

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**WEDNESDAY, JANUARY 6, 2016**  
**REGULAR MEETING**  
Second Floor, Miramonte Building  
Telluride, Colorado

Present: Chair Art Goodtimes  
Vice-Chair Elaine R.C. Fischer  
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/Moment of silence.  
9:30 a.m.
2. Review of Agenda.
3. Calendar Review. **Board Consensus** to re-schedule their April 6, 2016 meeting to March 30, 2016.
4. CONSENT AGENDA:
  - a. Acceptance of December 2015 Road Report.
  - b. Acceptance of Building Department Monthly Report for November 2015.
  - c. Approval of Intergovernmental Agreement with the Town of Telluride to provide transit services aka "The Galloping Goose Transit" in 2016 on behalf of San Miguel County in the amount of \$250,000.
  - d. Approval of Minutes: September 16, 2015, October 7, 2015, October 21, 2015, November 4, 2015, November 10, 2015, November 18, 2015, December 8, 2015 and December 16, 2015.
  - e. Approval of Chair's signature on the Department of Social Services' reports: October 2015 Earned Revenue and Expenditures, November 2015 Check Register, November 2015 Expenditures through Electronic Benefit Transfers, October 2015 County Allocation / MOE report, October 2015 Balance Sheet.
  - f. Approval of Agreement with Telluride Helitrax, Inc. for 2016 avalanche control services for above San Miguel County Road D65 near Ophir.
  - g. Ratification of Chair's signature on letter sent to US Congressman Tipton in support of a permanent reauthorization and full funding for the Land and Water Conservation Fund.

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

5. ADMINISTRATIVE MATTERS:
  - a. Consideration to appoint the Chair and Vice-Chair for the 2016 County Boards (i.e. Commissioners, Equalization, Housing Authority, Public Health & Environment, Social Services, Weed).

**MOTION** by Fischer to appoint Art Goodtimes as Chair and Joan May as Vice-Chair for the 2016 County Boards. **SECONDED** by May. **PASSED 3-0.**

- b. Consideration to appoint Commissioners to 2016 Boards and Committees.

**MOTION** by Fischer to approve [the appointment of Commissioners to Boards and Committees in 2016] as presented. **SECONDED** by May. **PASSED 3-0.**

8. ADMINISTRATOR'S REPORT:
  - a. Update with County Administrator.
    1. Commissioner Goodtimes planning to attend the 1/21 CCI Steering Committee for Tourism and Ski Counties in Denver.

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2. Commissioner May to planning to attend the Progressive Women's Caucus meeting via telephone at 12:00 p.m. 1/20.

Present: Lynn Black, County Administrator

6. PLANNING MATTERS:

- b. Interview Sonny Lopez for position on the County Board of Adjustment.

Present: Sonny Lopez, Applicant

- c. Consideration of appointment(s) to the County Board of Adjustment.

**MOTION** by May to [re-appoint Jim Botenhagen, Eric Wells, Marty Schmalz] and [to appoint] Sonny Lopez to the San Miguel County Board of Adjustment. **SECONDED** by Fischer. **PASSED 3-0.**

Present: Douglas Tooley, Mountain Village resident

8. ADMINISTRATOR'S REPORT: (Continued)

- a. Update with County Administrator.
  3. **Board Consensus** to authorize the release of 2016 County grant funds awarded to the Wright Stuff Community Foundation.

Present: Lynn Black, County Administrator

9. COMMISSIONER AND PUBLIC DISCUSSION:

- a. Public Discussion.
  1. Douglas Tooley, Mountain Village resident, awaits response from county administrator concerning an adult protection request, supports tiny houses and preserving Ilium Valley transit right of way, requests county support Animas River and mines cleanup.

9:56 a.m. Recessed.

10:00 a.m. Reconvened.

5. ADMINISTRATIVE MATTERS: (Continued)

- c. ~~Update by the Telluride Ski and Golf Resort.~~
- d. Discussion regarding Amendment to the Telluride Hospital District's Service Plan.

Present: Gordon Reichard, Telluride Medical Center Executive Director; Steve Zwick, County Attorney

**Board Consensus** to direct staff to draft a resolution concurring with the Telluride Hospital District's position that the prior Service Plan and Amendments are superseded by the State Health Department licensing process.

9. COMMISSIONER AND PUBLIC DISCUSSION: (Continued)

- b. Update on Outside Meetings.
  1. Elaine Fischer-
  2. Art Goodtimes – Jail Inspection
  3. Joan May – Airport / Telluride Foundation Board / Outdoor Alliance
- c. ~~Website postings and press releases.~~
- d. ~~General Discussion.~~

7. SAN MIGUEL COUNTY HOUSING AUTHORITY MATTERS:

- a. Consideration of Release and Termination of the First Amendment to Exemption Agreement and Affordable Housing Covenant, Equitable Servitude, and Real Covenants with Carol Jeanne Lee, Unit 309-6, The Pointe at Lawson Hill, Lawson Hill PUD.

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Present: Shirley Diaz, San Miguel Regional Housing Authority Executive Director;  
Brian Ahern, Telluride resident; Douglas Tooley, Mountain Village resident

**MOTION** by May to approve [Release and Termination of the First Amendment] as presented. **SECONDED** by Fischer.

Note: Brian Ahern, Telluride resident and Douglas Tooley interrupted the meeting proceedings prior to the vote on above item, and the Chair directed the meeting go into recess.

10:14 a.m. Recessed.

10:18 a.m. Reconvened. The meeting tape was off from 10:18 a.m. -10:21 a.m.

Vote on Motion: **PASSED 3-0.**

**Board Consensus** to direct staff to send letters concerning protocol for public participation in BOCC meetings to Douglas Tooley and Brian Ahern with a copy to the Sheriff.

10:21 a.m. Recessed.

10:41 a.m. Reconvened.

6. PLANNING MATTERS: (Continued)

- a. Acknowledge Kris Holstrom's service to the community as a member of the County Planning Commission.

Present: Kris Holstrom, County resident; Mike Rozycki, County Planning Director

Note: Mike Rozycki presented a plaque and gift certificate to Kris Holstrom in appreciation for her 20 years of service on the County Planning Commission.

10:48 a.m. Recessed.

10:51 a.m. Reconvened.

10. ATTORNEY MATTERS:

- a. Update on litigation.
  1. Executive Session: Discussion of San Miguel County C.R. S7 legal status, Citation (4)(b).
  2. Executive Session: Gold Hill Development Co v. TSG and SMC BOCC, San Miguel County District Court Case No. 2011CV9, Citation (4)(b).
- b. Other.
  1. Update on land negotiations, Citation (4)(a).

Present: Steve Zwick, County Attorney; Earl Rhodes, Attorney for County via telephone; Lynn Black, County Administrator

**MOTION** by Fischer to go into executive session for Discussion of San Miguel County C.R. S7 legal status, Citation (4)(b), Goldhill [Development Co v. TSG and SMC BOCC, legal status, Citation (4)(b)] and Update on land negotiations, Citation (4)(a). **SECONDED** by May. **PASSED 3-0.**

Note: The County Attorney requested that item 10.a.1. and 10.a.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)

Note: Executive Session Minutes are confidential pursuant to 24-6-402(2) (d.5) (II)(A)(C), C.R.S. – Item 10.b.1.

10:55 a.m. Recessed.

11:32 a.m. Reconvened.

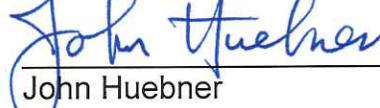
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**Board** discussion was limited in Executive Session to the three items.

11. Adjournment.  
11:33 a.m.

Audio MP3 20160106-BOCC-Audio.

Respectfully submitted,



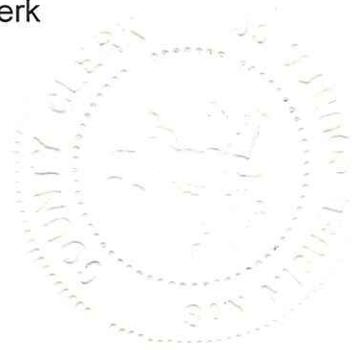
John Huebner  
Chief Deputy Clerk

APPROVED February 17, 2016.

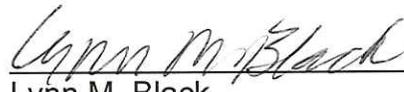
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Art Goodtimes, Chair



ATTEST:



Lynn M. Black  
County Administrator

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**ATTACHMENT I**

Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, January 6, 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, Art Goodtimes, Chair of the San Miguel County Board of Commissioners attest that the Wednesday, January 6, 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.

  
\_\_\_\_\_  
Art Goodtimes, Chair