

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, JUNE 18, 2013

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 18th day of June, 2013, there were present:

Rod Bockenfeld, Chair	Commissioner District 3	Present
Nancy A. Doty, Chair Pro-Tem	Commissioner District 1	Present
Nancy Sharpe	Commissioner District 2	Present
Nancy Jackson	Commissioner District 4	Absent and Excused
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Terri L. Maulik	Asst. Clerk to the Board	Present

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. 130378 It was moved by Commissioner Doty and duly seconded by Commissioner Holen to adopt the Agenda, as amended, with the addition of Consent Agenda Item 5, related to the reappointments of Larry E. Sargent and Linda Strand to the Open Space and Trails Advisory Board.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 130379 It was moved by Commissioner Holen and duly seconded by Commissioner Sharpe to approve the submitted warrant disbursement register reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, Chair of the Board of County Commissioners, and the Arapahoe County Attorney are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 130380 It was moved by Commissioner Holen and duly seconded by Commissioner Sharpe to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on Tuesday, June 18, 2013; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessors' recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 2073-03-3-37-009 is hereby approved for tax year 2012; the recommendation of the referee is hereby adopted. The original actual value is adjusted from \$268,363 to \$300 and a refund in the amount of \$6696.05 shall be allowed for the following reason:

The Assessor recommended and the petitioner/agent agreed to this value prior to the hearing. Based upon all information supplied, I concur with this value.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 130381 It was moved by Commissioner Holen and duly seconded by Commissioner Sharpe to approve an oil and gas lease of various County-owned right-of-way consisting of 8.149 net acres located in Section 17, Township 4 South, Range 64 West, 6th P.M., by and between Arapahoe County and ConocoPhillips Company, pursuant to the terms contained therein and subject to approval as to form by the County Attorney's Office.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 130382 It was moved by Commissioner Holen and duly seconded by Commissioner Sharpe to authorize the Chair of the Board of County Commissioners to sign the Order Form from KRONOS for Telestaff Web Access V2 – TSG Hosted licenses for the purpose of providing Telestaff Payroll / Staff Management System for the Arapahoe County Sheriff's Office, pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 130383 It was moved by Commissioner Doty and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, on November 4, 2003, the voters in Arapahoe County approved the imposition of a County-wide sales and use tax, at a rate of one quarter of one percent (0.25%), for the period of January 1, 2004 to December 31, 2013, for the purpose of implementing the objectives for the "Arapahoe County Open Space Fund" as identified in Resolution No. 030381; and

WHEREAS, pursuant to said Resolution No. 030381, following the approval by the voter of the said open space sales and use tax, the Board of County Commissioners of Arapahoe County, Colorado must establish an Open Space and Trails Advisory Board; and

WHEREAS, said Advisory Board is responsible for reviewing proposed projects, for making recommendations regarding the distribution of revenue collected from the Open Space Sales and Use Tax to the County and to the municipalities in the County and for performing other duties as permitted by Resolution No. 030381 and as requested by the Board; and

WHEREAS, said Advisory Board shall consist of seven members appointed by the Board of County Commissioners, as authorized by Resolution No. 030381; and

WHEREAS, on November 1, 2011, the voters in Arapahoe County approved the extension of the County-wide sales and use tax, at a rate of one quarter of one percent (0.25%), for the period of January 1, 2014 to December 31, 2023, and reauthorized the scope and the

objectives of the "Arapahoe County Open Space Fund" as previously identified in Resolution No. 030381 and as modified by Resolution No. 110637; and

WHEREAS, pursuant to the provisions of Resolution No. 120421 adopted by the Board of County Commissioners on May 29, 2012, the Board determined that the terms of the appointees to the Arapahoe County Open Space and Trails Advisory Board should expire on June 15 of each term-ending year.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to hereby appoint, reappoint and/or affirm the appointments of the following individuals to the Arapahoe County Open Space and Trails Advisory Board:

Commissioner Appointments (1 per Commissioner District):

District 1	C. Dale Flowers	Term Expires June 15, 2015
District 2	Todd Miller	Term Expires June 15, 2015
District 3	Larry Sargent	Term Expires June 15, 2016
District 4	Linda Strand	Term Expires June 15, 2016
District 5	Sharon Powers	Term Expires June 15, 2015

At-Large Appointments (2):

Beverly Bradshaw	Term Expires June 15, 2015
Jonathan Carrick	Term Expires June 15, 2015

As provided in Resolution Nos. 030381, 110637 and 120421, said appointees shall serve for three-year terms, except the initial term of three of the seven members shall be for two years. Members may be reappointed to no more than two successive terms. Said appointees may be removed with or without good cause as shown by action of the Board.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 130384 It was moved by Commissioner Holen and duly seconded by Commissioner Doty to adopt the following Resolution:

WHEREAS, application has been made by Bronco Pipeline Co., for a Use by Special Review for Petroleum Products Gathering System (Case No. U13-001), for certain property hereinafter described, to-wit:

Sections 1, 3, 4, 5, 7,8, 10, 18,19, 22, 26-30, 33 and 35, and 36, of Township 4 South, Range 64 West; Sections 7, 18, 19, and 30 of Township 4 South, Range 63

West; Sections 1-4, 11,12, 14 and 23, of Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County;

and

WHEREAS, subsequently public notice has been properly given of such proposed Use by Special Review by publication on May 23, 2013 in The Villager, a newspaper of general circulation within the Arapahoe County, by posting of said property, and by mail notification of adjacent property owners in accordance with the Arapahoe County Zoning Regulations; and

WHEREAS, pursuant to statute and the aforementioned notice provisions, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 18th day of June, 2013 at 9:30 a.m. at which time evidence and testimony were presented to the Board concerning said Use by Special Review request; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 28, Title 30, 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 Use by Special Review of the hereinafter 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. U13-001), for a Petroleum Products Gathering System by Bronco Pipeline Co. for the aforementioned parcels, 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 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 its 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) The applicant makes any modifications to plans, as requested by the Public Works & Development Department, prior to the signing of the mylars and before the commencement of any construction activities relating to this project.
 - 2) The applicant agrees to address all Engineering Services Division comments and concerns, as identified within their reports, prior to signed mylars. This includes, but is not limited to, construction drawings.
 - 3) The applicant agrees to restore County Roads that are used by the applicant's construction equipment to their preconstruction condition following construction of the gathering system.
 - 4) All necessary utility easements must be executed and recorded prior to construction of the pipeline.
 - 5) The applicant will strive to avoid any areas of paleontological, historic, or archaeological importance. If avoidance is not possible, further testing will be conducted, with landowner's permission, to determine the site's eligibility for historic status and a treatment plan will be developed that will be followed to protect eligible sites. The County will be made aware of any plans or activities to deal with historic, paleontological or archaeological sites that cannot be avoided by the construction of the gathering system.
 - 6) The applicant will need to conduct surveys, outside of the State Land Board Lands, in order to determine if any Federal and/or State Threatened and Endangered Species, as well as State Species of Concern exist in areas where the gathering system will be constructed. If the survey determines that these species exist, then the applicant will follow the protocols outlined in Appendix 1 of the application, in collaboration with Colorado Parks and Wildlife and Arapahoe County, to mitigate and minimize any potential impact to these species.
- 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 Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of June 18, 2013 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS



COUNTY ATTORNEY'S OFFICE



CLERK TO THE BOARD

