

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 1, 2020**

The September 1, 2020 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson
Roland Mason, Vice-Chairperson
Liz Smith, Commissioner

Matthew Birnie, County Manager
Katherine Haase, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:30 am.

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

MINUTES APPROVAL: Moved by Commissioner Mason, seconded by Commissioner Smith to approve the meeting minutes of 7/21/20, 7/28/20 and 8/4/20 as presented today. Motion carried unanimously.

1. 7/21/20 Regular Meeting
2. 7/28/20 Special Meeting
3. 8/04/20 Regular Meeting

CONSENT AGENDA: Moved by Commissioner Mason, seconded by Commissioner Smith to approve the consent agenda as presented. Motion carried unanimously.

1. Acknowledgment of County Manager's Signature; Buttery Contract
2. Acknowledgment of County Manager's Signature; U.S. Forest Service Agreement; Weed Management
3. Base Agreement; Engineering Services; Aviation & Gunnison-Crested Butte Regional Airport
4. Contract; Active Energies Solar, LLC
5. Liquor License Renewals; Crested Butte Nordic Council dba CBNC Magic Meadows Yurt; September 15, 2020 – September 15, 2021 & Tre Amici Corp dba Garlic Mike's; September 14, 2020 - September 14, 2021
6. Grant Agreement; State of Colorado – Department of Local Affairs; Community Development Block Grant
7. Lease Agreement; Belmont Development Company, LLC
8. Acknowledgment of County Manager's Signature; Department of Energy; Dos Rios Water Extension
9. Amendment of Business Lease; RV Commercial Rentals, LLC

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS:

1. Discussion: Library District Board Vacancy. CM Birnie informed the Board that Bruce Bartleson has stepped down from his position on the District Board, and that the District would like for the Board to make an out-of-cycle appointment to the District Board. The Board agreed to allow an out-of-cycle appointment process.
2. Paintbrush Housing Project Update. CM Birnie informed the Board that the project is progressing, and he asked the commissioners if they would like to schedule a tour of the project. The Board agreed to schedule a tour during an upcoming work session.

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

1. Slate River Clean-Up. DCM Crosby asked for Board permission to work with a private-property owner and the Crested Butte Land Trust to clean up an area where someone inappropriately installed a bridge and culverts, which led to the creation of a mess. She felt it would take two days for her staff to complete the work. The Board agreed to allow the work.

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

Commissioner Smith:

1. Departmental Meetings. Commissioner Smith informed the Board that she has had many meetings with department directors over the past two weeks so that she can get up to speed on their locations and services.
2. Local Business Meetings. Commissioner Smith informed the Board that she spent several hours meeting individually with local business owners to learn about any impacts related to COVID-19 that they may currently be experiencing. Most of them expressed appreciation for the County's early and aggressive actions taken at the start of the pandemic.

Commissioner Mason:

1. Gunnison Valley Regional Housing Authority Board. Commissioner Mason informed the Board that the GVRHA Board is attempting to fill a seat on its board. The placement will be announced at its next regular meeting on 9/10/2020.
2. Region 10. Commissioner Mason attended a Region 10 meeting on 8/27/2020. Much of the conversation focused on community updates related to the inability to hold events. They also discussed an upcoming grant opportunity. Region 10 will be submitted a joint application to the State and, if successful, each County in the region would receive \$75,000.
3. Governor Jared Polis Zoom Conference. Commissioner Mason attended this conference on 8/28/2020, during which the State's five COVID-19 levels were discussed. Comments are due to the State by the end of the week.
4. Community Services Block Grant. Commissioner Mason attended a recent meeting to discuss the CSBG. The grant provides \$60,000 annually for basic needs assistance for members of the public. An additional \$75,000 was awarded in early 2020, and approximately \$8,000-\$10,000 is spent from this fund monthly.

Commissioner Houck:

1. Colorado Department of Transportation Call. Commissioner Houck attended a recent call, during which improved road closure communications were discussed.
2. Colorado Counties, Inc. Commissioner Houck stated that CCI legislative meetings have been occurring online, and the proposed list of legislative issues for the year have been distributed. He asked Commissioner Mason and Commissioner Smith to review the list to gather thoughts on which legislative issues will be the most important to Gunnison County, and he asked that a follow-up discussion be placed on an upcoming work session agenda.
3. Counties & Commissioners Acting Together (CCAT) Meeting. Commissioner Houck stated that meetings continue, and one of the focuses is on what the ski season will look like this year. Many of the other County representatives have suggested that the State should align their COVID-19 level with what Gunnison County has already established.
4. Forest Service Plan Revision. Commissioner Houck discussed the progress with FS representatives in the Delta area, and the plan is moving forward.
5. Gunnison Sage-grouse Strategic Committee. Commissioner Houck stated that the Committee is currently seeking funding for restoration projects.

BREAK: The meeting recessed from 9:06 until 9:42 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION FOR ABATEMENT OR REFUND OF TAXES; PROPERTY TAX YEAR 2019; R071215, LOT 3 RE SUBDIVISION LOT 80 VANTUYL VILLAGE SUBD #624097: Appraiser III Bob Blackett was present for discussion, and CTMI, LLC Tax Agent Dalton Burns participated in the discussion via telephone.

1. Open Public Hearing. Commissioner Houck opened the Public Hearing at 9:06 am.
2. Staff Presentation. Appraiser III Blackett explained that this abatement was relative to a refund of overpaid taxes. The Assessor's Office valued the property at \$2,235,020, and the property owner requested a value of \$1,236,509. Appraiser III Blackett provided information on three comparable properties to explain how he arrived at the \$2,235,020 value.
3. Applicant Presentation. Mr. Burns explained how he arrived at the requested value of \$1,236,509 by reviewing his packet submission with the Board.
4. Staff Response. Appraiser III Blackett noted that the subject land was purchased during the protest period, and that Mr. Burns had not accurately reflected the actual sales price in his valuation. He also indicated that rental comparisons are not justified since the subject property is occupied by the owner and not being rented out. Lastly, he noted that Mr. Burns utilized 2019 dates in his comparisons, but that the protest period ended on June 30, 2018, so any sales in 2019 should not be used to determine valuation of the property.
5. Applicant Response. Mr. Burns indicated that he used the land value that the Assessor's Office calculated. He also stated that the Assessor's Office had not considered that the building has not been built out and functions similar to a store within a warehouse. Lastly, he felt that consideration was improperly given to the value of similar properties in other cities, because company value should not relate to property value.
6. Board Questions.
 - a. Commissioner Houck asked if the Petitioner had filed a protest during the recent protest period, and Mr. Burns confirmed that the Petitioner did not file such a protest.
 - b. Commissioner Mason indicated that there was a significant contrast in price per square foot in the property comparison, thus he felt that the assessment was too high and should be valued below \$2,000,000, which equates to approximately \$270 per square foot.
 - c. Commissioner Smith questioned the rationale for using O'Reilly stores in other counties to determine the value of the subject property. Appraiser III Blackett indicated that comparison to like properties outside of Gunnison County, while not used in other appeal

processes, was warranted in this type of appeal. Commissioner Smith agreed that the square footage shown in the comparable properties was an issue, thus she agreed with Commissioner Mason that the valuation was high.

- 7. Continue Public Hearing. The Board asked that the hearing be continued to the next meeting in order to allow time for the Assessor’s Office and the Petitioner to come to agreement before being readdressed by the Board. **Moved** by Commissioner Houck, seconded by Commissioner Smith to continue the public hearing for Petition for Abatement or Refund of Taxes; Property Tax Year 2019; R071215, Lot 3 Subdivision Lot 80 VanTuyl Village #624097 to 9:00 am on Tuesday, September 15, 2020. Mr. Burns confirmed that continuing the hearing was agreeable and that he would be available for the discussion on 9/15/2020. Motion carried unanimously. Commissioner Houck then reconvened the Gunnison County Board of County Commissioners Meeting at 9:42 am.

POTENTIAL AVIGATION EASEMENT BETWEEN GUNNISON VALLEY PROPERTIES, LLC AND THE BOARD OF COUNTY COMMISSIONERS: Airport Manager Rick Lampport was present for discussion, and he informed the Board that discussions related to a potential avigation easement are ongoing between impacted parties, including the Gunnison-Crested Butte Regional Airport. He also indicated that some important determinations could only be completed by the FAA. The City of Gunnison is scheduled to take action on the Planned Unit Development (PUD) on 9/8/2020, which leaves little time for FAA feedback. County Attorney David Baumgarten recommended that the Board direct AM Lampport to work with the developer to finalize draft language for the potential easement agreement and to verify, with the FAA, whether or not the current avigation easement recorded in 2010 (and re-recorded in 2018 due to legibility issues) is still appropriate given this PUD application or if the new negotiated easement language would be agreeable with the FAA. **Moved** by Commissioner Houck, seconded by Commissioner Mason to go into executive session to determine positions and strategies relevant to matters subject to negotiations and instruct negotiators pursuant to Section 24-6-402(4)(e) of the Colorado Open Meetings Act and receive legal advice from the County Attorney’s Office pursuant to Section 24-6-402(4)(b) of the Colorado Open Meetings Act all in relation to the potential avigation easement between Gunnison Valley Properties, LLC and the Board of County Commissioners. Attendees in the meeting will include County Attorney David Baumgarten, Manager Matthew Birnie, Airport Director Rick Lampport, Deputy County Attorney Matt Hoyt, as well as the full Board of County Commissioners. Because legal advice will be received, pursuant to Section 24-6-402(4), the meeting will not be recorded, nor will minutes be taken. Motion carried unanimously.

The board went into executive session at 10:04 am. Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(I).

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(I) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

Matthew Hoyt
Gunnison County Attorney
(Deputy County Attorney on the date of this meeting)

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(I).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Commissioner Smith to come out of executive session, the executive session happened with the folks that were read into the record, we received strategies and guidance from the Attorney’s Office. Because it was an executive session for guidance, there was no recording of the session. Motion carried unanimously. The Board came out of executive session at 10:26 am. Commissioner Houck asked AM Lampport to continue to be the point person with the developer, he also asked DCA Hoyt to provide support in legal matters related to this issue.

COMMISSIONER ITEMS (continued):

Commissioner Houck:

- 6. COVID-19 Recovery Efforts. Commissioner Houck met with a member of the Recovery Team to learn that communication outreach to restaurants will begin soon.

UNSCHEDULED CITIZENS:

- 1. Dave Taylor. Mr. Taylor commended the Board for taking a reasonable approach to the tax appeal on today's agenda. He also asked if the Board will be reaching out to Alpine Lumber's representative regarding Alpine's recent tax appeal to give similar consideration as today's petitioner received. Lastly, he noted that he sent Commissioner Mason an email related to the Tourism and Prosperity Partnership, and he hoped to receive a response. Commissioner Mason indicated that he will respond to the email this week. Commissioner Houck recommended that Mr. Taylor reach out to the Assessor's Office with his question about Alpine Lumber's tax appeal.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Smith to adjourn the regular session of the Board of County Commissioners. Motion carried unanimously. The meeting adjourned at 10:36 am.

GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:

CALL TO ORDER: Chairperson Houck called the Gunnison County Housing Authority meeting to order at 10:36 am.

QUIT CLAIM DEED; MOUNTAIN VIEW APARTMENTS: CM Birnie informed the Board that when the Gunnison Valley Regional Housing Authority was created, property in the name of the Gunnison County Housing Authority was placed in the ownership of Gunnison County. Per HUD, Mountain View Apartments needs to be owned by the party named in current agreements, so this quit claim deed would undo the transfer of ownership for that specific property. Moved by Commissioner Mason, seconded by Commissioner Smith to approve the Quit Claim Deed and authorize the signature of the whole Board. Motion carried unanimously.

ADJOURN: Moved by Commissioner Houck, seconded by Commissioner Mason to adjourn the County Housing Authority special meeting. Motion carried unanimously. The Gunnison County Housing Authority meeting adjourned at 10:41 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk