

**MINUTES OF THE ARAPAHOE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
JUNE 14, 2005**

State of Colorado, County of Arapahoe. At a public hearing of the Board of County Commissioners for Arapahoe County, Colorado held at 5334 S Prince St. Littleton CO 80166 there were:

<b>Lynn Myers, Chair</b>	<b>Present</b>
<b>Bernard L. Zimmer, Chair Pro Tem</b>	<b>Present</b>
<b>Susan Beckman, Commissioner</b>	<b>Present</b>
<b>Rodney Bockenfeld, Commissioner</b>	<b>Present</b>
<b>Frank Weddig, Commissioner</b>	<b>Present</b>
<b>Kathryn Schroeder, County Attorney</b>	<b>Present</b>
<b>Nancy A. Doty, Clerk to the Board</b>	<b>Absent &amp; Excused</b>
<b>Jennifer Gayer, Deputy Clerk</b>	<b>Present</b>

When the following proceedings, among others, were had and done, to wit:

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA**

Deputy County Attorney Jack Bush asked to have Consent Agenda Item 7 removed from the Consent Agenda and be considered with General Business Agenda Item B.

Commissioner Weddig asked to have Consent Agenda Item 6 pulled from the Consent Agenda for a separate discussion and a vote.

**The motion was made by Commissioner Zimmer and duly seconded by Commissioner Weddig to adopt the Agenda as amended with Consent Agenda Item 6 pulled from the Consent Agenda for a separate discussion and vote and with Consent Agenda Item 7 removed from the Consent Agenda to be considered with General Business Item B.**

**The motion passed unanimously.**

**ADOPTION OF THE MINUTES**

**The motion was made by Commissioner Weddig and duly seconded by Commissioner Beckman to adopt the minutes of the May 24, 2005 Public Hearing.**

**The motion passed 4-0, Zimmer Abstained.**

## CEREMONIES

There were no ceremonies.

## CITIZEN COMMENTS

Gretchen Davidson, 6051 S. Uray Street, Aurora, executive director of the Arapahoe County Early Childhood Council expressed concern regarding the closing of the Drop-In Child Care Center at CentrePoint Plaza and the impact the cutting of the C-CAP caseload would have across the community. She said the Drop-In Child Care Center has been in effect for two years and was part of the original plan at the time of construction. She said the intention of the center was to care for children of parents applying for assistance. She said she has a meeting with the contractor and Brian Field to discuss funding alternatives to keep the center open. She said funding from Aurora is a possibility because the Courthouse across the street is considering onsite childcare for parents going to court. She said the second option would be help serve County employees on site with childcare and the third option would be to apply for grant funding. She said the facility cares for 500 children a month and has the capacity to care for 15 children the entire day. She said the parents are given a beeper and if there is an issue with the child the beeper goes off. She said the service also provides for visitation if the child has been taken out of the home, foster visitation, or meetings with the parents and caseworker. She believes that the children should not be with the parents during the process to apply for County services. She said if the childcare closes, the children would be located in the lobby, which would lead to disorder and cause disruption for employees to function. She said she realizes that the caseload has decreased, but that could change. She discussed the C-Cap cuts and said 70% of Arapahoe County families are in Aurora in zip code areas 80010, 80011, and 80012. She said the caseload cut of 1,600 to 1,100 would prevent 500 eligible families from receiving childcare assistance. She said under Arapahoe County strict eligibility guidelines a single parent with one child must not earn more than \$8 an hour. She said the eligibility cut would impact childcare businesses in the three zip code areas. She said some of the centers run on 99% C-CAP. She said if 100 children are on the site and the caseload is cut by 30%, that site would close or lower the quality of care. She said the families without assistance would leave the children home alone, with siblings that are not old enough, or elderly family members. She said the Aurora school district does not provide childcare. She said Sheridan, Littleton, and Englewood school districts have Head Start, C-CAP, Colorado Preschool Programs, etc. which provides support. She said Aurora Public Schools provide preschool half day, but do not provide childcare. She said one portion of the County provides support and the other portion of the County is very fragmented.

Commissioner Beckman thanked Ms. Davidson for her hard work and being a great advocate to children in Arapahoe County. She said the decrease in TANF funding has created the situation and the allocations at the State and Metro level are not equitable. She said Jefferson County and Denver County provide greater services because they receive a larger amount of TANF funding, which is based on population and the amount of families served. She commended Ms. Davidson for addressing alternatives. She said if the allocation does not change the County will be in a worse situation next year with additional programs being cut and those decisions would be difficult. She said the Board is working with Commissioners throughout the metro area regarding how inequitable the allocation formulas are. She said Arapahoe County is spending 95% of TANF funds on direct TANF payments and Denver is spending 60% of TANF funds on specific client payouts and the remainder is spent on childcare services.

## CONSENT AGENDA

**The motion was made by Commissioner Beckman and duly seconded by Commissioner Bockenfeld to approve the Consent Agenda as amended.**

**The motion passed unanimously.**

## CONSENT AGENDA

### **Item 6 – Case Nos. P04-028, P05-002, P04-029, Southcreek, Filing No. 7, Preliminary Plat, Final Plat, and Final Development Plan**

Commissioner Weddig requested that Bill Skinner, Planner provide background for Consent Agenda Item 6.

Bill Skinner, Planner, discussed Case No. P04-028, Preliminary Plat, Case No. V05-002, Final Plat and Case No. P04-029, Final Development Plan. He said the proposed plan includes 115 single-family homes on 20.2 acres. He said the homes conform to the County's small lot criteria. He said the PDP was amended in 2004 and led to a reduction in the density. He said originally the site was approved for 400 multi-family units and the landowners and some neighbors were not in favor of the first plan.

Commissioner Weddig expressed concern for the small size lots and the parking situation.

Jim Luthi, Century Communities, 4949 S. Syracuse said initially the PDP had a front setback of 10 feet to the living area and 18 feet to the garage to allow parking for two cars on the driveway, two cars in the garage, and on street parking.

Commissioner Weddig believed that houses on a cul-de-sac would not have sufficient on street parking.

Mr. Luthi said there is a minimum of four parking spaces per lot and the flat lots would have traditional areas of driveway to accommodate additional parking.

Commissioner Weddig believed the design was not suitable for additional parking. He asked about the HOA requirements and responsibilities. He asked if the intent is that the HOA maintain the common spaces with slopes and exterior fences or the homeowners.

Mr. Luthi said CCNR's would be developed specific to the development and the Parker Jordan Metropolitan District would maintain the exterior landscaping the interior landscaping fences would be maintained by the newly formed HOA.

Commissioner Weddig asked if the Parker Jordan Metropolitan District has agreed to be responsible for the exterior maintenance.

Mr. Luthi answered yes. He said the HOA would be responsible if the Parker Jordan Metro District does not agree to be responsible.

Commissioner Weddig asked how the requirement would be instituted.

Mr. Luthi said the requirement would become a recorded document through the County Clerk and Recorder.

Commissioner Weddig clarified that the sharing of the maintenance is a requirement of the subdivision plat.

Mr. Luthi agreed.

Commissioner Weddig asked if additions, sheds, and extra garages are prohibited.

Mr. Luthi answered yes.

Commissioner Weddig asked if testing has been done regarding the foundations being adequate for basements.

Mr. Luthi said a preliminary study has been done for the site. He said each lot is being drilled to ensure that the foundation is stable for a basement.

Commissioner Weddig asked if the intent is to have a majority of the homes with basements.

Mr. Luthi answered yes.

Commissioner Weddig said he would like to have a livable community and expressed appreciation for the efforts of Mr. Luthi.

**The motion was made by Commissioner Weddig to approve Case Nos. P04-028, P05-002, P04-029, Southcreek, Filing No. 7, Preliminary Plat, Final Plat, and Final Development Plan subject to the following conditions:**

- a. Prior to signature of the final mylar copy of these plans, all minor modifications shall be made as required by the Arapahoe County Public Works & Development Department.
- b. Prior to signature of the final mylar copy of these plans, the applicant agrees to address the Division of Engineering's comments and concerns as identified within the engineering Staff report.
- c. Prior to signing the final mylar copy of the final plat the following cash in lieu contributions will be paid to Arapahoe County –
  - Public School Land Dedications cash-in-lieu of \$92,690.00.
  - Public Park Dedications cash-in-lieu of \$73,848.00.
  - Other Public Uses cash-in-lieu of \$3,404.00.

**Seconded by Commissioner Zimmer.**

**The motion passed unanimously.**

## **GENERAL BUSINESS AGENDA**

**Commissioner Myers noted that Item #7 is being considered with Item B.**

### **Item A – Resolution No. 050350 – Public Hearing, Assessment of Detentions Bookkeeping Fees**

Deputy County Attorney Jack Bush established jurisdiction for the Board to consider this Item.

Sheriff Grayson Robinson discussed additional information regarding the proposed booking fees in the detentions facility. He proposed that the process be implemented the week of July 1<sup>st</sup>. He said State Statute 30-1-204 has been amended to permit detentions facilities to charge up to a fee of \$30 for the process of booking inmates. He said in 2004 the Arapahoe County Sheriff's office booked 18,526 inmates. He said he does not believe that in 2005 and beyond the \$30 booking fee would be collected from each inmate. He said the projected number of inmates booked in 2005 would be approximately 20,000. He said the department intends to levy the \$30 booking fee per inmate with notable exceptions, such as an inmate with a court ordered writ. He said those inmates might come through the facility as many as fifteen times a month and the fee would become excessive. He said the fees would not be a charged for courtesy holds of other sheriff's offices. He said fees would not be charged for detox or mental health holds. He said the Sheriff 's office projects that half of the inmates will be charged the fee.

Sheriff Robinson discussed Commissioner Weddig's suggestion regarding inmates that are eligible for the \$30 refund to return to the facility for the refund or mail back a form with the appropriate attachment. He said the refund would be for anyone acquitted of the crime they were held for. He said posters would be displayed in the booking area and common areas used by the public and inmates indicating that beginning the week of July 1<sup>st</sup> the County would start collecting the fee. He said the Treasurer, Finance Department, and the County Attorney's Office are in agreement that this is an appropriate collection and use of funds. He said the Sheriff's office does not intend to draw down on the fund during the last 5 months of 2005, unless an inmate is acquitted and a refund is required. He said the intention is not to draw down on the fund until after January 5, 2006. He said a surplus in the fund would determine a potential amount of collections. He said all funds collected would be held in a Sheriff's fee in the Treasurer's office in interest bearing account. The first 20% of the funds collected would be used for a community based Mental Health or Alcohol Treatment Program. He strongly recommends that the first 20% be used to ensure that the Crisis Intervention Team Training and the partnership with Arapahoe Douglas Mental Health continue to be the recipients of the funds. He said the efforts of the Crisis Intervention Team trained deputies save lives. He said there are a large number of success stories. He hopes to see the CIT Program continue to become stronger to promote a reduced jail population over time. He said the second 20% of the funds collected would be used for Sheriff's office training and would be available to law enforcement across Arapahoe County to participate in cooperative meaningful training opportunities. He said the 60% balance would be used for the operations of the detentions facility, which has a very efficient automated process. He said the time involved in the booking process would not be impacted. He encouraged the Board to support this innovative effort. He said Federal and State funding has decreased for CIT Training.

Commissioner Weddig asked about funding for 2006.

Sheriff Robinson said the CIT component, which was typically funded out of the Department of Justice, has a budget of zero for next year. He said the Anti Bias training program was required as part of a settlement involving the Denver Police Department and the Colorado State Patrol and that funding is not available. He said these important training programs that protect the County from liability do not have available funding. He said State Statute 30-1-204 would allow Arapahoe County the opportunity to continue the valuable training.

Commissioner Weddig asked if the collection of fees would decrease the previous costs.

Sheriff Robinson said the amount would be less. He said the cost for statewide CIT training last year was \$220,000. He said Arapahoe/Douglas Mental Health budgeted for two FTE's to support the CIT program 24 hours a day seven days a week. He said the Community Policy Institute funded CIT last year and no Arapahoe County tax dollars were used. He did not know the amount of money that would be available for CIT, but based on projections for 2006 there would be adequate funds to continue the vision of CIT for Arapahoe County law enforcement.

Kathryn Schroeder said the meeting was noticed as a Public Hearing and there are no notice or publication requirements, but it would be appropriate to ask for any comments from the public regarding the assessment of detention booking fees.

There were no citizen comments.

**The motion was made by Commissioner Zimmer to accept the modifications to Colorado Revised Statutes Section 31-1-104 Fees of Sheriff and Colorado Revised Statutes 30-2-119 Separate Fee Funds Kept increase detentions booking fees that may be charged by the Sheriff.**

**Seconded by Commissioner Bockenfeld.**

**The motion passed unanimously.**

**Item B – Resolution No. 050351, 050352, 050353 – Public Hearing, V05-003, Inverness #25/Right of Way Vacation and (Consent Agenda Item 7) – Case No. V05-002, Inverness #25/Easement Vacation and Case No. P05-004, Inverness Subdivision, Filing No. 44/Replat.**

Assistant County Attorney Tim Knapp established jurisdiction for the Board to consider this item. He said Item 7 has been consolidated with Item B. He clarified that Item 7 is a request for Vacation of Easement and replatting of the subdivision. He said Item B is the vacation of Right-of-Way within the same area.

Sherman Feher of the Planning Division , said Mulhern, MRE, Inc. on behalf of the owner, Inverness Associates, LLC, is requesting vacation of easements and right-of-way and replatting of property located at the southeast corner of I25 and E. Dry Creek Road.

Pat Mulhearn, Mulhern, MRE, Inc., 2 Inverness Drive East, Englewood said he is requesting approval of these items. He explained this is the next step in a Transit Oriented Development (TOD) at the corner of E. Dry Creek Road and Inverness Drive West that is geared towards the light rail station at that location. He said the applicant is platting three lots that are under contract with two entities. He said one development is in the FDP process and the intent is to begin construction later in the year. He explained the vacation is a cul-de sac that was part of a previous development, which is no longer needed. He explained the site would be certified as a private roadway system with main roads crossing east/west and north/south through the site.

Mr. Feher said staff recommends approval of the vacation of the easements and the right-of-way and the replat subject to the conditions of approval contained in the two staff reports related to the various applications.

Mr. Knapp said the three actions could be made at one time and would require three separate resolutions.

**The motion was made by Commissioner Bockenfeld to approve Case No. V05-002, Inverness #25/Easement Vacation, Case No. P05-004, Inverness Subdivision, Filing No. 44/Replat, and Case No, V05-003, Inverness #25/Right-of-Way Vacation, the BOCC has read the staff report and finds itself in agreement with the staff findings 1 to 3 including all plans and attachments as set forth in the staff report dated June 14, 2005, and approve this case subject to the following conditions:**

1. Prior to signature on the mylar, the applicant will make minor modifications to the plans as identified by Public Works and Development.
2. Prior to signature on the mylar the applicant will address all Division of Engineering comments and concerns as identified with the attached reports.

**Seconded by Commissioner Beckman.**

**The motion passed unanimously.**

**Item C – Resolution No. 050354 – General Business, First reading on technical amendment/correction to Arapahoe County Ordinance 99-1, as adopted on March 22, 2005.**

Assistant County Attorney Cary Unkelbach said she is requesting that the BOCC adopt the first reading of a technical amendment to Arapahoe County Ordinance 99-1, as adopted on March 22, 2005, regarding the Colorado Model Traffic Code. She said the provisions of Ordinance No. 2001-1 were inadvertently not incorporated into the

2003 Model Traffic Code. She said the adoption of proposed Ordinance No. 2005-1 would amend the provisions of Ordinance No. 99-1 to include those provisions in Ordinance No. 2001-1.

Ms. Unkelbach read the changes to the ordinance passed in March under section V.

“This Ordinance shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place or public parking area within the unincorporated areas of Arapahoe County, Colorado as well as within any incorporated municipality in Arapahoe County, Colorado that consents that this Ordinance shall apply within said municipality, pursuant to Colo. Rev. Stat. § 30-15-401 (8) (2004).

All other parts and remaining sections of Ordinance No. 99-1, as adopted on March 22, 2005, shall remain unchanged and in full force and effect as adopted.

BE IT FURTHER ORDAINED that Ordinance No. 2001-1 is hereby repealed.”

Ms. Unkelbach said Ordinance 2001-1 couldn't be repealed until approval by the BOCC. She said upon acceptance of the first reading, the Ordinance would take effect thirty days after the final publication of its adoption by the BOCC. She said a Public Hearing would be schedule for July 5<sup>th</sup>.

**The motion was made by Commissioner Bockenfeld to accept the first reading of the Technical Amendment/Correction Ordinance to Arapahoe County Ordinance No. 99-1 as adopted on March 22, 2005 and to be published in the Villager Newspaper.**

**Seconded by Commissioner Weddig.**

**The motion passed unanimously.**

#### **COMMISISONER COMMENTS**

There were no Commissioner comments.

**There being no other business before the Board, the Chair adjourned the hearing at 10:21 AM.**

**ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

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**NANCY A. DOTY, CLERK TO THE BOARD  
BY JENNIFER GAYER, DEPUTY**