

TOWN OF PARKER COUNCIL AGENDA

April 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. 5:00 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

- **Victims' Rights Week - *Madison Lengel***
- **Eagle Scout Service Project Recognition – *Dirk Patton***

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 - April 3, 2023*

B. *ORDINANCE NO. 1.575 - First Reading*

A Bill for an Ordinance to Approve the Right-of-Way Purchase and Sale Agreement by and between TMV Retail II Owners Association and the Town of Parker for a Portion of Private Roadway (AKA Stage Run) Located in Twenty Mile Village Filing No. 2, 2nd Amendment, for the Dransfeldt Road Widening Project

Department: Engineering and Public Works, Bob Exstrom

Second Reading: May 1, 2023

C. *RESOLUTION NO. 23-037*

A Resolution to Appoint the Board of Directors of the Greater Parker Foundation

Department: Town Manager, Michelle Kivela

D. *RESOLUTION NO. 23-038*

A Resolution to Amend Resolution No. 18-054, Series of 2018, to Amend and Readopt the Town of Parker Policy Manual

Department: Town Manager, Diane Arthur

E. *CONTRACTS OVER \$100,000*

1. *Professional Services Agreement - Nothing But Net - Elite Basketball Coaching*

Amount: \$100,000+

Contractor: Nothing But Net - Elite Basketball Coaching

Department: Parks, Recreation and Open Space, Meagan Nakashima

2. *Construction Management Services for Harvie Open Space*

Amount: Original Amount: \$64,555

Amended Amount: \$107,500

Contractor: DHM Design

Department: Parks, Recreation and Open Space, Brett Collins

3. *Final Design Services for Clarke Farms Drainage Improvements, CIP 22-019-FE - Contract Amendment*

Amount: Original Amount: \$83,160

Amended Amount: \$121,205

Contractor: Felsburg, Holt, and Ullevig

Department: Engineering and Public Works, Alex Mestdagh

6. PUBLIC HEARINGS

A. COYLE/PERKINS PROPERTY ANNEXATION AND ZONING (Continued from November 7, 2022 and February 21, 2023 and to be continued to June 5, 2023)

Applicant: Avalon Bay Communities, Inc.
Location: Southwest corner of Stroh Ranch and Crowfoot Valley Road
Department: Community Development, Julia Duncan
TRAKiT No.: ANX22-006 & Z22-017

- 1. ORDINANCE NO. 2.281 - Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Coyle/Perkins Property in Douglas County

7. ORDINANCES

A. ORDINANCE NO. 9.334.2 - Second Reading

A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04B 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

B. ORDINANCE NO. 13.110 - Second Reading

A Bill for an Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Parker, Colorado, to be Known as the Town of Parker My Mainstreet General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; and Providing Other Details Relating Thereto
Department: Town Attorney, Kristin Hoffmann

8. CONTRACTS OVER \$500,000

A. Harvie Open Space Construction Contract

Amount: \$1,673,760
Contractor: Richdell Construction, Inc
Department: Parks, Recreation and Open Space, Brett Collins

B. Parker Responsive Traffic Signal System Improvements (CIP 21-022)

Amount: \$668,696
Contractor: Interface Communications Company
Department: Engineering and Public Works, Chris Hudson

9. **RESOLUTIONS**

A. **RESOLUTION NO. 23-040**

A Resolution Opposing the Statewide Land Use and Zoning Preemptions in Senate Bill 23-213

Department: Town Council

10. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

11. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

April 17, 2023

“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. Douglas County Department of Criminal Justice Subrecipient Grant Agreement, ARPA Subrecipient Grant Agreement and H.R. 1319, the American Rescue Plan Act of 2021 (CRT Expansion and Car)
2. American Academy Charter School Traffic Management Plan and Traffic Impact Study and associated traffic impacts

“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).”

3. Negotiations related to 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

“To consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).”

4. Town Attorney evaluation

Victims' Rights Week Proclamation

WHEREAS, in 1982, the President's Task Force on Victims of Crime envisioned a national commitment to more equitable and supportive response to victims; and

WHEREAS, crime victims' rights acts passed in Colorado and at the federal level guarantee victims the right to meaningfully participate and use their voice in the criminal justice process; and

WHEREAS, every crime has a victim. These victims are mothers, fathers, brothers, sisters and children and including and elevating their voices makes certain they are heard and seen, which creates a path to forging and sustaining community trust; and

WHEREAS, survivors' experiences can serve as a catalyst for implementing innovative programs, shifting existing programs in new directions, and changing policies and practices that prevent survivors from accessing services or pursuing justice; and

WHEREAS, the Town of Parker values the importance of helping crime survivors by amplifying their voices and creating environments where survivors have the confidence they will be heard, believed, and supported; and

WHEREAS, National Crime Victims' Rights Week is a time to celebrate the progress achieved, raise awareness of victims' rights and services, and stand with our families, neighbors, friends, and colleagues by honoring the experiences of victims and allowing them to find autonomy and empowerment.

NOW, THEREFORE, I, Jeff Toborg, Mayor of the Town of Parker, Colorado, do hereby proclaim April 23-29, 2023 as

Victims' Rights Week

in the town of Parker, Colorado, and urge all residents to support and stand with victims of crime in our community whose lives have been forever altered.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Parker, Colorado, to be affixed this 17th day of April, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

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

Mayor Jeff Toborg called the meeting to order at 4:32 p.m. All Councilmembers were present.

Town Attorney Kristin Hoffmann announced there were five topics for discussion in the Executive Session. Under C.R.S. § 24-6-402(4)(b), there was one item was concerning the American Academy Charter School Traffic Management Plan and Traffic Impact Study and associated traffic impacts. Under C.R.S. § 24-6-402(4)(e), there were three items: the first item was regarding the Tax and Fee Assistance Program Agreement (TAP) for a business proposed to be located at Jordan Road and Parker House Road; the second item was about negotiations related to 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; and the third item was regarding the Presiding Municipal Judge vacancy. Under C.R.S. § 24-6-402(4)(f), there was one item which was the Town Attorney evaluation.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 4:34 p.m. to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b); 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 consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).

The motion was approved unanimously.

Joshua Rivero moved and Todd Hendreks seconded to come out of Executive Session at 6:58 p.m.

The motion was approved unanimously.

Joshua Rivero moved and Anne Barrington 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 7:02 p.m.

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

PUBLIC COMMENTS

None.

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 - March 20, 2023*

- B. *ORDINANCE NO. 9.334.2 - First Reading*
A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04B 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
Second April 17, 2023
Reading:

- C. *ORDINANCE NO. 13.110 - First Reading*
A Bill for an Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Parker, Colorado, to be Known as the Town of Parker My Mainstreet General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; and Providing Other Details Relating Thereto
Department: Town Attorney, Kristin Hoffmann
Second April 17, 2023
Reading:

- D. *RESOLUTION NO. 23-017*
A Resolution Authorizing the Possession and Consumption of Alcoholic Beverages in Discovery Park, Subject to Certain Conditions
Department: Cultural, Carrie Glassburn

- E. *RESOLUTION NO. 23-023*
A Resolution Accepting the Conveyance of a Public Sidewalk and Pedestrian Lighting Easement from Koffmann Properties, LLC, for a Portion of Lot 1, Bridgeside Subdivision
Department: Engineering and Public Works, Nathan Klass

- F. *RESOLUTION NO. 23-024*
A Resolution Accepting the Conveyance of a Public Sidewalk and Pedestrian Lighting Easement from Twin Creeks, LLC, for a Portion of Lot 2, Tallman Place Subdivision Filing No. 1
Department: Engineering and Public Works, Nathan Klass

G. *Tanterra Acceptance of Easements*

Department: Engineering and Public Works, Alex Mestdagh

1. *RESOLUTION NO. 23-025*
A Resolution Accepting the Conveyance of Real Property from North Parker Investments, LLC, (Slope Easement) for Chambers Road, Great Plain Way, and Tammy Lane North of Great Plain Way
2. *RESOLUTION NO. 23-026*
A Resolution to Accepting the Conveyance of Real Property from North Parker Investments, LLC, (Slope Easement) for the West Side of Chambers Road from Hess Road to Stroh Road
3. *RESOLUTION NO. 23-027*
A Resolution Accepting the Conveyance of Real Property from Cherry Creek South Metropolitan District No. 4 (Slope Easement) for Hess Road East of Tammy Lane
4. *RESOLUTION NO. 23-028*
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the West Side of Chambers Road at Great Plain Way
5. *RESOLUTION NO. 23-029*
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the West Side of Chambers Road at Oak Gulch
6. *RESOLUTION NO. 23-030*
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the West Side of Chambers Road at Pedestrian Underpass
7. *RESOLUTION NO. 23-031*
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for Oak Gulch West of Tammy Lane
8. *RESOLUTION NO. 23-032*
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for Oak Gulch East of Chambers Road
9. *RESOLUTION NO. 23-033*
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for Oak Gulch West of Chambers Road

10. *RESOLUTION NO. 23-034*

A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the North Side of Great Plain Way

11. *RESOLUTION NO. 23-035*

A Resolution Accepting the Conveyance of a Drainage Easement from Cherry Creek South Metropolitan District No. 4 for Oak Gulch East of Tammy Lane

12. *RESOLUTION NO. 23-036*

A Resolution Accepting the Conveyance of a Drainage Easement from Cherry Creek South Metropolitan District No. 4 for Tanterra Filing No. 2

H. *CONTRACTS OVER \$100,000*

1. *Construction Management Contract for Pikes Peak Drive Sidewalk Improvements Project (CIP22-041-CM)*

Amount: \$307,695

Contractor: EST, Inc.

Department: Engineering and Public Works, Bob Exstrom

2. *Rowley Downs Trail Project (CIP22-037-CI)*

Amount: \$379,640

Contractor: Alpine Civil Construction, Inc.

Department: Engineering and Public Works, Nathan Klass

3. *Contract Amendment for O'Brien Park Streetscape Construction Documents*

Amount: \$140,996

Contractor: PCS Group, Inc.

Department: Parks, Recreation and Open Space, Brett Collins

I. *PROCLAMATION - National Donate Life Month - Donor Alliance*

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

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

GLADYS O'BRIEN HOUSE MDP (*Continued from February 6, 2023 and March 6, 2023*)

Applicant: Parker Authority for Reinvestment, Weldy Feazell
Location: 11017 S. Pikes Peak Drive
Department: Community Development, Amber Wood Hicken
TRAKiT No.: SUB22-026

Mayor Toborg opened the public hearing at 7:07 p.m.

The applicant, Parker Authority for Reinvestment (P3), is proposing a Minor Development Plat (MDP) for a .40 acre parcel located at 11017 South Pikes Peak Drive. The property is located on the west side of Pikes Peak Drive south of Mainstreet. The proposed MDP will create a legal lot of record as required by Municipal Code. The Planning Commission held a public hearing on the proposed MDP on January 12, 2023 and voted to recommend that the Town Council approve it.

Public Comments: None.

Mayor Toborg closed the public hearing at 7:11 p.m.

Todd Hendreks moved to approve the Gladys O'Brien Minor Development Plat, based on staff findings.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

CONTRACTS OVER \$500,000**A. Construction Contract for Pikes Peak Drive Sidewalk Improvements Project**

Amount: \$2,240,061.05
Contractor: Elite Surface Infrastructure
Department: Engineering and Public Works, Bob Exstrom

This item is to award a trade contractor agreement with Elite Surface Infrastructure for the Pikes Peak Drive Sidewalk Improvements project (CIP22-041-CI) for \$2,240,061.05. Engineering and Public Works staff are currently working to improve the sidewalks along Pikes Peak Drive between Sulphur Gulch Bridge and Mainstreet. The project generally consists of widening sidewalks to a variable width of 6 to 8-ft, reconstructing curb ramps and crosswalks, adding pedestrian lighting, improving street drainage, and undergrounding overhead utilities.

Public Comments: None.

Anne Barrington 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
 Anne Barrington - yes
 Todd Hendreks - yes
 John Diak - yes
 Brandi Wilks - yes
 Laura Hefta - yes

The motion was approved unanimously.

B. Final Design Contract for Jordan-Newlin Improvements

Amount: \$584,109
Contractor: Felsburg Holt & Ullevig
Department: Engineering and Public Works, Patrick Burke

This agenda item is for the approval of a professional services agreement with Felsburg Holt and Ullevig for the final design of the Jordan/Newlin Gulch Improvement Project (Lincoln Avenue to Stonegate Parkway). This project proposes to extend existing acceleration and deceleration lanes, add sidewalks, and extend left-hand turn lanes. Due to the proximity of the Jordan/Newlin Gulch Bridge, this bridge must be widened to make operational improvements. The project will include the addition of a sidewalk on the west side of Jordan Road that does not exist today. This sidewalk will help facilitate access to the Town's parks, trails, recreation amenities and activities. Staff included this project as part of the Lincoln Avenue Widening Project RFQ for engineering services due to its proximity and relationship to that project and for economy of scale purposes. The contract amount is \$584,109, which is in line with typical costs for a project of this size.

Public Comments: None.

Brandi Wilks moved to approve the staff recommendation, as a part of the regular agenda.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Laura Hefta moved to adjourn the meeting at 7:39 p.m.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: April 17, 2023

Submitted By: Bob Exstrom, Project Manager

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 1.575 - First Reading**
A Bill for an Ordinance to Approve the Right-of-Way Purchase and Sale Agreement by and between TMV Retail II Owners Association and the Town of Parker for a Portion of Private Roadway (AKA Stage Run) Located in Twenty Mile Village Filing No. 2, 2nd Amendment, for the Dransfeldt Road Widening Project

Department: Engineering and Public Works, Bob Exstrom

Second Reading: May 1, 2023

EXECUTIVE SUMMARY

The purpose of this ordinance is to approve the Right-of-Way Purchase and Sale Agreement for the conveyance of real property from TMV Retail II Owners Association for a Portion of Private Roadway (AKA Stage Run) Located in Twenty Mile Village Filing No. 2, 2nd Amendment for Right-of-Way for the Dransfeldt Road Widening Project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town is currently in receipt of final construction drawings for an upcoming capital improvement project known as the Dransfeldt Road Widening Project (the "Project"). The Project proposes to make roadway and sidewalk improvements to Dransfeldt Road between Pony Express Drive and Mainstreet. The roadway will be widened from a four (4) lane section to a five (5) lane section, including the addition of one new southbound thru/right-turn lane. Additionally, sidewalks and curb ramps will be reconstructed along the widened section to increase pedestrian mobility and ADA compliance.

In November 2022, Town Council approved Ordinance No. 1.570 which authorized staff to proceed with good faith negotiations regarding procurement of right-of-way and temporary construction easements necessary to construct the Project. There are five (5) impacted parcels inside the project limits, and this ordinance addresses the permanent acquisition of real property required on a portion of Stage Run Road which is a privately owned road.

Approximately 378 square feet (SF) of additional right-of-way is needed to accommodate new sidewalks and curb ramps. Approximately 1,917 SF of temporary construction easement is needed to restore/reconstruct portions of Stage Run Road disrupted by construction. See the

Vicinity Map attached to this memo.

FINANCIAL IMPACT

The purchase price for this acquisition, including the temporary easement, is \$6,110.00. Funding has been appropriated for this acquisition in the Urban Renewal Projects fund (301-4652).

STRATEGIC GOAL(S)

SUPPORT AN
ACTIVE COMMUNITY



ENHANCE ECONOMIC
VITALITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Vicinity Map
2. Ordinance No. 1.575

RECOMMENDED MOTION

I move to approve Ordinance 1.575 on first reading and to schedule second reading for May 1, 2023, as part of the consent agenda.

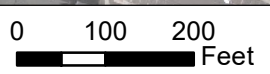
Dransfeldt Road Widening Right-of-Way
Agreements with TMV Retail II Owners Assoc.
Vicinity Map



Dransfeldt Road Widening from
Mainstreet to Pony Express Drive

Temporary construction
easement

Right-of-way to be purchased by
Town of Parker from TMV Retail II
Owners Association



ORDINANCE NO. 1.575, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE RIGHT-OF-WAY PURCHASE AND SALE AGREEMENT BY AND BETWEEN TMV RETAIL II OWNERS ASSOCIATION AND THE TOWN OF PARKER FOR A PORTION OF PRIVATE ROADWAY (AKA STAGE RUN) LOCATED IN TWENTY MILE VILLAGE FILING NO. 2, 2nd AMENDMENT, FOR THE DRANSFELDT ROAD WIDENING PROJECT

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 Right-of-Way Purchase and Sale Agreement by and between TMV Retail II Owners Association and the Town of Parker for a Portion of Private Roadway (AKA Stage Run) located in Twenty Mile Village Filing No. 2, 2nd Amendment, for the Dransfeldt Road widening project, which Agreement 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 _____, 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

TOWN OF PARKER

RIGHT-OF-WAY PURCHASE AND SALE AGREEMENT

th
30 day of March, 2023, by and between TMV Retail II Owners Association, ("Seller") and the Town of Parker, a Colorado Home Rule Municipality, whose address is 20120 E. Mainstreet, Parker, Colorado 80138 ("Purchaser").

WITNESSETH:

WHEREAS, Seller owns certain real property in Douglas County, Colorado, together with tangible and intangible rights appurtenant to or benefiting that property; and

WHEREAS, Seller wishes to transfer and convey a portion of that property to Purchaser in order to avoid condemnation proceedings, and Purchaser wishes to acquire that property from Seller.

NOW, THEREFORE, in consideration of the above premises, the mutual promises and covenants below, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Purchase and Sale Agreement. Subject to the terms, provisions, covenants and conditions herein contained, Seller hereby agrees to sell and convey and Purchaser hereby agrees to purchase and pay for:

(a) A parcel of real property located in Douglas County, Colorado, and more specifically described in **Exhibit A**, attached hereto and incorporated herein by this reference, together with all easements and rights-of-way appurtenant thereto and all improvements and fixtures of a permanent nature currently on the premises;

(b) ; and

A temporary easement located in Douglas County, Colorado, and more specifically described in **Exhibit B**.

2. Purchase Price and Payment. The parties agree that the purchase price for the Property shall be **\$6,110.00** (the "Purchase Price"), payable in cash or certified funds, delivered to Seller at closing and upon delivery of the deed at closing, less any amounts to be withheld in accordance with this Agreement, and further subject to all terms and conditions set forth in this Agreement.

3. Merchantability of Title; Objections to Title.

(a) Seller represents to Purchaser that at closing Seller will have and will convey to Purchaser good, merchantable and insurable title to the Property, including fee simple title to the Property described in **Exhibit A**, subject only to prorated general real estate taxes on the Property described in **Exhibit A** for the current year and to any burdens, easements, rights-of-way, agreements, reservations, restrictions and encumbrances described in the title commitment approved by Purchaser as hereinafter provided (the "Permitted Exceptions").

(b) Seller represents and covenants to the Purchaser that it comprises all of the parties who have a fee interest in the property interests being acquired herein, and that to the best of Seller's knowledge, there are no other interested parties in said property, except with regard to the Permitted Exceptions.

(c) If Purchaser deems, in its sole discretion, that title for any reason is not merchantable in Seller, Purchaser shall give immediate notice thereof to Seller, and Seller shall make a reasonable effort to correct any defects objectionable to Purchaser prior to the closing date.

(d) If Seller is unable or unwilling to correct such defects on or before the closing date, this Agreement, at Purchaser's option, may be declared void and of no force or effect. In the event of such termination, the parties shall have no further rights or obligations hereunder.

(e) The Seller acknowledges that the Purchase Price is full and just compensation for all of its interests, the interests of all lienors, deed of trust holders and beneficiaries; mortgagees, lessees (whether or not the lease is recorded), and any and all other legal or equitable interests in the Property that exist at the time of the closing except for the Permitted Exceptions.

4. Title Commitment; Title Policy. The Purchaser may, at its option and expense, obtain a current commitment for a title insurance policy and obtain a title insurance policy current as of the date of closing.

5. Closing Documents. At closing, the Seller shall execute and deliver to the Purchaser the following documents:

(a) A general warranty deed, prepared by legal counsel for the Town of Parker, conveying the property described in Exhibit A to Purchaser in fee simple, free and clear of all general real estate taxes on the Property except for the current year, all liens for any improvements installed as of the date of closing whether assessed or not, and all easements, covenants, liens and encumbrances which are shown on the title commitment and are not accepted by Purchaser at closing, which deed shall include a notation that the Property is being purchased under threat of condemnation and that other factors were included in the determination of the price in addition to fair market value.

(b) A temporary easement in the form attached hereto as Exhibit B.

6. Closing. The date, time and location of closing shall be mutually agreed upon by

3/28/2023

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Purchaser and Seller as soon as possible following the execution of this Agreement; provided, however, that if for any reason a closing does not occur on or before **June 1, 2023**, or such other date mutually agreed to in writing by the parties. Purchaser and Seller shall be entitled to exercise their rights contained in the "Remedies" section contained herein.

7. Closing Costs. Purchaser shall pay any closing fees charged by the title insurance company and all recording fees for the documents delivered by Seller to Purchaser hereunder. Each party shall be responsible for the payment of its own attorney's fees incurred in connection with the transaction that is the subject of this Agreement.

8. Taxes. Seller shall pay all personal property taxes and general property taxes due on the Property for the year of closing and all preceding years. General taxes for the year of closing shall be apportioned between the parties to the date of delivery of the deed.

9. Entry on Property. Seller shall allow Purchaser and its authorized representatives to enter upon the Property from time to time prior to closing for the purposes of placing markers and conducting visual inspections, surveys, subsurface drilling, soil tests, groundwater tests, environmental audits and tests to determine adverse environmental conditions and contamination. Purchaser's representatives shall give reasonable notice to the Seller upon entering the Property for these purposes. All costs and expenses of such inspection shall be borne solely by Purchaser.

10. Risk of Loss; Damage to Property. If improvements are located on the Property, loss or damage to the improvements from any cause, including but not limited to fire, vandalism, or acts of God, from the date of this Agreement until the conveyance of said deed from Seller to the Purchaser shall be the risk of the Seller. If, prior to closing, improvements are destroyed or damaged in whole or in part, this Agreement may be canceled at the option of the Purchaser. The Purchaser, at its option shall have the right to proceed with specific performance of this Agreement despite such damage, provided that the Purchaser shall be entitled to all the credit for insurance proceeds resulting from such damage, not exceeding, however, the total purchase price.

11. Seller's Representations. Seller represents that to the best of its knowledge, as of the date hereof, and as of the date of the closing, that the following are true and correct:

(a) Soils. Seller has no knowledge of any patent or latent defects, soil deficiencies, or subsurface anomalies existing on the Property;

(b) No litigation or investigations. There is no pending or threatened litigation, proceeding, or investigation by any governmental authority or any other person known to Seller against or otherwise affecting the Property other than: (list, if any) _____, nor does Seller know of any ground for any such litigation, proceedings or investigations; and

(c) Documents. Each and every document, schedule, item, and other information delivered or to be delivered by the Seller to the Purchaser hereunder, or made available to the Purchaser for inspection hereunder, shall be accurate and correct; and

3/28/2023

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(d) No special assessments. There are no special assessments which now burden or encumber the Property, there are no special assessments currently proposed as to the Property and the Property shall be free and clear of all liens for special improvements installed as of the date of closing, whether assessed or not; and

(e) Leases. Seller has notified Purchaser of all leases, tenancies or rental agreements relating to the Property, or to any part thereof; and

(f) Third party improvements. Seller has notified Purchaser of all improvements, real or personal, on the Property not owned by the Seller and Seller hereby warrants to Purchaser that it is the lawful owner of all other improvements located in or on the Property and is entitled to compensation for same.

(g) Easements. Seller has notified Purchaser of all easements, rights-of-way or claims of possession not shown by record, whether by grant, prescription, adverse possession or otherwise, as to any part of the Property; and

(h) No landfill. No part of the Property has ever been used as a landfill, and no materials have ever been stored or deposited upon the Property which would, under any applicable governmental law or regulation, require that the Property be treated or materials removed from the Property prior to the use of the Property, for any purpose which would be permitted by law but for the existence of said materials on the Property; and

(i) No pollution.

(1) The Property is not contaminated with any hazardous substance;

(2) Seller has not caused and will not cause, and to the best of Seller's knowledge, after diligent investigation and inquiry, there never has occurred, the release of any hazardous substance on the Property;

(3) The Property is not subject to any federal, state or local "superfund" lien, proceedings, claim, liability or action, or the threat or likelihood thereof, for the cleanup, removal, or remediation of any such hazardous substance from the Property or from any other real property owned or controlled by Seller or in which Seller has any interest, legal or equitable;

(4) There is no asbestos on the Property;

(5) There is no underground storage tank on the Property;

(6) By acquiring the Property, Purchaser will not incur or be subject to any "superfund" liability for the cleanup, removal or remediation of any hazardous substance from the real estate or any liability, cost, or expense for the removal of any asbestos or underground storage tank from the Property.

3/28/2023

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(The terms "hazardous substance," "release," and "removal," as used herein, shall have the same meaning and definition as set forth in paragraphs (14), (22) and (23), respectively, of Title 42 U.S.C. Section 9601; provided, however, that the term "hazardous substance," as used herein, also shall include "hazardous waste," as defined in paragraph (5) of 42 U.S.C. Section 6903 and "petroleum," as defined in paragraph (8) of 42 U.S.C. 6991. The term "superfund," as used herein, means the Comprehensive Environment Response, Compensation and Liability Act, as amended, Title 42 U.S.C. Section 9601, *et seq.*, as amended, and any similar state statute or local ordinance applicable to the Property, and all rules and regulations promulgated, administered and enforced by any governmental agency or authority pursuant thereto. The term "underground storage tank," as used herein, shall have the same meaning and definitions as set forth in paragraph (1) of 42 U.S.C. Section 6991. Seller agrees to cooperate with the Purchaser in completing an environmental audit, if one is conducted. Should any environmental audit reveal the presence of hazardous materials on the property, then the Purchaser has the express option of terminating this Agreement.)

(j) In order to provide the Purchaser with information to protect the Purchaser and its contractors and agents, the Seller agrees to provide any information whatsoever that it may have with regard to environmental contamination and will answer environmental inventory questions, to the best of the Seller's knowledge, if requested by the Purchaser.

12. Contingencies.

(a) Performance by Purchaser under this Agreement is expressly contingent upon Purchaser's inspection of the Property, review of all agreements and information affecting the Property, review and approval of the title commitment and title documents, any appraisal of the Property which the Purchaser has obtained, approval by the Purchaser of any survey of the Property and approval by the Town Council of the Town of Parker of the acquisition of the Property.

(b) Seller agrees that closing of this Agreement is contingent upon the partial release and/or satisfaction of the exceptions shown in the title commitment for the property, unless the Purchaser agrees in writing to acquire the Property subject to any such exceptions. While Purchaser will assist the Seller in obtaining releases or satisfaction of the exceptions, the obligation is Seller's.

(c) If Purchaser physically damages the remaining property of the Seller by its construction activities, the Purchaser shall be responsible to restore such damaged property or make restitution to the Seller.

(d) In the event of termination of this Agreement due to the failure of any contingency, the parties shall have no further rights or obligations hereunder.

13. Remedies.

(a) In the event that the Seller fails to consummate this Agreement for any reason, except Purchaser's default or termination of this Agreement by Purchaser pursuant to the provisions hereof, Purchaser may, at its option, enforce this Agreement by (1) terminating this Agreement and

3/28/2023

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proceeding with a condemnation action, and the Purchaser may utilize this Agreement as an admission of the value of the property being acquired, or (2) bringing an action against the Seller for specific performance or damages or both. Seller acknowledges and agrees that the subject of this Agreement is unique and irreplaceable and damages would be a wholly inadequate remedy for Purchaser in the event of termination of this Agreement by Seller.

(b) In the event that Purchaser shall fail to close on this Agreement for any reason, Seller shall not be entitled to enforce this Agreement through an action for specific enforcement, nor shall Seller be entitled to any damages from Purchaser for any such failure, and Seller's exclusive remedy shall be the rescission of this Agreement. In the event of default or termination of this Agreement by Purchaser, the parties shall have no further rights or obligations hereunder.

(c) If there is a default by the Seller under this Agreement and the Purchaser elects to treat the Agreement as terminated and files a condemnation lawsuit to obtain possession of and title to the Property, the Seller hereby agrees and stipulates that (1) there has been a failure of negotiations to acquire the Property and (2) the Purchaser may take possession of the Property immediately upon paying into the registry of the court a deposit equal to the Purchase Price. The Seller and the Purchaser agree that the terms of this paragraph shall survive a default by any party.

(d) In the event that Seller is responsible for pollution of the Property contrary to its representations in paragraph 12 above, Seller shall indemnify Purchaser for all of Purchaser's costs in remediating the pollution as required by local, state and federal law.

14. Time. Time is of the essence hereof and all terms, conditions and covenants shall be tendered or performed as specified herein.

15. Agreement Binding. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, personal representatives, successors and assigns. The parties hereto agree that, except for such of the terms, conditions, covenants and agreements hereof which are, by their very nature, fully and completely performed upon closing, all of the terms, conditions, representations, warranties, covenants and agreements herein set forth and contained shall survive the closing and shall continue to be binding upon the parties and their above-named successors.

16. Colorado Law. This Agreement and the rights and obligations of the parties hereunder shall be governed by the laws of the State of Colorado.

17. Recording. This Agreement may be recorded in the records of the Office of the Clerk and Recorder of Douglas County, Colorado.

18. Entire Agreement. This Agreement embodies the complete Agreement between the parties and cannot be modified or amended except by the written agreement of the parties.

19. Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders.

3/28/2023

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20. Nonvoluntary Transfer. The Purchaser acknowledges that the Property is being purchased under threat of condemnation and that other factors may have been considered in the determination of the price set forth herein in addition to fair market value. This transaction represents a nonvoluntary transfer by the owner.

3/28/2023

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IN WITNESS WHEREOF, this Agreement is executed by Seller and Purchaser as of the date first above written.

SELLER TMV RETAIL II OWNERS ASSOCIATION

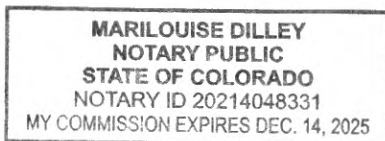
BY: Mark L Eames

STATE OF COLORADO)
) ss.
COUNTY OF DOUGLAS)

The above and foregoing document was acknowledged before me this 30th day of March, 2023 by Mark L Eames as Managing Agent for TMV Retail II Owners Association.

WITNESS my hand and official seal.

My Commission Expires: 12/14/2025



Marilouise Dilley
Notary Public
Address of Notary: 7208 S Tucson Way #125
Centennial, CO 80112

PURCHASER:

TOWN OF PARKER

By: _____
Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

Approved as to legal form:

Kristin S. Hoffmann, Town Attorney

3/28/2023

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EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF A PRIVATE ROADWAY (AKA STAGE RUN) LOCATED IN TWENTY MILE VILLAGE FILING NO. 2, 2ND AMENDMENT RECORDED AT RECEPTION NO. 00050141 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 23A, BLOCK 1, TWENTY MILE VILLAGE FILING NO. 2, 4TH AMENDMENT RECORDED AT RECEPTION NO. 01028560 IN SAID OFFICIAL RECORDS;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 23A, NORTH 81°08'30" WEST, A DISTANCE OF 22.90 FEET;

THENCE DEPARTING SAID NORTHERLY LINE, NORTH 02°56'02" EAST, A DISTANCE OF 13.49 FEET;

THENCE SOUTH 87°03'50" EAST, A DISTANCE OF 21.11 FEET TO THE EASTERLY LINE OF SAID PRIVATE ROADWAY;

THENCE ALONG SAID EASTERLY LINE, SOUTH 03°04'55" EAST, A DISTANCE OF 15.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.007 ACRES, (321 SQUARE FEET), MORE OR LESS.

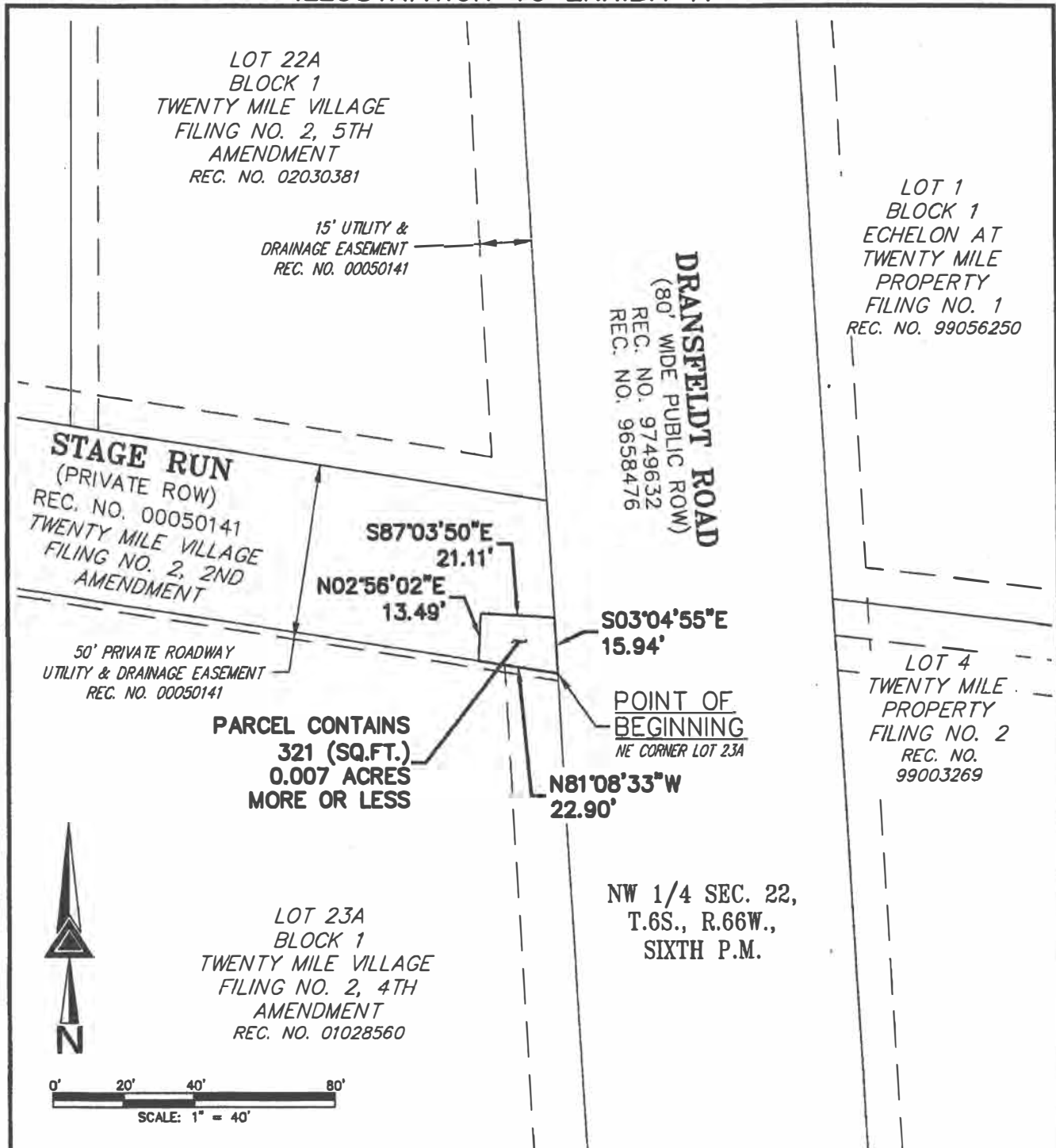
ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

ILLUSTRATION ATTACHED AND MADE A PART HEREOF.

KARL D. SZYSZKOSKI, PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1,
LITTLETON, CO 80122



ILLUSTRATION TO EXHIBIT A



NOTE: THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: Q:\12321-08\DWG\EXHIBITS\
DWG NAME: STAGE RUN - PE.DWG
DWG: KDS CHK: JRW
DATE: 09/30/2022
SCALE: 1" = 40'

AZTEC
CONSULTANTS, INC.

300 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)713-1896
Fax: (303)713-1897
www.aztecconsultants.com

RIGHT-OF-WAY
NW 1/4 SEC. 22, T6S, R66W, 6TH PM
TOWN OF PARKER, COLORADO
JOB NUMBER 12321-08 2 OF 2 SHEETS

EXHIBIT B

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **TMV Retail II Owners Association** whose address is 18601 E Mainstreet, Parker, CO 80134 ("**Grantor**"), in consideration of **TEN DOLLARS (\$10.00)**, receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant, bargain, sell and convey to **TOWN OF PARKER, a Colorado Home Rule Municipality**, whose address is 20120 E. Mainstreet, Parker, Colorado 80138, ("**Grantee**"), a Temporary Easement for use during construction of roadway improvements, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the tract of land described as follows:

More particularly described on **EXHIBIT A**, attached hereto and by this reference made a part hereof (the "Subject Property").

1. Said Temporary Easement shall expire and be of no further force or effect twelve (12) months after the date Grantee provides written notice of the commencement of the Temporary Easement by Grantor, which notice shall be provided within two (2) years of execution of this Agreement. The Grantor also grants to the Grantee the option to extend this Temporary Easement for a period not to exceed one (1) year from the date of expiration hereof.

2. During the term of this Temporary Easement, Grantor shall not erect or construct, or allow to be erected or constructed, any building or other structure which may interfere with Grantee's full enjoyment of the rights hereunder.

3. The parties hereto agree that neither has made nor authorized any agreement with respect to the subject matter of this instrument other than expressly set forth herein, and no oral representation, promise or consideration different from the terms herein contained shall be binding on either party, or its agents or employees hereto.

4. Grantor warrants that he has full and lawful authority to make the grant hereinabove contained and promises and agrees to defend Grantee in the exercise of its rights hereunder against any defect in Grantor's title to the land involved or Grantor's rights to make the grant hereinabove contained.

5. Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders. All of the covenants herein contained shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns.

WITNESS our hand(s) and seal(s) this _____ day of _____, 202__.

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF A PRIVATE ROADWAY (AKA STAGE RUN) LOCATED IN TWENTY MILE VILLAGE FILING NO. 2, 2ND AMENDMENT RECORDED AT RECEPTION NO. 00050141 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 23A, BLOCK 1, TWENTY MILE VILLAGE FILING NO. 2, 4TH AMENDMENT RECORDED AT RECEPTION NO. 01028560 IN SAID OFFICIAL RECORDS;.

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 23A, NORTH 81°08'30" WEST, A DISTANCE OF 22.90 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 81°08'30" WEST, A DISTANCE OF 28.80 FEET;

THENCE DEPARTING SAID NORTHERLY LINE, NORTH 08°51'30" EAST, A DISTANCE OF 48.00 FEET TO THE SOUTHERLY LINE LOT 22A, BLOCK 1, TWENTY MILE VILLAGE FILING NO. 2, 5TH AMENDMENT RECORDED AT RECEPTION NO. 02030381 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID SOUTHERLY LINE, SOUTH 81°08'30" EAST, A DISTANCE OF 41.55 FEET TO THE EASTERLY LINE OF SAID PRIVATE ROADWAY;

THENCE ALONG SAID EASTERLY LINE, SOUTH 03°04'55" EAST, A DISTANCE OF 33.12 FEET;

THENCE DEPARTING SAID EASTERLY LINE, NORTH 87°03'50" WEST, A DISTANCE OF 21.11 FEET;

THENCE SOUTH 02°56'02" WEST, A DISTANCE OF 13.49 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 0.044 ACRES, (1,917 SQUARE FEET), MORE OR LESS.

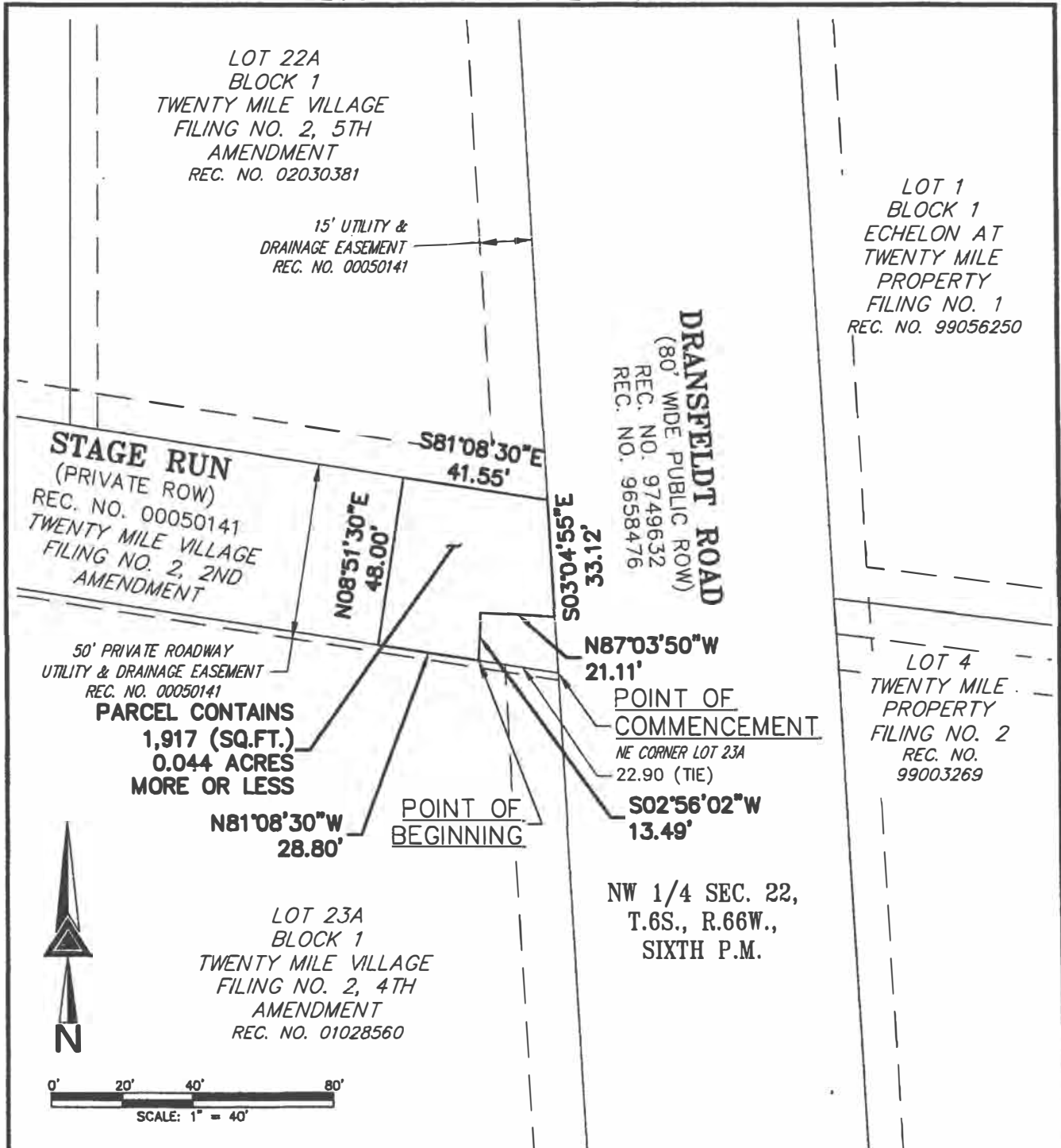
ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

ILLUSTRATION ATTACHED AND MADE A PART HEREOF.



KARL D. SZYSZKOSKI, PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1,
LITTLETON, CO 80122

ILLUSTRATION TO EXHIBIT A



NOTE: THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: Q:\12321-08\DWG\EXHIBITS\
DWG NAME: STAGE RUN - PE.DWG
DWG: KDS CHK: JRW
DATE: 09/30/2022
SCALE: 1" = 40'

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www.aztecconsultants.com

**TEMPORARY CONSTRUCTION EASEMENT
NW 1/4 SEC. 22, T6S, R66W; 6TH PM
TOWN OF PARKER, COLORADO**

JOB NUMBER 12321-08

2 OF 2 SHEETS



Request for Town Council Action

Date: April 17, 2023
Submitted By: Michelle Kivela, Town Manager
Reviewed By: Michelle Kivela, Town Manager
Title: **RESOLUTION NO. 23-037**
A Resolution to Appoint the Board of Directors of the Greater Parker Foundation
Department: **Town Manager, Michelle Kivela**

EXECUTIVE SUMMARY

Board members of the Greater Parker Foundation are appointed by Town Council by resolution.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town Council desires to appoint board members as described in Resolution No. 23-037.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Resolution No. 23-037

RECOMMENDED MOTION

I move to approve Resolution No. 23-037, as part of the consent agenda.

RESOLUTION NO. 23-037, Series of 2023

TITLE: A RESOLUTION TO APPOINT THE BOARD OF DIRECTORS OF THE GREATER PARKER FOUNDATION

WHEREAS, the Town Council of the Town of Parker desires to appoint Anne Barrington as a voting director to the Board of the Greater Parker Foundation;

WHEREAS, the Town Council of the Town of Parker desires to appoint Brandi Wilks as a voting director to the Board of the Greater Parker Foundation.

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 Anne Barrington as a voting director to the Board of the Greater Parker Foundation, for the term ending January 31, 2024.

Section 3. The Town Council of the Town of Parker hereby appoints Brandi Wilks as a voting director to the Board of the Greater Parker Foundation, for the term ending January 31, 2024.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Request for Town Council Action

Date: April 17, 2023
Submitted By: Diane Arthur, Assistant Town Manager
Reviewed By: Michelle Kivela, Town Manager
Title: **RESOLUTION NO. 23-038**
A Resolution to Amend Resolution No. 18-054, Series of 2018, to Amend and Readopt the Town of Parker Policy Manual
Department: Town Manager, Diane Arthur

EXECUTIVE SUMMARY

The Town Council approved Resolution No. 18-054, Series of 2018, on August 20, 2018, to adopt the Town of Parker Policy Manual, which was amended from time to time between 2018 and the present. This Resolution will amend and readopt the Town of Parker Policy Manual.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town Council reviewed and recommended updates to the Town Policy Manual at their Council Retreat held on March 3, 2023. Those recommended updates are provided in the attached redlined document.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Resolution No. 23-038

RECOMMENDED MOTION

I move to approve Resolution No. 23-038, as part of the consent agenda.

RESOLUTION NO. 23-038, Series of 2023

**TITLE: A RESOLUTION TO AMEND RESOLUTION NO. 18-054, SERIES OF 2018,
TO AMEND AND READOPT THE TOWN OF PARKER POLICY MANUAL**

WHEREAS, the Town Council is authorized by the Town Charter to promulgate policies to guide various functions of the Town to be administered by the Mayor or Town Manager;

WHEREAS, the Town Council approved Resolution No. 18-054, Series of 2018, on August 20, 2018, to adopt the Town of Parker Policy Manual, which was amended from time to time between 2018 and the present; and

WHEREAS, the Town Council desires to amend and readopt the Town of Parker Policy Manual.

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 amends and readopts the Town of Parker Policy Manual, which is attached hereto as **Exhibit A** and incorporated by this reference.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Town of Parker Policy Manual

Approved by the Parker Town Council

Effective Date: August 20, 2018

Amended and Readopted Date: April 17, 2023

The Parker Town Council is authorized under the Town Charter to promulgate policies to guide various functions of the Town, which policies are to be administered by the Mayor or Town ~~Administrator~~Manager. The purpose of the Town of Parker Policy Manual is to consolidate applicable Town Council policies adopted by Town Council resolution into a reference document that is both accessible and transparent.

Table of Contents

General Policy Statements

0-1 Establishing the Town of Parker Policy Manual

0-2 Mission, Vision, Parker Principles and Core Values

0-3 Flag Policy

~~0-4 Community Event In-Kind Contribution Policy~~ Was replaced by administrative process

Elected Official Policy Statements

1-1 Elected Official Budget Policy

1-2 Elected Official Media Policy

1-3 Elected Official Purchasing Card Policy

1-4 Elected Official Technology Policy

1-5 Elected Official Travel Policy

1-6 Staff Contact by Elected Officials

1-7 Study Session Policy

1-8 Town Council Public Hearing Procedure Policy

1-9 Elected Official Social Media Policy Statement

1-10 Telephonic Participation During Town Council Meetings

~~1-11 Veterans Memorial Banner Program Policy~~ Replaced by administrative program

1-12 Council Liaison Policy

1-13 Consent Agenda Policy

1-14 Community Recognitions and Town Council Event Participation Process Policy

1-15 Debt Management Policy

1-16 General Fund Working Reserve Policy

1-17 Investment Policy

Town of Parker, Colorado

POLICY STATEMENT

TITLE Establishing the Town of Parker Policy Manual	PAGE 1 of 2	POLICY NUMBER 0-1
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

The Parker Town Council is authorized under the Town Charter to promulgate policies to guide various functions of the Town, which policies are to be administered by the Mayor or Town ~~Administrator~~Manager. The purpose of the Town of Parker Policy Manual is to consolidate applicable Town Council policies adopted by Town Council resolution into a reference document that is both accessible and transparent.

POLICY STATEMENT

1. The “Town of Parker Policy Manual” is hereby established, which contains policies adopted by resolution of the Town Council.
2. Town Council policies shall be approved by the Town Council resolution in the form of a policy statement, as described herein. Once approved, statements of policy will be reproduced, distributed, and included in the “Town of Parker Policy Manual.”
3. Each policy statement will include: a) the purpose of the policy, b) the policy statement, and c) other criteria or procedural sections as needed.
4. The Town ~~Administrator~~Manager shall be responsible for the administration of the Town of Parker Policy Manual.

PROCEDURE

1. Drafts of proposed policy statements and proposed amendments to existing policy statements shall be referred to the Town ~~Manager~~Administrator for review, evaluation, and recommendation to Town Council.
2. As part of the administrative responsibilities of the Town ~~Manager~~Administrator, the Town Council delegates to the Town ~~Manager~~Administrator the following additional administrative duties:

- Updates to the Table of Contents
 - Cleanup/update a policy statement that does not change the substance of the policy statement.
 - Administrative/procedural changes to implement a policy statement that does not change the substance of the policy statement, but results in efficiencies and/or improved customer service
3. Annually, the Town ~~Manager~~[Administrator](#) and Town Attorney will review the Town of Parker Policy Manual for needed additions, changes, and deletions deemed appropriate, subject to approval by the Town Council. However, recommended revisions or new policy statements may be brought forward for Town Council consideration at any other time during the year.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Mission, Vision, Parker Principles and Core Values Policy Statement	PAGE 1 of 3	POLICY NUMBER 0-2
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

The Town of Parker's Mission, Vision, Core Values and Principles form the foundation of the organization. By adopting them formally, Town Council is conveying their commitment to promoting these defining statements.

POLICY STATEMENT

Vision

The Town of Parker's vision is to be the pre-eminent destination community of the Denver Metro area for innovative services with a hometown feel. We will be an area leader in economic and community development, and be at the forefront for services, civic engagement, and quality of life.

Mission

The mission of the Town of Parker is to enrich the lives of residents by providing exceptional services, engaging community resources, and furthering an authentic hometown feel. We promote transparent governing, support sustainable development, and foster a strong, local economy.

Parker Principles

The Parker Principles are incorporated into the management philosophy and operational protocols of the organization. The principles were developed jointly between Town Council and executive staff. They represent the basic philosophies and guidelines for how the Town Council and Town staff will conduct their business and activities.

To assist Town Council in performing its mission, the following "Parker Principles" have been adopted:

- We carry out our duties to enhance the health, safety and welfare of our community through responsible policy, fiscal decision-making and effective implementation of decisions.

- We achieve a hometown feeling by creating a friendly environment that welcomes diverse groups and interests in our community.
- We acknowledge that the roles and expertise of the Town Council and Town staff are mutually dependent on each other for achieving our goals.
- We abide by the Town goals and core values to guide our decisions and activities.
- We treat people equally and ~~fairly, and~~ fairly and acknowledge the importance of every person's skills and contributions to our organization.
- We conduct the Town's business with honesty, integrity, transparency and consistency.
- We hold ourselves accountable for making well-informed decisions, based on relevant information and the consideration of short-term and long-term effects.
- We communicate openly and honestly by sharing information, ideas and knowledge in order to do our work effectively.
- We recognize the value of all members of our organization and community by treating them with empathy, respect, professional courtesy, and by considering diverse opinions.

Core Values

We provide the services and information our customers need and expect from a full-service municipality while maintaining a personal, friendly approach one would expect in a small town. We place a premium on teamwork and participation while encouraging creativity and individual initiative. We believe that through collaboration, leadership can occur at all levels. We take our commitments seriously and reach positive solutions.

Teamwork

- Communicate openly, honestly and frequently with all members of our team
- Demonstrate fairness, compassion and consistency in our interactions with others
- Recognize the value of all members of our organization
- Form partnerships with the community
- Listen to and respect the ideas and concerns of others
- Enable team members to strike a healthy work and life balance

Commitment to Quality Service

- Treat each customer with professional courtesy, warmth and friendliness
- Create a hometown feeling in our facilities and our community
- Focus on problem solving by listening empathetically while responding promptly and fairly
- Serve our customers efficiently and knowledgeably
- Meet or exceed the expectations of our customers
- Treat all coworkers as customers

Integrity

- Embrace a culture of honor and trustworthiness

- Exhibit conduct that inspires public confidence
- Manage the Town's business honestly and directly
- Honor commitments and promises
- Be reliable, dependable and accountable for our actions
- Learn from our mistakes

Innovation

- Create a proactive, empowering environment
- Embrace the challenge of change
- Encourage and develop creative ideas in all areas of the Town
- Transform innovative ideas into reality

Town of Parker, Colorado

POLICY STATEMENT

TITLE Flag Policy Statement	PAGE 1 of 1	POLICY NUMBER 0-3
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

The purpose of the policy statement is to establish a consistent approach to flying flags displayed at Town facilities.

POLICY STATEMENT

It is the policy of the Town of Parker that flags should be displayed in conformance with the protocol in the United States Flag Code ([4 U.S.C. Ch. 1](#)). The Town of Parker adheres to federal law and flag protocol to guide how flags are flown at Town facilities. This policy outlines adherence to federal law and flag protocol based on proclamations by the President of the United States or the Governor of Colorado.

There are four designated days each year that the United States flag is flown at half-staff in accordance with federal laws:

- **Peace Officer Memorial Day** - May 15 (unless it falls on Armed Forces Memorial Day, the third Saturday in May, then it will fly at full-staff)
- **Memorial Day** - last Monday in May (at half-staff until noon and then raised to full-staff)
- **National Day of Service and Remembrance** (formerly Patriot Day) - Sept. 11
- **Pearl Harbor Remembrance Day** - Dec. 7

The President of the United States has the authority to order the flags flown at half-staff for occasions such as the death of public officials or world leaders, on the birthday or anniversary of the death of a public official or following a national tragedy, such as 9/11. The President's orders may state that flags are to be flown half-staff at all public buildings, or only at federal and state buildings.

The Governor of the State of Colorado also has the authority to order the United States flag and the Colorado state flag lowered to half-staff at federal and state buildings in Colorado for occasions deemed appropriate. The Town of Parker recognizes this gubernatorial proclamation and will also display flags at half-staff.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Community Event In-Kind Contribution Policy	PAGE 1 of 3	POLICY NUMBER 04
EFFECTIVE DATE August 20, 2018	REVISED DATE	
APPROVED BY COUNCIL ACTION Resolution No. 18-054		

BACKGROUND

~~The Town of Parker acknowledges that community events hosted within the Town by various groups and organizations improve the social, cultural and economic well-being of the community. Parker has a long-standing tradition of supporting community events through various in-kind contributions including staff hours, equipment, security, and municipal facility/park use. The Town Council also recognizes that requests for in-kind contributions should be treated in a consistent, fair and equitable manner subject to local needs, priorities and Council budget approval.~~

PURPOSE

~~The purpose of this policy is to enrich the community by providing in-kind contributions through a budget figure deemed appropriate by the Town Council during each annual budget process. The policy will:~~

- ~~• Provide Council and Staff with clear direction in considering and responding to requests for assistance;~~
- ~~• Secure an open and transparent decision-making process for requests for donations;~~
- ~~• Provide an equitable and accessible process for groups and organizations seeking donations;~~
- ~~• Establish an annual calendar for processing requests; and~~
- ~~• Provide a process which allows staff to conduct meaningful comparison of request.~~

POLICY STATEMENT

~~In-kind contributions are based on the provision of municipal property/facilities, materials or resources to an applicant, and do not include the cash funds. Although cash funds are not provided, it is recognized that such donations involve a direct expenditure, foregoing revenue for the Town and staff hours. Each community event application will include the estimated value of in-kind contributions for the proposed community event under consideration.~~

~~Staff will consider requests for in-kind community events that benefit the community.~~

Community Benefit Criteria:

- ~~Promote the cultural, heritage, social or environmental well-being of the community; or~~
- ~~Provide a public service, or otherwise promote the health, safety or enrichment of the community; or~~
- ~~Promote the education and training for people within the community~~

Eligibility—To be considered, must meet the following criteria:

1. ~~Applicants must be located within the Town of Parker or within the 80134 or 80138 ZIP codes.~~
2. ~~Each request must define a specific benefit for the Parker community.~~
3. ~~Applicants, with the exception of local elementary and secondary schools, must be non-profit community groups and organizations.~~
4. ~~Individuals are not eligible.~~
5. ~~Applications from school teams/clubs are eligible if a teacher, leader or coach sponsors the application.~~

Types of In-Kind Donations:

- ~~Use of municipally owned park or facility (Cultural Department and Parks, Recreation and Open Space Department policies apply)~~
- ~~Municipal staff support for an event~~
- ~~Use of municipally owned equipment~~
- ~~Use of municipally owned materials~~

PROCEDURE

1. ~~Applications must be submitted by July 1 for the following calendar/budget year. Applications received outside of the annual process may be considered if the application can demonstrate that they could not have foreseen the need at the time of the annual process.~~
2. ~~All requests should be directed in writing to the Town Administrator or designee through the completion of a Community Event In-Kind Contribution Application.~~
3. ~~All requests will be assessed based on availability of the requested resource, potential financial impact to the municipality, contribution to the well-being of members of the community, recognition of a worthwhile program/cause, and overall community impact.~~
4. ~~Organizations and/or charities whose primary focus is not within the Town of Parker shall not be considered.~~
5. ~~The in-kind contribution is not intended to be the sole source of funding; the applicant must demonstrate a reasonable effort to raise funds from sources other than the Town of Parker.~~
6. ~~In-kind contributions made by the Town are not a commitment to continue such contributions in the future.~~
7. ~~Any applicant who receives an in-kind contribution is required to submit a post-event report within two months after the event which articulates the success of the event and how the in-kind contributions were utilized. If the report is not submitted, further requests will not be considered.~~

Town of Parker, Colorado

POLICY STATEMENT

TITLE Elected Official Budget Policy Statement	PAGE 1 of 2	POLICY NUMBER 1-1
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

This document provides guidance for elected officials regarding compensation, budgeted expenditure approval and reimbursement.

POLICY STATEMENT

Elected Official Compensation:

Elected officials are paid the first regular pay date of each month for that month. A schedule of pay dates for the year will be provided at the beginning of each year. No early payment or “advances” will be allowed.

Approval of Elected Official Compensation:

1. Supplies and general business items under \$100 may be purchased and approved by the Town ~~Manager~~Administrator for payment.
2. Items over \$100 will be reviewed and approved in advance by the Town Council. Requests for advance approval of an expense item should be submitted in writing and approval will be indicated by the signature of the Mayor, or Mayor Pro Tem in absence of the Mayor, or Acting Mayor in the absence of the Mayor or Mayor Pro Tem.
3. Technology equipment provided for or purchased by an elected official is to be used for a four year-term and will be on a four-year replacement schedule, based on re-election status. Total reimbursement for technology equipment and associated costs shall not exceed \$2,500 over a four-year period. Please see “Elected Official Technology Policy” for more information.
4. Councilmembers should submit items for reimbursement to the Town ~~Administrator’s~~Manager’s Office to be compiled into an expense report. The report will be completed and returned to the Mayor or Councilmember for approval and signature. For Councilmember reimbursements, the report will be given to the Mayor to review and approve. For the Mayor,

the report will be reviewed and approved by the Finance Director. All completed reports will then be sent to the Finance Department to process the reimbursement with payroll.

5. Meals and meeting expenses outside of the Elected Official Travel Policy:
 - a) Expenses limited by the amount of the budget for these line items
 - b) Event attendance: Parker/Douglas County event attendance to be approved in advance and will be appropriate based on the elected official's committee assignment. Fundraising events such as golf tournaments, receptions and dinners are generally not allowable expenses. The Town Council will determine if an event is appropriate based on connection to Town business. Each elected official will be allowed \$100 per year for fundraising events (for the elected official only, not spouse).
 - c) Expense reports are to be submitted to the Town ~~Administrator-Manager~~ at least **10 days prior** to Council's designated paydays to be included in that payroll. In no case will expenses incurred in the prior year be reimbursed if submitted later than February 15th.
 - d) Any expenses not approved in advance by the Town Council are subject to review and possible denial.

Budget Reallocations

Reallocations between budget line items in the Elected Official Budget will be reviewed and approved by the Town Council.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Elected Official Media Policy Statement	PAGE 1 of 2	POLICY NUMBER 1-2
EFFECTIVE DATE August 20, 2018	<u>REVISED-AMENDED AND READOPTED</u> DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

The Elected Official Media Policy Statement provides a clear and consistent procedure for responding to Town-related media requests in a timely, accurate and coordinated fashion.

POLICY STATEMENT

Designated Elected Official Media Contact

Town Council has designated the Mayor as the official media spokesperson for the Parker Town Council. The Mayor will respond to any media inquiries that require a response from the entire Council. At times, other councilmembers may be contacted on an issue due to their expertise on a particular subject. When media interviews are given, the elected official responding should alert the rest of the Town Council and; the Town Manager's Office~~Administrator, and the Communications Department~~.

In the Event of Direct Media Contact

Elected official are likely to be contacted by the media on a variety of issues. When possible, please speak to the Town Manager's Communications ~~Department~~ staff prior to speaking with the media to coordinate specific messaging on the issue. When speaking to the media prior to speaking with staff, please inform Communications ~~Department~~ staff immediately and provide the name of the media outlet and what the contact was regarding. Staff will then provide any necessary follow-up and track media coverage resulting from the interview.

When responding to the media, only provide information that has been approved for public dissemination. Refrain from responses such as "no comment." If the contacted elected official does not know an answer to a question, it is acceptable to tell the reporter that staff will find out the answer and get back to them. It is more important to respond accurately than quickly~~ly~~. In addition, if elected officials are uncomfortable working with the media, staff would be happy to respond to the reporter.

Staff Contact Information

Elise Penington, Communications Director

303.805.3113—direct line

720.323.2888—cell phone

epenington@parkeronline.org

ca@parkeronline.org (goes to the entire Communications Department)

General Town and Town Council Media Inquiries

Chris Peters, Professional Standards Commander

303.805.6517—direct line

303.574.9136—cell phone

cpeters@parkeronline.org

Police Media Inquiries

Town of Parker, Colorado

POLICY STATEMENT

TITLE Elected Official Purchasing Card Policy Statement	PAGE 1 of 4	POLICY NUMBER 1-3
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

This document provides guidance for elected officials for their purchasing card. It is to be used in conjunction with the Elected Officials Budget Policy Statement and Elected Officials Travel Policy Statement.

POLICY STATEMENT

Card Issuance

Town purchasing cards may be issued to an elected official upon request and approval of the Town Council and completion of a Purchasing Card Application Form which will then be signed by the Mayor and the Purchasing Card Program Administrator.

At the time the card is issued, the elected official must have completed Purchasing Card Training and signed a Purchasing Card User Agreement. By signing the agreement, the elected official agrees to adhere to the terms of that agreement and related policies and procedures.

Most importantly, the elected official listed on the card is the only person entitled to use the card and the card is not to be used for personal use.

Upon receipt of the Town purchasing card, the elected official will need to activate the account by calling the toll-free number printed on the card. For verification purposes, the elected official will be asked to provide an identifying piece of information. Although the card will be issued in the elected official's name, their personal credit history will not affect his/her ability to obtain a card. The Town is responsible for payment of all purchases.

Purchasing Card Usage

Elected officials shall use purchasing cards for the acquisition of products and services within their authorized transaction limits from vendors who accept the Town purchasing card.

The Town purchasing card can be used at any merchant, except as the Town otherwise directs. It may be used for in-store purchases as well as phone, fax, mail orders or internet purchases.

When using the Town purchasing card with merchants, emphasize that the Town is tax exempt and that an invoice must not be sent as this may result in a duplicate payment. For phone, fax and mail orders, instruct the merchant to send a receipt only.

Purchasing Card Limitations and Restrictions

The Town ~~Administrator~~ Manager shall have the authority to assign credit limits for elected officials. There will also be a single transaction limit placed on the purchasing card, which means the card will be declined if an attempt is made to purchase more than this set amount at one time. **Splitting a purchase to avoid the single transaction limit is specifically prohibited.** If the limits set for elected officials will inhibit optimum usage of the Program, this should be discussed with the Town Council and Town ~~Administrator~~ Manager.

The Town's purchasing card program also allows for merchant category blocking. If a particular merchant category is blocked (i.e., jewelry stores), and an elected official attempts to use the card at such a merchant, the purchase will be declined. Management has made an effort to ensure that the vendors/suppliers used during the normal course of business are not restricted. If a card is refused at a merchant where an elected official believes it should have been accepted, the elected official should contact the Purchasing Card Program Administrator.

Lost or Stolen Purchasing Cards

Elected officials are responsible for the security of their purchasing cards and any purchases made on their accounts. **If a purchasing card is lost or stolen, immediately report this information to the Purchasing Card Program Administrator.** It is extremely important to act promptly in the event of a lost or stolen card to avoid Town liability for fraudulent transactions. As with a personal charge card, once the bank has been notified a card is lost or stolen it is no longer usable. A new card should be issued within forty-eight (48) hours of notice to the Town's issuing bank.

Authorized Payments

The Purchasing Card Program is intended for maintenance, repair, operating and other purchases needed during the course of business. These purchases may include:

- Office supplies and forms;
- Books and subscriptions;
- Computer supplies (i.e., software);
- Day timers and calendars;
- Professional membership dues;
- Hardware and tools;
- Hotel registrations; and
- Conference/seminar registrations.

Unauthorized Purchases

Personal use of the purchasing card is not authorized under any circumstances. This restriction is true regardless of intent to reimburse the Town with personal funds. As with any

Town purchase, the card is not to be used for any product, service or with any merchant considered to be inappropriate for Town funds.

General Purchasing Card Information

Unlike personal credit cards, the Town Purchasing Card Program is handled as a corporate liability. An elected official's personal credit history is not taken into account when a card has been issued in his/her name.

The Accounts Payable Division is responsible for paying the invoice(s). Elected officials are not responsible for payment under their accounts. Elected officials are responsible for retaining all receipts for items purchased and submitting them to the Town Administrator's Office.

Receipts

Elected officials are required to obtain receipts for all goods and services purchased. For all orders, including orders placed via phone, fax or mail, elected officials must request that a receipt, detailing the merchandise, price, freight, etc., be included with the goods mailed/shipped. (Note: a merchant should not reject this request). It is extremely important to request and retain purchase receipts, as this is the only original documentation. Receipts showing only the total of the purchase are not adequate. The receipt must detail the purchase by item, ~~quantity~~quantity, and price.

Business meal receipts shall be itemized to reflect food and beverages that were purchased. The persons in attendance and the purpose of the meeting shall be documented on the receipt as well as verification that no sales tax was paid and no alcohol was purchased. A Business Meal/Town Function Form may also be used to record the purpose of the meeting and persons in attendance.

Reconciliation and Coding Purchases

Upon receipt of the monthly purchasing card statement, the Town ~~Manager's~~Administrator's Office will review the statement, using the banking portal, to ensure all the transactions posted are legitimate transactions made by the elected official.

Using the bank reporting system, the Town ~~Manager's~~Administrator's Office will code each transaction and attach the receipts.

Disputed or Fraudulent Charges

If there is a discrepancy between an elected official's receipts and statement, it is imperative that the issue be addressed immediately. Depending on the type of discrepancy, the elected official will need to contact the Town ~~Manager's~~Administrator's Office to resolve the disputed transaction.

Acceptance of Rebates or Extra Compensation

No person holding an office or position within the Town of Parker shall accept rebates or extra compensation for personal gain or use while using their Town issued Purchasing Card nor will they use a personal credit card and request reimbursement to gain points. This includes, but is not limited to, the use of rewards cards, vendor memberships, and similar rewards, where reward points, rebates, and similar rewards, would be beneficial to the elected official. If it is in the best

interest of the Town to open such accounts, submit the paperwork or information to Finance for approval and processing.

The Town appreciates elected officials' willingness to travel and be away from their families for the benefit of the Town; ~~therefore~~therefore, personal frequent flyer accounts may be used when traveling.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Elected Official Technology Policy Statement	PAGE 1 of 2	POLICY NUMBER 1-4
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

The purpose of this policy statement is to establish standards for the Town of Parker elected officials regarding the purchase and use of Information Technology to successfully perform their duties.

POLICY STATEMENT

Information Technology (IT) staff are responsible for assisting with computer needs and purchases and for delivering computer and technology support to the elected officials. IT staff will be available to discuss Town-related computer and software needs that allow elected officials to access the Town's on-line Town Council meeting packets, email and other documents or services required to successfully perform the duties of [an](#) elected official.

- [Technology equipment purchased by an elected official is to be used for a four-year term and will be on a four-year replacement schedule, based on re-election status.](#)
- [Technology equipment may be purchased once the elected officials have been sworn into office. This typically occurs in December.](#)
- Total reimbursement for technology equipment and associated costs shall not exceed \$2,500 over a four-year period. This amount includes the following: the initial equipment and accessories purchased, purchased warranties, monthly access fees and all software installed on the equipment.
- An expense report requesting reimbursement for the cost of the equipment and related services must be completed and submitted to the Finance Department. A copy of the receipt(s) and service agreements must be attached to the expense report. The Finance Department will reimburse the elected official via payroll and will be responsible for tracking the total expenditure amount. The responsibility for any service, repairs or warranty issues rests with the owner.
- The equipment will depreciate over the four-year term, on a straight-line basis, to \$0. At the end of the elected official's four-year term, the equipment may be kept for personal use. If the equipment is kept for personal use, any Town-owned software will be uninstalled. In

the event the elected official does not serve the entire four-year term, or the equipment is purchased after the first year of elected service, the equipment may be purchased from the Town at the un-depreciated amount or it may be returned to the IT Department as Town property.

- The Town only supports software or hardware associated with the successful execution of Town Council duties supporting Town business. IT is unable to support equipment and/or software that is not approved and/or provided by the Town.
- Connectivity to the Town-supplied email and the Internet will be provided by a Wi-Fi connection while in Town facilities and by the elected official's own Internet provider when off Town premises. The Town is not responsible for supporting Internet connectivity in the elected official's home.
- The Town will supply an email account on the Town's email system. Access to this email account is provided using web access from any supported web browser. The Town does not ~~recommend~~recommend, or support email being forwarded to personal email accounts due to the issues this may cause with Open Records Requests.
- IT staff will provide training for the elected official on the use of technology required for basic desktop and email functions. This includes training on the addition of icons on the desktop, review of links to various programs and verifying both computer and phone access to email. Training on software specific items, such as CivicClerk, Sharefile and Let's Talk Parker, will be provided by the knowledgeable Town department (Town Clerk, legal, Town Manager's office).~~to successfully complete duties supporting Town business. This will include on-line meeting packets, use of email and use of any necessary software.~~
- For any support issues, please contact the Town Manager's office and they will coordinate the necessary staff response.~~Town's IT Help Desk at 303.805.3145 or afterhours at 303-805-3232 ext. 3232 or by email sysaid@parkeronline.org. If equipment needs to be left at Town Hall for service, the IT staff will communicate an estimated return time.~~

Town of Parker, Colorado

POLICY STATEMENT

TITLE Elected Official Travel Policy Statement	PAGE 1 of 8	POLICY NUMBER 1-5
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

This document provides guidance for elected officials and applies to all travel expenses for which Town funds are disbursed, including lodging, transportation, mileage, meals and other travel-related expenses.

POLICY STATEMENT

Travel is defined as a trip in-state or out-of-state, made for Town business that requires air transportation and/or requires or could require an overnight stay. Travel that "could require an overnight stay" means a two-day or longer conference held in a location that is close enough to the Town that the elected official could choose either to stay overnight or to drive to and from the conference each day.

Generally, overnight stays in the Denver Metro area (including Boulder and Golden) or for destinations that are near but outside the Denver metro area (for example, Colorado Springs, Greeley, Brighton, Loveland) are not considered required; however, Town Council may approve the overnight stay given the circumstances (for example, conferences that have activities well into the evening).

Elected officials may contact the Town ~~Manager's~~Administrator's office to request assistance with travel and training plans, including registration, lodging and travel arrangements. If an elected official wishes to make his or her own travel arrangements, he or she may do so with the understanding that payment may only be for the lowest airfare rate available where travel out of state is concerned.

It is important to remember that the Town is accountable to the taxpaying public. Abuse or perceived abuse of travel and meal privileges does not provide the prudent and frugal management of public funds that the public has the right to expect. Therefore, good judgment and common sense should be used when incurring expenses to the Town. All such expenses must be thoroughly documented.

All travel and similar expenses must be reasonable, necessary and for Town business.

Authorization for Travel

All out-of-town travel for elected official will be approved in advance by the Town Council. Documentation of expenses will require itemized receipts for all expenditures, except per diem.

A Travel Authorization and Advance Form must be completed and signed by the elected official and the Town ~~Administrator~~[Manager](#). The approved Travel Authorization and Advance Form must be completed and forwarded with all backup documentation to the Finance Department before travel. Backup documentation includes, but is not limited to:

- Conference registration
- Transportation reservations (airline, bus, or other travel)
- Lodging reservation
- Conference/Training agenda showing meals that may or may not be included
- Proof of mileage driven for reimbursement (Google maps or similar)
- Any other documentation that will support travel expenses

Travel outside of the Continental United States must be approved by the Town ~~Administrator~~[Manager](#).

Unauthorized Expenses

The following expenses are specifically unauthorized and will not be permitted:

- All expenses of family members or other persons not on business for the Town
- Alcoholic beverages and tobacco products
- Laundry or cleaning
- In-room movies, room service or other personal services
- Sporting and entertainment activities
- Personal clothing
- Prescriptions and over-the-counter medication
- Personal telephone calls except as stated in the “Telephone Calls While Traveling” section of this policy statement
- First class airfare
- Rental of luxury or sports vehicles or insurance for rental vehicles
- Expenses stated in this policy as unauthorized, ~~ineligible~~[ineligible](#), or prohibited
- All other personal expenses not for the benefit of the Town

Authorized Expenses: Transportation

Air, Bus and Rail

- Air travel should be purchased at the lowest coach airfare available at the time the reservation is made. First class airfare is specifically prohibited.

- Travel by bus or rail should be purchased at the lowest coach fare available. Extended travel time costs, such as extra meals and travel time, should be considered when authorization for this type of travel is requested.
- Fares are normally purchased using the elected official's Town purchasing card or Town check.
- When the elected official is accompanied by a nonemployee, the nonemployee ticket(s) must be purchased using personal funds.

Personal Vehicle

During travel, mileage incurred by an elected official using a personal vehicle can be reimbursed at the standard Internal Revenue Service (IRS) mileage rate **subject to a maximum amount as discussed below.**

- Mileage shall be calculated based on actual road distances.
- Mileage incurred using a personal vehicle for assigned meetings outside of the Town, are reimbursed at the standard (IRS) mileage rate.
- Mileage incurred for out-of-state travel, for which commercial airline would normally be used, will be reimbursed for actual road mileage up to the lowest available commercial airfare. A written airfare quote (internet printout acceptable) must be submitted with the Expense Report for reimbursement. Lodging, meals and other travel expenses are only allowed to the extent they would have been incurred had the elected official traveled by air. Extra lodging, meals and other travel expenses incurred ~~as a result of~~because of traveling by personal vehicle are not authorized expenses.
- Gasoline purchases are NOT allowed for personal vehicles.

Vehicle Rental

- Vehicle rentals generally are not an allowed travel expense. Public ground transportation should be used instead, if available.
- Circumstances warranting vehicle rentals must be documented by the individual requesting permission and approved by the Town Council for elected official.
- Only mid-sized vehicles or smaller are allowed. Large vehicles, such as mini vans, are allowed if five (5) or more elected official are traveling together. Luxury and sports vehicles are specifically prohibited.
- Insurance should not be purchased from the car rental company. The Town's insurance covers rented vehicles. Elected official must obtain a copy of the Town's insurance card from the Town ~~Manager's~~Administrator's Office. Any additional insurance coverage purchased will be at the elected official's expense.
- The Risk Management division must be notified of accidents immediately.
- Vehicles may be rented using a Town purchasing card with prior notification to the Purchasing Card Program Administrator. The elected official may receive reimbursement provided detailed receipts are submitted.

- Gasoline may be purchased using a Town purchasing card with prior notification to the Purchasing Card Program Administrator. The elected official may receive reimbursement provided detailed receipts are submitted.

Public Ground Transportation

A reasonable and economical method of public ground transportation to/from the hotel and the airport, conference facility or restaurant is allowed only when necessary and appropriate to the trip. Ground transportation may be paid using a Town purchasing card. Alternatively, the individual may receive reimbursement; provided a detailed receipt is submitted.

Parking

- Reasonable and economical parking expense is allowed for airport parking. The closest parking to the terminal will usually not be the most reasonable or economical parking and should not be used.
- Hotel or other public parking expense is allowed.
- Valet parking is not allowed unless required.
- Parking may be paid using a Town purchasing card. Alternatively, the elected official may receive reimbursement provided a detailed receipt is submitted; however, it may be difficult to obtain a receipt for parking and provision of a detailed receipt may be waived by the Finance Department.

Toll

Toll expenses are allowed and may be paid using a Town purchasing card. Alternatively, the elected official may receive reimbursement provided detailed receipts are submitted.

Authorized Expenses: Lodging

When lodging is necessary, ~~intermediate~~intermediate, and moderately priced hotels and single occupancy hotel rooms are the standard.

- When attending a conference, elected official will be expected to stay in the conference hotel at the available specified conference room rates. When a conference offers multiple lodging choices, elected official should select the low to moderately priced hotels.
- Lodging is allowed only for the number of nights necessary to attend the conference or event. Extra nights must be at the elected official's expense.
- If an elected official chooses to stay extra nights, the Town will only pay for lodging through the end time of the conference or event.
- Extra costs in lodging due to an elected official's guests must be at the elected official's expense. These and other personal expenses (personal phone calls, room service, in-room movies and the like) must be paid for separately using personal funds.

- Lodging that is connected to a sporting or recreation type activity (such as golf), regardless of whether it is related to Town business, is not permitted and must be at the elected official's expense.
- Lodging is normally purchased using a Town purchasing card or Town check. The elected official may receive reimbursement provided detailed receipts are submitted.
- Sharing of rooms by elected officials is not required.

Authorized Expenses: Meals While on Travel

(Note: For non-travel business meals, see Section 3.4)

- Meals while on travel are an allowed expense.
- Town purchasing cards may not be used for meals while on travel.
- Elected official must pay for meals using personal funds and then seek reimbursement under the per diem rate method described below. Alternatively, a travel advance may be requested.
- Oftentimes, the conference or travel-related event will provide some or all of the meals. When this occurs, the elected official must not seek reimbursement for the portion of the per diem rate related to the provided meal. The choice to eat on your own when a meal is provided by the conference or event is not an allowable expense.

Per Diem Rate Method

- The Town will utilize the federal per diem rate method as published by the U.S. General Services Administration. For rates and additional information, view the Finance intranet page, the GSA website, www.gsa.gov/perdiem, or contact the Finance Department.
- **Detailed receipts are not required.**
- The Town allows the use of per diem for meals and incidental expenses only, not lodging.
- Incidental expenses include fees and tips for porters, baggage handlers and other personal service employees. These expenses are part of the "meals and incidental expenses reimbursement" rates provided by the IRS.
- Partial day per diem is distributed as follows: breakfast – 20%, lunch – 30%, dinner – 50%.
- If the elected official chooses to stay extra nights, the Town will only pay for per diem through the end time of the conference or event.
- The amount of partial day per diem should be determined using the following departure and arrival times.

Trip Departure	
Leave Town	Per diem allowed
before 8 a.m.	breakfast, lunch and dinner
between 8 a.m. and 1 p.m.	lunch and dinner
between 1 p.m. and 7 p.m.	dinner

after 7 p.m.	no per diem
Trip Return	
Arrive in Town	Per diem allowed
before 7 a.m.	no per diem
between 7 a.m. and 11 a.m.	breakfast
between 11 a.m. and 5 p.m.	breakfast and lunch

Telephone Calls While Traveling

Calls for Town Business

Because hotel telephone rates may be extremely expensive, care should be taken to avoid using the hotel's long-distance carrier.

The Town prefers that cell phones be used when making Town business calls. If an elected official does not have a cell phone or if cell phone service is unavailable, then care should be taken when using hotel phone service ~~so as to~~ limit the cost to the Town.

Personal Phone Calls

Personal phone calls charged to the hotel bill must be paid by the elected official at time of check-out and are not to be charged to the Town purchasing card. Elected official may request reimbursement for personal phone calls for up to an average of five dollars (\$5) per day of travel.

Travel Advances

Before Travel

- An elected official may receive a travel advance for mileage, parking, meal per diem or other out-of-pocket travel-related expenses.
- Lodging and transportation are to be paid for by the elected official's Town purchasing card or Town check.
- Travel advances are optional and may be requested through the Town ~~Manager's~~ Administrator's Office using the space provided for on the Travel Authorization and Advance Form.
- To ensure that the travel advance is ready, the Town ~~Manager's~~ Administrator's Office must receive the request at least two (2) weeks before the date of travel. Requests received later than two (2) weeks before the date of travel may result in the advance not being ready and available prior to the elected official's departure.
- Travel advances will be sent via direct deposit to the elected official on the last business day of the week prior to the date of departure.

After Travel

- An Expense Report must be submitted to the Town ~~Manager's~~ Administrator's Office if the travel advance included any unsubstantiated expenses. Advances for

parking, toll, cab fare, and all related expenses, are examples of unsubstantiated expenses. A receipt for these types of expenses must be obtained and submitted with the Expense Report.

- An Expense Report is not required if the travel advance was only for mileage and/or meal per diem and there was not an excess advance.
- Any amount of the advance that was in excess of the actual allowed travel expenses ("excess advance") must be returned to the Town. Excess advances include when an elected official cancels or shortens the trip or when an elected official receives an advance for a full day per diem and it turns out that the lunch portion was provided by the conference (*i.e.*, included in the registration fee).

Substantiation and Documentation

All expenses must have detailed and itemized documentation (receipts, invoices, brochures, etc.) that substantiates the business purpose of the expense. *RECEIPTS ARE NOT REQUIRED FOR PER DIEM.*

Approvals

- The elected official must obtain all appropriate approvals before any travel expense occurs.
- The elected official must sign the Expense Report and Travel Authorization and Advance Form.
- Town Council is responsible for verifying and approving all travel expenses for elected official to ensure they are appropriate for Town business, and that they are reasonable and in accordance with this and other Town policies.

Other Business Expenses: Meals (Non-Travel-Related), Mileage and Communication Devices

Meals

This policy refers to business meals. It is important to remember that the Town is accountable to the taxpaying public. Abuse or perceived abuse of this policy does not provide the prudent and frugal management of public funds that the public has the right to expect. Therefore, good judgment and common sense must be used when incurring expenses to the Town. All such expenses must be thoroughly documented. **All meals must be reasonable, necessary and for Town business.**

- Business meals are allowed on Town purchasing cards.
- The business purpose and persons for whom meals are paid must be explained on the reimbursement request or Purchasing Card Statement for all meals. A Business Meal/Town Function Form may also be used to record the purpose of the meeting and persons in attendance.
- Detailed itemized receipts should accompany all Purchasing Card Statements or requests for reimbursement.

- In the event an itemized receipt is not available, the signed credit card slip must be ~~obtained~~obtained, and a Business Meal/Town Function Documentation Form must be completed indicating that no alcoholic beverages were purchased whether the elected official used the Town purchasing card or was using a personal credit card and requesting a reimbursement.
- Only actual costs are allowed, including a tip up to twenty percent (20%).
- The cost allowed per elected official or other persons involved in the meeting must be reasonable based on circumstances and location.
- Meals paid for by elected official with their own funds may be reimbursed upon submission of an Expense Report Form.

Mileage for Use of Personal Vehicle

- An elected official may seek reimbursement via an Expense Report Form, based on the established IRS mileage rate, for the use of their personal vehicle while conducting Town business.
- Mileage shall be calculated based on actual road distances.
- Gasoline purchases are NOT allowed for personal vehicles.

Long Distance Telephone Calls

- Long distance telephone calls are only allowed for Town business.
- Long distance telephone calls for personal business are not allowed.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Staff Contact by Elected Officials	PAGE 1 of 1	POLICY NUMBER 1-6
EFFECTIVE DATE August 20, 2018	<u>AMENDED AND READOPTED</u> REVISED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

This policy statement outlines contacts between elected officials and Town staff, in accordance with Section 2.03.020 of the Parker Municipal Code (the “Town ~~Manager~~[Administrator](#) Ordinance”). The goal of this policy is to ensure compliance with the ~~Administrator~~[Manager](#) Ordinance and maintain the appropriate protocols between elected officials, the Town ~~Manager~~[Administrator](#) and Town staff. It is our desire to have a productive working relationship between all parties.

POLICY STATEMENT

1. This policy statement applies to action requests from elected officials that require a commitment of staff time or other Town resources to complete (such as research, preparation of legislation, reports, operational action, presentations, and related projects).
2. This policy statement does not apply to simple inquiries from elected officials directed to the Town ~~Manager~~[Administrator](#) or a department director regarding the status of on-going operations or projects that can be addressed with a verbal response.
3. All requests requiring an expenditure of staff time or resources will be directed to the Town ~~Administrator~~[Manager](#), based on agreement and direction provided by at least two councilmembers.
4. It is the policy of the Town ~~Administrator~~[Manager](#) to share the results of all information requests (except simple status inquiries and general discussion) with all elected officials, regardless of which elected official initiated the request.
5. ~~The Town [Manager's](#) Administrator's~~ Office shall be the main point of contact for all elected official support (questions, clerical, research, and related projects). When in doubt, inquiries or requests should be directed to the Town ~~Manager's~~[Administrator's](#) Office.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Study Session Policy Statement	PAGE 1 of 1	POLICY NUMBER 1-7
EFFECTIVE DATE August 20, 2018	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; <u>Resolution No. 23-038</u>		

PURPOSE

This policy statement outlines that the Town ~~Administrator~~Manager is responsible for setting Study Session agendas. The goal of this policy is to provide elected officials with a process for adding Study Session items to the agenda and for establishing and limiting the amount of time and information that can reasonably be covered during a Study Session.

POLICY STATEMENT

1. The Town ~~Manager's~~Administrator's office is the primary contact for adding Study Session items to the Study Session Agenda. The Town ~~Manager~~Administrator will place reports, updates and routine items on the agenda at the Town ~~Manager's~~Administrator's discretion.
2. To place an item on the Study Session Agenda, direction will be provided to the Town ~~Manager~~Administrator based on the agreement of at least two elected officials.
3. Items pertaining to the Town goals and elected official requests will receive priority.
4. Guests and outside presenters will generally be scheduled first on the agenda.
5. Staff will provide packets to the elected officials through the electronic agenda system by 5 p.m. the Friday before a scheduled Study Session. As much information as possible will be provided to elected officials in advance.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Town Council Public Hearing Procedure and Public Comment Policy	PAGE 1 of 24	POLICY NUMBER 1-8
EFFECTIVE DATE August 20, 2018	AMENDED AND READOPTED REVISED DATE July 19, 2021 August 1, 2022 April 17, 2023	
APPROVED BY COUNCIL ACTION Resolution No. 18-054; Resolution No. 19-065; Resolution No. 21-026; Resolution No. 21-026.1; (AMENDED RES NO-Resolution No. 22-046); Resolution No. 23-038		

PURPOSE

The purpose of this policy statement is to establish procedures for public hearings and public comment periods that are held by the Town Council.

POLICY STATEMENT

In order to provide due process for public hearings held before the Town Council, the following procedure will be used:

TOWN COUNCIL PUBLIC HEARING PROCEDURE

ACTOR	ACTION
1. Mayor	Open public hearing and specify time. Brief explanation of: 1) purpose of public hearing; and 2) the order of business, which should be as follows: a) staff presentation; b) applicant presentation; c) public testimony; d) closing comments, applicant; e) closing comments, staff f) close public hearing and specify time; g) open for Town Council deliberation; and h) request Town Council motion/decision.
2. Mayor	Request presentation from staff.
3. Mayor/ Councilmembers	Address questions to staff.
4. Mayor	Applicants are requested to come to podium (if presenting in person) , state their name and address, make presentation, and

ACTOR	ACTION
	respond to questions from the Mayor/Councilmembers (30 minutes allocated).
5. Mayor/ Councilmembers	Address questions to Applicant/staff that are directly related to the application(s).
6. Mayor	Request members of the public interested in the application to come to the podium (if speaking in person) , state their name and address, and speak and respond to questions from the Mayor/Councilmembers (3 minutes allocated per speaker).
7. Mayor	Provides an opportunity for the Applicant to respond to any testimony or other evidence received during the public hearing. May request further information from staff and/or Applicant if needed or requested by any Councilmember.
8. Mayor	Closes the hearing to the public and <u>public and</u> states <u>specify</u> the time and open for debate and discussion of the evidence among Mayor/Councilmembers.
9. Mayor	Closes debate among Councilmembers.
10. Mayor	Requests Town Council motion/decision on the matter.
11. Mayor	States the Town Council's decision or states that the Town Council's decision will be rendered within a specified time or reasonable time, as provided by the applicable ordinance.

PUBLIC COMMENT RULES OF PARTICIPATION

- a. All Town Council meetings are open to the public, but the public's participation, through public comment periods, is permitted only at regular and special Town Council meetings, during the time and in the manner set forth in these rules. Public participation is generally not permitted during study sessions, although the public is encouraged to express comments in writing or other communication prior to those sessions. The intent of these rules is to:
 1. Provide a safe and secure setting for Councilmembers and the public to attend to the Town's business.
 2. Enable Town Council to conduct its deliberative process without interruption, in a manner that can be heard and viewed by all in attendance or watching via video feed.
 3. Ensure that the public has a full opportunity to be heard during public hearings and public comment periods of Town Council meetings.
 4. Promote transparency in the conduct of Council meetings so that all persons have the opportunity to observe and hear all of the Town Council discussion and votes.

5. Facilitate Town Council meetings as business meetings by limiting interruptions, unreasonable delay, or comments, presentations, and discussion that does not relate to the business of the Town.
 6. Develop an atmosphere of civility that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting.
- b. During all times a meeting of the Town Council is being conducted, the following rules shall apply:
1. The public comment period in a Town Council regular or special meeting is 30 minutes. Town Council will accommodate as many speakers as it can within that timeframe. If all speakers are not able to address Town Council during that timeframe, additional time will be made available at the end of the Town Council meeting. Public comment may be made in person, ~~or electronically via Zoom~~. All members wishing to address the Town Council in person must sign up. Sign up begins 30 minutes prior to the start of the meeting. The Mayor shall determine the order of speakers, with priority given to those attending in person and Town residents.
 2. All remarks to the Town Council shall be at a microphone and only after the speaker is acknowledged by the presiding officer.
 3. While in attendance at a Town Council meeting, no attendee ~~(whether in person or electronically)~~ shall disrupt, disturb, or otherwise impede the orderly conduct of the meeting by any means or in a manner that obstructs the business of the meeting. Disorderly conduct also includes failing to obey any lawful order of the presiding officer to be seated, leave the meeting room, ~~mute themselves on Zoom~~, or refrain from addressing the Town Council.
 4. No attendee ~~(whether in person or electronically)~~ shall make threats or other forms of intimidation against any person in the Council chambers or meeting room.
 5. To maintain the fire code occupancy limits and allow for safe exit, unless addressing the Town Council or entering or leaving the Council chambers or meeting room, all persons in the audience shall remain seated in the seats provided. No person shall stand or sit in the aisles, nor shall the doorways be blocked.
 6. All persons in the Council chambers or other meeting rooms, including, without limitation, Councilmembers, staff, and attendees shall silence all cell phones and other electronic devices to prevent disruption at the meeting.
 7. No sign shall be displayed in Council chambers in a manner that blocks the view of another person or in a manner that would violate subsection 5 above.
 8. Public comment may also be made electronically through the Town's website at <http://www.parkeronline.org/FormCenter/Town-Council-Meetings-Public-Comment-26/Town-Council-Meetings-General-Public-Com-65>. Public comments received through this 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 included in the minutes of the Town Council meeting.
- c. The Mayor or other presiding officer, with the assistance of any Town police officers in attendance, shall be responsible for maintaining the order and decorum of meetings.

1. The Mayor or presiding officer may interrupt any speaker who is violating these rules of participation or disrupting a meeting.
2. The Mayor or presiding officer may order the removal of any person, who fails to observe these rules of participation, from the Council chambers or other room in which a meeting of the Town Council is occurring. The Mayor or presiding officer shall attempt to provide a verbal warning to any attendee or particular speaker that may be violating these rules or participation, but such verbal warning shall not be required as a condition of removing such person from the Council chambers or meeting room.
3. These enforcement provisions are in addition to the authority held by any police officer in attendance, to maintain order pursuant to that officer's lawful authority.
4. Any person who has been removed from a meeting may be charged with violation of applicable provisions of the Parker Municipal Code.
5. In addition to any other authority of the Mayor or presiding officer, the Mayor or presiding officer may call a recess to restore order to the meeting.
6. If necessary for the safety of the Town Council and public, the Mayor or presiding officer may order the Council chambers or meeting room cleared of all attendees. In such event, the meeting may continue only as long as the proceedings are televised or otherwise recorded so that the proceedings of the meeting are available to the public.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Elected Official -Social Media Policy Statement	PAGE 1 of 53	POLICY NUMBER 1-9
EFFECTIVE DATE May 6, 2019	REVISED-AMENDED AND READOPTED DATE TBD <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 19-024; <u>Resolution No. 23-038</u>		

PURPOSE

The Elected Official Social Media Policy Statement describes the manner in which Town elected officials, defined below as the Mayor and members of Town Council, are authorized to use social media in their official capacities and to set forth the rules and limitations that govern such use. This policy also sets forth the extent to which elected officials' personal use of social media may bring that personal use within the purview of Town policies.

POLICY STATEMENT

Elected ~~Officials~~Officials' Use of Social Media

This ~~policy~~Policy applies to the use of social media by Town elected officials when that social media use is in their official capacity as Mayor or as a member of Town Council. This ~~policy~~Policy is intended to protect the rights of the public in their ability to access public forums, and to ensure that the Town is able to comply with its requirements under the laws of the State of Colorado and the United States of America.

Definitions

~~Account: Elected officials' presence on social media either through a Town provided social media account, or otherwise in their official capacity as Mayor or member of Town Council.~~

Elected officials: The Mayor and members of Town Council.

Town: The Town of Parker, acting through its Town ~~Administrator or its Communications Director, Manager~~ or their designee(s).

Official social media account: A social media account established by the Town on behalf of an elected official for the elected official's use in their official capacity, or an existing social media account created by an elected official prior to the effective date of this Policy that is used in the elected official's official capacity.

Personal use/Personal social media account: Elected officials' use of social media that ~~does not make use of their Town e-mail address, position, title, or is not used in the official's~~ official capacity. This use includes private social media pages, those that are intended for personal use, business use, or campaigning.

Personally identifiable information: Information that can be used to distinguish or trace an individual's identity, such as date and place of birth, personal address or telephone numbers, Social Security number, driver's license number, username and password, passport number, credit card information, banking information, biometrics, criminal or financial records, ~~or~~ records that contain genetic, medical, or psychological data or information, photos or video of any of the above, or other information considered to be "personal information" pursuant to C.R.S. §24-73-101. Personally identifiable information also includes personal financial information and other information maintained because of the employer-employee relationship, pursuant to Section 24-72-202, C.R.S. For purposes of this section, "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

Social media: Social media websites create and foster online social communities for a specific purpose and connect users from various locations and interest areas. These websites and platforms offer many different ways for users to interact with one another, such as instant messaging, blogging and commenting, microblogging, events, status updates, online communities, discussion forums, message boards, podcasts, website link sharing, wikis, video conferencing, and sharing photos and videos. The Town acknowledges that this type of technology changes rapidly and, therefore, this list is intended to be illustrative rather than comprehensive, and this definition should in no way be construed to limit the applicability of this policy.

Limitations on Use of Social Media

Social media accounts. Elected officials shall not establish, operate, maintain or use any social media accounts in their official capacity as Mayor or members of Town Council other than in accordance with this ~~policy~~Policy. Any social media accounts created, operated, maintained or used by elected officials for the purpose of conducting Town-related business, including, without limitation, constituent communication, that is not operated, maintained or used in compliance with this ~~policy~~Policy, shall be considered as having been undertaken, maintained and used outside of their official capacity as elected officials and, therefore, the Town shall bear no responsibility for what transpires on, or because of those accounts.

Separate accounts. Any social media account established, operated, maintained or used by elected officials in their official capacity must be separate and distinct from any personal social media accounts ~~of individuals, including those established for~~ business purposes or campaigning.

Town-created accounts. ~~The Town does not currently create, operate or maintain~~In order to ensure social media accounts ~~for the use of~~ are administered uniformly, and in

compliance with all laws and regulations, for all elected officials in their official capacity. If who do not have an official social media account as of the effective date of this Policy, or who are newly elected to Town Council, the Town does will create, operate (but not manage or maintain such monitor) official social media accounts for use by elected officials in the future, all connection with their official duties. All such accounts created are the property of the Town; therefore, those using such accounts must provide the Communications Director Town Manager or their designee(s) with all information required to access those accounts, such as user names usernames, passwords, and the like. The Town will archive all content posted on these Town-created accounts and will delete the accounts once the elected official no longer holds an elected office within the Town. Elected officials who exceed their authorization or who violate this Policy may have their privileges to use such accounts revoked.

Document retention. Elected officials shall avoid utilizing social media platforms that automatically delete content after a certain amount of time, such as Snapchat. The Town is required to retain documents created by and pertaining to elected officials, therefore it must archive all content posted on any form of social media. Elected officials must provide the Town access to official social media accounts not created by the Town for archival purposes only.

First Amendment protection. Neither the Town, nor elected officials, may restrict any person's ability to view or post comments on official social media pages that are maintained or operated in an elected official's official capacity accounts, based in any way, upon the viewpoint of that person or the content of that person's speech.

Limited Public Forum for Town-Created Accounts. Official social media accounts are intended to be limited public forums and shall therefore adhere to the content moderation requirements set forth in this Policy and the Town's Public Posting/Commenting Policy (the "Comment Policy"). The Comment Policy is available at <https://www.parkeronline.org/1459/Social-Media#:~:text=Public%20Posting%20%2F%20Commenting%20Policy,Obscene%20or%20profane%20comments%2Fcontent> No individuals may post on these accounts, however individuals may comment on posts generated by the elected official to whom the account belongs. The account shall either link to the Town's Comment Policy or include the exact language from that policy in a prominent location. Elected officials are solely responsible for monitoring content posted in the comments section on their Town-created social media accounts and for removing content that does not comply with the Comment Policy. Elected officials do not have the discretion to allow some non-compliant content and to remove others. While perfection is not required, elected officials must be consistent in removing non-compliant content from their pages. Elected officials may not otherwise delete content from these accounts, such as posts, until the Town deletes the account in its entirety, or unless deletion is required or permitted by law, as determined by the Town Attorney.

Designated Public Forum for Existing Social Media Accounts. Existing official social media accounts maintained by elected officials are considered to be designated public forums if they have not previously implemented content moderation policies on such

pages. While Elected Officials may continue to utilize these pages as their official pages, they are subject to greater First Amendment restrictions than Town-created pages. For example, no individual may be “blocked” from this type of account. Furthermore, no content may be deleted from these accounts unless such removal is required or permitted by law, as determined by the Town Attorney. Provided, however, that if an elected official then sets content moderation requirements that adhere to this Policy and the Comment Policy, any content posted on that account after the implementation of the content moderation requirements shall be subject to those requirements, and the account may be treated as a limited public forum for all content going forward. No content posted prior to the implementation of the content moderation requirements may be deleted unless permitted by this Policy.

No expectation of privacy. All participation in social media by elected officials in their official capacity may be open to public inspection in accordance with the Colorado Open Records Law (C.R.S. § 24-72-101 *et seq.*), and elected officials do not have an expectation of privacy concerning such participation. The Town may monitor all use of such accounts and require removal of any content that violates any law.

Discussion between elected officials. In order to assure compliance with the Colorado Open Meetings Law (CRS § 24-6-402 *et seq.*), elected officials shall refrain from engaging in discussions with more than one other elected official through social media, including personal social media accounts, regarding Town business. This includes discussions in private functions of social media platforms, such as direct messages. In no event shall three (3) or more elected officials engage in a discussion on social media regarding Town business.

Confidentiality. Elected officials shall not, when acting on social media in their official capacity, post or release proprietary, confidential, sensitive, or personally identifiable information.

Personal use of social media outside of elected officials’ official capacity.

A. Personal social media accounts will not be used for official purposes, including conducting Town business or performing duties as an elected official such as making announcements about official responsibilities, actions, or events; discussing official Town business; soliciting comments or input from the public on Town matters; or distributing official Town notices or information. Elected officials may repost content from the individual’s official social media account on their personal account, including by sharing their official account on their private account. If individuals comment on a reshared post on the elected official’s private account that relates to the elected official’s official duties or official Town business, the elected official should direct the individual to share their comments or concerns on the official account, or through another official channel of communication, such as the elected official’s Town email.

B. Elected officials who engage in personal use of social media outside of their official capacity may not use the Town logo, graphics, pictures, or material, or that of any Town department or program: in the design of their pages or profiles.

BC. Elected officials may not speak as representatives of the Town in the course of their personal use of social media.

CD. Elected officials are not prohibited from identifying themselves as holding the office of Mayor or ~~councilmember~~Councilmember, however, in cases where personal use of social media may be perceived as being on behalf of the Town, such as if elected officials identify themselves as such or when they address a matter that concerns the Town Council, elected officials ~~shall~~are strongly encouraged to include a visible disclaimer on their account to inform other users that their opinions are their own and do not represent those of the Town of Parker, such as “The postings on this site are my own and do not ~~necessarily~~ represent the Town of Parker’s positions or opinions.”

Town of Parker, Colorado

POLICY STATEMENT

TITLE	PAGE	POLICY NUMBER
Telephonic Participation During Town Council Meetings	1 of 2	1-10
EFFECTIVE DATE March 2, 2020	<u>REVISED-AMENDED AND READOPTED DATE</u> <u>April 17, 2023</u>	

APPROVED BY COUNCIL ACTION

Resolution No. 20-012; Resolution No. 23-038

I. ~~Purpose.~~ PURPOSE

The purpose of this Town Council Policy is to specify the circumstances under which a member of the Town Council may or may not participate in regular and special meetings (including study sessions) by telephone. With advancements in communication equipment, telephonic meeting participation has become more popular within many local governments. However, telephonic participation has inherent limitations because telephonic participation effectively precludes a Councilmember from viewing documentary information presented during meetings, from fully evaluating a speaker's non-verbal language in assessing veracity or credibility, and from observing non-verbal explanations (e.g., pointing at graphs and charts) during a speaker's presentation or testimony. The Council finds that these limitations inherent in telephonic participation may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process.

H. ~~Statement of Policy.~~ POLICY STATEMENT

A member of the Town Council may participate in a meeting of the Town Council by telephone only in accordance with this Policy. Telephonic participation shall be made available and shall be limited as follows:

- A. Telephonic participation is intended to be an infrequent or occasional substitution for the purpose of obtaining information presented in a Study Session. It is not a substitution for physical attendance. The Town Council may, by majority vote of a quorum present, declare a Councilmember's repeated use of telephonic participation excessive and deny a Councilmember's privilege to use telephonic participation. Such declaration by Town Council shall only be made when the member seeking to participate telephonically is afforded advance notice and the opportunity to participate in the Town Council's discussion regarding excessive use and the continuation of telephonic participation by the Councilmember. Provided that the Councilmember is provided notice of the date and time of the planned Council discussion, the member's inability to be available to participate in the discussion shall not preclude the Town Council's authority to discuss and decide whether such member's use of telephonic participation is excessive.

- B. Telephonic participation shall only be available to a Councilmember during study sessions; provided however, the Councilmember shall only listen to the discussion during the study session. Any questions or information to be conveyed to Town staff shall be conveyed to the Town ~~Administrator~~ Manager following conclusion of the study session.
- C. A Councilmember may neither participate nor vote telephonically in a regular or special council meeting.
- D. Telephonic participation shall not be available to a Councilmember during an executive session.
- E. More than one Councilmember may participate telephonically during the same study session.

III. Arranging for Telephonic Participation.

To arrange to participate telephonically, a Town Councilmember shall:

- A. Notify the Mayor, Town ~~Manager~~ Administrator, or Town Clerk in advance of the study session.
- B. Contact the Town Clerk or, during absence of the Town Clerk, the Deputy Town Clerk to arrange for telephonic participation. The Town Clerk shall provide the telephone number and any special calling instructions needed to facilitate the telephone contact. All Councilmembers shall endeavor to advise the Town Clerk of their intent to participate telephonically at the earliest possible time, and at least prior to noon on the date of the requested participation.

IV. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including study sessions) of the Town Council for the Town of Parker. Board, commission, and authority members shall not be allowed to participate telephonically in their respective meetings.

V. Reasonable Accommodations.

The Town shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide disabled Town Councilmembers full and equal access to Council meetings.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Veterans Memorial Banner Program Policy	PAGE 1 of 2	POLICY NUMBER 1-11
EFFECTIVE DATE March 2, 2020	REVISED DATE	
APPROVED BY COUNCIL ACTION Resolution No. 20-013		

The Town of Parker's Memorial Banner Program was created to recognize and honor deceased Town of Parker residents who have served our country in the military. Each banner will honor one (1) veteran and will include their name, branch and years of service and photo. Banners will be produced using an approved template and will be displayed on a street light in or near Living Wheel Park from approximately May 1 through July 4 to commemorate the dedication of local veterans to our country.

Program Eligibility

To qualify for this program, the individual being honored must have served in one of the recognized branches of the United States Armed Forces and have died in the line of duty or been honorably discharged from service before their passing. Veterans from incorporated Parker will be given first priority, followed by those who lived in the 80134 or 80138 zip codes. If banner spaces are still available, veterans from outside of the greater Parker area may be considered.

Cost

The cost per banner is \$150, which includes the design, production, installation, and removal of the banner. Banners must be requested and paid for by the immediate family* of the service member to be honored. **Immediate family includes parents, spouse, children and siblings.*

Banner Display

Banners will be displayed approximately from May 1 through July 4. The Town of Parker and FASTSIGNS of Parker are not responsible for replacing banners that are stolen, damaged or destroyed due to age, vandalism or any acts of nature, including high winds. At the end of the display period, banners may be picked up by the family at FASTSIGNS.

Requesting a Banner

To request a banner, please fill out our Veterans Memorial Banner Request Form. Our staff will contact you to let you know if your banner has been selected for use in the program. Once you have received confirmation that your banner has been accepted, payment of \$150 must be made to FASTSIGNS of Parker prior to your banner being produced and hung.

FASTSIGNS of Parker

Attn: Memorial Banner Program

18921 Plaza Drive, Suite 102

Parker, CO 80134

Please make checks payable to FASTSIGNS of Parker
Include "Memorial Banner Program" on the memo line

Selection Process:

Banner applications must be received by April 1.

Fourteen (14) banner spaces are available for the first year of the program.

First priority will be given to veterans from incorporated Parker, followed by those who lived in the 80134 or 80138 zip codes. If banner spaces are still available, veterans from outside of the greater Parker area may be considered.

Once the application is verified and approved, the applicant will be notified of the final banner approval.

Payment must be received prior to banner production.

Banners will be installed annually on or around May 1 and displayed through approximately July 4.

Once a banner has been removed, it may be picked up by the family at FASTSIGNS of Parker.

Banner Requirements

Approved banners will be designed, produced and hung by FASTSIGNS of Parker, located at 18921 Plaza Drive, Suite 102 in Parker. Banners will be produced using an approved layout template, customized with the honorees name, branch and years of service and photo. FASTSIGNS may also be reached at 303.841.3278 or by email.

Questions

If you have additional questions, please email us or call 303.841.2332.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Council Liaison Policy	PAGE 1 of 3	POLICY NUMBER 1-12
EFFECTIVE DATE August 3, 2020	<u>REVISED-AMENDED AND READOPTED DATE</u> November 1, 2021 <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION <u>Resolution No. 20-038</u> ; Resolution No. 21-051; <u>Resolution No. 23-038</u>		

PURPOSE

The purpose of this policy is to: a) define the process by which Council Liaison appointments are identified and assigned; b) define the roles and responsibilities of a Council Liaison; c) differentiate between Council Liaison roles and other appointments made by Council to various boards, agencies and community groups; and d) provide agencies and community groups with clarity as to the role and expectations of a Council Liaison.

POLICY STATEMENT

The primary objective for Council Liaisons is to foster positive working relationships and communication between the Town and external agencies or community groups.

Serving as a Council Liaison is an expectation of the elected official position.

This policy applies to all council liaison appointments, as identified each year by the Town Administrator-Manager, as part of the assignment process described below. Such appointments may or may not include the Centennial Airport Community Noise Roundtable, Cherry Creek Basis Work Group, Douglas County Youth Initiative Partnership Douglas County Government, among others, ~~as identified each year by the Town Administrator.~~

Council Liaison Role

The role of the Council Liaison is intended to facilitate positive and ongoing communication with external agencies on matters of mutual interest. The intent of doing so is to ensure a continuing dialogue on how the Town and agency or community group can work together to better meet the community needs. Additionally, the Council Liaison is to:

1. Provide updates to the rest of Council regarding recent events and community initiatives. Updates may be made verbally at regular Council meetings under Council Reports, by email, a written memo, or in any other manner to keep the entire Council apprised of liaison activities.
2. Attend meetings of the agency or community group as time and scheduling permits, and where agenda topics are of mutual interest

3. Engage in conversation at the agency or community group meetings, providing information and context from the Town's perspective

The liaison roles are also determined by the external agency and may require the Council Liaison to serve as an advisor, a board member, or a local government representative.

Council Liaison Assignments

The Council Liaison assignments should be a collaborative process among Councilmembers and the Mayor. The Council Liaison assignments are made by the end of each year, in December, in order to provide the external agency or community group with the Council Liaison information in January for the upcoming year.

The Mayor will appoint Council Liaisons with the consent of the Council. The Mayor will request recommendations from Council in making assignments. The Mayor will solicit from each Councilmember which liaison assignments they desire and will submit recommendations to the full Council for discussion. If more than one Councilmember is interested in a particular assignment, the Council will reach consensus on which Councilmember is assigned as Council Liaison.

Assignments should:

1. Take into consideration a Councilmember's personal interests and expertise, along with their involvement in a particular subject area.
2. Consider the Councilmember's ability and schedule to attend meetings.
3. Broaden a Councilmember's knowledge by rotating responsibilities to enhance the perspective of Councilmembers.

Council Liaison Guidance

1. In order to avoid violations of the Colorado Open Meetings Law, C.R.S. 24-6-401, *et seq.*, attendance at any Council Liaison meeting or function is limited to two Councilmembers (unless full and timely notice of the meeting is provided in compliance with the Colorado Open Meetings Law).
2. In the capacity as a Council Liaison, the Councilmember represents the full Town Council unless otherwise specified in the external agency's by-laws or other governing documents.
3. Council Liaisons will not make commitments on behalf of the Town outside of current or previously discussed policy direction. Council Liaisons should take requests or inquiries back to the full Council or the Town ~~Manager~~[Administrator](#) for follow up or to seek Council's formal decision on a matter.
4. Any substantive matters, or formal policy statements or positions conveyed to external agencies through Council Liaisons should be discussed with and approved by the full Town Council.

5. Council Liaisons serve as the contact person for the external agency. Non-Council [Staff](#) Liaisons should refer any communications or requests from an external agency to the assigned Council Liaison.
6. Council Liaisons should maintain regular attendance and notify the appropriate agency's contact person, the Council Liaison Alternate and the Town [Administrator's-Manager's](#) Office when unable to attend a meeting at which attendance is otherwise expected.
7. Council Liaisons should attend as many of the external agency's functions as necessary to foster good communications and a positive working relationship.
8. Council Liaisons should follow all relevant governance and guidance as established by the external agency.
9. Councilmembers appointed by Council to external agency boards vote as a representative of Town Council regarding matters and issues that come before that board. Council liaisons are encouraged to abstain from voting on matters where discussion with the Parker Town Council is warranted.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Consent Agenda	PAGE 1 of 3	POLICY NUMBER 1-13
EFFECTIVE DATE November 1, 2021	REVISED-AMENDED AND READOPTED DATE <u>April 17, 2023</u>	
APPROVED BY COUNCIL ACTION Resolution No. 21-052; <u>Resolution No. 23-038</u>		

PURPOSE

The purpose of this policy is to define the process by which Council Meeting Consent Agenda items are scheduled. The Consent Agenda streamlines Council Meeting procedures by grouping items considered to be routine, administrative or noncontroversial (and do not require a discussion), into a single agenda item that can be passed with a single motion and vote. The Consent Agenda is a method to expeditiously handle routine matters coming before the Town Council.

DEFINITIONS

“Consent Agenda” mean a list of routine, noncontroversial matters, not requiring discussion, presented for Council approval by a single motion and vote.

“Contracts above \$500,000” mean contracts with a dollar amount threshold of \$500,000 or more. Contracts above \$500,000, except for maintenance contracts and renewals, automatically go on the regular agenda and not the Consent Agenda,

“Routine/Nonroutine” and “Significant Community Interest” mean projects that are subjective and can be placed on the Consent Agenda or the regular agenda at the Town Administrator’s discretion and/or Council request. The Town Council may determine whether something is routine or nonroutine or of significant community interest at the prior Study Session. Items of significant community interest should be not placed on the Consent Agenda

“Maintenance contracts” mean contracts typically involving either repair or replacement of existing infrastructure or equipment.

“Contract renewals” mean contracts that the Council has already approved in a previous year, which included the renewal provisions requiring Council approval in the original contract.

POLICY STATEMENT

Transparency and accountability are the foundations of successfully utilizing the Consent Agenda. The Consent Agenda allows for more efficiency with citizens' and staff time regarding routine items. Even though Consent Agenda items are routine and noncontroversial items, it is imperative that all supporting documents be provided in the packet and that the Town Council fully reviews the documents in advance. It is important to note that the total expenditure amounts are approved by the Town Council through the annual budget appropriation process.

Consent Agenda Content

This policy is also reflected in Section 7.4.9, Town Council Meeting Items, of the Town's Operations Manual.

The Consent Agenda is generally first on the Council agenda and is provided to expedite the meeting. Therefore, only items that are identified in this policy are to be placed on the Consent Agenda. Items for consent are those which usually do not require discussion or explanation prior to action by the Council, are noncontroversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Ordinances for First Reading on the Consent Agenda are for introduction only and will not be removed for discussion.

The following items may be placed on the Consent Agenda

1. Ordinances for First Reading
2. Resolutions
3. Minutes
4. Proclamations
5. Contracts below \$500,000
6. Routine contracts
7. Maintenance contracts
8. Contract renewals

The following items will be placed on the Regular Agenda

1. Ordinances for Second Reading
2. Resolutions for annexation other than resolutions setting a public hearing or remand to the Planning Commission
3. Public Hearings
4. Contracts above \$500,000
5. Nonroutine contracts
6. Significant community interest projects or contracts

Operation of the Consent Agenda

The Town Clerk shall prepare the Consent Agenda, listing those items which appear to be routine and do not require discussion. The Consent Agenda items shall be grouped together on the Consent Agenda and shall be handled in one motion (*i.e.*, "I move that the Consent Agenda be approved").

Town Council may approve Consent Agenda items by one motion and vote. There shall be no general discussion on the motion. An item will be considered separately only upon a majority vote of the Town Council, following a motion of a Councilmember and a second.

Any Councilmember may request that an item placed on the Consent Agenda be removed for discussion and independent vote. Any item removed from the Consent Agenda shall be discussed and acted upon following approval of the Consent Agenda.

Citizens may comment on Consent Agenda matters during Public Comment.

Town of Parker, Colorado

POLICY STATEMENT

TITLE Community Recognitions and Town Council Event Participation Process Policy	PAGE 1 of 4	POLICY NUMBER 1-14
EFFECTIVE DATE TBD <u>April 17, 2023</u>	REVISED-AMENDED AND READOPTED DATE	
APPROVED BY COUNCIL ACTION Proposed policy, not yet approved <u>Resolution No. 23-038</u>		

PURPOSE

The Mayor and Town Council seek to formalize a “by-request” process to recognize Extraordinary and/or exemplary ~~Exemplary positive~~ **contributions** made by Parker residents, businesses, groups and/or organizations, ~~that go above and beyond~~ in serving the needs of the community, through the issuance of Proclamations and/or Certificates of Commendation/Recognition/Achievement. Simultaneously, Mayor and Town Council seek to memorialize in this same Policy a standard process for which staff and the public may invite Mayor and/or Councilmembers to attend or participate in Town-hosted and non-Town hosted events.

DEFINITIONS

The following definitions are defined by the Town as....

Extraordinary Contribution: A positive action or service that does not arise from normal activities or processes. These contributions may be unique, remarkable, and/or exceptional.

Exemplary Contribution: Actions deserving of honor, respect, and admiration. These actions or services may be considered as examples to be imitated/modeled after.

POLICY STATEMENT

PROCLAMATIONS

Proclamations are historical documents that declare a day, week, or month of a cause, individual, or occasion of significance to the Town of Parker or its residents. Proclamation requests should be made by a Parker resident, group and/or organization that primarily serves the Parker community.

Reasons to request a proclamation may include:

- Significant date/anniversary/historic commemoration relating to the Town of Parker
- Bringing awareness to or recognizing a cause/non-profit organization that assists in the overall community's health and well-being (examples: Breast Cancer Awareness Month; Small Business Saturday; Domestic Violence Awareness Month, etc....)
- Recognizing an individual or group who has demonstrated an exemplary positive impact on the Town

How to request a proclamation:

Proclamation requests should be submitted as far in advance as possible; and no **fewer** than 30 days in advance of when the proclamation is needed.

Through the [online form](#) (located at www.parkeronline.org), requestors must include:

- Desired day, week, or month for the proclamation
- Name and contact information of the person/organization making the request
- Purpose of the proclamation
- Proposed proclamation text ([Text Template Example](#))
- Selection for how to receive the proclamation: Pick up at Town Hall, emailed or mailed printed copy ([*Staff requested proclamations will be considered by the Town Manager for inclusion on a Regular Council Meeting Agenda](#))

Proclamation requests are NOT guaranteed and are at the discretion of the Town of Parker. Proclamations recognizing an annual event or cause will not carry over year-to-year and must be resubmitted for annual consideration. Proclamations will NOT be issued for events/organizations with no direct relationship or service to the Town; or incomplete submission forms. All submitted text is subject to edits by Town staff.

CERTIFICATES OF COMMENDATION/RECOGNITION/ACHIEVEMENT

The Mayor and Town Council may issue Certificates of Commendation, Recognition, or Achievement (Special Certificates) for the following criteria:

- Extraordinary and/or Exemplary contributions, services or actions significant contribution (s) made by an organization, business or individual to the Town of Parker ~~that go above and beyond traditional acts of public service~~ (Recipients must be in the Town of Parker, ~~or~~ be a Town resident, or any person (s) engaged in heroic or emergency service actions within the Town)
- Retirement from 20 years, or more, of military, police, or fire service
- Other achievements of extraordinary and/or exemplary significance to the Town (examples: a local business milestone anniversary; local school academic or athletic championship)

How to request a Special Certificate:

Special Certificate requests should be submitted as far in advance as possible; and no **fewer** than 30 days in advance of when the certificate is needed.

Through the [online form](#) (located at www.parkeronline.org), requestors must include:

- Recipient (s) full name and address
- A brief description of the recipient and why the action (s) are deserving of a Special Certificate (Max: 400 words)
- Requested text for the Special Certificate (Max: 20 words)
- Name and contact information of the person submitting the request
- Selection for how to receive the Special Certificate (Pick up at Town Hall; emailed or mailed printed copy; ***In person at a Council Meeting; or Request an Elected Official visit to your business/organization**)

***In-person Council Meeting recognitions are NOT guaranteed and will be decided monthly (or as-needed) by the Town Mayor and 1 Councilmember that will serve on a rotating basis. Submissions will be vetted to ensure they meet the following criteria (as defined above for Extraordinary and Exemplary Contributions): Unique, exceptional, and/or heroic contributions, actions and services that are deserving of honor, respect and admiration. If the request is made by the Mayor or a Councilmember, they will not be able to vet their own submission.**

~~Submission~~ requests are NOT guaranteed and are at the discretion of the Town of Parker. Certificates will NOT be issued for events/organizations with no direct relationship or service to the Town; or incomplete submission forms. All submitted text is subject to edits by Town staff.

EVENT PARTICIPATION REQUESTS

The Town of Parker Mayor and Council enjoy engaging with the community at Town-hosted and non-Town hosted events.

How to request Mayor/Council Event Participation:

Members of the public, businesses, groups and/or organizations should submit their online Council participation request as far in advance as possible; and no **fewer** than 30 days in advance of the event.

Requests can be made through the [online request form](http://www.parkeronline.org) (located at www.parkeronline.org)

Required information:

- Event name, date, time, and location
- Brief description of the event
- Event host name and contact information (must include day-of event contact information)
- Exact time/specific location for elected official (s) arrival
- Level of participation requested of the elected official (s) (invitation only; speaker request; photo opportunity, etc...)
- If making a speaker request, please provide the topic, talking points and length of the speaking request

Mayor and Councilmember calendars fill up quickly, so invitation requests should be made well in advance of the event date. Completed requests are not guaranteed. If scheduling conflicts occur, Mayor and Councilmembers may have to decline the requested invitation. Submitted speeches, talking points, or other copy is subject to edits by Town staff.

POLICY REVISIONS

~~This Policy shall be reviewed and revised at any time, pending the request of the Mayor and Town Council to the Town Manager.~~

Town of Parker, Colorado

POLICY STATEMENT

<u>TITLE</u> <u>Debt Management Policy</u>	<u>PAGE</u> <u>1 of 6</u>	<u>POLICY NUMBER</u> <u>1-15</u>
<u>EFFECTIVE DATE</u> <u>April 8, 2014</u>	<u>REVISED-AMENDED AND READOPTED</u> <u>DATE</u> <u>April 17, 2023</u>	
<u>APPROVED BY COUNCIL ACTION</u> <u>Resolution No. 14-016; Resolution No. 23-038</u>		

PURPOSE

This policy establishes appropriate uses of debt, establishes formal debt management practices to ensure that the Town maintains a strong credit profile, and applies these practices as a functional tool for short-term and long-term debt management.

POLICY STATEMENT

This policy establishes the following goals:

1. Debt should be considered the funding source of last resort.
2. Maintain or improve the Town's overall financial condition by maintaining low debt levels as appropriate.
3. Attain and retain the highest possible credit rating for each debt issue.
4. Minimize debt interest costs.
5. Assess all, including new and innovative, financing alternatives, to also include debt avoidance through grant programs or private/public cooperation.
6. Should not exceed industry standards in total debt per capita ratios, including overlapping debt.
7. Use the most cost-effective financing option for capital assets with substantial economic life.
8. Finance routine infrastructure replacement programs on a pay-as-you-go basis, not via debt issuance.

9. Debt issuances should be anticipated through the 10-year Capital Improvement Program (CIP) so that adequate time exists to examine alternatives and to comply with legal constraints and election provisions.
10. The use of enterprise debt is preferred over general obligation debt [or other financing options like lease purchase financings](#) when appropriate and cost effective. The analysis of enterprise bond issues must include an estimate of the impact, if any, on rates, fees, and charges.
11. Maintain an adequate ratio between cash funding of capital improvements and debt within the CIP.
12. The impact on operating costs should be considered and accounted for prior to issuing debt for a capital need.
13. At least 50% of the principal amount should be retired in the first ten years of the issue unless the debt is structured to allow for level annual payments (including interest).
14. Debt should be issued only in the amount specified or budgeted for specifically identified projects.

Legal Provisions/Constraints on the Issuance of Debt

Authority to issue debt comes from the Town's Home Rule Charter. Legal provisions/constraints exist for Town debt issuance in the Town's Charter, the Taxpayer Bill of Rights (TABOR) amendment to the Colorado Constitution, and other Colorado law and court decisions.

Per Article X of the Charter for the Town of Parker, the Town may borrow money and issue the following types of debt:

1. Short-term notes
2. General obligation bonds and other like securities
3. Revenue bonds and other like securities
4. Local improvement bonds and other like securities
5. Refunding securities
6. Long term leases

Article X of the Charter which, after being reconciled with TABOR, discusses the types of debt the Town can issue as summarized below:

1. Short-term notes will mature before the end of the calendar year in which they are issued. Authorization to issue short-term notes in anticipation of tax revenue or other revenue occurs with an affirmative vote of the majority of Town Council.
2. General obligation bonds shall be approved by a vote of the registered electors.
3. Revenue bonds or other debt instruments shall be approved by a vote of the registered electors, except revenue bonds issued by a qualified enterprise that is secured by enterprise revenue.

4. Town Council, pursuant to an ordinance, may issue its securities without an election for the purpose of refunding outstanding securities at a lower interest rate as the same mature or in advance of maturity whenever it determines it is to the best advantage of the Town to do so.
5. There are no established limitations as to the amount of bonds that may be issued by the Town.
6. Town Council, pursuant to an ordinance, in order to provide the necessary land, buildings, equipment and other property for governmental or proprietary purposes, may enter into long term rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title or other interest in ~~to~~ such leased or rented property within a period not exceeding the useful life of the property, and in no case exceeding forty (40) years.
7. The Town shall have the power to create improvement districts and to assess the cost of the construction or installation of improvements of every character against benefited property within such districts in the Town. The Town shall have the authority by ordinance and with an election to issue bonds to pay for the entire cost of such improvements. Refer to Section 12 of the Town Charter for additional information regarding improvement districts.

Certain provisions of TABOR address the issuance of debt. A summary of those provisions is provided below:

1. All multiple-year debt shall first be approved by the Town's taxpaying electorate unless it is issued for a TABOR defined government enterprise or refinances bonded debt at a lower interest rate or sufficient cash reserves are pledged irrevocably for all future payments. (Enterprise fund for the Town of Parker only include the Stormwater Utility Fund.)
2. Bonded debt ballot measures shall specify the debt's principal amount and maximum annual and total repayment cost, ~~the principal balance of total current bonded debt and its maximum annual and remaining total repayment cost.~~
3. Notice of an election to increase taxes and debt shall be sent to all registered voters of the Town not less than 30 days prior to the election and shall contain information required by state law and TABOR, and, for increases in debt, the principal balance, maximum annual, and total repayment costs of current outstanding debt of the Town.
- 3.4. Debt elections can only occur in a State general election, biennial local Town election, or on the first Tuesday ~~after the first Monday~~ in November of odd-numbered years.

Colorado law and recent court decisions provide that operating leases, lease-purchases financings, and Certificates of Participation (COP's), that are subject to annual

appropriation, are not considered multiple-year debt and are not subject to TABOR election requirements.

Debt Structure and Restrictions

Types of Debt Issued

The Town may issue both short term and long term debt, including, but not limited to the following:

1. Short term: Tax, grant, fee, or bond anticipation notes; commercial paper; or variable rate demand notes [or other short-term borrowings](#) may be issued when such instruments allow the Town to meet its cash flow requirements or provide increased flexibility in its financing program. No maturity of any such issue shall extend beyond December 31 of the year in which it is issued.
2. Long-term: The Town may issue general obligation bonds, [sales and/or use tax revenue bonds](#), [TABOR enterprise revenue bonds](#), certificates of participation, special assessment bonds, [self liquidating](#) and double barreled bonds. The Town may also enter into long-term leases for public facilities, property and equipment for a period not to exceed the useful life of the asset being financed or 40 years, whichever is less. [Certificates of Participation and long term leases are not considered “debt” for TABOR or state law purposes.](#)

Useful Life of Financed Asset and Maturity of Debt Issue

No bonds or certificates of participation shall be issued for an asset with a useful life of less than ten years. Leases may be entered into for assets with useful lives of three years or more. The duration of a debt issue shall not exceed the useful life of the financed asset. The financing schedule and repayment of debt shall be timed to take advantage of market conditions and, as practical, to maximize its credit capacity for future use.

Sale of Securities

Debt issues may be sold either through a negotiated sale or a competitive bid process depending on which is likely to yield the best results for the Town, [or by privately placing such debt with a bank or other institutional investor if it is in the best interest of the Town.](#)

Credit Enhancements

The Town may enter into agreements with commercial banks, insurance companies, or other financial entities for the purpose of acquiring letters of credit, municipal bond insurance, or other credit enhancements that will provide the Town with access to credit when its use is judged cost-effective or otherwise advantageous.

Call Provisions

Bond calls should be as short as possible consistent with the goal of minimizing interest costs. Call premiums should reflect the true economic cost of calling the securities.

Financing Replacement Infrastructure

Long-term debt issuance shall not be used to finance ongoing replacement of infrastructure. Such financing shall be provided through adequate cash funding in the capital budget each year.

Leases

Operating leases for capital equipment are appropriate when circumstances dictate that owning the equipment is not in the best interests of the Town or if cash flow projections indicate that buying outright causes Town cash balances to go below acceptable levels.

Lease/Purchase agreements for capital assets which mature in less than ten years shall not be allowed unless the Town's expected interest earnings rate on investments exceeds the lease effective interest rate for the duration of the lease or unless cash flow projections indicate that buying outright causes Town cash balances to go below acceptable levels.

General Operating Costs

No general operating costs may be financed through long-term debt. General operation costs include, but are not limited to, those items normally funded in the Town's annual operation budget and having a useful life of less than one year.

Enterprise Debt Affordability Target

In general, revenue bonds or other debt instrument should not be issued for a Town enterprise fund if the issuance causes fees for services to exceed 125% of the average Denver metro rate for the service provided unless reason for the debt is deemed necessary for the health, safety, or welfare of the citizens of Parker. Enterprise fund debt shall be paid exclusively through enterprise activity revenues.

Overlapping Debt Affordability Target

Non-enterprise general obligation (G.O.) long-term debt should not be issued if, when combined with overlapping G.O. debt from other entities, it places an excessive burden on the citizenry. Overlapping non-enterprise G.O. debt exceeding \$7,500 per

capita or 8% of the assessor's actual valuation should be used as a guideline when evaluating the issuance of new debt.

Amount of Issue

The debt issue shall be sized appropriately for the project being financed. Consideration should be given to the exceptions to arbitrage calculation requirements, the market advantages of issuing bank qualified debt, and the possibility of issuing the debt in several series for multi-year projects. In determining the minimum debt issuance, Council shall review related costs of issuance to see if debt is the most cost-effective financing mechanism.

Certificates of Participation (COP's)

COP's are documents that act like bonds but are structured more like leases. The security for the COP's are typically a pledge of assets being financed [or other capital assets/buildings of the Town](#), and the Town's intent to make the necessary annual appropriations during the term of the lease agreement. No pledge of full faith and credit of the Town, [or a pledge of a specific source or revenue \(i.e. sales and use tax\)](#) is made. Consequently, the obligation of the Town to make basic rental payments does not constitute an indebtedness of the Town. Town Council may authorize the issuance of COP's. A vote of the electorate is not required.

Debt Administration

The Town shall prepare appropriate disclosures as required by the law or regulation of an agency with supervision over the disclosure. Additionally, the Town shall meet the highest ethical and professional standards regarding disclosure.

The Director of Finance shall administer and coordinate the Town's debt issuance program and activities, including time of issuance, method of sale, structuring the issue, and marketing strategies for the purpose of making recommendations to the Town Manager and Town Council. Outside professionals (including Bond Counsel, Financial Advisors, and Arbitrage Specialists) may be utilized to assist in this process.

The Town shall maintain effective relations with the rating agencies and the investment community through the annual distribution of financial reports and other appropriate information upon request.

The Town shall consider refunding outstanding debt when legally permissible and financially advantageous. A net present value debt service savings of at least five (5) percent or greater should be achieved.

The Town shall actively manage the proceeds of debt issued for public purposes in a manner that is consistent with its investment policy. The management of the debt proceeds shall enable the Town to respond to changes in markets or changes in

payment or construction schedules so as to (i) minimize risk, (ii) ensure liquidity, and (iii) optimize returns. Most crucially, the Town shall ensure that the project financed by debt is completed in a timely manner.

The Town shall maintain a system of accounting to calculate bond investment arbitrage earnings in accordance with the Tax Reform Act of 1986. Such amounts, if any, shall be calculated annually and transferred to a federal arbitrage rebate agency fund for eventual payment to the United States Treasury.

Debt service coverage ratios shall be maintained through ongoing cost of service studies to determine adequate user rate changes.

Town of Parker, Colorado

POLICY STATEMENT

<u>TITLE</u> <u>General Fund Working Reserve Policy</u>	<u>PAGE</u> <u>1 of 1</u>	<u>POLICY NUMBER</u> <u>1-16</u>
<u>EFFECTIVE DATE</u> <u>February 20, 2018</u>	<u>REVISED-AMENDED AND READOPTED</u> <u>DATE</u> <u>April 17, 2023</u>	
<u>APPROVED BY COUNCIL ACTION</u> <u>Resolution No. 18-016; Resolution No. 23-038</u>		

PURPOSE

It is essential the Town of Parker maintain an adequate working reserve in order to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures, as well as to ensure stable tax rates. An adequate working reserve is a critical consideration to the Town's long-term financial planning.

POLICY STATEMENT

In its General Fund, the Town will maintain a minimum working reserve balance of no less than 25% of the current fiscal year's budgeted and amended budgeted operating expenditures, including transfers.

While targeting to maintain an annual working reserve of no less than 25%, the Town understands there may be circumstances which warrant the Town use these funds temporarily. The Town has established the following instances where it may elect to use these funds:

- An economic downturn in which actual revenues received are below the budgeted amount;
- Early retirement of indebtedness; and
- Unexpected and non-budgeted emergencies, natural disaster cost and/or litigation.

In the event the General Fund working reserve balance drops below 25%, the Town will, concurrently in deciding to utilize its working reserve funds, create a written plan

to replenish fund balance reserves during the subsequent budget year to the then-required level by controlling operating expenditures, adjusting operations and/or dedicating excess of specific revenue sources. If the instances identified above extend beyond one fiscal year, replenishing the fund balance reserves may extend to one year beyond the termination of the qualifying event.

The Town's Finance Director will be responsible for reviewing the General Fund Working Reserve Policy semiannually in connections with the Town's annual budgeting process and in preparation of year-end financial statement to ensure the Town is maintaining an adequate working reserve level as established by this policy. The monthly financial reports distributed to Town Council and posted on the website will contain a monthly update on the cash reserve balance.

Town of Parker, Colorado

POLICY STATEMENT

<u>TITLE</u> <u>Investment Policy</u>	<u>PAGE</u> <u>1 of 17</u>	<u>POLICY NUMBER</u> <u>1-17</u>
<u>EFFECTIVE DATE</u> <u>July 7, 2015</u>	<u>REVISED-AMENDED AND READOPTED</u> <u>DATE</u> <u>TBD April 17, 2023</u>	
<u>APPROVED BY COUNCIL ACTION</u> <u>Resolution No. 15-031; Resolution No. 23-038</u>		

PURPOSE

The Town of Parker is a Colorado home rule municipality operating under its Town Charter. The Town functions under the direction of a Town Manager who is appointed by Town Council. Existing Colorado State Statutes and the Town's Charter and Ordinances provide Parker with legal authority to promulgate and implement local standards for cash and investment management operations.

The purpose of this Investment Policy (the "Policy") is to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the funds of the Town of Parker, Colorado. This Policy also defines the role and duties of the Town of Parker's Investment Advisory Committee.

POLICY STATEMENT

This Policy was endorsed and adopted by the Town Council, pursuant to Resolution No. 15-031, Series of 2015, and is effective as of the 7th day of July, 2015, and replaces all previous investment guidelines formulated by members of Town staff or Resolutions concerning the investment of Town funds adopted by Town Council. The Policy was amended through Resolution 22-010 which added a modification to the term of an Investment Advisory Committee member. The Policy has also been amended effective XXXXX. Any investment currently held at the time the Policy is adopted which does not meet the new Policy guidelines, but was compliant with the prior policy, can be held until maturity, and shall be exempt from

this Policy. At the time of the investment's maturity or liquidation such funds shall be reinvested only as provided in the most current policy.

SCOPE

The provisions of this Policy shall apply to all investable funds of the Town of Parker, Colorado (hereinafter referred to as the Town). Pension plan funds and deferred compensation plan funds are expressly excluded from this Policy.

All cash, except for certain restricted and special accounts, shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average balances relative to the total pooled balance. Interest earnings shall be distributed to the individual funds on a monthly basis.

OBJECTIVES

Town funds will be invested in accordance with this Policy to achieve the following objectives, listed in order of priority:

- Preservation of capital and protection of investment principal.
- Maintenance of sufficient liquidity to meet the Town's financial obligations.
- Diversification to avoid incurring unreasonable market risks resulting from investment overconcentration in a specific maturity sector, issuer, or class of securities. Treasury securities are excluded from this stipulation.
- Attainment of a market rate of return throughout budgetary and economic cycles, equal to or exceeding the selected market benchmark and taking into account the Town's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that govern the investments. Return on investment is of secondary importance compared to the safety and liquidity objectives.
- Conformance with all applicable Town, State and Federal laws, rules and regulations.

DELEGATION OF AUTHORITY

Authority to manage the Town's investment program is derived from Colorado Revised Statutes (C.R.S. § 24-75-601.1) and the Town Home Rule Charter (Article IX). The Town Council is responsible for the adoption of this Policy. Management responsibility for the administration of this Policy is hereby delegated to the Town ~~Administrator~~Manager.

The Town Finance Director shall develop written administrative procedures and internal controls, consistent with this Policy, for the operation of the Town's investment program. Such procedures shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the Town.

The Town Finance Director, with the approval of the Town Manager, may delegate the authority to conduct investment transactions and manage the operation of the investment portfolio to specifically authorized staff members. No person may engage

in an investment transaction except as expressly provided under the terms of this Policy. Persons authorized to transact investment business on behalf of the Town of Parker are listed in Annex I to this Policy.

The Town may engage the support services of advisors, consultants and professionals in regard to its investment program, so long as it can be clearly demonstrated that these services produce a net financial advantage or necessary financial protection of the Town's financial resources. Investment Advisors shall be registered with the Securities Exchange Commission under the Investment Advisors Act of 1940. Advisors shall be selected using the Town's authorized purchasing procedures for selection of professional services. Advisors shall serve in a non-discretionary capacity, shall be subject to the provisions of this Policy, and shall not, under any circumstances, take custody of any Town funds or securities.

PRUDENCE

The standard of prudence to be used for managing the Town's assets is the "prudent investor" rule which states, investments shall be made with "judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived." (C.R.S. § 15-1-304, Standard for Investments).

The Town's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The Town shall recognize that no investment is totally riskless and that the investment activities of the Town are a matter of public record. Accordingly, the Town recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the Town.

The Town Finance Director and authorized investment personnel acting in accordance with written procedures and this Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to the Town Manager and appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could ~~impair, or~~ [impair or](#) create the appearance of an impairment of their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Town ~~Administrator~~ [Manager](#) any material financial interests they have in financial institutions that conduct business with the Town and

they shall subordinate their personal investment transactions to those of the Town. Elected officials shall comply with the Town's code of ethics. Employees shall comply with the employee code of ethics as contained in the Town Personnel Manual and Town Operations Manual, as amended.

AUTHORIZED SECURITIES AND TRANSACTIONS

Except as specifically defined in this Policy, all investments of the Town shall be made in accordance with applicable laws contained in the Colorado Revised Statutes, as amended: C.R.S. § 11-10.5-101, *et seq.*, Public Deposit Protection Act; C.R.S. § 11-47-10, *et seq.*, Savings and Loan Association Public Deposit Protection Act; C.R.S. § 24-75-601, *et seq.*, Funds-Legal Investments; C.R.S. § 24-75-603, Depositories, and C.R.S. § 24-75-702, Local governments-authority to pool surplus funds. Any revisions or extensions of these sections of the Colorado Revised Statutes will be assumed to be part of this Investment Policy immediately upon the effective date thereof.

The Town has further defined the following types of securities and transactions as eligible for use by the Town:

1. U.S. Treasury Obligations: Treasury Bills, Treasury Notes, Treasury Bonds and Treasury Strips (separate trading of interest or principal) with maturities not exceeding five years from the date of trade settlement.
2. U.S. Agency and Federal Instrumentality Securities: Debentures, discount notes, callable securities, step-up securities and stripped principal or coupons with defined maturities not exceeding five years from the date of trade settlement. Subordinated debt, mortgage-backed securities and other derivatives are **excluded** from the approved securities list. [No more than 35% of the total portfolio may be invested in any single Agency/Instrumentality issuer.](#)
3. Corporate or Bank Debt Securities:
 - a. Bonds, notes, debentures and medium-term notes issued by a corporation or bank which is organized and operated within the United States, with remaining maturities not exceeding five years from the date of trade settlement. Such securities, at the time of purchase, must be rated at least A+ by Standard & Poor's, A1 by Moody's, or A+ by Fitch by at least two services that rate the issue. [The term "Bank Debt Security" includes Negotiable Certificates of Deposit issued by banks organized and chartered within the United States. These instruments are investment securities and not deposits as described in item 7 below.](#)
 - b. The Town hereby authorizes investments in securities denominated in U.S. dollars and issued by a corporation or bank that is not organized and operated within the United States. Investment in international corporate securities must have a final maturity not exceeding three years from the date of trade settlement and must be

rated at least AA- by Standard & Poor's, Aa3 by Moody's or AA- by Fitch by at least two services that rate the issue. Such investments shall not exceed an allocation of 5% per country at the time of purchase.

- c. Commercial paper with maturities not exceeding 270 days from the date of trade settlement that is rated at least A-1 by Standard and Poor's, P-1 by Moody's, or F-1 by Fitch at the time of purchase by at least two services that rate the commercial paper. ~~If the commercial paper issuer has senior debt outstanding, the senior debt must be rated by each service that publishes a rating on the issuer of at least A+ by Standard and Poor's, A1 by Moody's, or A+ by Fitch.~~ Issuers must have a \$250 million program in place to be eligible for investment.
- d. Eligible Banker's Acceptances with original maturities not exceeding 180 days from the date of trade settlement, issued by a state or national bank with combined capital and surplus of at least \$250 million. Banker's Acceptances shall be rated P-1 by Moody's, A-1 by Standard & Poor's and F-1 by Fitch at the time of purchase by at least two services that rate them. ~~If the issuing bank has senior debt outstanding, it shall be rated, at the time of purchase A+ by Standard and Poor's, A1 by Moody's, or A+ by Fitch.~~

At no time shall the market value of investments in corporate and bank securities total more than fifty percent of the total market value of the Town's portfolio with no greater than five percent exposure to any single issuer. No subordinated security may be purchased.

- 4. Money Market Mutual Funds registered under the Investment Company Act of 1940 that:
 - 1) are "no-load" (i.e.: no commission or fee shall be charged on purchases or sales of shares) and charge no 12bl fees; 2) have a constant daily net asset value per share of \$1.00; 3) limit assets of the fund to securities authorized by state statute; 4) have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and 5) have a rating of AAAM by Standard and Poor's or ~~Aaa~~AA by Moody's, or AAA/~~V-1+~~mmf by Fitch Investors Service. No more than 35% of the total portfolio may be invested in any individual fund.
- 5. Local Government Investment Pools authorized under C.R.S. § 24-75-701, *et seq.*, that:
 - 1) are "no-load" (i.e., no commission or fees shall be charged on purchases or sales of shares) and charge no 12bl fees; 2) have a constant daily net asset value per share of \$1.00; 3) limit assets of the fund to securities authorized by state statute; 4) have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and 5) have a rating of AAAM by Standard and Poor's or ~~AAA-Aaa~~ by Moody's or AAA/~~V-1+~~mmf by Fitch Investors Service. No more than 35% of the total portfolio may be invested in any individual fund.
- 6. Time Certificates of Deposit with a maturity not exceeding five years in any bank that is a member of the Federal Deposit Insurance Corporation (FDIC). At the time of purchase, certificates of deposit that exceed FDIC insurance limits shall be collateralized as

required by the Public Deposit Protection Act or the Savings and Loan Association Public Deposit Protection Act. Issuers of Time Certificates of Deposit shall have a Thomson Reuters Bank Insight rating of at least 20 for the most recent reported quarter at the time of purchase if the deposit exceeds FDIC Insurance. No more than 30% of the total portfolio may be invested in certificates of deposit and no more than 5% of the total portfolio may be invested in any one issuer.

7. Repurchase Agreements:

- a. Repurchase Agreements with maturities of 180 days or less collateralized by U.S. Treasury securities listed in item 1 above and Federal Instrumentality Securities listed in item 2 above with the maturity of the collateral not exceeding 10 years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the Town approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102 percent of the dollar value of the transaction. Collateral shall be held in the Town's custodian bank as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily.
- b. Repurchase Agreements shall be entered into only with dealers who have executed a Town approved Master Repurchase Agreement with the Town and who are recognized as primary dealers with the Federal Reserve Bank of New York or have a primary dealer within their holding company structure. The Town Finance Director shall maintain a copy of the Town's approved Master Repurchase Agreement along with a list of the broker/dealers who have an executed Master Repurchase Agreement with the Town. ~~Broker/dealers having an executed Master Repurchased Agreement on file with the Town of Parker are listed in Annex II to this Investment Policy.~~

The Town may utilize Tri-party Repurchase Agreements provided that the Town is satisfied that it has a perfected interest in the securities used as collateral and that the Town has a properly executed Tri-party Agreement with both the counterparty and custodian bank. No more than 50% of the portfolio may be invested in repurchase agreements and no more than 10% may be invested with a single counterparty.

8. Obligations of the Town of Parker: General obligation bonds, revenue bonds, or other debt securities issued by or guaranteed wholly, partially or morally by the Town of Parker, Colorado.
9. General Obligations and Revenue Obligations of state or local governments with a maturity not exceeding five years from the date of trade settlement. General Obligations and Revenue Obligations of this state or any political subdivision of this state must be rated at the time of purchase at least A by Standard and Poor's, A2 by Moody's or A by Fitch by at least two services that rate the issue. General Obligations and Revenue Obligations of any other state or political subdivision of any other state must be rated at the time of purchase at least ~~AA-AA-~~ by Standard and Poor's, ~~Aa2-Aa3~~ by Moody's or ~~AA-AA-~~ by Fitch by at least two services that rate the issue. Up to 30% of the portfolio

may be invested in aggregate in municipal general obligations and revenue obligations. No more than 5% of the total portfolio may be invested in the securities of any single issuer.

10. Unsubordinated obligations issued by the International Bank for Reconstruction and Development (The World Bank). The securities must be rated "AA" or higher by a nationally recognized statistical rating organization. No more than 5% of the total portfolio may be invested in these securities, and the maximum maturity may not exceed 5 years.

Securities that have been downgraded below minimum ratings described herein may be sold or held at the Town's discretion. The portfolio will be brought back into compliance with this Policy's guidelines as soon as is practical.

It is the intent of the Town that the foregoing list of authorized securities be strictly interpreted. Any deviation from this list must be preapproved by the Town Manager in writing and must be presented for approval by the Town Council at the next regular Town Council meeting.

The Town recognizes that bond proceeds may, from time to time, be subject to the provisions of the Tax Reform Act of 1986, Federal Arbitrage Regulations, as amended. Due to the legal complexities of arbitrage law and the necessary immunization of yield levels to correspond to anticipated cash flow schedules, the reinvestment of such debt issuance may, upon the advice of Bond Counsel or financial advisors, deviate from the maturity limitation provisions of this Policy with written approval of Town Council.

PORTFOLIO MATURITIES AND LIQUIDITY

To the extent possible, investments shall be matched with anticipated cash flow requirements. Unless matched to a specific cash flow requirement or approved by Town Council, the Town will not invest in securities maturing more than five years from the date of trade settlement. The Town shall maintain at least 10% of its total portfolio in instruments maturing in 90 days or less. The weighted average final maturity of the Town's portfolio shall at no time exceed three years.

INVESTMENT POOLS/MUTUAL FUNDS

The Town shall conduct a thorough investigation of any pool or mutual fund prior to making an investment, and on a continual basis thereafter. There shall be a questionnaire developed which will answer the following general questions:

1. A description of eligible investment securities, and a written statement of investment policy and objectives.
2. A description of interest calculations and how it is distributed, and how gains and losses are treated.

3. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
4. A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
5. A schedule for receiving statements and portfolio listings.
6. Are reserves, retained earnings, etc. utilized by the pool/fund?
7. A fee schedule, and when and how is it assessed.
8. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

RISK MANAGEMENT AND DIVERSIFICATION

Mitigating Credit Risk in the Portfolio

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The Town will mitigate credit risk by adopting the following strategies:

- The diversification requirements included in the "Authorized Securities and Transaction" section of this policy are designed to mitigate credit risk in the portfolio.
- No more than 5% of the total portfolio may be invested in securities of any single issuer per each category in "Authorized Securities and Transaction" section of this policy, except where the issuer is the US Government, its Agencies and GSEs or where the security is Money Market Mutual Funds or Local Government Investment Pools.
- The Town may elect to sell a security prior to its maturity and record a capital gain or loss in order to improve the quality, liquidity or yield of the portfolio in response to market conditions or Town's risk preferences.
- If securities owned by the Town are downgraded by a nationally recognized statistical ratings organization to a level below the quality required by this investment policy, it will be the Town's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.
 - If a security is downgraded, the Finance Director will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.
 - If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the Town Council.

Mitigating Market Risk in the Portfolio

Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The Town recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The Town will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes.

The Town further recognizes that certain types of securities, including variable rate securities, securities with principal pay downs prior to maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. The Town, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

- The Town shall maintain at least 10% of its total portfolio in instruments maturing in 90 days or less to provide sufficient liquidity for expected disbursements.
- The maximum percent of callable securities (does not include "make whole call" securities as defined in the Glossary) in the portfolio will be 20%.
- The maximum stated final maturity of individual securities in the portfolio will be five years, except as otherwise stated in this policy.
- The duration of the portfolio will at all times be approximately equal to the duration (typically, plus or minus 20%) of a Market Benchmark, an index selected by the Town based on the Town's investment objectives, constraints and risk tolerances.

SELECTION OF BROKER/DEALERS

The Town Finance Director shall maintain a list of broker/dealers approved for investment purposes by the Town's Investment Advisory Committee, and it shall be the policy of the Town to purchase securities only from those authorized firms. To be eligible, a firm must meet at least one of the following criteria:

1. Be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a primary dealer within its holding company structure;
2. Report voluntarily to the Federal Reserve Bank of New York,
3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-I (Uniform Net Capital Rule).

Broker/dealers will be reviewed by the Town's Investment Advisory Committee on the basis of their expertise in public cash management and their ability to provide services for the Town's account. Approved broker/dealers and the firms they represent shall be licensed to do business in the State of Colorado and as such are subject to the provisions of the Colorado Revised Statutes, including but not limited to C.R.S. § 24-75-604.

The Town may engage the services of investment advisory firms to assist in the management of the portfolio and investment advisors may utilize their own list of approved broker/dealers. Such broker/dealers will comply with the selection criteria above and the list of approved firms shall be provided to the Town on an annual basis or upon request.

In the event that an external investment advisor is not used in the process of recommending a particular transaction in the Town's portfolio, any authorized broker/dealer from whom a competitive bid is obtained for the transaction will attest in writing that he/she has received a copy of this policy and each authorized

broker/dealer shall be required to submit and annually update a Town approved Broker/Dealer Information Request form that includes the firm's most recent financial statements. The Town Finance Director shall maintain each approved firm's most recent Broker/Dealer Information Request form.

~~Firms currently authorized for investment purposes by the Town of Parker are listed in Annex III to this Investment Policy. The Town Finance Director shall furnish updated copies of Annex III to Town Council whenever changes are made.~~

The Town may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in item 3.b. of the Authorized Securities and Transactions section of this Investment Policy.

COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded.

If the Town is offered a security for which there is no other readily available competitive offering, then quotations on comparable or alternative securities will be recorded.

SELECTION OF BANKS

The Town Finance Director shall maintain a list of banks ~~approved by the Investment Advisory Committee~~ to provide depository and other banking services for the Town. Banks in the judgment of the Town Finance Director no longer offering adequate safety to the Town, will be removed from the list.

To be eligible for designation to provide banking services, a financial institution shall qualify as a depository of public funds in the State of Colorado as defined in C.R.S. § 24-75-603, as evidenced by a certificate issued by the State Banking Board and shall be an FDIC member, with all deposits in excess of FDIC coverage collateralized as required by the Colorado Public Deposit Protection Act or the Colorado Savings and Loan Association Public Deposit Protection Act.

Banks approved to provide depository and other banking services, including the sale of certificates of deposit, are listed in Annex IV to this Investment Policy.

SAFEKEEPING AND CUSTODY

Settlement of all investment transactions will be completed using standard delivery-vs.-payment procedures. The Town Finance Director shall select one or more financial institutions to provide safekeeping and custodial services for the Town. A Town approved Safekeeping Agreement shall be executed with each custodian bank prior to utilizing that bank's safekeeping services.

To be eligible for designation as the Town's safekeeping and custodian bank, a financial institution shall qualify as a depository of public funds in the State of Colorado as defined in C.R.S. § 24-75-603 and be a Federal Reserve member financial institution.

Custodian banks will be selected on the basis of their ability to provide services for the Town's account and the competitive pricing of their safekeeping related services.

It is the intent of the Town that all investment securities be perfected in the name of the Town, and that all deliverable investment securities purchased by the Town will be delivered by book entry and will be held in third-party safekeeping by a Town approved custodian bank or the Depository Trust Corporation (OTC).

All book entry securities owned by the Town shall be evidenced by a safekeeping receipt or customer confirmation issued to the Town by the custodian bank stating that the securities are held in the Federal Reserve system in a Customer Account for the custodian bank which will name the Town as "customer."

The Town may utilize the services of the Depository Trust Corporation (OTC) as a depository for delivery of securities not wired through the Federal Reserve system. ~~Financial institutions approved to provide safekeeping and custodial services for the Town are listed in Annex IV to this Investment Policy.~~

PORTFOLIO PERFORMANCE

The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the Town's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restrict investments.

The Finance Director shall monitor and evaluate the portfolio's performance relative to market benchmark, which will be included in the Finance Director's quarterly report. The Finance Director shall select an appropriate, readily available index to use as a market benchmark.

REPORTING

The Town Finance Director, or designee, shall prepare semi-annual reports for the review of the Town Council, the Town Administrator-Manager and the Investment Advisory Committee. The reports shall include a listing of the investments held by the Town, the maturity, cost, book value and current market value of the portfolio, credit quality of each investment, and the amount of interest earned to date. The Town Finance Director shall also present a review of the portfolio's adherence to appropriate risk levels a statement that the portfolio is in compliance with the investment policy or the manner in which the portfolio is not in compliance, and a comparison between the portfolio's total return and the established investment objectives and goals. Recent

market conditions, economic developments, and investment conditions shall also be reviewed.

INVESTMENT ADVISORY COMMITTEE

The Town of Parker maintains an Investment Advisory Committee that consists of the Mayor or a Councilmember appointed by the Mayor and ratified by Town Council, the Town Finance Director, the Town Manager or designee, and two financial professionals.

Purpose of Committee. The Investment Advisory Committee reviews and monitors the Town's cash management and investment results, develops and recommends investment policies to the Town Council, and assists in the selection of investment facilitators and managers.

Selection of Financial Professionals. The Town Finance Director, or designee, shall solicit volunteers that are financial professionals to serve on the Investment Advisory Committee through a public notification process. The Town Finance Director shall provide recommendations of appointees to the Town Council for final selection. Professionals sought are to be knowledgeable of the financial arena, with experience serving as representatives of banks or trust companies, representatives of primary government bond dealers, private sector cash managers, or finance directors or investment personnel in local governmental entities. Preference shall be given to financial professionals who live or work within the Town limits of Parker.

Terms. The Mayor, during the Mayor's term in office, or if the Mayor appoints a Council member, the term shall be two (2) years beginning in January of each even numbered year. Financial professionals shall be appointed for four-year staggered terms. Reappointment of members shall be considered. A member may remain beyond the expiration of the term until the appointment of a new member.

Compensation. Members of the Investment Advisory Committee shall serve without compensation or reimbursement for expenses incurred in attending meetings.

Meetings. The Investment Advisory Committee shall meet at least semi-annually.

POLICY REVISIONS

This Policy shall be reviewed annually-periodically by the Town Finance Director and the Investment Advisory Committee. This Policy may be amended by the Town Council as conditions warrant. The data contained in the Annexes-Annex I to this Policy may be updated by the Town Finance Director as necessary, provided the changes in no way affect the substance or intent of this Investment Policy.

Prepared and submitted by the Investment Advisory Committee of the Town of Parker.

Annex I

AUTHORIZED PERSONNEL

The following persons are hereby authorized to transact investment business on behalf of the Town of Parker, Colorado:

Town Finance Director

~~Accounting Manager~~

~~Controller~~

In case of an emergency, the Town ~~Administrator~~ ~~Manager~~ and the Staff ~~Accountant~~ ~~Accountant~~ may also transact investment business on behalf of the Town.

Annex II

~~MASTER REPURCHASE AGREEMENT~~

~~The following firms have executed Master Repurchase Agreements on file with the Town of Parker, Colorado:~~

~~Credit Ratings~~

~~Short term / Long term~~

~~Broker/Dealer~~ ~~Moody's~~ ~~Standard & Poors~~

Annex III

~~APPROVED BROKER/DEALERS~~

~~The following firms have been approved for investment purposes by the Town of Parker, Colorado:~~

~~Broker/Dealer~~

~~Barclays Capital Inc.~~ ~~Morgan Stanley Smith Barney~~

~~Citigroup Global Markets, Inc.~~ ~~Raymond James & Associates~~

~~J.P. Morgan Securities LLC~~ ~~RBC Capital Markets~~

~~Jefferies & Company, Inc.~~ ~~UBS Financial Services~~

~~Merrill Lynch, Pierce, Fenner & Smith Inc.~~ ~~Wells Fargo Securities~~

~~Mizuho Securities USA Inc.~~

~~Annex IV~~

~~APPROVED BANKS~~

~~The following banks have been approved to provide depository, safekeeping and other banking services by the Town of Parker, Colorado:~~

~~Colorado Business Bank~~

~~UMB Bank Colorado, NA~~

~~Wells Fargo Institutional Retirement and Trust~~

GLOSSARY OF INVESTMENT TERMS

AGENCIES. Shorthand market terminology for any obligation issued by a *government-sponsored entity (GSE)*, or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called "FreddieMac" issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as "FannieMae," issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as "GinnieMae," issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

ASKED. The price at which a seller offers to sell a security.

ASSET BACKED SECURITIES. Securities supported by pools of installment loans or leases or

by pools of revolving lines of credit.

AVERAGE LIFE. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

BANKER'S ACCEPTANCE. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which "accepts" the obligation to pay the investor.

BENCHMARK. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

BID. The price at which a buyer offers to buy a security.

BROKER. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

CALLABLE. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline since an issuer issues securities, it will likely call its current securities and reissue them at a lower rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when interest rates are lower than when the investment was initially made.

CERTIFICATE OF DEPOSIT (CD). A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs may be marketable.

CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SYSTEM (CDARS). A private placement service that allows local agencies to purchase more than \$250,000 in CDs from a single financial institution (must be a participating institution of CDARS) while still maintaining FDIC insurance coverage CDARS is currently the only entity providing this service CDARS facilitates the trading of deposits between the California institution and other participating institutions in amounts that are less than \$250,000 each, so that FDIC coverage is maintained.

COLLATERAL. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATIONS (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

COMMERCIAL PAPER. The short-term unsecured debt of corporations.

COST YIELD. The annual income from an investment divided by the purchase cost. Because it does not give effect to premiums and discounts which may have been included in the purchase cost, it is an incomplete measure of return.

COUPON. The rate of return at which interest is paid on a bond.

CREDIT RISK. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

CURRENT YIELD. The annual income from an investment divided by the current market value. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

DEALER. A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

DEBENTURE. A bond secured only by the general credit of the issuer.

DELIVERY vs. PAYMENT (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

DERIVATIVE. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

DISCOUNT. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par, and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

DIVERSIFICATION. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

DURATION. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates. (See modified duration).

FEDERAL FUNDS RATE. The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.

FEDERAL OPEN MARKET COMMITTEE. A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

LEVERAGE. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

LIQUIDITY. The speed and ease with which an asset can be converted to cash.

~~**LOCAL AGENCY INVESTMENT FUND (LAIF).** A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.~~

~~**LOCAL GOVERNMENT INVESTMENT POOL.** An investment by local governments in which their money is pooled as a method for managing local funds. Investment pools that range from the State Treasurer's Office Local Agency Investment Fund (LAIF) to county pools, to Joint Powers Authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.~~

MAKE WHOLE CALL. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

MARGIN. The difference between the market value of a security and the loan a broker makes using that security as collateral.

MARKET RISK. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

MARKET VALUE. The price at which a security can be traded.

MARKING TO MARKET. The process of posting current market values for securities in a portfolio.

MATURITY. The final date upon which the principal of a security becomes due and payable.

MEDIUM TERM NOTES. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

MODIFIED DURATION. The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

MONEY MARKET. The market in which short-term debt instruments (T-bills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

MORTGAGE PASS-THROUGH SECURITIES. A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

MUNICIPAL SECURITIES. Securities issued by state and local agencies to finance capital and operating expenses.

MUTUAL FUND. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

NEGOTIABLE CD. A short-term debt instrument that pays interest and is issued by a bank, savings or federal association, state or federal credit union, or state-licensed branch of a foreign bank. Negotiable CDs are traded in a secondary market and are payable upon order to the bearer or initial depositor (investor).

PREMIUM. The difference between the par value of a bond and the cost of the bond, when the cost is above par.

PREPAYMENT SPEED. A measure of how quickly principal is repaid to investors in mortgage securities.

PREPAYMENT WINDOW. The time period over which principal repayments will be received on mortgage securities at a specified prepayment speed.

PRIMARY DEALER. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

PRUDENT PERSON (PRUDENT INVESTOR) RULE. An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes."

REALIZED YIELD. The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

REGIONAL DEALER. A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities and that is not a primary dealer.

REPURCHASE AGREEMENT. Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a reverse repurchase agreement.

SAFEKEEPING. A service to bank customers whereby securities are held by the bank in the customer's name.

STRUCTURED NOTE. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

SUPRANATIONAL. A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

TOTAL RATE OF RETURN. A measure of a portfolio's performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

U.S. TREASURY OBLIGATIONS. Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk, and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

TREASURY BILLS. All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues "cash management" bills as needed to smooth out cash flows.

TREASURY NOTES. All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.

TREASURY BONDS. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

VOLATILITY. The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

YIELD TO MATURITY. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.



Request for Town Council Action

Date: April 17, 2023

Submitted By: Meagan Nakashima, Deputy Recreation Manager

Reviewed By: Michelle Kivela, Town Manager

Title: **Professional Services Agreement - Nothing But Net - Elite Basketball Coaching**

Amount: \$100,000+

Contractor: Nothing But Net - Elite Basketball Coaching

Department: Parks, Recreation and Open Space, Meagan Nakashima

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 based on participation.

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. An RFP process was utilized to select the contractor. The popularity of the program remains high 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. The amount paid to the contractor has consistently exceeded \$100,000, so the contract is being presented to Town Council for approval.

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.

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: April 17, 2023

Submitted By: Brett Collins, Projects Administrator

Reviewed By: Michelle Kivela, Town Manager

Title: **Construction Management Services for Harvie Open Space**

Amount:	Original Amount: \$64,555
	Amended Amount: \$107,500
Contractor:	DHM Design
Department:	Parks, Recreation and Open Space, Brett Collins

EXECUTIVE SUMMARY

This item proposes to amend the professional services agreement (PSA) with DHM Design to add construction management services for the Harvie Open Space project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town hired DHM Design in 2022 to complete the site plan and construction drawings for the Harvie Open Space Project. The project was carried over into 2023, and the site plan and construction drawings are now complete.

Utilizing the construction drawings, the Town staff publicly bid the project on March 23, 2023. The agreement to build the project is being considered for approval by Town Council on this agenda. If approved, construction is anticipated to start in May of 2023. An amended PSA is needed to extend DHM's contract to provide construction management services for the project.

Staff recommends Town Council approves an amended contract with DHM Design for construction management services.

FINANCIAL IMPACT

The amendment proposes to increase the contract by \$42,945 for a total contract amount of \$107,500. Funding is appropriated in the 2023 Parks, Recreation and Open Space Fund.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 17, 2023

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Manager

Title: **Final Design Services for Clarke Farms Drainage Improvements, CIP 22-019-FE - Contract Amendment**

Amount: **Original Amount: \$83,160**
Amended Amount: \$121,205

Contractor: **Felsburg, Holt, and Ullevig**

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

EXECUTIVE SUMMARY

This item proposes a contract amendment for the final design of the Clarke Farms Drainage Improvements (CIP 22-019-FE).

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town is planning a Stormwater Capital Improvement Project within the Clarke Farms subdivision. The project aims to restore the capacity of a local channel (the West Tributary), improve overflow capacity for stormwater at several low points in local roadways, and modernize outdated detention pond infrastructure. The project is proposed in the northwest portion of Clarke Farms, generally southwest of Cherokee Trail Elementary School.

The Town initiated design of these improvements in 2022. The original concept for improvements to the local roadways included the installation of additional storm sewer infrastructure in order to increase conveyance capacity in those areas. However, as design and utility coordination progressed, the cumulative cost of these improvements was estimated to be much higher than originally thought. This was due to unanticipated utility relocations and significant rises in construction costs.

Staff now aims to revise the scope of the project to eliminate the installation of additional storm sewer and, instead, focus on improving the capacity of the overland overflow pathways. The capacity of these areas has been impacted by the installation of trails and other HOA-installed improvements over the years, and more cost-effective improvements can be made in these areas. This contract amendment provides additional design funds for the consultant, Felsburg Holt and Ullevig, to revise the design accordingly and prepare the plans for construction in early 2024.

FINANCIAL IMPACT

The contract amendment adds \$38,045 to the final design contract, for a new contract total of \$121,205. This additional amount can be accommodated in the appropriated project funds in the 2023 budget.

STRATEGIC GOAL(S)



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: April 17, 2023

Submitted By: Julia Duncan, Associate Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Manager

Title: **COYLE/PERKINS PROPERTY ANNEXATION AND ZONING**
(Continued from November 7, 2022 and February 21, 2023 and to be continued to June 5, 2023)

Applicant: Avalon Bay Communities, Inc.

Location: Southwest corner of Stroh Ranch and Crowfoot Valley Road

Department: Community Development, Julia Duncan

TRAKiT No.: ANX22-006 & Z22-017

EXECUTIVE SUMMARY

The applicant, Avalon Bay Communities, Inc., has submitted an Annexation Petition to annex a 33.4 acre parcel of land known as the Coyle/Perkins property at the southeast corner of the intersection of Stroh Road and Crowfoot Valley Road into the Town of Parker.

STAFF RECOMMENDATION

Continue

BACKGROUND/DISCUSSION

The Coyle/Perkins property is a 33.4-acre parcel of land that is located in unincorporated Douglas County at the southeast corner of the intersection of Stroh Road and Crowfoot Valley Road adjacent to the Stroh Ranch and Hess Ranch Planned Developments. It is largely undeveloped except for a small single-family house and several accessory structures that are remnants of previous agricultural uses. The subject property is located at a major gateway into the Town from the south along the Crowfoot Valley Road corridor.

On July 18, 2022, the Town Council approved Resolution 22-042 which determined that the Annexation Petition substantially complies with the State Municipal Annexation Act (the Act) C.R.S. § 31-12-107(l) and which set the public hearing date of September 6, 2022 to determine eligibility for annexation into the Town. On September 6, the Town Council approved Resolution No. 22-045 and determined that the subject property was eligible for annexation into the Town as provided by the Act.

The Town has identified the Coyle/Perkins property as a candidate for future annexation through the annual Three-Mile Plan and the Parker 2035 Master Plan. Therefore, the proposed annexation is consistent with the Town's land use policy as expressed in both plans. Further, the

subject property is eligible for annexation because it is located within the Town's Planning Area (urban growth boundary) and satisfies the contiguity requirements of the Act, C.R.S. § 31-12-104(a). The Town is required to process the Annexation Petition subject to the Act and the standards of review contained in the Municipal Code and Town Charter. The Town Council has the final decision-making authority for the submitted Annexation Petition because annexation is a legislative act.

On November 7, 2022, the public hearing to consider this Annexation was continued until February 21, 2023 to allow staff and the applicant time to continue to review the zoning for the property. On February 21, 2023, the public hearing was continued until April 17, 2023, again to allow staff and the applicant additional time to process the zoning. Staff is recommending continuing this application to June 5, 2023 to finalize the Annexation Agreement and zoning for the property.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

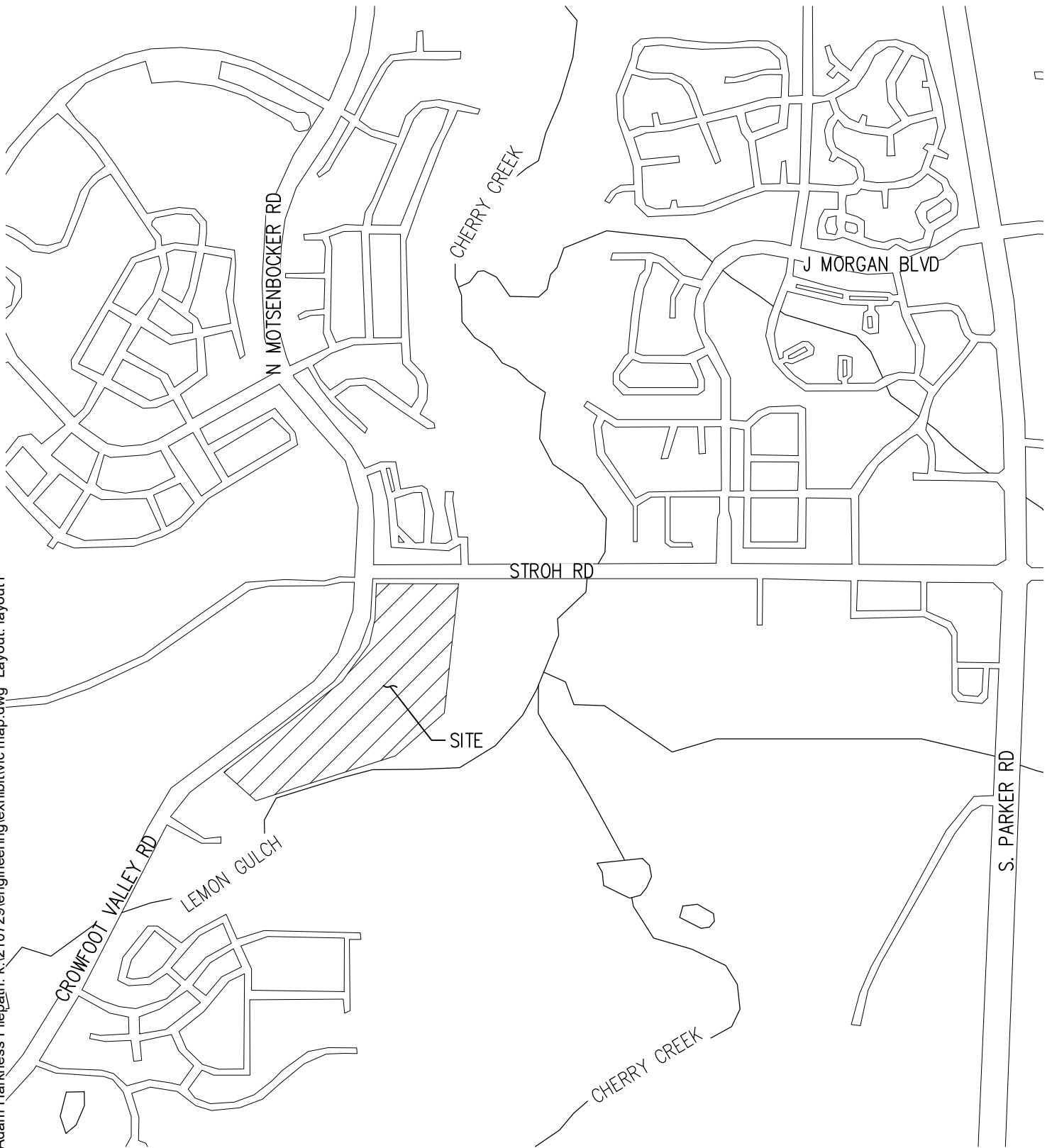
ATTACHMENTS

1. Vicinity Map
2. Avalon Bay Annexation Plat
3. Ordinance No. 2.281

RECOMMENDED MOTION

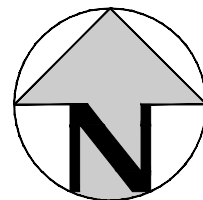
I move to continue the public hearing to consider Ordinance No. 2.281 to a date certain of June 5, 2023.

Plotted: WED 08/11/21 4:47:15P By: Adam Harkness Filepath: k:\210729\engineering\exhibit\vic map.dwg Layout: layout1



AVALON PARKER VICINITY MAP

SCALE: 1"=500'



SCALE: 1" = 500'

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

FILEPATH: K:\210729\HARRIS\ANNEXATION\DRAWING LAYOUT: COVER
NO REFS
PLOTTED: MON 06/23/2021 3:28:40 PM BY: CESAR D'HALLO

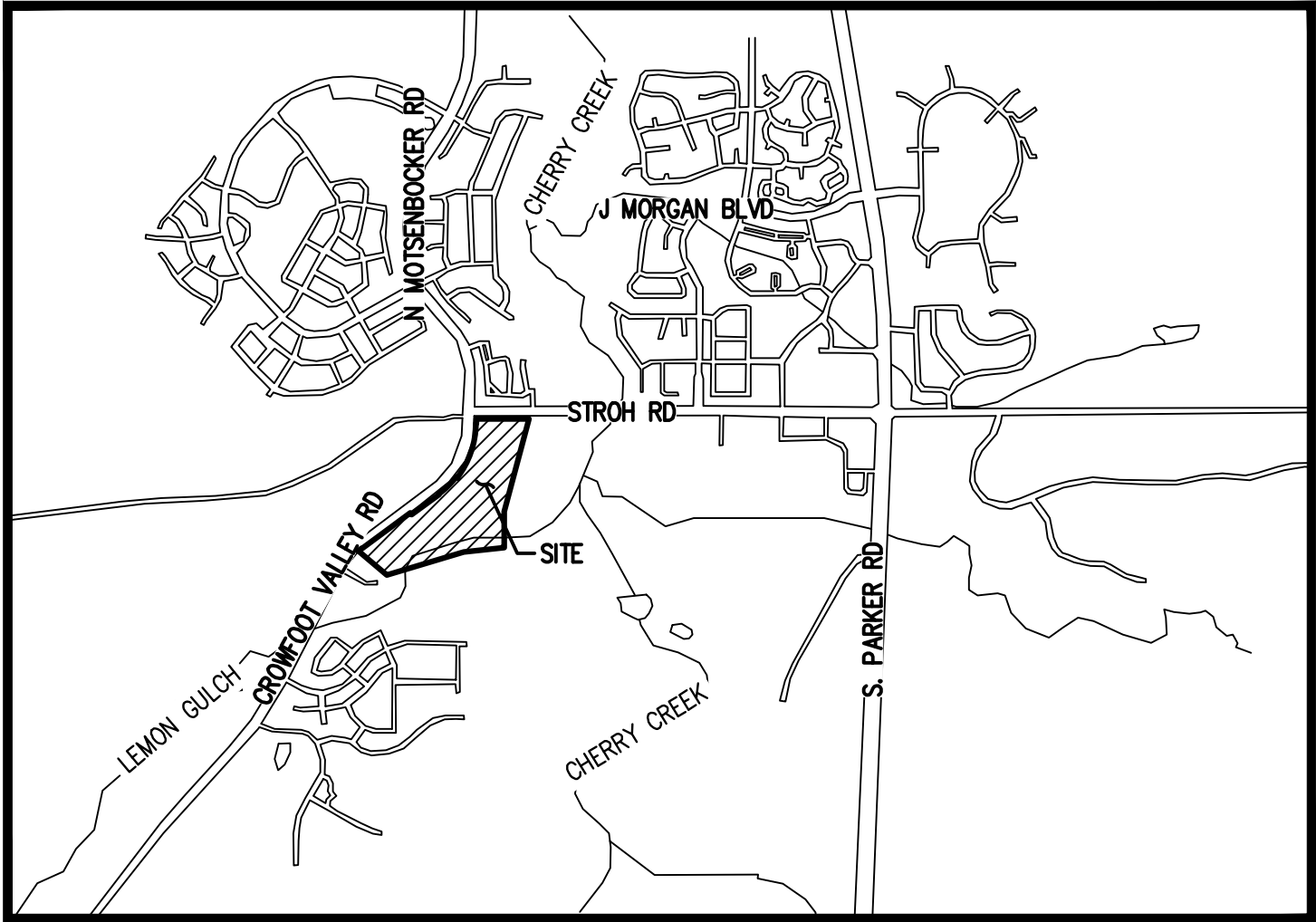
AVALON PARKER

ANNEXATION PLAT TO THE TOWN OF PARKER

BEING A PART OF THE NORTHWEST 1/4 OF SECTION 3, AND PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 1 OF 2

SHEET INDEX

1 COVER SHEET
2 PLAT SHEET



VICINITY MAP

SCALE: 1" = 1000'



SCALE: 1" = 1000'

TOWN COUNCIL CERTIFICATION:

THIS PLAT WAS APPROVED BY THE TOWN COUNCIL AND/OR, WHERE APPLICABLE, THE PLANNING DIRECTOR AND DIRECTOR OF ENGINEERING OF THE TOWN OF PARKER, COLORADO, ON THE ____ DAY OF _____, 20____ A.D., FOR FILING. THE DEDICATIONS ARE HEREBY ACCEPTED.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, CURBS, GUTTER, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE TOWN OF PARKER. THE TOWN SHALL ONLY ACCEPT MAINTENANCE OF THE ROADWAY IMPROVEMENTS AFTER CONSTRUCTION HAS BEEN COMPLETED, AND AFTER THE WARRANTY PERIOD, IN ACCORDANCE WITH TOWN REGULATIONS.

THIS ACCEPTANCE DOES NOT GUARANTEE THAT THE SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER CONDITIONS OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT WILL BE ISSUED.

MAYOR, TOWN OF PARKER

ATTEST:
TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 20____ A.D., AT _____ A.M./P.M., AND WAS
RECORDED AT RECEPTION NO. _____

COUNTY CLERK AND RECORDER

SURVEYOR'S CERTIFICATION:

I, MIGUEL A. ROMERO, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED UNDER MY DIRECT SUPERVISION; THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ANNEXED TO THE TOWN OF PARKER, COLORADO; AND THAT AT LEAST ONE SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

MIGUEL A. ROMERO, PLS 38164
FOR AND ON BEHALF OF
HARRIS KOCHER SMITH

PROPERTY DESCRIPTION:

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 3 AND PARTLY IN THE NORTHEAST QUARTER OF SECTION 4, ALL IN TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 3 AND CONSIDERING THE NORTH LINE OF SAID SECTION 3 TO BEAR NORTH 89°52'31" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE NORTH 89°52'31" EAST, A DISTANCE OF 670.60 FEET;
THENCE SOUTH 14°31'31" WEST, A DISTANCE OF 31.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STROTH ROAD/COUNTY RD #14 POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH, A DISTANCE OF 1,086.08 FEET;
THENCE SOUTH 0°07'22" EAST, A DISTANCE OF 410.08 FEET TO THE NORTH CORNER OF TRACT G, MEADOWLARK SUBDIVISION FILING NO. 1;
THENCE ALONG THE NORTH LINE OF MEADOWLARK SUBDIVISION FILING NO. 1 THE FOLLOWING 2 (TWO) COURSES:
1. SOUTH 83°29'05" WEST, A DISTANCE OF 460.85 FEET;
2. SOUTH 73°13'59" WEST, A DISTANCE OF 913.32 FEET TO A POINT ON THE NORTHEAST LINE OF AN UNPLATTED TRACT RECORDED AT RECEPTION NO. 2006089697;

THENCE NORTH 50°34'22" WEST ALONG SAID NORTHEAST LINE, A DISTANCE OF 417.09 FEET TO A POINT OF NON-TANGENT CURVATURE, POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD;
THENCE ALONG SAID EAST LINE OF CROWFOOT VALLEY ROAD THE FOLLOWING 8 COURSES:

1. ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 50.00 FEET, SAID CURVE HAVING A RADIUS OF 925.25 FEET, A CENTRAL ANGLE OF 03°05'46", AND A CHORD WHICH BEARS NORTH 51°43'54" EAST A CHORD DISTANCE OF 49.99 FEET TO THE NORTHWEST CORNER OF SAID CROWFOOT VALLEY ROAD RIGHT-OF-WAY EXPANSION, POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD;
2. ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 7 (SEVEN) COURSES:
 3. NORTH 53°16'47" EAST, A DISTANCE OF 682.35 FEET;
 4. SOUTH 36°56'11" EAST, A DISTANCE OF 24.64 FEET;
 5. NORTH 53°13'11" EAST, A DISTANCE OF 385.92 FEET TO A POINT OF CURVATURE;
 6. ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 279.31 FEET, SAID CURVE HAVING A RADIUS OF 1,010.00 FEET, A CENTRAL ANGLE OF 15°50'41", AND A CHORD WHICH BEARS NORTH 45°17'51" EAST A CHORD DISTANCE OF 278.42 FEET; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, SOUTH 52°37'30" EAST, A DISTANCE OF 15.00 FEET TO A POINT OF NON-TANGENT CURVATURE;
 7. ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 664.82 FEET, SAID CURVE HAVING A RADIUS OF 1,025.00 FEET, A CENTRAL ANGLE OF 37°09'45", AND A CHORD WHICH BEARS NORTH 18°47'38" EAST A CHORD DISTANCE OF 653.23 FEET;
 8. NORTH 0°12'45" EAST, A DISTANCE OF 55.55 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF STROTH ROAD/COUNTY RD #14;
- THENCE NORTH 89°52'31" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 595.50 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,454,691 SQUARE FEET OR 33.40 ACRES, MORE OR LESS.

GENERAL NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY HARRIS KOCHER SMITH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, HARRIS KOCHER SMITH RELIED UPON COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO.: 3020-1074516 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES AND HAVING A COMMITMENT DATE OF JULY 21, 2021 AT 5:00 PM.
2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE LINEAR UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
4. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE DEEDED NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DEED RECEPTION NO. DC8606653, BEARS NORTH 89°52'31" EAST. MONUMENTED AT THE WEST END BY A FOUND 3.25" ALUMINUM CAP, STAMPED: AZTEC CONSULTANTS INC 1999 LS 17666, IN A RANGE BOX, AND MONUMENTED AT THE EAST END BY A FOUND 3.25" ALUMINUM CAP, STAMPED: 2006 PLS 29761, IN A RANGE BOX.

SUMMARY TABLE:

TOTAL ANNEXATION AREA:
1,454,691 SQ. FT. (33.40 AC.)

TOTAL ANNEXATION PERIMETER:
6,041 FT.

ANNEXATION PERIMETER CONTIGUOUS TO PRESENT TOWN OF PARKER:
4,192 FT. (69%)

PROJECT CONTACTS:

DEVELOPER:
AVALON BAY COMMUNITIES, INC.
5050 SOUTH SYRACUSE STREET, SUITE 1025
DENVER, CO 80237

OWNER:
WILLIAM L. COYLE
PO BOX 210
KIOWA, CO 80117

THE RALPH AND MARSHA PERKINS, JR LIVING TRUST, UTA DATED MAY 24, 2021
PO BOX 210
KIOWA, CO 80117

ENGINEER/SURVEYOR:
HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

FILEPATH: K:\210729\SURVEY\ANNEX\PLATTING LAYOUT-EXHIBIT
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AVALON PARKER

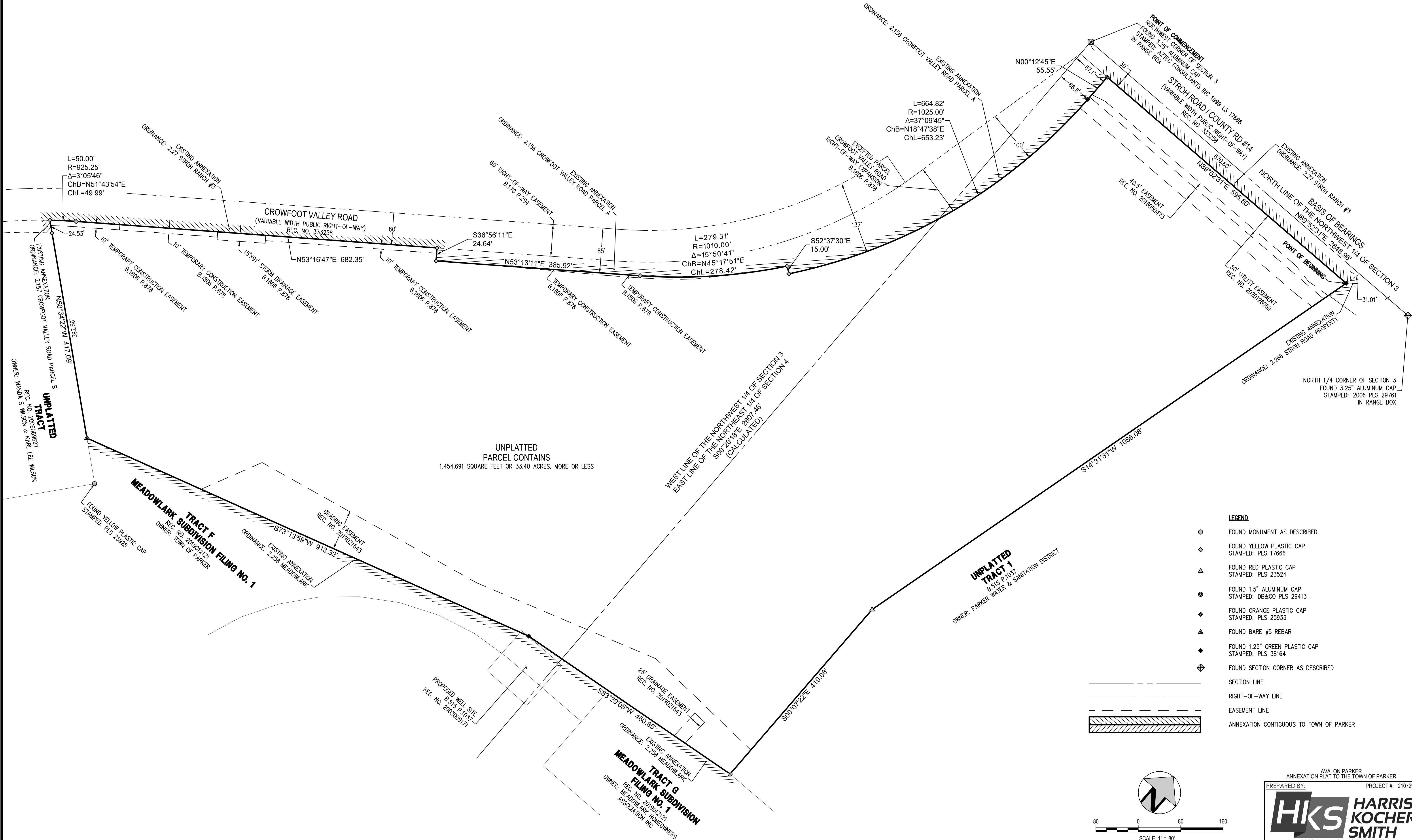
ANNEXATION PLAT TO THE TOWN OF PARKER

BEING A PART OF THE NORTHWEST 1/4 OF SECTION 3, AND PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

SHEET 2 OF 2

SHEET INDEX

1 COVER SHEET
2 PLAT SHEET



LEGEND

- FOUND MONUMENT AS DESCRIBED
- ◇ FOUND YELLOW PLASTIC CAP
STAMPED: PLS 17666
- △ FOUND RED PLASTIC CAP
STAMPED: PLS 23524
- ⊙ FOUND 1.5" ALUMINUM CAP
STAMPED: DB&CO PLS 29413
- ◆ FOUND ORANGE PLASTIC CAP
STAMPED: PLS 25933
- ▲ FOUND BARE #5 REBAR
- ◆ FOUND 1.25" GREEN PLASTIC CAP
STAMPED: PLS 38164
- ⊕ FOUND SECTION CORNER AS DESCRIBED
- SECTION LINE
- - - RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- ▨ ANNEXATION CONTIGUOUS TO TOWN OF PARKER

ANNEXATION PLAT TO THE TOWN OF PARKER
PROJECT #: 210729
HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

ORDINANCE NO. 2.281, Series of 2022

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE COYLE/PERKINS 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 _____, 2022.

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

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 3 AND PARTLY IN THE NORTHEAST QUARTER OF SECTION 4, ALL IN TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 3 AND CONSIDERING THE NORTH LINE OF SAID SECTION 3 TO BEAR NORTH 89°52'31" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 89°52'31" EAST, A DISTANCE OF 670.60 FEET;

THENCE SOUTH 14°31'31" WEST, A DISTANCE OF 31.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STROH ROAD/COUNTY RD #14 POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH, A DISTANCE OF 1,086.08 FEET;

THENCE SOUTH 00°07'22" EAST, A DISTANCE OF 410.08 FEET TO THE NORTH CORNER OF TRACT G, MEADOWLARK SUBDIVISION FILING NO. 1;

THENCE ALONG THE NORTH LINE OF MEADOWLARK SUBDIVISION FILING NO. 1 THE FOLLOWING 2 (TWO) COURSES:

1. SOUTH 83°29'05" WEST, A DISTANCE OF 460.85 FEET;

2. SOUTH 73°13'59" WEST, A DISTANCE OF 913.32 FEET TO A POINT ON THE NORTHEAST LINE OF AN UNPLATTED TRACT RECORDED AT RECEPTION NO. 2006069697;

THENCE NORTH 50°34'22" WEST ALONG SAID NORTHEAST LINE, A DISTANCE OF 417.09 FEET TO A POINT OF NON-TANGENT CURVATURE, POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD;

THENCE ALONG SAID EAST LINE OF CROWFOOT VALLEY ROAD THE FOLLOWING 8 COURSES:

1. ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 50.00 FEET, SAID CURVE HAVING A RADIUS OF 925.25 FEET, A CENTRAL ANGLE OF 03°05'46", AND A CHORD WHICH BEARS NORTH 51°43'54" EAST A CHORD DISTANCE OF 49.99 FEET TO THE NORTHWEST CORNER OF SAID CROWFOOT VALLEY ROAD RIGHT-OF-WAY EXPANSION, POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD;

2. ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 7 (SEVEN) COURSES:

3. NORTH 53°16'47" EAST, A DISTANCE OF 682.35 FEET;

4. SOUTH 36°56'11" EAST, A DISTANCE OF 24.64 FEET;

5. NORTH 53°13'11" EAST, A DISTANCE OF 385.92 FEET TO A POINT OF CURVATURE;

6. ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 279.31 FEET, SAID CURVE HAVING A RADIUS OF 1,010.00 FEET, A CENTRAL ANGLE OF 15°50'41", AND A CHORD WHICH BEARS NORTH 45°17'51" EAST A CHORD DISTANCE OF 278.42 FEET; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, SOUTH 52°37'30" EAST, A DISTANCE OF 15.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

7. ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 664.82 FEET, SAID CURVE HAVING A RADIUS OF 1,025.00 FEET, A CENTRAL ANGLE OF 37°09'45", AND A CHORD WHICH BEARS NORTH 18°47'38" EAST A CHORD DISTANCE OF 653.23 FEET;

8. NORTH 00°12'45" EAST, A DISTANCE OF 55.55 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF STROH ROAD/COUNTY RD #14;

THENCE NORTH 89°52'31" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 595.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,454,691 SQUARE FEET OR 33.40 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE DEEDED NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DEED RECEPTION NO. DC8606653, BEARS NORTH 89°52'31" EAST. MONUMENTED AT THE WEST END BY A FOUND 3.25" ALUMINUM CAP, STAMPED: AZTEC CONSULTANTS INC 1999 LS 17666, IN A RANGE BOX, AND MONUMENTED AT THE EAST END BY A FOUND 3.25" ALUMINUM CAP, STAMPED: 2006 PLS 29761, IN A RANGE BOX.



Request for Town Council Action

Date: April 17, 2023

Submitted By: Michael Grabczyk, Project Engineer

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 9.334.2 - Second Reading**
A Bill for an Ordinance Approving the Second Amendment to
Agreement Regarding Design and Construction of Drainage and Flood
Control Improvements for Cherry Creek at Dransfeldt Road
(Agreement No. 21-05.04B 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

EXECUTIVE SUMMARY

The Town of Parker, the Mile High Flood District (MHFD - formerly the Urban Drainage and Flood Control District), and the Cherry Creek Basin Water Quality Authority (CCB WQA) previously executed an intergovernmental agreement (IGA) to design and permit improvements to Cherry Creek at Dransfeldt Road adjacent to Flat Acres Farms. It is anticipated that design and permitting of these improvements will be completed in the spring of this year. The Town, MHFD, and CCB WQA would like to proceed with amending this IGA to provide funding for construction of the project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker, the MHFD, and the CCB WQA have partnered previously to design and construct several major drainage projects within the Cherry Creek corridor. This reach of Cherry Creek adjacent to Dransfeldt Road and Flat Acres Farms has been identified as unstable with various locations of bank and bed erosion, in addition to requiring a realignment of the stream and some utilities to accommodate a future roadway crossing of Dransfeldt Road. A preliminary design for several reaches of Cherry Creek, including this project, was completed in 2017. Final design and permitting efforts for this project were initiated in 2021 with the initial execution of this IGA. This amendment to the IGA is intended to fund the construction of this project, which is anticipated to begin upon receiving final permits in 2023.

FINANCIAL IMPACT

This project has been identified in the Stormwater Capital Improvements Projects 10-year plan and is included within the 2023 budget approved by Town Council. A preliminary design was completed under a 2017 IGA with the MHFD and CCB WQA, and final design was funded in

2021 under the original execution of the IGA. The Town, MHFD and CCB WQA will provide additional funding for construction of the project as shown below:

Previous Contributions:

Town of Parker	\$2,750,000.00
MHFD	\$360,000.00
CCB WQA	\$230,000.00

Contributions - this IGA
Amendment

Town of Parker	\$2,500,000.00
MHFD	\$700,000.00
CCB WQA	\$570,000.00
MHFD Special Funds Transfer	\$164,031.06

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. MHFD Vicinity Map
2. Ordinance No. 9.334.2

RECOMMENDED MOTION

I move to approve Ordinance No. 9.334.2 on second reading.



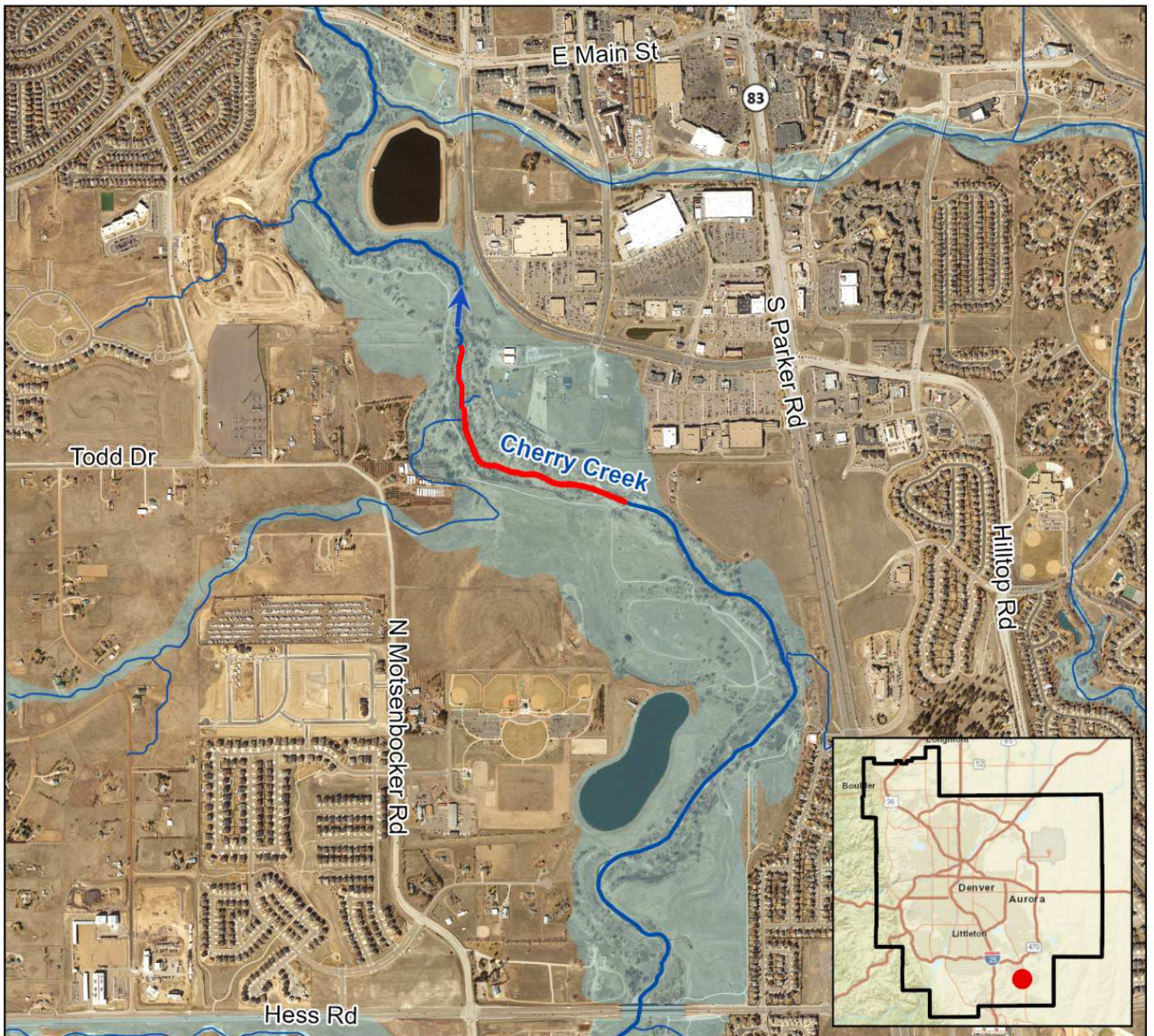
Cherry Creek at Dransfeldt



0 0.13 0.25 Miles

— Project Limits Floodplain ↑ Flow Direction

Updated 03/04/2021



ORDINANCE NO. 9.334.2, Series of 2023

TITLE: A BILL FOR AN ORDINANCE APPROVING THE SECOND AMENDMENT TO AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK AT DRANSFELDT ROAD (AGREEMENT NO. 21-05.04B 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

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 Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04B 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, 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 _____, 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

SECOND AMENDMENT TO AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK AT DRANSFELDT ROAD TOWN OF PARKER

Agreement No. 21-05.04B
Project No. 108515

THIS SECOND AMENDMENT TO AGREEMENT (hereinafter called "SECOND AMENDMENT"), 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 CHERRY CREEK BASIN WATER QUALITY AUTHORITY (hereinafter called "CCBWQA") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road" (Agreement No. 21- 05.04) dated June 23, 2021, as amended by First Amendment dated October 13, 2022, (hereinafter collectively called "AGREEMENT"); and

WHEREAS, PARTIES now desire to proceed with design and construction of drainage and flood control improvements for Cherry Creek at Dransfeldt Road (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$3,934,031.06 which includes a transfer of \$10,361.40 from Twenty Mile Detention, Agreement 99-04.01 as Amended, a transfer of \$3,286.39 from Crown Point Detention on Cottonwood Creek at E-470 Agreement 15-02.04, a transfer of \$49,179.47 from Cherry Creek at Norton Farms Agreement 13-01.40 as Amended, a transfer of \$101,203.80 from Cherry Creek at Hess Road Agreement 10-10.05 as Amended, and an additional contribution of \$3,770,000.00 in new capital funds; and

WHEREAS, Douglas County was party to the Cherry Creek at Hess Road Agreement 10-10.05 as amended but Douglas County is not Party to this Agreement. The Douglas County share of the remaining funds is not being transferred to the PROJECT and shall be refunded to Douglas County.

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 10, Series of 2023 and Resolution No. ____, Series of 2023); and

WHEREAS, the Town Council of TOWN, Board of Directors of CCBWQA, and Board of Directors of DISTRICT have authorized, by appropriation or resolution their respective shares of the PROJECT costs as defined in paragraph 4.C below.

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

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

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 \$7,274,031.06 without amendment to this AGREEMENT. PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AS AMENDED</u>	<u>PREVIOUSLY AMENDED</u>
1. Final Design	\$ 800,000.00	\$ 440,000
2. Construction	\$ 6,224,031.06	\$ 2,850,000
3. Contingency	\$ 250,000.00	\$ 50,000
Grand Total	\$ 7,274,031.06	\$ 3,340,000

- C. At the request of TOWN and CCBWQA, the following MHFD, TOWN and CCBWQA funds may be transferred to PROJECT from a separate special fund held by DISTRICT:

Project Name	Twenty Mile Detention	Crown Pont Detention	Cherry Creek at Norton Farms	Cherry Creek at Hess Road	Totals
Account No	4104	5302	5614	5608	
Agreement No	99-04.01 A	15-02.04	13-01.40 C	10-10.05 C	
Total Amount	\$10,361.40	\$3286.39	\$49,179.47	\$104,215.63	
Agreement DISTRICT %	50.00%	50.00%	50.00%	48.55%	
DISTRICT \$	\$5,180.70	\$1,643.19	\$24,589.74	\$50,596.69	\$82,010.32
Agreement TOWN %	50.00%	50.00%	27.60%	23.56%	
TOWN \$	\$5,180.70	\$1,643.20	\$13,573.53	\$24,553.20	\$44,950.63
Agreement CCBWQA %	0.00%	0.00%	22.40%	25.00%	
CCBWQA \$	\$-	\$-	\$11,016.20	\$26,053.91	\$37,070.11
Agreement Douglas County %	0%	0%	0%	2.89%	
Douglas County \$	-	-	-	\$ 3,011.83**	**
Total Special Funds Transfer					\$ 164,031.06

** Douglas County share of Cherry Creek at Hess Road Agreement 10-10.05 as amended is not part of the Special Fund Transfer and is reflected for transparency only. Douglas County share of funds will be refunded by DISTRICT.

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

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Special Funds Transfer</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	15.70%	\$360,000	\$ 82,010.32	\$700,000	\$1,142,010.32
TOWN	72.79%	\$2,750,000	\$ 44,950.63	\$2,500,000	\$5,294,950.63
CCBWQA	11.51%	\$230,000	\$37,070.11	\$570,000	\$837,070.11
TOTAL	100.00%	\$3,340,000	\$ 164,031.06	\$3,770,000	\$7,274,031.06

- E. DISTRICT Acknowledges that (i) CCBWQA does not by this Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and (ii) It is understood and agreed that notwithstanding any other provision contained herein to the contrary, any additional contribution obligation of CCBWQA hereunder, whether direct or contingent, shall extend only to funds duly and lawfully appropriated and encumbered by the Board of Directors of CCBWQA for the purposes of the Agreement, and paid into the Treasury of CCBWQA, and shall under no circumstances exceed \$837,070.11 without CCBWQA's prior express written consent.

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

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 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 the balance of each PARTY's full share (TOWN - \$5,294,950.63; CCBWQA - \$837,070.11; DISTRICT - \$1,142,010.32) shall, to the extent not already paid, 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.

3. All other terms and conditions of this AGREEMENT shall remain in full force and effect.
WHEREFORE, PARTIES hereto have caused this SECOND AMENDMENT 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 Laura A. Kroeger

Title Executive Director

Date _____

Checked By

TOWN OF PARKER

Jeff Toborg, Mayor

ATTEST:

Date _____

Town Clerk's Office

APPROVED AS TO FORM AND SUFFICIENCY:

Town Attorney's Office

CHERRY CREEK BASIN
WATER QUALITY AUTHORITY

CCBWQA Checked by

By_____

Name_ Joshua Rivero _____

Title_ CCBWQA Chairman _____

Date_____

Attest: John McCarty, CCBWQA Secretary

APPROVED AS TO FORM:

Timothy J. Flynn, General Counsel for CCBWQA



Request for Town Council Action

Date: April 17, 2023

Submitted By: Kristin Hoffmann, Town Attorney

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 13.110 - Second Reading**
A Bill for an Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Parker, Colorado, to be Known as the Town of Parker My Mainstreet General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; and Providing Other Details Relating Thereto
Department: Town Attorney, Kristin Hoffmann

EXECUTIVE SUMMARY

On November 7, 2022, the Town Council approved the Development and Financing Agreement (the “Development Agreement”) between the Town, the Parker Authority for Reinvestment (“PAR”), and CD-Parker, LLC (the “Developer”). On March 1, 2023, the Developer filed a petition (the “Petition”) for the organization of a general improvement district (the “GID”), as required by the Development Agreement . If the Town Council does not approve the organization of the GID by June 19, 2023, the Developer may terminate the Development Agreement. The purpose of this agenda item is for Town Council to consider the approval of the ordinance that is necessary for the organization of the GID.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On November 7, 2022, the Town, PAR, and the Developer entered into the Development Agreement. The Development Agreement requires the organization and operation of a general improvement district to finance a portion of the project described in that Agreement.

On March 1, 2023, the Developer filed the Petition with the Town for the organization of the GID. The Petition was signed by the Developer as the 100% owner of the taxable surface estate that consists of the EastMain parcel. The other five (5) My Mainstreet parcels may be added to the GID in the future, when those parcels are ready for development. The Petition requests that the Town Council accept the Petition and to take all steps and procedures required by law for the organization of the “Town of Parker My Mainstreet General Improvement District.” The Petition further requests that the Town Council waive all the state law requirements for notice, publication, hearing and election, as well as the bond associated with the organization of the GID.

Under state law, the Town Council is authorized to waive the notice, publication, and hearing for the organization of the GID, as well as the election and bond requirements, if a petition is submitted that is signed by 100% of the owners of the taxable property that is the subject of the petition. Here, the Developer submitted a petition to organize the GID, which was signed by the owner of 100% of the taxable surface estate for the EastMain parcel.

Under the Development Agreement, the Town Council has until June 19, 2023, to approve the ordinance that will organize the GID (the “GID Ordinance”). If the GID Ordinance is not approved by the Town Council by this deadline, the Developer may terminate the Development Agreement.

Under the GID Ordinance, the Town Council will (1) accept the Petition; (2) waive all requirements for notice, publication, hearing, election and organizational bond; (3) declare the GID organized, to be known as the Town of Parker My Mainstreet General Improvement District; and (4) establish the boundaries of the GID to be the EastMain parcel. If the Town Council adopts the GID Ordinance, the Town Clerk will record the GID Ordinance with the Douglas County Clerk and Recorder’s Office within thirty (30) days of adoption.

Under state law, the Town Council “shall constitute ex officio the board of directors” (the “Board”). The ex officio presiding officer is the Mayor, the ex officio secretary is the Town Clerk, and the ex officio treasurer is the Finance Director.

If Town Council approves the GID Ordinance, the Board will convene separate Board meetings, in much the same manner as PAR, to handle the business of the GID. Under the Development Agreement, the Board will need to convene a meeting on or before July 17, 2023, to call a special election for November 7, 2023, regarding the imposition of an additional ad valorem tax not to exceed 45 mills on the surface estate of the real property contained within the GID (the “Mill Levy Cap”). The purpose of the Mill Levy Cap is to finance a portion of the project described in the Development Agreement. The Town Clerk is recommending that the election be conducted as a mail ballot election under the Municipal Election Code.

FINANCIAL IMPACT

The revenue generated by the Mill Levy Cap will be used to cover the costs associated with the operation of the GID.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 13.110

RECOMMENDED MOTION

I move to approve Ordinance No. 13.110 on second reading.

ORDINANCE NO. 13.110, Series of 2023

TITLE: A BILL FOR AN ORDINANCE ACCEPTING A PETITION FOR THE ORGANIZATION OF A GENERAL IMPROVEMENT DISTRICT IN THE TOWN OF PARKER, COLORADO, TO BE KNOWN AS THE TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT; DECLARING THE NECESSITY OF THE FORMATION OF THE DISTRICT; ESTABLISHING AND CREATING THE DISTRICT; AND PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, the Town of Parker, in the County of Douglas and State of Colorado (the "Town") is a municipal corporation duly organized and existing under the laws of the State of Colorado and in particular under the provisions of Article XX of the Constitution of the State of Colorado and the Town's Home Rule Charter (the "Charter");

WHEREAS, the members of the Town Council have been duly elected or appointed and qualified;

WHEREAS, the Town and CD-Parker, LLC (the "Developer"), negotiated the development of mixed-use development project within the Town expected to include residential units, retail and office space, and parking (the "Project"), as described in the Development and Financing Agreement between the Town, the Parker Authority for Reinvestment, and CD-Parker, LLC, dated November 7, 2022, and recorded at Reception No. 2022071737 of the Douglas County Clerk and Recorder's Office (the "Development Agreement");

WHEREAS, it has been determined by the Developer, who owns or will own 100% of the taxable surface estate of the real property within the development area described in the Development Agreement, that it would be beneficial to create a general improvement district to finance a portion of the cost of the construction and ongoing operation and maintenance of the Project;

WHEREAS, the Developer has filed a Petition for the organization of a general improvement district in the Town of Parker, Colorado (the "Petition"), with the Town Clerk of the Town;

WHEREAS, the Petition has been reviewed by the Town Clerk;

WHEREAS, the Petition has been signed by the Developer, who is the owner of one hundred percent of the taxable surface estate of the real property to be included in the proposed district, and contains a request, pursuant to C.R.S. § 31-25-607(3.5), Colorado Revised Statutes, for waiver of all requirements for notice, publication and a hearing set forth in C.R.S. §§ 31-25-606 and 31-25-607, and of the organizational bond set forth in C.R.S. § 31-25-605;

WHEREAS, the Board of Directors of the proposed district (the "Board") anticipates referring ballot measures to the voters of the proposed District at a November 7, 2023, mail ballot election ballot in accordance with Article X, Section 20 of the Colorado Constitution; and

WHEREAS, such ballot measures must be referred to the ballot at the meeting of the Board anticipated to be held on or before July 3, 2023.

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

Section 1. **Findings and Determinations.** The Town Council hereby accepts the Petition for Organization of a General Improvement District in the Town of Parker, Colorado (the "Petition"), which requests the formation of a general improvement district to be known as "Town of Parker My Mainstreet General Improvement District." The Town Council hereby finds that the signatures on the Petition are genuine, that the Petition is signed by one hundred percent of the owners of taxable surface estate of the real property of the proposed district, and that the Petition contains a request for waiver of all requirements for notice, publication and a hearing set forth in C.R.S. §§ 31-25-606 and 31-26-607, and of the organizational bond set forth in C.R.S. § 31-25-605.

The Town Council does hereby determine that the proposed improvements and facilities do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the proposed district. The Town Council finds that the creation of the district and proposed improvements therein will confer a general benefit on the district and that the costs of the improvements will not be excessive as compared with the value of the property in the district. The Town Council hereby finds, determines and declares that the organization of the district will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the Town and the district. The Council hereby determines to grant such request for waiver and finds that the allegations of the Petition are true and that the district should be established.

Section 2. **Establishment of District.** It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Town Council, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the district for which the Petition has been filed is hereby declared organized, and that the district shall be known as the Town of Parker My Mainstreet General Improvement District (the "District"), by which, in all proceedings, it shall hereafter be known. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article 25, Title 31, Colorado Revised Statutes.

Section 3. **District Boundaries.** The District is located entirely within the boundaries of the Town and the legal description of the District boundaries is set forth in **Exhibit A**, which is attached hereto and incorporated by this reference.

Section 4. **District Improvements and Services.** A general description of the improvements to be acquired, constructed and installed within the District and the services to be provided as a part of the Project are as follows:

IMPROVEMENTS generally to be acquired, constructed, installed, operated, and/or maintained may include, but are not limited to, improvements relating to utility infrastructure

(including water, sewer, gas, electric, fiber telecommunications, and the like), life-safety improvements, accessibility improvements, beautification, roadway construction, sidewalks, landscaping and lighting within or adjacent to rights-of-way, demolition and construction of public plaza(s), public art, and other similar public improvements.

SERVICES generally to be provided may include, but are not limited to, planning, engineering, building, constructing, operating and maintaining the Improvements.

Section 5. Filing of Ordinance. Within thirty days after Town Council action on this ordinance, the Town Clerk shall transmit to the County Clerk and Recorder of Douglas County a copy of this ordinance.

Section 6. Ordinance Conclusive. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

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.

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 A

Legal Description

Surface Estate of Lot 4, Mainstreet and Pine Marketplace 4th Amendment, County of Douglas,
State of Colorado

STATE OF COLORADO)
)
COUNTY OF DOUGLAS)
)
TOWN OF PARKER)

I, Chris Vanderpool, the duly elected, qualified and acting Town Clerk of the Town of Parker (the “Town”) do hereby certify:

1. That the foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) adopted by the Town Council (the “Council”) at a regular meeting of the Council held at the Town Hall on April 17, 2023.

2. The passage of the Ordinance on first reading on April 3, 2023, was duly moved and seconded, and the Ordinance was approved by vote of a ___ to ___ of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Anne Barrington				
John Diak				
Laura Hefta				
Todd Hendreks				
Josh Rivero				
Brandi Wilks				

3. The passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Council on April 17, 2023, and the Ordinance was approved on second and final reading by vote of a ___ to ___ of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Anne Barrington				
John Diak				
Laura Hefta				
Todd Hendreks				
Josh Rivero				
Brandi Wilks				

4. The members of the Council were present at such meeting and voted on the passage of the Ordinance as set forth above.

5. The Ordinance has been signed by the Mayor, sealed with the corporate seal of the Town, attested by me as Town Clerk, and duly recorded in the books of the Town; and that the same remains of record in the book of records of the Town.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of the Ordinance.

7. Notices of the meetings of April 3, 2023, and April 17, 2023, in the form attached hereto as **Exhibit 1**, were duly given to the Councilmembers and were posted on the Town of Parker website according to Resolution No. 23-001, no later than twenty-four hours prior to the meeting, as required by law.

8. The Ordinance was posted after first and second reading on the Town website along with a notice containing a summary of the subject matter and identifying the location where the Ordinance is available for public inspection. Such notice was posted not later than five (5) business days after the adoption and remained posted for thirty (30) days.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town Clerk this _____ day of _____, 2023.

(SEAL)

Chris Vanderpool, Town Clerk

EXHIBIT 1
TOWN OF PARKER COUNCIL AGENDA
April 3, 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. 4:30 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. 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.*

3. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

4. 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 - March 20, 2023***

- B. *ORDINANCE NO. 9.334.2 - First Reading***
A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04B 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
Second Reading: April 17, 2023

- C. *ORDINANCE NO. 13.110 - First Reading*
A Bill for an Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Parker, Colorado, to be Known as the Town of Parker My Mainstreet General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; and Providing Other Details Relating Thereto
Department: Town Attorney, Kristin Hoffmann
Second Reading: April 17, 2023
- D. *RESOLUTION NO. 23-017*
A Resolution Authorizing the Possession and Consumption of Alcoholic Beverages in Discovery Park, Subject to Certain Conditions
Department: Cultural, Carrie Glassburn
- E. *RESOLUTION NO. 23-023*
A Resolution Accepting the Conveyance of a Public Sidewalk and Pedestrian Lighting Easement from Koffmann Properties, LLC, for a Portion of Lot 1, Bridgeside Subdivision
Department: Engineering and Public Works, Nathan Klass
- F. *RESOLUTION NO. 23-024*
A Resolution Accepting the Conveyance of a Public Sidewalk and Pedestrian Lighting Easement from Twin Creeks, LLC, for a Portion of Lot 2, Tallman Place Subdivision Filing No. 1
Department: Engineering and Public Works, Nathan Klass
- G. *Tanterra Filing No. 1 Acceptance of Easements*
Department: Engineering and Public Works, Alex Mestdagh
1. *RESOLUTION NO. 23-025*
A Resolution Accepting the Conveyance of Real Property from North Parker Investments, LLC, (Slope Easement) for Chambers Road, Great Plain Way, and Tammy Lane North of Great Plain Way
 2. *RESOLUTION NO. 23-026*
A Resolution to Accepting the Conveyance of Real Property from North Parker Investments, LLC, (Slope Easement) for the West Side of Chambers Road from Hess Road to Stroh Road
 3. *RESOLUTION NO. 23-027*
A Resolution Accepting the Conveyance of Real Property from Cherry Creek South Metropolitan District No. 4 (Slope Easement) for Hess Road East of Tammy Lane
 4. *RESOLUTION NO. 23-028*
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the West Side of Chambers Road at Great Plain Way

5. *RESOLUTION NO. 23-029
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the West Side of Chambers Road at Oak Gulch*
6. *RESOLUTION NO. 23-030
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the West Side of Chambers Road at Pedestrian Underpass*
7. *RESOLUTION NO. 23-031
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for Oak Gulch West of Tammy Lane*
8. *RESOLUTION NO. 23-032
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for Oak Gulch East of Chambers Road*
9. *RESOLUTION NO. 23-033
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for Oak Gulch West of Chambers Road*
10. *RESOLUTION NO. 23-034
A Resolution Accepting the Conveyance of a Drainage Easement from North Parker Investments, LLC, for the North Side of Great Plain Way*
11. *RESOLUTION NO. 23-035
A Resolution Accepting the Conveyance of a Drainage Easement from Cherry Creek South Metropolitan District No. 4 for Oak Gulch East of Tammy Lane*
12. *RESOLUTION NO. 23-036
A Resolution Accepting the Conveyance of a Drainage Easement from Cherry Creek South Metropolitan District No. 4 for Tanterra Filing No. 2*

H. CONTRACTS OVER \$100,000

1. *Construction Management Contract for Pikes Peak Drive Sidewalk Improvements Project (CIP22-041-CM)*
Amount: \$307,695
Contractor: EST, Inc.
Department: Engineering and Public Works, Bob Exstrom
2. *Rowley Downs Trail Project CIP22-037-CI*
Amount: \$379,640
Contractor: Alpine Civil Construction, Inc.
Department: Engineering and Public Works, Nathan Klass

3. *Contract Amendment for O'Brien Park Streetscape Construction Documents*
Amount: \$140,996
Contractor: PCS Group, Inc.
Department: Parks, Recreation and Open Space, Brett Collins

I. *PROCLAMATION - National Donate Life Month - Donor Alliance*

5. **PUBLIC HEARINGS**

- A. **GLADYS O'BRIEN HOUSE MDP (Continued from February 6, 2023 and March 6, 2023)**
Applicant: Parker Authority for Reinvestment, Weldy Feazell
Location: 11017 S. Pikes Peak Drive
Department: Community Development, Amber Wood Hicken
TRAKiT No.: SUB22-026

6. **CONTRACTS OVER \$500,000**

- A. **Construction Contract for Pikes Peak Drive Sidewalk Improvements Project**
Amount: \$2,240,061.05
Contractor: Elite Surface Infrastructure
Department: Engineering and Public Works, Bob Exstrom
- B. **Final Design Contract for Jordan-Newlin Improvements**
Amount: \$584,109
Contractor: Felsburg Holt & Ullevig
Department: Engineering and Public Works, Patrick Burke

7. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

8. **ADJOURNMENT**

TOWN OF PARKER COUNCIL AGENDA

April 17, 2023

Notes:

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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

- *Victims' Rights Week - Madison Lengel*
- *Eagle Scout Service Project Recognition – Dirk Patton*

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

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

B. *ORDINANCE NO. 1.575 - First Reading*

A Bill for an Ordinance to Approve the Right-of-Way Purchase and Sale Agreement by and between TMV Retail II Owners Association and the Town of Parker for a Portion of Private Roadway (AKA Stage Run) Located in Twenty Mile Village Filing No. 2, 2nd Amendment, for the Dransfeldt Road Widening Project

Department: Engineering and Public Works, Bob Exstrom

Second Reading: May 1, 2023

C. *RESOLUTION NO. 23-037*

A Resolution to Appoint the Board of Directors of the Greater Parker Foundation

Department: Town Manager, Michelle Kivela

D. *RESOLUTION NO. 23-038*

A Resolution to Amend Resolution No. 18-054, Series of 2018, to Amend and Readopt the Town of Parker Policy Manual

Department: Town Manager, Diane Arthur

E. *CONTRACTS OVER \$100,000*

1. *Professional Services Agreement - Nothing But Net - Elite Basketball Coaching*

Amount: \$100,000+

Contractor: Nothing But Net - Elite Basketball Coaching

Department: Parks, Recreation and Open Space, Meagan Nakashima

2. *Construction Management Services for Harvie Open Space*

Amount: Original Amount: \$64,555

Amended Amount: \$107,500

Contractor: DHM Design

Department: Parks, Recreation and Open Space, Brett Collins

3. *Final Design Services for Clarke Farms Drainage Improvements, CIP 22-019-FE - Contract Amendment*

Amount: Original Amount: \$83,160

Amended Amount: \$121,205

Contractor: Felsburg, Holt, and Ullevig

Department: Engineering and Public Works, Alex Mestdagh

6. PUBLIC HEARINGS

A. COYLE/PERKINS PROPERTY ANNEXATION AND ZONING (Continued from November 7, 2022 and February 21, 2023 and to be continued to June 5, 2023)

Applicant: Avalon Bay Communities, Inc.
Location: Southwest corner of Stroh Ranch and Crowfoot Valley Road
Department: Community Development, Julia Duncan
TRAKiT No.: ANX22-006 & Z22-017

- 1. ORDINANCE NO. 2.281 - Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Coyle/Perkins Property in Douglas County

7. ORDINANCES

A. ORDINANCE NO. 9.334.2 - Second Reading

A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04B 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

B. ORDINANCE NO. 13.110 - Second Reading

A Bill for an Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Parker, Colorado, to be Known as the Town of Parker My Mainstreet General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; and Providing Other Details Relating Thereto
Department: Town Attorney, Kristin Hoffmann

8. CONTRACTS OVER \$500,000

A. Harvie Open Space Construction Contract

Amount: \$1,673,760
Contractor: Richdell Construction, Inc
Department: Parks, Recreation and Open Space, Brett Collins

B. Parker Responsive Traffic Signal System Improvements (CIP 21-022)

Amount: \$668,696
Contractor: Interface Communications Company
Department: Engineering and Public Works, Chris Hudson

9. **RESOLUTIONS**

A. **RESOLUTION NO. 23-040**

A Resolution Opposing the Statewide Land Use and Zoning Preemptions in Senate Bill 23-213

Department: Town Council

10. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

11. **ADJOURNMENT**



Request for Town Council Action

Date: April 17, 2023
Submitted By: Brett Collins, Projects Administrator
Reviewed By: Michelle Kivela, Town Manager
Title: **Harvie Open Space Construction Contract**
Amount: **\$1,673,760**
Contractor: **Richdell Construction, Inc**
Department: **Parks, Recreation and Open Space, Brett Collins**

EXECUTIVE SUMMARY

This is for award of a \$1,521,600 Trade Contractor Agreement with Richdell Construction, Inc., for the Harvie Open Space Construction Project (CIP18-012-CI), plus a 10% project contingency in the amount of \$152,160 for a total project budget of \$1,673,760.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town acquired the Harvie Open Space located at Mainstreet and Canterbury Parkway in 2017 from Douglas County. As part of the acquisition of the property, a Conservation Easement outlines the specific uses and activities allowed on the Harvie Open Space Property. These uses include soft surface trails, picnic shelters, fencing, a soft surface parking lot, a restroom, and signage.

In 2017, a community process was initiated to gain input from Parker Town residents on the proposed improvements and comments from the participants were incorporated into the conceptual plan. In 2023, a site plan was developed based on the conceptual plan. The Planning Commission recommended approval of the site plan by the Town Council on February 23, 2023, and the Town Council approved the plan on March 6, 2023, at a public hearing.

Construction drawings based on the site plan were completed and put out to bid. Town staff publicly opened competitive sealed bids on March 23, 2023 for the Harvie Open Space Project (CIP18-012-CI). Seven bids were received as follows:

1. Richdell Construction, Inc.	\$1,521,600
2. H&L Concrete, Inc.	\$2,000,015
3. ECI Site Construction Management, Inc.	\$2,047,275
4. Elevated Excavating, Inc.	\$2,214,398
5. American Civil Constructors, LLC	\$2,570,624

6. Graham	\$2,652,035
7. Western States Reclamation, LLC	\$2,867,741

The lowest conforming bid was from Richdell Construction, Inc., in the amount of \$1,521,600. Richdell Construction, Inc., has recently completed the O'Brien Park Playground Project for the Town and performed excellent work. Because of the wide range of bid prices, staff confirmed with Richdell Construction, Inc. that their bid was accurate and included all bid items for the project.

The project construction is anticipated to start in May 2023 and be completed by October 2023. Staff recommends moving forward with a construction contract award to Richdell Construction, Inc.

FINANCIAL IMPACT

Funding for this project's construction is appropriated in the 2023 Parks, Recreation and Open Space Fund. Staff recommends approval of a \$1,673,760 project budget, which includes a 10% project contingency in the amount of \$152,160 to cover unforeseen expenses.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 17, 2023
Submitted By: Chris Hudson, Deputy Director of Engineering
Reviewed By: Michelle Kivela, Town Manager
Title: **Parker Responsive Traffic Signal System Improvements (CIP 21-022)**
Amount: **\$668,696**
Contractor: **Interface Communications Company**
Department: **Engineering and Public Works, Chris Hudson**

EXECUTIVE SUMMARY

This item is to award a trade contractor agreement with Interface Communications Company for the Parker Responsive Traffic Signal System Improvements (CIP21-022) for \$668,696.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town issued a "Notice to Bidders" for proposals for the Parker Responsive Signal System Improvements (CIP21-022) on February 15, 2023 with the proposals (bids) publicly opened on March 15, 2023. The project consists of the installation of seven (7) traffic radar count stations throughout the Town and is a continuation of the count stations installed along Parker Road in 2020. The improvements will allow for the expansion of the responsive traffic signal timing throughout the majority of the Town as the existing system is limited to Parker Road. The project is also partially funded through a Federal/CDOT grant that was approved by the Town Council via Ordinance 9.330 on June 7, 2021. The Town received concurrence from CDOT to award this project on April 5, 2023.

The Town received bids from two (2) contractors, with Interface Communications Company being the lowest responsible bidder. Interface Communications Company has successfully completed traffic signal projects as a subcontractor with the Town in the past and is currently under contract to construct three (3) traffic signals for the Town in 2023. They are familiar with projects that have Federal/CDOT funded constraints as they are actively involved with over a dozen other partially funded Federal projects. Therefore, staff recommends awarding this contract to Interface Communications Company. The bid results were as follows:

Interface Communications Company	\$668,696
Lighthouse Transportation Group	\$772,893

FINANCIAL IMPACT

Funding for this project is part of the approved 2023 Capital Improvement Fund. The Town will assume the long-term maintenance of the infrastructure. The Town currently has the Traffic Services staff and resources to maintain the new infrastructure but will require additional annual funding in future years for maintenance supplies and operational costs.

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 17, 2023
Submitted By: Kelsey Hall, Assistant Town Attorney
Reviewed By: Michelle Kivela, Town Manager
Title: **RESOLUTION NO. 23-040**
A Resolution Opposing the Statewide Land Use and Zoning
Preemptions in Senate Bill 23-213
Department: Town Council

EXECUTIVE SUMMARY

On March 22, 2023, the Colorado Legislature introduced SB 23-213 (the “Bill”), which attempts to address the housing affordability crisis across the state by setting statewide standards for municipal zoning laws in order to increase the supply of affordable housing. This involves, among other things, requiring municipalities to create a housing needs plan that adopts affordability strategies and the creation of minimum land use standards to be adopted by local governments, including allowing denser housing options as a use by right.

The Colorado Municipal League (“CML”) hosted an Executive Director Town Hall on March 29, 2023, at which it expressed numerous concerns with the Bill, including its preemption of home rule authority, unintended consequences of the legislation, and a concern that the Bill as drafted would do little to increase the supply of affordable housing. CML is therefore urging its members to pass a resolution opposing the Bill.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Staff provided Town Council with an overview of the Bill’s contents at a study session held on April 10, 2023. Staff also discussed concerns that had been raised by CML, as well as those developed by staff while reading through the Bill. These concerns include:

1. DOLA’s transformation into an enforcement agency with vast rulemaking authority;
2. The usurpation of home rule authority over land use, which has traditionally been viewed as a matter of local control;
3. Confusing language throughout the Bill that may result in litigation, such as a lack of definition for when a municipality imposes “unreasonable costs and delays” on a project;
4. The Bill may not be compatible with every community and represents a one-size-fits-all approach to a problem that demands tailored solutions for each local community;
5. Counties are not subject to the Bill’s requirements, even though significant

- development activity occurs at the county level;
6. The Bill as drafted may not result in increasing the supply of affordable housing;
 7. The Town may need to delay its implementation of the Land Development Ordinance modernization project in order to comply with the Bill's provisions and DOLA's rules; and
 8. Additional parking is prohibited for denser developments without a corresponding increase in investment in public transportation to support such density.

Town Council shares these concerns and, therefore, directed staff to present the sample resolution in opposition to the Bill provided by CML.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Resolution No. 23-040

RECOMMENDED MOTION

I move to approve Resolution No. 23-040.

RESOLUTION NO. 23-040, Series of 2023

TITLE: A RESOLUTION OPPOSING THE STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning, because local governments are closest to the land and to the people that occupy it;

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

WHEREAS, Senate Bill 23-213 would place statewide mandates on hyper local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community;

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners; and

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters.

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

Section 1. It is the position of the Town Council of the Town of Parker that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation, not top-down statewide mandates and giveaways to special interests, are the solution to Colorado's affordable housing problem

Section 2. The Town Council of the Town of Parker opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk