

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, JULY 23, 2024

At the regular meeting of the Board of County Commissioners for Arapahoe County, Colorado held at the Administration Building, 5334 South Prince Street, Littleton, Colorado on Tuesday, the 23rd day of July 2024, there were present:

Carrie Warren-Gully, Chair	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Jessica Campbell	Commissioner District 2	Absent and Excused
Leslie Summey, Chair Pro Tem	Commissioner District 4	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Cooney Sarracino	Clerk to the Board	Present
	Administrator	

All draft resolutions hereto presented to the Board, as may have been modified by Board review, are contained herein in final form as approved by the Board.

RESOLUTION NO. 24-186 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to authorize the use of \$162,000 dollars in joint project funds from the Open Space Acquisition and Development Fund to support the High Line Canal Natural Resource Management Plan.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chairman declared the motion carried and so ordered.

RESOLUTION NO. 24-187 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to authorize the Public Works and Development Department Director, Bryan Weimer's, signature on the CDOT Access Permit and Application to allow for the increase in the allowable vehicles to access the Richmil Ranch Open Space from the current 13 vehicle to up to 70 vehicles per day.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chairman declared the motion carried and so ordered.

RESOLUTION NO. 24-188 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to approve the 2024 Open Space Grant Awards, funding nine standard grants, one small grant, and six planning grants, totaling \$5,493,576, as listed below:

Standard Grants:

- \$600,000 to City of Sheridan for Bear Creek Trail Widening
- \$600,000 to City of Englewood for Bates Logan Park Renovation (Phase III)
- \$241,088 to City of Cherry Hills Village for Quincy Farm Pond Habitat Improvements
- \$600,000 to City of Glendale for Glendale Park Improvements (Phase III)
- \$500,000 to Cherry Creek Vista Park and Recreation District for Orchard Park Improvements
- \$600,000 to South Suburban Park and Recreation District for Cornerstone Park Improvements (Phase I Construction)
- \$600,000 to South Suburban Park and Recreation District for Cherry Knolls Park Improvements
- \$450,500 to Trails Park and Recreation District for Tall Grass Park Improvements
- \$459,500 to Trails Park and Recreation District for Ridge Park Improvements

Small Grants:

- \$78,988 to Strasburg Metropolitan Park and Recreation District for Five Acre Park Playground Phase II

Planning Grants:

- \$150,000 to City of Sheridan for Bear Creek Trailhead Development Project
- \$150,000 to South Suburban Park and Recreation District for Cornerstone Park Improvements (Phase II Design)
- \$148,500 to City of Greenwood Village for Carson Park Pavilion and Restroom Design
- \$135,000 to City of Littleton for Santa Fe Drive Regional Trail Connection
- \$135,000 to City of Littleton for Littleton Community Trail Extension
- \$45,000 to Town of Bennett for Future Park Phase III Construction Documents

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-189 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to adopt the following Resolution:

WHEREAS, Section 42-4-1210, C.R.S., allows the Board of County Commissioners to designate certain areas on private property for use by authorized vehicles only; and

WHEREAS, on August 25, 1981, the Board of County Commissioners adopted Resolution No. 891-81 which established certain procedures to be utilized to designate such areas for enforcement by the Arapahoe County Sheriff's Office; and

WHEREAS, in relation to this matter, the Innovate at Dove Valley has submitted a request to designate certain parking and drive areas within Innovate at Dove Valley for use by authorized vehicles only; and

WHEREAS, a map has been submitted with said request showing said areas to be designated as required by the Board of County Commissioners; and

WHEREAS, the Transportation Division of the Arapahoe County Department of Public Works and Development has referred this matter to the Arapahoe County Attorney, Arapahoe County Sheriff's Office and the South Metro Fire Protection District for review and comment as required by the Board of County Commissioners; and

WHEREAS, there has been no objection to said designation by any of the aforementioned agencies; and

WHEREAS, on the basis of the above request and referrals, and the authority of the Board of County Commissioners pursuant to Section 42-4-1210, C.R.S., the Board desires to designate certain areas within Innovate at Dove Valley as Fire Lanes and/or Emergency Parking Only.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. The Board hereby designates those areas within Innovate at Dove Valley as shown on the map as submitted, as Fire Lanes and/or Emergency Vehicle Parking Only.
2. The Board hereby directs the Transportation Division of the Department of Public Works and Development to notify the Arapahoe County Sheriff's Office, the South Metro Fire Protection District, and the Innovate at Dove Valley of said designation by the Board.
3. The Board hereby directs that enforcement of said designated areas begin as soon as the Arapahoe County Traffic Engineer approves the signage and markings as being consistent with the Manual on Uniform Traffic Control Devices.
4. In the event that additional or different signage or markings for this site are required by the Arapahoe County Transportation Division, no cost shall be borne by Arapahoe County for installation of said signage or markings.
5. All said signs and markings shall be keyed to the Manual on Uniform Traffic Control Devices for all classes of streets and highways as adopted by the Colorado Department of Transportation and said signs shall be erected in accordance with said Manual at

approximately the location(s) designated on the diagram submitted with said request and as approved by the Arapahoe County Transportation Division.

6. Designation of said areas shall continue until further order of the Board of County Commissioners.
7. Any fines or forfeitures collected by the courts for violations of Section 42-4-1210, C.R.S., shall be paid into the treasury of Arapahoe County monthly.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-190 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to adopt the following resolution:

WHEREAS, pursuant to C.R.S. § 39-3-206(2)(a), the Board of County Commissioners, acting as the County Board of Equalization, is required to hold hearings when any senior, who's application for a property tax exemption has been denied by the County Assessor pursuant to C.R.S. § 39-3-206(1)(b), desires to contest the denial; and

WHEREAS, pursuant to C.R.S. § 39-3-206(2)(b), the Board of County Commissioners, acting as the County Board of Equalization, may appoint independent referees to conduct these hearings on behalf of the County Board of Equalization; and

WHEREAS, after said hearings, the referee shall make findings and submit recommendations to the County Board of Equalization for its final action, and

WHEREAS, the Board is desirous of appointing a referee who will conduct these hearings on behalf of the County Board of Equalization.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appoint Jeff Hamilton as an independent referee to conduct hearings on behalf of the County Board of Equalization pursuant to C.R.S. §§ 39-3-206(2)(a) and (2)(b) for calendar year 2024 for those seniors who wish to contest the denial of their property tax exemption.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; and Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-191 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to amend Resolution No. 24-150 adopted on June 25, 2024, in order to correct the refund amounts for Petitioner, Lois J. Rutledge Trust, parcel number 1975-19-2-21-001, tax years 2021 and 2022.

The correct refund amount is \$106.72 for tax year 2021.
The correct refund amount is \$103.28 for tax year 2022.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner, Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-192 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to authorize the Arapahoe County Attorney to settle the following property tax Arbitration for tax years 2023 and 2024:

Petitioners: Adam Roadcap, Patricia Roadcap and John Roadcap
Parcel No.: 1973-36-2-22-072

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioners agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulation. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulation.

The Board directs the Clerk to the Board to advise the Petitioner of the action taken by the Board on this date.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner, Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-193 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to approve the allocation assignment of a portion of the County's 2024 Private Activity Bonds (PAB) to the Housing Authority of the City of Aurora for administration of a 4% Low Income Housing Tax Credit (LIHTC) loan for The Stanley.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gulley, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-194 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to adopt the following Resolution:

WHEREAS, on February 6, 2024, by Resolution No. 24-039, the Board of County Commissioners of Arapahoe County, Colorado, did impose a lien in the amount of \$606.80 on the real property known as 3091 S. Holly Pl., Denver, CO 80222, pursuant to Arapahoe County Ordinance No. 2021-01; and

WHEREAS, the County's Weed Control Specialist has recommended that above lien be released as the lien has now been paid in full.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that the Arapahoe County lien recorded at Reception No. E4016868 in the Arapahoe County Clerk and Recorder's Office in the amount of \$606.80 on the real property known as 3091 S. Holly Pl., Denver, CO 80016, Arapahoe County Tax Schedule Number 1973-32-2-03-039, is hereby released.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution in the Office of the Clerk and Recorder to make of record the action taken by the Board on this date.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-195 It was moved by Commissioner Baker, and seconded by Chair Pro Tem Summey to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on July 23, 2024; and

WHEREAS, pursuant to C.R.S. § 39-8-102, the Board, in its role as the County Board of Equalization ("CBOE"), annually reviews assessed property valuations and corrects "any errors made by the assessor, and, whenever in its judgment justice and right so require, it shall raise, lower, or adjust any valuation for assessment in the assessment roll to the end that all valuations for assessment of property are just and equalized within the county"; and

WHEREAS, agreements to settle property tax protests filed with the Board of Assessment Appeals ("BAA") have been reached on the BAA matters noted below through discussions

involving the CBOE Appeals Coordinator, the County Attorney’s Office, the Assessor’s Office, and the taxpayers’ representatives; and

WHEREAS, these agreements have been reached between the taxpayers and the County to change the valuations for assessment as noted, in an effort to further the goal of ensuring that all valuations for assessment are just and equalized within the County; and

WHEREAS, based upon the evidence submitted to the Board on this date, the Board has no reason to disagree with the proposed Stipulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

The Board, hereby authorizes the Arapahoe County Attorney to settle the following property tax protest filed with the BAA, for the tax year listed below:

Docket #	Property Owner	Tax Year
2023BAA2568	Donald and Catherine Salcito Joint Revocable Trust	2023/2024
2023BAA2618	HPII Investments LLC	
2023BAA3120	David and Vikki Migoya	2023/2024
2023BAA3169	Denver Broncos Team LLC	2023/2024
2023BAA3214	Chambers Mini Storage	2023/2024
2023BAA3447	Southlands TC LLC	2023/2024
2023BAA3448	Southlands PC LLC	2023/2024
2023BAA3712	TTRE CO 1 LLC	2023/2024
2023BAA3713	Sre Colorado - 5 CC LLC	2023/2024
2023BAA3714	Buckingham Village LLC	2023/2024
2023BAA3739	Kevin And Colleen Ladd	2023/2024
2023BAA4158	Foxhole Ventures LLC	2023/2024
2023BAA4164	Taf 5775 DTC LLC	2023/2024
2023BAA4174	6363 S Fiddlers Green Circle	2023/2024
2023BAA5018	Cheryl A Martin	2023/2024
2023BAA5370	Dan L Kerpan 7 Janet L Kerpan Revocable Trust	2023/2024
2023BAA5743	Carmax Auto Superstores West Coast	2023/2024
2023BAA5895	Cars-DB4 LP	2023/2024
2023BAA5926	Tuscany Owners LLC	2023/2024
2023BAA6061	American Residential Scvs LLC	2023/2024
2023BAA6188	Geokar LLC	2023/2024
2024BAA22	Andrew Robert Polacik	

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-196 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to: (1) approve and authorize the Chair of the Board of County Commissioners to sign the Third Amended and Restated Intergovernmental Agreement for Secure Transportation Licensing and Inspection; (2) authorize Nathan Fogg, Director, Arapahoe County Office of Emergency Management to complete all required forms with the Colorado Department of Public Health and the Environment on behalf of Arapahoe County opting out of issuing local authorization to operate for ground ambulance services; and (3) rescind Resolution No. 163-91 and Resolution No. 1415-96, governing ambulance licensing by Arapahoe County.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-197 It was moved by Commissioner Baker and duly seconded by Commissioner Summey to authorize the Chair of the Board of County Commissioners to sign the FAA Airport Improvement Program (AIP) Grants Nos. 3-08-0029-061-2024 and 3-08-0029-062-2024, and any associated documents for the application, receipt of funds, and closing the grants, as presented today.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-198 It was moved by Commissioner Summey and duly seconded by Commissioner Baker to approve the recommendations of the Arapahoe County Cultural Council for the distribution of \$2,678,644.40 in 2024/2025 Scientific and Cultural Facilities District Tier III Grant funding as noted in the funding recommendations attachment presented on this date.

The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-199 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, application has been made by Tenderfoot Pipeline Company for a Use by Special Review/1041 Major Amendment, Case No. UASI23-002, for certain property hereinafter described to-wit:

Sections 35 and 36, of Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County and

Sections 31, 32 and 33 in Township 5 South, Range 64 West, of the 6th Prime Meridian in the County of Arapahoe, State of Colorado

and

WHEREAS, after public hearing on this matter, the Arapahoe County Planning Commission recommended that the application be approved subject to certain recommended conditions of approval; and

WHEREAS, following said Planning Commission hearing, public notice of hearing before the Board of County Commissioners for Arapahoe County, Colorado (“the Board”) was made for a hearing on such proposed Use by Special Review by publication on July 4, 2024 in The Centennial Citizen, The Englewood Herald, and The Littleton Independent, newspapers of general circulation within Arapahoe County, by publication on July 9, 2023 in the I-70 Scout, a newspaper with circulation in the eastern County, by posting of said property, and by mail notification of adjacent property owners in accordance with the Arapahoe County Land Development Code; and

WHEREAS, pursuant to applicable law and the Arapahoe County Land Development Code, a public hearing was held as noticed before the Board at the Arapahoe County Administration Building, 5334 S Prince St., Littleton, Colorado on the 23rd day of July 2024 at 9:30 A.M., at which time evidence and testimony were presented to the Board concerning said Use by Special Review amendment request: and

WHEREAS, pursuant to the authority vested unto the Board by Article 28 of Title 30 and Article 20 of Title 29, C.R.S. as amended, the Board has concluded that the public health, safety, convenience, and general welfare, as well as, good zoning practice, justifies granting the request to amend the Use by Special Review for the above-described property, subject to the conditions precedent and/or stipulations as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. The Board of County Commissioners for Arapahoe County hereby grants and approves the application for Use by Special Review, Case No. UASI23-002, Tenderfoot Pipeline Use by Special Review /1041 Major Amendment for the property described in this Resolution, subject to the stipulations and / or conditions precedent as hereinafter delineated.
2. Approval of this Use by Special Review is based upon the following understandings, agreements, and/or representations:

- a. The applicant's assent and / or agreement to make all modifications to the final version of the documents that are necessary to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature.
 - b. The representations, statements, and positions contained in the record that were made by or attributed to the applicant and its representatives, including all such statements contained in materials submitted to the Board by the applicant and County staff.
3. Approval of this Use by Special Review shall be and is subject to the following stipulations and / or conditions precedent, which the applicant has accepted and which the applicant is also deemed to accept by preparing a mylar for signature by the Chair of the Arapahoe County Board of County Commissioners within sixty (60) days of this date and by continuing with the development of the property:
- a. The applicant's compliance with the stipulations of the Arapahoe County Planning Commission as set forth in the record of its proceedings, except as modified in this Resolution.
 - b. The applicant's compliance with all conditions of approval recommended by the staff case managers in the written staff reports presented to The Board and any conditions stated by staff on the record.
 - c. The applicant's compliance with all additional conditions of approval stated by The Board, including:
 - 1) Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
 - 2) The applicant shall comply with all applicable Colorado Department of Public Health and Environment rules and regulations for solid and hazardous waste, water quality and air quality.
 - 3) The applicant shall provide a copy of all required state and federal approved permits to the Planning Division prior to construction.
 - 4) The applicant shall notify the Crosswinds Radio Control Club prior to HDD activities via mail at least 2 weeks prior to the commencement of those activities and provide a copy of the notice to the County.
 - 5) The applicant shall notify the nearest residents within a quarter mile at least 1 week prior to the commencement of those activities and provide a copy of the notice to the County.

- 6) The applicant shall conduct a burrowing owl survey prior to the mobilization of construction equipment if construction begins between late March and August 31.
 - 7) The applicant shall conduct a nesting raptor survey prior to the commencement of construction if construction begins between December 1 and July 31.
 - 8) The applicant shall construct the project outside of seasonal restrictions associated with High Priority Habitat, as designated by CPW.
 - 9) The applicant shall construct, maintain, and operate the pipeline in compliance with all applicable federal and state laws and regulations, including but not limited to: Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Transportation Security Administration, and Colorado Public Utility Commission.
 - 10) This approval is contingent on approval of the associated Administrative Energy Use by Special Review application (Case No. AE24-005) for the Secret Stash Administrative Energy Facility.
- d. The applicant's performance of all commitments and promises made by the applicant or its representatives and stated to The Board on the record or contained within the materials submitted to The Board.
4. Upon the applicant's completion of any and all changes to the revised Use by Special Review mylar as may be required by this Resolution, the Chair of the Board of County Commissioners is hereby authorized to sign same.
 5. That the Zoning Map of Arapahoe County shall be and the same is hereby amended to conform to and reflect said change.
 6. County planning, engineering, and legal staff are authorized to make any changes to the mylar form of the approved document as may be needed to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature, and to make such other changes that are expressly stated by staff before The Board, or are recommended by staff in the written staff reports, or are referred to by the movant Commissioner. No other deviation or variance from the form and content of the documents submitted for The Board's consideration are approved except to the extent stated in this Resolution.
 7. The County Attorney, with the concurrence of the planning and / or engineering case managers, is authorized to make appropriate modifications to the Resolution and plan documents as needed to accurately reflect the matters presented to The Board and to record and clarify, as necessary, other aspects and ramifications of The Board's action.

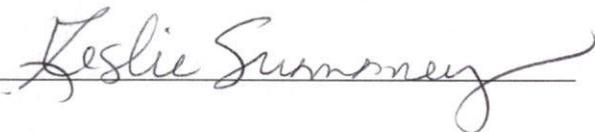
The vote was:

Commissioner Baker, Yes; Commissioner Campbell, Absent and Excused; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

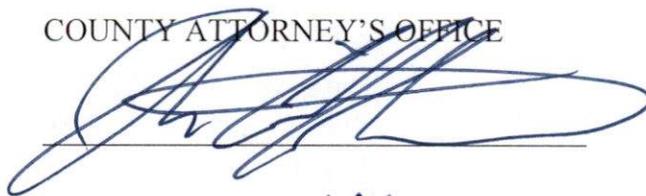
The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of July 23, 2024 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS



COUNTY ATTORNEY'S OFFICE



CLERK TO THE BOARD



