AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: October 2, 2018 CBOE DRAFT Minutes

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the October 2, 2018 CBOE hearing meeting minutes for consideration.

Fiscal Impact:

Submitted by: Liz Mense **Submitter's Email Address:** EMense@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 12/20/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 12/20/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 12/20/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 12/21/2018

Revised April 2015

GUNNISON COUNTY BOARD OF EQUALIZATION
MEETING MINUTES
October 2, 2018

The October 2, 2018 Board of Equalization meeting was held in the Board of County Commissioners Meeting Room in the Gunnison County Courthouse at 200 East Virginia Avenue, Gunnison. Present were:

Phil Chamberland, Chairperson
John Messner, Commissioner
Jonathan Houck, Vice-Chairperson
Elizabeth Mense, Clerk to the Board

Senior Assessment Analyst William Spicer, Appraiser III Bob Blackett and others were present and participated as indicated in the text.

NOTICE: The Petitioner's and Assessor's exhibits for each case are located in their individual Board of Equalization files.

CALL TO ORDER: Chairperson Chamberland called the October 2, 2018 meeting of the County Board of Equalization to order at 12:47 pm.

CBOE #14; Nehrer

This hearing was continued from Monday, 10/1/18.
Assessor's Case: Appraiser III Blackett explained the property location and attributes. The subject property is the Gunny Lube commercial building located on north Main Street. The property was built in 2004. It is listed as average construction quality and is in average condition. The current value is listed at $975,380. Three comparable sales were presented by the Assessor's Office.
Petitioner's Case: The Petitioner was present via telephone. The petitioner's attorney Austin Chambers was present for the hearing. Mr. Chambers stated that he did not feel that the Gunnison Tire building is an appropriate comparable sale being that the purchase price included the sale of the business which included all the personal property, trade name and intangible assets associated with the property. Mr. Nehrer presented 10 businesses that he felt were more comparable to his property. He proposed that his property's actual total value should be changed from $975,380 to $688,272. Appraiser III Blackett explained that the Gunnison Tire business was sold on a separate bill of sale. Mr. Chambers disagreed.
Moved by Commissioner Houck, seconded by Commissioner Messner to deny appeal for CBOE #14. Motion carried unanimously.

CBOE #02; Miller

Assessor's Case: SSA Spicer explained the property location and attributes. The Assessor's office presented 4 comparable sales within the Summit subdivision. The sale prices range from $229,000 to $350,000. The variation in property values in this area depend on factors including quality of views, ski access, and property slope and steepness. The Assessor's Office has taken those factors into account and made necessary adjustments to the property value. After the adjustments were made, the final property value was determined to be $183,200.
Petitioner's Case: The Petitioner participated via telephone. Mr. Miller argued that his property should be not considered to have excellent views, that the upper Summit units have substantially better and more expansive views. Mr. Miller stated that his property does not have ski-in / ski-out access. Additionally, Mr. Miller explained that the steepness and poor soil quality of his property should be taken into account. He stated that the soil requires extensive geotechnical and foundation engineering in order to build.
Moved by Commissioner Houck, seconded by Commissioner Messner to deny appeal for CBOE #02. Motion carried.

CBOE #07; Crestview LLC

Assessor's Case: SAA Spicer explained the property location and attributes. The property is located just north of Gunnison. It is approximately 40 acres with year-round access. The Assessor's office presented 12 comparable sales.
Petitioner's Case: The Petitioner was not present for the hearing.
Moved by Commissioner Houck, seconded by Commissioner Messner to deny CBOE #07. Motion carried unanimously.

CBOE #10; Manus

Assessor's Case: SAA Spicer explained the property location and attributes. The subject property comprises a 0.375 acre parcel located within the town of Marble, which includes a 1,200 square foot structure that is currently classified and valued as a commercial work space and retail space. The business operations discontinued several years ago. SAA Spicer explained that per Colorado Assessment Law, discontinuation of a business operation alone does not cause a property's classification to change, rather, classification for tax purposes only changes at such time as the different use is established. At the time of inspection in September of 2018, the renovations to convert the space to a residential dwelling were still ongoing. SAA Spicer explained that based on statutory requirement, the properties are classified according to their actual use as of January 1st of each year. The Assessor's office believes that this property will qualify for a residential classification in 2019.
Petitioner's Case: The property owners, Charles and Connie Manus were present for the hearing. The petitioners presented a real estate lease dated September 29, 2018 for Board review. The consensus of the Board was that the leasing agreement could be considered if it were dated anytime in 2017. Mr. Manus stated that they began the process of converting the space to a residential dwelling approximately three years ago. Mr. Manus stated that he spoke to Assessor Kristy McFarland and Appraiser III Blackett in October of 2017, requesting that they come view the property to see that it was livable, residential space at that time. Mr. Manus explained that as of January 1st, 2019 the space was livable, no longer representing a gallery or retail space.
Moved by Commissioner Houck, seconded by Commissioner Messner to make an adjustment on CBOE #10 recognizing the residential status for tax year 2018 and direct staff to do the appropriate assessments for the residential and adjoining lots used in conjunction with the residential use and bring back to the Board of Equalization documentation for the ratification of that directive. Motion carried unanimously.

CBOE #8; Gardner

The Assessor's Office and the Petitioner reached a stipulation agreement on CBOE #8 per the email dated Monday, September 24, 2018.
Petitioner's Case: **Moved** by Commissioner Houck, seconded by Commissioner Messner to adjust the value of CBOE #8 to $718,120 based on the stipulation agreement that was reached. Motion carried unanimously.

CBOE #6; Laird

Assessor's Case: SAA Spicer explained the property location and attributes. The subject property is a single family residence on 9.35 acres of agricultural land. The Assessor's office provided three comparable residential sales which are situated on similarly sized meadow parcels within approximately .5 miles of the subject property, however, none of them are classified as agricultural. That would require that the land value be extracted out of the sales price before comparing overall dollar per square foot values. SAA Spicer explained that the subject property and all three examples provided are similar in quality, condition and age.
Petitioner's Case: The Petitioner was present for the hearing. He indicated that in his opinion, Gunnison County has over taxed his property between the years of 2009-2018. Additionally, he indicated that the classification of his property was changed without proper notice. He stated that his property has been in continuous agricultural use from 1890 with no changes other than building his agricultural residential home and two sheds. SAA Spicer explained that this property is currently and always has been classified as an agricultural property and residence and therefore has been assessed, valued and taxed as such. Mr. Laird stated that his records show a senior citizen property tax exemption but not the agricultural exemption. SSA Spicer indicated that the Assessor's records reflect the senior citizen tax exemption. Additionally, he explained it is not an agricultural exemption that would show on a property tax statement, rather it is simply a classification as agricultural. The Board consensus is that a continuous agricultural classification has been appropriately applied.
Moved by Commissioner Houck, seconded by Commissioner Messner to deny CBOE #6. Motion carried unanimously.

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CBOE #5; Dufon

Assessor's Case: SAA Spicer explained the property location and attributes. The subject property is comprised of a 53.91 acre parcel in the Black Canyon area. There is a 600 square foot structure located on the property that is classified and valued as a single family residence. It was added to the tax roll in 2018 after being identified on an aerial photograph, and later physically inspected in 2016. The original year it was built is in question. SAA Spicer believes that question at hand is whether the building should be classified as an agricultural out building or single family residence. The Assessor's office spoke to Andy Pipher of Anchor Cattle Company who leases the property for grazing. Mr. Pipher confirmed agricultural use of the property in 2018 and stated that he has not used the structure for residential or agricultural purposes. Based on their inspection of the structure, the Assessor's office believes that the building was designed predominantly to be used as a place of residence. The historical insurance documentation refers to the building as a "line camp cabin" and an "additional farm dwelling".
Petitioner's Case: The Petitioner participated via telephone. The petitioner isn't questioning the assessed value of the property, rather he is questioning the classification of the property as residential. He stated that he agreed with the majority of the Assessor's presentation, however, one major discrepancy is the year it was built. He explained that the property has been in his family since the early 1990s with the structure being built in 1993 as a line camp structure. The property has been used for summer grazing since and the building is solely used for storage. There is no residential utilization of the property or structure. Additionally, there is no running water, electricity, sewer/septic, or heat within the structure. SAA Spicer explained that the land that is currently leased and used for agricultural purposes is classified as such, but the building itself is not being used as a part of agricultural operations and is not integral to operations so it does not warrant the agricultural classification.
Moved by Commissioner Chamberland, seconded by Commissioner Houck to deny CBOE #5. Motion carried unanimously.

CBOE #15; Weitzman Marital Trust

Assessor's Case: SAA Spicer explained the property location and attributes. The subject property is a very large single family residence on a 0.694 acre parcel with a separate 0.372 acre adjoining parcel which is undeveloped. The Assessor's office presented three comparable residential sales. It is the opinion of the Assessor's office that the property is valued appropriately.
Petitioner's Case: The Petitioner, nor the Petitioner's agent, Popp Hutcheson PLLC, were present for the hearing. The Petitioner's agent did request in an email dated 10/1/18 that the information and remarks they submitted be presented at the hearing to represent their appeal.
Moved by Commissioner Messner, seconded by Commissioner Houck to deny CBOE #15. Motion carried unanimously.

Miscellaneous Classification and Value Changes Recommended by the Assessor:
SAA Spicer explained the miscellaneous classification and value changes that the Assessor's office is requesting.
Moved by Commissioner Houck, seconded by Commissioner Messner for approval of Exhibit A, which included various proposed changes in classifications and values and that it be approved in its entirety. Motion carried.
Moved by Commissioner Messner, seconded by Commissioner Houck to put R001699 back into a commercial assessment classification. Motion carried.
Moved by Commissioner Messner, seconded by Commissioner Houck on Account #R001344, to not go with the Assessor's recommendation, but rather provide the benefit to Mr. Yale with the condition that within the next thirty days that an amendment is made to the existing lease that clearly indicates that the hospital is the sole beneficiary of the tax exemption. Motion carried.

ADJOURN: Moved by Commissioner Houck to adjourn the meeting. The October 2, 2018 meeting of the Board of Equalization adjourned at 3:14 pm.

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Phil Chamberland, Chairperson

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Jonathan Houck, Vice-Chairperson

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John Messner, Commissioner

Minutes Prepared By:

_____
Elizabeth Mense, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

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