



**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS**

January 6, 2009

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:

Susan Beckman, Chair	Present
Rod Bockenfeld, Commissioner	Present
Pat Noonan, Commissioner	Present
Jim Dyer, Commissioner	Absent & Excused
Frank Weddig, Commissioner	Present
Kathryn Schroeder, County Attorney	Absent & Excused
Nancy A. Doty, Clerk to the Board	Absent & Excused
Joleen Sanchez, Assistant Clerk to the Board	Present

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CEREMONIES

There was a brief retirement ceremony for Deputy Rod Mauler, who is retiring on Friday, January 9, 2009.

Commissioner Beckman asked Deputy Mauler how long he has worked for Arapahoe County.

Deputy Mauler stated that he has been with the County for twenty seven years and nine months.

Commissioner Beckman said Deputy Mauler has served Arapahoe County in the Sheriff's department for 27 years, and that is a lot of years of service. She said the Commissioners want to thank him. She said Deputy Mauler has been working at the Administration Building for seven months and it has been nice getting to know him. She said the Board appreciates his service to the County and to the community and she thanked him for being fun to work with.

Commissioner Bockenfeld presented Deputy Mauler with gifts from the Commissioners.

ADOPTION OF THE AGENDA

Deputy County Attorney Jack Bush requested that the Board add an item to the Consent Agenda as Consent Item 19. He explained that this would be for Case No. P08-019, Inverness Subdivision, Filing No. 7, Lot 2, Vallagio. He said this is for the CoreFirst Bank final development plan (FDP). He said this is a plan that is being process under the streamline FDP process and had been misfiled. He said this case is for a 6,000 square-foot bank building on 1.1 acres. He said the informational packets have been included in the record; the item was simply not listed on the published agenda.

Commissioner Weddig asked that Consent Item 9 be pulled for a separate discussion and vote.

The motion was made by Commissioner Weddig and duly seconded by Commissioner Noonan to adopt the Agenda as amended.

The motion passed 4-0, Commissioner Dyer absent and excused.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Noonan to adopt the minutes of the December 9, 2008 and the minutes of the December 16, 2008 Public Hearings.

The motion passed 4-0, Commissioner Dyer absent and excused.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The motion was made by Commissioner Noonan and duly seconded by Commissioner Weddig to approve the Consent Agenda as amended.

The motion passed 4-0, Commissioner Dyer absent and excused.

Commissioner Beckman commented that she is very glad that Item 19 was added to the Agenda. She said in this kind of environment, with development being so slow, it is nice to see things coming across the desk. She said she is glad that this case could move forward.

Item 9 – Case No. P08-002, Breeden Minor Subdivision

Commissioner Weddig said this subdivision is just dividing a large parcel into two 19-acre lots, which are agricultural lots. He said there is very good information but he needs clarification on a couple of issues. Commissioner Weddig asked about the fire district agreement. He stated that the fire district has a number of requests and one of them is that an agreement with the property owner is to become part of the public record. He said the owner of the property has stated for the record, through this document, that they owner has reached an

agreement with the fire district. He assumed that the paperwork would be kept with the fire district and if there is ever a dispute, it is up to the fire district to show that the Board acknowledged this issue.

Senior Planner Carol Kuhn explained that the staff report and all the backup materials become part of the record. She said the \$1350 development fee is paid at the time of the building permit application and there would be more issues that have to be addressed related to the fire district. She said this issue is just for the subdivision, and there would be a lot more to go through with the district at the time the building permit is issued.

Commissioner Weddig pointed out that the Deer Trail Soil Conservation District submitted an extensive report, which indicated that this property is non-irrigated land and is subject to erosion. He said one of the conditions of the District is that no large animals be allowed on these lots. He noted that Arapahoe County has no control over large animals on this size of lot.

Ms. Kuhn agreed. She said she spoke with the County Zoning Administrator and it was clarified that on properties zoned A-1 and A-E, there is no limit to the number of agricultural animals these lots can have; these properties could have any number of horses, cows, chickens, etc.

Commissioner Weddig directed staff to look into that further and find out if there are state rules about overgrazing or if there is another way for a neighboring property to have recourse. He wondered if Arapahoe County should consider regulations on lots of this size.

Ms. Kuhn said she would speak with the Zoning Administrator to see what could be done.

The motion was made by Commissioner Weddig to approve Case No. P08-002, Breeden Minor Subdivision.

Seconded by Commissioner Bockenfeld.

The motion passed 4-0, Commissioner Dyer absent and excused.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 081009 – Public Hearing: Agreement for Purchase, Kiowa Creek North Property

Assistant County Attorney Ron Carl established jurisdiction. He said this item is the consideration of the purchase of the Kiowa Creek Ranch property, contingent upon an appraisal in the amount of \$1,499,000, subject to approvals of the formal agreement from the County Attorney's Office. He stated that there is a draft resolution included in the informational packet.

Chuck Reno, Parks and Trails Coordinator, presented a PowerPoint presentation, a copy of which has been retained for the file. He said the Board of County Commissioners has had a chance to review this project in a study session and in executive session and much of that discussion has been captured in this PowerPoint presentation. He said there are a number of people present that could answer questions or comment on this project. He stated that Open Space Manager Bob Toll, attorney Ron Carl, Justin Spring (Trust for Public Land), Gary Pratt (Open Space Trails Advisory Board), and Charles Bailey (Bennett Board of Trustees) are all present.

Mr. Reno read the request, as listed on the agenda. He said this is a fee simple acquisition and is the second project of its kind; the first was the Richmil Ranch fee simple acquisition near Deer Trail. He presented an aerial photo of

the area, which is in the Interstate 70 corridor. He said property is just south of the town of Bennett on County Road 137. He said the accessibility to the site is excellent and that would lead to more public knowledge of the Open Space program. He said staff looks forward to future trail connections to the town of Bennett and to the south. He said the site is 265 acres and the purchase includes sand and gravel rights and hard rock minerals. He stated that there is a shallow alluvium well, rated at 50 gallons per minute. Mr. Reno said the purchase also includes 193 acre-feet of deep aquifer water rights and involves water quality protection of the Kiowa Creek corridor and aquifer recharge area.

Mr. Reno presented a picture of a riparian zone in the area. He explained that the creek is dry during the summer months, but right below the sand there is a small river and the high water table supports all the willow trees and saplings that grow there. He presented a photo of the creek with flowing water and said in the winter months, the creek flows. He also presented a photo of mature trees on higher ground, which provide cover for the wildlife, such as deer, song birds, hawks and owls. Mr. Reno emphasized that this project satisfies six of the seven Open Space core values, which were listed. He further stated that this purchase is in compliance with the Arapahoe County Comprehensive Plan, specifically for the natural resources and environmental policies. He said this project provides a good value and there is a willing land owner; the site is physically accessible to the public and there is community support for the project. He said there is also a stewardship endowment from the Trust for Public Land.

Photos of wild life in the area were presented. Mr. Reno said he is excited about the possibility of this property being open for trails. He said a loop trail is envisioned on this property. He said there would be a trail head for horse trailers and for vehicles and there would be interpretive information for the public to use. He said the proposed contract amount is \$1,499,000, subject to an appraisal. He said with the Board's permission, he would like to hear from the members of the audience.

Public Comment

Charles Bailey, Trustee for the Town of Bennett, indicated that Bennett supports this project. He said the Board should have a copy of the letter from the Bennett Mayor supporting this project. He commented that Bennett has a lot of open space, but Bennett does not have any way to protect that open space from future development. He said the area is very sparsely populated and communities like Bennett do not have the resources to do this. He said as Bennett grows it would see those resources but the concern is whether those open spaces be there when the resources become available. He said he moved to Bennett from Aurora and he has always looked at Kiowa Creek longingly, thinking how nice it would be to have that property for open space and as a public access property. He said this is a beautiful cottonwood gallery and riparian area. He said Bennett is very happy to see Arapahoe County use the public land trust to purchase and preserve this property; Bennett hopes that this property becomes part of the ongoing development of trail ways through Arapahoe County and Adams County. He said he supports this project.

Commissioner Weddig stated that is glad to hear that Bennett is looking at this corridor as well. He said it sounds like Bennett is dedicated to working on expanding this and making this a larger asset for the area. He said that is encouraging and Arapahoe County is doing its part today and is looking to Bennett to step up and help make sure this is a success.

Mr. Bailey said Bennett is busy with water and sewer lines right now.

Commissioner Weddig said there is a water line that ends in this area. He asked how critical it is for that water line to move further north. He said this property would not be able to contribute to extending that water line.

Mr. Bailey said Bennett's development plan does not go as far as this property, so he doesn't know if the purchase of this property would impact any existing or future water lines.

Justin Spring, Trust for Public Land (TPL) said his organization appreciates working with the County on all kinds of projects. He said he has been working on this project for quite some time and this is an excellent value for the County. He said this purchase positions Arapahoe County as a leader in open space protection, particularly on the eastern plains of Colorado, where not a lot of work has been done. He said this is a great riparian property and but these smaller towns depend on the County's leadership to capitalize the efforts. He said TPL works with Adams

County to the north and their open space manager has a goal to create a trail system on the north side of the highway, so this property could tie in nicely over the years. He confirmed that TPL supports this project.

Gary Pratt, OSTAB member, said this is the sort of property that he envisioned the voters wanted the County to purchase with the Open Space tax. He recounted OSTAB's tour of the site this fall and said, as he stepped out of the van, the wild flowers were in full bloom and it was like Disney was in charge of the tour; deer scampered by and stirred up an owl and the trees were rustling. He said the Open Space program had the eastern end of Arapahoe County green printed and this property ranked very high. He said twenty years from now the County will be congratulated on the forward thinking in reference to this property. He said OSTAB had a majority vote in favor of purchasing this property. He noted that there were two dissenting votes; one was concerned with the water rights issue, but that has been resolved. Mr. Pratt said when he volunteered for the OSTAB board position, it was his goal to make the Arapahoe County open space map look more like the Jefferson County open space map, which he presented. He said this is a step in the right direction.

Mr. Reno stated that the funding for this project would come from the dedicated Open Space Sales and Use Tax Fund. He asked that the Board invest in protecting Arapahoe County's special places and enhance the County's quality of life by authorizing a signature on an agreement of purchase, subject to the remaining due diligence items.

Commissioner Beckman clarified that the Board must still accept an appraisal. She asked about the timeline.

Mr. Reno confirmed that the appraisal will be complete by February 1, 2009.

Commissioner Beckman stated that this is a contingent approval.

The motion was made by Commissioner Bockenfeld to approve the draft resolution for an agreement for the purchase of the Kiowa Creek Ranch property.

Seconded by Commissioner Weddig.

The motion passed 4-0, Commissioner Dyer absent and excused.

Commissioner Beckman commented that this is a good step and she hoped that the appraisal comes in as expected. She congratulated Open Space on this piece of property.

Item B – Resolution No. 081010 – General Business: Setting District Attorney Salary

Commissioner Beckman stated that the Board has had several meetings with Elbert, Lincoln and Douglas Counties regarding the salary of the District Attorney. She said the draft resolution sets the salary at \$160,000 for 2009, 2010, 2011, and 2012. She emphasized that all counties are in agreement with this recommendation from District Attorney Carol Chambers. She said Ms. Chambers had commented that she felt some of the DAs' salaries in the metro area had gotten too high and she believed that this job is one of public service.

The motion was made by Commissioner Noonan to approve the resolution to set the 18th Judicial District Attorney's salary for four years at \$160,000 for all four years.

Seconded by Commissioner Weddig.

The motion passed 4-0, Commissioner Dyer absent and excused.

COMMISSIONER COMMENTS

The Board would meet with the Information Director at 3:00 today to discuss payroll information.

There being no other business before the Board, the Chair adjourned the hearing at 10:00 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

**NANCY A. DOTY, CLERK TO THE BOARD
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD**