

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, JANUARY 26, 2021

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 26th day of January, 2021, there were present:

Nancy Jackson, Chair	Commissioner District 2	Present
Carrie Warren-Gully, Chair Pro Tem	Commissioner District 5	Present
Bill Holen	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Nancy Jackson	Commissioner District 4	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	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. 21-035 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Case (Docket Number), for the tax years listed below:

Docket #	Property Owner	Tax Year
79223	Southglenn Property Holdings LLC	2017/2018
79259	Sapkin Richard M, Sapkin Shelly C	2017/2018
79745	Intown Suites Sheridan, LLC	2020
79746	ITS Centennial LP	2020
79886	Timothy W. Balsley	2019/2020
2020BAA138	Merritt 777 LLC	2019

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 the 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 vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-036

It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Case (Docket Number), for the tax years listed below:

Docket #	Property Owner	Tax Year
76273	GPI-DEN LLP	2019/2020
76274	GPIPM LTD	2019/2020
79363	13698 E Iliff Ave LLC	2019/2020

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 the 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 vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-037

It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve the Preliminary Plat for Millstone at Columbine, PP19-003. Said approval is subject to applicant agreeing to adhere to any and all Arapahoe County staff recommendations and/or conditions of approval as set forth within the record and/or as determined by the Board on this date, including the following conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant must address Public Works Staff comments and concerns.
2. Prior to scheduling a public hearing for the Final Plat, the applicant must provide a will-serve letter for water and sanitation and approval of annexation into the Platte Canyon Water and Sanitation District.
3. The applicant will meet all of South Metro Fire District requirements.
4. Approval of PP19-003 Millstone at Columbine Preliminary Plat, is contingent on the approval of SDPZ20-002, Millstone at Columbine Specific Development Plan.
5. Prior to scheduling the public hearing on the Final Plat, the applicant must provide a will-serve letter for water and sanitation and approval of annexation into the Platte Canyon Water and Sanitation District.

Subject to review and approval of the Preliminary Plat mylar by the Arapahoe County Development Services and Infrastructure Management Department, including the Planning, Mapping and Engineering Divisions, and the County Attorney's Office, the Chairman of the Board is hereby authorized to sign said mylar pursuant to the terms contained therein.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-038 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve the Intergovernmental Agreement between Arapahoe County and the Colorado Department of Transportation (CDOT) for cost sharing of the Dry Creek Operational Improvements Project; and to authorize expenditure of funds in the amount of \$2,665,000 for completion of design, environmental clearances, right-of-way, and construction and to authorize Bryan Weimer, Public Works Director, to sign said IGA.

This action also authorizes the budgeting of the anticipated CDOT Funds of Cost Center 424520019-54896 (expense) and Cost Center 424520019-43127 (revenue).

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-039 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize Bryan Weimer, Public Works Director, to sign the Intergovernmental Agreement between Arapahoe County and the Southeast Public Improvement Metropolitan District (SPIMD) for cost sharing of the Dry Creek Operational Improvements Project; and to authorize expenditure of funds in the amount of \$742,000 for completion of design, environmental clearances, right-of-way, and construction.

This action also authorizes the budgeting of the anticipated SPIMD Funds of \$742,000 into Cost Center 424520020 – 54896 (expense) and 424520020-43127 (revenue).

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-040 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize the Chair to sign the Intergovernmental Agreement between the Pikes Peak Workforce Center, by and through the El Paso/Teller Counties Consortium Executive Board, and its Workforce Development Board, and the Board of County Commissioners of Arapahoe County for the administration of the Pathway Home grant initiative.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-041 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize the Chair to sign the Intergovernmental Agreement between Arapahoe County and Larimer County for cross-regional work to support businesses and job seekers served through the workforce centers within Colorado's Central Planning Region (CCPR) and Weld County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-042 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize the Chair to sign the Intergovernmental Agreement between Arapahoe County and the El Paso/Teller County Pikes Peak Workforce Consortium Executive Board for cross-regional work to support businesses and job seekers served through the workforce centers within Colorado's Central Planning Region (CCPR) and Weld County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-043 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize the Chair to sign the Intergovernmental Agreement between Arapahoe County and Denver Workforce Services (Denver County) for cross-regional work to support businesses and job seekers served through the workforce centers within Colorado's Central Planning Region (CCPR) and Weld County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-044 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize the Chair to sign the Agreement for Services between Arapahoe County and Weld County for cross-regional work to support businesses and job seekers served through the workforce centers within Colorado's Central Planning Region (CCPR) and Weld County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-045 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize the Chair to sign the Agreement for Services between Arapahoe County and Boulder County for cross-regional work to support businesses and job seekers served through the workforce centers within Colorado's Central Planning Region (CCPR) and Weld County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-046 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve and authorize the Chair to sign the Agreement for Services between Arapahoe County and Jefferson County for cross-regional work to support businesses and job seekers served through the workforce centers within Colorado's Central Planning Region (CCPR) and Weld County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-047 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to accept the Veterans Service Officer's Report for the month of January, 2021. Copies were retained for the Commissioners' files.

The vote was:

Commissioner Baker, Yes; Commissioner Conti, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-048 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve the submitted warrant disbursement register, dated January 11, 2021, reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners 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 Baker, Yes; Commissioner Conti, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-049 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to adopt the following Resolution:

WHEREAS, the Board of County Commissioners adopted the 2021 Annual Budget pursuant to Statute; and

WHEREAS, the Board of County Commissioners will consider the following budget amendments to the 2021 budget; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to amend the adopted 2021 Annual Budget as follows:

- a. Transfer \$10,000,000 from the unappropriated balance of the General Fund, and appropriate the same in the General Fund, Administrative Services Department for the purpose of providing funding for expenditures related to COVID-19 pandemic relief measures; and
- b. Recognize and appropriate \$9,837,173 in the Grant Fund, Administrative Services Department for the purpose of receiving and expending Federal Emergency Rental Assistance funding from the U.S. Department of Treasury; and

- c. Recognize and appropriate \$4,054,068 in the Grant Fund, Administrative Services Department for the purpose of receiving and expending funds received from the State of Colorado for business support grants within Arapahoe County.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-050 It was moved by Commissioner Warren-Gully, duly seconded by Commissioner Sharpe, to adopt the following Resolution:

WHEREAS, LAI Design Group, LLC, on behalf of the property owner, The Francis Company, LLC has applied for the rezoning of certain property located at 5977 South Platte Canyon Road from Residential (R-2) to Planned Unit Development for the development known as Millstone at Columbine on 3.89 acres and approval of a SDP, Case No. SDPZ20-002 and

WHEREAS, on December 1, 2020, the Planning Commission held a duly noticed public hearing, heard such public comment as was presented, and reviewed and considered recommendations from the Planning Division, and following such public hearing, the Arapahoe County Planning Commission made a favorable recommendation for said change in zoning subject to certain stipulations of said Planning Commission as specified in the record of the proceedings before the Planning Commission; and

WHEREAS, following said Planning Commission hearing, notice of a public hearing before the Arapahoe County Board of County Commissioners ("the Board") was properly given of such proposed rezoning and specific development plan by publication on January 7, 2021, in The Villager, a newspaper of general circulation within the County of Arapahoe, and by posting of said property and by mail notification of adjacent property owners in accordance with the Arapahoe County Land Development Code; and

WHEREAS, 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 26th day of January 2021, at 9:30 am, at which hearing evidence and testimony were presented to the Board concerning said rezoning and SDP request; and

WHEREAS, the administrative record for this Case includes, but is not limited to, all duly adopted ordinances, resolutions and regulations, together with all Public Works and Development Department processing policies which relate to the subject matter of the public hearing, the staff files and reports of the Planning and Engineering case managers, and all submittals of the

applicant; and

WHEREAS, representations, statements and positions were made by or attributed to the applicant or its representatives on the record, including representations contained in the materials submitted to the Board by the applicant and County staff; and

WHEREAS, the applicant has agreed to all conditions of approval recommended by County staff, and has agreed to execute all agreements and to convey all rights of way and easements recommended by staff, except as stated in this resolution; and

WHEREAS, the Board finds that the proposed rezoning and SDP generally conform to the Arapahoe County Comprehensive Plan and comply with the approval criteria found in the Land Development Code; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 20 of Title 29, Article 28 of Title 30, and Article 67 of Title 24, C.R.S. as amended, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justify granting a change in the zoning of the hereinafter described property subject to the conditions precedent and/or other conditions 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 rezoning of the following parcel from Residential (R-2) to Planned Unit Development on 3.89 acres and approval of a SDP, Case No. SDPZ20-002, subject to the conditions precedent and/or other conditions as hereinafter delineated.
2. Approval of this rezoning and Specific Development Plan is based and conditioned 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 rezoning and specific development plan shall be and is subject to the following conditions precedent and/or other conditions, which the applicant has accepted and which the applicant is also deemed to accept by preparing a mylar for signature by the Chairman of the Board of County Commissioners and submitting to the County within sixty (60) days of this date and by continuing with the development of the property:

- a) The applicant's compliance with the recommended conditions of the Arapahoe County Planning Commission as set forth in the record of the hearing before the Planning Commission, except as may be modified by this Board.
 - 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, except as may be modified by this Board.
 - c) The applicant's compliance with all additional conditions of approval stated by the Board, including the following:
 - 1) Prior to the signature of the final copy of these plans, the applicant must address Public Works Staff comments and concerns.
 - 2) The applicant will meet all of South Metro Fire District requirements.
 - 3) The applicant will provide a pedestrian connection at the northeast corner of the site to the Platte Canyon/Bowles intersection.
 - 4) The applicant will enter into a maintenance agreement with South Suburban Parks and Recreation and Denver Water Board.
 - 5) Prior to approval of the final copy of a Final Plat, the applicant must provide a will-serve letter for water and sanitation and approval of annexation into the Platte Canyon Water and Sanitation District.
 - 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 rezoning Mylar as may be required by this Resolution, the Chairman 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 in zoning.
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 Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-052 Intentionally not used.

RESOLUTION NO. 21-052 It was moved by Commissioner Jackson and duly seconded by Commissioner Baker to approve the Final Plat for East Virginia Village, Case No PF20-006. Said approval is subject to applicant agreeing to adhere to any and all Arapahoe County staff recommendations and/or conditions of approval as set forth within the record and/or as determined by the Board on this date, including the following conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant must address Public Works and Development Staff comments and concerns.
2. The applicant will meet all of South Metro Fire District requirements.
3. The applicant will meet all of Xcel Energy requirements and shall record any additional easements not shown on this plat by separate document.
4. The applicant will meet all of Tri-County Health Department requirements.
5. The applicant will provide cash-in-lieu for land for public schools in the amount of \$192,026.97 and cash-in-lieu for land for other public purposes in the amount of \$12,123.43 prior to the recording of the Final Plat.

Subject to review and approval of the Final Plat mylar by the Arapahoe County Department of Public Works and Development, including the Planning, Mapping and Engineering Divisions, and the County Attorney's Office, the Board Chair is hereby authorized to sign said mylar pursuant to the terms contained therein.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of January 26, 2021 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS

Nancy Jackson

COUNTY ATTORNEY'S OFFICE

[Signature]

CLERK TO THE BOARD

[Signature]

