



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

TUESDAY, JULY 5, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, Interim County Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also present were Michelle Bird, Communications Director, and Kelly Bryant, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Katy Cassis spoke to the Board. She thanked Commissioner Kefalas for the update on the opioid settlement and questioned how the settlement might affect Larimer County.

Commissioner Stephens closed public comment.

Commissioner Shadduck-McNally explained that there are no updates just yet but was positive that the funds will begin to be processed as well as the appointment of Board members for this project. Commissioner Kefalas encouraged Ms. Cassis to reach out to the County Attorney, Mr. Ayraud, as he will be able to advise further. Ms. Volker stated that Larimer County is ahead of the state and that there are many partners working together on this project.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF JUNE 27, 2022:

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of June 27, 2022

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 11, 2022: Ms. Bird reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

1. **COLORADO DEPARTMENT OF HUMAN SERVICES AND LARIMER COUNTY OFFICE ON AGING CONTRACT AMENDMENT TWO**
2. **DEPARTMENT OF HUMAN SERVICES PAYMENTS FOR MAY 2022**
3. **CONTRACT #176374 FOR INTENSIVE RESIDENTIAL TREATMENT SERVICES**
4. **CONTRACT #176375 FOR SEX OFFENDER TREATMENT SERVICES**
5. **CONTRACT #176641 FOR RESIDENTIAL DUAL DIAGNOSIS TREATMENT SERVICES**
6. **IGA WEED MANAGEMENT CONTRACT BETWEEN CDOT AND LARIMER COUNTY**
7. **EASEMENT AGREEMENT**

APPOINTMENTS

1. **RECOMMENDED APPOINTMENTS TO THE AGRICULTURAL ADVISORY BOARD - BRAD JUSTICE AND MARTHA SULLINS**

DEEDS

1. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM GEORGE W. CAMPBELL, III AND JENNIFER M. CAMPBELL (OWNER) TO LARIMER COUNTY**
2. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM HENRY O. RUYBAL SR. (OWNER) TO LARIMER COUNTY**

LIQUOR LICENSES: Liquor License Transfer of Ownership- Hill Top General Store & Antiques LLC, Red Feather; Special Event Liquor License – Poudre Landmarks Foundation, Fort Collins; Liquor License Renewal – Supermarket Liquors Inc.

MISCELLANEOUS

1. **TRANSFER \$44,100 IN REMAINING, UNRESTRICTED CARES ACT FUNDING TO HEALTH AND ENVIRONMENT DEPARTMENT FOR LIVERMORE WATER SYSTEM**

RESOLUTIONS:

1. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, July 5, 2022.

Motion carried 3-0

5. COMMISSIONERS GUESTS: Commissioner Shadduck-McNally introduced Mr. Matthew McCombs, State Forester and Director of the Colorado State Forest Service. She thanked him for his military service to our country, serving as an aid to John Tester, and many other posts and positions he has held throughout his career. Mr. McCombs thanked the Commissioner for the invitation to provide an update for the Colorado State Forest Service. He then spoke of the many challenging times related to drought; population increases as well as other effects on the environment. He said that Larimer County is at the center of policy writing and collaborative decision making based on the situations that have been addressed in this region related to wildfire mitigation. He also mentioned that he was thankful for Commissioner Shadduck-McNally, who serves on the Forest Health Council and that this Council advises the General Assembly and the Governor in policy formation. He also mentioned that Commissioner Shadduck-McNally serves as the Chair of the Legislative Subcommittee.

Commissioner Kefalas thanked Mr. McCombs for his service in this capacity. He questioned how the Colorado Forest Service coordinates with the U.S. Forest Service together when needed. Mr. McCombs stated that the State is always at the “table” to discuss ways to support overall health and safety. Commissioner Kefalas asked about discussions at the state level on grazing as a method of fire mitigation. Mr. McCombs stated that this is an option that should be explored further. Commissioner Kefalas “planted a seed” regarding grazing permits and allotments for this region and building a relationship with the U.S. Forestry Service on this specific topic. Finally, Commissioner Kefalas discussed milling operations and how it may be beneficial to the community. He also thanked Mr. Reeder, a colleague of Mr. McCombs, for his work on this important subject.

Commissioner Shadduck-McNally thanked Mr. McCombs for his efforts as well as the opportunity to work alongside him on this subject. She asked about holding a regional conversation with industry leaders and leadership at the federal and state levels. Mr. McCombs mentioned that anytime we can communicate with those affected will be very beneficial. He stated that this would be a great opportunity to work with many entities while knowing there are limited resources.

Commissioner Stephens asked about job openings within the Colorado Forest Service, to which Mr. McCombs mentioned that there are urgent openings in the entry level forest services as well as a firefighter career track available. It was mentioned that there is an accredited program for this field at the Front Range Community College. Commissioner Kefalas then discussed water resources and a

recent trip with Upper Colorado River Basin with the Water Education Colorado where he learned about many resources.

Commissioner Stephens mentioned inviting Mr. McCombs back for an update on his work and he was receptive to presenting further information.

6. DISCUSSION ITEMS

1. CONSIDER THE (4) ISSUES FROM LARIMER COUNTY STAFF TO BE SUBMITTED TO CCI FOR POSSIBLE INCLUSION ON THEIR 2023 LEGISLATIVE AGENDA

FIRST RECOMMENDED ISSUE

1. Contact Information

- a. Zach Thode, George Wallace, Frank Garry
- b. Chair, Vice Chair, Board Member, respectively
- c. Larimer County (Agricultural Advisory Board)
- d. 970-744-1444 (Thode), 970-568-7676 (Wallace), 970-217-1084 (Garry)
- e. zthode@lehiwater.com; george.wallace@colostate.edu; franklyn.garry@colostate.edu

2. Issue to be addressed and 3. Background:

Voluntary Agricultural Districts (VADs). The 2019 Larimer County Comprehensive Plan section Watershed and Natural Resources, section 2.1 Agricultural Lands Conservation and Stewardship) states: the county shall effectively sustain ranchlands and farmlands in prime agricultural areas through a combination of land use planning tools that meet ag land conservation goals, and specifies in section C.10 develop an Agricultural District to support perpetual farming and agricultural uses in specific rural areas where prime soils, irrigated agriculture and supportive infrastructure exist. A Voluntary Agricultural District (VAD) is an overlay district that includes important agricultural lands where landowners could voluntarily agree to maintain those lands in agriculture production for some agreed upon period in return for a package of incentives that benefit the participating farms and ranches. Such districts are in use in 21 states and have enrolled over 30 million acres of farm and ranch land. Most states have utilized a limited number of incentives having to do with tax relief, right to farm protection, protection from eminent domain and priority status for the purchase or transfer of development rights. We have the potential in Larimer County to provide a more complete package of incentives over time. Although local government can develop and offer part of those incentives, State and Federally enabled incentives will be equally important if a VAD is to be successfully developed and implemented in Larimer County and the concept supported at the State level in Colorado.

4. Legislative Remedy

State legislation is needed to enable official support and some of the incentives that would be key for motivating participation in a VAD. Things that might be included in what is likely to be an omnibus bill type of legislation are: tax incentives (property tax, assessed valuation on farm and ranch residences), licensing requirements for farm and ranch vehicles, the Great Outdoors Colorado (GOCO) process for prioritization for the purchase of development rights and conservation easements; the cap on State conservation tax credits (i.e. priorities when funds are nearing the cap), the Homestead property tax exemption, and other actions that must be initiated at the State level in order to incentivize VAD participation.

5. Non-Legislative Solutions

Larimer County can create part of the solution (design and incentivize VADs) at the local government level and the AAB has put a good deal of thought into how and where a VAD might work in Larimer County (and elsewhere in Colorado). Local incentives include priorities for the use of Open Space tax monies, reducing right to farm conflicts, application of eminent domain, priorities for the rental of irrigation water by utilities, the creation of a Commercial Agricultural Zone that supports all agriculture and other steps. State incentives, however, will greatly strengthen the probable participation of producers.

6. Colorado Revised Statutes Modification

We will be researching and discussing with our State representatives, specific statutes pertaining to property taxes; the Homestead Exemption; license plate costs; Conservation Tax Credits and other items mentioned in the Legislative Remedy section.

7. Relationship of the Issue with The Board of County Commissioners (BCC)

The Larimer County Agricultural Advisory Board (AAB) is appointed by the BCC and one of the BCC Board Members is a liaison to our board who has attended all of our meetings and we have discussed this issue with him. He has recently sent us this form and encouraged us to do the preparation necessary for BCC to take this issue to CCI. At the behest of our commissioner liaison, the legislative agenda work will be added to our annual work plan starting in July.

8. BCC Approval of this Proposal

Approval is pending the completion of this form and discussion among BCC and staff.

9. Proponents and Opposition

The creation of an Agricultural District is part of the County Comprehensive Plan. There is a placeholder in the Plan while the VAD concept is developed and work is done with the likely extra jurisdictional partners (City of Fort Collins, the State of Colorado, Federal Natural Resources Conservation Service NGOs). This proposal is a part of that work. The Adopted County Open Space Plan and the County Strategic Plan both include the preservation of ag land and water as goals. The

extension of the County Open Space tax passed with 86% support from voters. So far, we know of no opposition to the creation of a VAD.

10. Support of Legislators

As AAB has just been given the green light to go ahead on this part of the VAD work, AAB, and county staff and the BCC via CCI will need to work with our state representatives to talk about an omnibus bill that includes several of the components related to supporting Voluntary Ag Districts in Larimer County and elsewhere in the State.

11. Anticipated Fiscal Impact

We are not at the point where it would be easy to do fiscal analysis. Given that we do not anticipate a large population of participants in a VAD or VADs elsewhere in the future, one could assume that impacts would be limited and not difficult to estimate. Like tax credits for conservation, expenditures for State incentives could be capped and that is likely to be part of the draft legislation.

12. Subject Matter Expertise

Our Agricultural Advisory Board is learning about this subject and willing to work with county and Colorado Counties Inc. (CCI) staff. Adams County has an Ag District in the making, but to date it may not include State incentives. We can assume that they would be interested in participating. The American Farmland Trust has long-standing knowledge about Ag Districts around the country and can be contacted for advice and additional references.

13. Other Issues

Being Submitted by Larimer County Unknown

Commissioner Stephens thanked the speakers for their work. Commissioner Shadduck-McNally questioned which Board would be presenting this at the next CCI meeting. Ms. Byrd recommended that the Board of County Commissions plan to present this subject with Subject Matter Experts within the presentation. She mentioned that Mr. Wallace had performed work with other states and asked for further information. He stated that he found different legislation in many states. Commissioner Kefalas mentioned the next meeting's discussion would be very informative to the Advisory Committee. Mr. Wallace mentioned that they had anticipated further steps involving producers to determine which incentives would be beneficial.

The Commissioners all agreed to move this onto the agenda.

SECOND RECOMMENDED ISSUE

1.) Contact Information (of person bringing forth issue):

a. Name: Heather O'Hayre / Thaddeus Paul

- b. Title: Director / Division Manager
- c. County: Larimer
- d. Phone Number: (970) 498-6310 / (970) 498-6584
- e. E-Mail Address: ohayrehj@co.larimer.co.us / tpaul@co.larimer.co.us

2.) Issue/Problem to be addressed (What is the problem this legislation is seeking to solve?) Currently, persons involved with child welfare dependency and neglect civil actions in the jurisdiction of juvenile courts cannot be required or ordered to undergo sexual offense treatment or services overseen by the Sex Offender Management Board (SOMB) as part of the juvenile court's orders.

3.) Background on this Issue/Problem (How did this come to be? Why are you seeking a legislative remedy?) Currently, for a person to be ordered to undergo sexual offender treatment or services provided by entities who adhere to practices and regulations issued by the SOMB, the individual must be involved in a criminal action (and not a civil child welfare dependency and neglect action). If this legislation is presented and passes, dependency and neglect proceedings involving sexual offenses could result in an order for SOMB approved sexual offender treatment and services without requiring the individual to be engaged with the criminal justice system.

4.) Proposed Solution/Legislative Remedy to this issue. Modify relevant sections of the Colorado Revised Statutes (C.R.S.) to specifically allow for juvenile courts having jurisdiction over dependency and neglect civil proceedings to be authorized to include sexual offender treatment through SOMB-overseen providers as part of their treatment orders and court findings.

5.) Have you explored a non-legislative solution to this problem? Not to this county's knowledge.

6.) Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at this link, by selecting "Colorado Revised Statutes"). Statute to Be Modified: C.R.S. 19-3-505(7)(a) Proposed Language:

(7.) (a) When the court finds that the allegations of the petition are supported by a preponderance of the evidence, except when the case is continued as provided in the introductory portion to subsection (5) of this section, the court shall sustain the petition and shall make an order of adjudication setting forth whether the child is neglected or dependent. Evidence that child abuse or non-accidental injury has occurred shall constitute prima facie evidence that such child is neglected, or dependent, and such evidence shall be sufficient to support an adjudication under this section.

- (I) In making its finding, the court may impose an order for sexual offender treatment or services upon the appropriate party(ies).
- (II) Such sexual offender treatment will be administered by a treatment provider who follows the standards and guidelines established by the sexual offender management board pursuant to section 16-11.7-103. Please submit this completed form to Katie First at kfirst@ccionline.org by Friday, July 8.

8.) Relationship of this issue to County Commissioner's roles and/or authorities. This potential legislation is in alignment with Larimer County's Guiding Principles and Legislative Position Guide,

in that this legislation could advance our community's health by requiring sexual offenders to obtain SOMB-approved treatment and accept their accountability for their actions, while not requiring the sexual offender treatment to be ordered through the only currently available avenue of criminal action.

9.) Has this proposal been approved by the Board of County Commissioners?

10.) List any potential Proponents/Opponents & their perspective; indicate any groups/individuals with whom you have already discussed this issue. Potential Opponent: The Office of Respondent Parents' Council may oppose this proposed legislation, because, if passed, it could affect their clientele (i.e., indigent parents in child welfare proceedings) and require additional involvement or a heightened caseload.

Potential Proponent:

- The Colorado District Attorneys' Council may support this legislation because, if passed, it could reduce the number of criminal cases they would have to prosecute to put sexual offenders in contact with treatment oriented for the sexual nature of their crime
- The Colorado Office of Child Protection Ombudsman, the Colorado Commission on Criminal and Juvenile Justice, the Office of Child Representatives, other County Department of Human Services and Colorado's Children's Alliance may support this legislation because, if passed, it could provide a non-criminal avenue to require sexual offenders to receive treatment from a provider who adheres to SOMB standards

11.) Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?

12.) Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.). There is a potential fiscal impact to counties, in that counties may be required to support payment for services provided by an SOMB provider for individuals that do not have the means to do so. In Larimer County, it is the responsibility of the person responsible for abuse to pay for SOMB treatment, although avenues may be explored to provide other fiscal supports. Based on the nature of this treatment, Medicaid and other insurances will not cover the cost of this type of treatment, resulting in the majority of treatment being private pay.

13.) Please list the local subject matter experts CCI staff can follow-up with for more information on this proposal. Thaddeus Paul (Division Manager) and Jennifer Stewart (Senior County Attorney)

14.) If your county is submitting multiple issue forms, please rank each issue.

Ms. Heather O'Hayre, Human Services Director, spoke to the Board who summarized the item being proposed. Commissioner Stephens questioned how often instances involving these cases occurred. Ms. O'Hayre further explained the differences in types of cases and how they correlate.

The Commissioners all agreed to move this onto the agenda.

THIRD RECOMMENDED ISSUE

1.) Contact Information (of person bringing forth issue):

- a. Name: Andrew Lewis
- b. Title: Assistant County Attorney II
- c. County: Larimer
- d. Phone Number: 970-498-7440
- e. E-Mail Address: lewisaj@co.larimer.co.us

2.) Issue/Problem to be addressed

The Sheriff (or Public Trustee) is directed to conduct foreclosure sales pursuant to C.R.S. 38-38-100.3 et seq. The issue is whether they can use an auctioneering service (often web-based) to conduct the sales. The statute does not appear to allow the Sheriff to discharge his duties and allow an auctioneering service to conduct the sale by charging a fee for the service. See C.R.S. 30-10-521. The fees which are allowed to be deducted from a sale are enumerated under C.R.S. 38-38-107(3), but these do not mention auctioneering costs or authorization to use an auctioneering company.

Compare this to C.R.S. 39-10-111(6)(b) which specifically authorizes a treasurer to enter into a contract with an auctioneer service and to collect the fees for the auctioneer service from the proceeds of the sale.

If the legislature would add language similar to C.R.S. 39-10-111(6)(b) to C.R.S. 38-38-107, Mr. Lewis believes it would allow the Sheriff to use auctioneering services for such sales. This would greatly expand the area and advertising of these auctions, increase the number of individuals involved in the bidding, and benefit the person under foreclosure by potentially getting better value for their property. It would also help relieve the burden of local sheriff departments by allowing them to use companies that do this on a regular basis and advertise to a larger audience.

3.) Background on this Issue/Problem

Request by Larimer County Sheriff through Lt. Brooks concerning the legality of using a professional auctioneering service similar to what some other states allow, and, if it was not a viable option, how to address the issue.

4.) Proposed Solution/Legislative Remedy to this issue. See the third paragraph of #2 above.

5.) Have you explored a non-legislative solution to this problem? We have researched the issue and believe a legislative amendment is needed to not violate C.R.S. 30-10-521 and the case law that has interpreted that particular statute.

6.) Statutory Citation to be modified and proposed/revised language Note: This is basically taking C.R.S. 39-10-111(6)(b) and replacing the word treasurer with officer. An officer is defined in C.R.S. 38-38-100.3 as the public trustee or sheriff conducting a foreclosure under this article.)

CRS 38-38-107(3)(d) The officer may enter into a contract to employ the services of any professional auctioneer or auction company to conduct such sale, collect the proceeds thereof, and pay the same over to the treasurer, when the officer deems such services to be appropriate and to be in the best interests of the public. Such contract shall be awarded by competitive bid, but the officer may reject any or all bids or parts of bids. The auctioneer or auction company conducting such sale shall provide the officer with an itemized list of all property sold, the amount paid for such property sold, and each purchaser's name and address. The fees of the auctioneer or auction company shall be paid by the officer from the proceeds of the sale. Or, for more continuity, make the above proposed language be C.R.S. 38-38-107(3)(c) and move the current 3(c) to 3(d).

This issue involves the legality of using a professional auctioning service to sell foreclosures. Commissioner Stephens asked if there were any negative effects by using an auctioning service. Ms. Byrd stated that there are no foreseen negative concerns.

All Commissioners agreed to move this to the agenda.

FOURTH RECOMMENDED ISSUE

1.) Contact Information (of person bringing forth issue):

- a. Name: David Ayraud
- b. Title: Deputy County Attorney
- c. County: Larimer County

2.) Issue/Problem to be addressed (What is the problem this legislation is seeking to solve?) A recent ruling found that a person who is the topic of discussion between a government attorney and their government client, has a right under Colorado Open Records Act (CORA) to get a copy of the attorney/client communication.

3.) Background on this Issue/Problem (How did this come to be? Why are you seeking a legislative remedy?) The issue originated from a CORA lawsuit that a Colorado municipality is currently involved in. A former employee of the municipality made CORA requests asking for copies of emails and other records that discussed them. The attorney/client emails between staff and the Attorney's Office about the former employee were not disclosed because they were deemed protected by the attorney/client privilege. However, the judge presiding over the case issued an order finding that, under CORA, even attorney/client privilege documents must be disclosed to a "person in interest" which is defined as the subject matter of the communication.

4.) Proposed Solution/Legislative Remedy to this issue. Update the CORA legislation to protect all attorney/client privilege communications in these types of situations

5.) Have you explored a non-legislative solution to this problem? The issue is on appeal to the Court of Appeals, where it is currently pending. If the finding is rejected, a legislative fix will not be needed.

Commissioner Kefalas questioned how this may affect access to information in particular to the Freedom of Information Coalition. Ms. Bird was encouraged to say that CCI will consider this in their decisions going forward.

Commissioner Stephens questioned the attorney/client privilege protections and the “slippery slope” effect that could take place if protections are removed. Mr. Bill Ressue stated that there are two perspectives on this subject that he could offer: 1) there is great interest in the protections of attorney/client privilege and 2) the courts perspective in this case was for the individual who was the subject noted within said emails. The court of appeals may provide clarity one way or another but is not expected within the next six months.

Commissioner Kefalas questioned the discussions in other counties however there has been discussions within city municipalities that could be affected by this litigation. He stated that he would support this agenda item but mentioned the complexity of the situation. Commissioner Shadduck-McNally echoed Commissioner Kefalas’ statements and wanted to ensure the protection of attorney/client privilege. Commissioner Stephens said that this case could affect other CORA cases and erode the protections that should be maintained.

All Commissioners agreed to move this to the agenda.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the request to submit the legislative issues submitted by Larimer County staff to Colorado Counties, Inc. with the following ranking: 1) Department of Human Services regarding child welfare and neglect civil actions and required sexual offender treatment, 2) Incentives for Voluntary Agriculture districts, 3) the matter of foreclosure sales and allowing for auctioneering services and to charge and receive a fee for those services, and 4) Attorney/client privilege when information is available as discussed.

Motion carried 3-0

2. Discussion about the County Manager finalists and a request for the Board to give instructions to HR staff on how to proceed. HR will provide a review of the recruitment process and suggestions for the next steps. Christine Kuehnast, Employee Relations Manager on behalf of Bridget Paris, spoke to the Board. She provided an overview of the interviewing process for the Larimer County Manager.

She stated that the Board of County Commissioners received eight candidate profiles from GOVHR. The Board narrowed the list down to four finalists who participated over 2 days of interviews and

screenings. There were interviews with department Heads, community partners, elected Officials and a “meet and greet” with the community.

Feedback from these events was provided to the Commissioners on June 29th, and the Board of County Commissioners held an Executive Session to discuss the candidates. It is recommended that Human Resources advise the other candidates that a candidate has been identified. It is also recommended to direct the County Attorney to present an employee agreement for the position. She stated that the goal is to complete contract and have it available for the Commissioners to review by the July 12th Administrative Matters hearing.

The Commissioners were encouraged and agreed to move forward as noted.

6. COUNTY MANAGER UPDATE: Interim County Manager Volker updated the Board on this week’s coordination meetings and upcoming projects and activities.

7. COMMISSIONER ACTIVITY REPORTS: The Board detailed their attendance at events during the previous week.

With no further business to come before the Board, Commissioner Stephens adjourned the meeting at 10:45 a.m.

WEDNESDAY, JULY 6, 2022

ABATEMENT HEARING

The Board of County Commissioners met at 10:00 a.m. with Jason Witty, Senior Appraiser. Chair Stephens presided, and Commissioners Shadduck-McNally and Kefalas were present. Also present were Kelly Bryant, Deputy Clerk.

1. PETITION FOR ABATEMENT OF TAXES FOR 2019 AND 2020 TAX YEARS (SCHEDULE #R1552376): Mr. Jason Witty addressed the Board and presented a packet of information detailing the method in which the Assessor’s Office arrived at their current valuation of \$860,000 for 2019 and \$860,000 for 2020, for the subject property located at parcel #86061-72-003 in Fort Collins. He did state that as per statute, the 2019 request to reevaluate could not be considered in this hearing.

Patrick DeYoung, acting agent from Stevens & Associates, Inc., addressed the Board through teleconference and explained that the comparable properties had higher lease rates and more square footage than the subject property.

Some discussion ensued between the Board, staff, and the petitioner’s agent about the income approach verses lease rates methods, time adjustments, asking and actual lease rates, and property types.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners accept the Assessor's indicated value for the subject property located at 4803 Innovation Dr. Unit 3, Parcel #86061.72.003.

Motion carried 3-0.

There being no further business, the hearing adjourned at 10:30 a.m.

WEDNESDAY, JULY 6, 2022

ABATEMENT HEARING

The Board of County Commissioners met at 10:30 a.m. with Jason Witty, Senior Appraiser. Chair Stephens presided, and Commissioners Shadduck-McNally and Kefalas were present. Also present were Kelly Bryant, Deputy Clerk.

1. PETITION FOR ABATEMENT OF TAXES FOR 2019 AND 2020 TAX YEARS (SCHEDULE #R1665822, R1665825, R1665826, 1665827, R1665828, and R1665829): Mr. Jason Witty addressed the Board and presented a packet of information detailing the method in which the Assessor's Office arrived at their current valuation of \$2,316,000 for 2019 and \$2,316,000 for 2020, for the subject property located at parcel #87184.23.100, 87184.23.420, 87184.23.440, 87184.23.460, and 87184.23.480 in Fort Collins.

Patrick DeYoung, acting agent from Stevens & Associates, Inc., addressed the Board through teleconference and explained that the comparable properties using cost approach versus sales due to it being a special use property as well as more square footage in office/apartment space than the subject property.

Some discussion ensued between the Board, staff, and the petitioner's agent about the time adjustments, asking and actual lease rates, cost verses sales approaches and property types.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners accept the Assessor's indicated value for the subject property located at 1640 Riverside Ave. Units 100, 400, 420, 440, 460 and 480 in Fort Collins.

Motion carried 3-0.

There being no further business, the hearing adjourned at 11:02 a.m.

WEDNESDAY, JULY 6, 2022

ABATEMENT HEARING

The Board of County Commissioners met at 11:30 a.m. with Jennifer Pawleshyn, Appraiser. Chair Kristin Stephens presided, and Commissioners Shadduck-McNally and Kefalas were present. Also present were Kelly Bryant, Deputy Clerk.

1. PETITION FOR ABATEMENT OF TAXES FOR 2019 AND 2020 TAX YEARS (SCHEDULE #R0039411): Ms. Pawleshyn addressed the Board and presented a packet of information detailing the method in which the Assessor's Office arrived at their current valuation of \$2,193,300 for 2019 and \$2,193,300 for 2020 respectively for the subject property located at parcel #97114.14.001 in Fort Collins.

Patrick DeYoung, acting agent from Stevens & Associates, Inc., addressed the Board through teleconference and explained the comparable properties and the approach that his agency used (income approach verses vacancy).

Some discussion ensued between the Board, staff, and the petitioner's agent about the time adjustments, use of base capitalization rate, triple net lease, asking and actual lease rates, and property types.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners uphold the Assessor's recommended values for the subject property at 151 S. College Ave., Fort Collins, CO; Parcel #97114-14-001.

Motion carried 3-0.

There being no further business, the hearing adjourned at 12:00 p.m.

WEDNESDAY, JULY 6, 2022

ABATEMENT HEARING

The Board of County Commissioners met at 3:30 p.m. with Jennifer Pawleshyn, Appraiser. Chair Kristin Stephens presided, and Commissioners Shadduck-McNally and Kefalas were present. Also present were Kelly Bryant, Deputy Clerk.

1. PETITION FOR ABATEMENT OF TAXES FOR 2019 AND 2020 TAX YEARS (SCHEDULE #R1388967 and R1404393): Ms. Pawleshyn addressed the Board and presented a

packet of information detailing the method in which the Assessor's Office arrived at their current valuation of \$7,943,800 for the parcel number 97122.17.001 for 2021 and \$1,887,000 for 97122.18.001 for 2021 for a total of \$9,830,800 for the subject properties located in Fort Collins.

Christopher Ruff, acting agent from DRM Real Estate Advisors LLC, addressed the Board and explained that the comparable properties had higher lease rates and more square footage than the subject property. He also reviewed the capitalization rates compared to the Assessor's analysis, vacancy consideration and differences in comparable properties.

Some discussion ensued between the Board, staff, and the petitioner's agent about the time adjustments, asking and actual lease rates, and property types.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners adjust the Assessor's values for accounts R1388967 and R1404393 (Parcel #'s 97122.17.001 and 97122.18.001) from \$9,830,800 to \$8,500,000 for subject property located at 677 Linden Street, Fort Collins, CO.

Motion carried 3-0.

There being no further business, the hearing adjourned at 4:15 p.m.


JODY SHADDUCK-McNALLY
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Kelly Bryant, Deputy Clerk



