

TOWN OF PARKER COUNCIL AGENDA

January 17, 2023

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.

Public comment for items that are not on the agenda may be made in person or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person or electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments submitted electronically through the website that are received 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.

Public Viewing Only - YouTube: Town Council meetings may be viewed live on YouTube at www.youtube.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through YouTube.

1. TOWN COUNCIL MEETING SCHEDULE

- A. 5:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SPECIAL PRESENTATIONS

- Recognition of Parker United Methodist Church's Community Contributions**
- Recognition of Joy Luthern Church's Community Contributions**

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.

A. *APPROVAL OF MINUTES - January 3, 2023*

B. *ORDINANCE NO. 2.282 - First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Pope Property in Douglas County
Department: Community Development, Stacey Nerger
Trakit No.: ANX22-009
Second Reading: February 6, 2023

C. *RESOLUTION NO. 23-007*
A Resolution Ratifying the Purchase and Binding of Insurance Coverage for the Town of Parker
Department: Risk Management, Steve Bedard and Town Attorney, Kristin Hoffmann

D. *CONTRACTS OVER \$100,000*

Nothing But Net - Elite Basketball Coaching Contract Extension
Amount: \$100,000+
Contractor: Nothing But Net - Elite Basketball Coaching
Department: Parks, Recreation and Open Space, Mary Colton

6. **RESOLUTIONS**

RESOLUTION NO. 23-003
A Resolution to Fill a Vacancy, to Appoint Regular Members to the Parker Cultural and Scientific Commission, and to Appoint the Chair
Department: Cultural, Denise Zoglmann

7. **ORDINANCES**

ORDINANCE NO. 3.01.129 - Second Reading
A Bill for an Ordinance to Amend Section 13.04.050 of the Parker Municipal Code to Add Agritainment as a Use Permitted by Right to the A-Agricultural District
Department: Community Development, Stacey Nerger

8. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

9. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

January 17, 2023

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

1. Negotiations related the proposed Annexation Agreement between the Town and the Denver Pope Family Limited Partnership concerning the real property, commonly known as the Pope property, generally located adjacent to and west of the Kohl’s Shopping Center

2. Negotiations between North Parker Investments LLC, Tanterra Development LLC and the Town, related to the Tanterra Filing No. 1 Subdivision Agreement, Assignment and Assumption Agreement for the Subdivision Agreement and proposed Amendment to the Anthology North Annexation Agreement

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

3. Policy 1-9, Elected Official Social Media Policy Statement

**TOWN OF PARKER COUNCIL
MINUTES
JANUARY 3, 2023**

Mayor Jeff Toborg called the meeting to order at 5:30 p.m. All Councilmembers were present except for Todd Hendreks.

Town Attorney Kristin Hoffmann announced the topics for discussion in the Executive Session were four items. Under C.R.S. § 24-6-402(4)(e), the first item was regarding Section 8.2 of the Parker Home Rule Charter and Chapter 3.02 of the Parker Municipal Code concerning an Agreement for Professional Services for an Assistant Judge, and the second item was concerning Insurance Agreements. Under C.R.S. § 24-6-402(4)(b), the first item was about HB21-1162, the Plastic Pollution Reduction Act, and the second item was concerning an employee conflict resolution process and potential legal claims.

EXECUTIVE SESSION

Joshua Rivero moved and John Diak seconded to go into Executive Session at 5:31 p.m. to hold a conference with the Town's attorney 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) and 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).

The motion was approved unanimously.

Joshua Rivero moved and Anne Barrington seconded to come out of Executive Session at 6:46 p.m.

The motion was approved unanimously.

Brandi Wilks moved and John Diak seconded to recess the meeting until 7:00 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Toborg reconvened the regular Town Council meeting at 7:00 p.m.

Mayor Toborg led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

Sean Morrissey, Parker, was present to ask about parking downtown and the signage regarding snow removal and storm events. He asked that the signs be removed if the restrictions were not going to be enforced.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - December 12, 2022*
- B. *ORDINANCE NO. 3.01.129 - First Reading*
A Bill for an Ordinance to Amend Section 13.04.050 of the Parker Municipal Code to Add Agritainment as a Use Permitted by Right to the A-Agricultural District
Department: Community Development, Stacey Nerger
Second Reading: January 17, 2023
- C. *RESOLUTION NO. 23-001*
A Resolution to Amend Resolution No. 22-001 Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law
Department: Town Clerk, Chris Vanderpool
- D. *RESOLUTION NO. 23-004*
A Resolution Accepting the Conveyance of a Drainage Easement from Normax LLC for Lot 4A-2, Peakview Center, Third Amendment
Department: Engineering and Public Works, Alex Mestdagh
- E. *RESOLUTION NO. 23-006*
A Resolution Setting the Date for Consideration of the Annexation Ordinance for the Town-Owned Tract Q Property for Second Reading on February 21, 2023
Department: Community Development, Bryce Matthews
- F. *CONTRACTS OVER \$100,000*
1. *Purchase of Three Police Vehicles*
Amount: \$126,256
Contractor: John Elway Chevrolet
Department: Engineering and Public Works, Jim Gilbert
2. *Custodial Services Contract*
Amount: \$570,000.00
Contractor: The Key People
Department: Engineering and Public Works, Jim Gilbert

Joshua Rivero moved to approve Consent Agenda Items 4A through 4F.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 23-002

A Resolution to Appoint New Members and Alternates on the Town of Parker Special Licensing Authority and to Appoint the Chairperson and Vice Chairperson

Department: Town Clerk, Chris Vanderpool

The term of the Special Licensing Authority (SLA) members is two years and alternate members is one year. The term of three members of the Authority and the term of the two alternates ended on December 31, 2022. The purpose of this resolution is to appoint three regular members, two alternate members, a Chair and a Vice Chair.

Interviews of applicants for the SLA vacancies were conducted by Mayor Toborg and Councilmember Wilks on December 19 and 22. They recommended that Jon Brusco, Kelli Narde and Greg Simpson be appointed as regular members and Ronald "RD" Kuhns and Ricky "Rick" Milburn be appointed as alternates. They further recommended that Kelli Narde be appointed as Chair and Mike Appleby as Vice Chair. The Council recognized the applicants for their willingness to serve.

Public Comment: None.

Laura Hefta moved to approve Resolution No. 23-002, as part of the regular agenda.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

B. RESOLUTION NO. 23-005

A Resolution to Appoint an Assistant Judge for the Parker Municipal Court

Department: Town Council

Interviews for an Assistant Municipal Court Judge were conducted by a panel including Councilmembers Hefta and Rivero on December 15 and 19. Courtenay Patterson was

recommended by the panel for appointment as Assistant Municipal Court Judge to serve temporarily as the substitute municipal court judge until a permanent presiding municipal court judge is appointed. The Assistant Municipal Court Judge will also serve in the case of temporary absence, sickness, disqualification, or other inability of the municipal court judge to act.

The compensation for the Assistant Municipal Court Judge is \$85.00 per hour. Staff is recommending that the Town enter into an agreement for professional services with the Assistant Municipal Court Judge for a term ending on December 31, 2023.

Courtenay Patterson gave a brief synopsis of her legal and judicial experience.

Public Comment: None

Joshua Rivero moved to approve Resolution No.23-005 and the staff recommendation to enter into an agreement for professional services.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

AGREEMENTS

Sixth Amendment to Amended and Restated Stroh Ranch/Hess Annexation Agreement (Northern Property)

Department: **Community Development, Bryce Matthews**
 Engineering and Public Works, Alex Mestdagh

The Amended and Restated Stroh Ranch/Hess Annexation Agreement (the Annexation Agreement) governs the terms under which the property commonly known as Anthology North Planned Development was annexed into the Town and how it is to be developed in the future.

The proposed Sixth Amendment to the Annexation Agreement will address the following:

1. Allow the developer of Segment 1, marketed as Tanterra (the Tanterra Developer), flexibility in the types of financial security required for the construction of traffic signals within the project; and
2. Allow the Tanterra Developer to secure its obligation for the future construction of Stroh Road with a letter of credit to the Town at Final Plat; and
3. Allow the developer of the SunMarke project (the SunMarke Developer) to satisfy their obligation for a portion of the Oak Gulch Regional Trail by providing a cash-in-lieu payment to the Town instead of designing and constructing the Regional Trail. It would

also eliminate the developer's obligation to construct a pedestrian bridge that is no longer required for the design and future use of the Regional Trail.

Applicant: Chris Elliot commented on the project and the status of the extension of Chambers Road. He also answered questions of Council regarding the impacts of inflation, supply chain issues, and lack of contractors.

Public Comment: None.

Anne Barrington moved to approve the Sixth Amendment to the Amended and Restated Stroh Ranch/Hess Annexation Agreement (Northern Property).

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

CONTRACTS OVER \$500,000

A. Purchase of Vac-Truck for Stormwater Operations

Amount: \$609,488

Contractor: Kaiser Premier

Department: Engineering and Public Works, Jim Gilbert

The Town of Parker's Stormwater Operations Division is seeking Council approval to proceed with the purchase of a Jet/Vacuum Truck (Jet/Vac) to perform ongoing maintenance of the Town's stormwater infrastructure. The Town is responsible for maintaining the function of the stormwater system, including the prevention of flooding and mitigating the deposition of sediment, debris, and trash into the Cherry Creek and its tributaries. The Division has reached a point where it makes sense from a fiscal and operational point of view to own and operate a Jet/Vac truck. The type, frequency, level, and volume of service the Town's stormwater facilities need dictate that a Jet/Vac flush truck is the correct tool needed by the stormwater maintenance division at this time.

This equipment is being purchased through a competitive bid pricing structure awarded through HGAC Cooperative. This meets the Town's requirement as an approved procurement method.

Public Comment: None.

Joshua Rivero moved to approve the staff recommendation, as part of the regular agenda.

John Diak seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

B. Design Contract (CIP22-051-AS) for the Town Hall Expansion Project

Amount: Terms and Conditions Only

Contractor: Anderson Mason Dale Architects

Department: Engineering and Public Works, Bob Exstrom

This item is to award a design contract (CIP22-051-AS) with Anderson Mason Dale Architects for the Town Hall Expansion project for the terms and conditions only. The fees will be added to the contract by means of four contract amendments.

The overall design contract for this project including all four (4) amendments is anticipated to be between \$2 to \$2.5 million, depending on project scope. The contract duration spans a time of approximately 2.5 years. Construction is tentatively scheduled to begin in the first quarter of 2024 and completion is estimated for the first quarter of 2025.

Public Comment: None.

Joshua Rivero moved to approve the staff recommendation, as a part of the regular agenda.

John Diak seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

C. First Amendment to the Design Contract (CIP22-051-AS) for the Town Hall Expansion Project

Amount: \$289,100

Contractor: Anderson Mason Dale Architects

Department: Engineering and Public Works, Bob Exstrom

This item is to award a first amendment to the design contract (CIP22-051-AS) with Anderson Mason Dale Architects for the Town Hall Expansion project for preliminary design services in the amount of \$289,100. The services covered in the first amendment are anticipated to take approximately four months to complete.

Preliminary design services generally include 1) collecting data from the building and site, 2) meeting with staff to verify the program (scope and size) outlined in the Facility Master Plan, 3) developing conceptual design options, 4) meeting with staff to verify building and planning codes, 5) advancing the conceptual design to 30%, 6) assisting the project construction manager with developing a cost model and 7) assisting staff with presenting the preliminary design results and recommendations to Town Council.

Public Comment: None.

Joshua Rivero moved to approve the staff recommendation, as a part of the regular agenda.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

D. Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project

Amount:	Terms and Conditions Only
Contractor:	JHL Constructors
Department:	Engineering and Public Works, Bob Exstrom

This item is to award a construction contract (CIP22-051-CI) with JHL Constructors for the Town Hall Expansion project for the terms and conditions only. The preconstruction fee and guaranteed maximum price (GMP) will be added to the contract by means of two contract amendments.

The preconstruction fee and GMP for this project is anticipated to be between \$23 and \$26 million, depending on project scope. The contract duration spans a time of approximately 2.5 years. Construction is tentatively scheduled to begin in the first quarter of 2024 and completion is tentatively estimated for the first quarter of 2025.

Public Comment: None.

Joshua Rivero moved to approve the staff recommendation, as a part of the regular agenda.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

E. First Amendment to the Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project

Amount: \$49,500

Contractor: JHL Constructors

Department: Engineering and Public Works, Bob Exstrom

This item is to award a first amendment to the construction contract (CIP22-051-CI) with JHL Constructors for the Town Hall Expansion project for preconstruction services in the amount of \$49,500. The services covered in the first amendment are anticipated to take approximately 15 months to complete.

Preconstruction services generally include: 1) collecting data from the building and site; 2) attending design progress meetings; 3) developing and updating the concept cost model, 30% cost estimate, 60% cost estimate, and 90% cost estimate; 4) performing constructability reviews of the design; 5) forecasting market escalations and lead times and procuring at-risk materials; 6) developing a final guaranteed maximum price (GMP) proposal by soliciting bids from at least three subcontractors for all trade packages in excess of \$25K; 7) securing construction permits; and 8) preparing labor, materials and equipment for construction.

Public Comment: None.

John Diak moved to approve the staff recommendation, as a part of the regular agenda.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 8:21 p.m.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Brandi Wilks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: January 17, 2023

Submitted By: Stacey Nerger, Senior Planner
Bryce Matthews, Assistant Director - Planning
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 2.282 - First Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Pope Property in Douglas County
Department: Community Development, Stacey Nerger
Trakit No.: ANX22-009
Second Reading: February 6, 2023

EXECUTIVE SUMMARY

The property owner of a 38-acre enclave parcel that fronts Twenty Mile Road, known as the Pope property, has submitted an Annexation Petition to the Town.

On October 3, 2022, the Town Council approved Resolution No. 22-048 which determined that the Annexation Petition substantially complies with the Colorado Municipal Annexation Act of 1965 [the Act, § 31-12-107(l)] and set a public hearing date of November 21, 2022, to determine eligibility for annexation into the Town.

On November 21, 2022, the Town Council approved Resolution No. 22-061 which determined that the Pope property is eligible for annexation into the Town as provided by the Act. In addition, the annexation ordinance was scheduled for Town Council public hearing at the February 6, 2023 Council meeting.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Prior Action

On October 3, 2022, the Town Council approved Resolution No. 22-048 which determined that the submitted Annexation Petition substantially complies with the Colorado Municipal Annexation Act of 1965 [the Act, § 31-12-107(l)] and which set a public hearing date of November 21, 2022, to determine eligibility for annexation into the Town.

On November 21, 2022, the Town Council approved Resolution No. 22-061 which determined that the Pope property is eligible for annexation into the Town as provided by the Act. In addition, the annexation ordinance was scheduled for a public hearing before Town Council on February 6, 2023.

Summary

The subject property, known as the Pope property, is an enclave parcel located in unincorporated Douglas County. The property is approximately 38 acres in total area and is currently used as Flat Acres Farm, an "agritainment" and commercial recreation business. The property fronts Twenty Mile Road and is bordered to the north by commercial uses at the Parker Valley Center (Target); to the south by Cherry Creek open space and future Salisbury Park North; to the east by commercial uses at FlatAcres Marketplace (Kohls); and to the west by Cherry Creek open space. The property and adjacent areas in the Cherry Creek open space contain environmentally sensitive land including 100-year floodplain and habitat for the Preble's Meadow Jumping Mouse, which is protected by the U.S. Endangered Species Act.

The Town surrounds the subject property and has identified it as a candidate for future annexation within the municipal Planning Area (urban growth boundary). This is a long-standing land use policy recommendation supported by the annual Three-Mile Area Plan and the Parker 2035 Master Plan.

The applicant is proposing to divide the 38-acre property into three (3) sections with different zoning. The western section of the property along Cherry Creek consisting of approximately 9.2 acres will be zoned Open Space and dedicated to the Town. The central section of the property consisting of approximately 17.5 acres will be zoned Agricultural and will allow the applicant to continue those "agritainment" uses currently taking place. The remaining section to the east of the future Dransfeldt Road extension and consisting of approximately 11.9 acres will be zoned Greater Downtown District - Market Center and permit future commercial use.

Staff has worked with the applicant to accommodate the "agritainment" uses currently operated on the subject property and believes that the proposed zoning is appropriate because it is consistent with the Parker 2035 Master Plan. The Master Plan identifies the property as having 100-year floodplain and recommends future commercial, open space and transportation use. Further, the Transportation Master Plan recommends the Dransfeldt Road extension through the subject property to expand the transportation system for greater vehicular, bicycle and pedestrian mobility across Cherry Creek.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 2.282
2. Vicinity Map

RECOMMENDED MOTION

I move to approve Ordinance No. 2.282 on first reading and to schedule second reading for February 6, 2023, as part of the consent agenda.

ORDINANCE NO. 2.282, Series of 2023

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE POPE PROPERTY IN DOUGLAS COUNTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Town Council of the Town of Parker, Colorado, written petition(s) for annexation to and by the Town of Parker, Colorado, of that property described in attached **Exhibit 1** (the “Property”), being contiguous unincorporated territory situated, lying, and being in the County of Douglas, State of Colorado;

WHEREAS, the Town Council of the Town of Parker, Colorado has conducted a public hearing, as required by law, to determine the eligibility for annexation of the Property; and

WHEREAS, the Town Council of the Town of Parker, Colorado, has satisfied itself concerning the eligibility for annexation of the Property, and concerning the conformance of the proposed annexation to the applicable law and the annexation policy of the Town of Parker, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, THAT:

Section 1. The annexation by and to the Town of Parker, State of Colorado, of the Property, situated, lying, and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker, and therefore, the said annexation is hereby approved.

Section 2. More than fifty percent (50%) of the owner(s) of more than fifty percent (50%) of the Property have petitioned for annexation.

Section 3. Rezoning of the Property shall be completed simultaneously with the annexation of the Property, pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker (the “Charter”).

Section 4. Upon the effective date of this Annexation Ordinance, the Property shall become subject to the Municipal Laws of the State of Colorado pertaining to cities and to the Charter, ordinances, resolutions, rules and regulations of the Town of Parker, except general taxation, which shall be effective on and after January 1 of the next succeeding year following the passage of this Annexation Ordinance.

Section 5. The Town Council hereby approves the Annexation Agreement that is attached hereto as **Exhibit 2**, and incorporated by this reference, and authorizes the execution of the Annexation Agreement by the Mayor and Town Clerk.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of the Property to the Town of Parker will serve the best interests of the Town of Parker and the owner(s) of the Property, the Property is hereby annexed to the Town of Parker, Colorado.

Section 7. The Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) certified copies of the Annexation Map for the Property with the Clerk and Recorder of the County of Douglas, State of Colorado.

Section 8. The Annexation Map showing the boundaries of the newly annexed territory, as above described, shall be kept on file in the office of the Douglas County Clerk and Recorder.

Section 9. 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 10. This Annexation Ordinance shall become effective ten (10) days after the publication date of this Annexation Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT 1

Legal Description

FLATACRES MARKETCENTER #2 ANNEXATION AND ZONING

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22 SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°07'48"W ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 A DISTANCE OF 1111.96 FEET; THENCE N89°48'03"E A DISTANCE OF 1090.40 FEET TO A POINT THE SOUTH RIGHT-OF-WAY OF 20 MILE ROAD AS DESCRIBED IN BOOK 1668, PAGE 50 AND BOOK 1653, PAGE 1126 AT THE OFFICE THE CLERK AND RECORDER OF DOUGLAS COUNTY; THENCE S77°23'50"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 466.68 FEET TO THE NORTHWEST CORNER OF TRACT B, FLATACRES MARKETCENTER RECORDED OCTOBER 25, 2002 AT RECEPTION NO. 2002112467; THENCE ALONG SAID TRACT B THE FOLLOWING FIFTEEN (15) CONSECUTIVE COURSES; 1.) S12°36'10"W A DISTANCE OF 141.39 FEET; 2.) THENCE S77°23'50"E A DISTANCE OF 103.64 FEET; 3.) THENCE S12°35'53"W A DISTANCE OF 190.51 FEET; 4.) THENCE S77°24'07"E A DISTANCE OF 59.58 FEET; 5.) THENCE S00°00'17"E A DISTANCE OF 554.32 FEET; 6.) THENCE N89°59'01"W A DISTANCE OF 188.02 FEET; 7.) THENCE N69°54'00"W A DISTANCE OF 116.48 FEET; 8.) THENCE N89°59'51"W A DISTANCE OF 444.37 FEET; 9.) THENCE N48°54'15"W A DISTANCE OF 163.19 FEET; 10.) THENCE S41°05'45"W A DISTANCE OF 112.51 FEET; 11.) THENCE S48°54'15"E A DISTANCE OF 30.00 FEET; 12.) THENCE N41°05'45"E A DISTANCE OF 82.51 FEET; 13.) THENCE S48°54'15"E A DISTANCE OF 250.94 FEET; 14.) THENCE S89°59'51"E A DISTANCE OF 385.67 FEET; 15.) THENCE S00°53'59"E A DISTANCE OF 40.07 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 22; THENCE S89°59'43"W ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 1343.78 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 38.602 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, WHICH BEARS N00°13'15"W AND BEING MONUMENTED BY A FOUND 3 ¼" ALUMINUM CAP PLS # ILLEGIBLE IN RANGE BOX AT THE CENTER QUARTER CORNER AND A FOUND 3 ¼" ALUMINUM CAP PLS # 9133 AT THE SOUTH QUARTER CORNER.

PREPARED BY RICHARD A. NOBBE PLS
FOR AND ON BEHALF OF:
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, CO 80215

EXHIBIT 2

Annexation Agreement

[To be provided prior to public hearing.]

Annexation and Zoning





Request for Town Council Action

Date: January 17, 2023

Submitted By: Steve Bedard, Risk Manager

Reviewed By: Michelle Kivela, Town Manager

Title: **RESOLUTION NO. 23-007**
A Resolution Ratifying the Purchase and Binding of Insurance Coverage for the Town of Parker

Department: Risk Management, Steve Bedard and Town Attorney, Kristin Hoffmann

EXECUTIVE SUMMARY

If approved, this resolution will ratify the purchase and binding of insurance coverage for the Town of Parker for the year 2023.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Insurance is a necessary requirement of the Town to cover any expected or unexpected losses. Risk Management identifies exposures and works to mitigate those exposures through risk avoidance, risk transfer and risk acceptance. The Town's cost of insurance is in line with the size of the organization, its risk exposures and maintaining an excellent loss ratio history with few claims and lawsuits. This is due to excellent loss control practiced in all departments. Risk Management recommends passing this resolution for the purchase and binding of insurance coverage.

FINANCIAL IMPACT

\$938,795.09

STRATEGIC GOAL(S)



ATTACHMENTS

1. Resolution No 23-007

RECOMMENDED MOTION

I move to approve Resolution No. 23-007, as part of the consent agenda.

RESOLUTION NO. 23-007, Series of 2023

TITLE: A RESOLUTION RATIFYING THE PURCHASE AND BINDING OF INSURANCE COVERAGE FOR THE TOWN OF PARKER

WHEREAS, the Town of Parker contracts for the purchase of insurance to provide coverage for property damage, liability, and workers' compensation, among other risks;

WHEREAS, Gallagher Insurance, acting as broker on behalf of the Town of Parker, obtained the insurance coverages identified on **Exhibit A** attached hereto (the "Insurance Coverages"); and

WHEREAS, the Town's Risk Manager, on December 20, 2022, did bind such Insurance Coverages on behalf of the Town.

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 approves and ratifies the binding of the Insurance Coverages identified in on Exhibit A for the 2023 fiscal year.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT A**Insurance Coverages**

Coverage Type	Insurer	2023 Premium	Coverage Limit
Property	Travelers	\$ 134,603.00	\$1 million/\$2 million
Crime		\$ 1,172.00	\$1 million/\$2 million
Inland Marine		\$ 13,277.00	\$1 million/\$2 million
General Liability		\$ 98,651.00	\$1 million/\$2 million
Liquor Liability		\$ 894.00	\$1 million/\$2 million
Employee Benefits Liability		\$ 370.00	\$1 million/\$2 million
Law Enforcement Liability		\$ 80,620.00	\$1 million/\$2 million
Public Entity Liability		\$ 20,903.00	\$1 million/\$2 million
EPL		\$ 54,528.00	\$1 million/\$2 million
Auto Liability		\$ 49,836.00	\$1 million/\$2 million
Auto Physical Damage		\$ 41,910.00	\$1 million/\$2 million
Umbrella Excess		\$ 91,225.00	\$4 million/\$4 million
Excess Liability	Allied World	\$ 55,805.00	\$5 million/\$5 million
Cyber	Cowbell	\$ 26,981.00	\$1 million/\$1 million
Work Comp	Pinnacol	\$ 216,491.00	\$500,000/\$500,000/\$500,000
Excess Liability (LEL)	Indian Harbor	\$ 24,972.35	\$3 million/\$5 million
Excess Liability (LEL)	Kinsale	\$ 26,555.46	\$2 million/\$8 million



Request for Town Council Action

Date: January 17, 2023

Submitted By: Mary Colton, Parks and Recreation Director

Reviewed By: Michelle Kivela, Town Manager

Title: **Nothing But Net - Elite Basketball Coaching Contract Extension**

Amount: **\$100,000+**

Contractor: **Nothing But Net - Elite Basketball Coaching**

Department: **Parks, Recreation and Open Space, Mary Colton**

EXECUTIVE SUMMARY

The Parks and Recreation Department partners with Nothing But Net - Elite Basketball Coaching to provide youth basketball camps, clinics, academies and small group/one on one training throughout the year, which results in varying revenues exceeding \$100,000 based on participation. An extension for this contract through April 2023 is being requested while staff works with procurement on a Request for Proposals (RFP) for services.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parks and Recreation Department has partnered with Nothing But Net (NBN) - Elite Basketball Coaching since 2009 to provide basketball camps, clinics, academies and small group/one on one training for the Parker community. Over the years, the popularity of the program has increased dramatically due to the excellent quality of the instruction and high-profile professional basketball players that are brought in each year for the featured summer camp. As a result, participation has increased, along with revenues typically exceeding \$100,000 annually. An extension is being requested for the existing contract through April 2023, as staff work with procurement to prepare an RFP for services. In summary, staff is requesting approval of both the contract to exceed \$100,000 as well as the contract extension mentioned above.

FINANCIAL IMPACT

The financial impact varies annually based on the participation rates and overall revenue, but it is estimated it will be at or exceed the \$100,000 threshold annually. The Parks and Recreation Department wishes to continue partnering with Nothing But Net to offer a variety of very popular basketball options for the community while generating positive revenue for the Department.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: January 17, 2023

Submitted By: Carrie Glassburn, Cultural Director

Reviewed By: Michelle Kivela, Town Manager

Title: **RESOLUTION NO. 23-003**
A Resolution to Fill a Vacancy, to Appoint Regular Members to the Parker Cultural and Scientific Commission, and to Appoint the Chair
Department: Cultural, Denise Zoglmann

EXECUTIVE SUMMARY

The terms of five members of the Parker Cultural and Scientific Commission expired December 31, 2022. Three of these commissioners wish to be reappointed. One Commissioner whose term did not expire until December 31, 2023 has resigned. The Commission is recommending three new Commissioners be appointed by the Town Council.

The Chairperson's term also expired on December 31, 2022. The Commission wishes to appoint a new Chair.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In 2022, there were ten (10) commissioners serving on the Parker Cultural and Scientific Committee (PCSC). The two-year terms of Commissioners Diane Roth, Annie Day, Lisa Hinz, Janine Flores Jackson, and Phillip Kramer expired on December 31, 2022. The Chairperson's appointment also expired on December 31, 2022. Michael Edwards, whose term was not due to expire until December 31, 2023, has decided to step down mid-term. Commissioners Annie Day, Lisa Hinz and Phillip Kramer are interested in serving an additional term on the Commission. The Commission recommends that all three commissioners be reappointed for another two-year term, ending December 31, 2024.

The Town and Parker Arts advertised the open positions and received letters of interest and resumes from four individuals. A nominating committee comprised of Chair Diane Roth, Lisa Hinz, Terri Tilliss, and Tom O'Malley conducted interviews with the candidates. Parker Arts staff members Carrie Glassburn and Denise Zoglmann, and Council Member Brandi Wilks also attended the interviews.

The Commission recommends that Tabitha LaRose and Robert Sanchez be appointed to a two-year term expiring December 31, 2024. The Commission recommends that Bethany Perkins be appointed to a one-year term expiring December 31, 2023, to fill the vacancy left by Michael Edwards.

With Chairperson Diane Roth's departure after serving eleven years on the Parker Cultural and Scientific Commission, the Commission recommends appointing Lisa Hinz as the new Chair, for a one-year term expiring December 31, 2023.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT

ATTACHMENTS

1. Resolution No. 23-003

RECOMMENDED MOTION

I move to approve Resolution No. 23-003, as part of the regular agenda.

RESOLUTION NO. 23-003, Series of 2023

TITLE: A RESOLUTION TO APPOINT REGULAR MEMBERS, TO FILL A VACANCY TO THE PARKER CULTURAL AND SCIENTIFIC COMMISSION, AND TO APPOINT THE CHAIR

WHEREAS, the terms of five (5) regular members of the Parker Cultural and Scientific Commission (the "Commission") expired on December 31, 2022;

WHEREAS, Michael G. Edwards, whose term expires December 31, 2023, resigned as a regular member of the Commission;

WHEREAS, the Town Council of the Town of Parker desires to appoint five (5) regular members for the term ending December 31, 2024, as described herein;

WHEREAS, the Town Council of the Town of Parker desires to fill the one (1) vacancy created by the resignation, for the term ending December 31, 2023 (leaving one (1) vacancy in this term), as provided herein;

WHEREAS, Section 2.04.020 of the Parker Municipal Code provides that the Town Council shall appoint one member of the Commission to be the Chair; and

WHEREAS, the Town Council desires to appoint the Chair to the Commission.

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 five (5) regular members to the Commission for the term ending December 31, 2024, 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 Bethany Perkins to fill the vacancy created by the resignation of Michael G. Edwards, for the term ending December 31, 2023, as described in Exhibit A.

Section 3. The Town Council of the Town of Parker hereby appoints Lisa Hinz as the Chair of the Commission.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT A

1. Five (5) Regular Parker Cultural and Scientific Commission Board Members for a term up to and including December 31, 2023.

- a. Judy Bazile
- b. Lance Martin
- c. Tom O'Malley
- d. Bethany Perkins
- e. Terri Tillis

2. Six (6) Regular Parker Cultural and Scientific Commission Board Members for a term up to and including December 31, 2024.

- a. Annie Day
- b. Lisa Hinz
- c. Phillip Kramer
- d. Tabitha LaRose
- e. Robert Sanchez
- f. _____ (vacant)



Request for Town Council Action

Date: January 17, 2023

Submitted By: Stacey Nerger, Senior Planner
Bryce Matthews, Assistant Director - Planning
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 3.01.129 - Second Reading**
A Bill for an Ordinance to Amend Section 13.04.050 of the Parker Municipal Code to Add Agritainment as a Use Permitted by Right to the A-Agricultural District
Department: Community Development, Stacey Nerger

EXECUTIVE SUMMARY

The property owner of a parcel known as Flat Acres Farm is proposing to annex and zone their land into the Town of Parker. In response, the Town proposes to amend the Land Development Ordinance (LDO) to add an additional permitted use within the A-Agricultural Zone District. The proposed LDO amendment would revise Section 13.04.050 to add "Agritainment" as a permitted use and incorporate a definition of the use.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The intent of the A-Agricultural Zone District is to allow areas for general farming, grazing of livestock and related agricultural uses. In recent years, agricultural property owners have opened their properties to the public for other uses including education and entertainment. This trend has been called "Agritainment" to describe uses that are located on agricultural property and may incorporate an agricultural or rural theme but are not traditional agricultural activities. Staff, therefore, proposes to add "Agritainment," or Agricultural Entertainment, as a permitted use in the A-Agricultural Zone District subject to a definition that describes the use as events and activities that allow for recreation, entertainment and tourism in conjunction with agricultural activities and agricultural support services. For example, this use may include farm dinners, corn mazes, hayrides and animal petting zoos.

The Town currently has very few properties that are zoned A-Agricultural and in current use for traditional agricultural activities. The Town is currently working with the property owner of a 38 acre parcel, known as Flat Acres Farm, that is located in unincorporated Douglas County in support of their proposal to annex and zone the land into the Town. Historically, this property has been used for traditional agricultural activities and related "Agritainment" uses that have been permitted by Douglas County. The proposed amendment to the LDO to add

"Agritainment" as a permitted use in the A-Agricultural Zone District will support the property owner's request to continue these types of uses when they annex and zone the land into the Town. Staff supports the proposal because it will largely continue the current use of the Flat Acres Farm property and enable the Town to proceed with the annexation process.

The proposed "Agritainment" use and definition are consistent with the Parker 2035 Master Plan and the proposed LDO Modernization uses and terms that will be incorporated into the update of the LDO (completion in 2023).

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Ordinance No. 3.01.129

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.129 on second reading.

ORDINANCE NO. 3.01.129, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.04.050 OF THE PARKER MUNICIPAL CODE TO ADD AGRITAINMENT AS A USE PERMITTED BY RIGHT TO THE A-AGRICULTURAL DISTRICT

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

Section 1. Section 13.04.050(b) of the Parker Municipal Code is amended by the addition of new Subsection (8) and renumbering Subsection (8) (accessory uses and buildings) as Subsection (9) to read as follows:

13.04.050 A – Agricultural District.

* * *

(8) Agritainment, which includes events and activities that allow for recreation, entertainment, and tourism in conjunction with agricultural activities and agricultural support services. Events and activities may include farm dinners, corn mazes, hayrides, and petting zoos.

(89) Accessory uses and buildings.

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 _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney