AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Minutes; 8-4-2015

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Attached are the draft 8/4/15 BOCC meeting minutes for consideration.

Fiscal Impact: None.

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 10/27/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 11/3/2015

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 4, 2015

The August 4, 2015 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF EQUALIZATION REGULAR MEETING: Senior Assessment Analyst William Spicer and Appraiser III Bob Blackett were present for discussion. The Petitioners' and Assessor's exhibits for each case are located in their individual Board of Equalization files. The target appraisal date utilized was June 30, 2014.

CALL TO ORDER: Chairperson Swenson called the August 4, 2015 meeting of the County Board of Equalization to order at 8:49 am. Chairperson Swenson explained the roles, rights and responsibilities of the Board and the Petitioners during each hearing where a Petitioner and/or a Petitioner's representative was present, either in person or via telephone. Appeal notices were also provided to each petitioner/petitioner's agent.

CBOE #47; CINDY SMOCK; REPRESENTATIVE O'HAYRE DAWSON: Ms. Smock and attorney Bob O'Hayre were present for discussion.

SAA Spicer explained that a physical inspection was performed and, as a result, some discrepancies in the record were corrected. The Assessor's Office recommended an assessed value of $571,550, and he provided some comparable sale information.

Mr. O'Hayre opined that the $571,550 value was too high, and that the second improved property on the parcel created confusion. He provided hard copies of some sales data with what he believed were comparable sales and other sales that he also believed were not valued correctly, and he stated his opinion that the land was valued twice.

SAA Spicer explained that the difference of approximately $70,000 was related to the property, not the land. The provided report indicated that the value was determined by guessing at the multiplier, and there was no other supporting documentation. While SAA Spicer felt that there is sufficient land to divide the property and have two dwellings, Ms. Smock felt that it could not be easily divided. The Board agreed with Ms. Smock.

Chairperson Swenson asked for an explanation related to the low land valuation, and SAA Spicer explained that it's located within the City and it was valued on a sliding scale. He also stated that the improvement was assessed as though it were a separate property, and that an analysis of many similar properties confirmed the process used. Commissioner Houck stated that many properties in the Econ 1 area include a second dwelling, which made the jump in value difficult to accept. Commissioner Chamberland agreed that the property was overvalued by the Assessor's Office. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjust CBOE #47 from $610,920 to $571,550 based on the information presented to us and the requirements that we have as a Board of Equalization. Motion carried unanimously. The Board suggested that the Petitioner pursue arbitration because more tools will be available to her in that process.

CBOE #46; STEPHEN BROWN: SAA Spicer and Appraisal Analyst Alexandra Cohen were present for discussion. SAA Spicer explained that the property quality is "good" and, therefore, the Assessor's Office recommended that no adjustment be made. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to deny CBOE #46. Motion carried unanimously.

CBOE #55; TYLER PITT: SAA Spicer and AA Cohen were present for discussion. AA Cohen informed the Board that the property owner refused to allow her to access the interior of the building. Thus, the "good" property quality was established based solely on the exterior. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to deny CBOE #55. Motion carried unanimously.

CBOE #72; CHRIS DICKEY: SAA Spicer was present for discussion and explained that this commercial property was inspected. As a result, the back half of the property was changed from an office to shop storage, and the Assessor's Office recommended a change in value to $280,760. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjust the value to $280,760. Motion carried unanimously.

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CBOE #73; CHRIS DICKEY: SAA Spicer was present for discussion and explained that the second building is a nicely finished and heated room, not a dwelling, so it was considered to be part of the main building. The Assessor's Office recommended that the property value be adjusted to $374,520. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjust CBOE #73 to $374,520. Motion carried unanimously.

CBOE #95; NEIL BRATCHER: SAA Spicer was present for discussion. He stated that the property has some abnormal issues and that the Assessor's office recommended an adjusted value of $200,530. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to reassess CBOE #95 in the amount of $200,530. Motion carried unanimously.

CBOE #101; JANE WOLF REVOCABLE GRANTOR TRUST: SAA Spicer was present for discussion and confirmed that the property had been inspected. The quality of construction needed to be reduced, however, they found during the inspection that the loft is much bigger than expected. The Assessor's Office recommended an overall net reduction in value to $195,090. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjust CBOE #101, based on the information presented to us, to $195,090. Motion carried unanimously.

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Chairperson Swenson to approve the 7/13/15 meeting minutes as presented. Motion carried. Commissioner Houck abstained from the vote because he was not present for the meeting. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the 7/24/15 meeting minutes as presented. Motion carried unanimously.

1. 7/13/15 Regular Meeting
2. 7/24/15 Regular Meeting

CBOE #79; JILL NORRIS: SAA Spicer was present for discussion, and he provided the Assessor's Office recommendation to lower the value of the 11 properties without nearby water influence. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to reassess Account #R010734, #R010735, #R010744, #R010748, #R010752, #R010762, #R010773, #R010774, #R042869, #R042870 and #R071245 to the amount of $115,000. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the Gunnison County Board of Equalization meeting. Motion carried unanimously. The August 4, 2015 meeting of the Board of Equalization adjourned at 9:41 am.

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of County Commissioners meeting to order at 9:44 am.

AGENDA REVIEW: There were no changes made to the agenda.

CONSENT AGENDA: Commissioner Houck requested that Item #1 be pulled for further discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda as presented, pulling out #1. Motion carried unanimously.

1. **Pulled for Discussion and Separate Action:** Gunnison County Deputy County Attorney Employment Agreement; Gretchen Stuhr
2. Out-of-State Travel Request; International City/County Management Association Conference; Seattle, WA; 9/26/15 thru 9/30/15; $2,500
3. Acceptance of Nominations; Gunnison Basin Sage-grouse Strategic Committee Members; US Fish and Wildlife Service Western Colorado Supervisor Ann Timberman (Regular Member), US Fish and Wildlife Service Supervisory Fish and Wildlife Biologist Gina Glenne (Alternate Member)
4. Midwestern Colorado Mental Health Center Business Associate Agreement
5. Generator and Transfer Switch Preventative Maintenance Agreement Renewal; Cummins Rocky Mountain, LLC; 7/1/15 thru 6/30/16; $1,621.50
6. Statement of Work; Rates Assessments in Child Care and Kindergarten (RACK) Project; $13,117

CONSENT AGENDA ITEM #1: Commissioner Houck requested clarification on the language. County Attorney David Baumgarten was present for discussion and explained that extensive language had been added to the employment contract template, and by extension this contract, regarding dismissal for violation of ethics. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Consent Agenda Item #1. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORT: CM Birnie was present for discussion.

1. Compressed Natural Gas Update. CM Birnie informed the Board that some funding may be available for a CNG station via a State grant. He also stated that the Colorado Department of Local Affairs has some grant funding available for other aspects, so he was optimistic. The goal is to get to get this option into the private sector from start. Chairperson Swenson indicated that the Gunnison Valley Rural Transportation Authority may purchase two new vehicles.

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DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for discussion.

1. Change in Plow Routes for CR #2 (Bear Road) and CR #77 (Ragged Mountain). DCM Crosby explained that she has been looking at ways to reduce expenses. This section is in District 4 (Somerset area), and the distance from the Public Works shop to this area is five miles. She discovered that the County is plowing on CR #2 to locked areas, so she will recommend that the County issue a private plow permit if someone wants to plow those couple of miles of Bear Road. She also recommended that the County issue a plow permit, but not charge for the permit, because this section is plowed for a single family. She will discuss both of these recommendations with the property owners and then request action during a future meeting. The cost to plow these roads is approximately $2,000-$4,000 annually.
2. Minnesota Creek Road Update. DCM Crosby informed the Board that she is working with property owners in this area to re-channel some water and work on culvert issues. Normally this area gets one heavy rain each year, which causes issues, but they've had five or six heavy rains so far this year.
3. Cement Creek Road Update. DCM Crosby informed the Board that some of the private property owners agreed to purchase the gravel if the County provides the labor to improve a section of the road. The work will begin this week.
4. Road to Gothic. DCM Crosby informed the Board that she plans to attend the meeting at the Rocky Mountain Biological Laboratory (RMBL) on 8/25. She will also work with RMBL to determine a two-hour closure for magnesium chloride on the road.

BREAK: The meeting recessed from 10:09 until 10:18 am.

GUNNISON COUNTY BOARD AND COMMISSIONS APPOINTMENTS: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to appoint Ed Christian and Kathleen Gentry to the Board of Trustees for Gunnison Valley Health to fill the two vacancies. Motion carried unanimously.

SENATE BILL 152 ELECTIONS: CA Baumgarten and Community Development Director Russ Forrest were present for discussion.

Chairperson Swenson expressed her lack of optimism that the legislature will be able to get this done during 2016, so she opined that the County should move forward with placing an item on the ballot. Commissioner Chamberland agreed that this preemptive maneuver would ensure that options would be available if an opportunity comes up, but he was surprised to see that the cost for the election could be around $50,000. CM Birnie was undecided about spending $50,000 on an election now or waiting until next year to see what the legislature does. Commissioner Houck stated that, since there was not an urgent driver, perhaps the County should wait until 2016 to address this issue.

Chairperson Swenson stated that Region 10 plans to submit a grant application in December and that, if the County wants to participate in the regional project, the County should give itself the option.

Commissioner Houck asked if the municipalities were prepared to pay for their portion of the election, and Chairperson Swenson stated that the County would pay for it. Commissioner Chamberland expressed concern about spending $50,000 that was not budgeted since it would be cheaper in 2016. Commissioner Houck also expressed concern about the County covering the entire cost this year.

CDD Forrest confirmed that there weren't any specific projects that may be stifled if this issue doesn't go to the ballot in 2015. CA Baumgarten confirmed that placeholders were in place, in the event that the County wanted to move forward. Ballot language would need to be specified at the next meeting.

Commissioner Chamberland suggested that CDD Forrest discuss the issue with Region 10 and local companies to see if there a timeline to be aware of, if any.

The Board agreed to continue this discussion to the 8/18 meeting. CA Baumgarten has drafted some ballot language for consideration.

2016-2020 CAPITAL IMPROVEMENT PLAN ADOPTION: Finance Director Linda Nienhueser was present for discussion. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adopt the 2016-2020 Capital Improvement Plan. Motion carried unanimously.

COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) FEDERAL LANDS COORDINATION GRANT: Gunnison Wildlife Conservation Coordinator Jim Cochran was present for discussion. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the letter as proposed in the packet with the only change being the addition of the other two commissioners' signatures for the Federal Lands Coordination Grant, approval letter and signatures. Motion carried unanimously.

LOT CLUSTER APPLICATIONS: Community Development Department Services Manager Beth Baker was present for discussion.

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1. Hermits Hideaway; Mark and Kathryn Beckler. CDDSM Baker confirmed that this cluster would result in a lot exceeding one acre. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Lot Cluster Application for the Hermits Hideaway for Mark and Kathryn Beckler. Motion carried unanimously.
2. Lots 7, 8, 9, 10, 11, 12, 13 and 14, Block 33, Town of Tin Cup; Tin Cup Revocable Trust. CDDSM Baker confirmed that, while this cluster would not result in at least one acres, the property already includes an old house and septic system. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Lot Cluster Application for Lots 7, 8, 9, 10, 11, 12, 13 and 14, Block 33, Town of Tin Cup as presented. Motion carried unanimously.
3. Lots M2-41 and M2-42, Buckhorn Ranch, Filing 2B; Melinda E. Harper. CDDSM Baker stated that this cluster will result in a 1/3-acre lot, but that there is central water and sewer. Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the Lot Cluster Application for Lots M2-41 and MS-42 in Buckhorn Ranch for Melinda Harper. Motion carried unanimously.

COMMISSIONER ITEMS: This discussion began earlier than scheduled due to a gap in the meeting.

Commissioner Houck:

1. Rocky Mountain Biological Laboratory Meeting. Commissioner Houck asked CM Birnie and CA Baumgarten to provide some background information on the issues in the Gothic area prior to the upcoming meeting.
2. Outdoor Discovery Center Update. Commissioner Houck stated that this may still be a possibility for the Gunnison area, and that he might return to the Board to request $2,500 in seed money to help develop a GOCO grant.

Commissioner Swenson:

1. Gunnison Valley Rural Transportation Authority Sales Tax Increase. Chairperson Swenson confirmed that the RTA planned to ask for a sales tax increase on the November ballot. She also informed the Board that the County may lose funding from Region 10 for senior transportation in the future.
2. Gunnison Country Chamber of Commerce Update. Chairperson Swenson informed the Board that the Chamber is working with the City of Gunnison on a vendor rebate issue and sustainable funding for the Visitor's Center.

STANDARD MINE CLEANUP UPDATE: Environmental Protection Agency Representatives Christina Progess, Jim Hanley and Steve Wharton were present for discussion.

Ms. Progess informed the Board of the plan to create a tunnel adjacent to the tunnel in Level 1, which is currently blocked, so that access can restored. Access to Level 3 will also be necessary in order to rehabilitate it as well. In that process, three shafts in Level 3 will be closed to reroute the water out. The process began in early July, and it will continue until approximately mid-October. The next phase will be conducted several years from now, during which the water quality and quantity will be evaluated.

Ms. Progess indicated that the bioreactor's capacity is about 100 gallons per minute, but that it will be better determined once the quantity has been evaluated. Mr. Hanley stated that a contractor had been hired to mobilize to the site. He also confirmed that a contact list has been created in the event of an emergency.

UNSCHEDULED CITIZENS:

1. One Room School House (ORSCH) Investigation. Approximately 40 people came to speak to the Board about the current legal issues related to the charges that have been filed in the ORSCH case. Chairperson Swenson requested that the group designate a spokesperson, and Jennifer Flynn read a prepared statement. The group expressed concern about the DHHS investigation of ORSCH, and they asked that the Board provide oversight and evaluate the evidence as individuals. They also expressed concern related to children being questioned by police officers without parents being present, and their belief that Caseworker III Dawn Delaney acted inappropriately. Several letters were provided, and Chairperson Swenson confirmed that these and other letter have been compiled for the official record.

   CM Birnie acknowledged that this is a difficult situation for all involved, and that the County is legally and statutorily required to respond to any notice of possible abuse. However, he also informed the audience that the County cannot direct the City police, Town marshals, or any other entity that maybe involved, including the Sheriff's Office. There is no county role for intervening with regard to the charges that have been filed. He stated that he takes any mention of misconduct by County staff very seriously, and he stated that any allegations can be sent to him directly.

   CM Birnie also informed the audience that there is a formal dispute resolution process for involved families to follow, as required by the State, which would be the venue for those types of grievances. The process is overseen by citizens, not staff. Ultimately, if not resolved, the issue will be heard by the Board of Human Services.

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Health and Human Services Director Joni Reynolds stated that the investigation is not yet complete, and that the process is set forth by the State. The community also has a child protection team comprised of physicians and other local professionals, which is required, and a citizen review panel.

Chairperson Swenson explained that people who have had interaction with DHHS and have grievances should file them with HHSD Reynolds, who will then relay them to Citizen Review Board for evaluation. If there is no resolve, the Board of Human Services would act as the appellate. At the current time, a BOCC cannot legally or ethically intervene and make any decisions.

Stacy McPhail indicted that the group was concerned about the overall ethical direction of DHHS, and that there didn't seem to be a process for the majority of the people in the audience since they didn't have direct interaction with the department. CA Baumgarten confirmed that, in that instance, HHSD Reynolds would still be the person to contact.

Kiersten Daily expressed her concern that DHHS and the police went through a process that breached personal freedom and liberty, and CM Birnie explained that this is why the dispute resolution process is mandatory.

Michael Weekly questioned how educators can be charged with a crime if it didn't occur, and CM Birnie explained that the County cannot comment on charges that were brought by the City of Gunnison. He also explained that the legal standard to follow for mandatory reporting is whether or not there is a suspicion of abuse, not a conviction.

Commissioner Houck stated that he had been a teacher for 10 years, and he is currently a little league coach and Boy Scout leader, which makes him a mandatory reporter. He explained that any suspicions have to be reported to authorities, not internally investigated. The charge of Failure to Report is separate from what abuse actually happened, or not, as determined by an investigation. CA Baumgarten agreed and restated that the law requires teachers to report the suspicion of abuse, and that the reporter is not to investigate or make a determination themselves. He also asked that any persons who feel wronged to please enter the dispute resolution process so that mistakes, if any, can be identified. Commissioner Houck reiterated that DHHS is responsible for investigating the complaint that was brought forward, as legally bound to do, to ensure that the safety of children is protected. There are checks and balances so that one person or one department cannot influence the direction of the process.

It was explained that the County uses the TRAILS system, used in all neglect and abuse cases, and the decision to enter the information into TRAILS is not made by an individual. It is made after consult with many people, including State representatives. HHSD Reynolds plans to clarify this issue in writing.

Karen Redden opined that parents and children who were not originally involved are becoming involved because of the investigation of ORSCH. She stated that Caseworker III Delaney didn't ask the teachers for input, and she, along with other parents, requested that the BOCC evaluate Caseworker III Delaney's performance records.

HHSD Reynolds explained that the child protection team meets weekly to receive and discuss updates about the case, and they will continue to meet throughout the investigation.

Ms. Daily asked if people who are concerned about the City of Gunnison Police Department should file a grievance with the City, and Chairperson Swenson confirmed that any grievances related to the City should be filed with the City.

ADJOURN: Chairperson Swenson adjourned the meeting at 11:54 am.

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Paula Swenson, Chairperson

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Phil Chamberland, Vice-Chairperson

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Jonathan Houck, Commissioner

Minutes Prepared By:

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_____
Katherine Haase, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

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