

# **BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO**

**TUESDAY, JUNE 17, 2014**

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 17<sup>th</sup> day of June, 2014, there were present

<b>Nancy A. Doty, Chair</b>	<b>Commissioner District 1</b>	<b>Present</b>
<b>Bill Holen, Chair Pro-Tem</b>	<b>Commissioner District 5</b>	<b>Present</b>
<b>Nancy Jackson</b>	<b>Commissioner District 4</b>	<b>Present</b>
<b>Rod Bockenfeld</b>	<b>Commissioner District 3</b>	<b>Present</b>
<b>Nancy Sharpe</b>	<b>Commissioner District 2</b>	<b>Present</b>
<b>John Christofferson</b>	<b>Deputy County Attorney</b>	<b>Present</b>
<b>Matt Crane</b>	<b>Clerk to the Board</b>	<b>Absent and Excused</b>
<b>Gail Stumpo</b>	<b>Asst. Clerk to the Board</b>	<b>Present</b>

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. 140387** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen 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, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140388** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to accept the Veterans Service Officer's Report for the month of May, 2014. Copies were retained for the Commissioners' files.

The vote was.

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140389** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

<b>Docket #</b>	<b>Property Owner</b>	<b>Tax Years</b>
62674	Garson, W&K&Iaino, H&R&H Garson GST Exempt Trust	2013/2014
62675	Crown-Denver IV, LLC	2013/2014
62803	Red Partnership & CO Flooring Inc.	2013/2014
62805	Demetrios S and Maria T. Verdos	2013/2014
62811	Bates Leasing CO Ltd.	2013/2014
62984	Quebec-Iliff Joint Venture	2013/2014
62083	Bow B CO-Retail	2013/2014
63471	John & Susan Homburger	2013/2014
63472	Susan Homburger	2013/2014

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 Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140390** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

<b>Docket #</b>	<b>Property Owner</b>	<b>Tax Years</b>
62861	CREF Tuscany Plaza, LLC	2013/2014
63015	Blanche Lee Exemption Trust	2013/2014

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 Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140391** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to amend Resolution No. 140128 adopted on February 11, 2014, and to hereby appoint Jorge-Ayn Riley to serve on the Planning Commission to fill the unexpired term of Leah Martin that will expire February 10, 2015 Said appointee shall serve at the pleasure of the Board of County Commissioners and said appointee may be removed at any time by action of the Board of County Commissioners, with or without good cause shown.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140392** It was moved by Commissioner Bockenfeld 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. 303081, 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	Harriet LaMair	Term Expires June 15, 2015
District 2	Ronald Weidmann	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, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140393** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to authorize the Chair of the Board of County Commissioners to sign the Letter of Extension to the Agreement for Services by and between Arapahoe County and AlliedBarton Security Services for the purpose of providing Armed Security Services for

Arapahoe County Facilities for the period of May 1, 2014 to April 30, 2015, pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140394** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to authorize the Chair of the Board of County Commissioners to sign the Agreement for Services by and between Arapahoe County and Super Vac Manufacturing Co., Inc., dba SVI Graphics, to provide exterior vehicle graphics for the Arapahoe County Sheriff's Office vehicles.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140395** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to waive the formal bid requirements as set forth in the Arapahoe County Purchasing Policies for a select source Agreement for Services with Lavi Industries for a virtual queuing system and to authorize the Chair of the Board of County Commissioners to sign the agreement, subject to the terms contained therein

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140396** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to waive the formal bid requirements as set forth in the Arapahoe County Purchasing Policies and authorizing a sole source procurement of a 17 625 kilowatt portion of the solar power produced from a community solar array owned and operated by Clean Energy Collective (CEC).

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes, Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO 140397** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, application has been made by KB Homes, applicant on behalf of Florence A. Schrader Estate, owner, and 1225 S. Dayton LLC, owner, for a Final Development Plan designated as Parkside Villas 2 Final Development Plan, Case No. P13-015; and

WHEREAS, after a public hearing on this matter under the Streamlined Final Development Plan process in Section 13-103 03 of the Land Development Code, the Arapahoe County Planning Commission approved the Final Development Plan subject to certain stipulations by Resolution of said Planning Commission; and

WHEREAS, the above Final Development Plan was placed on the consent agenda of the Board of County Commissioners for the meeting on the 17th day of June, 2014, at 9:30 a.m , and

WHEREAS, the administrative record for this Case includes, but is not limited to, all duly adopted ordinances, resolutions and regulations, together with all Department of Public Works and Development processing policies which relate to the subject matter of the consent 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 hearing was, the Board wishes to approve the above Final Development Plan under the streamlined Final Development Plan review process without holding a public hearing.

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

1. That the Final Development Plan of Parkside Villas 2 Final Development Plan, Case No. P13-015 be approved on the grounds that the Final Development Plan is compatible with development standards for the area and complies with the requirements of the approved Preliminary Development Plan; and that said development is the result of a desirable plan

for land use presented by the applicant in the form of the above mentioned Final Development Plan.

2. Approval of this Final Development Plan 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 Final Development Plan 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 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. Prior to signature of the final mylar copy of these plans, the applicant agrees to address staff comments including concerns identified in the most recent Engineering Staff Report.
  - 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. Except to the extent expressly disclosed in the underlying staff reports and set forth in a finding of fact in this Resolution, this approval action does not accept or approve any plan language that varies, in any respect, from the standard notes and language required by the Arapahoe County Land Development Code and applicable department policies. Any nonstandard language appearing on the Final Development Plan shall be of no effect unless so disclosed and unless expressly approved in a Finding of Fact. This Board reserves the power to take further action without further notice, by Resolution, to either remove or ratify any such language at any time.

5. 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.
6. 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.
7. The foregoing approval is conditioned upon, and subject to, submission by the applicant of a Mylar from of the Final Development Plan, containing the above changes, within sixty (60) days of the date of this decision. In the event the applicant fails to submit a conforming Mylar by the above deadline, this decision shall be void able by resolution of the Board of County Commissioners and of no effect whatsoever.
8. Upon the applicant's completion of any and all changes to the Final Development Plan Mylar as required by this Resolution, the Chair of the Board of County Commissioners is hereby authorized to sign same. In the event of a discrepancy between the terms of this Resolution and the content of the executed Mylar, the terms of this Resolution will control.

The vote was

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140398** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Holen to approve the Plat for Parkside Villas 2, Case No. P13-014. 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;

1. Prior to signature of the final mylar copy of these plans, the applicant agrees to address Public Works Staff comments including concerns identified in the most recent Engineering Staff Report.



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

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140399** It was moved by Commissioner Bockenfeld 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 a claim by Claudia Valdez-Sandoval prior to the commencement of litigation; and

WHEREAS, a mutually satisfactory resolution to the matter 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 as reflected in 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 and the proposed covenant not to sue and release of liability to be signed by Ms. Valdez-Sandoval.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, Colorado, that the settlement resolving the above-noted matter be and is hereby approved, and that the Chair of the Board is authorized and directed to execute such documentation on behalf of Arapahoe County and the Board of County Commissioners as necessary to implement and conclude the settlement and dismissal of the litigation.

The vote was:

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

The Chair declared the motion carried and so ordered.

**RESOLUTION NO. 140400** It was moved by Commissioner Bockenfeld and duly seconded by Commissioner Sharpe 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, Phase 2, (Case No U14-001) for certain property hereinafter described, to-wit:**

**Sections 19 and 30, of Township 4 South, Range 64 West; Sections 2, 10, 11, 14, 23-26, 34, and 35, of Township 4 South, Range 65 West; Sections 4, 5, 8, 9, 17-20, and 29-33, of Township 5 South, Range 64 West; Sections 1, 2, 12, 13, 24, 25 and 36, of Township 5 South, Range 65 West of the 6<sup>th</sup> P.M. in Arapahoe County**

**WHEREAS, subsequently public notice has been properly given of such proposed Use by Special Review by publication on May 22, 2014 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 17th day of June 2014 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. U14-001, Petroleum Products Gathering System, Phase 2, for the aforementioned properties, 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 shall modify the 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 has conducted surveys 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. Some potential species have been identified. If any of these species are found during construction, then the applicant will follow the protocols outlined in the application, in collaboration with Colorado Parks and Wildlife and Arapahoe County, to mitigate and minimize any potential impacts 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.

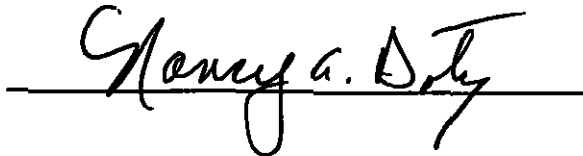
The vote was:

Commissioner Doty, Yes; Commissioner Bockenfeld, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes ; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of June 17, 2014 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS



CLERK TO THE BOARD



COUNTY ATTORNEY'S OFFICE

