

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
July 23, 2019**

Commissioner Beth Melton, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Tim V. Corrigan, Commissioner Douglas B. Monger, Deputy County Manager Dan Weinheimer, and County Manager Tom Sullivan were also present. Those present recited the Pledge of Allegiance. Deanna Sanchez recorded the meeting and prepared the minutes.

The details of this meeting can be found in the Board of County Commissioners (BCC) Regular Meeting Agenda and Packet for July 23, 2019 document in the Commissioners' Regular Meeting Agendas and Packets section of the Routt County Website, along with the meeting audio.

EN RE: WARRANTS

Commissioner Monger moved to approve and authorize the Commissioners to sign the Warrants Sheets that included:

Accounts Payable Check- Cycle Date:	7/15-7/19	\$705,929.21
Accounts Payable Check: Manuals	7/15-7/19	
Accounts Payable Wires:	7/15-7/19	
Total:		\$705,929.21
Payroll Checks- Cycle Date:	7/15-7/19	\$524,918.80
Payroll Checks- Manuals	7/15-7/19	
Payroll – IRS & State Income Tax	7/15-7/19	\$213,957.92
Total:		\$738,876.72
Total Disbursements Approved:	7/15/19-7/19/19	<u>\$1,444,805.93</u>

Commissioner Corrigan seconded.

Mr. Sullivan advised of the 2019 Accounts Payable items of note for run date July 17, 2019.

Vendor	Amount	Department
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HORIZONS SPECIALIZED SERVICES INC	161,198.76	Developmental Disabilities Tax Fund:
HAYDEN HERITAGE CENTER	4,152.48	Museum & Heritage Tax Fund: June 2019 Property Tax Distribution
HISTORIC ROUTT COUNTY!	4,835.96	Museum & Heritage Tax Fund: June 2019 Property Tax Distribution
HAHN'S PEAK AREA HISTORICAL SOCIETY	1,295.93	Museum & Heritage Tax Fund: June 2019 Property Tax Distribution
HISTORICAL SOCIETY OAK CREEK & PHIPPSBURG	2,307.97	Museum & Heritage Tax Fund: June 2019 Property Tax Distribution
TREAD OF PIONEERS HISTORICAL COMMISSION	28,647.29	Museum & Heritage Tax Fund: June 2019 Property Tax Distribution
YAMPA-EGERIA HISTORICAL SOCIETY	833.26	Museum & Heritage Tax Fund: June 2019 Property Tax Distribution
CITY OF STEAMBOAT SPRINGS	352,604.27	Building & Plant Capital Pool Budget: CLEF and COMM CENTER FACILITIES CONSTRUCTION, May 2019 Billing: including
Calcon CLEF	\$326,956.12	
Calcon Comm Center	\$89,694.54	
NV5 and other	\$27,331.51	
CITY OF STEAMBOAT SPRINGS	142,808.98	ROAD LEVY 2ND QUARTER 2019
TOWN OF OAK CREEK	1,755.38	ROAD LEVY 2ND QUARTER 2019
TOWN OF HAYDEN	4,724.20	ROAD LEVY 2ND QUARTER 2019
TOWN OF YAMPA	764.73	ROAD LEVY 2ND QUARTER 2019
2019 AP Run Date July 17 - Total	705,929.21	

Motion carried 3-0.

EN RE: ITEMS OF NOTE FROM PREVIOUS DAY'S WORK SESSION

Commissioner Melton stated updates were received from the County Manager, Legal, Clerk and Recorders, Treasurer, YVRA, Public Health, and the Deputy County Manager.

EN RE: CONSENT AGENDA

The following items were presented for consideration, approval, and signing on the consent agenda:

- A. Approval of County Commissioners Minutes: Regular Meeting of June 18, 2019;
- B. Approval of and authorization for the Chair to sign YVRA AIP 45-amendment #2 to professional services agreement from Mead & Hunt;
- C. Approval of and authorization for the Chair to sign YVRA AIP 46-amendment #2 to professional services agreement from Mead & Hunt;
- D. Approval of and authorization for the Chair to sign YVRA AIP 47-amendment #2 to professional services agreement from Mead & Hunt;
- E. Approval of and authorization for the Chair to sign the CCCAP fiscal agreements;
- F. Approval of authorization for the Chair to sign a letter of support to the Colorado Water Plan;
- G. Approval of and authorization for the Chair to sign an extension request for audit letter.

MOTION

Commissioner Corrigan moved to approve items A, B, C, D, E, F, and G on the consent agenda and authorized the Chair to sign the related documents.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: PUBLIC COMMENT

No members of the public were present.

EN RE: ROUTT COUNTY BOARD OF EQUALIZATION

Gary Peterson, County Assessor; Angela Finnegan, Kevin Krause, Matt Kuckkahn, Ryan Gelling, Robin David, and Susan Siggson, County Appraisers; William Peltier,

Anthony Frischknecht, Abby Schissler, Jim Gantz, Eric Schissler, Petitioners; and Stephanie Shanahan, Tax Agent; were also present.

Commissioner Melton swore-in and advised those present of the rules by which this Board will consider valuations.

Commissioner Melton stated the issue of today's proceeding is property valuation for assessment purposes, not property taxes. No discussion of taxes will be allowed. The Petitioner has the burden of proving, by a preponderance of the evidence, that the Assessor's value is incorrect. Where the comparable sales method is used, state statute provides that the Assessor will determine value based on sales during the 18-month period ending June 30, 2018. Sales may also be considered in 6-month periods immediately preceding the 18-month period, up to 5 years, if there are insufficient sales to obtain accurate comparable valuation data. Smaller Counties commonly use a 24-month period in order to obtain sufficient comparable sales data that better demonstrates the change in value from the prior level of value, June 30, 2016. The 24-month period also eliminated seasonality in the sales data. Routt County uses a 24-month period. The Petitioner and the Assessor should not discuss sales post June 30, 2018, except in cases when it can be demonstrated that a contract for sale was completed prior to June 30, 2018 and closed after June 30, 2018 according to the original contract. Under Colorado law, the present value of your property cannot be considered. The Petitioner shall present his/her evidence first and shall have the opportunity to cross examine the representatives from the Assessor's Office after they have presented their evidence. The decision of this Board may be appealed and we will refer to that after the decision/motion has been made.

R3526561 PELTIER PROPERTIES LLC

Commissioner Monger stated he leases the property that is adjacent to Mr. Peltier's property, and he does not believe that will affect his decision. Commissioner Melton and Corrigan stated they support Commissioner Monger's participation in the hearing.

Mr. Peltier stated his appeal. He gave background on his family history with the property. The property has historically been used for grazing and agriculture. Mr. Peltier hopes to establish alfalfa on the property, but this will take time as the property is very rocky and bushy. His first appeal had an error in the amount in the lease provided. The lease stated \$200.00 per year when it was actually \$2,000.00 per year. 570 acres are located above the rim rocks and are only accessible by a small road that is mostly a jeep trail. This acreage could never be developed without a huge amount of time and money spent developing the road. Mr. Peltier provided a map to the Board. He believes the comparable valuations used by the Assessors were not fair. The comparable properties have easy access and his property has poor access. The properties had structures that Mr. Peltier's property does not. The Assessor's stated not enough of the land was being planted. Mr. Peltier feels he must start small, due to the weather and expense.

Mr. Gelling stated the petitioner appealed the change from "Agricultural" classification to "Vacant Land" at Assessor-level appeal. The change for 2019 was due to the grazing lease with Camilletti that was canceled for 2018 and no further agricultural proof was submitted to the Assessor's Office for 2018. A note in the account from former Ag Appraiser states: "5/3/18 Albert Camilletti came in. This owner cancelled lease for 2017/18 and tore down fencing. Camilletti knows no one else is grazing / using the land. States owner just wants land for

hunting. Removed AG for 2019. We'll see if they come in with different proof. Tried to view 6/5/18 but no access - gated at hwy." During Assessor Level Appeal Petitioner provided evidence for consideration on May 17, 2019 in the form of a contract titled "2018-2019 Hay Cut and Bail Contract" with Antler Land & Cattle that covers "all Alfalfa, Hay and Grasses on the 600 acres". Effective dates: "1st day of 2018 and up to 12/31/2019". Accompanying the contract was a check for \$200 from Antler Land & Cattle dated 5/8/2019. However, no sales receipts for any hay harvested was provided for 2018. The property could not be viewed during the Assessor Level appeal due to a locked gate. A comparison of aerial photos revealed an area of approximately 6 acres that appeared to have been cleared around 2016 or 2017 for the purpose of establishing alfalfa. It could not be determined if alfalfa had been established on the reclaimed mined area while considering the Petitioner's appeal. Pursuant to the statutes defining "agricultural land" and "ranch," the Board of Assessment Appeals ruled that, less than seven days [of cattle grazing] does not qualify the properties for an agricultural classification in 2007." The court affirmed this interpretation as reasonable stating that, "this nominal grazing was insufficient to establish the ongoing or present use as a ranch for the 2007 tax year." Accordingly, this decision should apply to a farm as well and suggests that hay production on approximately 6 out of 600 acres (about 1% of the property) would be equally insufficient to establish agricultural classification on the entirety of the 600 acre property. It is the position of the Assessor that haying only 1% of a 600 acre property is insufficient to establish a new primary use of the property as a farm/hay production. As a result of the grazing lease being canceled, no evidence of actual agricultural use for profit being presented for 2018 and no communication of the Petitioner's intent to change the agricultural use of the property being made to the Assessor's office it was determined that the agricultural use had effectively ceased and the Assessor level appeal was denied.

The board discussed the case. Based off of acres being unusable, poor access, and water access problems, the Board decided to motion a 50% discount from the valuation.

MOTION

Commissioner Corrigan moved to deny the petitioner's request, deny the Assessor's level of value, and adjust the value from \$960,000 to \$480,000 in the matter of R3526561.

Commissioner Monger seconded; the motion carried 3-0.

R3255538 FRISCHKNECHT, ANTHONY

Ms. Shanahan stated the appeal. The comparable values provided by the Assessors were based on price per square foot. The Public Record tax assessment in 2017 market value increased to 27% in 2019. Ms. Shanahan went over her comparable sales.

Ms. David stated by evaluating the sales that occurred at Ski Time Square Condo in the subject's tier and looking at the sale of the subject, it was determined that the valuation of the subject property was supported at the Assessor Level appeal. Although the petitioner submitted comparable sales, consideration for the sales at Rockies was not given since these sales occurred from outside the subject development, are farther away from the ski area, the subject's

TASP is \$296,302, and the valuation was \$295,680. The petitioner's valuation request of \$277,728 or \$263/sf was denied.

The Board discussed the case. Due to the lack of acceptable evidence from the petitioner, the Board agreed to deny the petitioner's request.

MOTION

Commissioner Monger moved to deny the petitioner's request and maintain the current Assessor level of value in the matter of account number R3255538 in the amount of \$295,680.

Commissioner Corrigan seconded; the motion carried 3-0.

R3171477 STROM, RICHARD

Mr. Gelling stated at Assessor-level appeal, petitioner provided no comparable sales. The petitioner asserted that "all brokers/sales agents say the vacant land is worth \$1,800 at best". Additionally, the petitioner also felt that he was entitled to the senior exemption. The subject property does not qualify for the senior exemption as it is vacant land. Per section 39-3-203 C.R.S., only an owner that occupies the property as their primary residence, and has done so for the last 10 consecutive years prior to January 1st, are eligible for a senior exemption. To verify the subject's value as of June 30, 2018, I reviewed three comparable sales from within the 24 month time frame and within the same subdivision. The subject's valuation is within the range of the 3 comparable sales and the appeal was denied. At CBOE-level appeal, petitioner has again provided no comparable sales to support his assertion that the Lot should be valued at \$1,800. The petitioner maintains that "brokers and sales agents say it is worth at best \$1,800".

Mr. Peterson read the note written on the NOD letter written by the petitioner. The note included insulting remarks about the Assessor's Office, suggested the County pay \$3,800 for his land, and argued the brokers and sale agents say the property is worth at best \$1,800.

The Board discussed the case. Due to the lack of acceptable evidence from the petitioner, the Board agreed to deny the petitioner's request.

MOTION

Commissioner Corrigan moved to deny the petitioner's request and maintain the current Assessor level of value in the matter of account number R3171477 in the amount of \$3,800.

Commissioner Monger seconded; the motion carried 3-0.

R3205410 & R3208311 PERRY LYNN LLC

Ms. Schissler stated she is appealing the property classification from residential to commercial. The property is rented occasionally for events. These events are normally just family and friends. The income made off of the property is minimal.

Mr. Krause stated the petitioner submitted protest documentation stating, "On property record card for parcel 947224001, to consider a reclassification of 10 Mile Res Occurrence 2 (Caretaker House) from all residential to half residential and half commercial if parcel 947224002 10 Mile Res Occurrence 1 (Main Lodging Facility) is changed from commercial to residential." The petitioner's request would modify the commercial ratio from the Assessor's 81% commercial (19% Res) to 29% commercial (71% Res). At the CBOE level, the petitioner modified his initial request to reclassify the commercial portion to 42% and the residential portion to 58%. The petitioner requested no modification to the 2019RA aggregated value of \$1,850,220 for both property schedules. The request for a change in the allocation of value between the two uses (classifications) was denied at the Assessor level.

Mr. Krause continued with based on the understanding of the property's prior historical uses and conversations with the current owner in 2018, with exception of the caretaker unit, all improvements situated on the property are used at varying capacities for lodging and special events. Both the Assessor's Office and the petitioner have a common understanding that the property was purchased for both his family's personal use and to take advantage of the PUD zoning and special uses allowed under the classification. Under Colorado Law, the qualifications for a property's use classification is not based on the amount of time in a given year that a property is utilized for a particular qualifying use. Therefore, because it is understood that nearly all of the improvements are utilized for either lodging or special events throughout the year with some personal use expected, the respective improvements have been classified as commercial improvements. Only that portion of the property that is occupied by the caretaker has been classified as residential. The Assessor's position is that this property is first and foremost, a lodging property; the PUD zoning and the entitlements that come with it play a large part in this determination by the Assessor.

The Board discussed the case. Based off of Colorado Law stating the qualifications for a property's use classification is not based on the amount of time in a given year that a property is utilized for a particular qualifying use, the Board decided to deny the petitioner's appeal.

MOTION

Commissioner Corrigan moved to deny the petitioner's request and maintain the current Assessor level of value and classification in the matter of R3205410 in the amount of \$951,750 and R3208311 in the amount of \$898,470.

Commissioner Monger seconded; the motion carried 3-0.

**EN RE: ROUTT COUNTY COLORADO STATE UNIVERSITY EXTENSION
OFFICE / TAMI EGGERS**

4H Club members were also present.

4H FAIR PRESENTATION

Ms. Eggers and the 4H Club Members invited the County Board of Commissioners to the County Fair and presented an update on their club activities.

EN RE: ENVIRONMENTAL HEALTH / SCOTT COWMAN

SUPPLEMENTAL FUNDING TO SUPPORT GREENHOUSE GAS STUDY

Mr. Cowman presented his request for approval and authorization for supplemental funding in the amount of \$5,000 to support a Greenhouse Gas study in partnership with the City of Steamboat Springs. Mr. Cowman and the Board discussed his request.

MOTION

Commissioner Monger moved to approve resolution 2019-047: a resolution appropriating additional amounts of money to increase expenditures in excess of amounts budgeted in the general fund environmental health operations budget.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: CLERK AND RECORDER / KIM BONNER

Tina Fry, Chief Deputy Clerk was present.

OFFICE CLOSURE RESOLUTION

Ms. Fry stated her request for approval of a resolution designating the Clerk and Recorder's Office, excluding Motor Vehicles, as closed to the public on July 29 and 30, 2019 for training. Ms. Fry and the Board discussed her request.

MOTION

Commissioner Corrigan moved to approve resolution 2019-048: a resolution designating the Clerk and Recorder's Office, excluding Motor Vehicles, as closed to the public on July 29 and 30, 2019 for training.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: ROUTT COUNTY SHERIFF'S OFFICE / SHERIFF GARRETT WIGGINS

Lieutenant Joe Boyle, Jail Administrator, was present.

SECURUS AMENDMENT AGREEMENT

Mr. Boyle stated his request for approval and authorization for the Chair to sign an amended agreement with Securus Technologies to add inmate forms (grievance) and job search applications to their services. Mr. Boyle and the Board discussed the request.

MOTION

Commissioner Monger moved to approve and authorize the Chair to sign an amended agreement with Securus Technologies to add inmate forms (grievance) and job search applications to their services.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: ROUTT COUNTY BOARD OF EQUALIZATION

Commissioner Melton swore-in and advised those present of the rules by which this Board will consider valuations. The petitioners were not present.

Commissioner Melton stated the issue of today's proceeding is property valuation for assessment purposes, not property taxes. No discussion of taxes will be allowed. The Petitioner has the burden of proving, by a preponderance of the evidence, that the Assessor's value is incorrect. Where the comparable sales method is used, state statute provides that the Assessor will determine value based on sales during the 18-month period ending June 30, 2018. Sales may also be considered in 6-month periods immediately preceding the 18-month period, up to 5 years, if there are insufficient sales to obtain accurate comparable valuation data. Smaller Counties commonly use a 24-month period in order to obtain sufficient comparable sales data that better demonstrates the change in value from the prior level of value, June 30, 2016. The 24-month period also eliminated seasonality in the sales data. Routt County uses a 24-month period. The Petitioner and the Assessor should not discuss sales post June 30, 2018, except in cases when it can be demonstrated that a contract for sale was completed prior to June 30, 2018 and closed after June 30, 2018 according to the original contract. Under Colorado law, the present value of your property cannot be considered. The Petitioner shall present his/her evidence first and shall have the opportunity to cross examine the representatives from the Assessor's Office after they have presented their evidence. The decision of this Board may be appealed and we will refer to that after the decision/motion has been made.

R8166599 MATTOX, MICHAEL DAX

Ms. Siggson stated the property was originally appealed by owner of record May 20, 2019 (M.J.S. LLC) at which time petitioner stated the Lot was currently under contract for \$325,000 and requested a valuation of \$325,000. She discussed with the petitioner on the phone that market data beyond June 30, 2018, cannot be considered for the 2019 reappraisal, and that the pending sale would be part of the 2021 reappraisal. However, given the large difference between the two figures, she agreed that she could review the subject's \$425,000 valuation. During desk review at Assessor-level appeal, she found that the Lot, despite its large 2.11 acre size, does sit rather low in elevation in the subdivision with steep topography and rocky outcroppings that would increase building costs. She also reviewed the Lot's sale and listing history. The Lot had last sold for \$480,000 in March 2007. This was a strong point in the market in Steamboat, but not the height. During the 2019 reappraisal analysis, it was noted that most areas had recovered to 2007 and 2008 values. The subject Lot was listed for sale on the open market for \$389,000 as of June 30, 2018. The median discount off list price for all Sanctuary sales in the time period was 5%, with that discount decreasing to 4% for sales occurring January 2018 – June 2018. The indicated sales price for the subject Lot using this data would be \$369,550 to \$373,440. The subject Lot's value was adjusted at Assessor-level appeal to \$361,250 by applying a 15% discount to the base rate of \$425,000. This value is lower than the indicated range of \$369,550 to \$373,440. The current value is now being appealed to CBOE by the current owner (not the original filer of the appeal), who has standing to do so. The following map shows an aerial of the Sanctuary subdivision with the subject lot outlined in red, as well as close-up 2-foot contour/topo map of the subject. A roughed-in dirt driveway is visible in that photo which indicates where a future home would be built, which is on the less-steep portion of the Lot.

The Board discussed the case. Based off of the lack of acceptable evidence provided by the petitioner, the Board decided to deny the petitioner's appeal.

MOTION

Commissioner Corrigan moved to deny the petitioner's request and maintain the current Assessor level of value in the matter of R8166599 in the amount of \$361,250.

Commissioner Monger seconded; the motion carried 3-0.

R8173076 CRAIG SCHECKMAN

Mr. Krause stated during the Assessor level appeal period, the Assessor discovered the condo model was incorrectly calculating a "0" value. Also, upon further inspection, the Assessor discovered the garage count was incorrectly inventoried and the garage incorrectly classified as residential. This particular unit has 2 garage spaces and the account only calculated one space. These three errors resulted in an undervaluation of the condo unit and garage spaces and a misclassification of the garage. The Assessor is requesting approval of the corrections as set forth below resulting in a higher account valuation and a reclassification of the garage spaces from 1230 residential condo at the 7.15% assessment rate to 2245 commercial condo at the 29% commercial condo assessment rate. The original 2019RA account value was \$53,030 and would be increased to \$623,060.

MOTION

Commissioner Monger moved to approve the corrections resulting in a higher account valuation and a reclassification of the garage spaces from 1230 residential condo at the 7.15% assessment rate to 2245 commercial condo at the 29% commercial condo assessment rate, with the valuation changing from \$53,030 to \$623,060.

Commissioner Corrigan seconded; the motion carried 3-0.

R8163059 MUNTEAN, STEPHEN & DIANE

Ms. Siggson stated at Assessor-level appeal, the petitioner provided 3 comparable values; however, they were beyond the June 30, 2018, appraisal date. Comparable values from within the sales data collection period were reviewed at that time and the subject's value was found to be within an acceptable range. At CBOE appeal level, the petitioner has provided comparable values from the appropriate time frame, however, the sale prices are not adjusted to the June 30, 2018, appraisal date. Email correspondence discussing CBOE appeal was sent to petitioner on July 12, 2019, to explain the adjustments required for changing market conditions (i.e. time trending) and offer to view home in person was made to verify inventory.

The Board discussed the case. Based off of the lack of acceptable evidence provided by the petitioner, the Board decided to deny the petitioner's request.

MOTION

Commissioner Corrigan moved to deny the petitioner's request and maintain the current Assessor level of value in the matter of R8163059 in the amount of \$2,378,640.

Commissioner Melton seconded; the motion carried 3-0.

EN RE: LEGAL / ERICK KNAUS

Lynaia South, County Attorney, was present.

CONTRACT TO BUY/SELL GARRITY PROPERTY

Ms. South stated her request for approval of and authorization for the Chair to sign a contract to buy and sell real estate in order to offer to buy an 8.66 acre portion of the property known as the Garrity Property from the Town of Oak Creek for a purchase price of \$25,000. The property is adjacent to the County Shop.

Ms. South and the Board discussed her request.

MOTION

Commissioner Monger moved to approve and authorize the Chair to sign a contract to buy and sell real estate in order to offer to buy an 8.66 acre portion of the property known as the Garrity Property from the Town of Oak Creek.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: PURCHASING / JULIE KENNEDY

IFB 647 ELK RIVER BRIDGE REPLACEMENT

Ms. Kennedy stated her request for approval and authorization for the County Manager to electronically sign the purchase order with Precision Excavating, Inc. in the amount of \$429,027.14 for the Elk River Bridge Replacement project.

Ms. Kennedy and the Board discussed her request.

MOTION

Commissioner Monger moved to approve and authorize the County Manager to electronically sign the purchase order with Precision Excavating, Inc. in the amount of \$429,027.14 for the Elk River Bridge Replacement project.

Commissioner Melton seconded; the motion carried 3-0.

No further business coming before the Board, same adjourned sine die.

Kim Bonner, Clerk and Recorder

M. Elizabeth Melton, Chair

Date