

The Board of County Commissioners met in special session on July 26, 2005. Those present for the session were Don Batchelder, Chairman; Heidi M. Albritton, Vice Chair; Kristi R. Westfall, Member; Connie I. Hunt, County Administrator; and Linda Munson-Haley, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes.**

**9:45 The Board of County Commissioners convened as the Board of Equalization to consider the following property valuation appeals:**

**A. 9:45 Property Owner: John M. Hill  
Schedule Number: R002930** **CANCELLED**

Commissioner Batchelder convened the hearing, explained the process to be followed, and the Deputy Clerk of the Board swore in all present.

Commissioner Batchelder explained that this item, even though cancelled, technically must come before the County Board of Equalization (CBOE) for action.

Susie Mayfield, County Assessor, and Doris Johnson, Chief Deputy Assessor/Chief Appraiser, were present and offered a letter to the County Board of Equalization into evidence (Assessor Exhibit A-1). They explained that Gary Dunn, agent acting on behalf of John M. Hill, met with them prior to the hearing and they reached a mutual agreement whereby the Assessor lowered the value from \$377,040 to \$314,230.

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to concur with the Assessor's recommendation to lower the value. Commissioner Westfall asked to have the letter from Mr. Dunn included as part of the record. There was no further discussion. Motion passed unanimously.

**B. 9:45 Property Owner: Donna A. French  
Schedule Number: R003278**

Donna French, Petitioner, was not present due to her work schedule but provided written testimony to the Board for their review (Petitioner Exhibit B-1).

Ms. Mayfield addressed the points of contention in Ms. French's letter dated July 20, 2005 (part of Petitioner Exhibit B-1). She discussed the allegation made in the last paragraph and noted that the referenced statement is a "canned statement" in the computer and that it will be changed in the future. This, however, should not have any bearing on the valuation.

Ms. Mayfield addressed a second point of contention in paragraph three of the above referenced letter. She explained that the Assessor's Office did not view Ms. French's statement as a request for copies.

In addressing the third point of contention, Ms. Mayfield explained that her office performed a thorough check and interviews. The "external obsolescence" that Ms. French referred to is a campground and bed and breakfast. Ms. Johnson explained that external obsolescence would be applicable in the case of uses such as a feed lot, which would then lower the value. It was noted that these issues came up when Ms. French appealed her last reval in 2003 and took it as far as the Board of Assessment Appeals (BOAA) who ruled in favor of the CBOE. When an appeal goes to the BOAA, the Assessor's Office is required to do a more thorough appraisal (*see Assessor Exhibit B-1*), which they did.

Questions were asked regarding comparables and Ms. Mayfield was requested to retrieve a map.

**9:55 Commissioner Batchelder recessed to allow Ms. Mayfield time to retrieve a map and reconvened at 9:58:**

Commissioner Batchelder clarified with Ms. Johnson that there were no like sales in Ms. French's neighborhood and that Ms. Johnson had done like appraisals in the county. She explained that in order to do appraisals, the appraisers have to get comparables as close as possible to the property in question. By statute, they can only use the market approach.

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to uphold the Assessor's Office's current evaluation and to deny the appeal. Commissioner Westfall asked to have copies of the property profiles attached to Assessor Exhibit B-1 as part of the record. Commissioner Batchelder clarified that these copies are profiles of properties in the Petitioner's area, R003549, R003554, R003360 and R003397, which are values in the neighborhood. There was no further discussion. Motion passed unanimously.

**10:05 Commissioner Batchelder recessed and reconvened at 11:15:**

**C. 10:30 Property Owner: ~~Joan & Richard Collin~~  
Schedule Number: ~~R004903~~** **Rescheduled to 1:45 p.m.**

**D. 11:15 Property Owner: Connie L. Wurst  
Schedule Number: R001089**

Commissioner Batchelder convened the hearing and explained the process.

Connie L. Wurst, Petitioner, was present and was sworn in by the Deputy Clerk of the Board.

Ms. Wurst began by discussing the fact that her property is on Main Street, which is mostly commercial. Her property is residential and she feels that being on Main Street actually lowers the value of her house and she would rather pay the residential rate of \$15/sq. ft. as opposed to \$20/sq. ft. She explained that, in her view, if the house were located in a residential area, it would be more valuable. Doris Johnson explained that all of Main Street is valued at \$20/sq. ft. for land. Commissioner Batchelder clarified that she is just talking about the land, and Commissioner Albritton clarified that all of the land on Main Street is valued the same whether it is commercial or residential.

Ms. Wurst referred to her comments on the Notice of Determination and the attached sheet that showed calculations verifying her reasons that the effective year of her house should be 1947 not 1990 as the Assessor's Office determined.

Ms. Johnson presented testimony (Assessor Exhibit D-1) and discussed how the values are determined on Main Street properties. A discussion followed on comparables. Ms. Johnson explained that all improvements in the county went from \$75/sq. ft. to \$90/sq. ft.

Ms. Mayfield noted that her office had offered to look at Ms. Wurst's house but Ms. Wurst declined. Ms. Wurst alluded to the fact that it was because of personal reasons. Ms. Mayfield made it clear that personal feelings do not interfere with how she conducts business in her office.

In answer to a question from Commissioner Westfall, Ms. Wurst said that her house was not below average and that she is not protesting the \$90/sq. ft. She is protesting only the \$20/sq. ft. for the land. Ms. Mayfield and Ms. Johnson discussed recent rezoning and how this is not considered in determining values, and they explained that they have to extract the improvements out of the land values and that they are mandated to determine a median value.

Commissioner Westfall spoke to commercial versus residential land values. A discussion followed.

Commissioner Batchelder clarified that Ms. Wurst is not protesting the house at \$90/sq. ft. Ms. Wurst agreed adding that she is only protesting the land value. A discussion followed.

Commissioner Batchelder sympathized with the Petitioner's dilemma of living in a residence in a mostly commercial corridor and suggested striking a compromise value of \$17/sq. ft., halfway between the residential and commercial rates.

Commissioner Westfall objected explaining that she believes that \$20/sq. ft. is a very low figure even for residences, even if in residential areas.

**M/S/P**—Motion was made by Commissioner Westfall and seconded by Commissioner Albritton to deny the request and uphold the Assessor's recommendation. There was no discussion. Motion passed unanimously.

**12:05 Commissioner Batchelder recessed for lunch and reconvened at 1:40:**

**E. 1:40 Property Owner: Kenneth J. and Christy L. Orvis  
Schedule Number: R003492**

The Petitioners were not present.

Doris Johnson explained that when the Petitioners protested at the Assessor level, a compromise was reached.

Commissioner Batchelder ascertained that the Petitioners concurred with the Assessor's adjustments.

**M/S/P**—Motion was made by Commissioner Albritton and seconded by Commissioner Westfall to approve the Assessor's recommendation. Discussion. Connie Hunt, County Administrator, asked about the previous valuation. Ms. Johnson advised that the total value was \$40,030 and was lowered to \$13,870. There was no further discussion. Motion passed unanimously.

**F. 1:45 Property Owner: Joan & Richard Collin  
Schedule Number: R004903**

Commissioner Batchelder explained the process. Richard Collin was present and was sworn in by the Deputy Clerk of the Board.

Mr. Collin discussed his letter of July 6, 2005, included with his protest. He questioned the reasoning for the 100% increase in the valuation and the effective year built being 1999. He explained that the house was built in 1971 with asphalt shingles and aluminum siding. After 25 years, the shingles and siding needed to be replaced, which he did in 1997. On receipt of his Notice of Determination, he requested a review. After the review, the value was changed to reflect an 80% increase instead of the 100% increase initially assessed. Mr. Collin expressed confusion that if the initial assessment reflected a 100% increase and, if that was not correct and it was lowered to reflect an 80% increase, what makes the 80% correct.

Doris Johnson submitted evidence (Assessor Exhibit F-1) and explained that she did inspect the property and came back and lowered the criteria from Very Good to Good, which lowered the valuation somewhat. She noted that the property is

well maintained and that no repairs are needed, and that it would sell for more than a 1971 house, which is why she put the effective year built as 1999.

Mr. Collin said that he would expect that there would be a more objective way to arrive at the effective year built than a subjective approach.

Ms. Johnson reiterated that her office has to use the market approach when valuing the property and that all residential values went up in the entire county. She explained that it is predicated upon the condition code.

Commissioner Westfall expressed concern about the percentage of increase and Ms. Johnson said that she does not look at the percentage of increase.

Commissioner Albritton clarified that the issue was with the house and not with the land and Mr. Collin agreed.

Commissioner Batchelder summarized that the evidence presented was evidence on how valuations are done and the issue of the 100% increase simply meant that there was probably some inequity in the past. Mr. Collin's evidence was basically in the form of questions of why the improvements were doubled. The Assessor presented evidence that the quality of Mr. Collin's house was Very Good. When asked if he had any evidence that he wanted to present that would dispute the way his house was classified as to the condition of being Very Good, Mr. Collin replied, "No."

Mr. Collin explained that he had a problem with the fact that this is a subjective analysis of his property. He continued to express his confusion as to why the value went from a 100% increase to an 80% increase.

Commissioner Westfall asked for clarity as to why it was changed. Ms. Johnson explained that it could have been a little on the high side so she changed the code, noting that either value could be correct.

Ms. Johnson provided the book definition of "appraisal" as an opinion to value. She stressed that it is not a fact but an opinion and that it is based on market sales.

More discussion followed trying to provide a more comfortable explanation. Commissioner Albritton clarified that the original figure was based on mass market before Ms. Johnson visited the site. Once she visited the site, she made an adjustment. Now, after having looked at it, the value should not change again.

Mr. Collin responded to a question from Commissioner Westfall asking if his question had been satisfied. He said that he has never really been satisfied about his valuation but that he wanted to bring it to the County Board of Equalization because of the significant increase.

**M/S/P**—Motion was made by Commissioner Batchelder that the evidence presented does not indicate to him that in appraising this property the Assessor's Office went outside of its statutory boundaries, and that there was no evidence from the Petitioner that the ranges used were not appropriate; thus, based on these facts, he has no option but to move to deny the appeal and uphold the Assessor's recommendation. He added that he fully sympathized with the Petitioner in this case at the potential shock of seeing values doubled. Commissioner Albritton seconded the motion. Commissioner Westfall explained that based on testimony and that when looking at the market values and square footage she believes that the value is correct based on value but that she would like to have seen comparables. Commissioner Batchelder called for a roll call vote.

Roll call vote:

Commissioner Albritton voted in the affirmative  
Commissioner Westfall voted in the affirmative  
Commissioner Batchelder voted in the affirmative.

Motion passed unanimously.

**2:35 Commissioner Batchelder adjourned the special session:**

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS  
acting as the BOARD OF EQUALIZATION  
OURAY, COLORADO

ATTEST:

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Don Batchelder, Chair

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Michelle Nauer, County Clerk and Recorder

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Heidi M. Albritton, Vice Chair

By: \_\_\_\_\_  
Linda Munson-Haley,  
Deputy Clerk of the Board

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Kristi R. Westfall, Member