

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

MINUTES

WEDNESDAY, MAY 18, 2016

REGULAR MEETING

Second Floor, Miramonte Building

Telluride, Colorado

Present: Chair Joan May (via telephone)
Vice-Chair Art Goodtimes
Absent: Commissioner Elaine Fischer (resigned May 15, 2016)

Staff Present: County Administrator Lynn Black
County Attorney Steve Zwick
Chief Deputy Clerk Carmen Warfield

1. Call to order.
11:32 a.m.
2. Review of Agenda.
3. ~~Calendar Review.~~
4. CONSENT AGENDA:
 - a. Authorization of April 2016 Payroll and Vendor Payments.
(ATTACHMENT I)
 - b. Approval to re-appoint Werner Catsman to a regular seat on the County Open Space Commission to a term ending May 18, 2018.
 - c. Approval to re-appoint J.J. Ossola to a regular seat on the County Historical Commission to a term ending February 11, 2018.
 - d. Ratification of Chair's signature on a letter of intent to the Colorado Department of Higher Education regarding a Matching Student Scholarship Grant application by Western State Colorado University.
 - e. Approval of Intergovernmental Memorandum of Understanding with Town of Mountain Village concerning noxious weed management and control services in 2016.
 - f. Approval of Intergovernmental Memorandum of Understanding with Town of Ophir concerning noxious weed management and control services in 2016.
 - g. Ratification of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Dean Rolley and Vicki Sue Phelps, Unit 11, San Miguel Ridge, Lawson Hill Subdivision/PUD
 - h. Ratification of Chair's signature on County Veterans Service Officer's April 2016 Report.
 - i. Approval of Chair's signature on request by the Assessor to approve Petition #2016-17 for Abatement or Refund of Taxes for 2015, Schedule #1080050041, of \$20,730.31 to Eastern Cortina Partners LLC due to overvaluation on a partial complete improvement.
(ATTACHMENT II)
 - j. Ratification of Chair's signature on a letter dated May 4, 2016, to Intermountain West Joint Venture in support of grant application submitted by San Miguel Basin Working Group and Montezuma Land Conservancy.
 - k. Approval of Minutes: March 30, 2016, March 30, 2016 (Special Meeting), and April 20, 2016
 - l. Approval to renew the Agreement of Services with Saul's Creek Computerized System Maintenance Agreement for the Recording function and Public Document search.
 - m. Approval of Chair's signature on Social Services Department February 2016 Earned Revenue and Expenditures, March 2016 Check Register, March 2016 Expenditures through Electronic Benefit Transfers, February 2016 County Allocation / MOE report, February 2016 Balance Sheet, 2016 Caseload Report.
 - n. Approval of Agreement of Services with Southwest Conservation Corps to do trail work for San Miguel County from June 7-14, 2016 for a total amount not to exceed \$12,600.

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, MAY 18, 2016**

- o. Approval of Chair's signature on an Amended Recreational Trail Easement from Idarado Mining Company related to the Via Ferrata and Pipeline Wall Trail.

MOTION by May to approve [the consent agenda] as presented. **SECONDED** by Goodtimes. **PASSED 2-0.**

5. ADMINISTRATIVE MATTERS:

- a. Discussion of BLM Proposed Planning Rule amending existing regulations that establish the procedures used to prepare, revise, or amend land use plans under the Federal Land Policy and Management Act (FLPMA).

Present: Steve Zwick, County Attorney, Lynn Black, County Administrator, Dave Schneck, County Environmental Health Director

Board Consensus to direct staff to prepare comment letter to the BLM concerning the initial notification that allows for inefficient amount of time to review and/or comment.

- d. Other:
 - 1. The resignation of Elaine Fischer, SMC Board of Commissioner, on Sunday, May 15, 2016. Note: The San Miguel County Democratic Party vacancy committee has ten days to fill the vacancy, or this will be passed to Governor John Hickenlooper to appoint an interim Commissioner.

Present: Lynn Black, County Administrator

- c. Consideration of a Letter Agreement with the Idarado Mining Company, the Town of Telluride and the San Miguel Community Facilities Inc. concerning the Pandora Mill Site Conveyance

Present: Lynn Black, County Administrator, Steve Zwick, County Attorney, Sarah B. Wallace, Ballard Spahr LLP, Attorney for Idarado Mine, Dave Schneck, County Environmental Health Director, Mike Rozycki, County Planning Director, Kevin Geiger, Town of Telluride Attorney, Linda Broderick-Luther, County Open Space and Recreation Coordinator, Karen Henderson, County Associate Planner, Hilary Cooper, County resident

MOTION by May to approve and authorize Steve Zwick, County Attorney, to sign the Letter of Agreement as agreed upon, and provided changes do not change the substantive provision of the letter. **SECONDED** by Goodtimes. **PASSED 2-0.**

- b. Consideration of Memorandum of Understanding with the Town of Telluride and San Miguel Community Facilities, Inc. concerning the operation and maintenance of the Pandora Mill Site property.

Present: Lynn Black, County Administrator, Steve Zwick, County Attorney, Sarah B. Wallace, Ballard Spahr LLP, Attorney for Idarado Mine, Dave Schneck, County Environmental Health Director, Mike Rozycki, County Planning Director, Kevin Geiger, Town of Telluride Attorney, Linda Broderick-Luther, County Open Space and Recreation Coordinator, Karen Henderson, Associate County Planner

Board Consensus to defer action until June 1, 2016, or until the final format Memorandum of Understanding is complete.

12:02 p.m. Recessed.

12:04 p.m. Reconvened.

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, MAY 18, 2016**

6. PLANNING MATTERS:

- a. **11:55 A.M. PUBLIC HEARING:** Consideration of an application submitted by Telluride R-1 School District, owner of lots Q15, Q23, Q24 and Q25, Lawson Hill PUD located in Illium Valley adjacent to Two Rivers residential development, seeking a Substantial Plat and PUD Amendment to remove the lot lines between the lots to create one lot, to amend the PUD Matrix from 4 single-family residences to one 4-unit Multi-family structure, and change the allowed use from single-family to Multi-family

Board Consensus to continue this item at 10:00 a.m., June 1, 2016.

- b. Other.
1. Update on the San Miguel Power Association: Solar Farm recommendation approved by the Planning Commission.
 2. Update on the Alpine Wellness application.

Board Consensus to direct staff to schedule a special meeting: 6:00 p.m., June 21, 2016, in Norwood.

7. Adjournment.
12:10 p.m.

Audio MP3 20160518-BOCC-Audio.

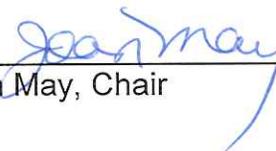
Respectfully submitted,


Carmen Warfield

Chief Deputy Clerk

APPROVED June 29, 2016.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Joan May, Chair

ATTEST:


Lynn M. Black
County Administrator



FOR CONSENT AGENDA MAY 18TH 2016

APPROVAL OF APRIL PAYROLLS &
APRIL 2016 VENDOR PAYMENTSCHECKS ISSUED APRIL 1ST THRU APRIL 30TH 2016
FROM FUND/DISTRICT AS FOLLOWS:

FUND	PAYROLL	SPECIAL REQUEST VENDOR
GENERAL FUND - 101	\$555,719.43	\$255,439.82
ROAD & BRIDGE FUND - 102	\$124,961.50	\$380,062.59
SOCIAL SERVICES FUND - 103	\$30,873.77	\$199.31
SALES TAX CAPITAL FUND - 104	\$0.00	\$7,487.08
CAPITAL EXPENDITURES - 106	\$0.00	\$21,415.44
RETIREMENT FUND -107	\$34,065.78	\$0.00
PARKS/OPEN SPACE - 108	\$32,906.03	\$23,630.59
CONSERVATION TRUST FUND - 109	\$0.00	\$6,993.00
LODGING TAX - 110	\$0.00	\$13,559.58
VEGETATION MANAGEMENT - 111	\$0.00	\$2,009.77
PUBLIC HEALTH & ENVIRONMNT - 115	\$38,028.69	\$8,447.64
ENERGY FUND - 116	\$0.00	\$0.00
HOUSING AUTHORITY - 224	\$0.00	\$0.00
DISPOSAL DISTRICT - 226	\$0.00	\$4,799.62
TOTALS	\$816,555.20	\$724,044.44

**OFFICE OF SAN MIGUEL
COUNTY BOARD OF
COMMISSIONERS**

P. O. BOX 1170 TELLURIDE, COLORADO
81435 970-728-3844 OFFICE /
970-728-3718 FAX

May 18, 2016

Eastern Cortina Partners LLC
8214 Westchester Dr. Ste. 850
Dallas, TX. 75225

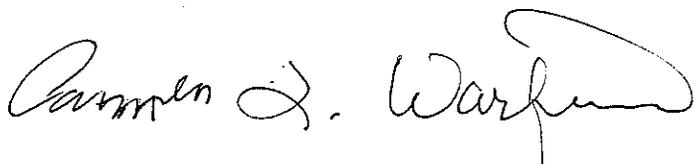
Re: Petition for Abatement or Refund of Taxes for 2015 Schedule
Number: Cortina Land Condominiums Unit 18R TMV: R1080050041

To whom it may concern:

Your petition for abatement was heard before the County Board of Commissioners on May 18, 2016. As a result of this hearing, your petition has been approved based upon the preponderance of evidence as presented to us.

The original petition has been returned to the Assessor. The Assessor will submit the original petition and a copy to the Division of Property Taxation for action by the Property Tax Administrator.

Sincerely,



Carmen Warfield, Chief Deputy Clerk

Original to: County Assessor

cc: County Attorney
County Treasurer

MEMORANDUM

TO: San Miguel County Commissioners
FROM: Peggy Kanter, San Miguel County Assessor
DATE: May 5, 2016
RE: Abatement Petition 2016-17

Enclosed please find Petition for Abatement for Eastern Cortina Partners LLC A CO LLC, account number R1080050041. Abatement is for the year 2015. Abatement was approved by the Assessor due to overvaluation on a partial complete improvement.

I am recommending approval for the following abatement amount.

Actual value	\$ 4,659,510.00
Assessed value	\$ 370,820.00
Taxes	\$ 20,730.31

Sincerely,



Peggy Kanter, Assessor

2016-17

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: San Miguel County

Date Received April 13, 2016
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: April 13, 2016
Month Day Year

Petitioner's Name: Eastern Corlina Partners LLC A CO LLC

Petitioner's Mailing Address: 8214 Westchester Dr. Ste 850
Dallas TX 75225
City or Town State Zip Code

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R1080050041, Unit 18R Corlina Land Condominiums

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2015 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Overvaluation on a partial complete improvement

Petitioner's estimate of value: \$ 6,001,030.00 (2015)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature: [Signature] Daytime Phone Number: (214) 206 3939
Email: rbrasch@easternpartners.com
By: [Signature] Agent's Signature* Daytime Phone Number: []
Email: []

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)
Table with columns: Actual, Assessed, Tax. Rows: Original, Corrected, Abate/Refund.
Assessor recommends approval as outlined above.
Tax year: 2015 Protest? [X] No [] Yes
Assessor recommends denial for the following reason(s): []
Signature: Peggy Kanter, Assessor or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner

(Only for abatements up to \$10,000)

The Commissioners of San Miguel County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year 2015		
	Actual	Assessed	Tax
Original	10,659,540.00	848,500.00	\$47,434.53
Corrected	6,001,030.00	477,680.00	\$26,704.22
Abate/Refund	4,658,510.00	370,820.00	\$20,730.31

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature: *Raymond manager* Date: 4-13-16
 Assessor's or Deputy Assessor's Signature: *Peggy Hunter* Date: 5/5/16

Section IV: Decision of the County Commissioners

(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 5 18 2016 at which meeting there were present the following members:

Art Goodtimes and Joan Mae (via telephone)

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Peggy Hunter (~~being present~~, not present) and

Petitioner Eastern Cortina Partners (~~being present~~, not present), and WHEREAS, the said

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (~~agrees~~, does not agree) with the recommendation of the Assessor, and that the petition be (~~approved~~, approved in part, ~~denied~~) with an abatement/refund as follows:

2015 370,820 \$ 20,730.31

Year Assessed Value Taxes Abate/Refund

Joan Mae
Chairperson of the Board of County Commissioners' Signature

Carmen Warfield County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

this 20 day of May, 2016

Carmen S. Warfield
County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator, for review.

Section V: Action of the Property Tax Administrator

(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s): _____

Secretary's Signature

Property Tax Administrator's Signature

Date