

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, SEPTEMBER 14, 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 14th day of September, 2021, there were present:

Nancy Jackson, Chair	Commissioner District 4	Present
Carrie Warren-Gully, Chair Pro Tem	Commissioner District 5	Present
Bill Holen	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Nancy Sharpe	Commissioner District 2	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. 21-278 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to accept the Veterans Service Officer's Report for the month of July, 2021. Copies were retained for the Commissioners' files.

The vote was:

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

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-279 It was moved by Commissioner Baker and duly seconded by Commissioner Holen 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, September 14, 2021; and

WHEREAS, the Board at that time considered the Petition for Abatement or Refund of Taxes as submitted by taxpayer and as contained within an Agenda Memorandum to the Board; and

WHEREAS, applicable procedures, due process, and requirements of notice were followed pursuant to Sections 39-1-113 and 39-10-114, C.R.S.; and

WHEREAS, no Petitioner or representatives of the Arapahoe County Assessor were present, although both parties were afforded notice; and

WHEREAS, the Board received comments from the County Attorney, received exhibits and reviewed the record as represented by an Agenda Memorandum summarizing the Petitions and the Arapahoe County Assessor recommendation.

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

1. That the Petition listed below, presented this date to the Board and relating to the schedule number set forth therein, shall be and is hereby granted, the recommendation of the Assessor is hereby adopted and abatement or refund in the amount approved by the Assessor are hereby approved by the Board.

Petitioner	Parcel Number	Year	Refund
Heritage Eagle Bend Master Assoc. Inc.	27947-56054-001	2020	\$66,053.27

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. 21-280 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Case (Docket Number), for the tax year listed below:

Docket #	Property Owner	Tax Year
80256	Hancoop Holdings & Centennial LLC	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. 21-281

It was moved by Commissioner Baker and duly seconded by Commissioner Holen 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, September 14, 2021; and

WHEREAS, the Board at that time considered the Petition for Abatement or Refund of Taxes as submitted by taxpayer and as contained within an Agenda Memorandum to the Board; and

WHEREAS, applicable procedures, due process, and requirements of notice were followed pursuant to Sections 39-1-113 and 39-10-114, C.R.S.; and

WHEREAS, no Petitioner or representatives of the Arapahoe County Assessor were present, although both parties were afforded notice; and

WHEREAS, the Board received comments from the County Attorney, received exhibits and reviewed the record as represented by an Agenda Memorandum summarizing the Petitions and the Arapahoe County Assessor recommendation.

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

1. That the Petition listed below, presented this date to the Board and relating to the schedule number set forth therein, shall be and is hereby granted, the recommendation of the Assessor is hereby adopted and abatement or refund in the amount approved by the Assessor are hereby approved by the Board.

Petitioner	Parcel Number	Year	Refund
Viasat Inc.	27394-72822-0254	2019	\$120,889.11

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. 21-282

It was moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, the Board of County Commissioners previously authorized the County Attorney to engage in settlement negotiations in an effort to resolve that pending litigation known as *Tomikoyoshi Wilson, Personal Representative of the Estate of Mustafa Hussain v. The Board of*

County Commissioners of the County of Arapahoe, Case No. 2020CV31937 (Arapahoe County District Court), and

WHEREAS, a mutually satisfactory resolution to the litigation has been achieved between the parties consistent with the parameters previously designated by the Board; and

WHEREAS, the County Attorney has recommended that the Board formally approve and authorize the terms and execution of a settlement agreement reflective of the agreement negotiated between the parties; and

WHEREAS, the Board has been fully apprised of the facts, circumstances, and terms of the parties' negotiated settlement agreement and the proposed dismissal of the pending litigation with prejudice.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, Colorado, that the Chair of the Board is authorized execute a settlement agreement on behalf of the Board of County Commissioners of Arapahoe County for the purpose of fully and finally resolving the case *Tomikoyoshi Wilson, Personal Representative of the Estate of Mustafa Hussain v. The Board of County Commissioners of the County of Arapahoe*, Case No. 2020CV31937 (Arapahoe County District Court), subject to approval as to the form of the agreement by the County Attorney's Office.

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. 21-283 It was moved by Commissioner Baker and seconded by Commissioner Holen to adopt the following resolution:

WHEREAS, pursuant to Section 39-6-206(2)(a) C.R.S., the County Board of Equalization is required to review qualifying senior citizens property tax exemptions appearing on the assessment roll; and

WHEREAS, pursuant to Section 39-6-206(2)(a) C.R.S., the County Board of Equalization shall correct 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 and appearing in the assessment roll to the end that all valuations for assessment of property are just and equalized within the County; and

WHEREAS, pursuant to Section 39-6-206(2)(a), the County Board of Equalization shall receive and hear petitions from any person whose objections or protests have been refused or

denied by the County Assessor, which hearings may be conducted by independent referees appointed by the County Board of Equalization pursuant to Section 39-6-206(2)(a), C.R.S.; and

WHEREAS, based upon the evidence and testimony presented to the Board on this date, the Board has determined to take the following action.

The Petition of Denise R. Anderson, PIN: 031400881 is hereby approved for the following reason:

The petitioner has resided in her home for over 10 years and is over the age of 65.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, acting as the Arapahoe County Board of Equalization ("the Board"), as follows:

1. Pursuant to Section 39-8-102(2)(i), C.R.S., the Board hereby accepts the findings and recommendation of the appointed independent referee, attached hereto, and adopts said recommendation as the final action of the Arapahoe County Board of Equalization, with the understanding that the Board hereby authorizes the Clerk or the Deputy Clerk to the Arapahoe County Board of Equalization to make minor administrative modifications to said referee recommendation to correct any calculation error or other similar mistake prior the Clerk's notification to the property owner and or their representative.
2. The Clerk and Recorder is hereby directed to forward a copy of this Resolution to the Arapahoe County Assessor for further action as may be required by law.
3. The Board of County Commissioners respectfully requests the Arapahoe County Assessor to take appropriate actions with regard to this Resolution, as soon as possible.
4. The Clerk to the Board is hereby directed to notify the property owner of this actions.

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-284 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Resolution.

WHEREAS, pursuant to §39-8-108.5, C.R.S. The Board of County Commissioners may appoint independent arbitrators who are qualified to act as arbitrators on behalf of the County; and

WHEREAS, the Board is desirous of appointing arbitrators who will conduct 2021 protest hearings.

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

The Board hereby appoints the following seven (7) individuals as arbitrators to conduct protest hearings for 2021:

Michael A. Dougan, CBA, CVA, ASA
Steve Ketcham, MAI
Michael R. Nash, MAI
Bonnie Roerig, MAI
John Seward, Certified General Appraiser
Jennifer Stompor, Certified General Appraiser
Jo Ann Apostol, Certified General Appraiser

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. 21-285 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the Acceptable Use Policy for Computers and Related Technology.

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. 21-286 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to authorize the Chair of the Board of County Commissioners sign the renewal of the Cherry Creek Academy School Resource Officer Intergovernmental Agreement for 2022.

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. 21-287 It was moved by Commissioner Baker and duly seconded by

Commissioner Holen to approve and authorize the Arapahoe County Sheriff to sign the Enforcement Group 2 Task Force Intergovernmental Agreement.

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. 21-288 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to authorize the Chair of the Board of County Commissioners sign the Financial Investigations Group Task Force Intergovernmental Agreement.

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. 21-289 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to accept the Special Warranty deed from the First National Bank of Strasburg conveying land for road purposes to Arapahoe County, upon the recommendation of the Director of the Department of Public Works and Development, and granting an interest in the following real property:

That part of the Northeast quarter of Section 4, Township 4 South, Range 62 West of the Sixth Principal Meridian, Arapahoe County, Colorado, more particularly described as follows: COMMENCING at a point on the north line of the Northeast quarter of Section 4, Township 4 South, Range 62 West, from which the Northeast corner of said Section 4 bears, North 89° 32' 30" East, a distance of 1329.25 feet with all bearings hereon relative thereto, which point is the intersection of the west line extended northerly of the parcel described in Book 1775 at Page 98 of Arapahoe County Records and the north line of said Northeast quarter;

THENCE South 01°15'00" East, along the west line and west line extended northerly of the parcel described in said Book 1775 at Page 98, a distance of 238.01 feet to the southwest corner of the parcel described in said Book 1775 at Page 98;

THENCE North 89°32'30" East, parallel with the north line of said Northeast quarter and along the south line of the parcel described in said Book 1775 at Page 98, a distance of 62.16 feet to a point 100.00 feet westerly, as measured along a line parallel with the north line of said Northeast quarter, from the west line of STRASBURG as recorded in Book 2 at Page 28 of Arapahoe County Records, which point is on the west line of the parcel described in Book 555

at Page 175 of Arapahoe County Records;

THENCE South 00°27'32" West, parallel with the west line of said STRASBURG and along the west line of the parcel described in said Book 555 at Page 175, a distance of 284.69 feet to the southwest corner of the parcel described in said Book 555 at Page 175, which point is on the north line of Railroad Street (exists in 2021 as Railroad Avenue), as established in said Book 2 at Page 28, extended westerly and the TRUE POINT OF BEGINNING.

THENCE North 89°32'30" East, parallel with the north line of said Northeast quarter and along the south line of the parcel described in said Book 555 at Page 175, a distance of 100.00 feet to the west line of said STRASBURG; THENCE South 00°27'32" West, along said west line, a distance of 53.45 feet to the north line of the Union Pacific Railroad right-of-way;

THENCE South 85°56'00" West, along said north right-of-way line, a distance of 102.92 feet to the southeast corner of the State Highway (exists in 2021 as Colorado Department of Transportation) parcel described in Book 1278 at Page 362 of Arapahoe County Records:

THENCE North 01°15'00" West, along the east line of the State Highway parcel described in said Book 1278 at page 362, a distance of 59.93 feet;

THENCE North 89°32'30" East, parallel with the north line of said Northeast quarter, a distance of 4.40 feet to the southwest corner of said parcel described in said Book 555 at Page 175 and the TRUE POINT OF BEGINNING.

Containing 5,870 square feet or 0.1348 acres, more or less. Subject to existing rights-of-way and easements.

The Property shall be used in connection with Arapahoe County Project/Case No. E. Railroad Avenue, and is accepted for the right-of-way purposes expressed in the instrument.

Unless expressly stated in the instrument, Arapahoe County does not accept any other interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

The Clerk is hereby directed to record the above instrument in the real estate records of Arapahoe County, Colorado.

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. 21-290

It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated August 16, 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 Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-291

It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated August 23, 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 Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-292

It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated August 31, 2021, 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 Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-293 It was moved by Commissioner Warren-Gully and duly seconded by Commissioner Sharpe to approve the Final Plat for Millstone at Columbine Final Plat, Case No PF21-001. 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 and Rescue requirements and provide the County with a will-serve letter prior to recording of the final copy of the plat.
3. The applicant will provide cash-in-lieu for land for public schools in the amount of \$84,206.85, cash-in-lieu for public parks in the amount of \$74,219.04 and cash-in-lieu for land for other public purposes in the amount of \$3,092.46 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.

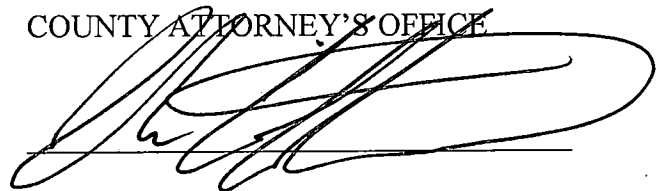
The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of September 14, 2021 have been reviewed and approved.

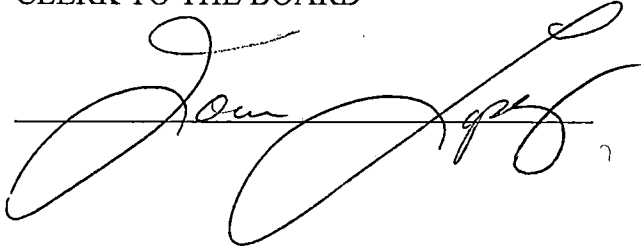
BOARD OF COUNTY COMMISSIONERS

A handwritten signature in black ink, appearing to read "Nancy Jackson", written over a horizontal line.

COUNTY ATTORNEY'S OFFICE

A large, stylized handwritten signature in black ink, written over a horizontal line.

CLERK TO THE BOARD

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be "John H. [unclear]".