

TOWN OF PARKER COUNCIL AGENDA

June 21, 2021

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.

Public comment for items that are not on the agenda may be made in person, by Zoom or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person, electronically through the website or via Zoom, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments provided electronically through the website that are provided by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

Virtual Public Participation by Zoom Webinar: Instructions on how to participate in the public comment or public hearing part of the meeting are available by viewing the individual Town Council meeting listings on the Town's online calendar at www.parkeronline.org/calendar.

Public Viewing Only - Facebook Live: Town Council meetings may be viewed through Facebook Live from the Town of Parker website: www.facebook.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through Facebook Live.

1. TOWN COUNCIL MEETING SCHEDULE

- A. 5:00 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. SPECIAL PRESENTATIONS

- SECOR Cares Recognition - Mr. Dennis Gorton, Executive Director of SECOR Cares
- District Attorney Kellner Introduction

3. **PUBLIC COMMENTS** (No action will be taken on these items.) *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.*

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

5. **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. Consent Agenda items discussed at study session can be viewed by clicking the following link: <https://parkerco.civicclerk.com/Web/Player.aspx?id=1765&key=-1&mod=-1&mk=-1&nov=0>

A. *APPROVAL OF MINUTES - June 7, 2021*

B. *ORDINANCE NO. 5.28.26 - First Reading*

A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Relating to Fines for Violations of Liquor Code Violations

Department: Town Attorney, Jim Maloney

Second Reading: July 12, 2021

C. *CONTRACTS OVER \$100,000*

1. *Parker Road (SH83) Multi-Use Trail (West Side) CIP 21-017*

Amount: \$2,149,537.20

Contractor: Rumler Civil Construction, Inc.

Department: Engineering and Public Works, Tom Gill

2. *2021 Townwide Resurfacing Program (CIP21-004) Contract Modification*

Amount: \$108,176.75

Contractor: Martin Marietta Materials, Inc

Department: Engineering and Public Works, Danny Smith

3. *Parker Pool Dehumidification Unit Replacement Project (CIP21-015)*

Amount: \$310,686

Contractor: Holbrook Service, LLC

Department: Engineering and Public Works, Jim Gilbert

4. *Hess Road Bridge Rail Rehabilitation CIP 21-0012*

Amount: \$330,420.00

Contractor: Rumler Civil Construction, Inc

Department: Engineering and Public Works, Danny Smith

6. ORDINANCES

- A. ORDINANCE NO. 3.01.124 - Second Reading**
A Bill for an Ordinance to Amend Sections 13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090 and 13.07.100 of the Parker Municipal Code Concerning Extensions of Time
Department: Community Development, Bryce Matthews
- B. ORDINANCE NO. 3.01.125 - Second Reading (Continue to July 12, 2021)**
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code concerning Planning Department Adjustments
Department: Community Development, Bryce Matthews
- C. ORDINANCE NO. 3.324.3 - Second Reading**
A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code concerning Registration of Temporary Signs
Department: Community Development, Bryce Matthews
- D. ORDINANCE NO. 3.353.1 - Second Reading**
A Bill for an Ordinance to Amend Sections 13.01.140 and 13.10.250 of the Parker Municipal Code Concerning Prairie Dog Management
Department: Community Development, John Fussa
- E. ORDINANCE NO. 9.335 - Second Reading**
A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cottonwood Meadows Tributary By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker (Agreement No. 21-05.15 Project No. 108520)
Department: Engineering and Public Works, Michael Grabczyk

7. RESOLUTIONS

RESOLUTION NO. 21-031
A Resolution to Appoint One Regular Member and One Alternate Member to Fill Vacancies on the Town of Parker Planning Commission
Department: Community Development, Bryce Matthews

8. PUBLIC COMMENTS CONTINUED IF NECESSARY

9. ADJOURNMENT

Parker Town Council

Executive Session Agenda

June 21, 2021

“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).”

1. Resolution No. 08-098, Series of 2008, concerning Town Council approval of the filing of the articles of incorporation, IRA Form 1023, and the appointment of the initial board of directors for the Greater Parker Foundation

“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).”

2. Section 13.07.140(c)(5) of the Parker Municipal Code and Parker Automotive Plaza Development Guide concerning use of Town land for park purposes

3. Proposed assignment and assumption of the Amended and Restated Stroh/Hess Ranch Annexation Agreement (Southern Property) dated September 21, 2015



PARKER
TOWN
COUNCIL

DISTRICT
ATTORNEY
UPDATE

JUNE 21, 2021

DISTRICT ATTORNEY **JOHN KELLNER**

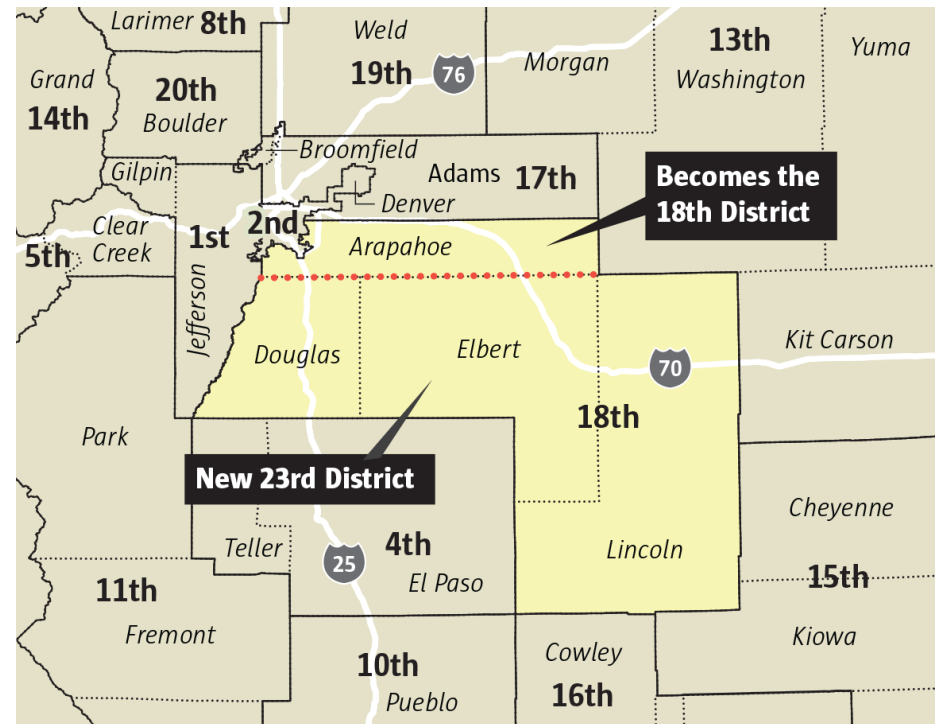


18TH JUDICIAL DISTRICT



18th Judicial District

- Arapahoe (656,590)
- Douglas (351,154)
- Elbert (26,729)
- Lincoln (5,585)



18TH JUDICIAL DISTRICT



Cases filed in the past 2 years – 18th JD

Year (Filed)	“CR” Cases	“JD” Cases	“M” Cases	“T” Cases	Total
2019	5,593	1,414	6,966	18,477	32,450
2020	4,528	1,022	6,653	14,311	26,514

18TH JUDICIAL DISTRICT



2021 Filings are Increasing over 2020 to levels at or above 2019.

18TH JUDICIAL DISTRICT



While filings are down on traffic and even misdemeanor cases, some filings are up:

Assault – 8.5% increase in 2020 over 2019

Burglary – 56% increase in 2020 over 2019

Motor Vehicle Theft – 74% increase in 2020 over 2019

- First Quarter projections for 2021 project a 39.4% increase over 2020

- This would be an increase of 220% from 2019 to 2021 if the trend holds

Weapons Charges – 50% increase in 2020 over 2019

CASE BACKLOG



Cases **filed** (Parker PD as lead agency)

Year (Filed)	"CR" Cases	"JD" Cases	"M" Cases	"T" Cases	Total
2019	170	36	300	488	994
2020	106	33	327	324	790

Cases **resolved** (Parker PD as lead
agency)

Year (Filed)	"CR" Cases	"JD" Cases	"M" Cases	"T" Cases	Total
2019	179	41	312	480	1022
2020	90	27	199	270	586

CASE BACKLOG - TRIALS



We have over **1,000**
cases set for trial
between now and the
end of the year.

CASE BACKLOG - TRIALS



For July, August, and
September:

(Douglas County Only)

76 District Court Trials Set

(we can actually do 12)

96 County Court Trials Set

(we can actually do 24)

MY VISION



CORE Values

- Community Focus
- Open & Transparent
- Responsive to Victims
- Equity

OUR FOCUS



Violent Crime

- Targeting illegal guns

OUR FOCUS



Expanding Diversion

- Juvenile Diversion
- Adult Diversion

OUR FOCUS



Addressing Addiction

- Problem-solving Courts

QUESTIONS & ANSWERS



THANK YOU

**TOWN OF PARKER COUNCIL
MINUTES
JUNE 7, 2021**

Mayor Jeff Toborg called the meeting to order at 5:00 P.M. Councilmember Joshua Rivero was absent.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(b) there were two (2) items; the first item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions concerning H.R. 1319, The American Rescue Plan Act of 2021 (U.S. Department of Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions); the second item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions concerning Section 2.1 of the Parker Home Rule Charter concerning the election calendar for a November 2, 2021, coordinated election under the Uniform Election Code, and potential charter questions. Under C.R.S. § 24-6-402(4)(e) there were two (2) items, the first item was concerning the proposed assignment and assumption of the Amended and Restated Stroh/Hess Ranch Annexation Agreement (Southern Property) dated September 21, 2015; the second item was concerning Chapter 10.08 of the Parker Municipal Code concerning waiver of fees and Town costs associated with community event permits.

Cheryl Poage moved and Todd Hendreks seconded to go into Executive Session at 5:02 P.M., 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) and 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).

The motion was approved unanimously.

Todd Hendreks moved and Laura Hefta seconded to come out of Executive Session at 6:14 P.M.

The motion was approved unanimously.

Todd Hendreks moved and Laura Hefta seconded to recess the regular Town Council meeting until 7 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the meeting at 7 P.M.

Dennis Trapp led the Pledge of Allegiance.

PARKER CHAMBER OF COMMERCE UPDATES

Kara Massa, Executive Director, reported on the previous month's activities and also updated Council on upcoming events for June.

DOWNTOWN BUSINESS ALLIANCE UPDATES

John Jordan, Member, reported on the previous month's activities and also updated Council on upcoming events for June.

PUBLIC COMMENTS

- Ron Blidar, 6245 Riviera Court, talked about prairie dogs and their preservation.
- Ken Ramsey, 3862 Elm Avenue, read a statement from his handout into the record regarding the relocation of prairie dogs.
- Lynda Wilson, 11443 E. Regency Court, talked about prairie dogs and doing a pilot project with the Town.
- Siobhan Cox, 42943 Vista Ridge Road, spoke about prairie dogs preservation.
- Deanna Meyer, 1580 N. Hwy 67, spoke about prairie dogs and doing a conservation plan to set aside a percentage of land for their preservation.
- Kathleen Neubauer, 1278 Candle Glow St, Castle Rock, spoke about the relocation of prairie dogs.

Seven (7) written general public comments will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings they attended since the last Town Council meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - May 17, 2021*
- B. *ORDINANCE NO. 3.01.124 - First Reading*
A Bill for an Ordinance to Amend Sections 13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090 and 13.07.100 of the Parker Municipal Code Concerning Extensions of Time
Department: Community Development, Bryce Matthews
Second Reading: June 21, 2021
- C. *ORDINANCE NO. 3.01.125 - First Reading*
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code concerning Planning Department Adjustments
Department: Community Development, Bryce Matthews
Second Reading: June 21, 2021

- D. *ORDINANCE NO. 3.324.3 - First Reading*
A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code concerning Registration of Temporary Signs
Department: Community Development, Bryce Matthews
Second Reading: June 21, 2021
- E. *ORDINANCE NO. 3.353.1 - First Reading*
A Bill for an Ordinance to Amend Sections 13.01.140 and 13.10.250 of the Parker Municipal Code Concerning Prairie Dog Management
Department: Community Development, John Fussa
Second Reading: June 21, 2021
- F. *ORDINANCE NO. 9.335 - First Reading*
A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cottonwood Meadows Tributary By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker (Agreement No. 21-05.15 Project No. 108520)
Department: Engineering and Public Works, Michael Grabczyk
Second Reading: July 12, 2021
- G. *CONTRACTS OVER \$100,000*
Purchase of Zoom Unified Communications Platform
Amount: \$110,000
Contractor: Zoom
Department: Information Technology, Matt Lynch

John Diak moved to approve Consent Agenda Items 6A through 6G.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

ORDINANCES

- A. **ORDINANCE NO. 5.59.2 - Second Reading (Continued from March 22, 2021)**
A Bill for an Ordinance to Amend Chapters 6.01 and 6.03 of the Parker Municipal Code Concerning Noise Regulations
Department: Community Development, John Fussa
Town Attorney, Jamie Wynn

Sections of Chapter 6 of the Parker Municipal Code focus on public health and welfare and are intended to provide for a safe environment and quality of life. Excessive noise, sound, and

vibration can jeopardize public health, welfare, and the safety of the Town's citizens by creating nuisances that degrade quality of life and adversely impact the community.

In 2019, the Town Council approved an amendment to Chapter 6.03 of the Parker Municipal Code related to the use of loudspeakers, public address systems, and similar devices. After discussions with Town Council and reviewing the effect of these amendments, staff proposed additional amendments to clarify the purpose of the Code sections that regulate noise and sound throughout the Town. The proposal includes updated objective standards, prohibitions, and exceptions regarding noise and sound based on expert advice, discussions with Town Council, and other relevant information.

Public Comment:

The following individuals spoke in favor of the ordinance:

- Ms. Mesick, 10113 Brownstone Drive
- Rebecca Richman, 10711 Longs Way
- Michael Cavanaugh, 12793 Red Rose Circle
- Karen Wiggins, 10775 Longs Way
- Kory Nelson, 21398 E. Wanderlust Place
- Christine Schrader, 6673 E. Rustic Drive
- Lisa Armstrong, 6764 E. Rustic Drive, spoke in favor but did not like the extra hour of noise allowed during the summer months.

Todd Hendreks moved to approve Ordinance No. 5.59.2 on second reading.

Laura Hefta seconded the motion.

The motion passed 4-1. (Poage voted no.)

B. ORDINANCE NO. 9.136.4 - Second Reading (Continued from April 19, 2021 - to be continued to a date uncertain)

A Bill for an Ordinance to Approve the Addendum to Amended and Restated Funding Agreement By and Between the Town of Parker and the Douglas County Emergency Telephone Service Authority Concerning the Hosted 911 NICE Recording Services

Department: Town Attorney, Jamie Wynn

John Diak moved to continue Ordinance No. 9.136.4 to a date uncertain.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 9.330 - Second Reading**A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker And The State of Colorado Acting By and Through the Colorado Department of Transportation Concerning FY 21 Parker Traffic Responsive Phase 2**

Department: Engineering and Public Works, David Aden

An ordinance is needed to approve an intergovernmental agreement (IGA) between the Colorado Department of Transportation (CDOT) and the Town to fund the expansion of traffic responsive operations in the Town of Parker.

Traffic Services staff has successfully been operating in a traffic signal control strategy called Traffic Responsive (TR) operation. This strategy allows traffic to be counted in real-time, and appropriate signal plans to match the flow are automatically selected. The strategy can identify differences in volume as well as heaviest direction of traffic flow. Currently, 44 Town signals, including the 13 on Parker Road operated for CDOT, which operate under the TR strategy, have shown significant improvements in travel times.

In 2020, Town Council approved the concept of extending this operation to additional locations by way of a CDOT grant that was applied for through the Denver Regional Council of Governments. The Town was given a grant of \$400,000. This money was to be matched by the Town with \$100,000.

The IGA adopted through this ordinance allows the Town to receive the funds from CDOT.

Public Comment: None.

John Diak moved to approve Ordinance No. 9.330 on second reading.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 9.331 - Second Reading**A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker And The State of Colorado Acting By and Through the Colorado Department of Transportation Concerning SH 83 (Parker Road) Traffic Signal Maintenance**

Department: Engineering and Public Works, David Aden

An ordinance is needed to approve an intergovernmental agreement (IGA) with the Colorado Department of Transportation (CDOT) for the continuation of the Town of Parker's operation and maintenance of Parker Road traffic signals. CDOT will reimburse the Town for this service at a rate \$49,920 per year. The current IGA expires in 2021. The agreement will extend the operation and maintenance for another five-year term.

Public Comment: None.

Cheryl Poage moved to approve Ordinance No. 9.331 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

E. ORDINANCE NO. 9.333 - Second Reading

A Bill for an Ordinance Approving the Intergovernmental Agreement By and Between the Town of Parker and The State of Colorado Acting By and Through the Colorado Department of Transportation Concerning Parker Road (SH 83) Multi-Use Trail/Sidewalk: Sulphur Gulch Trail to Parker Square
Department: Engineering and Public Works, Tom Gill

This item is for an ordinance to approve an intergovernmental agreement (IGA) with the Colorado Department of Transportation (CDOT) to receive state multi-modal funding for the construction of a trail/sidewalk and pedestrian bridge on the east side of Parker Road from Sulphur Gulch Trail to Parker Square Drive.

The Town of Parker is proposing to construct a trail/sidewalk and pedestrian bridge on the east side of Parker Road from Sulphur Gulch Trail to just south of Parker Square Drive in 2023. This would be completed in two segments, with the first starting at Sulphur Gulch Trail to Clubhouse Drive, and the second being from Hilltop Road to south of Parker Square. Although some portions of this trail/sidewalk exist along this section of Parker Road, the vast majority of Parker Road does not have an improved walkway.

Through the Denver Regional Council of Governments (DRCOG), the Town was approved to receive partial state/federal, or both, multi-modal funding for construction of this trail/sidewalk and pedestrian bridge. An IGA with CDOT is required to receive these funds. The proposed IGA is for direct construction funding being reimbursed up to \$3,200,000. The Town will be required to fund the remaining \$800,000 of the estimated cost of \$4,000,000 of the direct construction cost. The funding cannot be used for non-direct construction expenses like design, material testing or construction administration; the Town will be responsible for these costs.

The Town's consultant is just starting to work on preliminary design for this section of trail/sidewalk and pedestrian bridge. The Town is intending to competitively bid and award the construction contract in late 2022 or early 2023 with construction occurring during the 2023 construction season.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.333 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

F. ORDINANCE NO. 9.334 - Second Reading

A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04 Project No. 108515) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker and Cherry Creek Basin Water Quality Authority

Department: Engineering and Public Works, Michael Grabczyk

The Town of Parker, the Mile High Flood District (MHFD), and the Cherry Creek Basin Water Quality Authority (CCBWQA) have partnered previously to design and construct several major drainage projects within the Cherry Creek Corridor. This reach has been identified as unstable with various locations of bank erosion, undefined flow paths, receding surface flows, and die-back of vegetation. A portion of the reach will also require a minor realignment to accommodate a future roadway crossing of Dransfeldt Road. This project is anticipated to propose the installation of channel improvements such as boulder drop and riffle structures, hard and soft bank stabilization, redefining the active channel, wetland reestablishment, and revegetation efforts. A preliminary design for several reaches of Cherry Creek, including this project, was completed in 2017. The Town, MHFD, and CCBWQA intend to fund a final engineering design in 2021 and follow-up with a modification to the IGA to encumber construction funding in 2022.

Public Comment: None.

Cheryl Poage moved to approve Ordinance No. 9.334 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

G. HIGH PLAINS TRAIL PROJECT

Department: Parks, Recreation and Open Space, Dennis Trapp

This trail project is a collaborative effort among Arapahoe County, Douglas County, the City of Aurora, the Town of Parker, GOCO (Great Outdoors Colorado), and the E-470 Authority. This trail segment will complete a significant gap in the eastern Denver metro area's trail system.

Ordinance No. 1.390.1 will approve the second amendment to the Deed of Conservation Easement for the 17-Mile House property and will allow for the construction of the High Plains Trail overcrossing of Parker Road and connecting to the existing Cherry Creek Trail on the west side of Parker Road.

Ordinance No. 1.264.2 will approve the first amendment to the Deed of Conservation Easement for the Norton property, which will allow the construction of the High Plains Trail overcrossing of Parker Road and connecting to the existing Cherry Creek Trail on the west side of Parker Road. This amendment is necessitated since several new short trail segments of the High Plains Trail lie within the boundary of the Norton Conservation Easement.

Ordinance No. 9.283.2 will approve the second amendment to the Intergovernmental Agreement (IGA) regarding the design of improvements to the High Plains Trail and will memorialize the transfer of monies from Parker to Arapahoe County in the amount of approximately \$1,938,000, which includes prior contributions to the Town from Douglas County and the E-470 Authority. These funds, when combined with other agency contributions, will be used for construction of the High Plains Trail project.

Public Comment:

Michael Cavanaugh, 12793 Red Rose Circle, spoke in favor of the project.

1. ORDINANCE NO. 1.390.1 - Second Reading

A Bill for an Ordinance to Approve Amendment #2 to Deed of Conservation Easement for the 17 Mile House property by and between the Board of County Commissioners of the County of Arapahoe, State of Colorado and the Town of Parker

Cheryl Poage moved to approve Ordinance No. 1.390.1 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 1.264.2 - Second Reading

A Bill for an Ordinance to Approve the First Amendment to the Second Revised and Restated Deed of Conservation Easement (Norton Property - Douglas County, Colorado) by and between the Town of Parker and Board of County Commissioners of the County of Douglas, State of Colorado

John Diak moved to approve Ordinance No. 1.264.2 on second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

3. ORDINANCE NO. 9.283.2 - Second Reading

A Bill for an Ordinance to Approve the Second Amendment to Intergovernmental Agreement Regarding the Design of Improvements to the High Plains Trail by and between the Town of Parker and Arapahoe County Board of County Commissioners

Todd Hendreks moved to approve Ordinance No. 9.283.2 on second reading.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 21-029

A Resolution to Appoint the Chair and to Appoint Members and Alternates to the Town of Parker Planning Commission

Department: Community Development, Bryce Matthews

The Planning Commission has a total of 10 members, seven (7) regular and three (3) alternates, with terms of varying length. The Commission currently has openings for two (2) regular and three (3) alternate members because of term expirations. The purpose of this Resolution is to appoint recommended applicants to fill the openings prior to June 30, 2021, so the Planning Commission may continue to operate without interruption.

The current openings on the Planning Commission arise from the following:

1. Regular Planning Commissioners Eliana Burke and Erik Frandsen have terms that will expire June 30, 2021.
2. Alternate Planning Commissioners Susan Caudill, Tracie Manske and Anthony Matthews have terms that will expire June 30, 2021.

This action is taken in accordance with the Parker Land Development Ordinance which provides that the Town Council appoint candidates to the Planning Commission including the Chair, regular members and alternate members.

Public Comment: None.

Todd Hendreks moved to approve Resolution No. 21-029.

Anne Barrington seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 21-030**A Resolution Concerning Certain Application Materials Submitted as Part of, and Included as a Condition of Approval for, the Use By Special Review for Lot 3 of the Blair Industrial Park Replat of Tract 3 Subdivision****Department: Town Attorney, Kristin Hoffmann**

In late 2019, the Town Council approved a Use by Special Review for Lot 3 of the Blair Industrial Park Replat of Tract 3. One of the conditions of approval was: "3. Operations shall comply with the "Camp Bow Wow Operations Manual" and the "Camp Bow Wow Camper Healthcare and Cleaning Guide" uploaded on November 6, 2019. Additionally, all subsequent versions of these manuals shall be adhered to."

Recently, an attorney for Camp Bow Wow notified the Town that the "Camp Bow Wow Operations Manual" and the "Camp Bow Wow Camper Healthcare and Cleaning Guide" (collectively, the "Guides") were confidential proprietary information. This resolution would authorize the amendment to Condition No. 3 to provide: "3. Operations shall comply with the summary attached as Exhibit 1 to Resolution No. 21-030, Series of 2021;" It also would remove the Guides from the public record and replace them with the summary that is attached to this resolution.

Public Comment: None.

Cheryl Poage moved to approve Resolution No. 21-030.

Laura Hefta seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

Chris Vanderpool, Acting Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: June 21, 2021

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.28.26 - First Reading**
A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Relating to Fines for Violations of Liquor Code Violations
Department: Town Attorney, Jim Maloney
Second July 12, 2021
Reading:

EXECUTIVE SUMMARY

Senate Bill 20-110, which was enacted last year, authorizes the Town as a local liquor licensing authority to impose a fine for a liquor code violation, without suspending or revoking a liquor license. The purpose of this Ordinance is to authorize the Special Licensing Authority to impose fines, as provided by Senate Bill 20-110.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Prior to the General Assembly's enactment of Senate Bill 20-110, state and local licensing authorities could only impose a fine for liquor code violations if the licensee requested a fine in lieu of revocation or suspension. If the Town Council adopts Ordinance No. 5.28.26, the Special Licensing Authority will be authorized to impose a fine without suspending or revoking a liquor license. The fines under Senate Bill 20-110 range from \$500.00 to \$100,000.00. The Colorado Department of Revenue has issued regulations to serve as guidance to local licensing authorities in implementing these new fines, including categories of violations; methods of calculating fines; and aggravating and mitigating factors. The Special Licensing Authority reviewed Ordinance No. 5.28.26 and recommends the Town Council approve.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 5.28.26

RECOMMENDED MOTION

I move to approve Ordinance No. 5.28.26 on first reading and to schedule second reading for July 12, 2021, as part of the consent agenda.

ORDINANCE NO. 5.28.26, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 5.02 OF THE PARKER MUNICIPAL CODE RELATING TO FINES FOR VIOLATIONS OF LIQUOR CODE VIOLATIONS

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

Section 1. Subsection 5.02.210(e) of the Parker Municipal Code is amended as follows:

(e) In the event that a license is renewed by the Special Licensing Authority, such renewal will not affect a pending show cause order which relates to an incident that occurred prior to the date of the renewal. The Authority shall be authorized to take whatever action is necessary against a licensee either in the form of suspension or revocation of the liquor license or imposition of a fine for individual violations regardless of when such license has been renewed.

Section 2. Section 5.02.800 of the Parker Municipal Code is hereby repealed in its entirety.

Section 3. Section 5.02.860 of the Parker Municipal Code is hereby amended as follows:

5.02.860 Definitions.

* * *

Fine means a form of discipline imposed pursuant to this Chapter ~~in lieu of a suspension. Any fine shall be the equivalent of twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension, except that the fine shall be not be less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00)~~ five hundred dollars (\$500.00) nor more than one hundred thousand dollars (\$100,000.00).

* * *

Section 4. Section 5.02.870 of the Parker Municipal Code is hereby repealed and reenacted to read as follows:

5.02.870 Penalty for Violation.

(a) Any licensee who violates the terms of this Chapter may be subject to suspension or revocation of his or her liquor license pursuant to Section 44-3-601, C.R.S. or may be subject to the imposition of a fine.

(b) Whenever ~~a~~ the decision of the Authority suspending a license ~~for fourteen (14) or fewer days or permit~~ becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension ~~or such earlier date as the licensing authority may designate in its decision~~, petition for permission to pay a fine in lieu of the license or permit suspended for all or part of the suspension period. ~~The licensing authority~~ Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension ~~in part or in whole~~ and cause any investigation to be made that it deems desirable and may, in its sole discretion, grant the petition if it ~~finds, after any investigation that it deems desirable, that is satisfied~~:

(1) ~~The~~ That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; and

(2) ~~The~~ That the books and records of the licensee are kept in such a manner that the loss ~~during the proposed suspension of sales of alcohol beverages that the licensee would have suffered had the suspension gone into effect~~ can be determined with reasonable accuracy ~~therefrom; and~~.

(3) ~~The licensee has not had its license suspended or revoked nor had any suspension stayed by payment of a fine during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license.~~

(c) The fine for individual violations shall be not less than five hundred dollars (\$500.00) nor more than one hundred thousand dollars (\$100,000.00).

(d) The fine accepted in lieu of suspension shall be the equivalent to twenty percent (20%) of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall be not less than five hundred dollars (\$500.00) nor more than one hundred thousand dollars (\$100,000.00).

~~(e)(e)~~ Payment of any fine pursuant to the provisions of Subsection (c) or (d) above shall be in the form of cash or in the form of a certified check or a cashier's check made payable to ~~the licensing authority~~. ~~Such fine shall be paid into the general fund of the Town.~~

~~(d) The licensing authority may grant such conditional or temporary stays as are necessary for it to complete its investigations, to make its findings as specified in Subsection (b) above, and to grant a permanent stay of the entire or part of the suspension. If no permanent stay is granted, the suspension shall go into effect on the operative date finally set by the licensing authority.~~

(f) Upon payment of the fine pursuant to Subsection (d) above, the Authority shall enter its further order permanently staying the imposition of

the suspension. The Town Council shall cause such money to be paid into the general fund of the Town.

(g) In connection with any petition pursuant to Subsection (b) above, the power of the Authority is limited to the granting of such stay as necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(h) If the Authority does not make the findings required by Subsection (b) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority.

Section 5. **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 6. **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 7. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 21, 2021

Submitted By: Tom Gill, Associate Project Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **Parker Road (SH83) Multi-Use Trail (West Side) CIP 21-017**

Amount: **\$2,149,537.20**

Contractor: **Rumler Civil Construction, Inc.**

Department: **Engineering and Public Works, Tom Gill**

EXECUTIVE SUMMARY

This item is to award a trade contractor agreement with Rumler Civil Construction, Inc., for the Parker Road (SH83) Multi-Use Trail (West Side) project for \$2,149,537.20.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town publicly opened competitive bids on June 9, 2021, for the Parker Road (SH83) Multi-Use Trail (West Side) CIP 21-017. Work includes, but is not limited to, construction of approximately 5,700-feet of 10-foot wide trail/sidewalk and 1,900-feet of removal and replacement of the existing 10-foot high wood fence/sound barrier. The project limits are from just south of Twenty Mile Road to just north of Hess Road.

The Town received bids from seven (7) contractors with Rumler Civil Construction, Inc., being the lowest responsible bidder. Three references were contacted and all gave positive feedback in regards to past Rumler Civil Construction work quality and performance. Therefore, Town staff recommends moving forward with the contract award. The bids were as follows:

- 1) Rumler Civil Construction, Inc. - \$2,149,537.20
 - 2) Hamon Infrastructure - \$2,210,000.00
 - 3) Noraa Concrete Construction Corporation - \$2,547,580.65
 - 4) VILLALOBOS CONCRETE, INC. - \$3,058,507.53
 - 5) Silva Construction, Inc. - \$3,119,171.70
 - 6) Concrete Express, Inc - \$3,203,823.65
 - 7) GoodLand Construction Inc - \$3,376,272.70
- Engineer's Estimate - \$2,030,000

As previously presented to Council, through the Denver Regional Council of Governments

(DRCOG), the Town was approved to receive partial state multi-modal funding for construction of this trail/sidewalk. Council did approve an intergovernmental agreement (IGA) with CDOT to receive these funds. The IGA was for direct construction funding and is a 50/50 split with 50% of the construction funding being reimbursable by the state up to \$1,000,000. The Town will be required to fund the remaining 50% of the direct construction cost. The state funding cannot be used for non-direct construction expenses like design, material testing or construction administration and the Town will be responsible for those costs.

FINANCIAL IMPACT

Funding for this roadway improvement project has been appropriated in the Streets Capital Improvement Fund (301-4310).

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Request for Town Council Action

Date: June 21, 2021

Submitted By: Danny Smith, Operations Manager, Streets & Stormwater Maintenance

Reviewed By: Michelle Kivela, Town Administrator

Title: **2021 Townwide Resurfacing Program (CIP21-004) Contract Modification**

Amount: **\$108,176.75**

Contractor: **Martin Marietta Materials, Inc**

Department: **Engineering and Public Works, Danny Smith**

EXECUTIVE SUMMARY

This item is to award a contract modification to Martin Marietta Materials, Inc., for the 2021 Townwide Resurfacing Program (CIP21-004) in the amount of \$108,176.75 for a revised contract amount of \$2,058,590.95. Funding for this contract has been appropriated in the Engineering & Public Works Streets Division repair and maintenance accounts.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker, through the open competitive bid process, awarded the 2021 Townwide Resurfacing program (CIP21-004) contract to Martin Marietta Materials, Inc., on February 1, 2021, in the amount of \$1,950,414.20. Upon receipt of bids and subsequent award of contracts for all annual maintenance contracts, savings were realized that staff would like to use on additional street resurfacing work. This contract modification will allow the Town to maximize the use of maintenance funds and include a segment of Progress Way from Plaza Drive to Longs Way in the 2021 Resurfacing program. This contract modification will increase the total contract amount by \$108,176.75 for a new contract amount of \$2,058,590.95.

FINANCIAL IMPACT

Funding for this project has been appropriated in the 2021 Engineering & Public Works Streets Division repair and maintenance general fund accounts.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation as part of the consent agenda.



Request for Town Council Action

Date: June 21, 2021

Submitted By: Jim Gilbert, Deputy Director of Operations

Reviewed By: Michelle Kivela, Town Administrator

Title: **Parker Pool Dehumidification Unit Replacement Project (CIP21-015)**

Amount:	\$310,686
Contractor:	Holbrook Service, LLC
Department:	Engineering and Public Works, Jim Gilbert

EXECUTIVE SUMMARY

This project (CIP21-015) provides funding for the replacement of one Pool Dehumidification Unit (PDU#1) at the Recreation Center. This unit is one of two at the Recreation Center. This unit provides the appropriate tempered space conditions for the indoor natatorium. Staff completed a public solicitation to secure bids from vendors to procure and perform the installation of this PDU. The Town received four bid responses for this project as follows.

Holbrook Services - \$310,686
Colorado Mechanical Services - \$327,813
Frontier Mechanical - \$337,900
Long Building Technologies - \$399,952

Staff concludes that Holbrook Services is the lowest responsible bid received for this project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

There are two PDUs serving the natatorium at the Recreation Center. Both units are required to be operational to provide the appropriate amount of air exchanges and maintain correct static pressures within the natatorium area. During the most recent remodel of the facility one PDU was replaced and the other one was kept in service. Anticipated service life for a PDU is 20 years. The PDU associated with this project was placed into operation in 2004.

PDUs are designed to meet several functions of space and water conditions in a natatorium environment. The primary function is to provide a healthy environment through conditioned

space inclusive of temperature, humidity, and appropriate amounts of outside fresh air. Secondary to this, is the need to obtain a balanced pressure condition between the natatorium and adjacent building space.

Recirculating too much indoor air, without adequate amounts of outdoor air, is unhealthy.

Inadequate ventilation increases chloramine levels and leads to a strong odor, uncomfortable “red eye” conditions or swimmers and spectators, swimmer’s cough, poor water quality and less effective chlorine that controls bacteria. According to the Centers for Disease Control and Prevention (CDC), eliminating chloramines from the pool space aids the effectiveness of pool water treatment and results in healthier indoor air.

Natatoriums should be maintained at a negative air pressure (0.05 to 0.15 in. of water) relative to the outdoors and adjacent areas of the building to prevent the forming of condensation in the wall and ceiling interstitial spaces; and to prevent the dispersal of chloramines, other noxious fumes and moisture to other occupied spaces in the building. The space pressurization scheme must be maintained during every hour of the year and for all possible operating conditions.

Over the past five (5) years, the PDU associated with this project has suffered multiple maintenance related issues and continues to be one unit at the Recreation Center that requires Facility Maintenance staff attention. While the unit remains operational there is concern about pushing the replacement out any further than 2022.

FINANCIAL IMPACT

Funding for this project is approved as part of the capital budget for 2021. The awarded cost for this project is \$310,686. The anticipated budget for this project is \$309,000. There is anticipated savings in other planned projects which will be allocated to cover the additional costs with this project. Due to the lead times from the manufacturer (~32+ weeks) either all or a portion of the funded amount will be carried over into 2022. No additional fiscal/budget impacts are anticipated at this time.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Request for Town Council Action

Date: June 21, 2021

Submitted By: Danny Smith, Operations Manager, Streets & Stormwater Maintenance

Reviewed By: Michelle Kivela, Town Administrator

Title: **Hess Road Bridge Rail Rehabilitation CIP 21-0012**

Amount: **\$330,420.00**

Contractor: **Rumler Civil Construction, Inc**

Department: **Engineering and Public Works, Danny Smith**

EXECUTIVE SUMMARY

This item, if approved, will allow for minor repairs to the Hess Road bridge over Cherry Creek. Repairs will include the replacement of the deteriorating steel rail on the north span with a galvanized railing and the replacement of the failing manufactured stone veneer on both spans with natural stone veneer.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Through an advertised bid process, competitive bids for this project (CIP21-0012) were received on May 25, 2021. Two vendors submitted bids with Rumler Civil Construction, Inc., being the lowest responsible bidder. Town staff recommends moving forward with this contract award. The bids were as follows:

1. Rumler Civil Construction, Inc: \$330,420
2. Hamon Infrastructure \$375,970

Engineer's Estimate: \$316,895

FINANCIAL IMPACT

Funding for this project has been approved in the 2021 Engineering & Public Works Streets Division repair and maintenance general fund accounts.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation as part of the consent agenda.



Request for Town Council Action

Date: June 21, 2021

Submitted By: Bryce Matthews, Planning Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.124 - Second Reading**
A Bill for an Ordinance to Amend Sections
13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090 and
13.07.100 of the Parker Municipal Code Concerning
Extensions of Time
Department: Community Development, Bryce Matthews

EXECUTIVE SUMMARY

The Town Administrator issued a series of Emergency Orders in 2020 to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, staff proposes several amendments to the Municipal Code to establish a formal transition from the emergency orders back to pre-pandemic Code requirements. The proposed ordinance will allow for the Planning Director to grant administrative extensions of approved land use applications to December 31, 2021.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parker Municipal Code provides for the following:

1. Site Plans Approvals: Effective for 12 months, the applicant may request an additional 90-day extension from the Planning Director.
2. Sketch and Preliminary Plan Approvals: Effective for 12 months, the applicant may request an additional 12 month extension from the Planning Director.
3. Final Plat, Minor Development Plat and Replat Approvals: Effective for 90 days, the applicant may request an additional 30 day extension from the Planning Director.

The Town Administrator issued an Emergency Order in 2020 that allowed for all land use approvals to receive an additional extension of four (4) months to obtain their Grading Permit or Building Permit, for a total of 16 months prior to expiration. The proposed ordinance will allow the Planning Director to administratively extend approvals to December 31, 2021 if requested by applicants. After December 31, 2021, the ordinance will sunset and approvals will revert back to the Code standard of 12 months with the option for a 90-day extension upon request.

On May 27, 2021, the Planning Commission unanimously recommended that the Town Council approve the proposed ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. PC Staff Report
2. Ordinance 3.01.124

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.124 on second reading.



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: **Public Meeting**
A Bill for an Ordinance to Amend Sections 13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090, and 13.07.100 of the Parker Municipal Code Concerning Extensions of Time

Location: **Townwide**

Project Planner: **Bryce Matthews, Planning Manager**

Applicant: **Town of Parker**

Executive Summary: The Town Administrator issued a series of executive orders to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, the Town is codifying amendments to the code to establish a formal transition from the executive orders back to pre-pandemic code requirements. The proposed ordinance will allow for the Planning Director to grant administrative extensions of approved applications beyond the 90 days permitted today to a date certain of December 31, 2021.

Staff Recommendation: **Approval**

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals with the following conditions:”

-List proposed conditions

“I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals:”

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals.”

I. BACKGROUND/DISCUSSION

The Town administrator issued a series of Executive Orders in response to the COVID-19 pandemic. The Parker Municipal Code requires that applicants receive a Building Permit or Grading Permit within 12 months of approval of a land use application or the approval will expire. The Code also allows for the applicant to request a 90-day extension from the Planning Director in addition to the 12 months. The Town administrator issued an Executive Order that allowed for all land use approvals to receive an additional 4 months to receive their Grading Permit or Building Permit, for a total of 16 months prior to expiration. The proposed ordinance will allow the Planning Director the ability to administratively extend approvals up to December 31, 2021. After December 31, 2021 approvals will revert back to the code requirement of 12 months with the option for a 90-day extension.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	N/A
Inconsistent Goals/Strategies	None
Staff Analysis	Amending the code to allow for extension of approvals is not addressed in the Parker 2035 Master Plan.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will allow the Planning Director to grant administrative extensions of approved applications beyond the 90 days permitted today to a date certain of December 31, 2021.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3.01.124, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090, AND 13.07.100 AND OF THE PARKER MUNICIPAL CODE CONCERNING EXTENSIONS OF TIME

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

Section 1. Section 13.01.140 of the Parker Municipal Code is amended to read as follows:

13.01.140 Resubmittals and expiration of approvals.

* * *

(b) Approval by the Town Council, Planning Commission, or Planning Director of any site plan or use by special review shall remain in effect for a period of twelve (12) months. Any approval of an application for which a grading permit or building permit has not been issued or for which the use by special review has not commenced within twelve (12) months after approval of the site plan or use by special review shall be null and void. An extension of time of up to ninety (90) days may be granted by the Planning Director for good cause. **An additional extension of time, beyond the foregoing 90-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.** Any denial of the extension may be appealed to the Town Council. If denied, the applicant may resubmit a new application and fees for the same project.

* * *

Section 2. Section 13.07.060 of the Parker Municipal Code is amended to read as follows:

13.07.060 Sketch plan.

* * *

(i) Expiration of approval.

(1) The sketch plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval or unless a preliminary plan has been approved for a portion of the area covered by the sketch plan. In such event the sketch plan approval for the remainder of the area shall be effective for one (1) year following preliminary plan approval. The Planning Director may grant an extension of time, of no more than one (1) year, upon a written request by the applicant prior to the expiration of the one-

year period. **An additional extension of time, beyond the foregoing one-year extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 3. Section 13.07.070 of the Parker Municipal Code is amended to read as follows:

13.07.070 Preliminary plan.

* * *

(i) Expiration of approval.

(1) The preliminary plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Planning Director may grant an extension of time, of no more than one (1) year, upon a written request by the applicant prior to the expiration of the one-year period. **An additional extension of time, beyond the foregoing one-year extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.** However, when a part of the preliminary plan is final platted, approval of the remaining area of the preliminary plan shall be effective for the one-year period or as otherwise extended by the Planning Director or the Town Council.

* * *

Section 4. Section 13.07.080 of the Parker Municipal Code is amended to read as follows:

13.07.080 Final plat.

* * *

(h) Expiration of approval.

* * *

(2) The Planning Director may grant ~~no more than~~ one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown. **An additional extension of time, beyond the foregoing 30-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 5. Section 13.07.090 of the Parker Municipal Code is amended to read as follows:

13.07.090 Minor development—single-family residential.

* * *

(j) Expiration of approval.

* * *

(2) The Planning Director may grant ~~no more than~~ one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown. **An additional extension of time, beyond the foregoing 30-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 6. Section 13.07.100 of the Parker Municipal Code is amended to read as follows:

13.07.100 Minor development—nonresidential and multiple-family.

* * *

(j) Expiration of approval.

* * *

(2) The Planning Director may grant ~~no more than~~ one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown. **An additional extension of time, beyond the foregoing 30-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 7. **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 8. 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 9. This Ordinance shall become effective ten (10) days after final publication.

Section 10. This Ordinance shall sunset on December 31, 2021, and be of no further force or effect after this date.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 21, 2021

Submitted By: Bryce Matthews, Planning Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.125 - Second Reading (Continue to July 12, 2021)**
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code concerning Planning Department Adjustments
Department: Community Development, Bryce Matthews

EXECUTIVE SUMMARY

The Town Administrator issued a series of Emergency Orders in 2020 to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, staff proposes several amendments to the Municipal Code to establish a formal transition from the emergency orders back to pre-pandemic Code requirements. The proposed ordinance would exclude certain temporary site plan changes, such as marking pick-up/delivery parking spaces, from the requirement for Site Plan Adjustment approval by the Town. If approved, this ordinance will be in effect through September 30, 2021.

The Ordinance is being continued to allow time to remand the ordinance back to Planning Commission to consider a proposed change to the ordinance to include and address temporary patios for businesses.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The purpose of this ordinance is to continue to support the business community through the summer by allowing them to operate temporary pick-up parking and other temporary changes to their site to accommodate drive up, pick-up and delivery services. The Municipal Code requires that any change to a commercial site receive Town approval. Minor changes of less than 15 percent qualify to receive a site plan adjustment approval, which entails a limited review process. The requirement for approval would normally apply to designating certain parking spaces for pick-up and delivery, painting new private crosswalks and other changes to site plans that have been necessary for businesses to adjust their business operations during the pandemic. The proposed exclusion from the site plan adjustment process will be extended through September 30, 2021, and sunset thereafter.

On May 27, 2021, the Planning Commission unanimously recommended that the Town Council approve the proposed ordinance. The Ordinance is being continued to allow time to remand the ordinance back to Planning Commission on June 24, 2021 to include and address temporary patios for businesses.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. PC Staff Report
2. Ordinance No. 3.01.125

RECOMMENDED MOTION

I move to continue Ordinance No. 3.01.125 to a date certain to July 12, 2021, for second reading.



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: **Public Meeting**
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code Concerning Planning Department Adjustments

Location: **Townwide**

Project Planner: **Bryce Matthews, Planning Manager**

Applicant: **Town of Parker**

Executive Summary: The Town Administrator issued a series of executive orders in 2020 to respond to the COVID-19 pandemic. The proposed ordinance would exclude certain temporary site plan changes, such as marking pick-up/delivery parking spaces, from the requirement for Site Plan Adjustment approval by the Town. This ordinance will be in effect through September 30, 2021.

Staff Recommendation: **Approval**

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021 with the following conditions:”

-List proposed conditions

“I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021:”

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021.”

I. BACKGROUND/DISCUSSION

The Town administrator issued a series of Executive Orders in response to the COVID-19 pandemic including an Executive Order to exclude certain temporary commercial site improvements from the requirement to seek a Planning Department Adjustment approval. The purpose of this Ordinance is to continue to support the business community through the summer by allowing them to operate temporary pick up parking and other temporary changes to their site to accommodate drive up, pick-up and delivery services. The Parker Municipal Code requires that any change to a commercial site receive Town approval. Changes less than 15%, qualify to receive a Site Plan Adjustment approval which is a shorter review process. This requirement for approval would normally apply to designating certain parking spaces for pick up/delivery, painting new crosswalks and other changes to site plans that have been necessary for businesses to facilitate changes to their business model during the pandemic. This exclusion from the Site Plan Adjustment process will be extended through September 30, 2021.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	N/A
Inconsistent Goals/Strategies	None
Staff Analysis	Amending the code to temporarily exclude certain activities from the requirement for a Site Plan Adjustment is not addressed in the Parker 2035 Master Plan.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will exclude businesses that are making temporary site plan changes, such as marking pick-up/delivery parking spaces, from the requirement for Site Plan Adjustment approval by the Town. This ordinance will be in effect through September 30, 2021.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3.01.125, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.03.030 OF THE PARKER MUNICIPAL CODE CONCERNING PLANNING DEPARTMENT ADJUSTMENTS

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

Section 1. Section 13.03.030 of the Parker Municipal Code is amended by the addition of a new Subsection (e) to read as follows:

13.03.030 Planning Department adjustments.

* * *

(e) Adjustments to allow retail and service businesses to provide pick-up/delivery of personal, tangible property, parking, and other adjustments to previously approved site plans to facilitate temporary activities related to the operation of such businesses shall not be considered an adjustment under the provisions of this Section.

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.

Section 5. This Ordinance shall sunset on September 30, 2021, and be of no further force or effect after this date.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 21, 2021

Submitted By: Bryce Matthews, Planning Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.324.3 - Second Reading**
A Bill for an Ordinance to Amend Section 13.09.040 of the
Parker Municipal Code concerning Registration of Temporary
Signs
Department: Community Development, Bryce Matthews

EXECUTIVE SUMMARY

The Town Administrator issued a series of Emergency Orders in 2020 to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, staff proposes several amendments to the Municipal Code to establish a formal transition from the emergency orders back to pre-pandemic Code requirements. The proposed Ordinance will temporarily remove the requirement for temporary signs to be registered from June 1, 2021 through September 30, 2021, to assist local businesses in their transition to normal operations.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The purpose of this ordinance is to continue to support the business community through the busy summer season by not requiring temporary sign registration before a transition back to regular enforcement of the Sign Code. The Municipal Code currently suspends the registration requirement for temporary signs between October 1 and November 15 of each year. The proposed ordinance will also suspend the registration requirement for temporary signs between June 1 and September 30. The ordinance will sunset after September 30, 2021.

On May 27, 2021, the Planning Commission unanimously recommended that the Town Council approve the proposed ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ATTACHMENTS

1. PC Staff Report
2. Ordinance No. 3.324.3

RECOMMENDED MOTION

I move to approve Ordinance No. 3.324.3 on second reading.



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: Public Meeting
A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code to Concerning the Registration of Temporary Signs

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The Town Administrator issued a series of executive orders to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, the Town is codifying amendments to the code to establish a formal transition from the executive orders back to pre-pandemic code requirements. The proposed Ordinance will remove the requirement for temporary signs to be registered between June 1, 2021 through September 30, 2021.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 and September 30, 2021."

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 and September 30, 2021 with the following conditions:"

-List proposed conditions

"I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 and September 30, 2021:"

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 through September 30, 2021.”

I. BACKGROUND/DISCUSSION

The Town administrator issued a series of Executive Orders in response to the COVID-19 pandemic. The Town administrator issued an Executive Order to excluded certain temporary signs from the requirement for registration and time limits in the sign code. The purpose of this ordinance is to continue to support the business community through the summer by not requiring temporary sign registry as a transition back to regular enforcement of the Sign Code. The Parker Municipal Code currently suspends the registration requirement for temporary signs between October 1 and November 15 of each calendar year. The proposed Ordinance will also suspend the registration requirement for temporary signs between June 1 and September 30. The Ordinance if approved will sunset on September 30, 2021, and will not be in effect in future years.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	N/A
Inconsistent Goals/Strategies	None
Staff Analysis	Amending the code to allow for temporary signs to temporarily not be registered is not addressed in the Parker 2035 Master Plan.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will suspend the registration requirement for temporary signs between June 1 and September 30 with a sunset on September 30, 2021. The sunset provision makes the code amendment expire and therefore not be in effect in future years.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3.324.3, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.09.040 OF THE PARKER MUNICIPAL CODE CONCERNING REGISTRATION OF TEMPORARY SIGNS

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

Section 1. Section 13.09.040 of the Parker Municipal Code is amended to read as follows:

13.09.040 Administrative procedures.

* * *

(b) Temporary signs. The Town will permit temporary signs on residential and nonresidential parcels in accordance with the following standards and procedures:

* * *

(2) Registry not required. Notwithstanding Paragraph (1) above, registration of temporary signs will not be required between October 1 and November 15 of each calendar year. **Additionally, registration of temporary signs shall not be required between June 1 and September 30 of each calendar year.** During such period, temporary signs will be required to conform in all other respects to the provisions of this Chapter.

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.

Section 5. This Ordinance shall sunset on September 30, 2021, and be of no further force or effect after this date.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 21, 2021

Submitted By: John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.353.1 - Second Reading**
A Bill for an Ordinance to Amend Sections 13.01.140 and 13.10.250 of the Parker Municipal Code Concerning Prairie Dog Management
Department: Community Development, John Fussa

EXECUTIVE SUMMARY

The proposed Ordinance No. 3.353.1 will amend the Prairie Dog Management Ordinance to provide a 180-day extension of approval where an applicant undertakes relocation. It also requires that humane extermination occur not less than 30 days after Town approval of a development application. The proposed ordinance amendment is in follow-up to Town Council direction given at the March 29, 2021 Study Session after discussion of the issue with staff.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town Council approved the Prairie Dog Management Ordinance on April 6, 2020, after public comment and Planning Commission recommendation. At that time, the Commission and staff discussed the need for (and benefit of) a provision to clarify the minimum due diligence period in which applicants must evaluate the feasibility of relocation for projects where the ordinance is applicable. Staff determined during the course of ordinance administration in 2020 that this provision would be helpful and subsequently discussed it with Town Council. The Council directed staff to proceed with the proposed, limited ordinance amendment at the March 29, 2021 Study Session after a presentation and discussion of the issue (copy attached).

The proposed Ordinance will amend the Prairie Dog Management Ordinance to provide a maximum 180-day administrative extension of land use approvals where an applicant undertakes relocation of prairie dogs. The purpose of the amendment is to provide an applicant with certainty that protects approvals and an incentive for relocation if feasible. The proposed ordinance also requires that humane extermination occur not less than 30 days after Town approval of a development application. The purpose of this amendment is to provide a limited due diligence period to support ordinance compliance before site disturbance such as grading occurs.

On May 27, 2021, the Planning Commission unanimously recommended that the Town Council approve the proposed ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. PC Staff Report
2. CD Presentation-Wildlife Mgmt_3-29-21
3. Ordinance No. 3.353.1

RECOMMENDED MOTION

I move to approve Ordinance No. 3.353.1 on second reading.



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: Public Meeting
A Bill for an Ordinance to Amend Sections 13.01.140
and 13.10.250 of the Parker Municipal Code
Concerning Prairie Dog Management

Location: Town-wide

Project Planner: John Fussa, Director

Applicant: Town of Parker

Executive Summary: The proposed Ordinance will amend the Prairie Dog Management Ordinance to provide a 180-day administrative extension of land use approvals where an applicant undertakes relocation of prairie dogs. The proposed ordinance also requires that humane extermination occur not less than 30 days after Town approval of a development application.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application with the following conditions:”

- List proposed conditions

“I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application.”

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application.”

I. BACKGROUND/DISCUSSION

The Town Council approved the Prairie Dog Management Ordinance on April 6, 2020 after public comment and Planning Commission recommendation. At that public meeting regarding the ordinance, the Planning Commission and staff discussed the need for (and benefit of) a provision to clarify the minimum due diligence period in which applicants must evaluate the feasibility of relocation of prairie dogs for projects where the ordinance is applicable. Staff determined during the course of administration of the new code, *13.20.250 Prairie Dogs*, that the provision of a due diligence period would be useful. The Council directed staff to proceed with the proposed, limited ordinance amendment at the March 29, 2021 Study Session to address these two items.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☒ Consistent ☐ Inconsistent ☐ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	Consistent with Chapter 12, Natural Resource Protection, of the Master Plan
Inconsistent Goals/Strategies	None
Staff Analysis	The Parker 2035 Master Plan does not specifically address prairie dog management but Chapter 12, Natural Resource Protection, includes the goal to: <i>“Consider the impacts of development on wildlife when evaluating land use applications.”</i>

III. CONCLUSION

Staff recommends that the Planning Commission recommend that the Town Council approve an ordinance that will amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application where applicable.

IV. RECOMMENDED CONDITIONS

None

V. **ATTACHMENTS**
Draft Ordinance

Report Approved By: John Fussa, Director

Town Council Study Session

Wildlife Management Discussion - Prairie Dog Management and Environmental Assessment

March 29, 2021



Background & Context

- **Issue:** Growth/development may impact wildlife, wildlife habitat depending upon the project, location, wildlife present and natural features that exist.
- **Response:** Town Council directed staff to research the issue, discussed publicly in 2019-2020, considered options and took certain actions.
- **Prior Discussion:** July 22, 2019; September 9, 2019; September 23, 2019; February 10, 2020; August 10, 2020; November 9, 2020
- **Prairie Dog Mgmt. Ordinance:** Adopted April 6, 2020
 - Promotes humane management
 - Encourages relocation if feasible
 - Requires humane extermination if relocation infeasible
 - Protects other species to minimize impacts
- **Wildlife/Wildlife Habitat:**
 - Considered multiple options in 2019 – 2020
 - Town Council accepted recommendation for Environmental Assessment
 - Town Council directed preparation of concept for further consideration



Prairie Dog Mgmt. Ordinance Amendment

- **Issue:** Ordinance does not specify duration for good faith relocation effort w/application
- **Feedback:** Applicants, Planning Commission and staff request/recommend a standard
- **Benefit:** Provides additional clarity about requirements and a standard where none exists
- **Town Council:** Provided direction to revise Ordinance on August 10, 2020
- **Summary:** Applicant should address Ordinance during application
 - Shall not perform humane extermination until a development application is approved and for a period of not less than 30 days after approval.
 - May request an administrative extension of approval for maximum 6 months if relocation feasible to allow time for effort and preserve approval



Environmental Assessment (EA)

- Discussed w/Town Council 2019 - 2020
- Issue(s): Growth/development has and may impact wildlife and wildlife habitat
- Options Discussed:
 - No action
 - Increased Coordination w/CPW, USFW
 - Phase One (1) Assessment
 - **Environmental Assessment (EA)**
 - Environmental Impact Statement
- Council directed staff to refine EA concept, review w/Developer Liaison Committee and return for discussion, direction
- Issues:
 - Goal/Purpose?: Recommend identification of impacts, avoidance or mitigation as appropriate
 - Applicability?: Recommend apply to private development only
 - How Broad?: Recommend apply to priority issues only
 - Approach?: Recommend ordinance w/clear standards and requirements for technical document
 - Overlap?: Recommend coordinate, consistency w/existing Town environmental standards



Environmental Assessment (EA)

- **Applicability:**
 - Certain private development applications only
 - Properties with specified environmentally sensitive features
 - Properties with Federal, State designated endangered or threatened wildlife species
 - Properties with known or potential contamination from prior use
 - Properties of 100 acres or greater where development will disturb 50+ percent of site
 - Properties where development raises substantive environmental considerations
- **Purpose:**
 - Allow development consistent with Land Development Ordinance and Master Plan
 - Identify potential impacts that may be caused by development proposals
 - Avoid identified potential impacts through development review if feasible
 - Mitigate identified potential impacts through development review if avoidance infeasible
 - Achieve a balance of growth/development with preservation of wildlife, habitat, natural features
- **Method:** Preparation of EA study to Town criteria with development application
- **Limitations:** Town will continue to grow/develop. All development has impacts, mitigation more feasible than avoidance
- **Seek Balance:** Pursue approach that balances benefits, detriments



Next Steps

- Refine EA concept to address Town Council comments
- Update new Town Council members in Q3
- Share revised concept with DLC in Q3
- Continue discussion w/Town Council at Study Session in Q3
- Prepare draft ordinance in Q3 for Town Council consideration if Council directs this action



ORDINANCE NO. 3.353.1, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.01.140 AND 13.10.250 OF THE PARKER MUNICIPAL CODE CONCERNING PRAIRIE DOG MANAGEMENT

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

Section 1. Section 13.01.140 of the Parker Municipal Code is amended to read as follows:

13.01.140 Resubmittals and expiration of approvals.

* * *

(b) Approval by the Town Council, Planning Commission, or Planning Director of any site plan or use by special review shall remain in effect for a period of twelve (12) months. Any approval of an application for which a grading permit or building permit has not been issued or for which the use by special review has not commenced within twelve (12) months after approval of the site plan or use by special review shall be null and void. An extension of time of up to ninety (90) days may be granted by the Planning Director for good cause. **An additional extension of time, beyond the foregoing 90-day extension, of up to 180 days may be granted by the Planning Director, if such extension is necessary to accommodate prairie dog relocation efforts, as provided in Section 13.10.250 of this Code.** Any denial of the extension may be appealed to the Town Council. If denied, the applicant may resubmit a new application and fees for the same project.

* * *

Section 2. Section 13.10.250 of the Parker Municipal Code is amended to read as follows:

13.10.250 Prairie dog management.

* * *

(d) Use of humane extermination. If, **after Town approval of a development application and a period of not less than thirty (30) days of attempted relocation, such** relocation of prairie dogs is infeasible or prohibited, except as provided in Subsection (c) above, the applicant shall utilize humane extermination using a licensed professional exterminator to eradicate all or part of a prairie dog colony. All products shall be approved for use by the Colorado Department of Agriculture, U.S. Fish and Wildlife Service, and U.S. Environmental Protection Agency. Humane extermination shall not occur when endangered or

threatened species such as the Western Burrowing Owl or Black-Footed Ferret are present on a site until such species are protected or relocated in accordance with the requirements of the U.S. Fish and Wildlife Service. For purposes of this Section, humane extermination shall include the use of products that (1) are nontoxic (such as carbon dioxide and carbon monoxide); (2) eliminate secondary poisoning; and (3) eliminate impacts to nontarget species.

* * *

Section 3. 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 4. 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 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 21, 2021

Submitted By: Michael Grabczyk, Project Engineer

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.335 - Second Reading**
A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cottonwood Meadows Tributary By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker (Agreement No. 21-05.15 Project No. 108520)
Department: Engineering and Public Works, Michael Grabczyk

EXECUTIVE SUMMARY

The Town of Parker and the Mile High Flood District (MHFD - formerly the Urban Drainage and Flood Control District) have identified the Cottonwood Meadows Tributary as a reach of major drainageway requiring rehabilitation to support existing and future Town growth. The Town and MHFD intend to partner in funding and managing the design and construction of the improvements by executing an intergovernmental agreement.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker and the MHFD have partnered previously to design and construct several major drainage projects within the Town. This reach was originally constructed in the early 1980s and has been identified as an area of concern for storm water quality and flood conveyance due to updates in design standards and regulations since its original construction. Due to the older design strategy, this reach has experienced severe aggradation or sediment accumulation over time causing a reduction in flood conveyance and decrease in the water quality of Cherry Creek. Additionally, this drainageway is considered a Waters of the United States and as such any dredging or sediment removal for maintenance requires federal permitting, which is difficult to obtain with the channel's current configuration. This project is anticipated to propose the installation of channel improvements such as outfall forebays, a natural low-flow channel, increased flood conveyance, and a formalized connection to Cherry Creek. Construction of this project in conjunction with the MHFD will also enter the reach into their Maintenance Eligibility Program (MEP), which allows the Town to leverage funds from the MHFD for both routine maintenance and more intensive maintenance activities. This IGA

will fund a final design in 2021 and contribute towards partial construction funding in 2022.

FINANCIAL IMPACT

This project has been identified in the Stormwater Capital Improvements Projects 10-year plan and is included within the 2021 budget approved by Town Council. The 2021 contributions will fund final design as well as portions of the construction costs. The Town and MHFD will provide additional funding in 2022 necessary to meet the estimated construction costs determined during design.

2021 Design:

Town of Parker \$600,000

MHFD \$170,000

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



PROMOTE A SAFE AND
HEALTHY COMMUNITY

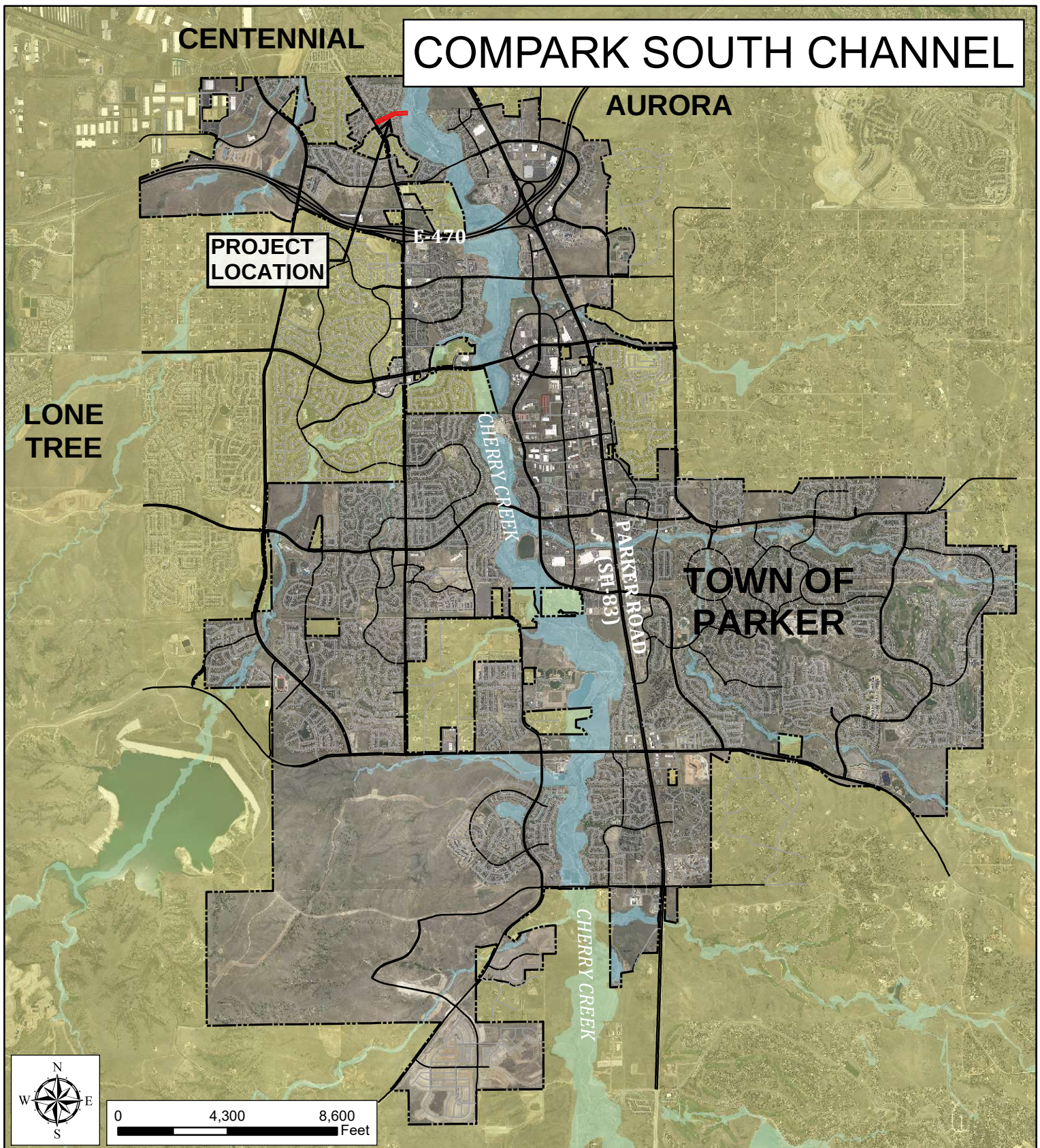
ATTACHMENTS

1. Vicinity Map - Cottonwood Meadows Tributary
2. Ordinance No. 9.335

RECOMMENDED MOTION

I move to approve Ordinance No. 9.335 on second reading.

COMPARK SOUTH CHANNEL



Stormwater

- | | |
|---------------------|------------------------------|
| Inlet | Storm Pipe |
| Inlet - by Others | Storm Pipe - by Others |
| Outfall | Culvert |
| Outfall - by Others | Culvert - by Others |
| Manhole | Channel or Swale |
| Manhole - by Others | Channel or Swale - by Others |

- | | |
|----------------|----------------------------|
| Drop or Check | Drop or Check - by Others |
| Streams | Pond |
| Retention Pond | Retention Pond - by Others |

Other Features

- | |
|----------------------------|
| Floodway |
| 100 Year Floodplain |
| Riparian Conservation Zone |
| Maintenance Regions |
| Town Boundary |

* Layers displayed in the map image are dependent on active layers at the time of print and may not reflect all layers shown in this legend.

ORDINANCE NO. 9.335, Series of 2021

TITLE: A BILL FOR AN ORDINANCE APPROVING THE AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR COTTONWOOD MEADOWS TRIBUTARY BY AND BETWEEN URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT AND THE TOWN OF PARKER (AGREEMENT NO. 21-05.15 PROJECT NO. 108520)

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 Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cottonwood Meadows Tributary by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker (Agreement No. 21-05.15 Project No. 108520), 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 _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR COTTONWOOD MEADOWS TRIBUTARY TOWN OF PARKER

Agreement No. 21-05.15
Project No. 108520

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and TOWN OF PARKER (hereinafter called "TOWN") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, DISTRICT, in a policy statement previously adopted, (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain regulation measures; and

WHEREAS, PARTIES participated in a joint planning study titled "Cottonwood Area of Parker Outfall System Planning Alternative Evaluation Report" by Farnsworth and Polk, dated 2000, and "Cottonwood Area of Parker Outfall System Planning Preliminary Design Report" by Farnsworth and Polk dated 2001 (hereinafter called "PLAN"); and

WHEREAS, PARTIES now desire to proceed with design and construction of drainage and flood control improvements for Cottonwood Meadows Tributary (hereinafter called "PROJECT"); and

WHEREAS, DISTRICT has adopted at a public hearing a Five-Year Capital Improvement Program (Resolution No. 67, Series of 2021) for drainage and flood control facilities in which PROJECT was included in the 2021 calendar year; and

WHEREAS, DISTRICT has heretofore adopted a Special Revenue Fund Budget for calendar year 2021 subsequent to public hearing (Resolution No. 64, Series of 2020) which includes funds for PROJECT; and

WHEREAS, DISTRICT's Board of Directors has authorized DISTRICT financial participation for PROJECT (Resolution No. 38, Series of 2021); and

WHEREAS, the Town Council of TOWN and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. **SCOPE OF AGREEMENT**

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

2. **SCOPE OF PROJECT**

A. **Final Design.** PROJECT shall include the final design of improvements in accordance with the recommendations defined in PLAN. Specifically, the final design of facilities shall

extend from approximately Jordan Road to the confluence with Cherry Creek, as shown on Exhibit A.

- B. Construction. PROJECT shall include construction by DISTRICT of the drainage and flood control improvements as set forth in the final design including vegetation establishment.

3. PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of PARTIES and to their property therein.

4. PROJECT COSTS AND ALLOCATION OF COSTS

- A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:

1. Final design services;
2. Construction of improvements;
3. Contingencies mutually agreeable to PARTIES.

- B. It is understood that PROJECT costs as defined above are not to exceed \$770,000 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AMOUNT</u>
1. Final Design	\$ 350,000
2. Construction *	\$ 420,000
3. Contingency	\$ -0-
Grand Total	\$ 770,000

* It is anticipated that funds for construction shall be added to this Agreement at a future date.

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest, if applicable.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Maximum Contribution</u>
DISTRICT	22%	\$170,000
TOWN	78%	\$600,000
TOTAL	100%	\$770,000

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each party's full share (TOWN - \$600,000; DISTRICT - \$170,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to TOWN of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at TOWN request, TOWN share of remaining monies shall be transferred to another special fund held by DISTRICT.

6. FINAL DESIGN

The contracting officers for PARTIES, as defined under Paragraph 13 of this Agreement, shall select an engineer mutually agreeable to both PARTIES. DISTRICT shall contract with selected engineer and shall supervise and coordinate the final design including right-of-way delineation subject to approval of the contracting officer for TOWN. Payment for final design shall be made by DISTRICT as the work progresses from the PROJECT fund established as set forth above.

Final design services shall consist of, but not be limited to, the following:

- A. Preparation of a work plan schedule identifying the timing of major elements in the design;
- B. Preparation of detailed construction plans and specifications;
- C. Preparation of an estimate of probable construction costs of the work covered by the plans and specifications;
- D. Preparation of an appropriate construction schedule.

DISTRICT shall provide any written work product by the engineer to TOWN.

7. OWNERSHIP OF PROPERTY AND LIMITATION OF USE

PARTIES acknowledge that TOWN owns the property on which PROJECT is constructed either in fee or non-revocable easement and shall be responsible for same. It is specifically understood that the right-of-way is being used for drainage and flood control purposes. The properties upon which PROJECT is constructed shall not be used for any purpose that shall diminish or preclude its use for drainage and flood control purposes. TOWN may not dispose of or change the use of the properties to diminish or preclude its use for drainage and flood control purposes without approval of DISTRICT, which shall not be unreasonably withheld.

If, in the future, TOWN disposes of any portion of or all of the properties acquired upon which PROJECT is constructed pursuant to this Agreement; changes the use to diminish or preclude its use for drainage and flood control purposes of any portion or all of the properties upon which PROJECT is constructed pursuant to this Agreement; or modifies any of the improvements located on any portion of the properties upon which PROJECT is constructed to diminish or preclude its use for drainage and flood control purposes pursuant to this Agreement; and TOWN has not obtained the written approval of DISTRICT prior to such action, TOWN shall take any and all action necessary within their legal authority to reverse said unauthorized activity and return the properties and improvements thereon, acquired and constructed pursuant to this Agreement, to the ownership and condition they were in immediately prior to the unauthorized activity at no expense to DISTRICT. However, TOWN shall not be responsible for the actions of third parties that would violate the provisions of this Paragraph who may have legal rights in the property as long as TOWN has taken reasonable action to stop those actions. In the event TOWN breaches the terms and provisions of this Paragraph 7 and does not voluntarily cure as set forth above, DISTRICT shall have the right to pursue a claim against TOWN for specific performance of this portion of the Agreement.

8. MANAGEMENT OF CONSTRUCTION

- A. Costs. Construction costs shall consist of those costs as incurred by the most qualified contractor(s) including detour costs, licenses and permits, utility relocations, and construction related engineering services as defined in Paragraph 4 of this Agreement.
- B. Construction Management and Payment
 - 1. DISTRICT, with the concurrence of TOWN, shall administer and coordinate the construction-related work as provided herein.
 - 2. DISTRICT, with concurrence of TOWN, shall select and award construction contract(s).
 - 3. DISTRICT shall require the contractor to provide adequate liability insurance that includes TOWN. The contractor shall be required to indemnify TOWN. Copies of the insurance coverage shall be provided to TOWN upon request.
 - 4. DISTRICT, with assistance of TOWN, shall coordinate field surveying; staking; inspection; testing; acquisition of right-of-way; and engineering as required to construct PROJECT. DISTRICT, with assistance of TOWN, shall assure that construction is performed in accordance with the construction contract documents including approved plans and specifications and shall accurately record the quantities and costs relative thereto. Copies of all inspection reports shall be furnished to TOWN on a weekly basis upon request. DISTRICT shall retain an engineer to perform all or a part of these duties.
 - 5. DISTRICT, with concurrence of TOWN, shall contract with and provide the services of the design engineer for basic engineering construction services to include

addendum preparation; survey control points; explanatory sketches; revisions of contract plans; shop drawing review; as-built plans; weekly inspection of work; and final inspection.

6. PARTIES shall have access to the site during construction at all times to observe the progress of work and conformance to construction contract documents including plans and specifications.
 7. DISTRICT shall review and approve contractor billings.. DISTRICT shall remit payment to contractor based on billings.
 8. DISTRICT, with concurrence of TOWN, shall prepare and issue all written change or work orders to the contract documents.
 9. PARTIES shall jointly conduct a final inspection and accept or reject the completed PROJECT in accordance with the contract documents.
 10. DISTRICT shall provide TOWN a set of reproducible "as-built" plans.
- C. Construction Change Orders. In the event that it becomes necessary and advisable to change the scope or detail of the work to be performed under the contract(s), such changes shall be rejected or approved in writing by the contracting officers. No change orders shall be approved that increase the costs beyond the funds available in the PROJECT fund, including interest earned on those funds, unless and until the additional funds needed to pay for the added costs are committed by all PARTIES.

9. MAINTENANCE

PARTIES agree that TOWN shall own and be responsible for maintenance of the completed and accepted PROJECT. PARTIES further agree that DISTRICT, at TOWN's request, shall assist TOWN with the maintenance of all facilities constructed or modified by virtue of this Agreement to the extent possible depending on availability of DISTRICT funds. Such maintenance assistance shall be limited to drainage and flood control features of PROJECT. Maintenance assistance may include activities such as keeping flow areas free and clear of debris and silt, keeping culverts free of debris and sediment, repairing drainage and flood control structures such as drop structures and energy dissipaters, and clean-up measures after periods of heavy runoff. The specific nature of the maintenance assistance shall be set forth in a memorandum of understanding from DISTRICT to TOWN, upon acceptance of DISTRICT's annual Maintenance Work Program.

DISTRICT shall have right-of-access to right-of-way and storm drainage improvements at all times for observation of flood control facility conditions and for maintenance when funds are available.

10. FLOODPLAIN REGULATION

TOWN agrees to regulate and control the floodplain of Cottonwood Meadows Tributary within TOWN in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum.

PARTIES understand and agree, however, that TOWN cannot obligate itself by contract to exercise its police powers. If TOWN fails to regulate the floodplain of Cottonwood Meadows Tributary

within TOWN in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum, DISTRICT may exercise its power to do so and TOWN shall cooperate fully.

11. TERM OF AGREEMENT

The term of this Agreement shall commence upon execution and shall terminate three (3) years after the final payment is made to the construction contractor and the final accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 5 herein, except for Paragraph 10. FLOODPLAIN REGULATION, Paragraph 7.C. Ownership of Property and Limitation of Use, and Paragraph 9. MAINTENANCE, which shall run in perpetuity.

12. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

13. CONTRACTING OFFICERS

- A. The contracting officer for TOWN shall be Public Works and Engineering Director, 20120 E. Main Street, Parker, Colorado, 80138.
- B. The contracting officer for DISTRICT shall be the Executive Director, 2480 West 26th Avenue, Suite 156B, Denver, Colorado 80211.
- C. The contracting officers for PARTIES each agree to designate and assign a PROJECT representative to act on the behalf of said PARTIES in all matters related to PROJECT undertaken pursuant to this Agreement. Each representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT or TOWN. Said representatives shall have the authority for all approvals, authorizations, notices or concurrences required under this Agreement. However, in regard to any amendments or addenda to this Agreement, said representative shall be responsible to promptly obtain the approval of the proper authority.

14. RESPONSIBILITIES OF PARTIES

DISTRICT shall be responsible for coordinating with TOWN the information developed by the various consultants hired by DISTRICT and for obtaining all concurrences from TOWN needed to complete PROJECT in a timely manner. TOWN agree to review all concept plans, preliminary design plans, and final plans and specifications; and to provide comments within 21 calendar days after the drafts have been provided by DISTRICT to TOWN.

15. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

16. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable

clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

17. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Jurisdiction for any and all legal actions regarding this Agreement shall be in the State of Colorado and venue for the same shall lie in the TOWN where PROJECT is located.

18. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.

19. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

20. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

21. TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) days' written notice by any party to this Agreement, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions.

22. PUBLIC RELATIONS

It shall be at TOWN's sole discretion to initiate and to carry out any public relations program to inform the residents in PROJECT area as to the purpose of PROJECT and what impact it may have on them. Technical information shall be presented to the public by the selected engineer. In any event DISTRICT shall have no responsibility for a public relations program, but shall assist TOWN as needed and appropriate.

23. NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified because of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, gender identity, marital status, or physical or mental disability and further agree to insert the foregoing provision in all subcontracts hereunder.

24. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of TOWN and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of TOWN and/or DISTRICT.

25. NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PARTIES receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

26. ILLEGAL ALIENS

PARTIES agree that any public contract for services executed as a result of this intergovernmental agreement shall prohibit the employment of illegal aliens in compliance with §8-17.5-101 C.R.S. *et seq.* The following language shall be included in any contract for public services:

- A. At the time of execution of this Agreement, CONTRACTOR does not knowingly employ or contract with an illegal alien who will perform work under this Agreement.
- B. CONTRACTOR shall participate in the E-Verify Program, as defined in § 8 17.5-101(3.7), C.R.S., to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.
- C. CONTRACTOR shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- D. CONTRACTOR shall not enter into a contract with a subconsultant or subcontractor that fails to certify to CONTRACTOR that it shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- E. CONTRACTOR shall confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in the E-Verify Program.
- F. CONTRACTOR is prohibited from using the E-Verify Program procedures to undertake pre-employment screening of job applicants while performing its obligation under this Agreement, and that otherwise requires CONTRACTOR to comply with any and all federal requirements related to use of the E-Verify Program including, by way of example, all program requirements related to employee notification and preservation of employee rights.
- G. If CONTRACTOR obtains actual knowledge that a subconsultant or subcontractor performing work under this Agreement knowingly employs or contract with an illegal alien, it will notify such subconsultant or subcontractor and PARTIES within three (3) days. CONTRACTOR shall also then terminate such subconsultant or subcontractor if within three (3) days after such notice the subconsultant or subcontractor does not stop employing or contracting with the illegal alien, unless during such three (3) day period the subconsultant or subcontractor provides information to establish that the subconsultant or subcontractor has not knowingly employed or contracted with an illegal alien.

- H. CONTRACTOR shall comply with any reasonable request made in the course of an investigation by the Colorado Department of Labor and Employment under authority of § 8-17.5-102(5), C.R.S.
- I. CONTRACTOR shall, within twenty days after hiring an employee who is newly hired for employment to perform work under this Agreement, affirms that it has examined the legal work status of such employees, retained file copies of the documents required by 8 U.S.C. Section 1324a, and not altered or falsified the identification documents for such employees. CONTRACTOR shall provide a written, notarized copy of the affirmation to PARTIES.

27. GOVERNMENTAL IMMUNITIES

PARTIES hereto intend that nothing herein shall be deemed or construed as a waiver by any party of any rights, limitations, or protections afforded to them under the Colorado Governmental Immunity Act (§ 24-10-101, *et seq.*, C.R.S.) as now or hereafter amended or otherwise available at law or equity.

28. INTENT OF AGREEMENT

Except as otherwise stated herein, this Agreement is intended to describe the rights and responsibilities of and between PARTIES and is not intended to and shall not be deemed to confer rights upon any person or entities not named as PARTIES, nor to limit in any way the powers and responsibilities of TOWN, DISTRICT or any other entity not a party hereto.

29. EXECUTION IN COUNTERPARTS – ELECTRONIC SIGNATURES

This Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement, may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. PARTIES approve the use of electronic signatures for execution of this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement. Only the following two forms of electronic signatures shall be permitted to bind PARTIES to this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement.

- A. Electronic or facsimile delivery of a fully executed copy of a signature page; or
 - B. The image of the signature of an authorized signer inserted onto PDF format documents.
- Documents requiring notarization may also be notarized by electronic signature, as provided above. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, CRS §§ 24-71.3-101 to -121.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND FLOOD
CONTROL DISTRICT

D/B/A
MILE HIGH FLOOD DISTRICT

By_____

Name Ken A. MacKenzie

Title Executive Director

Date_____

Checked By

TOWN OF PARKER

Jeff Toborg, Mayor

Date_____

ATTEST:

Town Clerk's Office

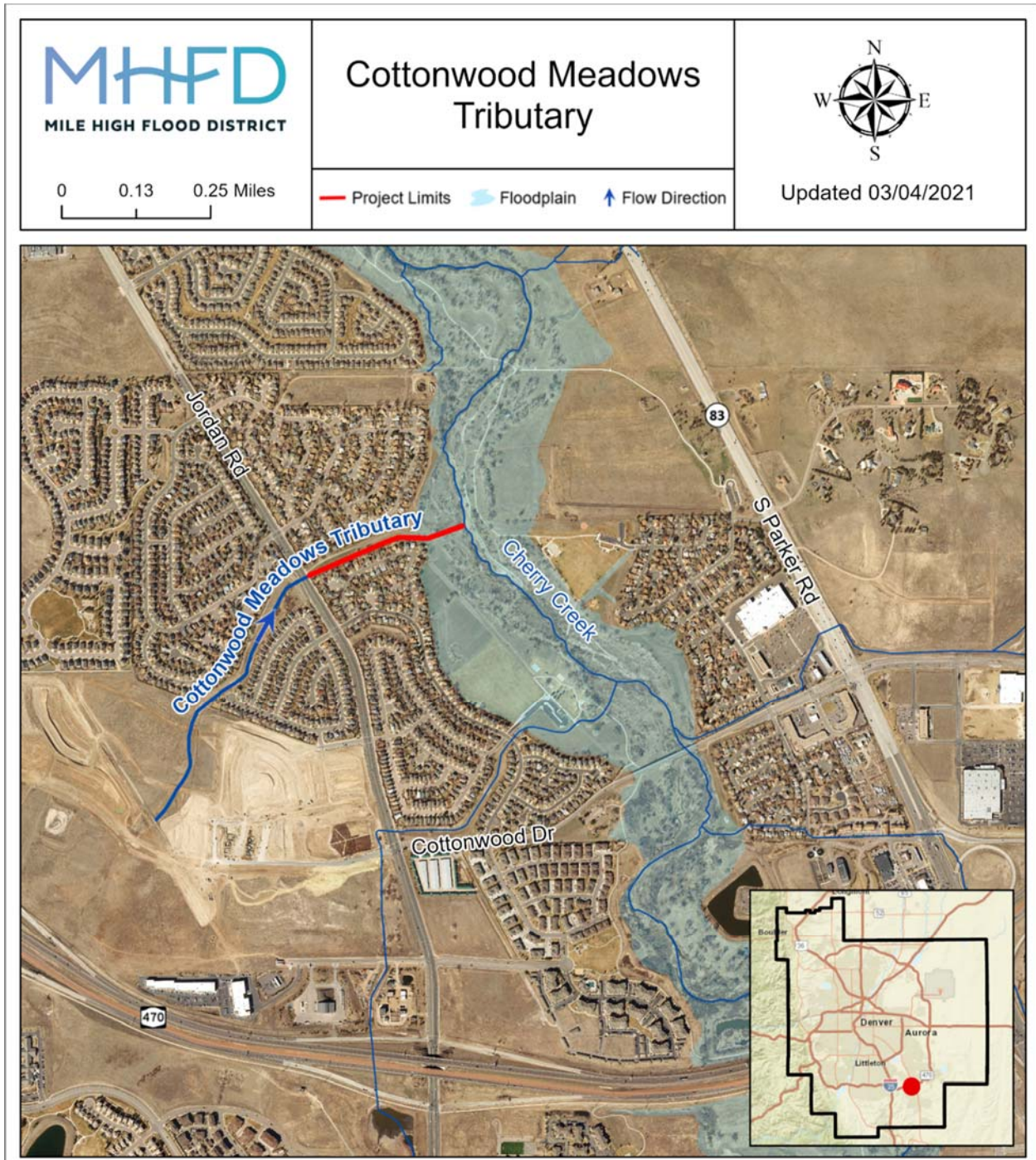
APPROVED AS TO FORM AND SUFFICIENCY:

Town Attorney's Office

AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
COTTONWOOD MEADOWS TRIBUTARY
TOWN OF PARKER

Agreement No. 21-05.15

Exhibit A:





Request for Town Council Action

Date: June 21, 2021

Submitted By: Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 21-031**
A Resolution to Appoint One Regular Member and One
Alternate Member to Fill Vacancies on the Town of Parker
Planning Commission

Department: Community Development, Bryce
Matthews

EXECUTIVE SUMMARY

The Planning Commission has a total of 10 members, seven (7) regular and three (3) alternates, with terms of varying length.

On June 8, 2021, Commissioner John Howe resigned from his position on the Planning Commission leaving a vacant position. The now vacant position expires on June 30, 2023. The purpose of this resolution is to appoint an applicant to fill the open Planning Commission position.

This action is taken in accordance with the Parker Land Development Ordinance which provides that the Town Council appoint candidates to the Planning Commission including the Chair, regular members and alternate members.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The duties of the Planning Commission as defined by the Town Charter and the Parker Land Development Ordinance are to prepare the Master Plan, review applications for certain development proposals and make recommendations on land use matters to the Town Council.

The Charter also requires the appointment of Planning Commission members satisfying the following requirements:

1. Each person appointed to the Planning Commission shall reside within the Town limits for at least one (1) year immediately preceding the date of appointment.
2. Each person appointed to the Planning Commission shall be registered to vote.

The Town Council is charged with appointing Regular Planning Commission members to three (3) year overlapping terms. Alternates are appointed to one (1) year terms.

A review committee consisting of Town Council Members John Diak and Laura Hefta, Community Development Director John Fussa and Planning Manager Bryce Matthews reviewed the applications of incumbent Planning Commissioners who requested reappointment and completed interviews of five (5) qualified new candidates for the Planning Commission in May. At the June 7, 2021 Town Council meeting, the Council approved the incumbent Planning Commissioners who requested reappointment; approved the Chair of the Planning Commission; and appointed two (2) of the new candidates that were interviewed as alternate members of the Planning Commission.

Planning Commissioner John Howe submitted his resignation on June 8, 2021 after many years of dedicated service to the Town which was the day after the Town Council made appointments to the Planning Commission as described above. The review committee therefore met again on June 14, 2021 to consider a recommendation to fill Commissioner Howe's position and review the remaining three (3) applicants from the original pool of five (5) applicants interviewed in May for this purpose. The review committee recommends the following for appointment to the Planning Commission:

1. Existing Alternate Planning Commissioner Anthony Matthews be promoted from an alternate to the open regular position on the Commission to replace Commissioner John Howe. This term will expire on June 30, 2023.
2. Nicholas Metz be appointed as an Alternate Planning Commissioner for a one (1) year term that will expire on June 30, 2022.

The above-referenced terms will commence on July 1, 2021 if the Town Council approves the recommended appointments.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Resolution 21-031

RECOMMENDED MOTION

I move to approve Resolution No.21-031.

RESOLUTION NO. 21-031, Series of 2021

TITLE: A RESOLUTION TO APPOINT ONE REGULAR MEMBER AND ONE ALTERNATE MEMBER TO FILL VACANCIES ON THE TOWN OF PARKER PLANNING COMMISSION

WHEREAS, John Howe resigned as a regular member of the Planning Commission (the “Commission”);

WHEREAS, , the Town Council of the Town of Parker desires to fill the vacancy created by the resignation by appointing one alternate member to be a regular member, as provided herein; and

WHEREAS, , the Town Council of the Town of Parker desires to fill the alternate vacancy created by the appointment of one alternate member to regular member, as provided herein.

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 appoints Anthony Matthews as a regular member to the Commission to fill the vacancy created by the resignation of John Howe for the term ending June 30, 2023, as described in **Exhibit A**, which is attached hereto and incorporated by this reference.

Section 2. The Town Council of the Town of Parker hereby appoints Nicholas Metz to fill the alternate member vacancy for the term ending June 30, 2022, as described in Exhibit A.

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

EXHIBIT A

1. Appointment of two (2) regular members to the Parker Planning Commission, for a term up to and including June 30, 2022.

- a. Gary Poole
- b. Ruth Ann Nelson

2. Appointment of three (3) regular members to the Parker Planning Commission, for a term up to and including June 30, 2023.

- a. Richard Foerster
- b. Anthony Matthews
- c. Kimberly Rodell

3. Appointment of two (2) regular member to the Parker Planning Commission, for a term up to and including June 30, 2024.

- a. Eliana Burke
- b. Erik Frandsen

4. Appointment of three (3) alternates to the Parker Planning Commission, for a term up to and including June 30, 2022.

- a. Roxy Colette
- b. Nicholas Metz
- c. Abbas Udawala