AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft 10-18-2016 BOCC Meeting Minutes

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the 10/18/2016 BOCC regular 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:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 11/7/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/8/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 1

Agenda Date: 11/15/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 18, 2016

The October 18, 2016 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, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF EQUALIZATION REGULAR MEETING:

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of Equalization meeting to order at 8:30 am.

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the minutes as presented for the 9/26/2016 regular meeting of the Board of Equalization. Motion carried unanimously.

1. 9/26/2016 Regular Meeting

ADJOURN: **Moved** by Commissioner Chamberland, Commissioner Houck to adjourn the meeting. Motion carried unanimously. The Gunnison County Board of Equalization meeting adjourned at 8:31 am.

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of County Commissioners meeting to order at 8:31 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve. Motion carried unanimously.

1. 9/20/2016 Regular Meeting

CONSENT AGENDA: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda as presented. Motion carried unanimously.

1. Letter of Support; Colorado Department of Transportation Regional Director David Eller; Town of Crested Butte Roundabout-Statewide Transportation Improvement Program Funding
2. Acknowledgment of County Manager Signature; History Colorado Grant Acceptance Letter; Ohio City Town Hall Project; $97,427
3. State of Colorado Department of Transportation, Colorado Aeronautical Board, Division of Aeronautics Grant Agreement with Gunnison County; Routing #17-HAV-ZL-00091; Thru 6/30/19; $250,000
4. Agreement; Otis Elevator Company; Preventative Maintenance for County Courthouse Elevator; $5,760
5. Protocol for Quality of Care of At-Risk Adults with Developmental Disabilities between the Gunnison County Department of Health & Human Services and Community Options, Inc.
6. Release of Development Improvements Agreement and Addendum thereto for RU Subdivision; Land Use Change Permit No. 2010-32
7. Acknowledgment of County Manager Signature; Donation Agreement; Western State Colorado University; Innovation, Creativity, and Entrepreneurship (ICE) Project; 10/7/16 thru 12/31/17; $20,000
8. Colorado Department of Public Health and Environment, Colorado Local Public Health Agency Indirect Cost Negotiation Agreement; 1/1/17 thru 12/31/17; 64.36%
9. Contract Agreement; Mark Lucas Construction, LLC; Dos Rios Sewer Project; $27,750

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS:

1. Correspondence; Support for Western State Colorado University's Grant Application; Security Fiber Redundancy in the Gunnison Valley. CM Birnie requested input from the Board regarding this request from WSCU. The Board asked that the requested letter of support be sent, and the use of signature stamps was authorized on the letter since the letter would be needed prior to the next regular meeting.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Administrative Assistant Debbi Ferchau was present for discussion.

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1. Intergovernmental Agreement for Winter Road Maintenance; Town of Marble; 11/1/16 thru 5/31/17. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve. Motion carried unanimously.
2. Grant of Temporary Easement; Dale W. & Judith G. Collins; Quarry Road Project; 10/18/16 thru 12/31/16. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Grant of Temporary Easement for Dale and Judith Collins for the Quarry Road Project. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the permanent easement for Dale and Judith Collins for the Quarry Road Project. Motion carried unanimously.
3. Recycle Center Grant. County Attorney David Baumgarten confirmed that he reviewed the document yesterday and that it was appropriate for signature. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve and sign, and then ratify at the next meeting. Motion carried unanimously.

PETITION FOR ABATEMENT OR REFUND OF TAXES LUIT AND JAMIE HUIZENGA; SCHEDULE NUMBERS R001662 AND R001663; TAX YEAR 2015: Senior Assessment Analyst William Spicer was present for discussion. Allan Ivy was also present, and he provided documentation showing that the owner selected him as the agent. Commissioner Chamberland recused himself due to a potential conflict of interest.

SAA Spicer explained that the property located at 229 Main Street housed a furniture store until its sale in January 2015. Mr. Ivy has since converted part of the building to a residential unit, so it should be considered partly residential beginning in 2016. He also noted that, while the actual value went up, the assessed value came down. For the property located at 235 Main Street, it had incorrectly been classified as retail even though the back half is used for storage. So the value of that property dropped based on the type of commercial usage.

Mr. Ivy stated that he previously spoke with the person responsible for the liquidation sale, and that he was told there were three people living on the third floor prior to the sale. Given that information, Mr. Ivy argued that it was occupied as residential for several years up until the time that the property was sold.

SAA Spicer acknowledged that the property may have been taxed as residential at some point in time, but that the furniture store was using it for purely retain purposes. The Assessor's Office performed an inspection after the appeal was filed. Commissioner Houck noted that the majority of the time that has lived in the valley, the third floor was residential. Chairperson Swenson remembered the same. In the absence of a residential lease, the Board directed the Assessor's Office to make the same classification changes that were made for 2016, effective for 2015. SAA Spicer noted that, due to the increased square footage found, the property at 229 Main Street would be valued at $627,300, but that the reclassification would decrease the taxes in the long run. The property located at 235 Main Street would be valued at $234,640. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to adjust R001662 for reassessment year 2015 to $627,300, recognizing the 2,080 square feet being reassessed as residential. Motion carried. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to adjust the value of R001663 to $234,640 for 2015. Motion carried.

PETITION FOR ABATEMENT OR REFUND OF TAXES; BANK MIDWEST, N.A.; SCHEDULE NUMBER R031793; TAX YEARS 2013 AND 2014; PETITION FOR ABATEMENT OR REFUND OF TAXES; COMMUNITY BANKS OF COLORADO; SCHEDULE NUMBER R017758; TAX YEARS 2013 AND 2014: SAA Spicer was present for discussion. Darla K. Jaramillo, Tax Consultant for Sterling Properties, participated in the discussion via telephone.

SAA Spicer explained that this petition was relative to the two Community Banks buildings; one in Gunnison and the other in Crested Butte. The Gunnison property was valued at $760,000, and the Crested Butte property was valued at $1,400,000.

Ms. Jaramillo stated that the petition in question was filed in November 2015, and that abatement petitions are to be acted on within six months. She felt that this violation of Colorado statute was unfair to taxpayers. She also noted that her office requested valuation evidence prior to submitting the petition, but they didn't receive anything from the Assessor's Office. She made the same request before this meeting, and she was told that there would only be verbal testimony provided. She argued that the Board could only rule on evidence, not verbal testimony.

Ms. Jaramillo explained that her office valued these properties as being small office buildings, and they reviewed properties in the Denver metro area to determine a square footage rate. After considering that the valley is unlike the Denver metro area and adding some expenses, they arrived at a square footage rate of $123. She stated that her office also looked at sale prices of like buildings, and found a median of $124 per square foot, which bolsters her $123 total. Given this rate, she felt that the properties should be valued at $676,500 and $685,800 for Gunnison and Crested Butte, respectively.

Chairperson Swenson requested information related to the delay created by the Assessor's Office, and SAA Spicer explained that other work had been prioritized ahead of this item. She also requested information about the petitioner's request for documentation, and SAA Spicer stated his belief that the requested

information had been sent. Ms. Jaramillo again stated that she had only received the materials that were included within today's meeting portfolio, so SAA Spicer agreed to follow up.
SAA Spicer stated that, with the income approach, there wasn't sufficient data to arrive at a meaningful value. Also, the income information is confidential, though the owner would be easily determined in a small community even if the name is redacted. He stated that his main concern was the assumption that Crested Butte and Gunnison properties are alike, or even similar to anything on the Front Range. He noted that the petitioner's suggested value for the Crested Butte property equated to just 70% of the land value alone, and the value requested for the Gunnison Property is only about $100,000 more than the land value.

Chairperson Swenson asked Ms. Jaramillo if her firm had considered actual sales that have happened in Gunnison County, and Ms. Jaramillo explained that they attempted to, but couldn't find any similar properties. Chairperson Swenson also noted that evidence is normally presented during the CBOE process, not the tax abatement process.

The Board agreed that using properties on the Front Range was not appropriate in determining the value of the properties in question. Commissioner Houck stated concern with regard to the timing for the response, though he acknowledged that his concern didn't change his feelings toward the valuation. Commissioner Chamberland noted that the argument presented about the land value was also important to consider. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to deny the petition for abatement or refund of taxes for schedule R031793 for tax years 2013 and 2014. Commissioner Houck seconded. Motion carried unanimously. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to deny the petition for abatement or refund of taxes for schedule R017758 for tax years 2013 and 2014. Motion carried unanimously.

BUILDING ENVELOPE ADJUSTMENT REQUEST; LOT 3, FRY WOOD GRAUPMAN SUBDIVISION: Community and Economic Development Director Cathie Pagano was present for discussion, and she briefly explained the request. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the building envelope adjustment for Lot 3 of the Fry Wood Graupman Subdivision as presented. Motion carried unanimously.

CORRESPONDENCE:

1. Invitation; US Department of the Interior, Bureau of Land Management; Participation as a Cooperating Agency in the Bureau of Land Management's Preparation of a Programmatic Environmental Impact Statement for the Federal Coal Program Pursuant to the National Environmental Policy Act. CM Birnie noted he had not yet had the chance to ask County Attorney David Baumgarten about how this would affect staff resources. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to request participation as a cooperating agency in the preparation of a programmatic Environmental Impact Statement for the Federal Coal Program with BLM and authorize the Chairperson's signature. Motion carried unanimously.

BREAK: The meeting recessed from 9:42 until 9:47 am.

VOUCHERS AND TRANSFERS APPROVAL: Finance Director Linda Nienhueser presented the voucher approval report dated October 18, 2016 and the cash transfer authorization dated September 2016 for discussion and approval. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the vouchers in the amount of $2,411,595.38. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the cash transfer authorization for September 2016 in the amount of $4,055,164.20. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar was not available to present the September 2016 Treasurer's report, the investment report dated 9/30/16, and the quarterly interest report for July thru September 2016 that were provided in the packet. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's report. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. Region 10. Commissioner Chamberland stated that a meeting is being scheduled for Monday to discuss broadband efforts.

Commissioner Houck:

1. Gunnison Sage-grouse Update. Commissioner Houck informed the Board that he, Jim Cochran and County Attorney David Baumgarten attended a recent presentation related to the BLM's position. He felt that the current option is beneficial to the County in that it breaks the range into the basin and the satellites, and he stated that the County will need to provide strong comments before the deadline. He has met with CA Baumgarten and Mr. Cochran many times to discuss the document and the preferred option.

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Commissioner Swenson:

1. Mayors/Managers Meeting. Chairperson Swenson attended the recent meeting at WSCU, along with CM Birnie. The focus of the conversation was about the ICE House.
2. Gunnison Valley Regional Housing Authority Update. Chairperson Swenson informed the Board that GVRHA Director Karl Fulmer is applying for a homelessness prevention grant from the State because the Health and Human Services Department's limited monthly funding does not meet the need. She will provide draft correspondence in support of the application for consideration during a future meeting.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:03 am.

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Paula Swenson, Chairperson

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Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Katherine Haase, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

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