

The Board of County Commissioners met in special session on September 20, 2010. Those present for the session were Lynn M. Padgett, Chair; K. Keith Meinert, Vice-Chair; Heidi M. Albritton, Member; Mary Deganhart, County Attorney; Connie Hunt, County Administrator; and Linda Munson-Haley, Clerk of the Board.

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

A. 9:03 Call to the Public:

The “Call to the Public” agenda item is a time when the public may bring forth items of interest or concern. No formal action may be taken on these items during this time due to the open meeting law provision; however, they may be placed on a future posted agenda if action is required.

Commissioner Padgett spoke to Commissioner Stan Whinnery from Hinsdale County. The Lake City DIRT Report had been published and she expected a copy via email today.

B. 9:05 General Business:

1. ~~Request for approval of warrants:~~

2. Request for appointment of Ouray County Transit Advisory Committee Members:

Commissioner Padgett asked for clarification about staggering appointments and the Commissioners discussed terms. Commissioner Padgett wanted to extend an invitation to the transportation directors with the schools to be on the Committee. Commissioner Albritton suggested that the Commissioners make these initial appointments and Hunt will contact others for future appointments.

There was discussion about how the Ouray County Transit Advisory Committee interacted with the Gunnison Valley Transportation Planning Region (GVTPR). Commissioner Meinert clarified that the representatives on the Ouray County TAC were primarily responsible for representing the TAC on the Regional Transportation Coordinating Committee that was the Region 10 committee that was specifically organized to look at transit on a regional basis. The GVTPR dealt with transit but also much more than just transit. The GVTPR was not only a transit organization while the TAC was merely a transit organization.

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to appoint the following people to the Ouray County Transit Advisory Committee for the initial membership roll for terms, beginning today, of three years for Connie Hunt and Allan Gerstle, of two years for Heidi Albritton and Donna Whiskeman, and of one year for Patrick Rondinelli and Jennifer Coates, and to further extend an invitation to the transportation directors with each school to be a member on the committee. There was no discussion. Motion passed unanimously.*

3. Request for ratification of approval and Chair’s signature on an Intergovernmental Agreement Regarding Weed Control with the City of Ouray and the Town of Ridgway:

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to ratify approval and the Chair’s signature on Intergovernmental Agreements regarding weed control with the City of Ouray and the Town of Ridgway as presented and signed by all parties. There was no discussion. Motion passed unanimously.*

C. 9:21 Commissioner / Administrative Reports:

Mary Deganhart, County Attorney, had nothing to discuss:

Connie Hunt, County Administrator, had nothing to discuss:

Commissioner Albritton had nothing to discuss:

Commissioner Meinert had nothing to discuss:

Commissioner Padgett discussed the following:

- 1) **Prescription card** She asked for a follow-up on the NACO Prescription Card and asked to have Cheryl Roberts, Public Health Director, there. Hunt advised that she would get that scheduled.
- 2) **CCI recap** There were lively discussions about policy statements at CCI but few definitive changes were made. There was a legislative meeting call-in on October 1.
- 3) **Public lands steering committee** The committee had elections. She was elected to the CCI/NACO Public Lands Steering Committee along with San Miguel County Commissioner Art Goodtimes. Three of the eight representatives on the committee were from the San Juan Mountain area. Goodtimes was also on the Board of Directors for Gateway Communities since he was not term-limited.

Linda Munson-Haley, Clerk of the Board, had nothing to discuss:

Mary Deganhart, County Attorney, discussed the following:

- 1) **Work session discussion** The Cedar Hill Cemetery Board was scheduled tentatively for October 26, 2010. There was a discussion about the work session scheduled with the mining regulatory agencies to discuss who regulated what, to ensure that there were no gaps in the regulations or overlapping regulations or double-dipping on regulations. Commissioner Padgett discussed tomorrow's work session. She did not want to discuss building height tomorrow but to send it to Planning Commission for a quick review. Commissioners Albritton and Meinert agreed. There was more discussion on this topic. Commissioner Albritton asked Land Use Staff to draft a resolution to send the concept to Planning Commission. Commissioner Padgett asked that Planning Commission review it and make a recommendation to the Board of County Commissioners as to the definition of building height. Deganhart pointed out that there would be Code changes to existing definitions and a discussion followed as to process for building height definition. There was more discussion about the location of tomorrow's work session and the conduct of the meeting.

D. 10:03 Presentation of Draft 2011 budgets, and request for authorization to publish a Notice of Public Hearing pursuant to C.R.S. 29-1-106:

Connie Hunt, County Administrator, presented the Draft 2011 budgets.

Commissioner Albritton clarified that the two budgets were a result of earlier budget meetings to consider an impact budget in anticipation of the three proposed ballot measures passing and how it would affect all of the departments.

There was discussion of putting the draft budgets on the website and Hunt noted that she generally did not put the draft on the website because it was in a constant state of flux at this stage in the process. The two draft budgets would be available, however, at the Courthouse and Land Use for the public to review.

Commissioner Padgett read highlights of the budgets and a discussion followed.

Commissioner Padgett suggested scheduling a work session with the County Treasurer to discuss investments and look at realigning them. Commissioner Meinert thought that it might be appropriate to go through the exercise but suggested waiting until the County knew what the reserves would be after the election and all of the budget discussions. Commissioner Padgett suggested schedule a time in January. Commissioner Albritton agreed and wanted to invite former members of the Citizens Strategic Initiative and Accountability Committee (CSIAC) and other citizens to take suggestions.

M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to authorize publication of a notice of public hearing for consideration of the proposed 2011 Budget scheduled for December 13, 2010 at 9:30 a.m. at the Ouray County Courthouse, Commissioners Meeting Room. There was no discussion. Motion passed unanimously.

E. 11:20 Public Hearing: Petition for Abatement or Refund of Property Taxes:

Petitioner: Coal Creek Hydroelectric, LLC
Schedule Number: P664

The Petitioner, Shawna LaBorde, was present. Susie Mayfield, County Assessor, was present.

Commissioner Padgett opened the public hearing and explained the purpose.

Shawna LaBorde explained that she had purchased the plant from Scott MacTiernan in 2008. It had been tied to the property that it was on but it was sold separately from the property as a business. There was a question as to the value. When she received this year's taxes and they were \$40,000 she brought in the bill of sale to show what she had actually paid for it that was about \$100,000 less than what she had been assessed as far as the personal property.

Assessor Mayfield explained that the Assessor's Office could look at a bill of sale for valuation on personal property. The Assessor's Office took that and applied the appropriate depreciation tables to it. It reduced the value from an actual value of \$215,460 to \$132,720 that in turn reduced the assessed value on the taxation producing a refund of \$1,089.56.

Commissioner Meinert addressed the differences between the Petitioners' estimate and the Assessor's estimate. LaBorde related that she was okay with it.

Commissioner Padgett opened the hearing to public comment. With no public comment she closed the public comment and entertained the following motion.

M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to uphold the Assessor's recommendation for Schedule Number P664 and go to the corrected value for personal property from \$215,460 changing that to a corrected value of \$132,720 resulting in a refund of \$1,089.56 to the Petitioner. There was no discussion. Motion passed unanimously.

Commissioner Padgett closed the public hearing.

11:27 The Commissioners recessed and reconvened at 11:38:

F. 11:38 County Assessor - Discussion of Section 1 of House Bill 10-1117:

Susie Mayfield, County Assessor, met with the Commissioners to discuss HB10-1117 that would give the Board the ability to approve abatements and refunds moving it up from \$1,000 to \$10,000.

Commissioner Meinert clarified that in the past anything over \$1,000 had to be sent to the State Property Tax Administrator.

Assessor Mayfield pointed out that in the past the Board had given her the authority to work out anything under \$1,000 with the taxpayer. She asked the Commissioners if they wanted to continue to hear petitions over \$1,000 or if they wanted to increase that amount. A discussion followed. Assessor Mayfield explained that anything that she denied would still come to the Commissioners. There was more discussion.

Commissioner Albritton suggested a compromise. She wanted to amend the resolution to increase the authorization to the County Assessor to \$2,500 or less to give the Assessor more flexibility to handle the smaller petitions.

The Assessor pointed out that she could always bring something to the Board if she needed to. She advised that in the last certification year she had six over \$1,000. One was an agricultural status of \$3,400, and the others were \$2,000 or less. She agreed with changing the amount in the resolution to \$2,500.

Commissioner Meinert was comfortable with changing the resolution to state that for anything in the amount of \$2,500 or less the Assessor was authorized to do on her own. There was consensus to change the dollar amount.

A discussion followed regarding how appraised, assessed values equated to tax value, and whether there should be oversight on value.

The Commissioners directed Staff to revise the resolution accordingly.

11:58 Executive Session:

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to enter into an executive session pursuant to C.R.S. §24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice and C.R.S. §24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning a subpoena received regarding a lawsuit submitted by Kinder Morgan and Rocky Mountain Natural Gas, as well as a communication from Travelers Insurance on Ouray County’s claim on a bond on the same matter. A roll call vote was taken on the motion with the following results.*

*Commissioner Padgett voted in the affirmative
Commissioner Meinert voted in the affirmative
Commissioner Albritton voted in the affirmative*

Motion passed unanimously.

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.

Mary Deganhart, County Attorney

Lynn M. Padgett, Chair

The following were present for the Executive Session: Commissioner Padgett, Commissioner Meinert, Commissioner Albritton, Mary Deganhart, County Attorney, and Connie Hunt, County Administrator.

12:46 The Commissioners adjourned the special session:

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS
OURAY, COLORADO

ATTEST:

Lynn M. Padgett, Chair

K. Keith Meinert, Vice-Chair

Michelle Nauer, County Clerk and Recorder
by: Linda Munson-Haley, Clerk of the Board

Heidi M. Albritton, Commission Member