

TOWN OF PARKER COUNCIL AGENDA
September 3, 2019

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. **TOWN COUNCIL MEETING SCHEDULE**

A. **5:30 P.M. – Call to Order Town Council Meeting and Roll Call**

B. **Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**

C. **Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. **PARKER CHAMBER OF COMMERCE UPDATES**

3. **DOWNTOWN BUSINESS ALLIANCE UPDATES**

4. **PUBLIC COMMENTS** 3 Minute Limit (No action will be taken on these items)

5. **REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL**

6. **CONSENT AGENDA**

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

A. **RESOLUTION NO. 19-076**

A Resolution Accepting the Conveyance of Real Property from Monarch Lincoln Meadows, LLC, for Tract B, Lincoln Meadows Filing No. 1, Third Amendment

Department: Engineering/Public Works, Alex Mestdagh

- B. *RESOLUTION NO. 19-077*
A Resolution Accepting the Conveyance of Real Property from Monarch Lincoln Meadows, LLC, for Tract C, Lincoln Meadows Filing No. 1, Third Amendment

Department: Engineering/Public Works, Alex Mestdagh

7. **PUBLIC HEARINGS**

- A. **ORDINANCE NO. 1.523.4 - Second Reading**
A Bill for an Ordinance to Adopt the 2019 Revised Budget for the Town of Parker and to Make Appropriations for the Same

Department: Finance, Rhonda Willey

- B. **MOST OF LOT 4 GOBLERS NOB SUBDIVISION - Use by Special Review for Exotic Pet Boarding**

Applicant: Jennifer Piccin-Shaw, Creature Comforts Pet Hotel

Location: Northwest corner of Parker Road and Pine Lane

Department: Community Development, BrieAnna Simon
Community Development, Paul Workman

TRAKiT No.: Z19-010

8. **ORDINANCES**

- A. **ORDINANCE NO. 5.75.2 - Second Reading**
A Bill for an Ordinance to Amend Chapter 6.02 of the Parker Municipal Code Concerning Protection of Nonsmokers From Involuntary Exposure to Tobacco and Marijuana Smoke in Indoor Areas Open to the Public

Department: Town Attorney, Kristin Schledorn

- B. **ORDINANCE NO. 1.537 - Second Reading**
A Bill for an Ordinance to Amend Chapter 2.06 of the Parker Municipal Code Concerning Municipal Campaign Finance Complaints

Department: Town Attorney, Kristin Schledorn

- C. **ORDINANCE NO. 9.300 - Second Reading (To be continued to 9-16-19)**
A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and American Academy Regarding the Sharing of Costs for a Police Officer to Act as School Resource Officer

Department: Police, David King

- D. **ORDINANCE NO. 9.301 - Second Reading (To be continued to 9-16-19)**
A Bill for an Ordinance Approving the Amended and Restated Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP)

Department: Police, David King

- E. **ORDINANCE NO. 5.59.1- Second Reading**
A Bill for an Ordinance to Amend Chapter 6.03 of the Parker Municipal Code Concerning Noise Regulations

Department: Town Attorney, Kristin Schledorn

9. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

September 3, 2019

“To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).”

1. Compark South Filing 2 (Resolution Nos. 18-091 and 18-092, Series of 2018)
2. Purchase and Sale Agreement – The Schoolhouse Property

“To hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).”

3. Parker Automotive PD Guide and Plan concerning real property commonly known as the Eisenberg Property
4. Article XIV of the Home Rule Charter of the Town of Parker (Citizen Initiative Committee Affidavit concerning the zoning for the real property commonly known as PACE Lot 2 and Pine Curve)



Request for Town Council Action

Date: September 3, 2019

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-076**
A Resolution Accepting the Conveyance of Real Property
from Monarch Lincoln Meadows, LLC, for Tract B, Lincoln
Meadows Filing No. 1, Third Amendment

Department: **Engineering/Public Works, Alex**
Mestdagh

EXECUTIVE SUMMARY

This item accompanies a resolution accepting the dedication of Tract B, Lincoln Meadows Filing No.1, Third Amendment. This tract encompasses a portion of a major stormwater conveyance channel through the Town, and this dedication will allow the Town to consolidate ownership of the entire facility.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Lincoln Meadows Filing No. 1 is located at the southeast corner of Twenty Mile Road and Lincoln Meadows Parkway. The development currently consists of the American Academy Charter School and ground for future development. The site also contains a major stormwater conveyance channel along portions of its east and south property lines. This channel stretches from Dransfeldt Road to Twenty Mile Road, eventually draining to a culvert under Twenty Mile Road into a regional stormwater detention pond.

This channel accepts runoff not only from the adjacent developments, but also from a very large drainage basin upstream of the channel. This basin includes most of the industrial and commercial areas east of Dransfeldt Road, stretching east of Parker Road in some locations. Because much of this area was developed prior to the institution of modern drainage standards, these properties were not constructed with proper water quality or detention facilities. The channel helps convey runoff from this area to the regional pond west of Twenty

Mile Road, which provides the necessary stormwater detention and water quality for these areas.

As displayed on the vicinity map, the Town currently owns the regional pond and the portion of the channel adjacent to the Parker Police Department property. In order to better preserve the Town's ability to maintain and modify this channel as needed in the future, Engineering staff would like to consolidate the ownership of the entire channel. The owner of the Lincoln Meadows development, which includes two tracts (Tracts B and C) containing portions of the channel, has agreed to dedicate these tracts to the Town to accommodate this consolidation.

FINANCIAL IMPACT

No direct payment is proposed for the dedication of these tracts. The Town currently maintains this regional drainage facility, and accepting these tracts will commit the Town to this responsibility long term.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



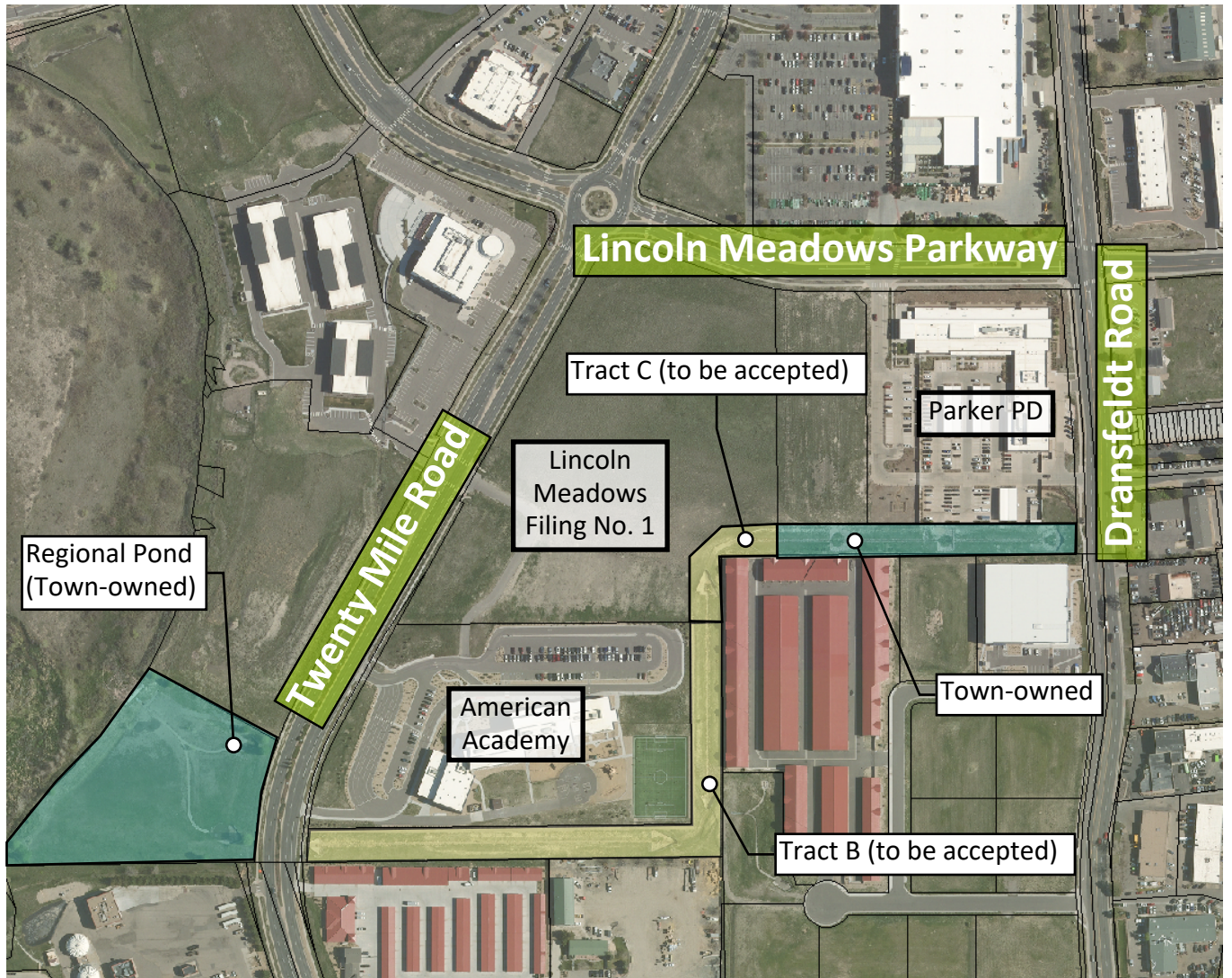
DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Resolution No. 19-076

RECOMMENDED MOTION

I move to approve Resolution No. 19-076 as part of the consent agenda.



Lincoln Meadows
Vicinity Map



RESOLUTION NO. 19-076, Series of 2019

TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF REAL PROPERTY FROM MONARCH LINCOLN MEADOWS, LLC, FOR TRACT B, LINCOLN MEADOWS FILING NO. 1, THIRD AMENDMENT

WHEREAS, the Town Council of the Town of Parker desires to accept the conveyance of certain real property from Monarch Lincoln Meadows, LLC, for Tract B, Lincoln Meadows Filing No. 1, Third Amendment;

WHEREAS, Section 1.06.010 of the Town of Parker Municipal Code requires the acceptance of a conveyance of real property to the Town be effectuated by resolution; and

WHEREAS, the Town Council of the Town of Parker desires to accept the conveyance of the property interests specified hereinbelow to the Town by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council of the Town of Parker hereby accepts the conveyance of real property from Monarch Lincoln Meadows, LLC, for Tract B, Lincoln Meadows Filing No. 1, Third Amendment, as provided in the Special Warranty Deed attached as **Exhibit 1**, and incorporated by this reference.

RESOLVED AND PASSED this _____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1

SPECIAL WARRANTY DEED

MONARCH LINCOLN MEADOWS, LLC, a Colorado limited liability company, Grantor, whose street address is 823 S. Perry Street, #120, Castle Rock, Colorado 80104, County of Douglas, State of Colorado, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby sells and conveys to the **TOWN OF PARKER**, a Colorado home rule municipality, whose street address is 20120 East Mainstreet, Parker, Colorado 80138, County of Douglas, State of Colorado, and its successors and assigns forever, the real property described in **Exhibit A**, attached hereto and made a part hereof, in the County of Douglas, State of Colorado, together with improvements, if any, and with all its appurtenances, if any, and WARRANTS THE TITLE against all persons claiming under Grantor, subject to those matters listed in **Exhibit B**, attached hereto and made a part hereof.

Signed this ____ day of _____, 2019.

GRANTOR: MONARCH LINCOLN MEADOWS, LLC

By: **Hier & Company InvestCo, LLC, Member**

By: **Hier & Company, LLC, Manager**

By: **NEH Real Estate, LLC, Manager**

By: _____
Nicholas Hier, Manager

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Nicholas Hier, as Manager of NEH Real Estate, LLC, Manager of Hier & Company, LLC, Manager of Hier & Company InvestCo, LLC, Member of Monarch Country Meadows, LLC.

My commission expires: _____

(S E A L)

Notary Public

EXHIBIT A

LEGAL DESCRIPTION

TRACT B, LINCOLN MEADOWS FILING NO. 1, THIRD AMENDMENT, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

EXHIBIT B
EXCEPTIONS

1. All rights to any and all minerals, ore and metals of any kind and character, and all coal, asphaltum, oil, gas and other like substances in or under the Land, the rights of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances, as reserved in the Patent(s):

From: State of Colorado
Recording Date: January 13, 1917
Recording No.: Book 52 at Page 334
Recording Date: September 27, 1963
Recording No.: Book 153 at Page 103

2. Easement(s) for the purpose(s) shown below and rights incidental thereto as provided in a document:

Purpose: Perpetual air or flight easement, also referred to as "avigation rights."
Recording Date: October 29, 1984
Recording No.: Book 545 at Page 650
Affects: All the air space above said Land.

Reference is hereby made to said document for full particulars.

3. Terms, conditions, provisions, agreements and obligations contained in the Parker Water & Sanitation District Real Property Inclusion Agreement as set forth below:

Recording Date: June 2, 1987
Recording No.: Book 724 at Page 944
And
Recording Date: November 19, 1987
Recording No.: Book 760 at Page 161

4. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Parker Water & Sanitation District, as evidenced by instrument(s):

Recording Date: June 15, 1987
Recording No.: Book 727 at Page 893

5. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Cherry Creek Basin Authority, as evidenced by instrument(s):

Recording Date: May 6, 1988
Recording No.: Book 790 at Page 718

6. Easements, terms, conditions, reservations, provisions, agreements and obligations contained in the Special Warranty Deed as set forth below:

Recording Date: September 30, 1999
Recording No.: Book 1761 at Page 637

7. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Lincoln Meadows Metropolitan District, as evidenced by instrument(s):

Recording Date: December 13, 2002
Recording No.: Reception No. 2002136166

Special District Public Disclosure Document:
Recording Date: December 24, 2014
Recording No.: Reception No. 2014075395

8. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 3.198, Series of 2002 as set forth below:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081868

Rezoning Map and Development Plan:
Recording Date: June 2, 2003
Recording No.: Reception No. 2003081869

Ordinance No. 3.198.1, Series of 2014:
Recording Date: June 19, 2014
Recording No.: Reception No. 2014032515

9. Terms, conditions, provisions, agreements and obligations contained in the Lincoln Meadows Comprehensive Development Agreement as set forth below:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081870

First Amendment to the Lincoln Meadows Comprehensive Development Agreement:
Recording Date: June 2, 2003
Recording No.: Reception No. 2003081871

10. Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Lincoln Meadows Filing No. 1 Minor Development:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081872

11. Terms, conditions, provisions, agreements and obligations contained in the Subdivision Improvements Agreement as set forth below:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081873

First Amendment to Subdivision Improvements Agreement:
Recording Date: June 2, 2003
Recording No.: Reception No. 2003081874

Second Amendment to Subdivision Improvements Agreement:
Recording Date: January 22, 2008
Recording No.: Reception No. 2008004595

12. Covenants, conditions and restrictions, which do not include a forfeiture or reverter clause, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081882

First Amendment to Declaration of Protective Covenants of Lincoln Meadows:
Recording Date: December 2, 2003
Recording No.: Reception No. 2003170914

Sign Beneficiary Designation:
Recording Date: December 2, 2003
Recording No.: Reception No. 2003170915

Sign Beneficiary Designation:
Recording Date: December 1, 2004
Recording No.: Reception No. 2004122420

Second Amendment to Declaration of Protective Covenants of Lincoln Meadows:
Recording Date: January 22, 2008
Recording No.: Reception No. 2008004594

Partial Assignment of Sign Easement and Right to Designate and Create Sign Designation Beneficiaries:
Recording Date: January 22, 2008
Recording No.: Reception No. 2008004596

Partial Assignment of Sign Easement and Right to Designate and Create Sign Designation Beneficiaries:
Recording Date: December 15, 2014
Recording No.: Reception No. 2014072902

13. Covenants, conditions and restrictions, which do not include a forfeiture or reverter clause, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document:

Recording Date: June 2, 2003

Recording No.: Reception No. 2003081885

And

Recording Date: July 21, 2003

Recording No.: Reception No. 2003108510 and re-recorded August 27, 2003 at Reception No. 2003129237

First Amendment to Declaration of Restrictions:

Recording Date: December 13, 2006

Recording No.: Reception No. 2006106935

Second Amendment to Declaration of Restrictions:

Recording Date: November 14, 2011

Recording No.: Reception No. 2011071275

14. Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Lincoln Meadows Filing No. 1, First Amendment, Subdivision Exemption Plat:

Recording Date: January 22, 2008

Recording No.: Reception No. 2008004592

Ratification and Confirmation of Plat:

Recording Date: January 24, 2008

Recording No.: Reception No. 2008005096

15. Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Lincoln Meadows Filing No. 1, Third Amendment:

Recording Date: August 30, 2016

Recording No.: Reception No. 2016059324

16. Easements, terms, conditions, provisions, agreements and obligations contained in the General Right of Way Easement as set forth below:

Recording Date: March 30, 2017

Recording No.: Reception No. 2017021244



Request for Town Council Action

Date: September 3, 2019

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-077**
A Resolution Accepting the Conveyance of Real Property
from Monarch Lincoln Meadows, LLC, for Tract C, Lincoln
Meadows Filing No. 1, Third Amendment

Department: **Engineering/Public Works, Alex**
Mestdagh

EXECUTIVE SUMMARY

This item accompanies a resolution accepting the dedication of Tract C, Lincoln Meadows Filing No.1, Third Amendment. This tract encompasses a portion of a major stormwater conveyance channel through the Town, and this dedication will allow the Town to consolidate ownership of the entire facility.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Lincoln Meadows Filing No. 1 is located at the southeast corner of Twenty Mile Road and Lincoln Meadows Parkway. The development currently consists of the American Academy Charter School and ground for future development. The site also contains a major stormwater conveyance channel along portions of its east and south property lines. This channel stretches from Dransfeldt Road to Twenty Mile Road, eventually draining to a culvert under Twenty Mile Road into a regional stormwater detention pond.

This channel accepts runoff not only from the adjacent developments, but also from a very large drainage basin upstream of the channel. This basin includes most of the industrial and commercial areas east of Dransfeldt Road, stretching east of Parker Road in some locations. Because much of this area was developed prior to the institution of modern drainage standards, these properties were not constructed with proper water quality or detention facilities. The channel helps convey runoff from this area to the regional pond west of Twenty Mile Road,

which provides the necessary stormwater detention and water quality for these areas.

As displayed on the vicinity map, the Town currently owns the regional pond and the portion of the channel adjacent to the Parker Police Department property. In order to better preserve the Town's ability to maintain and modify this channel as needed in the future, Engineering Staff would like to consolidate the ownership of the entire channel. The owner of the Lincoln Meadows development, which includes two tracts (Tracts B and C) containing portions of the channel, has agreed to dedicate these tracts to the Town to accommodate this consolidation.

FINANCIAL IMPACT

No direct payment is proposed for the dedication of these tracts. The Town currently maintains this regional drainage facility, and accepting these tracts will commit the Town to this responsibility long term.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



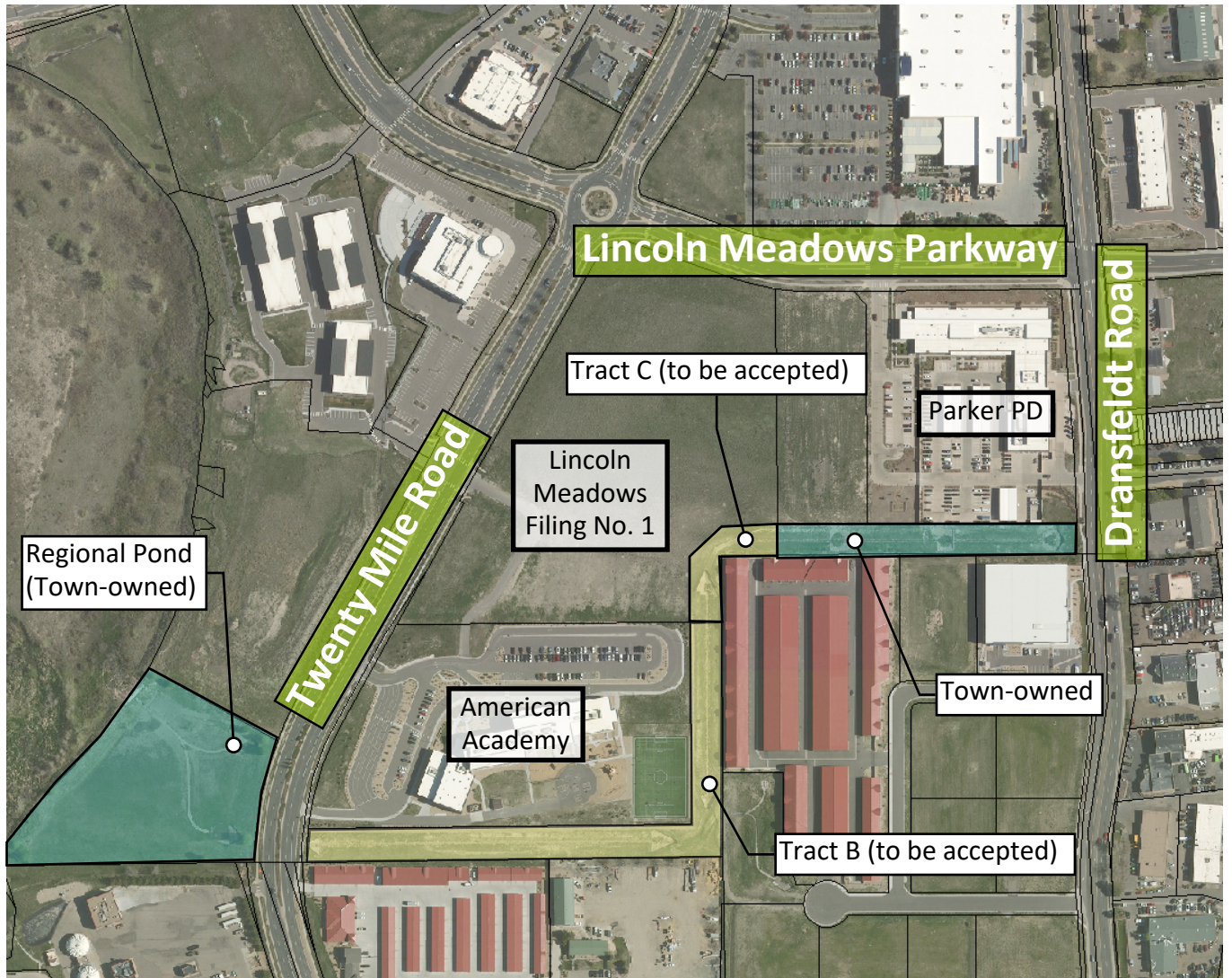
DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Resolution No. 19-077

RECOMMENDED MOTION

I move to approve Resolution No. 19-077 as part of the consent agenda.



Lincoln Meadows
Vicinity Map



RESOLUTION NO. 19-077, Series of 2019

TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF REAL PROPERTY FROM MONARCH LINCOLN MEADOWS, LLC, FOR TRACT C, LINCOLN MEADOWS FILING NO. 1, THIRD AMENDMENT

WHEREAS, the Town Council of the Town of Parker desires to accept the conveyance of certain real property from Monarch Lincoln Meadows, LLC, for Tract C, Lincoln Meadows Filing No. 1, Third Amendment;

WHEREAS, Section 1.06.010 of the Town of Parker Municipal Code requires the acceptance of a conveyance of real property to the Town be effectuated by resolution; and

WHEREAS, the Town Council of the Town of Parker desires to accept the conveyance of the property interests specified hereinbelow to the Town by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council of the Town of Parker hereby accepts the conveyance of real property from Monarch Lincoln Meadows, LLC, for Tract C, Lincoln Meadows Filing No. 1, Third Amendment, as provided in the Special Warranty Deed attached as **Exhibit 1**, and incorporated by this reference.

RESOLVED AND PASSED this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1

SPECIAL WARRANTY DEED

MONARCH LINCOLN MEADOWS, LLC, a Colorado limited liability company, Grantor, whose street address is 823 S. Perry Street, #120, Castle Rock, Colorado 80104, County of Douglas, State of Colorado, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby sells and conveys to the **TOWN OF PARKER**, a Colorado home rule municipality, whose street address is 20120 East Mainstreet, Parker, Colorado 80138, County of Douglas, State of Colorado, and its successors and assigns forever, the real property described in **Exhibit A**, attached hereto and made a part hereof, in the County of Douglas, State of Colorado, together with improvements, if any, and with all its appurtenances, if any, and WARRANTS THE TITLE against all persons claiming under Grantor, subject to those matters listed in **Exhibit B**, attached hereto and made a part hereof.

Signed this _____ day of _____, 2019.

**GRANTOR: MONARCH LINCOLN MEADOWS,
LLC**

By: Hier & Company InvestCo, LLC, Member

By: **Hier & Company, LLC, Manager**

By: **NEH Real Estate, LLC, Manager**

By: _____
Nicholas Hier, Manager

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Nicholas Hier, as Manager of NEH Real Estate, LLC, Manager of Hier & Company, LLC, Manager of Hier & Company InvestCo, LLC, Member of Monarch Country Meadows, LLC.

My commission expires: _____

(S E A L)

Notary Public

EXHIBIT A

LEGAL DESCRIPTION

TRACT C, LINCOLN MEADOWS FILING NO. 1, THIRD AMENDMENT, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

EXHIBIT B
EXCEPTIONS

1. All rights to any and all minerals, ore and metals of any kind and character, and all coal, asphaltum, oil, gas and other like substances in or under the Land, the rights of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances, as reserved in the Patent(s):

From: State of Colorado
Recording Date: January 13, 1917
Recording No.: Book 52 at Page 334
Recording Date: September 27, 1963
Recording No.: Book 153 at Page 103

2. Easement(s) for the purpose(s) shown below and rights incidental thereto as provided in a document:

Purpose: Perpetual air or flight easement, also referred to as "avigation rights."
Recording Date: October 29, 1984
Recording No.: Book 545 at Page 650
Affects: All the air space above said Land.

Reference is hereby made to said document for full particulars.

3. Terms, conditions, provisions, agreements and obligations contained in the Parker Water & Sanitation District Real Property Inclusion Agreement as set forth below:

Recording Date: June 2, 1987
Recording No.: Book 724 at Page 944
And
Recording Date: November 19, 1987
Recording No.: Book 760 at Page 161

4. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Parker Water & Sanitation District, as evidenced by instrument(s):

Recording Date: June 15, 1987
Recording No.: Book 727 at Page 893

5. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Cherry Creek Basin Authority, as evidenced by instrument(s):

Recording Date: May 6, 1988
Recording No.: Book 790 at Page 718

6. Easements, terms, conditions, reservations, provisions, agreements and obligations contained in the Special Warranty Deed as set forth below:

Recording Date: September 30, 1999
Recording No.: Book 1761 at Page 637

7. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Lincoln Meadows Metropolitan District, as evidenced by instrument(s):

Recording Date: December 13, 2002
Recording No.: Reception No. 2002136166

Special District Public Disclosure Document:
Recording Date: December 24, 2014
Recording No.: Reception No. 2014075395

8. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 3.198, Series of 2002 as set forth below:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081868

Rezoning Map and Development Plan:
Recording Date: June 2, 2003
Recording No.: Reception No. 2003081869

Ordinance No. 3.198.1, Series of 2014:
Recording Date: June 19, 2014
Recording No.: Reception No. 2014032515

9. Terms, conditions, provisions, agreements and obligations contained in the Lincoln Meadows Comprehensive Development Agreement as set forth below:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081870

First Amendment to the Lincoln Meadows Comprehensive Development Agreement:
Recording Date: June 2, 2003
Recording No.: Reception No. 2003081871

10. Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Lincoln Meadows Filing No. 1 Minor Development:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081872

11. Terms, conditions, provisions, agreements and obligations contained in the Subdivision Improvements Agreement as set forth below:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081873

First Amendment to Subdivision Improvements Agreement:
Recording Date: June 2, 2003
Recording No.: Reception No. 2003081874

Second Amendment to Subdivision Improvements Agreement:
Recording Date: January 22, 2008
Recording No.: Reception No. 2008004595

12. Covenants, conditions and restrictions, which do not include a forfeiture or reverter clause, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document:

Recording Date: June 2, 2003
Recording No.: Reception No. 2003081882

First Amendment to Declaration of Protective Covenants of Lincoln Meadows:
Recording Date: December 2, 2003
Recording No.: Reception No. 2003170914

Sign Beneficiary Designation:
Recording Date: December 2, 2003
Recording No.: Reception No. 2003170915

Sign Beneficiary Designation:
Recording Date: December 1, 2004
Recording No.: Reception No. 2004122420

Second Amendment to Declaration of Protective Covenants of Lincoln Meadows:
Recording Date: January 22, 2008
Recording No.: Reception No. 2008004594

Partial Assignment of Sign Easement and Right to Designate and Create Sign Designation Beneficiaries:
Recording Date: January 22, 2008
Recording No.: Reception No. 2008004596

Partial Assignment of Sign Easement and Right to Designate and Create Sign Designation Beneficiaries:
Recording Date: December 15, 2014
Recording No.: Reception No. 2014072902

13. Covenants, conditions and restrictions, which do not include a forfeiture or reverter clause, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document:

Recording Date: June 2, 2003

Recording No.: Reception No. 2003081885

And

Recording Date: July 21, 2003

Recording No.: Reception No. 2003108510 and re-recorded August 27, 2003 at Reception No. 2003129237

First Amendment to Declaration of Restrictions:

Recording Date: December 13, 2006

Recording No.: Reception No. 2006106935

Second Amendment to Declaration of Restrictions:

Recording Date: November 14, 2011

Recording No.: Reception No. 2011071275

14. Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Lincoln Meadows Filing No. 1, First Amendment, Subdivision Exemption Plat:

Recording Date: January 22, 2008

Recording No.: Reception No. 2008004592

Ratification and Confirmation of Plat:

Recording Date: January 24, 2008

Recording No.: Reception No. 2008005096

15. Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Lincoln Meadows Filing No. 1, Third Amendment:

Recording Date: August 30, 2016

Recording No.: Reception No. 2016059324

16. Easements, terms, conditions, provisions, agreements and obligations contained in the General Right of Way Easement as set forth below:

Recording Date: March 30, 2017

Recording No.: Reception No. 2017021244



Request for Town Council Action

Date: September 3, 2019

Submitted By: Rhonda Willey, Accounting Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.523.4 - Second Reading**
A Bill for an Ordinance to Adopt the 2019 Revised Budget for the Town of Parker and to Make Appropriations for the Same

Department: Finance, Rhonda Willey

EXECUTIVE SUMMARY

The purpose of this budget revision is to amend the appropriated funds for 2019. The total budget amendment is a net increase of \$500,000 to the Parks and Recreation Fund. The expenditure for the transfer from the Recreation Fund was not accounted for in the prior budget revision contained in Ordinance 1.523.3. This revision is also an increase of revenues and expenditures in the General Fund in the amount of \$3,651 and an increase of revenues and expenditures in the Cultural Fund in the amount of \$9,900. Both of these are for contributions from external agencies.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parks and Recreation Fund budget amendment in Ordinance 1.523.3 did not account for the increase of expenditures from the \$500,000 fund transfer from the Recreation Fund for the H2O'Brien renovation. The \$500,000 was transferred in as revenue to the Parks and Recreation Fund prior to this amendment contained in Ordinance 1.523.4.

General Fund - increase in revenues and expenditures by \$1,618 for a contribution from the COPPs organization for surgery to one of the Town's K9s. Increase in revenues and expenditures by \$2,033 for a contribution of a RAD System Aggressor suit from the Rotary Club for training the K9 units.

Cultural Fund - increase in revenues and expenditures by \$9,900 for the in-kind contribution of the floor refinish at the PACE Center.

FINANCIAL IMPACT

	Supplemental Expenditures	Supplemental Revenue	Net Revision
General Fund	\$ 3,651	\$ 3,651	\$ -
Parks and Recreation Fund	500,000	-	500,000
Cultural Fund	9,900	9,900	-
Total all funds	<u>\$ 513,551</u>	<u>\$ 13,551</u>	<u>\$ 500,000</u>

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 1.523.4

RECOMMENDED MOTION

I move to approve Ordinance 1.523.4 on second reading.

ORDINANCE NO. 1.523.4, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO ADOPT THE 2019 REVISED BUDGET FOR THE TOWN OF PARKER AND TO MAKE APPROPRIATIONS FOR THE SAME

WHEREAS, the Home Rule Charter of the Town of Parker specifies that Town Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures; and

WHEREAS, upon due and proper notice published and posted in accordance with the Town of Parker Home Rule Charter, said proposed budget revisions are open for inspection by the public at the Town Hall.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The 2019 Revised Budget for the Town of Parker, Colorado, which is attached hereto as **Exhibit A** and incorporated by this reference, is hereby adopted and the monies are appropriated to the various funds as the same are budgeted.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

Town of Parker**2019 Revised Budget Ordinance 1.523.4**

1st Reading

2nd Reading

August 19, 2019

September 3, 2019

Exhibit A

	<u>Revision</u>	<u>2019 Revised Budget</u>
<u>General Fund</u>		
Beginning fund balance		\$ 21,031,496
Revenue		52,738,366
Revenue revision	3,651	3,651
Total revised revenue		52,742,017
Total available		73,773,513
Expenditures		58,201,794
Supplemental appropriation	3,651	
Total expenditure revision		3,651
Total revised expenditures		58,205,445
Ending fund balance		\$ 15,568,068
<u>Parks and Recreation Fund</u>		
Beginning fund balance		\$ 9,330,394
Revenue		11,514,160
Revenue revision	-	-
Total revised revenue		11,514,160
Total available		20,844,554
Expenditures		15,252,951
Supplemental appropriation	500,000	
Total expenditure revision		500,000
Total revised expenditures		15,752,951
Ending fund balance		\$ 5,091,603

Town of Parker**2019 Revised Budget Ordinance 1.523.4**

1st Reading

2nd Reading

August 19, 2019

September 3, 2019

Exhibit A

	Revision	2019 Revised Budget
<u>Cultural Fund</u>		
Beginning fund balance		\$ 1,542,978
Revenue		5,441,099
Revenue revision	9,900	9,900
Total revised revenue		5,450,999
Total available		6,993,977
Expenditures		6,812,728
Supplemental appropriation	9,900	
Total expenditure revisions		9,900
Total revised expenditures		6,822,628
Ending fund balance		\$ 171,349

Town of Parker**Exhibit A****Summary of Revisions to 2019 Budget Ordinance 1.523.3**

1st reading 08/19/2019

2nd reading 09/03/2019

	Supplemental Expenditures	Supplemental Revenue	Net Revision
General Fund	\$ 3,651	\$ 3,651	\$ -
Parks and Recreation Fund	500,000	-	500,000
Cultural Fund	9,900	9,900	-
Total all funds	<u>\$ 513,551</u>	<u>\$ 13,551</u>	<u>\$ 500,000</u>

Detail of Supplemental Revisions to 2019 Budget Ordinance 1.523.4

1st reading 08/19/2019

2nd reading 09/03/2019

Expenditures**General Fund**

Surgery for K9 - portion funded by COPPs	1,618
RAD Systems Aggressor Suit - Poriton funded by Rotary Club	2,033

<i>Total General Fund expenditure supplemental revision</i>	\$3,651
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Parks & Recreation Fund

H2O Renovation Project - expenditure of transfer from Recreation fund not accounted for in 1.523.3 revision	500,000
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<i>Total Parks & Recreation Fund expenditure supplemental revision</i>	\$500,000
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Cultural Fund

Floor refinish in kind contribution	9,900
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<i>Total Cultural Fund expenditure supplemental revision</i>	\$9,900
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<i>Total expenditure supplemental revision</i>	\$513,551
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Revenues**General Fund**

Contribution from COPPs for K9 surgery	1,618
Contribution from Rotary Club for Aggressor Suit	2,033

<i>Total General Fund revenue supplemental revision</i>	\$3,651
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Cultural Fund

Floor refinish in kind contribution	9,900
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<i>Total Cultural Fund revenue supplemental revision</i>	9,900
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<i>Total revenue supplemental revision</i>	\$13,551
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Request for Town Council Action

Date: September 3, 2019

Submitted By: BrieAnna Simon, Associate Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **MOST OF LOT 4 GOBLERS NOB SUBDIVISION - Use by
Special Review for Exotic Pet Boarding**

Applicant: Jennifer Piccin-Shaw, Creature
Comforts Pet Hotel

Location: Northwest corner of Parker Road and
Pine Lane

Department: Community Development, BrieAnna
Simon
Community Development, Paul
Workman

TRAKiT No.: Z19-010

EXECUTIVE SUMMARY

The subject property is developed with the existing Pine Lane Plaza multi-tenant commercial building and is located at the northwest corner of Parker Road and Pine Lane. The applicant, Creature Comforts Pet Hotel, is requesting a Use by Special Review (UBSR) approval to allow an exotic pet boarding facility. The proposed boarding facility will also have an accessory retail element for the sale of items such as pet treats, beds, harnesses, etc.

STAFF RECOMMENDATION

Approve with Conditions

BACKGROUND/DISCUSSION

The subject property, Lot 4 of the Goblers Nob Subdivision, is located within the Commercial/Office/Retail Park Planning Area of the Pine Lane Plaza Planned Development (PD). The Pine Lane Plaza PD permits a broad range of commercial uses including retail, offices and services such as pet care businesses. The proposed pet boarding facility requires a UBSR approval consistent with similar uses such as observation kennels and pet day care.

The Pine Lane Plaza development was constructed in 1983 as a multi-tenant commercial building. The applicant proposes to operate the pet boarding facility in a tenant space on the lower level at the rear (west) of the building with approximately 2,114 s.f. of floor area. The proposed hours of operation will be Monday, Tuesday, Thursday and Friday from 8 AM to 5 PM and Saturday to Sunday from 9 AM to 2 PM. The facility will be closed to the public on Wednesdays but maintained by staff. The drop-off and pick-up times will be by appointment only in 30 minute intervals. Pet owners will be required to transport pets within a cage or carrier to and from the site.

Staff has reviewed the proposed UBSR against the nine (9) criteria for approval set forth in the Land Development Ordinance. The proposed boarding facility will not substantially impact the existing development because of its location, noise mitigation to be provided and ventilation that will be added. We have therefore determined that the applicant has met the criteria for approval.

The Planning Commission held a public hearing on August 22, 2019, and unanimously recommended Town Council approve the UBSR.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Planning Commission Staff Report
3. Proposed Site Plan
4. Project Narrative

RECOMMENDED MOTION

I move to approve the Goblers Nob Lot 4 Use by Special Review request to allow an exotic pet boarding facility based on staff findings, with the six (6) conditions contained in the staff report.

1. That the Use by Special Review materials submitted to the Community Development Department on May 29, 2019, shall be the approved Use by Special Review materials.
2. A building permit shall be required for any interior or exterior work completed on site.
3. The animals outlined in “Section 9.05.030 – Keeping wild, exotic or dangerous animals” shall not be accepted at the boarding facility. All animals kept at the boarding facility must be in compliance with those outlined in Title 9 of the Town’s municipal code.

4. The use shall be a licensed facility with Pet Animal Care Facilities Act (PACFA) Program.
5. This approval shall expire twelve (12) months after the date of approval unless a building permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.
6. This approval does not include signage. A separate sign permit is required from the Community Development Department. The applicant shall also contact the Building Division regarding sign permit requirements.

Vicinity Map

12543 N State Highway 83 #326





Planning Commission Staff Report

Planning Commission Date: 8/22/2019

Town Council Date: 9/3/2019

Hearing Type: Public Hearing
**MOST OF LOT 4 GOBLERS NOB SUBDIVISION –
Use by Special Review for Exotic Pet Boarding
TRAKiT No.: Z19-010**

Location: 12543 N State Highway 83 #326

Project Planner: BrieAnna Simon, Associate Planner

Applicant: Jennifer Piccin-Shaw, Creature Comforts Pet Hotel, LLC

Executive Summary: The applicant, Creature Comforts Pet Hotel, is requesting a Use by Special Review to allow for exotic pet boarding. The site is located on the northwest corner of Pine Lane and Parker Road in the existing multitenant commercial building.

Staff Recommendation: Approval with Conditions

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve the Goblers Nob Lot 4 Use by Special Review request to allow an exotic pet boarding facility, subject to the six (6) conditions contained in staff’s report.”

- 1. That the Use by Special Review materials submitted to the Community Development Department on May 29, 2019 shall be the approved Use by Special Review materials.*
- 2. A building permit shall be required for any interior or exterior work completed on site.*
- 3. The animals outlined in “Section 9.05.030 – Keeping wild, exotic or dangerous animals” shall not be accepted at the boarding facility. All animals kept at the boarding facility must be in compliance with those outlined in Title 9 of the Town’s municipal code.*
- 4. The use shall be a licensed facility with Pet Animal Care Facilities Act (PACFA) Program.*

5. *This approval shall expire twelve (12) months after the date of approval unless a building permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.*
6. *This approval does not include signage. A separate sign permit is required from the Community Development Department. The applicant shall also contact the Building Division regarding sign permit requirements.*

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve the Use by Special Review.”

“I move the Planning Commission recommend Town Council deny the Use by Special Review as the request does not meet the following approval criteria:”

-List criteria not met (either by staff or Planning Commission)

“I move the Planning Commission vote to continue the Use by Special Review to a future date.”

I. BACKGROUND/DISCUSSION

The applicant, Creature Comforts Pet Hotel, is requesting a Use by Special Review to allow for an exotic pet boarding facility that will also include some specialty retail items such as pet treats, beds, harnesses and other similar items. The site, Lot 4 of Goblers Nob subdivision, is located within Commercial, Office, Retail Park Planning Area of the Pine Lane Plaza Planned Development (PD). Pet boarding facilities are not listed as a permitted use nor as a Use by Special Review in the Commercial, Office, Retail Park Planning Area of the PD guide. The PD Guide permits those uses outlined in the Town’s municipal code under the Commercial Zone District. Observation kennels and pet day care are listed as a Use Permitted by Special Review in Commercial Zone District in the municipal code. Staff has determined that the Use by Special Review is an appropriate review process as a pet boarding facility is similar in use to observation kennels and pet day care.

The subject property was constructed in 1983 as a multi-tenant commercial building. The applicant will be operating within a tenant space approximately 2,114 square feet in size. The hours of operation will be Monday, Tuesday, Thursday, and Friday from 8:00 a.m. to 5:00 p.m., Saturday and Sunday from 9:00 a.m. to 2:00 p.m. The facility will be closed to the public on Wednesdays, but maintained by staff. Drop-off and pick-up times will be allotted by 30 minute appointments only. Pet owners will be required to transport pets within a cage or carrier to the site. The addition of the boarding facility will not negatively impact the development.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
6/19/2019	Administrative Approval

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	N/A		
PD & Plan Area	Pine Lane Plaza – Planned Development		
Master Plan Area	Regional Commercial Retail		
Site Acreage	1.78 Acres		
Subdivision	Goblers Nob		
Existing Use	The property consists of one multi-tenant commercial building with retail, personal service, and restaurant uses.		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Regional Commercial Retail	C - Commercial District	Commercial Use
South	Central Commercial	PD - Planned Development	Vacant
East	Medical	Douglas County Zoning	Vacant
West	Regional Commercial Retail	C - Commercial District	Vacant

IV. PARKER 2035 MASTER PLAN

[Parker 2035 Master Plan | Town of Parker - Official Website](#)

MASTER PLAN CONSISTENCY	
Master Plan Designation	Regional Commercial Retail ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	The Parker Road and E-470 intersection is a significant gateway into the community and the only opportunity for E-470 traffic to enter and exit the tollway for free from both directions. This Character Area will provide more intense retail including large format retail (big box) and restaurant uses focused on serving both local and regional needs. Other commercial uses such as office and entertainment may be appropriate on a limited basis.
Consistent Goals/Strategies	<u>Land Use 1.A</u> <u>Land Use 1.C</u>
Inconsistent Goals/Strategies	None
Staff Analysis	The property is located within the Regional Commercial District and E-470 Corridor of the Town's Master Plan. The Master Plan identifies the Regional Commercial District as an area to provide for a variety of work processes such as large format retail, commercial uses, office, entertainment and other uses of similar character. Exotic pet boarding is classified as a commercial use which is consistent with General Land Use Plan recommendation in Chapter 6 of the Parker 2035 Master Plan. The proposed use also supported in Chapter 10 Jobs and Economic Vitality 2.B: The request would provide for additional variety and diversity of the business types on the Town.

V. LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY (Site Plan/UBSR/Sketch/Prelim Plan/MDP)			
Provisions	Existing/Required	Proposed	Analysis
Setbacks	Front – 30 feet Side – 0 feet Rear – 5 feet	The proposed use will not have any exterior modifications.	☒ Consistent ☐ Inconsistent ☐ N/A
Density	N/A	The proposed use will not alter the existing building density.	☐ Consistent ☐ Inconsistent ☒ N/A
Height/Stories	Maximum building	The proposed use will not	☒ Consistent

	height of 60 feet.	alter the existing building height.	☐ Inconsistent ☐ N/A
Lot Size	Minimum lot area is 10,000 square feet.	The existing lot is 77,536.8 square feet.	☒ Consistent ☐ Inconsistent ☐ N/A
Lot Coverage		The proposed use will not alter the existing lot coverage.	☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070	The proposed use will not have any exterior landscaping.	☒ Consistent ☐ Inconsistent ☐ N/A
Off-Street Parking	Title 13.06.050 : The minimum parking requirements for kennel, pet day care, veterinary clinic is 1 parking space per 400 square feet of net leasable area (not including square footage occupied by animal pens).	The applicant will be taking over an existing tenant space within the existing building which is approximately 2,114 square feet in size. The applicant will be required to have a total of six parking spaces. Therefore, the addition of the exotic pet boarding facility will not negatively impact parking for the development.	☒ Consistent ☐ Inconsistent ☐ N/A
Miscellaneous	Utilities	Parker Water and Sanitation District, Xcel Energy and IREA will continue to provide utility service to the development.	☒ Consistent ☐ Inconsistent ☐ N/A
Staff Analysis	Staff has determined that the proposed use meets the intent and purpose of the Pine Lane Plaza – PD and will serve the needs of the surrounding neighborhood by offering boarding services to pets and pet owners.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

This property has vehicular access from Parker Road and Pine Lane. There are no proposed changes to the existing vehicular access or traffic circulation.

VII. APPROVAL CRITERIA

Title 13.04.200.b. Criteria for approval for Uses Permitted by Special Review:

1. Will be in harmony and compatible with the character of the surrounding areas and neighborhoods.

Applicant analysis and findings:

Creature Comforts Pet Hotel (CCPH) is moving into an existing commercial center, Pine Lane Plaza, and will be of the same structure and style as other tenants that

include a liquor store, insurance office, hair salon, restaurant, and pet groomer. CCPH will be open to the public Sundays, Mondays, Tuesdays, Thursdays, Fridays and Saturdays with hours similar to those of other commercial businesses in the area. CCPH will be closed to the public on Wednesdays. Pre-existing insulation, locating birdcages away from common walls and the unit being partially below-grade will provide noise mitigation.

Staff analysis and findings:

The boarding facility is proposing to move into an existing commercial building within the Pine Lane Plaza – Planned Development, which identifies this planning area as Commercial, Office, Retail Park.

The applicant is proposing to add additional ventilation as outlined by the Pet Animal Care Facilities Act. Additionally, noise mitigation will take place with animals with higher noise impact by locating these animals in areas of the building not adjacent to other tenants. The ventilation and location within the tenant space will alleviate the potential for noise nuisance from exotic animals (i.e., birds). All uses and activities are proposed to be monitored by staff to limit disturbance to the surrounding properties.

The applicant's actions to mitigate the potential for noise and pet waste impacts as well as the properties location within a Pine Lane Plaza - Commercial, Office, Retail Park area of the Town with no residential facilities will ensure the use is in harmony and compatible with the character of the surrounding neighborhood and uses.

Therefore, staff has determined that, subject to conditions, this criterion can be satisfied.

2. Will be consistent with the Town Master Plan.

Applicant analysis and findings:

CCPH will be a unique, local business within the Regional Commercial District in an existing mixed use commercial space at Parker Road and E-470. As the population of Parker grows, the number of households owning exotic pets and in need of safe, reliable overnight pet care will rise, a specific niche that CCPH will fill. As stated in the Town Master Plan "Parker's unique location along Parker Road on the southeastern fringe of the Metro area has it positioned to serve a much larger market than just the residents of the Town itself". This will also allow CCPH to serve a larger market of exotic pet owners, promoting Parker and supporting Parker's economy and other commercial retail.

Staff analysis and findings:

The details of this analysis can be found in Section IV of this staff report. The property is located within the Regional Commercial District and E-470 Corridor of the Town's Master Plan. The Master Plan identifies the Regional Commercial District as an area to provide for a variety of work processes such as large format retail, commercial uses, office, entertainment and other uses of similar character. Exotic pet boarding is classified as a commercial use which is consistent with the intent of the Master Plan.

Therefore, staff has determined that this criterion can be satisfied.

3. Will not result in an over-intensive use of land.

Applicant analysis and findings:

The current parking and landscaping at the existing developed commercial space of Pine Lane Plaza is adequate for CCPH, so we are not proposing any changes.

Staff analysis and findings:

The applicant is proposing to occupy one tenant space on the property. No additional external modifications to the property are being proposed. The boarding use will not result in an over-intensive use of the land as the use will be moving into an existing building.

Therefore, staff has determined that this criterion can be satisfied.

4. Will not have a material adverse effect on community capital improvement programs.

Applicant analysis and findings:

CCPH will not change or negate any community capital improvement programs of the Town of Parker.

Staff analysis and findings:

This use will not adversely affect capital improvement programs as the use will not adversely impact roads, utilities, or storm drains beyond their existing designed capacity. The use will occupy an existing structure and tenant improvements will be designed to accommodate the boarding use.

Therefore, staff has determined that this criterion can be satisfied.

5. Will not require a level of community facilities and services greater than that which is available.

Applicant analysis and findings:

CCPH and its clients will not require additional use of facilities or services greater than other local Parker businesses in and around Pine Lane Plaza. There will be no impact to Animal Welfare Officers of Parker because CCPH will not have animals at large posing risks to the public, no animal waste outside the business, no need for impoundments and will only board those species deemed legal in the Parker Municipal Code Title 9, Chapter 9.05.

Staff analysis and findings:

The proposed use will locate into an existing building and overall development anticipated for commercial uses. This use is not anticipated to generate demand for additional municipal services (police, street maintenance, drainage facility maintenance, etc.) or facilities (parks, recreation center usage, etc.) beyond which the Town currently provides. Therefore, the proposed use will not require a level of community facilities and services greater than presently available to serve the site.

Therefore, staff has determined that this criterion can be satisfied.

6. Will not result in undue traffic congestion or traffic hazards.

Applicant analysis and findings:

Current estimated traffic counts for the three major roads accessing the Town of Parker, Parker Road, Lincoln Avenue and E-470 are above 36,000 vehicles per day. CCPH's employees and clients will not cause a noticeable increase to traffic volume in and around Parker. We estimate 4-6 trips by clients and staff on a daily basis. Clients will drop off and pick up their pets by appointment allaying any congestion around Pine Lane Plaza.

Staff analysis and findings:

This property has vehicular access from Parker Road and Pine Lane. Employees, customers and their pets will arrive and depart at various times during the hours of operation by appointment. The proposed use is not anticipated to generate significant traffic volumes or lead to congestion which might result in undue traffic hazards.

Therefore, staff has determined that this criterion can be satisfied.

7. Will not cause significant air, water, or noise pollution.

Applicant analysis and findings:

The daily business operations of CCPH will not have any more impact on air and noise pollution than other commercial businesses at Pine Lane Plaza. Per PACFA regulations, CCR 1202-15, Part 11.8. "Pet animal areas must be adequately ventilated with fresh or filtered air to minimize odors and moisture and to provide for the health and comfort of the animal at all times. Ventilation may be mechanical or natural." CCPH will purchase large area air purifiers for the facility that are equipped with HEPA and carbon filters, changed per the manufacturer's specifications. Companion birds that have higher noise levels will be housed in an area along the outside wall that is not contiguous with other businesses. Pre-existing insulation and the unit being partially below-grade will provide further sound dampening.

Staff analysis and findings:

The property is located within the commercial area of the Town. The existing structure was built for commercial uses. The applicant is proposing to add additional ventilation as outlined by the Pet Animal Care Facilities Act. Additional noise mitigation will take place with animals with higher noise impact by locating these animals in areas of the building not adjacent to other tenants. The additional ventilation and animal location will help mitigate any sounds normally associated with boarding from animals such as birds. The applicant's plan for pet waste removal will mitigate the potential (if any) for significant air and water pollution. Therefore, the boarding use will not cause significant air, water or noise pollution.

Therefore, staff has determined that, subject to conditions, this criterion can be satisfied.

8. Will be adequately landscaped, buffered and screened.

Applicant analysis and findings:

All business activities will take place inside Unit 326 and the entrance to the unit is not viewable from the street.

Staff analysis and findings:

The property is currently surrounded by roads on two sides, parking on the west and commercial on the north with landscaping surrounding the existing building. The proposed use will take place entirely within the tenant space. The applicant's proposal will ensure that the use does not negatively impact the existing landscaping.

Therefore, staff has determined that this criterion can be satisfied.

9. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town.

Applicant analysis and findings:

CCPH, its operations and business practices will not be detrimental to the health, safety or welfare to the inhabitants of Parker. CCPH will be subject to inspections by the Colorado Department of Agriculture to ensure it is following all PACFA regulations. "CCR 1202-15, Part 10.1. All PACFA-licensed facilities may be inspected upon application, change or addition of a license category, facility remodel and routinely thereafter, and upon a complaint to the Commissioner or the Department about a particular facility. Only the portions of the facility used as a pet animal facility need meet the requirements of this Rule." PACFA will inspect the physical facility, enclosures and methods of cleaning and sanitation.

Staff analysis and findings:

The boarding facility will provide a necessary service to Parker residents. The impacts created by boarding uses will be minimal if subject to the conditions proposed by staff. The measures being taken by the applicant to mitigate and eliminate the potential for negative impacts of this use will ensure that the use will not be detrimental to the health, safety and welfare of present or future inhabitants of the Town. The applicant will work to ensure pet health and welfare and will not be detrimental to the health, safety or welfare of present or future inhabitants of the Town.

Therefore, staff has determined that, subject to conditions, this criterion can be satisfied.

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Engineering	No comment.
South Metro Fire & Rescue Authority	No comment.
Arapahoe County Water & Wastewater Authority	No comment.
Cherry Creek Basin Water Quality Authority	No comment.
Urban Drainage	No comment.
Xcel	No comment.
IREA	No comment.
CenturyLink	No comment.
E470 Highway Authority	No comment.
Association	No comment.

IX. CONCLUSION

The exotic pet boarding facility will provide a necessary service to Parker residents and their pets. The impacts created by boarding uses will be minimal if subject to the conditions proposed by staff. The Use by Special Review is to determine whether or not the requested use meets, or can meet subject to conditions, the nine approval criteria set forth in the Land Development Ordinance and outlined in Section VII of this staff report. After evaluating the information provided by the applicant against the nine approval criteria, staff recommends that Planning Commission recommend that Town Council approve the request, subject to the conditions contained in this staff report.

X. RECOMMENDED CONDITIONS

Staff recommends that the Planning Commission recommend that the Town Council approve the Goblers Nob Lot 4 Use by Special Review request to allow an exotic pet boarding facility with the following conditions:

1. That the Use by Special Review materials submitted to the Community Development Department on May 29, 2019 shall be the approved Use by Special Review materials.
2. A building permit shall be required for any interior or exterior work completed on site.
3. The animals outlined in “Section 9.05.030 – Keeping wild, exotic or dangerous animals” shall not be accepted at the boarding facility. All animals kept at the boarding facility must be in compliance with those outlined in Title 9 of the Town’s municipal code.

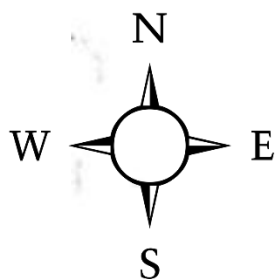
4. The use shall be a licensed facility with Pet Animal Care Facilities Act (PACFA) Program.
5. This approval shall expire twelve (12) months after the date of approval unless a building permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.
6. This approval does not include signage. A separate sign permit is required from the Community Development Department. The applicant shall also contact the Building Division regarding sign permit requirements.

XI. ATTACHMENTS

1. Vicinity Map
2. Proposed Site Plan
3. Applicant's Project Narrative

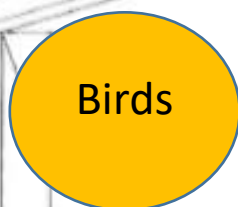
Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

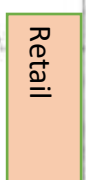


OUTSIDE WALL

OUTSIDE WALL



Bathroom



Front Door

**Common Wall with Pine Lane Plaza
Maintenance Shop**

Shared Common Walls with Empty Unit

**UNIT 326
2,114 RSF**

**PINE LANE PLAZA
12543 NORTH HIGHWAY 83
PARKER, CO 80134**

Creature Comforts Pet Hotel is a new and exciting concept in boarding; it is just for exotic companion pets! While there are many dog and cat boarding facilities, many exotic pet owners have difficulty in finding quality care while they are away. Creature Comforts Pet Hotel (CCPH) will fill that niche, and beyond!

CCPH is the brainchild of two pet professionals, Jennifer Nystrom and Jennifer Piccin-Shaw. Jennifer Nystrom owns, and has successfully operated Parker Exotic Pets for the last 7 years. Jennifer Piccin-Shaw has 20 years experience working in zoos, pet stores, veterinary hospitals, and research laboratories. CCPH clientele will receive quality care from experienced caregivers at affordable pricing. The facility will also include a small retail section consisting of exotic pet food and enrichment items for pets to enjoy during their stay.

Exotic companion pets to be boarded will be those legal in the State of Colorado and the Town of Parker, such as those identified in the Town of Parker Municipal Code, Title 9 - ferrets, companion birds, rabbits, guinea pigs, domestic rats, domestic mice, gerbils, hamsters, chinchillas, hedgehogs, sugar gliders, short-tail opossums non-venomous snakes, and amphibians. Caging will be safe and secure, all with locking mechanisms, and no pets will be permitted outside the facility. CCPH will have caging available to accommodate up to approximately 30 pets at a time (8-12 reptile enclosures, 12-15 small animal cages, and 6-8 bird cages). No aspect of the facility will be detrimental to the health, safety, or welfare to the inhabitants of Parker. CCPH will be licensed by, and required to follow, all guidelines as set forth by the Colorado Department of Agriculture and the Pet Animal Care and Facilities Act. The Pet Animal Care Facilities Act (PACFA) Program is a licensing and inspection program dedicated to protect the health and well-being of pet animals in facilities throughout Colorado. CCPH will be subject to inspections by the Colorado Department of Agriculture to ensure it is following all PACFA rules. Per CCR 1202-15, Part 10.1, "All PACFA licensed facilities may be inspected upon application, change or addition of a license category, facility remodel and routinely thereafter, and upon a complaint to the Commissioner or the Department about a particular facility." PACFA will inspect the physical facility, enclosures, and methods of cleaning and sanitation.

The daily business operations of CCPH will not have any more impact on air and noise pollution than other commercial businesses at Pine Lane Plaza. Per PACFA regulations, CCR 1202-15, Part 11.8, "Pet animal areas must be adequately ventilated with fresh or filtered air to minimize odors and moisture and to provide for the health and comfort of the animal at all times. Ventilation may be mechanical or natural". CCPH will purchase large area air purifiers for the facility that are equipped with HEPA and carbon filters, to be changed per the manufacturer's specifications. Companion birds that have higher noise levels will be housed in an area along the outside wall that is not contiguous with other businesses. Pre-existing insulation and the unit being partially below-grade will provide further sound dampening.

Cleanliness is not only required by PACFA, but is an important part of what CCPH promises its customers. CCPH will follow PACFA regulations CCR 1202-15, Part 13.2, "All enclosures, cages, benches, tables, tubs, etc., must be cleaned and then sanitized/disinfected after any one animal or group of animals ceases to occupy the space and before any other animal or group of animals occupies the same space or more often if necessary to maintain clean and sanitary conditions" and CCR 1202-15, Part 13.3, "With the exception of enclosures of small animals and birds, visible animal wastes must be removed from enclosures daily or more often if necessary. All visible waste must be removed from the enclosures of small animals and birds at least weekly or more frequently if necessary to prevent contamination of the pet animals and to reduce disease hazards and odors". All waste will be put into a plastic trash bag that is tied shut and placed in an outside dumpster at the rear of the property daily, at the close of business.

CCPH will be located within the existing commercial development of Pine Lane Plaza at the NW corner of Parker Road (Highway 83) and Pine Lane Road. The address is 12543 N. Highway 83, Suite 326, Parker, CO, 80134. The entrance to Suite 326 is on the west side of the plaza on the lower level. CCPH will be of the same structure and style of other tenants including State Farm, Pine Lane Discount Liquors, 20 Mile Tap House, Smoker Friendly, and Critter Cleaners. CCPH is committed to being a good neighbor, and has spoken with Pine Lane Discount Liquor, the tenant located directly above, who felt that CCPH would not affect their business or customers. The space located directly to the left is a utility/maintenance room, and the space to the right is vacant at this time. No outside improvements are necessary, as current parking and landscaping are adequate within Pine Lane Plaza for this existing developed commercial space.

CCPH's hours of operation will be Monday, Tuesday, Thursday, and Friday from 8:00 am to 5:00 pm, Saturday and Sunday from 9:00 am to 2:00 pm. The facility will be closed to the public on Wednesdays, but staff will be on-site to care for the animals. Drop-off and pick-up of pets will be by 30-minute appointment only, and Owners will be required to have their pet(s) in a cage or carrier.

The facility will provide overnight boarding and will be staffed during business hours. An alarm system equipped with cameras will allow staff to monitor the facility while away. Alarms will be linked to the owners' telephones for quick response to any emergencies. All enclosures will have mechanisms or locks in place to prevent escape. One of the business owners, who lives just 1.4 miles away from the facility, will handle emergencies.

Overall, the addition of CCPH to Parker will have no negative impact. As stated in the Town Master Plan, "Parker's unique location along Parker Road on the southeastern fringe of the Metro area has it positioned to serve a much larger market than just the residents of the Town itself". This will also allow CCPH to serve a larger market of exotic pet owners, promoting Parker and supporting Parker's economy and other commercial retail. Furthermore, CCPH will

not change or negate any community capital improvement programs of the Town of Parker. Nor will CCPH and its clients require additional use of facilities or services greater than any other local Parker business in the area. There will be no impact to Parker's animal welfare officers because CCPH will not have animals at large, no need for impoundments, and will only board legal species. Finally, with an anticipated 4-6 client/staff trips per day, there will not be a noticeable increase in traffic volume.

CCPH would like to open its doors as soon as possible to accommodate summer break vacationers



Request for Town Council Action

Date: September 3, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.75.2 - Second Reading**
A Bill for an Ordinance to Amend Chapter 6.02 of the Parker Municipal Code Concerning Protection of Nonsmokers From Involuntary Exposure to Tobacco and Marijuana Smoke in Indoor Areas Open to the Public

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This ordinance amends Chapter 13.02, to include revisions to the Colorado Clean Indoor Air Act, as amended by House Bill 19-1076.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In 2006, the Colorado Clean Indoor Air Act was adopted in an effort to protect nonsmokers from involuntary exposure to smoke from tobacco and marijuana in most indoor areas open to the public. The Town of Parker adopted ordinances in compliance with these restrictions.

House Bill 19-1076 amends the Colorado Clean Indoor Air Act and was primarily aimed at protecting the public from the involuntary exposure to emissions from secondhand smoke and electronic smoking devices, commonly referred to as e-cigarettes. The new legislation also contains stricter requirements regarding signage related to minors, prohibits minors' access to cigar-tobacco bars and retail tobacco businesses including vaping establishments, and allows municipalities to increase the minimum distance from which an individual is permitted to smoke near the entryway of specified businesses and public buildings from 15 feet to 25 feet. The amended Colorado Clean Indoor Air Act also tightens up restrictions on secondhand emissions in workplaces by requiring all employers to prohibit smoking of any type in the workplace. Hotels and motels are no longer listed as an exception under the new legislation and are no longer permitted to have smoking rooms.

FINANCIAL IMPACT

Minimal, for updated signage.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 5.75.2

RECOMMENDED MOTION

I move to approve Ordinance No. 5.75.2 on second reading.

ORDINANCE NO. 5.75.2, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 6.02 OF THE PARKER MUNICIPAL CODE CONCERNING PROTECTION OF NONSMOKERS FROM INVOLUNTARY EXPOSURE TO TOBACCO AND MARIJUANA SMOKE IN INDOOR AREAS OPEN TO THE PUBLIC

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 6.02.010 of the Parker Municipal Code is amended to read as follows:

6.02.010 Legislative intent.

It is the intent of this Chapter to protect the public health, safety and welfare by prohibiting smoking, **including electronic smoking devices**, in all indoor areas open to the public, except where specifically allowed under this Chapter.

Section 2. Section 6.02.010 of the Parker Municipal Code is amended to read as follows:

6.02.020 Definitions.

* * *

Electronic smoking device **or ESD** means any ~~electronic or battery-operated device that delivers a vapor of nicotine or other substances for inhalation. This term shall include every variation and type of such devices regardless of the product name or descriptor by which they are~~ **product, other than a product described in the exceptions below, that contains or delivers nicotine or any other substance intended for human consumption and that can be used by a person to enable the inhalation of vapor or aerosol from the product. It includes any product described in this definition and any similar product or device, whether** manufactured, distributed, marketed, or sold **as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor**. ~~The use of an electronic smoking device includes engaging in an act that causes gases, particles, or vapors to release into the air as a result of combustion, electrical ignition, or vaporization, where the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the gases, particles, or vapors. It does not include a humidifier or similar device that emits only water vapor, or an inhaler, nebulizer, or vaporizer that is approved by the Federal Food and Drug Administration for the delivery of medication.~~

* * *

Entryway means the outside of the front or main doorway leading into a building or facility that is not exempted under Section 6.02.040 below. *Entryway* also includes the area of public or private property within a ~~fifteen~~ **twenty-five**-foot radius outside of the doorway.

* * *

Smoking means ~~the burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco or marijuana~~ **inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form,** as defined by Subsection 8.08.030(a) of this Code. **“Smoking” also includes the use of an ESD.**

* * *

Tobacco business means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, including ESDs, either at wholesale or retail, and in which the sale, manufacture, or promotion or other products is merely incidental.

* * *

Section 3. Section 6.02.030 of the Parker Municipal Code is amended to read as follows:

6.02.030 General smoking restrictions.

Except as provided in Section 6.02.040 below, and in order to reduce the levels of exposure to environmental tobacco smoke, no smoking shall be permitted and no person shall smoke in any indoor area, including, but not limited to:

* * *

(11) **Any place of employment that is not exempted, whether or not open to the public and regardless of the number of employees.** In the case of employers who own facilities otherwise exempted, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe ~~environmental tobacco~~ **secondhand** smoke. ~~Every employee shall have a right to work in an area free of environmental tobacco smoke. and emissions from electronic smoking devices.~~

* * *

(16) ~~Restrooms, lobbies, hallways and other common areas in hotels and motels, and in at least seventy five percent (75%) of the sleeping quarters within a hotel or motel that are rented to guests;~~ **Hotel and motel rooms;**

* * *

- (27) Other educational and vocational institutions; ~~and~~
(28) Assisted living facilities and assisted living residences; and
~~(28)~~**(29)** Entryways of all buildings and facilities listed in Paragraphs (1) to ~~(27)~~**(28)**
above.

* * *

Section 4. Section 6.02.040 of the Parker Municipal Code is amended to read as follows:

6.02.040 Exceptions to tobacco smoking restrictions.

The following are exempt from the tobacco smoking prohibitions in Section 6.02.030 above; provided, however, that such exceptions herein shall not apply to the smoking of marijuana to the extent otherwise prohibited by Section 8.08.060 of this Code:

* * *

(3) ~~A hotel or motel room rented to one (1) or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty five percent (25%);~~

(4) Any retail tobacco business. Except that it shall prohibit entry by any person under eighteen years of age; and shall display signage in at least one conspicuous place and at least four inches by six inches in size stating either: "Smoking allowed. Children under eighteen years of age may not enter," or, in the case of retail tobacco business that desires to allow the use of ESDs but not other forms of smoking on the premises, "Vaping allowed. Children under eighteen years of age may not enter."

(5) A cigar-tobacco bar. However, such a business shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005; and shall prohibit entry by any person under eighteen years of age and shall display signage in at least one conspicuous place and at least four inches by six inches in size stating: "Smoking allowed. Children under eighteen years of age may not enter."

(6) The outdoor area of any business; and

(7) ~~A place of employment that is not open to the public and that is under the control of an employer that employs three (3) or fewer employees; and~~

(8) A private, nonresidential building on a farm or ranch, as defined in Section 39-1-102, ~~C.R.S.~~, that has an annual gross income of less than five hundred thousand dollars (\$500,000.00).

Section 5. Section 6.02.050 of the Parker Municipal Code is amended to read as follows:

6.02.050 Additional prohibitions.

~~(a) The owner or manager of any place not specifically listed in Section 6.02.030 above, including a place otherwise exempted under Section 6.02.040 above, may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited or restricted pursuant to Section 6.02.030 above.~~

~~(b) If the owner or manager of a place not specifically listed in Section 6.02.030 above, including a place otherwise exempted under Section 6.02.040 above, is an employer and receives a request from an employee to create a smoke free work area as contemplated by Paragraph 6.02.030(11) above, the owner or manager shall post a sign or signs in the smoke free work area as provided in this Section.~~

~~(c) Electronic smoking devices. It shall be unlawful for any person to use an electronic smoking device in any public building owned by the Town of Parker or an instrumentality thereof.~~

* * *

Section 6. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 7. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: September 3, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.537 - Second Reading**
A Bill for an Ordinance to Amend Chapter 2.06 of the Parker Municipal Code Concerning Municipal Campaign Finance Complaints

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This ordinance adds a new Section 2.06.050, entitled Municipal Campaign Finance Complaints, to the Parker Municipal Code, to address the requirements of SB 19-232, which requires that any campaign finance complaint arising out of a municipal campaign matter be filed exclusively with the clerk of the applicable municipality.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On May 29, 2019, the Governor signed SB 19-232, which amends C.R.S. § 1-45-111.7(9)(b) and provides that any campaign finance complaint arising out of a municipal campaign matter must be filed exclusively with the clerk of the applicable municipality. Prior to SB 19-232, municipal campaign finance complaints alleging violations of the Colorado Fair Campaign Practices Act (C.R.S. § 1-45-101 et. seq.) were filed with the Colorado Secretary of State.

Because the state legislature and the Colorado Secretary of State are now requiring that campaign finance complaints arising out of a municipal campaign matter be filed exclusively with the Town Clerk, it is necessary for the Town to adopt an ordinance and rules governing how municipal campaign finance complaints will be handled by the Town Clerk.

Attached are proposed temporary rules to be adopted by the Town Clerk, if this ordinance is adopted by Town Council. Differences between the Secretary of State's rules and the proposed Town Clerk's rules include: (1) complaints are filed with the Town Clerk and the Town Clerk is

authorized to investigate and impose fines (rather than the Secretary of State); and (2) complaints must be filed within 10 days of a report being filed (versus 180 days under the Secretary of State's rules).

FINANCIAL IMPACT

This will require additional funds be budgeted for hearing officers for municipal campaign finance complaints (estimated at \$100 - \$200 per hour).

STRATEGIC GOAL(S)



**FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT**

ATTACHMENTS

1. Ordinance No. 1.537
2. Campaign Finance Procedures 07312019

RECOMMENDED MOTION

I move to approve Ordinance No. 1.537 on second reading.

ORDINANCE NO. 1.537, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 2.06 OF THE PARKER MUNICIPAL CODE CONCERNING MUNICIPAL CAMPAIGN FINANCE COMPLAINTS

WHEREAS, Art. XXVIII of the Colorado Constitution provides that, unless a home rule municipality has adopted charters, ordinances or resolutions that address the matters covered by Art. XXVIII of the Colorado Constitution and Article 45 of Title 1 of the Colorado Revised Statutes, the Secretary of State shall receive and process the filing of any complaint concerning any violation of Colorado's campaign finance laws; and

WHEREAS, on May 29, 2019, the Governor signed SB 19-232, which amends C.R.S. § 1-45-111.7(9)(b) and provides that any campaign finance complaint arising out of a municipal campaign matter must be exclusively filed with the clerk of the applicable municipality; and

WHEREAS, prior to SB 19-232, such municipal campaign finance complaints alleging violations of the Colorado Fair Campaign Practices Act (C.R.S. § 1-45-101 *et. seq.*) were filed with, and resolved by, the Colorado Secretary of State, in accordance with the requirements of the Colorado Constitution and with procedures adopted by the Secretary of State; and

WHEREAS, SB19-232 is an unfunded mandate on home rule municipalities, such as the Town of Parker, that have not adopted charters, ordinances or resolutions governing campaign finance matters; and

WHEREAS, the Town Council of the Town of Parker believes that it is the duty of the Secretary of State to handle campaign finance matters in accordance with the requirements of the Colorado Constitution; and

WHEREAS, because the state legislature and the Colorado Secretary of State are requiring that campaign finance complaints arising out of a municipal campaign matter be filed with the Town Clerk, it is necessary for the Town to address and adjudicate municipal campaign finance complaints.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1.

Chapter 2.06 of the Parker Municipal Code is amended to add the following Section 2.06.050, entitled Municipal Campaign Finance Complaints, to read as follows:

Section 2.06.050 Municipal Campaign Finance Complaints

(a) Purpose. The purpose of this section is to ensure compliance with the Colorado Fair Campaign Practices Act (C.R.S. § 1-45-101 *et. seq.*) with respect to municipal elections.

(b) Applicability. This section applies to municipal elections.

(c) Administration. The Town Clerk shall adopt rules and procedures to review compliance with the Colorado Fair Campaign Practices Act (C.R.S. § 1-45-101 *et seq.*), including deadlines and procedures for addressing violations and adjudicating complaints. The Town Clerk has authority to determine whether a violation has occurred.

(d) Hearing officers. The Town Clerk may hire hearing officers to review and adjudicate municipal campaign finance complaints. Hearing officers are authorized to perform all duties with respect to municipal campaign finance matters as set forth in the Town Clerk's procedures or as delegated by the Town Clerk.

(e) Enforcement. If any candidate or committee fails to comply with the Colorado Fair Campaign Practices Act, the Town Clerk may issue an order to show cause or cure. Nothing in this section limits the authority of the Town Clerk to take any action without first issuing an order.

(f) Violations and civil penalties.

1. If the Town Clerk finds that a violation of the Colorado Fair Campaign Practices Act has occurred, the Town Clerk may assess civil penalties in accordance with Colorado Department of State (Secretary of State) published guidelines.
2. After issuance of an order to show cause or cure, a candidate or committee shall have the opportunity for a hearing before the Town Clerk or hearing officer. Such hearing shall be conducted in accordance with procedures adopted by the Town Clerk.

Section 6. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 7. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. This Ordinance shall become effective ten (10) days after final publication.

Section 9. Repeal. If C.R.S. § 1-45-111.7(9)(b) is held to be unconstitutional or otherwise invalid, or if the Colorado state legislature repeals C.R.S. § 1-45-111.7(9)(b), this Ordinance shall be immediately repealed in its entirety.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

Temporary Campaign Finance Procedures

As of July 1, 2019, the Town Clerk must administer and adjudicate all municipal campaign finance complaints, formerly administered by Colorado Department of State. To the extent not addressed in these temporary rules, the provisions of the Colorado Secretary of State Campaign and Political Finance Manual shall apply.

1. Filing errors by candidate or committee:

a. If the error can be easily cured, the Town Clerk will notify the candidate or committee. Corrections must be made within five (5) business days of the notification.

b. If the error is incurable, respondent may admit and agree to pay a fine or other remedy required by the Town Clerk.

c. If the error requires investigation, the Town Clerk will start a formal process by issuing an Order to Show Cause or Cure to the candidate or committee (respondent).

i. The respondent will have five (5) business days from the date the notification is mailed/mailed to correct any errors in the filing or to explain why the respondent believes the form was completed properly and filed in time. Such response must be received by the Town Clerk within the five-day period.

ii. Failure to respond timely to the Order to Show Cause or Cure makes the Town Clerk's determination final. Failure to respond timely waives respondent's right to appeal.

iii. If corrections to the form or the explanation as to why no corrections are necessary are satisfactory to the Town Clerk, the Town Clerk will inform the respondent and withdraw or modify the Order to Show Cause and Cure.

iv. If the candidate or committee corrections are not accepted by the Town Clerk, the Town Clerk may appoint a Hearing Officer and set a date for a hearing.

1. The Hearing Officer may consider any/all documents, testimony and arguments that the Hearing Officer deems relevant to the Order. Within 30 days, the Hearing Officer will make a determination and issue written findings of fact and conclusions of law regarding whether any violations alleged in the Order to Show Cause or Cure should be upheld on the basis of this information.

2. The respondent may be represented by an attorney at the hearing.

3. The Hearing Officer may issue subpoenas.

v. Appeals may be made to Douglas County District Court pursuant to Rule 106 and the Colorado Rules of Civil Procedures. Rights in this appeal are limited, and the respondent may wish to consult with an attorney concerning any appeal.

2. Penalties:

- a. The Town Clerk imposes a civil penalty of up to \$50 per day per violation (including weekends and holidays) for every day a report is late or contains incomplete or inaccurate information.
- b. To be considered timely, reports must be received no later than 5:00 pm on the due date.
- c. If the Town is closed on a reporting due date, reports are due by 5:00 pm on the next business day following the closure.
- d. The candidate or committee may be subject to a civil penalty even if they believe that they have filed all forms in a timely manner if the report contains incomplete or inaccurate information. Examples of “incomplete or inaccurate information”:
 - i. A form that does not include the required information
 - ii. A form which is not signed
 - iii. A form which is inconsistent with prior filings
- e. The Town Clerk or the Hearing Officer may reduce or eliminate the penalty according to guidelines on the Secretary of State’s Campaign and Political Finance Manual.
- f. Penalties are the obligation of the candidate or the issue committee. Unpaid penalties are considered a debt to the Town. The Town may take appropriate legal action to collect this debt.

3. Complaints

- a. Any person (complainant) may file a complaint with the Town Clerk.
- b. The complaint must be submitted to the Town Clerk on the Campaign Finance Complaint Form and must be signed by the complainant. The Complaint must state the factual allegations in sufficient detail to support the alleged violation.
- c. The complaint must be received by the Town Clerk not more than ten (10) days after the date of the filing that is the basis of the complaint. A complaint received after that time will not be considered. The Town Clerk will notify the candidate or committee of the complaint.
- d. The Town Clerk will review the complaint.
 - i. If the Town Clerk believes a violation may have occurred, the Town Clerk will follow the procedures outlined above.
 - ii. Otherwise, the Town Clerk will consider the matter closed.
- e. The Town Clerk will notify the complainant of the result.



Request for Town Council Action

Date: September 3, 2019

Submitted By: David King, Chief
Jim Tsurapas, Deputy Chief

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.300 - Second Reading (To be continued to 9-16-19)**
A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and American Academy Regarding the Sharing of Costs for a Police Officer to Act as School Resource Officer

Department: Police, David King

EXECUTIVE SUMMARY

The Town entered into an Intergovernmental Agreement (IGA) with American Academy, a component unit of the Douglas County School District, to make available a police officer to function as a School Resource Officer (SRO) for American Academy's Motsenbocker and Lincoln Meadows campuses. The School Resource Officer will provide services to include law enforcement, counseling and education at both campuses.

Staff is requesting a continuance on the Second Reading of Ordinance No. 9.300.

STAFF RECOMMENDATION

Continue

BACKGROUND/DISCUSSION

A School Resource Officer is a commissioned, sworn law enforcement officer, not a “security guard”. SROs carry all the same equipment they use on any other law enforcement assignment.

The goals of a SRO program include:

- Providing education and counseling to faculty, staff, and students on law enforcement matters;
- Acting as a liaison between the Town and the School;
- Coordinating matters of mutual law enforcement concerns between the School and the

Town;

- Creating an open, uninhibited environment of discussion geared to understanding and respect;
- Investigating law enforcement and public safety issues

FINANCIAL IMPACT

The School shall reimburse the Town fifty percent (50%) of the Town's costs to make a police officer available as the School Resource Officer. Such reimbursable costs shall include, but not be limited to, the salary, benefits, and pay plan market movement for the School Resource Officer. In addition to the one-half of the equipment costs for each School Resource Officer, which one-half amount is equal to \$7,500 per School Resource Officer, and all costs of attendance at the NASRO conference by the School Resource Officer.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 9.300

RECOMMENDED MOTION

I move to continue Ordinance No. 9.300, to September 16, 2019, on second reading.

ORDINANCE NO. 9.300, Series of 2019

TITLE: A BILL FOR AN ORDINANCE APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER AND AMERICAN ACADEMY REGARDING THE SHARING OF COSTS FOR A POLICE OFFICER TO ACT AS SCHOOL RESOURCE OFFICER

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement between the Town of Parker and American Academy Regarding the Sharing of Costs for a Police Officer to Act as School Resource Officer, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER AND AMERICAN ACADEMY REGARDING THE SHARING OF COSTS FOR A POLICE OFFICER TO ACT AS SCHOOL RESOURCE OFFICER

THIS AGREEMENT, made and entered into this _____ day of _____, 2019, by and between the **TOWN OF PARKER**, a Colorado home rule municipality (the “Town”), and **AMERICAN ACADEMY**, a component unit of the Douglas County School District in the State of Colorado, authorized to do business in Colorado (the “School”).

RECITALS

WHEREAS, the Town and the School wish to enter into a cooperative agreement to share the cost for providing a police officer as a school resource officer (“School Resource Officer” or “SRO”) for American Academy’s Motsenbocker and Lincoln Meadows campuses in Parker; and

WHEREAS, the Town wishes to provide a police officer to the School to act as a school resource officer; and

WHEREAS, the parties hereto wish to share the costs of providing a police officer to act as a school resource officer for the School;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Town and the School agree as follows:

1. **DUTIES**: The Town shall provide one (1) police officer to function as a School Resource Officer (SRO) for American Academy’s Motsenbocker and Lincoln Meadows campuses.

2. **SCOPE OF SERVICES**: The duties of the SRO shall include, but not be limited to, the following:

- Provide education and counseling to faculty, staff, and students on law enforcement matters;
- Act as a liaison between the Town and the School;
- Coordinate matters of mutual law enforcement concerns between the School and the Town;
- Create an open, uninhibited environment of discussion geared to understanding and respect;
- Investigate law enforcement and public safety issues.

3. **EQUIPMENT/USE OF FACILITIES**: The School will provide a private and secure room, on each campus, for the SRO to utilize in conducting confidential investigations and interviews. The room will be equipped with a telephone, computer and a secure, keypad-entry rifle locker. All other equipment utilized by the SRO will be issued, maintained, and owned by the Town.

4. **OWNERSHIP OF DOCUMENTS:** All record documents resulting from SRO investigations will be managed and maintained at the Parker Police Department.

5. **FINANCIAL COST SHARING:** The School shall reimburse the Town fifty percent (50%) of the Town's costs to make a police officer available as the School Resource Officer. Such reimbursable costs shall include, but not be limited to, the salary, benefits, and pay plan market movement for the School Resource Officer. In addition to the one-half of the equipment costs for each School Resource Officer, which one-half amount is equal to \$7,500 per School Resource Officer, and all costs of attendance at the NASRO conference by the School Resource Officer. The School shall pay the Town its portion of such costs on a monthly basis as invoiced monthly by the Town.

6. **PERSONNEL & SUPERVISION:** The SRO shall remain an employee of the Town at all times. The SRO shall perform duties under the control of the Town and shall be afforded the same employment rights and benefits as other office members. A description of the SRO's duties is included as ATTACHMENT B. Any conflict in schedule or duties shall be resolved by the Town.

The School shall partner with the Town during the interview and selection process of the School's SRO. The SRO shall understand and support the mission of the school.

The SRO is subject to the Town's Police Department chain of command and to the policies, procedures, rules, regulations, directives, and orders of the Town's Police Chief or designee. The SRO will also comply with the laws, policies, and regulations of the School to the extent that such measures are not in conflict with those of the Town. Although the SRO will work closely with school administrators and faculty to determine the most effective use of the officer's time and expertise, he/she shall not be subject to supervision or direction by the School.

7. **TERM:** The term of this Agreement shall be from July 1, 2019, through June 30, 2020. Thereafter, this Agreement shall automatically continue for successive one-year terms unless sooner terminated by either party in accordance with Section 8 below. The financial obligation of both parties hereto is subject to annual budgeting and appropriation of the necessary funds.

8. **TERMINATION:** This Agreement may be terminated by either party upon 60 days written notice in writing to the other party. The School shall only be responsible for its respective share of the SRO's ongoing costs incurred as of such termination date.

9. **NOTICE:** Any notice required to be given by this Agreement shall be addressed as follows:

To the School:	Steve Colella, Deputy Executive Director of Schools American Academy 6971 Mira Ln Parker, Colorado 80126 scolella@aak8.org 303-815-0139
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To the Town: Town of Parker
Attn: Michelle Kivela, Town Administrator
20120 E. Mainstreet
Parker, Colorado 80138
mkivela@parkeronline.org
303-805-3236

With a copy to: Town of Parker
Attn: David King, Chief of Police
18600 E. Lincoln Meadows Pkwy.
Parker, Colorado 80134
mking@parkeronline.org
303-805-6505

10. **NO THIRD-PARTY BENEFICIARIES:** None of the terms or conditions of this Agreement gives or allows any claim, benefit, or right of action by any third person not a party hereto.

11. **AMENDMENTS:** This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended, modified, or changed, in whole or part, only by written agreement approved by each party.

12. **AUTHORIZED REPRESENTATIVE:** The Police Chief is designated as the Authorized Representative of the Town for the purpose of administering, coordinating, and approving the work performed by the School Resource Officer under this Agreement.

13. **INDEMNIFICATION:** The Town cannot and by this Agreement does not agree to indemnify, hold harmless, exonerate, or assume the defense of the School or any other person or entity whatsoever for any purpose whatsoever. The School shall defend, indemnify, and hold harmless the Town, its officials, officers, directors, agents, and employees from any and all claims, demands, suits, actions, or proceedings of any kind or nature whatsoever, in any way resulting from or arising from this Agreement; provided, however, that the School need not indemnify or save harmless the Town, its officers, agents, and employees from damages resulting from the sole negligence of the Town's officials, officers, directors, agents, and employees.

14. **NO WAIVER OF GOVERNMENTAL IMMUNITY ACT:** The parties hereto understand and agree that the Town, its officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to the Town.

15. This Agreement is entered into as of the day and year set forth above.

THEREFORE, IN WITNESS WHEREOF, the **PARTIES** hereto have executed this Agreement the day and year first above written.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

AMERICAN ACADEMY

By: _____
Steve Colella
Deputy Executive Director of Schools

Attest (if Corporation):

By: _____

Signature of Notary Public Required:

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Steve Colella, as Deputy Executive Director of Schools of American Academy.

My commission expires: _____.

SEAL

Notary Public

ATTACHMENT A

SRO Job Description

The Town has a School Resource Officer (SRO) program. These officers are assigned as patrol officers and will follow all guidelines and job descriptions as outlined in the standard job description of a police officer.

Each School Resource Officer is assigned to a specific school and is responsible for handling all in-progress law-enforcement-related calls, education, training, and counseling duties, as needed. The SRO duties include, but are not limited to, the following:

Schedule: Typically Monday through Friday 0730 – 1530
Working the traditional school calendar

- First responder to all calls within his/her assigned school.
- Investigation & follow-up of all criminal offenses (including some felony investigations) that are reported in/to the school staff or the SRO.
- Assists the school administration with all matters involving school security & safety. This includes input involving the most appropriate discipline of the students (criminal charges vs. school discipline, or both).
- Assists the school staff with classroom presentations involving areas that directly affect the students and law enforcement.
- Assists the school administrators, staff, and counselors with mediation and guidance on matters that are confidential and fall under the statute concerning mandatory reporting.
- Works directly with parents/guardians on problems involving the student. This includes counseling, mediation, resource allocations, and education regarding the juvenile's rights and procedures of the juvenile justice system.
- Educates and communicates to the Patrol and Investigation Divisions on events that occur in/out of the school.
- Gathers criminal intelligence learned in the school that will assist the Town on criminal activity involving juveniles in the Town.



Request for Town Council Action

Date: September 3, 2019

Submitted By: David King, Chief
Jim Tsurapas, Deputy Chief

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.301 - Second Reading (To be continued to 9-16-19)**
A Bill for an Ordinance Approving the Amended and Restated Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP)

Department: Police, David King

EXECUTIVE SUMMARY

The Town entered into an Intergovernmental Agreement (IGA) with the Douglas County School District to make available its police officers to function as School Marshal Officers (SMOs) at district elementary schools in addition to four (4) charter schools within the District; Challenge to Excellence, Global Village Academy, Parker Performing Arts School and Leman Academy.

Staff is requesting a continuance on the Second Reading of Ordinance NO. 9.301. The actual cost of the School Marshal Program (SMP) was greater than what has been discussed with the Douglas County School District. Staff would like to provide time for the District to review the additional program costs which are as follows: The District shall reimburse the Town 100% of the Town's cost to make two (2) police officers available as School Marshal Officers. Costs will include, but are not limited to, salary, benefits and pay plan market movement in addition to \$10,400 per charter school.

STAFF RECOMMENDATION

Continue

BACKGROUND/DISCUSSION

School Marshal Officers add another layer of security at our elementary and charter schools via

multiple daily unannounced visits. The officer's primary responsibility during their shift is to visit and patrol schools within the Town of Parker. While they may assist with a law enforcement issue at a school, if needed, they will not be called away to answer other calls for service in the community. The School Marshal Officer provides law enforcement patrol, crime prevention, emergency preparedness and emergency response services to the contracted schools in our jurisdiction.

FINANCIAL IMPACT

The District shall reimburse the Town 100% (one-hundred percent) of the Town's costs to make two (2) police officers available as School Marshal Officers. Such reimbursable costs shall include, but are not limited to, the salary, benefits and pay plan market movement for the School Marshal Officers and an additional \$10,400 per charter school (\$45,600).

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 9.301

RECOMMENDED MOTION

I move to continue Ordinance No. 9.301, to September 16, 2019, on second reading.

ORDINANCE NO. 9.301, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN DOUGLAS COUNTY SCHOOL DISTRICT RE-1 AND THE TOWN OF PARKER REGARDING PROVIDING POLICE OFFICERS TO PATROL ELEMENTARY AND MIDDLE SCHOOLS AND OTHER FACILITIES UNDER THE SCHOOL MARSHAL PROGRAM (SMP)

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby approves the Amended and Restated Intergovernmental Agreement between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP), which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN DOUGLAS COUNTY SCHOOL DISTRICT RE-1 AND THE TOWN OF PARKER REGARDING PROVIDING POLICE OFFICERS TO PATROL ELEMENTARY AND MIDDLE SCHOOLS AND OTHER FACILITIES UNDER THE SCHOOL MARSHAL PROGRAM (SMP)

This AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT by and between Douglas County School District RE-1 ("District") and the Town of Parker ("Town") is made and entered on this ____ day of _____, 2019.

RECITALS

WHEREAS, the District and the local law enforcement agencies have a long tradition of collaboration and cooperation in keeping the students, staff and parents in our schools safe; and

WHEREAS, in the aftermath of the tragic events on December 14, 2012 at Sandy Hook Elementary School in Connecticut, the leaders of the District and all law enforcement agencies in Douglas County came together to review the current status of safety measures in our schools, and to discuss what additional measures could be taken to enhance protection of students, staff, parents and other patrons of our schools; and

WHEREAS, after study, a committee of District and law enforcement collaborated on making recommendations for a number of protective initiatives, including ways to increase trained law enforcement presence and response to elementary and middle schools, since high schools already benefit from such presence in the form of School Resource Officers on site; and

WHEREAS, the District and the Town entered into that certain Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshal Program (SMP) dated July 16, 2013 (the "Previous Agreement"); and

WHEREAS, the District and the Town wish to amend and restate the Previous Agreement as to the providing of armed police officers designated as "School Marshal Officers" to patrol elementary and middle schools and other facilities as defined in Exhibit A within their jurisdiction; and

WHEREAS, the District desires to have School Marshal Officers visiting schools on regularly scheduled school days during normal school hours within the District and within the Town of Parker; and

WHEREAS, the Town is willing to make available at designated schools within the District as set forth herein a police officer to act as a School Marshal Officer; and

WHEREAS, Section 29-1-203, C.R.S. authorizes local governments to cooperate or contract with each other to provide any function or service lawfully authorized to each other; and

WHEREAS, the District agrees to provide funding to cover the cost of providing a police officer as a School Marshal Officer in the District and allocate and deliver these funds to the Town annually at the beginning of each District fiscal year.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the District and the Town agree as follows:

1. The Town shall make available police officers to function as School Marshal Officers. The School Marshal Officer additionally shall provide limited services to include law enforcement, counseling and education to the students of each school within their jurisdiction to the extent possible.

2. The Town and District will create a SMP policy that details the duties and responsibilities of the officers assigned to the program.

3. School Marshal Officer is defined as a sworn police officer or sheriff's deputy whose primary role is to provide an enhanced security presence at elementary and middle schools and other facilities as defined in Exhibit A during school hours. The duties of the School Marshal Officer shall include, but not be limited to the following:

- Patrolling the exterior and interior of elementary and middle schools within their jurisdiction.
- Make a minimum of two visits to each school daily to the extent possible.
- Interaction with staff and students is encouraged and expected in order to promote a sense of calmness and regularity.
- Upon visiting each school, present the assigned access proximity card to the door reader to gain access to the school and log the visit into the District's database for tracking and accounting purposes.
- Provide education and counseling to students on law enforcement and general safety matters.
- Conduct informal safety assessments of each school and report any concerns or recommendations to the District Security Director. Recommendations for safety or security improvements **shall not** be directed to the Principal or building administrator unless there is an imminent safety concern requiring immediate action to preserve the welfare and safety of students and staff.
- Act as a liaison between the Parker Police Department and the District;
- Coordinate matters of mutual law enforcement concerns between the District and the Parker Police Department.
- Create an open, uninhibited environment of discussion geared to understanding and respect for the District, Parker Police Department, and the Town.
- Investigate law enforcement and public safety issues while on campus when necessary.
- Assist with incidents occurring at the school if time permits or request another officer be sent to take over in order to resume patrols.

4. School Marshals shall use regular patrol uniforms and a regular patrol vehicle. All other equipment utilized by the School Marshall Officer will be issued, regulated, maintained and/or owned by the Police Department.

5. The District shall allocate funds annually in the amount of \$84,000 toward the costs associated with the SMP and an additional \$10,400 per Charter School (see Exhibit A). The District shall pay the Town the total amount to be allocated no later than July 31st of the current contract year.

6. The School Marshal Officers shall remain an employee of the Town at all times.

7. The School Marshal Officer shall be subject to the Parker Police Department's supervision, chain of command and to the policies, procedures, rules, regulations, directives, written evaluations, and orders of the Parker Police Department and the Town. The School Marshal Officer will also comply with the laws, policies, and regulations of the District to the extent that such measures are not in conflict with those of the Town or of the Parker Police Department. Although the School Marshal Officer will work closely with school administrators and faculty to determine the most effective use of the School Marshal's time and expertise, the School Marshal Officer shall not be subject to supervision or direction by the District.

8. The term of this Agreement will be from July 1, 2019 through June 30, 2020. Thereafter, this Agreement shall be continued for successive one-year terms unless sooner terminated by either party. The financial obligation hereto is subject to annual budgeting and appropriation of the necessary funds.

9. This Agreement may be terminated by either party upon one (1) year written notice to the other party. The District shall only be responsible for the costs outlined in Section 3 for services performed as of such termination date.

10. Any notice required to be given by this Agreement shall be given as follows:

To the District: Douglas County School District RE-1
Attn: Director of School Safety and Security
620 Wilcox Street
Castle Rock, CO 80104

To the District: Douglas County School District RE-1
Office of Legal Counsel
Attn: Legal Counsel
620 Wilcox Street
Castle Rock, CO 80104

To the Town: Town of Parker
Attn: Town Attorney
20120 E. Mainstreet
Parker, CO 80138

With a copy to: Parker Police Department
 Attn: Chief of Police
 18600 E. Lincoln Meadows Pkwy
 Parker, CO 80134

11. None of the terms or conditions of this Agreement gives or allows any claim, benefit, or right of action by any third person not a party hereto. Nothing in this Agreement shall be deemed as a waiver of immunity or liability limits granted to the Town or District under the Colorado Governmental Immunity Act.

12. This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral, including the Previous Agreement, which is hereby amended and restated. This Agreement may be amended, modified or changed, in whole or in part, only by written agreement approved by each party.

 This Agreement is entered into as of the day and year set forth above.

ATTEST:

TOWN OF PARKER

Carol Baumgartner, Town Clerk

Mike Waid, Mayor

Approved as to form:

Jim Maloney, Town Attorney

ATTEST:

**DOUGLAS COUNTY SCHOOL
DISTRICT RE-1**

Board of Education Secretary

David Ray, President
Board of Education

ATTEST:

**DOUGLAS COUNTY SCHOOL
DISTRICT RE-1**

Chief Operations Officer

Richard Payne
Director of Safety & Security

Approved as to form:

_____, Legal Counsel

EXHIBIT A

Douglas County School District Elementary and Middle Schools and other facilities within Parker Police Department Jurisdiction

1. Cherokee Trail Elementary
2. Frontier Valley Elementary
3. Gold Rush Elementary
4. Iron Horse Elementary
5. Legacy Point Elementary
6. Pine Lane Intermediate
7. Pine Lane Primary
8. Pioneer Elementary
9. Prairie Crossing Elementary

Methodology

Total Elementary and Middle Schools in Douglas County	64
Elementary and Middle Schools in Town of Parker Police Department Jurisdiction	11
Percentage of Total Elementary and Middle Schools	14%
Total Douglas County School District Budget for Armed Law Enforcement Security	\$600,000
Town of Parker Police Department Allocation of Total Budget	\$84,000

Charter Schools - Services provided @ \$10,400 per school

1. Challenge to Excellence
2. Leman Academy
3. Global Village Academy
4. Parker Performing Arts School

District Facilities

1. Sports Authority Stadium
2. Transportation - East



Request for Town Council Action

Date: September 3, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.59.1- Second Reading**
A Bill for an Ordinance to Amend Chapter 6.03 of the Parker Municipal Code Concerning Noise Regulations

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This ordinance amends Chapter 6.03, to allow loudspeakers or public address systems during the hours of 7 a.m. to 10 p.m., whether for a commercial or non-commercial purpose.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Currently, Chapter 6.03, entitled Noise Regulations, prohibits the use of outdoor loudspeakers and public address systems between the hours of 10:00 p.m. and 7:00 a.m., if it is for a noncommercial purpose, and at any time of day, if it is for any commercial purpose. At the study session on August 12, 2019, Town Council directed staff to bring forward an ordinance to allow outdoor loudspeakers and public address systems during the hours of 7 a.m., and 10 p.m. (regardless of whether it was for a commercial purpose or non-commercial purpose), while staff gathers information on other possible noise regulations to address the use of loudspeakers in the downtown area by local businesses (outdoor bands, music, etc.).

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 5.59.1

RECOMMENDED MOTION

I move to approve Ordinance No. 5.59.1 on second reading.

ORDINANCE NO. 5.59.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 6.03 OF THE PARKER MUNICIPAL CODE CONCERNING NOISE REGULATIONS

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 6.03.040 of the Parker Municipal Code is amended to read as follows:

6.03.040 Specific prohibitions.

The following acts and the causing thereof are declared to be in violation of this Chapter:

(1) Outdoor loudspeakers/public address systems. ~~a. Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 7:00 a.m. the following day. b. Using or operating for any commercial purpose any loudspeaker, public address system or similar device.~~ **public address system** or similar device

(2) Construction. Operating or permitting the operating of any tools or equipment in connection with construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays, between the hours of 7:00 p.m. and 8:00 a.m. on Saturdays, and between the hours of 7:00 p.m. and 10:00 a.m. on Sundays or holidays, except for emergency work on public service utilities or emergency work by Town personnel or by special variance issued by the Director of Engineering or designee.

Section 2. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney