proclamation to proclaim April 5, 2016 as County Recognition Day for Service.

MOTION by Goodtimes to approve as presented. **SECONDED** by Fischer. **PASSED 3-0.** (ATTACHMENT V – Proclamation #2016-2)

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- e. Presentation of Colorado voters systems.

Present: Kathleen Erie, County Clerk and Recorder; Steve Zwick, County Attorney

6. OPEN SPACE AND RECREATION MATTERS:

- a. Presentation of the 2015 San Miguel County Open Space and Recreation Program Annual Report.

Present: Linda Luther, County Open Space and Recreation Coordinator

- b. Consideration of the 2016 San Miguel County Fairgrounds and Regional Park User's Guide to replace and update the existing Fairgrounds Policies and Procedures.

Present: Linda Luther, County Open Space and Recreation Coordinator; Deanna Burbridge, County Fairgrounds Manager

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

7. ADMINISTRATOR'S REPORT:

- a. Update with County Administrator
 - 1. BLM Planning 2.0.
 - 2. Alpine Summit partners spring meeting.
 - 3. Funeral services in Nucla for John Marble, County employee.
 - 4. Interviews of firms for County Engineer.
 - 5. All Points Transit director interviews.
 - 6. RTA meetings.

Present: Lynn Black, County Administrator

- 7. Request for letter asking for official inquiry into the killing of Berta Caceres in Honduras and referencing a letter sent by the Vatican.

Present: Art Goodtimes, Commissioner

MOTION by Goodtimes to direct Goodtimes to draft letter to the Honduran government calling for an investigation of the assassination of Berta Caceres. **SECONDED** by Fischer. **PASSED 3-0.**

10:35 a.m. Recessed.

10:50 a.m. Reconvened.

- 8. Basin Forum newspaper article concerning Gunnison Sage-Grouse leks and Dolores River designation update.

Present: Art Goodtimes, County Commissioner; Mike Rozycki, County Planning Director; Dave Schneck, County Environmental Health Director

10:56 a.m. Recessed.

11:00 a.m. Reconvened.

8. ADMINISTRATIVE MATTERS:

- a. Presentation/Discussion: Telluride Power Outage cause, restoration efforts, and what is being done to prevent this in the future, Telluride Reliability Project by San Miguel Power Association (SMPA).

Present: Rube Fellicelli, SMPA Board; Bill Riley, SMPA; Jim Link, SMPA; Brad Zavorski, SMPA Member Manager; Mike Rozycki, County Planning Director; Steve Zwick, County Attorney; Bill Masters, County Sheriff; Mike Horner, County Road and

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Bridge Superintendent; Dave Schneck, County Environmental Health Director; Chris Broady, Mountain Village Police Chief; Jennifer Dinsmore, County Emergency Manager; Jim Kolar, Telluride Marshall; Robert Stenhammer, Telluride Ski and Golf Vice-president; Jeremy Fox, SMPA; Jack Sibold, SMPA Board; Robert Justis, SMPA Board

9. PLANNING MATTERS:

- a. Discussion of Land Use review process for SMPA Telluride Reliability project.

Present: Mike Rozycki, County Planning Director; Steve Zwick, County Attorney; Jim Link, SMPA

11:43 a.m. Recessed.

11:45 a.m. Reconvened.

- b. Other, as needed
1. No April Planning Commission meeting scheduled.
 2. Only limited marijuana regulation changes will be recommended.
 3. May 11, 2016 PC meeting: SMPA Solar project SUP and Lawson Hill two affordable housing projects applications.

Present: Mike Rozycki, County Planning Director;

10. COMMISSIONER AND PUBLIC DISCUSSION:

- a. ~~Public Discussion.~~
- b. Update on Outside Meetings.
1. Elaine Fischer-
 2. Art Goodtimes – Dolores River Coalition / PLP / CCI / Jail Inspect
 3. Joan May – Personnel Committee; FACA
- c. Website postings and press releases.
1. Annual report for County Open Space and Recreation.
- d. ~~General Discussion.~~

Present: Lynn Black, County Administrator; Dave Schneck, County Environmental Health Director

11. ATTORNEY MATTERS:

- a. Update of the legal status of County Road 64B Priest Lake Road, Citation (4)(b).
- b. Update on land negotiations, Citation (4)(a).
- c. ~~Update on litigation.~~

Present: Lynn Black, County Administrator; Mike Horner, County Road and Bridge Superintendent; Linda Luther, County Open Space and Recreation Coordinator; Steve Zwick, County Attorney

MOTION by Goodtimes to go into Executive Session for Update of the legal status of County Road 64B Priest Lake Road, Citation (4)(b) and Update on land negotiations, Citation (4)(a). **SECONDED** by Fischer. **PASSED 3-0.**

Note: The County Attorney requested that items 11.a. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT VI)

Note: Executive Session Minutes are confidential pursuant to 24-6-402(2) (d.5) (II)(A)(C), C.R.S. – Item 11.b.

12:29 p.m. Recessed.

1:08 p.m. Reconvened.

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Board only discussed the items it stated in Executive Session.

- 12. Adjournment.
1:10 p.m.

Audio MP3 20160316-BOCC-Audio.

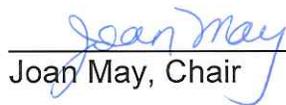
Respectfully submitted,



John Huebner
Chief Deputy Clerk

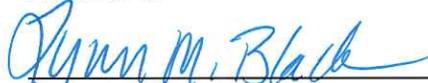
APPROVED March 30, 2016.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS



Joan May, Chair

ATTEST:



Lynn M. Black
County Administrator



FOR CONSENT AGENDA MARCH 16TH 2016

APPROVAL OF FEBRUARY PAYROLLS &
FEBRUARY 2016 VENDOR PAYMENTSCHECKS ISSUED FEBRUARY 1ST THRU FEBRUARY 29TH 2016
FROM FUND/DISTRICT AS FOLLOWS:

FUND	PAYROLL	SPECIAL REQUEST VENDOR
GENERAL FUND - 101	\$556,369.02	\$154,423.88
ROAD & BRIDGE FUND - 102	\$133,084.50	\$131,311.57
SOCIAL SERVICES FUND - 103	\$30,982.27	\$0.00
SALES TAX CAPITAL FUND - 104	\$0.00	\$96,402.89
CAPITAL EXPENDITURES - 106	\$0.00	\$21,606.57
RETIREMENT FUND -107	\$34,705.20	\$0.00
PARKS/OPEN SPACE - 108	\$31,843.73	\$14,969.52
CONSERVATION TRUST FUND - 109	\$0.00	\$0.00
LODGING TAX - 110	\$0.00	\$67,180.84
VEGETATION MANAGEMENT - 111	\$0.00	\$196.61
PUBLIC HEALTH & ENVIRONMNT - 115	\$37,954.92	\$7,693.23
ENERGY FUND - 116	\$0.00	\$0.00
HOUSING AUTHORITY - 224	\$0.00	\$0.00
DISPOSAL DISTRICT - 226	\$0.00	\$5,000.57
TOTALS	\$824,939.64	\$498,785.68

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE ALL CLOSING DOCUMENTS REQUIRED TO EFFECT THE ACQUISITION OF REAL PROPERTY FROM SILCOMBE LLC OF CONDO UNIT #601 EIDER CREEK CONDOMINIUMS, KNOWN AS 35 PILOT KNOB LANE #601 TELLURIDE, COLORADO

Resolution No. 2016 - 6

WHEREAS, the Board of County Commissioners of San Miguel County (the "BOCC") desires to acquire the following described real estate (the "Property") in accordance with the terms and conditions of the agreement between San Miguel County, Colorado and the Silcombe LLC, dated March 5, 2016:

Condo Unit 601 Building F Eider Creek Condos According to Recorded Plat and Declarations and the Amendments and Supplements Thereto Recorded located in Section 34 T43N R9W NMPM San Miguel County includes GCE Parking.

WHEREAS, the BOCC hereby states that there are sufficient funds legally available and appropriated in the duly adopted San Miguel County Budget for 2016 to purchase the Property for the consideration of \$345,000 as cash due at closing, plus applicable buyer's closing costs.

WHEREAS, pursuant to section 30-11-101 (1) (b), C.R.S., the BOCC, on behalf of San Miguel County, has the legal authority to purchase and hold real property.

WHEREAS, the BOCC finds it appropriate to designate the Chair or Chair Pro-tem as the individuals authorized to execute any documents required to effect the acquisition of the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of San Miguel County, Colorado has funds legally available and appropriated to purchase the Property and hereby authorizes the Chair or the Chair Pro-tem to execute any and all documents related to the acquisition of the Property.

DONE AND APPROVED by the San Miguel County Board of County Commissioners at a duly noticed public meeting held in Telluride, Colorado on March 16, 2016.

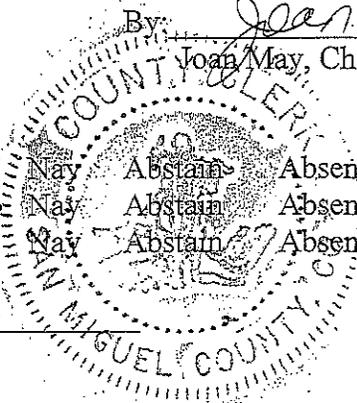
BOARD OF COUNTY COMMISSIONERS SAN MIGUEL COUNTY, COLORADO

By: Joan May, Chair

ATTEST:

Elaine R.C. Fischer (Aye) Nay Abstain Absent
Art Goodtimes (Aye) Nay Abstain Absent
Joan May (Aye) Nay Abstain Absent

John Huebner
Chief Deputy Clerk to the Board



OFFICE OF
SAN MIGUEL COUNTY CLERK

M. KATHLEEN ERIE

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

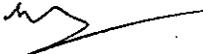
WRITTEN FINDINGS

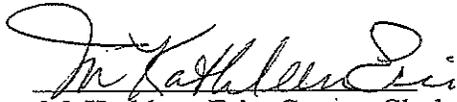
Date: Feb 16, 2016

To: San Miguel County Board of Commissioners

Re: Renewal of Hotel & Restaurant:

Wick Hospitality Group LLC
d/b/a The Angler Inn
22332 HWY 145
Placerville, CO 81430

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

RECEIVED MAR 11 2016

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: SAN MIGUEL COUNTY

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

Section I: Petitioner, please complete Section I only.

ATTACHMENT IV

Date: FEBRUARY 11 2016 (Month Day Year)

Petitioner's Name: MARLAY PARTNERS LLC A CO LLC
Petitioner's Mailing Address: 10 BROADMOOR ROAD
SCARSDALE NY 10583

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R1080060001, LOT 29GR TELLURIDE MTN VLG TELEMARCK CONDO UNIT E

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 2015 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.)

CLERICAL ERROR

Petitioner's estimate of value: \$ 3,833,800.00 (2016) 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: [Handwritten Signature]

Daytime Phone Number: 212-672-4677

Email: SILVER777@GMAIL.COM

By: [Blank] Agent's Signature

Daytime Phone Number ()

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). Table showing Actual, Assessed, and Tax values for Original, Corrected, and Abate/Refund categories. Includes checkboxes for Assessor's recommendation and a signature line for Peggy Kanta.

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 III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

 Petitioner's Signature Date _____

 Assessor's or Deputy Assessor's Signature Date _____

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 31 16 16, at which meeting there were present the following members:
Month Day Year
Joan May, Art Good Times, Elaine Fischer

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 Peggy Kawter (being present-not present) and Petitioner Marlag Partners (being present-not present), and WHEREAS, the said County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board ~~agrees~~ does not agree with the recommendation of the Assessor, and that the petition be ~~approved~~ approved in part ~~denied~~ with an abatement/refund as follows:

<u>2015</u>	<u>2,191,170</u>	<u>\$122,495.18</u>
<small>Year</small>	<small>Assessed Value</small>	<small>Taxes Abate/Refund</small>

 Chairman of the Board of County Commissioners' Signature

I, John Huebner County Clerk and Ex-Officio 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 from 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 this 16 day of March, 2016
Month Year

 County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

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

Approved Approved in part \$ _____ Denied for the following reason(s): _____

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

ATTACHMENT IV

**BOARD OF COUNTY COMMISSIONERS, SAN MIGUEL COUNTY, COLORADO
PROCLAIM APRIL 5, 2016 AS COUNTY RECOGNITION DAY FOR NATIONAL SERVICE**

PROCLAMATION #2016-2

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

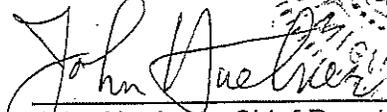
WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 5, 2016.

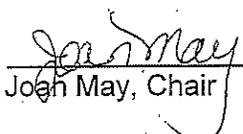
NOW THEREFORE, We the County Commissioners of San Miguel County do hereby proclaim do hereby proclaim April 5, 2016, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our county; to thank those who serve; and to find ways to give back to their communities.

APPROVED by the San Miguel County Board of Commissioners of San Miguel County, Colorado, at a public meeting held in Telluride, Colorado on March 16, 2016.

ATTEST:


John Huebner, Chief Deputy Clerk

**SAN MIGUEL COUNTY
BOARD OF COUNTY COMMISSIONERS**

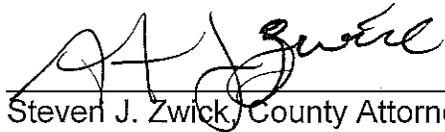
By: 
Joan May, Chair

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, MARCH 16, 2016

ATTACHMENT VI

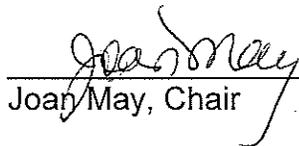
Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, March 16, 2016 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, March 16, 2016 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