

TOWN OF PARKER COUNCIL AGENDA
October 15, 2018

Notes:

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

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

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

1. **TOWN COUNCIL MEETING SCHEDULE**

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

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

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

2. **SPECIAL PRESENTATIONS**

3. **PARKER CHAMBER OF COMMERCE UPDATES**

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

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

6. **TOWN ADMINISTRATOR**

- **Fall 2018 Town Administrator's Report**

7. **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 - October 1, 2018**

- B. *ORDINANCE NO. 1.520 - First Reading*
A Bill for an Ordinance Conveying a 50-Foot Nonexclusive Easement to Parker Water and Sanitation District for Water and Sewer Lines to be Located in Stroh Road
Department: Engineering/Public Works, Chris Hudson
Second Reading: November 5, 2018
- C. *ORDINANCE NO. 4.89.5 - First Reading*
A Bill for an Ordinance to Amend Sections 11.01.030, 11.01.060 and 11.01.080 of the Parker Municipal Code Concerning the Parker Administrative Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- D. *ORDINANCE NO. 4.91.6 - First Reading*
A Bill for an Ordinance to Amend Sections 11.02.020, 11.02.050, 11.02.060 and 11.02.080 of the Parker Municipal Code Concerning the Parker Residential Code for One- and Two-Family Dwellings Building Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- E. *ORDINANCE NO. 4.92.5 - First Reading*
A Bill for an Ordinance to Amend Sections 11.03.020, 11.03.050, 11.03.060 and 11.03.080 of the Parker Municipal Code Concerning the Parker Building Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- F. *ORDINANCE NO. 4.93.5 - First Reading*
A Bill for an Ordinance to Amend Sections 11.04.020, 11.04.050, 11.04.060 and 11.04.080 of the Parker Municipal Code Concerning the Parker Fire Protection Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- G. *ORDINANCE NO. 4.94.4 - First Reading*
A Bill for an Ordinance to Amend Sections 11.06.020, 11.06.050, 11.06.060 and 11.06.080 of the Parker Municipal Code Concerning the Parker Mechanical Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- H. *ORDINANCE NO. 4.95.4 - First Reading*
A Bill for an Ordinance to Amend Sections 11.07.020, 11.07.050, 11.07.060 and 11.07.080 of the Parker Municipal Code Concerning the Parker Plumbing Code
Department: Building, Randy Sale
Second Reading: November 5, 2018

- I. *ORDINANCE NO. 4.96.4- First Reading*
A Bill for an Ordinance to Amend Sections 11.14.020, 11.14.050, 11.14.060 and 11.14.080 of the Parker Municipal Code Concerning the Parker Energy Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- J. *ORDINANCE NO. 4.97.4 - First Reading*
A Bill for an Ordinance to Amend Sections 11.15.020, 11.15.050, 11.15.060 and 11.15.080 of the Parker Municipal Code Concerning the Parker Fuel Gas Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- K. *ORDINANCE NO. 4.101.5 - First Reading*
A Bill for an Ordinance to Amend Sections 11.16.010, 11.16.050, 11.16.060 and 11.16.080 of the Parker Municipal Code Concerning the Parker Property Maintenance Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- L. *ORDINANCE NO. 4.105.2 - First Reading*
A Bill for an Ordinance to Amend Sections 11.08.020, 11.08.050, 11.08.060 and 11.08.080 of the Parker Municipal Code Concerning the Parker Existing Building Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- M. *ORDINANCE NO. 4.106.2 - First Reading*
A Bill for an Ordinance to Amend Sections 11.09.020, 11.09.050, 11.09.060 and 11.09.080 of the Parker Municipal Code Concerning the Parker Swimming Pool and Spa Code
Department: Building, Randy Sale
Second Reading: November 5, 2018
- N. *ORDINANCE NO. 5.81 - First Reading*
A Bill for an Ordinance to Amend Title 3 of the Parker Municipal Code Authorizing the Municipal Court to Maintain a Supervision Office Through the Court Clerk's Office
Department: Municipal Court, Kevin Sidel
Municipal Court, Sue Ratcliff
Second Reading: November 5, 2018
- O. *RESOLUTION NO. 18-056*
A Resolution to Approve the First Amendment to Town Administrator Employment Agreement
Department: Town Council

- P. *RESOLUTION NO. 18-063*
A Resolution Finding Substantial Compliance of the Norton Property's Annexation Petition with C.R.S. § 31-12-107 and Setting a Public Hearing on December 3, 2018, for the Purpose of Considering Said Annexation
Department: Community Development, Stacey Nerger
Community Development, Carolyn Parkinson
- Q. *RESOLUTION NO. 18-069*
A Resolution to Approve the Twelfth Amendment to Town Attorney Employment Agreement
Department: Town Council
- R. *RESOLUTION NO. 18-070*
A Resolution to Approve the Tenth Addendum to Agreement with Judge Kevin Sidel
Department: Town Council
- S. *RESOLUTION NO. 18-071*
A Resolution Accepting the Conveyance of a Drainage Easement from HR935, LLC, for a Part of the Northeast Quarter of Section 9, Township 7 South, Range 66 West of the Sixth Principal Meridian for Conveyance of the South Pond
Department: Engineering/Public Works, Alex Mestdagh
- T. *RESOLUTION NO. 18-072*
A Resolution Accepting the Conveyance of a Drainage Easement from HR935, LLC, for a Part of the Northeast Quarter of Section 9, Township 7 South, Range 66 West of the Sixth Principal Meridian for Conveyance of the North Pond
Department: Engineering/Public Works, Alex Mestdagh
- U. *CONTRACTS ABOVE \$100,000*

Land Development Ordinance - Modernization
Amount: \$299,990
Contractor: Clarion Associates, LLC
Department: Community Development, Mary Munekata
- V. *PROCLAMATION - Community Planning Month, October 2018*
Department: Town Council
- W. *PROCLAMATION - Small Business Saturday 2018 - November 24, 2018*
Department: Town Council

8. **ORDINANCES**

- A. ORDINANCE NO. 3.01.115 - Second Reading**
A Bill for an Ordinance to Amend Section 13.04.210 of the Parker Municipal Code
Concerning Temporary Structures and Uses

Department: Town Attorney, Jim Maloney

- B. ORDINANCE NO. 5.74.2 - Second Reading**
A Bill for an Ordinance to Amend Section 6.06.050 and Section 6.06.100 of the Parker
Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire
Bans

Department: Town Attorney, Jim Maloney

9. ADJOURNMENT

Parker Town Council

Executive Session Agenda

October 15, 2018

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

1. Centennial Airport Community Noise Roundtable Memorandum of Understanding
2. Proposed extension of plats/subdivision agreements for Compark Village South and proposed Third Amendment to Intergovernmental Agreement with Douglas County concerning Belford Avenue
3. Proposed extension of plats/subdivision agreements for Trails at Crowfoot Filing Nos 9-13

"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)."

4. Section 13.04.020(h) of the Parker Municipal Code (plat exemption)
5. *Benjamin Ramsey et. al. v. Southwest Correctional Medical Group, et. al*, United States District Court
6. *South Metro Fire Rescue Fire Protection District v. Parker Authority for Reinvestment, et al.*, Douglas County District Court Case No. 17CV30549



Town Administrator's Report

Fall 2018



PARKER
C O L O R A D O

Town of Parker
20120 E. Mainstreet
Parker, CO 80138

Tel: 303.841.0353
Fax: 303.805.3153
townadministrator@parkeronline.org



Communications

Department News

Choose Parker Videos

The Communications Department rolled out a new “Choose Parker” video in August 2018, promoting the importance of shopping local and the impact it has on the services and amenities the Town is able to provide. The Choose Parker campaign continues with local business features and more to come!

Recreation Brochure

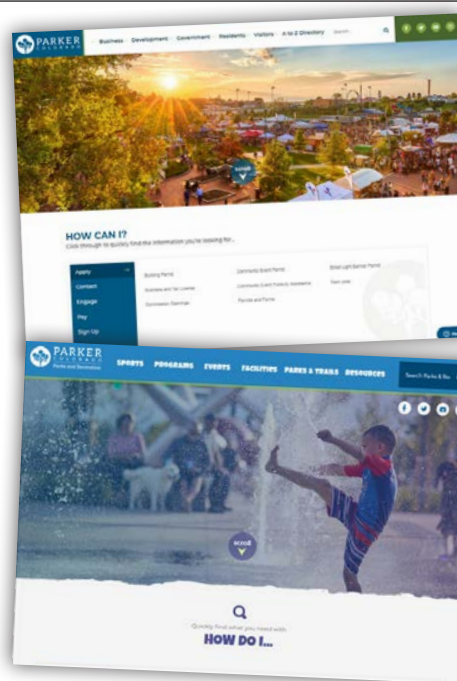
The winter issue of the Parker Parks and Recreation brochure (pictured at right) is underway and will be mailed to all 80134 and 80138 zip codes in December 2018.



Website Redesign Update

After an in-depth community outreach and redesign process, the new Town of Parker website launched on Sept. 6, 2018 and the redesigned Parks and Recreation Department website is scheduled to go live on Oct. 11, 2018. Things have changed significantly since our last redesign in 2014, when the majority of users were accessing the websites through a desktop computer. Since more than half of our current websites visitors are now using mobile devices, the new sites were designed for mobile use and we’ve simplified our content and navigation to ensure a user-friendly experience.

Have feedback on the new websites? Email ca@parkeronline.org and we’ll be sure to pass it along to the appropriate staff contact.



Holiday Events



The holiday season is upon us! Celebrate with the Town of Parker’s annual holiday events. The Town will usher in the holidays on Friday Nov. 23 with the Mayor’s Holiday Lighting presented by Xfinity and Ent Credit Union at O’Brien Park. Then don’t forget to mark your calendars for the Christmas Carriage parade presented by Xfinity on Saturday, Dec. 8 at noon.

Learn more about these wonderful Town traditions at www.ParkerOnline.org/MayorsHolidayLighting and www.ParkerOnline.org/CarriageParade.

Colorado Parks and Recreation Association (CPRA) Conference Presentation



Jaime Vollertsen (pictured above) presented as part of a team at the CPRA Conference in September on events and sponsorship. Kudos to Jaime for taking on this leadership opportunity!

Communications - cont'd

3rd Quarter Digital Marketing Report

Social Media

The following statistics were collected from the Town of Parker's and Parker Parks and Recreation's Facebook, Twitter and Instagram accounts between July 1 and Sept. 30.

Account Followers

Town Facebook: 13,194 to 13,835; +5%
Town Twitter: 3,179 to 3,438; +8%
Town Instagram: 1,144 to 1,559; +36%
Parks and Recreation Facebook: 6,247 to 6,519; +4%
Parks and Recreation Twitter: 1,619 to 1,671; +3%
Parks and Recreation Instagram: 954 to 1,064; +11%

Post Engagement

(number of likes, comments, shares, link clicks)

Town Social Media Accounts: 77,876
Parks and Recreation Social Media Accounts: 24,217

Post Impressions (number of views)

Town Social Media Accounts: 947,540
Parks and Recreation Social Media Accounts: 314,820

Follow the Town of Parker (@TownofParkerCO) and Parker Parks and Recreation (@ParkerRec) with the same username on each platform.

Website Statistics

The following statistics demonstrate activity for the Town of Parker (www.ParkerOnline.org) and Parker Parks and Recreation (www.ParkerRec.com) website between July 1 and Sept. 30.

Website Visits

Town of Parker: 102,455
Parks and Recreation: 83,568

Page Views

Town of Parker: 185,924
Parks and Recreation: 201,110



26,228 impressions; 18,497 video views; 2,418 reactions, comments and shares
#ChooseParker: Our unique community is warm and welcoming with great parks, trails, safe neighborhoods and roads.



12,736 impressions; 2,054 reactions, comments and shares
Experience Rueter-Hess Reservoir on your own paddleboard, canoe or kayak.



8,957 impressions; 3,713 reactions, comments and shares
To help reduce accidents at the Parker Road and Mainstreet intersection, the Town has implemented a traffic signal change.



7,851 impressions; 806 reactions, comments and shares
Today is national Dog Day — let's celebrate! Share a picture of your dog in the comments below.



Town Instagram: 258 likes
Double tap to show your gratitude for the Parker Police Department in honor of First Responder Appreciation Day.



Parks and Recreation Instagram: 152 likes
#ParkerRec was well represented at the CPRA Conference. We had excited attendees, 1 Board Member, 2 speakers and 2 big award winners! #coparksandrec



Community Development

Building Division Statistics - 3rd Quarter 2018

Single-Family Permits: 54 \$20,251,361 Q3 valuation ----- 287 total in 2018 \$105,011,571 total valuation ----- 326 / \$118,750,775 End Q3 2017	Commercial Permits (Remodel): 255 \$1,591,890 Q3 valuation ----- 682 total in 2018 \$13,454,283 total valuation ----- 751 / \$14,363,591 End Q3 2017
Multi-Family Permits: 5 \$1,158,101 Q3 valuation ----- 29 total for 274 units in 2018 \$41,533,388 total valuation ----- 19 / \$48,540,272 End Q3 2017	Other Permits: 652 \$4,166,212 Q3 valuation ----- 1,750 total in 2018 \$10,208,685 total valuation ----- 1,718 / \$8,586,711 End Q3 2017
Commercial Permits (New): 5 \$17,229,283 Q3 valuation ----- 28 total in 2018 \$48,562,299 total valuation ----- 31 / \$34,991,534 End Q3 2017	Total Permits: 971 \$44,396,847 Q3 valuation ----- 2,776 total in 2018 \$218,770,226 total valuation ----- 2,845 / \$225,232,883 End Q3 2017
Inspection: 10,259 ----- 31,132 total in 2018 23,998 End Q3 2017	

Project Focus: New Medical Office Building

A new project currently under review is a site plan request for a new medical office building located on the Parker Adventist Campus at the southeast of Parker Road and Crown Crest Boulevard.

The proposed project will be a five story, 115,333 sq. ft. medical office building that will be connected to the Parker Adventist Hospital via an enclosed pedestrian bridge.



Comprehensive Planning

Parker Road Corridor Plan

The restart of the Parker Road Corridor Plan is in full swing! Planning staff, along with consultant Kimley-Horn, recently completed Community Workshop #1 and are continuing stakeholder outreach with Town Departments and project partners, including CDOT, RTD and E-470. The consultant is currently examining the corridor's existing conditions and key influences. Next steps include a revised corridor vision and goals, and development of a land use and transportation framework plan that will provide initial recommendations and strategies for future desired outcomes in the corridor. For more information on this project, visit the project webpage at www.ParkerOnline.org/ParkerRoadCorridorPlan.

Parker 2035 Master Plan Update

Parker's 2035 Master Plan was formally adopted in 2014 and serves as a policy document to guide future development for the Town. Since this time, the Town has adopted additional planning documents to help support the goals and strategies of the Master Plan. The minor update of the Master Plan includes:

- Mainstreet Master Plan - Map and text amendments to reflect our community vision for downtown as set forth in the adopted Mainstreet Master Plan;
- Complete Streets - Reference the new Town's new Complete Streets Policy;
- Parks Recreation and Open Space Master Plan 2018-2022 - Text amendments to reference this plan as an important town-wide component of the Parker 2035 Master Plan; and
- Important Intersections - Clarification language that better defines desired commercial areas as a part of important intersections referred to as Neighborhood and Community Centers in the Plan.

New Parking Standards for the Greater Downtown District

In 2017, the Community Development Department and consultant Kimley Horn began working towards implementing the newly adopted Downtown Parking Study and Plan's implementation strategies. New parking requirements will apply to Parker's Greater Downtown District area, and a public draft of the requirements will be posted online in early October for public review. For more information on this project, please visit the project webpage at www.ParkerOnline.org/DowntownParkingStudy.

Community Development - cont'd

Development Review - Project Updates

Development Projects of Interest - Under Review

See the Development Tour Map at www.ParkerOnline.org/Development for information on all projects in Town.

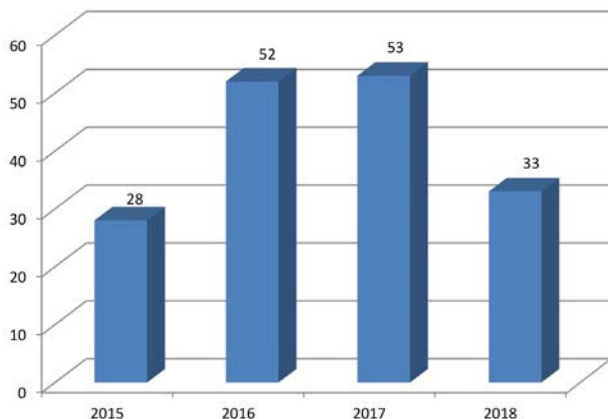
<i>Project Description</i>	<i>Project Type</i>	<i>Case#</i>
Lincoln Meadows Multi-Tenant Buildings	Site Plan Subdivision	SP17-108 SUB18-017
Lincoln Professional Park	Annexation Zoning	ANX18-003 Z18-017
Parker Auto Plaza Filing 1 Amendment 2 Multi-Lot Commercial Preliminary Site Plan and Replat	Preliminary Site Plan Replat	SP18-047 SUB18-020
Parker Auto Plaza Filing 2 Amendment 2 - Parker Auto Mart	Site Plan	SP18-020
Crown Point Filing 1, Amendment 18	Site Plan	SP18-081
Parker Pointe Commercial Minor Development Plan and Site Plans	Subdivision Site Plans	SUB17-058 SP17-095 SP17-096
Sunmarke Filing 1	Sketch Plan Preliminary Plan Zoning	SUB18-030 SUB18-034 Z18-018
Cottonwood Highlands F4 AMD2 and F5 AMD2 Sketch Plan	Sketch Plan	SUB18-037
Trails at Crowfoot (Hess Ranch) Single Family and Duplex Homes	Final Plats	SUB17-050 SUB17-051 SUB17-052 SUB17-053
Westcreek Condominiums	Site Plan Replat	SP18-037 SUB18-012

Community Development - cont'd

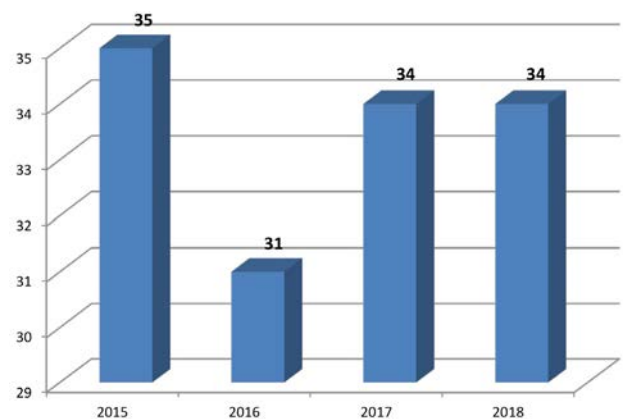
Major Administrative Approvals - Third Quarter 2018

Proposal	Applicant	Case #	Approval
Demolition of Existing Building <i>Mainstreet/East Victorian Drive</i>	P3 - Parker Authority for Reinvestment	SP18-085	Sept. 25
Tom's Diesel Repair Building <i>Dransfeldt/20-Mile Road</i>	Tom Franklin	SP17-069	Aug. 29
Parker Adventist Hospital Parking Lot Expansion <i>Parker Road/Crown Point Boulevard</i>	Parker Adventist Hospital	SP17-062	Aug. 14
Parker Towing Storage Yard <i>Progress Way/Mountain Man Drive</i>	Ellis Properties LLC	SP16-059	July 13
Murphy Express Gas Station and Convenience Store <i>Parker Road/Stroh Road</i>	Reata Ridge Realty Partners LLC	SP17-075	Aug. 17
Gas Station and Convenience Store <i>Parker Road/Cockriel Drive</i>	Sinclair Oil Corporation	SP18-015	July 2
Multi-Tenant Retail Building <i>Parker Road/Lincoln Avenue</i>	Armstrong Capital Development LLC	SP18-032	Aug. 6
Solomon Foundation 2nd Structure <i>Pine Lane/Jordan Road</i>	Solomon Foundation	SP17-038	Aug. 15

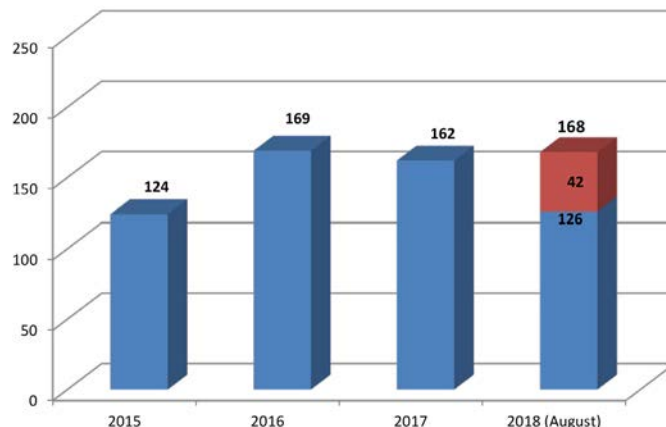
Development Review Submittals* - 3rd Quarter



Development Review Approvals* - 3rd Quarter



Development Review Submittals* - Year Total



■ Completed
■ Year-End Projection

* Annexation, Site Plan, Subdivision and Zoning



Cultural Department

Education

- Summer 2018 brought in record attendance numbers at Parker Arts as staff continue to strategize the most efficient and effective use of the PACE Center and The Schoolhouse facilities. Parker Arts held 51 summer camps reaching over 1,000 students from Parker, Castle Rock, Highlands Ranch, Aurora, Littleton, Elizabeth and Franktown. Each classroom was occupied for two camps per day, in addition to the PACE Center kitchen, dance studio, and both the PACE Center and Schoolhouse theaters which were occupied by summer-campers at various times throughout the summer when available. There wasn't a dull moment from June to August!
- Parker Arts and Inspire Theater Company partnered for the third annual youth summer production at The Schoolhouse Theater. This year's summer production of High School Musical supported a cast of 37 teens, and utilized 9 student stagehands and 6 student apprentices. Seven shows brought in 1,267 audience members from the community to support our local, talented youth.



Outreach

- The 11th Annual Parker Arts Honey Festival (pictured below at left) took place at O'Brien Park on Aug. 5, bringing in over 1,500 visitors and 20 honey and bee-friendly organizations that sold honey and beekeeping products and educated festival-goers on the importance of the honey bee. Parker Arts provided information on the Town beekeeping ordinance, while Tagawa Gardens handed-out bee-friendly plants. Vitamin Cottage provided honey sticks for tasting, and Murdoch's donated a beekeeping starter kit to one lucky patron! Special guests presented on topics from how to become a beekeeper to how to establish a bee-friendly garden. Special thanks to Joe Kompurda with Bee Swarm Rescue, Luan Akin from Tagawa Gardens, and Kate Hogan from the Denver Audubon Society for their informative lectures.
- On Sept. 22, we held Parker Quest, a partnership with the Parker Area Historical Society. This entertaining scavenger hunt educates young and old alike about the history of Parker, and over 300 citizens participated this year.

Strategic Plan Update

- Over the last quarter, we have made significant progress on our 2019-2023 Cultural Strategic Plan. With the help of an 11-member committee made of up cultural stakeholders, we conducted research, posted a community-wide survey to get feedback and held a SWOT analysis session. We used the results of all of this to draft a proposed strategic plan outline. This plan will be approved by the Cultural Commission and Town Council shortly, and the final plan will be communicated to citizens by the end of 2018.

Development

- We now have 626 households that are part of our Family Circle Member program.
- This quarter's Family Circle Member events included a sneak peek at the new Meow Wolf coming soon to Denver; meet and greet receptions for Tracy Byrd, Morgan James and The Piano Men; and a back stage tour and dress rehearsal for A Chorus Line.
- We tested selling a new offer to our Family Circle Members that includes tickets to all four of the Uncharted Series concerts for \$99. Twenty-eight people signed up for this offer.
- This quarter, we welcomed new sponsors Embassy Suites, Inspire Theater Company and AllState Insurance, along with returning sponsors State Farm and Southeast Christian Church.

Ticket Revenue - as of Sept. 30

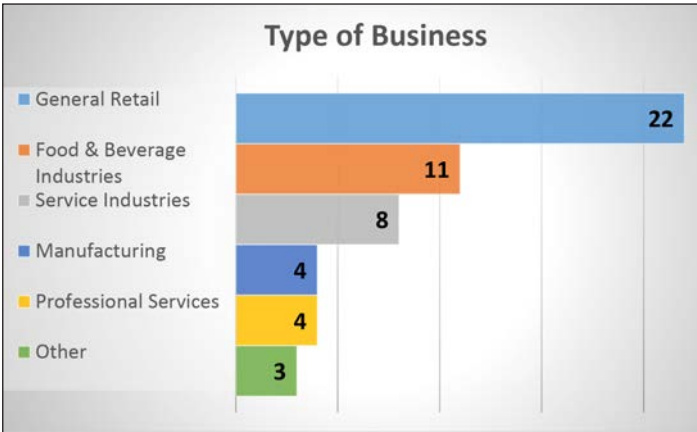




Economic Development

Business Retention Visits

- Retention efforts continue at a vigorous pace.
- Fifty-two (52) visits have been completed through the third quarter.



Geographical Areas	# of Visits
Cottonwood Retail Area	2
Crown Point Retail Area	3
Lincoln Ave & Jordan Rd	2
Parker Rd & Lincoln Ave	6
Mainstreet & Parker Rd	15
Flatacres Retail Area	9
Dransfeldt Light Industrial Area	12
Stroh Ranch Retail Area	2
Other Areas	1
Total	52

Colorado Smart Cities Symposium

On Sept. 18, Darlene McCampbel represented the Town at the inaugural Colorado Smart Cities Symposium (pictured below).

The Smart Cities initiative involves stakeholders across the Colorado ecosystem seeking to align with Smart City technologies and solutions for improving residents' quality of life; providing more services delivered more efficiently; and saving energy, water and costs for consumers and government. It is essential for the private and public sector, academia, federal research and the business community to join together, crossing jurisdictional boundaries to make this happen.

During the event, Arrow Electronics announced the first Colorado Open Lab being built at their Centennial headquarters opening in Q2 of 2019. This lab is a significant step to help jurisdictions meet the tough challenges of mobility, public safety, environmental issues, citizen engagement and the advancement of economic development.



Economic Development - cont'd

Economic Indicators - 2nd Quarter 2018

Commercial						
	Parker		Southeast Metro		Metro Denver	
	2018 - Q2	2017 - Q2	2018 - Q2	2017 - Q2	2018 - Q2	2017 - Q2
Total Existing Office Square Footage	1,035,505	1,035,505	25,852,461	25,302,857	172,996,488	169,900,372
Office Vacancy Rate	5.80%	7.40%	11.50%	12.50%	10.50%	10.20%
Office Rental Rate - median	\$20.87	\$19.89	\$22.62	\$22.65	\$23.17	\$21.74
Total Existing Retail Square Footage	4,381,263	4,361,359	14,992,086	14,920,821	152,761,356	151,591,946
Retail Vacancy Rate	2.90%	3.30%	3.60%	4.30%	4.50%	4.50%
Retail Rental Rate - median	\$20.48	\$18.24	\$20.86	\$20.04	\$17.21	\$18.19
Total Existing Industrial/ Flex Square Footage	817,407	817,407	14,738,472	14,520,472	237,803,263	2,331,628,777
Industrial/ Flex Vacancy Rate	3.10%	3.20%	4.00%	5.80%	4.30%	4.60%
Industrial/Flex Rental Rate - median	\$14.01	\$9.64	\$10.33	\$10.45	\$8.47	\$7.99

Residential and Labor Force				
	Parker		Metro Denver	
	2018 - Q2	2017 - Q2	2018 - Q2	2017 - Q2
Residential Building Permits:	257	238	4,508	6,612
- Single Family	233	219	3,392	2,947
- Multi Family	24	19	1,116	3,665
Median Home Price	\$493,000	\$466,000	\$452,500	\$425,000
Median Condo/Townhome Price	\$285,000	\$264,500	\$305,000	\$276,000
Labor Force	30,716	29,647	1,658,566	1,600,027
Unemployment Rate	2.70%	2.60%	2.90%	2.80%

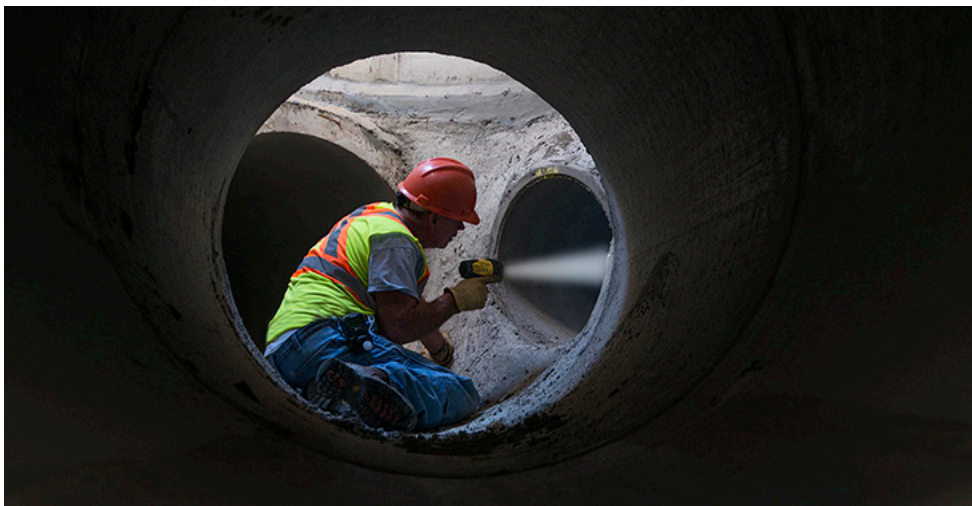
Site Selector Conference

Councilmember Joshua Rivero, staff and distinguished guests attended the Metro Denver Economic Development Corporation 2018 Site Selection Breakfast on Sept. 14.

During the panel, we learned about the factors driving today's site selection decisions directly from national site selectors. We also learned the latest strategies for success in recruiting new jobs and capital investment, as well as an outsider's view of metro Denver's advantages and challenges for relocation projects.

Business Recruitment Manager Matt Carlson was honored to serve for the fourth year as one of a handful of hosts from across the region to serve as local experts for the five-day event.





Engineering and Public Works

Roadway Capital Improvement Projects

Jordan Road Widening

- Hess Road to Bradbury Parkway

Roadway widening construction is complete. Landscaping on the three medians between Hess Road and Bradbury Parkway is underway and completion is planned for October.

Chambers Road Widening Median Improvements

- Median improvements between Mainstreet and Heirloom Parkway intersections

The Town has contracted to complete median improvements in this area this fall/winter. Due to a lack of an irrigation water source, improvements will consist of decorative rock and lighting.

Kings Point Way

- Roadway construction from Cottonwood Drive to Aurora Parkway

Town staff has engaged a consultant to complete the design of the project. Construction is anticipated to begin early 2019.

Chambers Road/Cottonwood Drive Traffic Signal

- Installation of a mast arm traffic signal at intersection

The Town's contractor has completed the underground improvements. Signal poles for the project are scheduled for delivery in November to allow the signal to be operational by the end of the year.

Motsenbocker Road Widening

- Clarke Farms subdivision to Todd Drive intersection

Final design for this project was completed in spring 2018. Funding for construction is dependent on adjacent development providing their portion of the project and easements per their respective development agreement. This funding was received in September. Town staff is currently working to acquire the easements needed to allow for construction in 2019.

Cottonwood Drive Widening

- Jordan Road to Cottonwood Way
- Design work has commenced is anticipated to be completed in 2019. Due to budget constraints, the funding for the widening construction is not anticipated to be available until 2020.

Canterberry Parkway/Idyllwilde Drive Traffic Signal

- Installation of a mast arm traffic signal at intersection

The Town's contractor has completed the underground improvements. Signal poles for the project are scheduled for delivery in November to allow the traffic signal to be operational by the end of the year.

Annual Roadway Maintenance Projects

Townwide Concrete Repair

- Work consists of miscellaneous sidewalk, concrete pavement and curb and gutter repairs

Repairs are underway and project completion is planned for November.

Roadway Reconstruction

- Street repairs to various locations in Town

The 2018 reconstruction project included J. Morgan Boulevard between Stroh Road to just north of Cody Avenue where the 2017 project ended plus reconstruction of a retaining wall on Parkglenn Way. The J Morgan Boulevard reconstruction removed the 30+ year old concrete pavement and replaced it with an asphalt/aggregate base course pavement section. Reconstruction of J. Morgan Boulevard portion of the project is substantially complete. Reconstruction of the Parkglenn Way retaining wall is underway with a planned completion in December.

Roadway Resurfacing

- Thin overlays, chip seal and slurry seal (pavement preservation) work in various locations in Town

The asphalt overlay and pavement preservation work on the project are substantially complete.

Summerset Lane Extension

- Extension of Summerset Lane east of Pine Drive

Construction of the roadway project is complete. Installation of the proposed traffic signal at the Pine Drive/Summerset Lane intersection is pending the outcome of a Manual of Uniform Traffic Control Devices (MUTCD) warrant analysis.

Engineering and Public Works - cont'd

Recreation Improvements



Discovery Park (pictured above)

- Warranty repair work around the ice ribbon to replace heaved, settled and/or cracked concrete

Warranty work is currently taking place and is scheduled to be complete by late October.



Harvie Open Space Park (pictured above)

- Redevelopment of the 70-plus acres located north of Canterbury Parkway and Mainstreet into a passive open space use area

Design for the project is complete with remaining entitlement efforts (Site Plan Submittal) tentatively scheduled for summer 2019. Competitive bidding through a prequalification process is tentatively scheduled for late 2019 and construction is tentatively scheduled for early 2020 pending approval of the 2020 budget by Town Council.

Harvie Open Space Access Project

- Addition of a left turn lane to eastbound Mainstreet at Canterbury Parkway and associated traffic signal modifications

Design for the project is complete with construction delayed due to budget constraints.

Facility CIP Projects

Schoolhouse Plaza and Parking Lot Renovation

- Renovation of the parking lot area between the Schoolhouse and Ruth Chapel into an interactive plaza and reconfiguration and reconstruction of the south parking lot

Competitive bidding is scheduled to begin in early November. Construction is tentatively scheduled to begin in spring 2019 and be complete in fall 2019.

19801 East Mainstreet Building Demolition

- Demolition of the former Parker Water & Sanitation District building located at 19801 East Mainstreet

Competitive bidding is complete and demolition is scheduled to begin in early November and be complete in late December, depending on weather.



Pine Curve Property Building Demolition (pictured above)

- Demolition of two unoccupied residences just east of the Pine Drive and Mainstreet intersection

The project was substantially completed by the end of September.

Stormwater CIP Projects



McCabe Meadows Detention Pond Retrofit (pictured above)

- Retrofit of existing detention pond to current Town criteria and standards

This project is substantially complete and awaiting re-seeding of native grasses.

Newlin Gulch at Heirloom Parkway

- Channel and bank stabilization between Chambers Road and the East/West Trail crossing

This project is currently awaiting construction permits and is anticipated to be completed in the fourth quarter of 2018.

Cherry Creek at KOA

- Channel and bank stabilization between McCabe Meadows trailhead parking lot and Twenty Mile Road extended

This project is currently in design with permitting and construction projected for the fourth quarter of 2018.



Parks and Recreation

Fitness and Wellness

- **Get M.I.T Fit** is a new Specialty Fitness class offered this fall that focuses on medium intensity training. While high intensity interval training has grown increasingly popular, it does exclude a large percentage of people who cannot train at that intensity. This new class is intended to offer a great workout at a medium intensity.
- **New Cybex Cycle Bikes** were added to the Parker Recreation Center over the annual maintenance closure week. The new bikes are similar to other industry standard bikes, but these bikes also have the capability to pair with a mobile app to give riders instant feedback on their workouts and store data. The bikes also offer a Coaching by Color system, similar to the Orange Theory Fitness concept that encourages riders to challenge themselves to stay within a certain color/output range to maximize their workout. Classes can accommodate both basic riders and those using the app and Coaching by Color to ensure everyone receives the same quality of class.

Recreation Facilities

- During the last several years, the outdoor inline hockey rink at the Parker Recreation Center has been used for outdoor **Pickleball** during the summer months. Recently, the inline rink was converted to four permanent Pickleball courts that are available to the public on a first-come, first-served basis. The Pickleball community is excited to have a permanent dedicated space to play outdoors when the weather allows.
- Successful completion of our annual **Fieldhouse Maintenance Week** included: the addition of new treadmills, deep cleaning/power washing of the facility and equipment, painting of various rooms and areas, gym floor refinishing, turf field repairs and full redistribution of infill, sport court lines repainting, preventative maintenance, cleaning on climbing wall holds and new routes added along with a free climb rope additional offering, and various other items. We also completed an emergency preparedness training for all staff who work in the Fieldhouse to review our procedures for a variety of scenarios and our communication options available during emergencies.

By the Numbers

126

Free Group Fitness Classes offered per week on the fall schedule.

\$295,125

Adult Sports revenue with 25% of the year remaining. This number exceeds the 2017 total revenue number by over \$12,000. This line item is trending up after seeing declining revenue from 2012 to 2015.

50%

Increase in participation for Summer Cooking Camps. All six cooking camps hosted this summer were full.

165

Participants in the Cattle Crossing 5K and Family Fun Trek (June 3).

192

Participants in the Kids' TRY-athlon (July 21).

261

Participants in the So Long to Summer 5K/10K and Family Fun Trek (Aug. 11).

19%

Increase in group swim lesson registration from 2017 to 2018 (Jan.-Sept.).

53%

Increase in CARA Swim Team participation from 2017-2018.

8,101

Passes sold for Adaptive 1-on-1 Therapy program offered by Therapeutic Recreation in 2018.

Parks and Recreation - cont'd

Sports

• **Ethan Martin** (pictured at right) plays in our recreational sports leagues. He was born without one hand and has struggled at times finding teams that made him feel welcome. Ethan decided to play Flag Football in our program this spring. Together, the sports staff and Ethan's family worked to find him coaches with the ability to look past his limb difference and find teams that boost his confidence and participation levels. He will now join us for Fall Basketball. We continue to work on ways to encourage his participation as an inspiration to other players with differences. Ethan recently took a trip to Seattle, where he participated in the Nubability Camp (far right) with Shaquem Griffin, a Seattle Seahawks player who was also born without a hand.



• On Sept. 29, the Sports Division hosted a **Lacrosse Day Experience** in conjunction with the Parker Hawks, POWLax and Warrior Lacrosse Equipment. Over 1,000 participants joined our CARA Lacrosse teams to learn more about all of the lacrosse offerings Parker has to offer as well as showcase top of the line equipment. Lacrosse instruction and activities were offered while Parker Parks and Recreation lacrosse teams played.



Therapeutic Recreation

The Therapeutic Recreation Division would like to acknowledge **Terry Bickel** as an outstanding employee. Terry has been with the Town of Parker since 2006. She has been instrumental to the Recreation Division in many aspects. She has held many jobs over the years, including: lifeguard, head guard, MOD, assistant aquatics coordinator, swim instructor, lifeguard instructor, fitness instructor and assistant therapeutic recreation coordinator. In the Therapeutic Recreation

Division, she is currently a part-time assistant coordinator helping with monthly programs and outings. Terry's work with individuals with disabilities through our adaptive water safety/swim lessons has been invaluable. She currently has 50 lessons scheduled per week. Many of her clients have been with her for years, including one who has worked with her for 10. We have been so fortunate to have Terry as a part of our team. She has enhanced so many people's lives with the work she has

done. With that being said, at the end of the year, Terry will be moving to Arizona to be closer to family. It is safe to say that Terry will be deeply missed by participants and staff.



Active Aging Adults

Active Aging Adult Senior Enrichment programming was expanded this spring/summer to include Beginning Bird Watching, as well as Hummingbirds of the Front Range. Both classes were well attended.

Kids' Zone

New **Science Camps** were offered this summer, including Fizz, Boom, Bang Camp and Space: The Final Frontier Camp for ages 4-7. Participants had a great time learning about chemistry and our solar system over their summer break.

Aquatics

Welcome Jackie Frohne to the Parker Aquatics team! She will be the Aquatics Coordinator - Operations beginning Oct. 8. Jackie comes to us from Aurora Parks and Recreation, where she was an Aquatics Supervisor for three years. She has over 15 years of experience in the industry. Her primary focus will be lifeguard program management and the mechanical operations of the Discovery Park play fountain, H2O'Brien Pool and the Parker Recreation Center pools.

Awards

At the annual Colorado Parks and Recreation Association conference held in Snowmass this past September, Deni Jacobs and Cathy Berends were awarded the **Therapeutic Recreation Professional of the Year** and **PLAY Professional of the Year**, respectively. Marc Hossack was awarded the **Community Champion of the Year** for his role as a volunteer coach of many years for the Town.



Police Department

Crime Prevention and Safety Series

More than 175 Parker residents joined us for a class during our first ever Crime Prevention and Safety Training Series. This educational series of seven classes offered residents a wide range of topics to keep themselves, their children and their neighborhoods safer. Rape Aggression Defense Women's Self-Defense, Active Shooter-Run, Hide, Fight and Internet Safety-Keeping Kids Safe Online were the most popular classes. Our Officers enjoyed sharing their passion and knowledge with eager Parker residents.

National Night Out

National Night Out (pictured below right) was a great way to celebrate the end of summer and meet many community members. There were 14 neighborhood parties all throughout Parker a couple days before kids headed back to school. Throughout the evening more than 500 residents were visited by Parker Police Officers, Mounted Patrol, Crime Scene Investigators, Community Services Officers and Police Explorers. Going out into Parker neighborhoods while residents had BBQs, played corn hole and met new neighbors was so much fun. We love Parker! We were so pleased with this new format visiting residents in their neighborhoods that we will use this model going forward.

Citizen's Academy

We have 40 Parker residents that have nearly completed our Fall Citizen's Police Academy. Upon completion of this class, we will have more than 500 graduates of our Citizen's Police Academy since its inception. Graduates will be able to join the Citizen's Police Academy Alumni Group COPPS, Citizens Offering Parker Police Support. If you are interested in attending a Citizen's Academy, watch our social media sites and website in January when registration opens for our spring 2019 class.

Rotary Child Safety Event

Officer Sherry Corcoran talked about the Buddy System, Safe To Tell and other important safety tips for kids at the Rotary Parker Child safety event at Boondocks. Before playing games, kids ate pizza and learned what to do in an emergency and how to stay safe.



Coffee with a Cop

We collected more than \$300 for the Susan G. Komen Breast Cancer Foundation at Coffee with a Cop (pictured below). Parker residents came out to speak with Officers and donate to a great cause at the McDonald's on Mainstreet. Each person that donated money was given free pancakes and a special breast cancer awareness Parker Police Department coffee mug. Be sure to keep an eye on our social media for details about a special holiday themed Coffee with a Cop on Dec. 5.



Safewise Safest City

The Town of Parker was recognized by Safewise as one of the 20 safest cities in Colorado. We ranked 13th which was three spots better than in 2017 when we ranked 16th.

Officer of the Year

Detective Tyler Herman was named Officer of the Year and recognized by TSG Auto for their First Responders Appreciation event. Along with honoring Detective Herman, TSG also made a donation to the Douglas County Fallen Officers Fund.

Medication Collection Box

In the five months our Medication Collection Box has been in our front lobby, we have collected more than 1,000 pounds of unused or expired prescription drugs! The Medication Collection Box was added in an effort to provide a safe, convenient and responsible means of disposing of prescription drugs.



Town Clerk's Office

Statistics – 2018 Third Quarter

Community Event Permits

- 2015 Total – 55
- 2016 Total – 63
- 2017 Total – 68
- YTD 2018 – 51

Special Events Permits Processed (Events with Liquor)

- 2015 Total – 5
- 2016 Total – 17
- 2017 Total – 33
- YTD 2018 – 27

Active Liquor Licenses

- 2015 – 92
- 2016 – 96
- 2017 – 97
- 2018 – 100

Open Records Request

- 2015 Total – 146
- 2016 Total – 170
- 2017 Total – 120
- YTD 2018 – 77

Peddlers and Solicitors Permits

- 2015 Total – 25
- 2016 Total – 19
- 2017 Total – 30
- YTD 2018 – 18

**TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 1, 2018**

Mayor Mike Waid called the meeting to order at 5:33 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were six (6) items. Under C.R.S. § 24-6-402(4)(f) there were three items, the first was the Town Administrator Evaluation Process, the second was the Town Attorney Evaluation Process and the third was the Municipal Court Judge Evaluation Process; under C.R.S. § 24-6-402(4)(b) there were three (3) items, the first was to receive legal advice on specific legal questions concerning Section 13.05.020 of the Parker Municipal Code (airport regulations), the second was to receive legal advice on specific legal questions concerning Vista South, LLC, et al., v. City of Centennial, et al., Douglas County District Court, Case No. 2018CV030354 and the third was to receive legal advice on specific legal questions concerning South Metro Fire Rescue Fire Protection District v. Parker Authority for Reinvestment, et al., Douglas County District Court Case No. 17CV30549.

EXECUTIVE SESSION

Josh Martin moved and Renee Williams seconded to go into Executive Session at 5:34 P.M. to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Amy Holland moved and Renee Williams seconded to come out of Executive Session at 6:35 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:00 P.M.

A Boy Scout from the audience led the Mayor, Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS – There were none.

PARKER CHAMBER OF COMMERCE UPDATES - There were none.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Shelly Mango gave an update of the Alliance's activities. She pointed out that they will have a Meet and Greet for candidates on October 9 from 5:00 to 7:00 p.m. at Vines.

PUBLIC COMMENTS – There were none.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - September 17, 2018*
- B. *RESOLUTION NO. 18-064*
A Resolution Finding Substantial Compliance of the Lincoln Professional Park Property's Annexation Petition with C.R.S. § 31-12-107 and Setting a Public Hearing on November 19, 2018, for the Purpose of Considering Said Annexation
Department: Community Development, Stacey Nerger
- C. *RESOLUTION NO. 18-065*
A Resolution Accepting the Conveyance of a Drainage Easement from Veterinary Property Management, LLC, for a Portion of Lot 4A, Cottonwood Commercial Filing No. 1, Amendment No. 5
Department: Engineering and Public Works, Tyler Sandt
- D. *RESOLUTION NO. 18-066*
A Resolution Accepting the Conveyance of a Drainage Easement from Sinclair Oil Corporation for a Part of Lot 5, Robinson Ranch Filing No. 2, Second Amendment
Department: Engineering and Public Works, Tyler Sandt

Joshua Rivero moved and Amy Holland seconded to approve Consent Agenda Items 7A through 7D.

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 18-067

A Resolution Opposing "Amendment 74," Which is an Attempt to Amend the Colorado Constitution to Drastically Limit State and Local Government Services at a High Cost to Taxpayers

Department: Town Attorney, Jim Maloney

The purpose of this resolution is to oppose "Amendment 74," which is a statewide ballot issue that seeks to amend the Constitution of the State of Colorado in a manner that would significantly expose state and local governments to excessive litigation and liability, and to authorize Town staff to report the passage of and distribution of this resolution through established customary means used by the Town for distribution information to the public.

This ballot amendment would modify the language quoted to provide: "(p)ivate property shall not be taken, or damaged, OR REDUCED IN FAIR MARKET VALUE BY GOVERNMENT LAW OR REGULATION for public or private use, without just compensation." The addition of these eleven (11) words will turn Article II, Section 15, and over 100 years of case law, on its head. The approval of Amendment 74 will result in excessive legal costs to the Town from lawsuits and payouts to individual property owners, the cost of which will be borne by Parker taxpayers, which will have a crippling effect on the ability of the Town to provide the most basic of services to its residents.

Public Comment - None

Amy Holland moved to approve Resolution No. 18-067.

Josh Martin seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.54.2 - Second Reading

A Bill for an Ordinance to Approve the Third Amended and Restated Establishing Contract for the E-470 Public Highway Authority

Department: Town Attorney, Jim Maloney

The E-470 Public Highway Authority (the "Authority") has requested that members of the Authority consider amending the contract that established the Authority (the "Establishing Contract"). The purpose of the amendment is to address language changes to the Establishing Contract that are consistent with the Public Highway Authority Law and acknowledge the Authority's ability to finance, construct, operate and/or maintain other public highways as defined under the Public Highway Authority law within or outside of the Authority's boundaries.

Public Comment - None

Josh Martin moved to approve Ordinance No. 9.54.2 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

**B. ORDINANCE NO. 1.515 - Second Reading (to be continued to 11/5/18)
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker
Water and Sanitation District for Tract B, Reata West Filing No. 1, 2nd
Amendment**

Department: Alex Mestdagh

Joshua Rivero moved to continue this item to November 5, 2018.

Renee Williams seconded the motion.

The motion was approved unanimously.

**C. ORDINANCE NO. 1.519 - Second Reading
A Bill for an Ordinance to Approve the Memorandum of Understanding for
Prequalified Building Departments for Public School Construction Pursuant to
C.R.S. §§ 22-32-124 and 23-71-122 Between the Colorado Department of Public
Safety, Division of Fire Prevention and Control and the Town of Parker**

Department: Community Development, Randy Sale

The Town of Parker has a Memorandum of Understanding (MOU) with the State of Colorado to provide construction plan review, permitting and field inspection services for public schools that are in need of renewal. The Community Development Department Building Division wishes to enter into an MOU for Pre-Qualified Building Departments for Public School Construction in order to continue to provide the aforementioned services for public schools.

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 1.1519 on second reading.

Josh Martin seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 7:29 P.M.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor



Request for Town Council Action

Date: October 15, 2018

Submitted By: Chris Hudson, Public Works Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.520 - First Reading**
A Bill for an Ordinance Conveying a 50-Foot Nonexclusive Easement to Parker Water and Sanitation District for Water and Sewer Lines to be Located in Stroh Road

Department: Engineering/Public Works, Chris Hudson

Second Reading: November 5, 2018

EXECUTIVE SUMMARY

This ordinance will convey a nonexclusive easement to Parker Water & Sanitation District associated with the planned Stroh Road widening project west of Cherry Creek.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker and Parker Water & Sanitation District (PWSD) were contacted in late-2017 regarding a proposed Public Service Company (PSCo)/Xcel high pressure gas line. The gas line is being installed on the south side of Stroh Road between the Motsenbocker Road intersection and the J Morgan Boulevard intersection. Due to the meetings with PSCo/Xcel, Town and PWSD staff began discussion regarding the proposed Stroh Road widening. The intent of the initial coordination was to locate the PSCo/Xcel gas line outside of the proposed Stroh Road widening improvements to limit potential future conflicts. The Town engaged a design consultant to update the conceptual design of the Stroh Road widening that was completed over 10-years ago to aid in this coordination effort. The Town/PWSD meetings lead to further discussions about PWSD dedicating the needed right-of-way and easements for the proposed Stroh Road widening. Due to timing of other easements being requested by PWSD, the proposed Stroh Road dedication was seen as reciprocity for the easements being dedicated to PWSD for their water system improvements.

This ordinance is related to conveying an easement to PWSD on right-of-way property that they will be dedicating to the Town. The resolution to accept the conveyance of the right-of-way property is scheduled for November 5, 2018. This proposed right-of-way property has existing water and sewer improvements. Since PWSD is the owner of the property west of Cherry Creek, they cannot grant themselves an easement. Had the property been owned by someone else, PWSD would have an easement in place and the right-of-way conveyance would be subject to that easement. This second reading of this easement will be considered by Town Council after the acceptance of the right-of-way property on November 5, 2018.

The widening of Stroh Road over Cherry Creek is anticipated to occur several years pending future budget. Obtaining the right-of-way and easements now will assist in obtaining the necessary property for this important arterial roadway widening project in the future when funding becomes available.

FINANCIAL IMPACT

None at this time. The Town will ultimately be constructing Stroh Road in the future.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 1.520

RECOMMENDED MOTION

I move to approve Ordinance No. 1.520 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 1.520, Series of 2018

TITLE: A BILL FOR AN ORDINANCE CONVEYING A 50-FOOT NONEXCLUSIVE EASEMENT TO PARKER WATER AND SANITATION DISTRICT FOR WATER AND SEWER LINES TO BE LOCATED IN STROH ROAD

WHEREAS, the Town Council of the Town of Parker desires to convey certain real property to Parker Water and Sanitation District for Stroh Road; and

WHEREAS, the Town Council of the Town of Parker desires to authorize the Mayor to execute the subject Easement Agreement.

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 50-Foot Nonexclusive Easement Agreement by the Town of Parker conveying certain property to Parker Water and Sanitation District for Stroh Road, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to execute the Easement 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 _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

50-FOOT NONEXCLUSIVE EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is dated this ____ day of _____, 2018, by the TOWN OF PARKER ("Grantor"), with its principal office at 20120 E. Mainstreet, Parker, Colorado 80138, and the PARKER WATER AND SANITATION DISTRICT (hereafter referred to as "Grantee"), a Colorado special district and political subdivision having an address at 18100 E. Woodman Drive, Parker, Colorado 80134 (each a "Party" and collectively the "Parties").

WHEREAS, Grantee desires to install water and sewer pipelines and related facilities and appurtenances including fire hydrants (collectively, "Improvements") in or upon certain real property owned by Grantor and situated in Douglas County, Colorado, which real property is more particularly described and depicted in **Exhibits A-1** and **A-2**, which are attached hereto and incorporated herein (along with appurtenances thereto, the "Easement Property"); and

WHEREAS, Grantor is willing to grant an easement to Grantee in the Easement Property for the aforesaid purposes, subject to the terms and provisions hereof.

NOW THEREFORE, for good and valuable consideration to Grantor by Grantee, and for the additional consideration of the performance by the Parties of the terms and conditions hereof, the receipt and adequacy of which are hereby acknowledged, Grantor does hereby grant to Grantee, and Grantee accepts from Grantor, the following Easement as hereinbelow set forth:

1. Grant of Easement. Grantor does hereby grant and convey to Grantee, its successors, assigns, lessees, licensees and agents, a nonexclusive perpetual easement upon, over, under, across and through the Easement Property for the purpose of Grantee's construction, reconstruction, operation, maintenance, repair, removal, and abandonment in place, of the Improvements as required by Grantee from time to time. Grantee shall have the right of ingress and egress over and across the adjacent lands of Grantor to and from the Easement Property as may be necessary in connection with Grantee's exercise of Grantee's easement rights set forth herein, provided that Grantee shall use existing roadways to the extent available and shall clean, cure and correct, as may be reasonably necessary, any property located adjacent to the Easement Property owned or maintained by the Grantor that may be damaged by such ingress and egress activities in accordance with Section 2.A, *infra*.

2. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor and its successors and assigns as follows:

A. Grantee shall protect the Easement Property and the adjacent lands of Grantor over which Grantee has rights of ingress and egress from damage caused in whole or in part by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents. Grantee shall keep all of the Easement Property reasonably clean and clear of equipment, building materials, dirt, debris and similar materials resulting from Grantee's activities. Grantee shall clean, cure and correct any such damage to any elements of the Easement Property or the above-referenced adjacent lands. Upon completion of any of its activities that disturb the surface of the Easement Property, Grantee shall, at its expense, restore the Easement Property to substantially the condition it was in immediately prior to the initiation

of such activities or subsequent restoration, except as otherwise provided herein or as necessarily modified to accommodate the Improvements. If Grantee fails to clean, cure or correct such damage within fourteen (14) days after notice thereof from Grantor, then Grantor may do so, at Grantee's expense. Notwithstanding any provision herein, Grantee shall have no obligation to clean, cure, or correct any damage to any public or private improvements in or on the Easement Property, including but not limited to, all pavement, curbs, gutters, walks, streets, other utilities, structures and other improvements.

B. In all activities undertaken on property belonging to Grantor, Grantee or its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees shall conduct and construct all work in a good and workmanlike manner.

C. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), pollutants, or contaminants, as defined by CERCLA or hazardous waste as defined by the Resource Conservation and Recovery Act ("RCRA"), including but not limited to asbestos, and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act, and any amendments thereto, to be dumped, spilled, released, permanently stored, or deposited on, over, or beneath the Easement Property. Any hazardous, toxic or flammable substances used by Grantee, its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees in the construction, reconstruction, operation, maintenance or removal of the Improvements shall be utilized in a lawful manner and in compliance with all federal, state and local requirements relating to protection of health or the environment.

3. Grantor's Covenants.

A. Grantor covenants and agrees that during the term of this Agreement it shall not plant within or allow to grow into the Easement Property any trees, bushes or other planted material that would interfere with the Grantee's use of the Easement Property, and that it shall not construct any buildings or other improvements within, over or upon the Easement Property without the prior written permission of the Grantee, except that Grantor may install roadways, sidewalks, curbs, gutters, medians and median landscaping and irrigation, and trails on the Easement Property, without written permission, provided Grantor shall be responsible for repairing or replacing any public or private improvements damaged by Grantee's permitted activities in or on the Easement Property, including payment of the costs thereof.

B. To the fullest extent permitted by applicable law, subject to those matters listed in **Exhibit B**, which is attached hereto and made a part hereof:

- i. Grantor hereby warrants title to the easement herein granted and conveyed to Grantee;
- ii. Grantor warrants that that the Easement Property is free and clear of all liens and encumbrances; and
- iii. Grantor agrees to protect and defend the title of the Grantee to the Easement Property from and against all persons whomsoever.

C. Grantor warrants and guarantees that it has the power and authority to grant the easement created by this Agreement.

4. Retained Rights of Grantor.

A. Grantor reserves the right of ownership, use and occupancy of the Easement Property insofar as said ownership, use and occupancy do not impair the rights granted to Grantee pursuant to this Agreement. Grantee's rights hereunder are nonexclusive, and Grantor shall have the authority to grant other easements or rights to use the Easement Property, so long as it does not impair the rights granted to Grantee.

B. In the event that the construction of any other utilities, roadways, or other improvements upon, over, under or across the Easement Property or the violation of any of the warranties made by Grantor herein necessitates the relocation and/or encasement of the Improvements, then Grantor shall, at its sole cost and expense, timely perform or cause the performance of such relocation and/or encasement of the Improvements and shall provide a replacement easement for the relocation, if necessary, subject to Grantee's specifications. In the event Grantor does not relocate, encase the Improvements, and/or provide a new easement as required by Subsection B within a reasonable period of time, not to exceed ninety (90) days after notice thereof from Grantee, then Grantee may do so, at Grantor's expense.

5. Miscellaneous.

A. Subjacent and Lateral Support. Grantor and Grantee shall each have the right of subjacent and lateral support for the Easement Property; neither Grantor nor Grantee shall take any action that would impair the lateral or subjacent support for the Easement Property.

B. Binding Effect - Runs With Land. This Agreement shall extend to and be binding upon the successors and assigns of the respective Parties hereto. The rights and responsibilities set forth in this Agreement are intended to be covenants upon the Easement Property and are to run with the land.

C. Governing Law. The terms, covenants and provisions hereof shall be governed by and construed under the applicable laws of the State of Colorado, and exclusive venue for any action relating to this Agreement shall be with the District Court of Douglas County, Colorado.

D. Entire Agreement. This Agreement constitutes the entire agreement between the Parties hereto relating to the Easement and sets forth the rights, duties and obligations of each to the other as of this date. Any prior agreements, promises, negotiations or representations not expressly set forth in this Agreement are of no force and effect. This Agreement may not be modified, except by a writing executed by both Parties.

E. No Waiver. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such waiver constitute a continuing waiver, unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.

F. Assignment. Grantee may assign or license all or a portion of its rights hereunder to another political subdivision of the State of Colorado, provided any assignee shall be bound by all terms and conditions set forth herein.

G. Severability. The invalidity or unenforceability of any portion or provision of this Agreement shall not affect the validity or enforceability of any other portion or provision. If any provision of this Agreement or the application thereof to any person, entity or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Agreement that can be given effect without the invalid provision or application, and to this end, the provisions of this Agreement and each and every provision thereof, are declared to be severable.

H. Counterpart Execution. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

I. No Third Party Beneficiary. The Parties enter into this Agreement for the sole benefit of the Parties, to the exclusion of any third-party, and no third-party beneficiary is intended or created by the execution of this Agreement.

J. Recording. This Agreement shall be recorded in the official records of the Douglas County Clerk and Recorder upon full execution.

IN WITNESS WHEREOF, the Parties hereto have executed this Easement by their respective duly authorized officers as of the date and year first above set forth.

[Remainder of page intentionally blank - signatures on following page]

Town of Parker, Colorado

ATTEST:

By: _____
Carol Baumgartner, Town Clerk

[illegible]

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Mike Waid, Mayor of the Town of Parker, Colorado.

My commission expires: _____

WITNESS my hand and official seal.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Ron R. Redd, P.E., District Manager of the Parker Water and Sanitation District.

My commission expires: _____

WITNESS my hand and official seal.

Notary Public

Parker Water & Sanitation District

By: _____
Ron R. Redd, P.E., District Manager

ATTEST:

By: _____
Maleia Good

EXHIBIT A-1

LEGAL DESCRIPTION

A PARCEL OF LAND 50.00 FEET WIDE, BEING A PART OF THAT PARKER WATER & SANITATION DISTRICT PARCEL OF LAND AS DESCRIBED IN THE FINAL RULE AND ORDER RECORDED AT RECEPTION NUMBER 2004124024 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, LYING 25.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTH QUARTER CORNER BY A 3-1/4" ALUMINUM CAP STAMPED "2006 PLS 29761" IN A RANGE BOX, AND AT THE NORTHWEST CORNER BY A 3-1/4" ALUMINUM CAP STAMPED "AZTEC CONSULTANTS, INC 1999 LS 17666" IN A RANGE BOX AND ASSUMED TO BEAR SOUTH 89°33'32" WEST, A DISTANCE OF 2,649.03 FEET.

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 3;

THENCE ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER, SOUTH 89°33'32" WEST, A DISTANCE OF 1,384.63 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID PARKER WATER & SANITATION DISTRICT PARCEL OF LAND AND THE **POINT OF BEGINNING**;

THENCE SOUTH 01°02'31" WEST A DISTANCE OF 59.30 FEET TO THE **POINT OF TERMINUS** FROM WHENCE SAID NORTH QUARTER CORNER BEARS NORTH 87°06'36" EAST, A DISTANCE OF 1,387.43 FEET;

THE SIDELINES OF THE ABOVE DESCRIBED PARCEL ARE TO BE PROLONGED OR SHORTENED TO TERMINATE AT SAID NORTHERLY BOUNDARY OF THE PARKER WATER & SANITATION DISTRICT PARCEL OF LAND THROUGH THE POINT OF BEGINNING AND A LINE BEARING SOUTH 89°35'09" WEST AND NORTH 89°35'09" EAST THROUGH THE POINT OF TERMINUS.

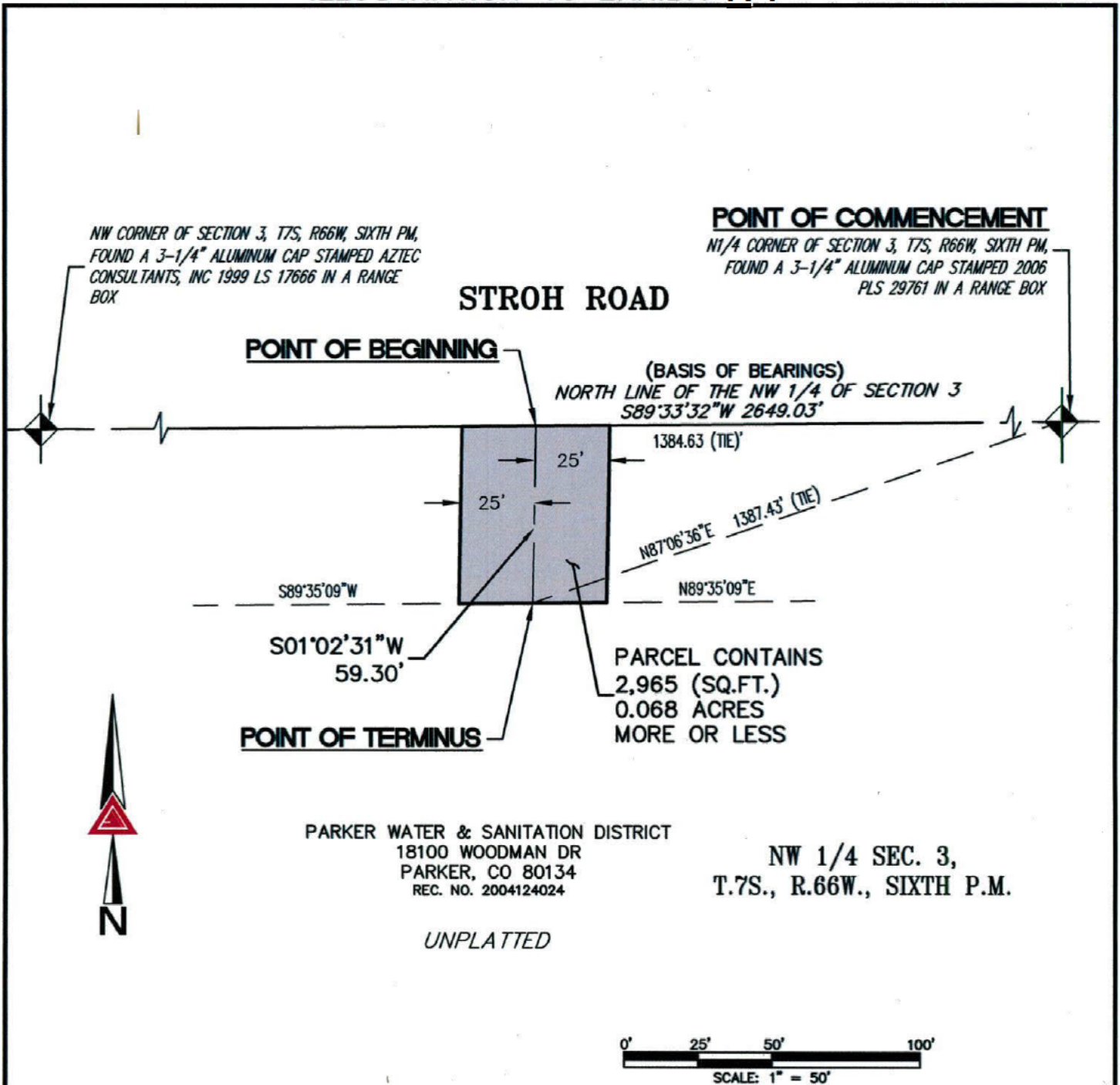
THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 0.068 ACRES, (2,965 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



GERALD E. BOYSEN JR., PLS NO. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122,
303-713-1898

ILLUSTRATION TO EXHIBIT A-1



PATH:
 DWG NAME: 2018-07-06 50' SANITARY SEWER EASEMENT
 DWG: DR CHK: GEB
 DATE: 7/6/2018
 SCALE: 1" = 50'



Aztec
 CONSULTANTS, INC.

300 East Mineral Ave,
 Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
 www.aztecconsultants.com

Q:\24918-17 - Stroh Rd Widening - PWSD L&E\DWG\EXHIBITS

SANITARY SEWER EASEMENT
 NW 1/4 SEC. 3, T.7S., R.66W., SIXTH P.M.
 DOUGLAS COUNTY, COLORADO

JOB NUMBER 24918-17

2 OF 2 SHEETS

EXHIBIT A-2

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THAT PARKER WATER & SANITATION DISTRICT PARCEL OF LAND AS DESCRIBED IN THE FINAL RULE AND ORDER RECORDED AT RECEPTION NUMBER 2004124024 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER IN SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTH QUARTER CORNER BY A 3-1/4" ALUMINUM CAP STAMPED "2006 PLS 29761" IN A RANGE BOX, AND AT THE NORTHWEST CORNER BY A 3-1/4" ALUMINUM CAP STAMPED "AZTEC CONSULTANTS, INC 1999 LS 17666" IN A RANGE BOX AND ASSUMED TO BEAR SOUTH 89°33'32" WEST, A DISTANCE OF 2,649.03 FEET.

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 3;

THENCE ALONG SAID NORTH LINE SOUTH 89°33'32" WEST, A DISTANCE OF 907.80 FEET TO THE NORTHEAST CORNER OF SAID PARKER WATER & SANITATION DISTRICT PARCEL OF LAND AND THE **POINT OF BEGINNING**;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARKER WATER & SANITATION DISTRICT PARCEL THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 00°26'28" EAST, A DISTANCE OF 34.21 FEET;
- 2) SOUTH 22°54'01" WEST, A DISTANCE OF 17.20 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY ALONG A LINE BEING FIFTY FEET (50') SOUTHERLY AND PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID PARKER WATER & SANITATION DISTRICT PARCEL OF LAND, SOUTH 89°33'32" WEST, A DISTANCE OF 1,025.00 FEET;

THENCE ALONG A LINE BEING FIFTY FEET (50') EASTERLY AND PARALLEL WITH THE WESTERLY BOUNDARY OF SAID PARKER WATER & SANITATION DISTRICT PARCEL OF LAND, SOUTH 14°12'56" WEST, A DISTANCE OF 14.78 FEET;

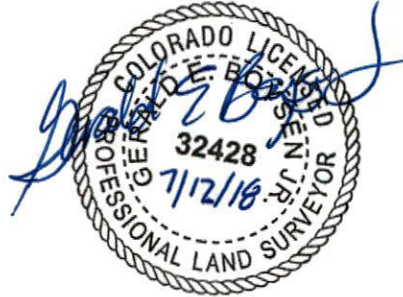
THENCE SOUTH 84°29'58" WEST, A DISTANCE OF 53.11 FEET TO SAID WESTERLY BOUNDARY OF THE PARKER WATER & SANITATION DISTRICT PARCEL OF LAND;

THENCE ALONG SAID WESTERLY BOUNDARY, NORTH 14°12'56" EAST, A DISTANCE OF 71.30 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 3 AND THE NORTHWEST CORNER OF SAID PARKER WATER & SANITATION DISTRICT PARCEL OF LAND;

THENCE ALONG SAID NORTH LINE AND THE NORTHERLY BOUNDARY OF SAID PARKER WATER & SANITATION DISTRICT PARCEL OF LAND, NORTH 89°33'32" EAST, A DISTANCE OF 1,070.42 FEET TO THE **POINT OF BEGINNING**.

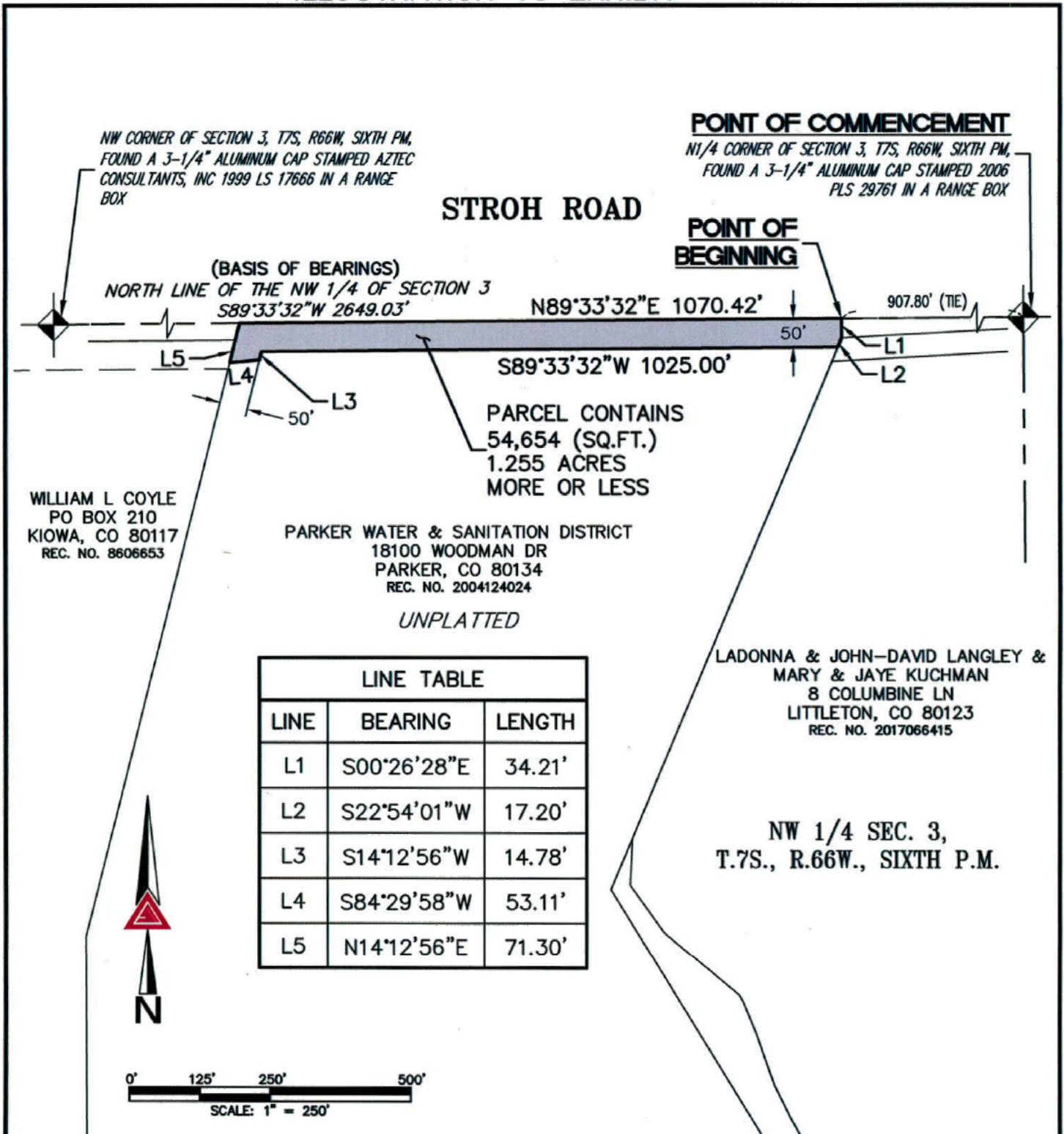
CONTAINING AN AREA OF 1.255 ACRES, (54,654 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



GERALD E. BOYSEN JR., PLS NO. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122,
303-713-1898

ILLUSTRATION TO EXHIBIT A-2



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

PATH:
 DWG NAME: 2018-07-06 WATER EASEMENT
 DWG: DR CHK: GEB
 DATE: 7/6/2018
 SCALE: 1" = 250'



AZTEC
 CONSULTANTS, INC.

Q:\24918-17 - Stroth Rd Widening - PWS L&E\DWG\EXHIBITS

300 East Mineral Ave,
 Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
 www.aztecconsultants.com

WATER EASEMENT
 NW 1/4 SEC. 3, T.7S., R.66W., SIXTH P.M.
 DOUGLAS COUNTY, COLORADO

JOB NUMBER 24918-17

3 OF 3 SHEETS

EXHIBIT B

PWSD Stroh Road Widening – Exceptions

1. Reservations of an undivided ½ interest in all oil, gas and other minerals as set forth in Warranty Deed recorded December 1, 1959, at Reception No. 106963.
2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document granted to: Rich and Co. Purpose: Pipeline Easement 30 feet in width. Recording Date: April 9, 1984. Recording No.: Book 515 at Page 1034.
3. Terms, conditions, provisions, agreements and obligations contained in the Agreement as set forth below: Recording Date: April 9, 1984. Recording No.: Book 515 at Page 1037.
4. Terms, conditions, provisions, agreements and obligations contained in the Findings and Ruling of the Referee and Decree of the Water Court as set forth below: Recording Date: September 16, 1985. Recording No.: Book 595 at Page 100.
5. Terms, conditions, provisions, agreements and obligations contained in the Permanent Roadway and Drainage Easement as set forth below: Recording Date: October 31, 1986. Recording No.: Book 676 at Page 284.
6. Terms, conditions, provisions, agreements and obligations contained in the Permanent Roadway and Drainage Easement as set forth below: 05/09/2018, 2:04 p.m. Title Report No.: N0017483-010-TO2-ES, Title Report Page 4, RPT00001 (DSI Doc 03/03/17). Recording Date: March 24, 1987. Recording No.: Book 707 at Page 994.
7. Any taxes or assessments by reason of the inclusion of the Land in the Cherry Creek Basin Authority, as evidenced in instrument set forth below: Recording Date: May 6, 1988. Recording No.: Book 790 at Page 718.
8. Terms, conditions, provisions, agreements and obligations contained in the Easement Deed as set forth below: Recording Date: June 30, 1988. Recording No.: Book 800 at Page 304.
9. Terms, conditions, provisions, agreements and obligations contained in the Findings of Fact, Conclusions of Law, Judgment and Decree of the Water Court as set forth below: Recording Date: May 17, 1989. Recording No.: Book 854 at page 742.
10. Terms, conditions, provisions, agreements and obligations contained in the Easement Deed as set forth below: Recording Date: June 6, 1990. Recording No.: Book 915 at Page 280.
11. Terms, conditions, provisions, agreements and obligations contained in the Easement Deed as set forth below: Recording Date: September 27, 1991. Recording No.: Book 996 at Page 128.
12. Terms, conditions, provisions, agreements and obligations contained in the Findings of Fact, Conclusions of Law, Judgment and Decree of Water Court as set forth below: Recording Date: July 13, 1995. Recording No.: Book 1274 at Page 460.

Note: Corrected Findings of Fact, Conclusions of Law, Judgment and Decree of Water Court recorded November 1, 1995, in Book 1297 at Page 1494, and Revised Amended Findings of Fact, Conclusions of Law, Judgment and Decree of Water Court, recorded June 10, 2005, at Reception No. 2005052596.

13. Terms, conditions, provisions, agreements and obligations contained in the Amended Findings and Ruling of the Referee and Decree of the Water Court as set forth below: Recording Date: February 5, 2001. Recording No.: Book 1959 at Page 1434.
14. Terms, conditions, provisions, agreements and obligations contained in the Amended Findings and Ruling of the Referee and Decree of the Water Court as set forth below: Recording Date: February 5, 2001. 05/09/2018, 2:04 p.m. Title Report No.: N0017483-010-TO2-ES Title Report Page 5 RPT00001 (DSI Doc 03/03/17). Recording No.: Book 1959 at Page 1447.
15. Terms, conditions, provisions, agreements and obligations contained in the Waste Well Construction and Operation Easement Agreement as set forth below: Recording Date: January 23, 2003. Recording No.: Reception No. 2003009171.
16. Terms, conditions, provisions, agreements and obligations contained in the License Agreement as set forth below: Recording Date: July 2, 2003. Recording No.: Reception No. 2003097866.
17. Terms, conditions, provisions, agreements and obligations contained in the Permanent Water Facility Easement as set forth below: Recording Date: March 4, 2005. Recording No.: Reception No. 2005019175.
18. Any taxes or assessments by reason of the inclusion of the Land in the Parker Water and Sanitation District, as evidenced in instrument set forth below: Recording Date: May 3, 2005. Recording No.: Reception No. 2005038822.
19. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Easement to Intermountain Rural Electric Association as set forth below: Recording Date: September 12, 2005. Recording No.: Reception No. 2005086298.
20. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Easement to Intermountain Rural Electric Association as set forth below: Recording Date: October 24, 2005. Recording No.: Reception No. 2005101883.
21. Terms, conditions, provisions, agreements and obligations contained in the Findings of Fact, Conclusions of Law, Judgment and Decree of Water Court as set forth below: Recording Date: October 20, 2010. Recording No.: Reception No. 2010069158.
22. All rights to all mineral lands should any such be found to exist, not to be construed to include coal and iron land, as reserved in United States Patent, recorded March 19, 2014, at Reception No. D4022050, and any and all assignments thereof or interests therein. (Arapahoe County Records).

23. The effect of Certification of the Regional Transportation District (RTD) Current District Area Per Colorado Revised Statue Title 32, Article 9, recorded March 3, 2016, at Reception No. 2016012841.



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.89.5 - First Reading**
A Bill for an Ordinance to Amend Sections 11.01.030,
11.01.060 and 11.01.080 of the Parker Municipal Code
Concerning the Parker Administrative Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.01.030, 11.01.060 and 11.01.080 of the Parker Municipal Code to address the administration of all the technical codes related to building and construction.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Historically, and in today's technical codes, each has had its own administrative section. As in the past, Parker has created its own administrative code for building and construction tailored to fit the Town of Parker. This unifies all the individual administrative sections into one document which can then be applied uniformly to all of the technical codes. The administrative code also contains the building permit fee schedule. There are no changes to the building permit fee schedule. The elevator fees have been updated to reflect the new rates from the third party inspection company.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance 4.89.5

RECOMMENDED MOTION

I move to approve Ordinance No. 4.89.5 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.89.5, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.01.030, 11.01.060 AND 11.01.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER ADMINISTRATIVE CODE

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

Section 1. Section 11.01.030 of the Parker Municipal Code is amended to read as follows:

11.01.030 Parker Administrative Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the Parker Administrative Code, ~~July~~ **November** 2018 Edition, as published by the Town of Parker, Colorado, 20120 E. Mainstreet, Parker, CO 80138-7344, is adopted by reference and incorporated into this Chapter as though fully set forth herein. The Parker Administrative Code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.01.060 of the Parker Municipal Code is amended to read as follows:

11.01.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Administrative Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 3. Section 11.01.080 of the Parker Municipal Code is amended to read as follows:

11.01.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, ~~2016~~ **2019**.

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 _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.91.6 - First Reading**
A Bill for an Ordinance to Amend Sections 11.02.020,
11.02.050, 11.02.060 and 11.02.080 of the Parker Municipal
Code Concerning the Parker Residential Code for One- and
Two-Family Dwellings Building Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.02.020, 11.02.050, 11.02.060 and 11.02.080 of the Parker Municipal Code concerning the regulations for one- and two-family dwellings and townhouses.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Internationally, code officials recognize the need for a modern and up-to-date residential code addressing the design and construction of one- and two-family dwellings and townhouses. The International Residential Code®, in this 2018 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities.

This comprehensive stand-alone residential code establishes minimum regulations for one- and two-family dwellings and townhouses using prescriptive and performance provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs.

This 2018 edition is fully compatible with all the International Codes (I-Codes) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code® and International Plumbing Code®.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.91.6

RECOMMENDED MOTION

I move to approve Ordinance No. 4.91.6 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.91.6, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.02.020, 11.02.050, 11.02.060 AND 11.02.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS BUILDING CODE

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

Section 1. Section 11.02.020 of the Parker Municipal Code is amended to read as follows:

11.02.020 International Residential Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Residential Code for One- and Two-Family Dwellings, ~~2015~~ **2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.02.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

11.02.050 Amendments.

The International Residential Code for One- and Two-Family Dwellings, as adopted by this Chapter, is amended as follows (section numbers correspond with those in the International Residential Code for One- and Two-Family Dwellings):

(1) Delete Appendix Chapters A, B, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, ~~T~~ and ~~U~~

(2) Amend Section R101.1, Title, to read:

"R101.1 Title. These provisions shall be known as the Parker Residential Code for One- and Two-Family Dwellings Building Code, and shall be cited as such and will be referred to herein as this 'code.'"

(3) Sections R101.2, Scope, and R101.3, Intent, remain unchanged

(4) The remainder of Chapter 1 of the code, entitled "Scope and Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Amend Section R202, Definitions, to add two new definitions to read:

"*Building face*. The outer most point of the wall cladding, exclusive of door, window trim or similar exterior trim.

"*Secondary Family Space*. A secondary *Dwelling Unit* located inside a single-family, detached dwelling whose occupants and the occupants of the principal dwelling unit live together as a single-household unit and which is neither rented nor locked off from the principal dwelling unit. This is not an accessory dwelling unit."

(6) Amend Section R202, Fire separation distance, to read:

"*Fire separation distance*. The distance measured from the *building face* to one of the following: . . ."

The remainder of the Section remains unchanged.

(7) Delete Table R301.2(1), Climatic and Geographic Design Criteria, including footnotes, and replace with:

**"Table R301.2(1)
Climatic and Geographic Design Criteria**

Ground Snow Load	"WIND DESIGN				Seismic Design Category ^e	SUBJECT TO DAMAGE FROM			Winter Design Temp ⁱ	Ice Barrier Underlayment Required ^j	Flood Hazards ^{kl}	Air Freezing Index ^l	Mean Annual Temp ^m
	Speed ^a (mph)	Topographic Effects ^b	Special wind region ^c	Wind- borne debris zone ^d		Weatherin g ^f	Frost Line Depth ^g	Termite ^h					
30 lbs.	115	NO	NO	NO	B	SEVERE	36"	Slight to Moderate	-3° F	NO	Adopted 9/30/2005 Class 7 IP# 080310	867	48.1° F

MANUAL J DESIGN CRITERIA								
<u>Elevation</u>	<u>Latitude</u>	<u>Winter heating</u>	<u>Summer cooling</u>	<u>Altitude corrections factor</u>	<u>Indoor design temperature</u>	<u>Design temperature cooling</u>	<u>Heating temperature difference</u>	
5900	40	(-3)	90	0.832	70	75	73	
<u>Cooling temperature difference</u>	<u>Wind velocity heating</u>	<u>Wind velocity cooling</u>	<u>Coincident wet bulb</u>	<u>Daily range</u>	<u>Winter humidity</u>	<u>Summer humidity</u>		
15	15	7.5	59	H	30%	50%		

"For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

^{"a} The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

^{"b} In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with 'YES.' Otherwise, the jurisdiction shall indicate 'NO' in this part of the table.

^{"c} In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with 'YES' and identify any specific requirements. Otherwise, the jurisdiction shall indicate 'NO' in this part of the table.

- "d In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate 'NO' in this part of the table.
- "e The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- "f Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., 'negligible,' 'moderate' or 'severe') for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- "g The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- "h The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- "i The outdoor design dry-bulb temperature shall be selected from the columns of 97½% values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- "j In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with 'YES.' Otherwise, the jurisdiction shall fill in this part of the table with 'NO.'
- "k The jurisdiction shall fill in this part of the table with: (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); (b) the date(s) of the Flood Insurance Study; and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- "l The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table 'Air Freezing Index- USA Method (Base 32°F).'
- "m The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table 'Air Freezing Index-USA Method (Base 32°F).'
- "n The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.

(8) Delete Table R302.1, Exterior Walls, and replace with:

**"Table R302.1
Exterior Walls**

"EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour-tested in accordance with ASTM E119, UL 263 or Section 703.3 of the International Building code with exposure from both sides	< 5 feet ¹
	(Not fire-resistance rated)	0 hours	≥ 5 feet ¹
Projections	(Fire-resistance rated)	1 hour on the underside	≥ 2 feet and < 5 feet
	(Not fire-resistance rated)	0 hours	≥ 5 feet ²
Openings	Not allowed	N/A	< 3 feet
	25% Maximum of Wall Area	0 hours	≥ 3 feet and < 5 feet
	Unlimited	0 hours	≥ 5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

"N/A = Not Applicable.

"¹ Fire separation distance of 3 feet can be used if the exterior wall cladding and trim is of noncombustible material (refer to Section R202 for definition of noncombustible).

"² Fire separation distance of 3 feet can be used if the soffit cladding and fascia board is of noncombustible material (refer to Section R202 for definition of noncombustible)."

(9) Amend R302.3 by the addition of a new exception to provide as follows:

"3. *Secondary Family Space* that comply with Section R302.3.2."

(10) Amend R302.3 to add a new Subsection R302.3.2 to provide as follows:

"R302.3.2 Secondary Family Space. The dwelling unit separation specified in Section R302.3 is not required where all of the following apply:

1. No more than one (1) *Secondary Family Space* is allowed within a single-family, detached dwelling.

2. The *Secondary Family Space* cannot be larger than 40% of the main dwelling unit, including the basement.

3. Prior to the issuance of a building permit for a *Secondary Family Space*, the property owner shall sign a declaration of restrictions in a form acceptable to the Chief Building Official, in which the property owner(s) shall acknowledge and agree to the building code requirements for maintaining a *Secondary Family Space* within a single-family, detached dwelling, to be recorded by the Chief Building Official with the Douglas County Clerk and Recorder's Office to put prospective purchasers of the real property that is the subject of the building permit on notice of the declaration of restrictions. The declaration of restrictions shall contain the following:

a. The *Secondary Family Space* shall be in effect only so long as either the principle residence, or the *Secondary Family Space*, is occupied by the owner of record as their principal residence.

b. The principle residence and the *Secondary Family Space* shall not be rented.

c. The occupants of the principle residence and the *Secondary Family Space* shall be related by blood or marriage.

d. Access between the principle residence and the *Secondary Family Space* shall remain and doors within the access shall not have a locking devise.

e. Access to inspect the principal residence and/or the *Secondary Family Space* shall be granted to the Chief Building Official if there is a reasonable suspicion that there is a violation of the declaration of restrictions.

f. Any improvements made to the *Secondary Family Space* under the building permit issued by the Town shall be removed if there is a violation of the declaration of restrictions, which remedy is not exclusive under the Code.

g. The declaration of restrictions are binding upon any successor in ownership of the property."

(11) Amend the Exceptions to Section R303.1, Habitable rooms, as follows:

Add Exception #4 to read:

"4. All habitable rooms in basements of R occupancies shall be provided with aggregate glazing area of not less than 4 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 2 percent of the floor area being ventilated."

(12) Delete Section R303.3, Bathrooms, and replace with:

"R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with a local exhaust system. The minimum local exhaust rates shall be determined in accordance with Section ~~M1507~~ M1505. Exhaust air from the space shall be exhausted directly to the outdoors."

(13) Amend the first sentence of Section R303.~~910~~, Required heating, by removing "68° F (20°C)" and replacing it with "70° F (21°C)."

(14) ~~Amend~~ Delete the Exception to Section R310.1, Emergency escape and rescue required, ~~to read:~~

~~"Exception: Basements and habitable attics . . ."~~

The remainder of the Section remains unchanged.

(15) Delete the Exception to Section R310.2.1, Minimum opening area.

(16) Amend Section R310.2.3, Window wells, by adding the following Exception to read:

"Exception: In basements of existing R-3 (one- or two-family dwellings) occupancies, egress window wells may have a minimum horizontal projection of 24 inches (610 mm) and must be the full width of the window. If a ladder is required in the window well, the ladder must be installed such that it does not interfere with or be in front of the operable side of the window."

(17) Amend section R310.2.5 Replacement window emergency escape and rescue opening, by revising the first sentence in condition #1 to read:

"The replacement window is the manufacturer's largest standard size window that will fit within the existing rough opening."

The remainder of the Section remains unchanged.

(1718) Delete Section R313, Automatic Fire Sprinkler Systems, in its entirety.

(1819) Amend the first sentence of Section R315.3, Location, to read:

"R315.3 Location. Carbon monoxide alarms in dwelling units shall be installed within fifteen feet (15') of the entrance to each bedroom.

(1920) Amend the second and third sentences of Section R408.1, Ventilation, by inserting "(min. 10 mill in thickness or a cross-laminated 3.5 mills in thickness)" after "Class 1 vapor retarder."

(2021) Amend the first sentence of Section R408.3, Unvented crawl space, by inserting "(min. 10 mill in thickness or a cross-laminated 3.5 mills in thickness)" after "Class 1 vapor retarder."

(22) Amend Section R703.2, Water-resistive barrier, by the deletion of the last sentence.

(23) Amend Section R905.2.8.3, Sidewall flashing, to read:

"R905.2.8.3, Sidewall flashing. Base flashing against a vertical sidewall shall be step flashing and shall be a minimum of 4 inches (102 mm) in height and 4 inches (102 mm) in width and shall direct water away from the vertical sidewall onto the roof and/or into the gutter."

The remainder of the Section remains unchanged.

(22) R507.3.2 Delete all exceptions. Add the following sentences:

"All freestanding deck footings shall be a minimum 12 inches below undisturbed ground surface as noted in section R403.1.1. Freestanding decks shall not be attached to any other structure."

(23) R806.2 Minimum vent area. Amend exception charging statement as follows:

“The minimum net free ventilation area shall be 1/300 of the vented space; provided one or more of the following are met: . . .”

The reminder is unchanged.

(~~23~~**24**) Delete the third sentence of Section R905.2.8.5, Drip edge, and replace with:

"Drip edges shall extend ~~a minimum~~ to cover gap between the roof sheathing and fascia and extend onto sheathing a minimum of 2 inches, also extending onto the fascia face a minimum of:

"Rakes: One inch

"Eves: Into gutter."

The remainder of the Section remains unchanged.

(~~24~~**25**) Delete Subparagraph 3 of Section R908**7.3.1.1**, Recovering versus replacement, and replace with:

"3. Where the existing roof has one or more applications of any type of roof covering."

(~~25~~**26**) Amend Section M1503.1, General, by deleting the Exception. **Add the following sentence to read:**

“All cooking exhaust shall be vented to the exterior and in accordance with Section M1505.4.4.”

(~~26~~) ~~Amend Section M1503.3, Kitchen exhaust rates, to read:~~

~~"**M1503.3 Kitchen exhaust rates.** Domestic kitchen cooking appliances shall be equipped with ducted range hoods or down draft exhaust systems. The fans shall be sized in accordance with Section M1507.4."~~

(27) Amend Section M1503.~~6~~**4**, Makeup air required, by **deleting the exception**, revising the first sentence, and adding a sentence to the end of the Section to read:

a. First sentence to read:

"Where one or more . . . Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.19m³/s) or more. . ."

The remainder of the sentence remains unchanged.

b. Add a sentence at the end of the Section to read:

"Makeup air systems shall be capable of maintaining a minimum makeup air temperature of 50° F (10°C) during the heating season."

(28) Amend Table M15057.34.3(1) by adding a footnote to read:

¹ An equation can be used as an alternative to Table R15057.43.3(1)

$$Q_{fan} = 0.01A_{floor} + 7.5(N_{br} + 1)$$

Where:

Q_{fan} = fan flow rate in cubic feet per minute (cfm).

A_{floor} = floor area in square feet (ft²).

N_{br} = number of bedrooms; not to be less than 1."

(29) Amend Section M1601.1.1, Above-ground duct systems, by deleting requirements 7, 7.1, 7.2, 7.3, 7.4, 7.5 and replacing with:

"7. Stud wall cavities and the spaces between solid floor joists shall not be used as supply air or return air plenums."

(30) Amend Section G2417.4.1 (406.4.1), Test pressure, to read:

"G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 20 psig (138 kPa gauge)."

The remainder of the Section remains unchanged.

(31) Amend Section G2417.4.2 (406.4.2), Test duration, to read:

"G2417.4.2 (406.4.2) Test duration. The test duration shall be not less than one hour at 60 psi or 24 hours at 20 psi.

(32) Amend Section G2425.8 (501.8), Appliances not required to be vented, by deleting #7.

(33) Delete all Subsections of Section G2445 (621), Unvented room heaters, in their entirety and replace with:

"G2445.1 General. Unvented room heaters are prohibited from installation."

(34) Amend the first sentence of Section P2503.5.1, Rough plumbing, to read:

"P2503.5.1 Rough plumbing. DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage."

The remainder of the Section remains unchanged.

(35) Delete Chapters 34 through 43 and replace with:

"E3401 General. Electrical installations shall comply with the Parker Electrical Code."

Section 3. Section 11.02.060 of the Parker Municipal Code is amended to read as follows:

11.02.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Residential Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.02.080 of the Parker Municipal Code is amended to read as follows:

11.02.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, ~~2016~~ **2019**.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.92.5 - First Reading**
A Bill for an Ordinance to Amend Sections 11.03.020,
11.03.050, 11.03.060 and 11.03.080 of the Parker Municipal
Code Concerning the Parker Building Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend those Sections 11.03.020, 11.03.050, 11.03.060 and 11.03.080 of the Parker Municipal Code concerning the design and installation of building systems through requirements emphasizing performance that safeguards public health and safety.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Building Code®, in this 2018 edition, is designed to meet model code regulations that safeguard the public health and safety in all communities.

This comprehensive building code establishes minimum regulations for building systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs. This 2018 edition is fully compatible with all the International Codes (I-Codes) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code® and International Plumbing Code®.

The International Building Code® provisions provide many benefits, among which is the model code development process that offers an international forum for building professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance 4.92.5

RECOMMENDED MOTION

I move to approve Ordinance No. 4.92.5 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.92.5, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.03.020, 11.03.050, 11.03.060 AND 11.03.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER BUILDING CODE

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

Section 1. Section 11.03.020 of the Parker Municipal Code is amended to read as follows:

11.03.020 International Building Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Building Code, ~~2015~~ **2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.03.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

11.03.050 Amendments.

The International Building Code, as adopted by this Chapter, is amended as follows (section numbers correspond with those in the International Building Code):

(1) Delete all Appendix Chapters.

(2) Amend Section 101.1, Title, to read:

"101.1 Title. These regulations shall be known as the Parker Building Code, hereinafter referred to as the 'code.'"

(3) Sections 101.2, 101.2.1 and 101.3 remain unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Scope and Administration," is deleted in its entirety (*see* Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code)

(5) Amend Section 1608.2, Ground snow loads, to read:

"1608.2 Ground snow loads. The ground snow load within the Town of Parker shall be a minimum of 30 pounds per square foot for calculating roof

drifting. Snow load for roofs shall be 30 pounds per square foot minimum, plus drifting."

(6) Amend Section 1609.3, Basic wind speed, by the addition of the following:

Figure 1609.3(1) equals ~~115~~110 miles per hour

Figure 1609.3(2) equals ~~120~~115 miles per hour

Figure 1609.3(3) equals ~~105~~120 miles per hour

Figure 1609.3(4) equals 105 miles per hour

(7) Amend Subsection 1609.4.3, Exposure categories, Exposure C, to read:

"Exposure C shall be used for the design of all structures in the Town of Parker."

~~(8) Amend Section 3109, Swimming Pool Enclosures and Safety Devices, to read:~~

~~"**3109.1 General.** Swimming pools shall comply with the Parker Swimming Pool and Spa Code."~~

~~The remainder of the Section is deleted.~~

(98) Amend Chapter 31 to add a new Section 3114, Manufactured housing, to read:

"3114 Manufactured housing. Manufactured housing constructed in accordance with standards other than those set forth in this ordinance may be erected in approved locations. The site constructed foundation, porches, decks, utilities and other functions must meet the standards set forth in this and other related ordinances. Permits may be issued for these elements of the building; however, a certificate of occupancy will not be issued, as the conformance with the Town's standards of the manufactured home is not known to the department. No additions shall be made to a manufactured home, unless said addition meets the standards set forth in this ordinance."

(109) Amend Chapter 35, ASME standards, as follows:

ASME A 18.1: Replace the ~~2008~~14 Safety Standard for Platform Lifts and Stairway Chair Lifts with the 2011 Safety Standard for Platform Lifts and Stairway Chair Lifts.

The remaining ASME standards remain unchanged.

Section 3. Section 11.03.060 of the Parker Municipal Code is amended to read as follows:

11.03.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Building Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.03.080 of the Parker Municipal Code is amended to read as follows:

11.03.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, ~~2016~~**2019**.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.93.5 - First Reading**
A Bill for an Ordinance to Amend Sections 11.04.020,
11.04.050, 11.04.060 and 11.04.080 of the Parker Municipal
Code Concerning the Parker Fire Protection Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.04.020, 11.04.050, 11.04.060 and 11.04.080 of the Parker Municipal Code concerning conditions hazardous to life and property from fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises. These administrative duties will be delegated to the Chief Building Official of the Town of Parker.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Fire Code®, in this 2018 edition, is designed through model code regulations to safeguard the public health and safety in all communities.

This comprehensive fire code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This 2018 edition is fully compatible with all the International Codes (“I-Codes”) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fuel Gas Code®, International Mechanical Code®,

International Plumbing Code® and International Residential Code®.

The International Fire Code® provisions provide many benefits, among which is the model code development process that offers an international forum for fire safety professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.93.5

RECOMMENDED MOTION

I move to approve Ordinance No. 4.93.5 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.93.5, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.04.020, 11.04.050, 11.04.060 AND 11.04.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER FIRE PROTECTION CODE

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

Section 1. Section 11.04.020 of the Parker Municipal Code is amended to read as follows:

11.04.020 International Fire Code adopted.

Pursuant to Section 7.7 of the Parker Home Rule Charter, the International Fire Code, ~~2015~~ **2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.04.040 of the Parker Municipal Code is amended to read as follows:

11.04.040 Definitions.

Fire Code Official, wherever used in the International Fire Code, shall mean the Chief Building Official of Parker, Colorado, except as otherwise provided herein. In the event there is a conflict in the information or application of the Fire Code, the Chief Building Official will resolve such conflicts.

Jurisdiction, wherever used in the International Fire Code, shall mean that area within the corporate limits of the Town or any area hereafter annexed to the Town.

Section 3. Section 11.04.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

11.04.050 Amendments.

The International Fire Code, as adopted by this Chapter, is hereby amended as follows (article numbers correspond with those in the International Fire Code):

- (1) Delete Appendix Chapters A, ~~D~~, E, F, G, H, I, J, K, L and M.
- (2) Amend Section 101.1, Title, to read:

"**101.1 Title.** These regulations shall be known as the Parker Fire Protection Code, hereinafter referred to as the 'code.'"

(3) Amend Section 105.6.36, Outdoor assembly event, to read as follows:

"105.6.36, Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 500 persons."

(34) Amend Section ~~108.1~~**109.1**, Board of appeals established, to read:

"108.1109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be a board of appeals. The board of appeals shall be the Regional Fire Code Board of Appeals and shall hold office at its pleasure."

(45) Amend Section ~~109.4~~**110.4**, Violation penalties, to read:

"109.4110.4 Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than four hundred ninety-nine dollars (\$499). Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(56) Amend Section ~~111.4~~**112.4**, Failure to comply, to read:

"111.4112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than four hundred ninety-nine dollars (\$499)."

(67) Amend Section 202, General Definitions, by the addition of a new definition, *approved side of the building*, and by amending the definition of *Fire Code Official* to read:

"Approved side of the building shall account for at least twenty-five percent (25%) of the building perimeter and will be determined by the fire code official.

"Fire Code Official shall mean the Chief Building Official of Parker, Colorado."

(78) Add a new Section 401.1.1, Fire Code Official, to read:

"401.1.1 Fire Code Official. Wherever *Fire Code official* is referred to in this Chapter, it shall mean the Chief of the South Metro Fire Rescue Authority."

(89) Delete the exceptions to Section 503.1.1. Buildings and facilities, and replace with:

"Exception: The dimension of 150 feet (45,720 mm) shall be increased as follows:

"11.1. Where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13), the dimension shall be unlimited; provided access roads are extended to within 150 feet (45,720 mm) of at least one (1) approved side of the building. Fire hydrant requirements of Section ~~508.5.1~~**507.5.1** may necessitate additional roads to serve hydrants near large buildings.

"21.2. Where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D), the dimension shall be increased to 200 feet (60,960 mm).

"1.33. Where there are not more than two Group R-3 or Group U occupancies, the dimension shall be unlimited; provided access roads are extended to within 150 feet (45,720 mm) of at least one (1) approved side of the building. Fire hydrant requirements of Section ~~508.5.1~~**507.5.1** may necessitate additional roads to serve hydrants near large buildings."

(910) ~~Delete~~**Amend** Section 503.1.2, ~~Additional Access, in its entirety and replace with the following~~**by adding the following sentence to read:**

Reference Appendix D for additional requirements

~~"503.1.2 Additional access. At least two (2) separate and approved fire apparatus access roads shall be provided to the following occupancies, buildings, and facilities:~~

~~"1. Where the designated and/or calculated occupant load is 300 or more occupants in the following occupancies:~~

~~"a. Assembly Group (A);~~

~~"b. Business Group (B);~~

~~"c. Educational Group (E); and~~

~~"d. Mercantile Group (M).~~

~~"2. Institutional Group (I) occupancies having an occupant load of 100 or more occupants.~~

~~"3. Storage Group (S) and Factory Group (F) occupancies where the total fire area exceeds 50,000 square feet.~~

~~"4. High Hazard Group (H) occupancies will be evaluated independently by the fire code official.~~

~~"5. Residential Group (R) occupancies where the number of dwelling units exceeds 40."~~

(4011) Amend Section 503.2, Specifications, to read:

"503.2 Specifications. Fire apparatus access roads shall be installed and arranged~~designed in accordance with South Metro Fire Rescue Authority's Fire Access Road Specification Sheet for specific roadway design criteria. Site plans showing an auto turn or equivalent depiction of fire apparatus movements through designated fire lanes in order to verify proper turning radii are required for new fire apparatus access roads~~ and in accordance with Sections 503.2.1 through 503.2.8;and Appendix D.

"Exception: South Metro Fire Rescue Authority shall default to the current edition of the Roadway Design and Construction Criteria Manual adopted by the Town of Parker."

(4412) Amend Section 503.2.53, ~~Dead ends~~Surface, to read:

"503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus weighing up to 80,000 pounds and shall be surfaced so as to provide all-weather driving capabilities and in accordance with Section D102.

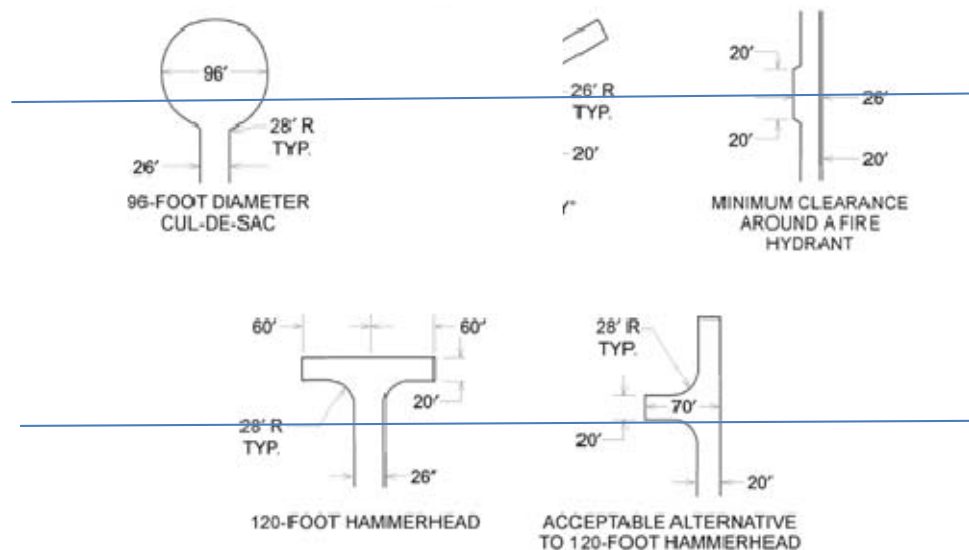
~~"503.2.5 Dead ends. Dead end fire apparatus access roads in excess of 150 feet (45,720 mm) in length shall be provided with an approved area for turning around fire apparatus in accordance with Table 503.2.5. The length of the designated fire access road shall be measured from the curb cut to the end of the road surface.~~

~~"Table 503.2.5
Requirements for Dead End Fire Apparatus Access Roads~~

<i>Length (feet)</i>	<i>Width (feet)</i>	<i>Turnarounds Required</i>
0-150	20	Not required

151-600	20	120-foot Hammerhead 96-foot diameter cul-de-sac in accordance with Figure 503.2.5
Over 600	Special approval required	

**~~"Figure 503.2.5
Dead End Fire Apparatus Access Road Turnaround~~**



(1213) Amend Section 503.4.1, Traffic calming devices, to read:

"503.4.1 Traffic calming devices. Traffic calming devices on public streets shall be prohibited, unless approved by the Public Works Director. For all other fire apparatus access roads, traffic calming devices shall be permitted, subject to the approval of the fire code official and the Public Works Director."

(14) Amend Section 503.4, Obstruction of fire apparatus access roads, by adding the following to the end of the sentence:

"... in Sections 503.2.1, 503.2.2, and Appendix D, shall be maintained at all times."

(15) Amend Section 503.6, Security gates, to read:

“Section 503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Code Official and shall be in accordance with Section D103.5.”

(1316) Amend Section 507.3, Fire flow, to read:

"507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B, as amended, or by an approved method."

(1417) Amend Section 507.5, Fire hydrant systems, to read:

"507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C."

(18) Amend Chapter 9 to add a new Section 903.3.1.2.4, Location of sprinklers, to read:

“903.3.1.2.4 Location of sprinklers. Sprinklers shall be installed in any closet used for heating or air-conditioning equipment, washers, dryers or water heaters.”

(19) Amend Chapter 9 to add a new Section 903.3.1.2.5, Stock of spare sprinklers, to read:

“903.3.1.2.5 Stock of spare sprinklers. On a single property with multiple buildings under the same ownership, it shall be required that each individual riser room be provided with the required sprinkler box, spare sprinkler heads and wrench.”

(20) Amend Section 905.4 (1), Location of Class I standpipe hose connections, by deleting the exception in its entirety.

(21) Amend Section 1103.7.6(3), Group R-2, to read:

“Section 1103.7.6(3). A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units; provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, exceptions 3.2 to 3.5.”

(1522) Amend Exception #4 of Section 5601.1.3, Fireworks, to read:

"5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

"Exceptions:

"1. Unchanged.

"2. Deleted.

"3. The use of fireworks for fireworks displays as allowed in Section 5608.

"4. The possession, storage, sales, handling, and use of permissible fireworks, as defined by Section 12-28-101~~(8)(a)~~, C.R.S., as amended, as follows:

"Permissible fireworks as defined by Section 12-28-101~~(8)(a)~~, C.R.S. as amended, are permitted in the Town, except as provided by Chapter 6.04 of the Parker Municipal Code, as amended. Permissible fireworks include the following:

"a. Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;

"b. Cone fountains, total pyrotechnic composition not to exceed fifty grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;

"c. Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred grams for each complete wheel;

"d. Ground spinner, a small device containing not more than twenty grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;

"e. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred grams each;

"f. Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams;

"g. Any of the following that do not contain more than fifty milligrams of explosive composition:

- "1. Explosive auto alarms;
- "2. Toy propellant devices;
- "3. Cigarette loads;
- "4. Strike-on-box matches; or
- "5. Other trick noise makers;

"h. Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units;

"i. Multiple tube devices with:

- "1. Each tube individually attached to a wood or plastic base;
- "2. The tubes separated from each other on the base by a distance of at least one-half of one inch;
- "3. The effect limited to a shower of sparks to a height of no more than fifteen feet above the ground;
- "4. Only one external fuse that causes all of the tubes to function in sequence; and
- "5. A total pyrotechnic composition of no more than five hundred grams.

"j. 'Permissible fireworks' do not include aerial devices or audible ground devices, including, but not limited to, firecrackers. "

(~~1723~~) Amend Section 5704.2.9.6, Above-ground tanks outside of buildings, (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited), by the addition of the following:

"The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of the Town of Parker Zoning Ordinances."

(~~1824~~) Amend Section 5706.2.4.4, Locations where above-ground tanks are prohibited (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited), by the addition of the following:

"The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of the Town of Parker Zoning Ordinances."

(25) Amend Section 5708.2, Locations where above-ground tanks are prohibited (geographic limits in which the storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited), by the addition of the following:

"The storage of flammable cryogenic fluids in stationary containers outside of buildings shall conform to the provisions of the Town of Parker Zoning Ordinances."

(1926) Amend to Section 6104.2, Maximum capacity within established limits (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas), by the addition of the following:

"Restricted use. Bulk storage of liquefied petroleum gas within all business and commercial zones is restricted for the protection of heavily populated or congested commercial areas. The aggregate capacity of any one installation shall not exceed two thousand (2,000) gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the Fire Code Official after consideration of any special features, such as topographical conditions, nature of occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided and the facilities of the South Metro Fire Rescue Authority. Storage and use of propane in cylinders that are designed to hold more than forty (40) pounds is prohibited on any residential lot in the Town. Storage and use of propane in cylinders with an aggregate capacity of more than one hundred fifty (150) pounds is prohibited on any residential lot in the Town."

(27) Amend Section D102.1, Access and loading to read:

"D102.1, Access and loading. Facilities, building or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 80,000 pounds. "

(28) Amend Section D103.1, Access road width with a hydrant, by deleting it in its entirety.

(29) Amend Section D103.2, Grade, by deleting and replace with the following:

“D103.2, Grade. The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the Fire Code Official based on fire district apparatus specifications.”

(30) Amend Section D103.4, Dead ends, to read:

“D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45,720mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 and the Town of Parker roadway design standards.”

(31) Amend Section D106.1, Projects having more than 100 dwelling units, by deleting the exception in its entirety.

Section 4. Section 11.04.060 of the Parker Municipal Code is amended to read as follows:

11.04.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Fire Protection Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 5. Section 11.04.080 of the Parker Municipal Code is amended to read as follows:

11.04.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, **2019**.

Section 5. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.94.4 - First Reading**
A Bill for an Ordinance to Amend Sections 11.06.020,
11.06.050, 11.06.060 and 11.06.080 of the Parker Municipal
Code Concerning the Parker Mechanical Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.06.020, 11.06.050, 11.06.060 and 11.06.080 of the Parker Municipal Code concerning the design and installation of mechanical systems emphasizing performance that safeguards public health and safety.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Mechanical Code®, in this 2018 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities.

This comprehensive mechanical code establishes minimum regulations for mechanical systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new mechanical system designs. This 2018 edition is fully compatible with all the International Codes (“I-Codes”) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fire Code®, International Fuel Gas Code®, International Plumbing Code®, and International Residential Code®.

The International Mechanical Code® provisions provide many benefits, among which is the model code development process that offers an international forum for mechanical professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.94.4

RECOMMENDED MOTION

I move to approve Ordinance No. 4.94.4 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.94.4, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.06.020, 11.06.050, 11.06.060 AND 11.06.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER MECHANICAL CODE

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

Section 1. Section 11.06.020 of the Parker Municipal Code is amended to read as follows:

11.06.020 International Mechanical Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Mechanical Code, ~~2015~~**2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.06.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

11.06.050 Amendments.

The International Mechanical Code, as adopted by this Chapter, is hereby amended as follows (section numbers correspond with those in the International Mechanical Code):

(1) Delete Appendix Chapters A and B.

(2) Amend Section 101.1, Title, to read:

"101.1 Title. These regulations shall be known as the Parker Mechanical Code, hereinafter referred to as the 'code.'"

(3) Sections 101.2, 101.2.1 and 101.3 remain unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Administration," is deleted in its entirety (*see* Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Amend Section 202, General definitions, to add new definitions to read:

"Certified Solid Fuel Burning Device shall mean a solid fuel burning device which is certified by the Air Pollution Control Division of the Colorado

Department of Public Health and Environment to meet the Emissions Standards set forth in Section IV of Regulation No. 4 of Volume I of the Colorado Air Quality Control Commission, hereinafter referred to as 'State Regulations.'

"*Solid Fuel Burning Device* shall mean any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, coal, pulp, paper or other nonliquid or nongaseous fuel.

"*Wood Burning Fireplace* shall mean an open hearth or fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney."

(6) Amend Section 505.2, Makeup air required, to read:

"505.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of 600 cfm (0.19 m³/s) shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

"Makeup air systems shall be capable of maintaining a minimum makeup air temperature of 50° F (10° C) during the heating season."

(7) Delete Section 602.3, Stud cavity and joist space plenums, and replace with:

"602.3 Stud cavity and joist space plenums. Stud wall cavities and the spaces between floor joists shall not be utilized as air plenums."

(8) Amend Section 905.1, General, to add a new second paragraph to read:

"Installation of a certified solid fuel burning device will be permitted within the Town of Parker when such device meets the EPA Phase II or Colorado Phase III emissions testing as defined in the State Regulations."

Section 3. Section 11.06.060 of the Parker Municipal Code is amended to read as follows:

11.06.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Mechanical Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.06.080 of the Parker Municipal Code is amended to read as follows:

11.06.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, **2016**
2019.

Section 5. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.95.4 - First Reading**
A Bill for an Ordinance to Amend Sections 11.07.020,
11.07.050, 11.07.060 and 11.07.080 of the Parker Municipal
Code Concerning the Parker Plumbing Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.07.020, 11.07.050, 11.07.060 and 11.07.080 of the Parker Municipal Code concerning the design and installation of plumbing systems through requirements emphasizing performance that safeguards public health and safety.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Plumbing Code®, in this 2018 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities.

This comprehensive plumbing code establishes minimum regulations for plumbing systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new plumbing designs. This 2018 edition is fully compatible with all the International Codes (“I-Codes”) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code® and International Residential Code®.

The International Plumbing Code® provisions provide many benefits, among which is the model code development process that offers an international forum for plumbing professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.95.4

RECOMMENDED MOTION

I move to approve Ordinance No. 4.95.4 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.95.4, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.07.020, 11.07.050, 11.07.060 AND 11.07.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER PLUMBING CODE

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

Section 1. Section 11.07.020 of the Parker Municipal Code is amended to read as follows:

11.07.020 International Plumbing Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Plumbing Code, ~~2015~~ **2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.07.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

11.07.050 Amendments.

The International Plumbing Code, as adopted by this Chapter, is hereby amended as follows (section numbers correspond with those in the International Plumbing Code):

(1) Delete Appendix Chapters A, C, D and E.

(2) Amend Section 101.1, Title, to read:

"101.1 Title. These regulations shall be known as the Parker Plumbing Code, hereinafter referred to as the 'code.'"

(3) Sections 101.2 and 101.3 remain unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Scope and Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Amend Section 916.3, Vent installation below the fixture flood level rim, by adding a new Exception to read:

"Exception: A vent is not required if the island drain is the uppermost fixture on a 3" branch drain."

Section 3. Section 11.07.060 of the Parker Municipal Code is amended to read as follows:

11.07.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Plumbing Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.07.080 of the Parker Municipal Code is amended to read as follows:

11.07.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, ~~2016~~ **2019**.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.96.4- First Reading**
A Bill for an Ordinance to Amend Sections 11.14.020,
11.14.050, 11.14.060 and 11.14.080 of the Parker Municipal
Code Concerning the Parker Energy Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.14.020, 11.14.050, 11.14.060 and 11.14.080 of the Parker Municipal Code that apply to the design of energy-efficient building envelopes and installation of energy efficient mechanical, lighting and power systems through requirements emphasizing performance that results in the optimal utilization of fossil fuel and non-depleting resources.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Energy Conservation Code®, in this 2018 edition, is a comprehensive energy conservation code that establishes minimum regulations for energy efficient buildings using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new energy efficient designs. This 2018 edition is fully compatible with all the International Codes (“I-Codes”) published by the International Code Council (ICC), including the International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, International Plumbing Code® and International Residential Code®.

The International Energy Conservation Code® provisions provide many benefits, among which

is the model code development process that offers an international forum for energy professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.96.4

RECOMMENDED MOTION

I move to approve Ordinance No. 4.96.4 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.96.4, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.14.020, 11.14.050, 11.14.060 AND 11.14.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER ENERGY CODE

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

Section 1. Section 11.14.020 of the Parker Municipal Code is amended to read as follows:

11.14.020 International Energy Conservation Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Energy Conservation Code, ~~2015~~2018 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.14.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

11.14.050 Amendments.

The International Energy Conservation Code, as adopted by this Chapter, is hereby amended as follows:

(1) Delete Section 101.1, Title, and replace with:

"101.1 Title. This code shall be known as the Parker Energy Code and shall be cited as such. It is referred to herein as the 'code.'"

(2) Delete all sections after Part 2 – Administration and Enforcement (refer to Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(3) Amend Section C302.1, Interior design conditions, by replacing "72°F (22°C)" with "70°F (21°C)."

(4) Add a new Section C402.5.1.1.2, Air permeable insulation, to read:

"C402.5.1.1.2, Air permeable insulation. A rigid, air-impermeable barrier shall be installed in a continuous and contiguous manner on all six

sides of all air-permeable insulation that is part of the building's thermal envelope.

"Exception: Air-permeable insulation used in the horizontal assembly of a ventilated attic and the insulation has a minimum depth of 14 inches."

~~(5) Delete Section C406, Additional Efficiency Package Options, in its entirety.~~

Section 3. Section 11.14.060 of the Parker Municipal Code is amended to read as follows:

11.14.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Energy Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.14.080 of the Parker Municipal Code is amended to read as follows:

11.14.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, ~~2016~~2019.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.97.4 - First Reading**
A Bill for an Ordinance to Amend Sections 11.15.020,
11.15.050, 11.15.060 and 11.15.080 of the Parker Municipal
Code Concerning the Parker Fuel Gas Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.15.020, 11.15.050, 11.15.060 and 11.15.080 of the Parker Municipal Code concerning the design and installation of fuel gas systems and gas-fired appliances through requirements emphasizing performance that safeguards public health and safety.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Fuel Gas Code®, in this 2018 edition, establishes minimum regulations for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new fuel gas system and appliance designs. This 2018 edition is fully compatible with all the International Codes (“I-Codes”) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fire Code®, International Mechanical Code®, International Plumbing Code® and International Residential Code®.

The International Fuel Gas Code® provisions provide many benefits, among which is the model code development process that offers an international forum for fuel gas technology

professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.97.4

RECOMMENDED MOTION

I move to approve Ordinance No. 4.97.4 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.97.4, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.15.020, 11.15.050, 11.15.060 AND 11.15.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER FUEL GAS CODE

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

Section 1. Section 11.15.020 of the Parker Municipal Code is amended to read as follows:

11.15.020 International Fuel Gas Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Fuel Gas Code, ~~2015~~ **2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.15.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

11.15.050 Amendments.

The International Fuel Gas Code, as adopted by this Chapter, is amended as follows (section numbers correspond with those in the International Fuel Gas Code):

(1) Delete Appendix Chapters A, B, C and D.

(2) Delete Section 101.1, Title, and replace with:

"101.1 Title. These regulations shall be known as the Parker Fuel Gas Code, hereinafter referred to as the 'code.'"

(3) Sections 101.2 through 101.2.5 are unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Delete Sections 406.4.1, Test pressure, and 406.4.2, Test duration, and replace with:

"406.4.1 Test pressure and duration. Test pressure shall be 20 psig for 24 hours or 60 psig for 1 hour."

(6) Amend Section 621 (IFGC), Unvented room heaters, to read:

"621.1 General. Unvented room heaters are prohibited from installation."

The remainder of the Section is deleted in its entirety

Section 3. Section 11.15.060 of the Parker Municipal Code is amended to read as follows:

11.15.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Fuel Gas Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.15.080 of the Parker Municipal Code is amended to read as follows:

11.15.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, ~~2016~~**2019**.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.101.5 - First Reading**
A Bill for an Ordinance to Amend Sections 11.16.010, 11.16.050, 11.16.060 and 11.16.080 of the Parker Municipal Code Concerning the Parker Property Maintenance Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.16.020, 11.16.050, 11.16.060 and 11.16.080 of the Parker Municipal Code concerning property maintenance for all existing residential and nonresidential structures on existing premises.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Property Maintenance Code®, in this 2018 edition, addresses property owner's maintenance responsibilities, standards to be met and penalties for violations.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.101.5

RECOMMENDED MOTION

I move to approve Ordinance No. 4.101.5 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.101.5, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.16.010, 11.16.050, 11.16.060 AND 11.16.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER PROPERTY MAINTENANCE CODE

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

Section 1. Section 11.16.010 of the Parker Municipal Code is amended to read as follows:

11.16.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Property Maintenance Code.

Section 2. Section 11.16.050 of the Parker Municipal Code is amended to read as follows:

11.16.050 Amendments.

The International Property Maintenance Code is amended as follows (section numbers correspond with those in the International Property Maintenance Code).

(1) Delete Chapters 1, 4, 5, 6, 7 and Appendix A.

(2) Amend Section 301.2, Responsibility, to read:

"301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code."

(3) Amend Section 302.4, Weeds, to read:

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height.
...

The remainder of the Section remains unchanged.

(4) Amend Section 302.9, Defacement of property, to read:

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti ("Defacement"). Whenever any defacement

of property shall be found, the Chief of Police or his or her designee shall order the occupant or owner of the property upon which the defacement exists to remove or correct the same within twenty-four (24) hours or such period in excess of twenty-four (24) hours as designated in writing by the Chief of Police or his or her designee at the expense of the owner of the property or occupant. If the occupant or owner does not comply with the order of the Chief of Police or his or her designee, the Chief of Police or his or her designee may cause the defacement to be removed or corrected and all expense incurred thereby shall be paid by the occupant or owner and may be recovered by the Town in an action against the occupant and/or owner as provided in this Code.

(5) Delete Sections 303, 305, 307, 308 and 309 in their entirety

Section 3. Section 11.16.060 of the Parker Municipal Code is amended to read as follows:

11.16.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Property Maintenance Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.16.080 of the Parker Municipal Code is amended to read as follows:

11.16.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, **2019**

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.105.2 - First Reading**
A Bill for an Ordinance to Amend Sections 11.08.020,
11.08.050, 11.08.060 and 11.08.080 of the Parker Municipal
Code Concerning the Parker Existing Building Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.08.020, 11.08.050, 11.08.060 and 11.08.080 of the Parker Municipal Code that concerns the remodeling, repair or alteration of existing buildings.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Existing Building Code®, in this 2018 edition, is designed to meet model code regulations that safeguard the public health and safety in all communities.

This comprehensive building code establishes minimum regulations for building systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs. This 2018 edition is fully compatible with all the International Codes (I-Codes) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code® and International Plumbing Code®.

The International Existing Building Code® provisions provide many benefits, among which is the model code development process that offers an international forum for building

professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages International consistency in the application of provisions.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.105.2

RECOMMENDED MOTION

I move to approve Ordinance No. 4.105.2 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.105.2, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.08.020, 11.08.050, 11.08.060 AND 11.08.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER EXISTING BUILDING CODE

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

Section 1. Section 11.08.020 of the Parker Municipal Code is amended to read as follows:

11.08.020 International Existing Building Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Existing Building Code, ~~2015~~ **2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.08.050 of the Parker Municipal Code is amended to read as follows:

11.08.050 Amendments.

The International Existing Building Code, as adopted by this Chapter, is hereby amended as follows (section numbers correspond with those in the International Existing Building Code):

(1) Delete Section 101.6, Appendices, and Appendix Chapters A, B and C.

(2) Amend 101.1, Title, to read:

"101.1 Title. These regulations shall be known as the Parker Existing Building Code, hereinafter referred to as the 'code.'"

(3) Sections 101.2, 101.3, 101.4, 101.5, and 101.7 remain unchanged.

(4) The remainder of Chapter 1 of the code is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

Section 3. Section 11.08.060 of the Parker Municipal Code is amended to read as follows:

11.08.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Existing Building Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.08.060 of the Parker Municipal Code is amended to read as follows:

11.08.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2016
2019.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Randy Sale, Chief Building Official
Jason Rogers, Deputy Community Development Director
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.106.2 - First Reading**
A Bill for an Ordinance to Amend Sections 11.09.020,
11.09.050, 11.09.060 and 11.09.080 of the Parker Municipal
Code Concerning the Parker Swimming Pool and Spa Code

Department: Building, Randy Sale
Second Reading: November 5, 2018

EXECUTIVE SUMMARY

The Town desires to amend Sections 11.09.020, 11.09.050, 11.09.060 and 11.09.080 of the Parker Municipal Code concerning the design and installation of swimming pool and spa systems through requirements emphasizing performance that safeguards public health and safety.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The International Swimming Pool and Spa Code®, in this 2018 edition, addresses comprehensive swimming pool and spa code minimum regulations using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new swimming pool and spa designs. This 2018 edition is fully compatible with all the International Codes (“I-Codes”) published by the International Code Council (ICC), including the International Building Code®, International Energy Conservation Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, International Plumbing Code® and International Residential Code®.

The International Swimming Pool and Spa Code® provisions provide many benefits, among which is the model code development process that offers an international forum for swimming

pool and spa professionals to discuss code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 4.106.2

RECOMMENDED MOTION

I move to approve Ordinance No. 4.106.2 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 4.106.2, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.09.020, 11.09.050, 11.09.060 AND 11.09.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER SWIMMING POOL AND SPA CODE

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

Section 1. Section 11.09.020 of the Parker Municipal Code is amended to read as follows:

11.09.020 International Swimming Pool and Spa Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Swimming Pool and Spa Code, ~~2015~~ **2018** Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Section 11.09.050 of the Parker Municipal Code is amended to read as follows:

11.09.050 Amendments.

The International Swimming Pool and Spa Code, as adopted by this Chapter, is hereby amended as follows (section numbers correspond with those in the International Swimming Pool and Spa Code):

(1) Amend Section 101.1, Title, to read:

"101.1 Title. These regulations shall be known as the Parker Swimming Pool and Spa Code, hereinafter referred to as the 'code.'"

(2) Sections 101.2, 101.3 and 101.4 remain unchanged.

(3) The remainder of Chapter 1 of the code is deleted in its entirety (*see* Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

Section 3. Section 11.09.060 of the Parker Municipal Code is amended to read as follows:

11.09.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Swimming Pool and Spa Code, any person who violates any of the provisions of this Chapter shall

be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Section 11.09.080 of the Parker Municipal Code is amended to read as follows:

11.09.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, **2016**
2019.

Section 5. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2015.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2015.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Sue Ratcliff, Court Administrator

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.81 - First Reading**
A Bill for an Ordinance to Amend Title 3 of the Parker Municipal Code Authorizing the Municipal Court to Maintain a Supervision Office Through the Court Clerk's Office

Department: **Municipal Court, Kevin Sidel**
Municipal Court, Sue Ratcliff

Second Reading: **November 5, 2018**

EXECUTIVE SUMMARY

The purpose of this ordinance is to amend Title 3 of the Parker Municipal Code to authorize the Municipal Court to maintain a Supervision Office through the Court Clerk's Office.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

This ordinance will allow the Municipal Court to provide supervision to juveniles and adult defendants who may pose a risk to the community or, in the case of juveniles, who may be at higher risk to re-offend or fail to thrive, and thus become a greater burden to the community. Supervision will further the goals of rehabilitation and community safety.

Through the Municipal Court, a supervision specialist will monitor and supervise juveniles and adult defendants who meet the criteria set forth above. As examples of the scope of this person's duties, s/he will ensure that at-risk individuals comply with requirements for alcohol or substance abuse evaluations, complete recommended treatment from an evaluation, remain offense-free and complete other court-ordered requirements, i.e., community service, classes, etc.

Individuals will enter into supervision either by agreement with the Town Attorney as part of a plea bargain (typically involving a Deferred Judgment and Sentence Agreement) or when sentenced to supervision by the Judge upon a conviction.

In addition, a supervised juvenile or adult may be required to complete one or more of the following: An alcohol or substance abuse evaluation; treatment as recommended by an evaluation; an appropriate class; or community service hours. The juvenile or adult would be responsible for any additional fees for these requirements. In the case of juveniles, the supervisor would utilize cost-free or minimal-cost services as much as possible.

FINANCIAL IMPACT

The functions would be absorbed by an existing employee with minimal staff overhead. It is anticipated that the supervision fees would offset costs to the Town.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 5.81

RECOMMENDED MOTION

I move to approve Ordinance No. 5.81 on first reading and to schedule second reading for November 5, 2018, as part of the consent agenda.

ORDINANCE NO. 5.81, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND TITLE 3 OF THE PARKER MUNICIPAL CODE AUTHORIZING THE MUNICIPAL COURT TO MAINTAIN A SUPERVISION OFFICE THROUGH THE COURT CLERK'S OFFICE

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

Section 1. Section 3.01.050 of the Parker Municipal Code is amended by the addition of a new Paragraph (a)(12) to read as follows:

3.01.050 Court costs.

(a) Whenever the Municipal Judge imposes any fine for any violation of a municipal ordinance, in addition to any such fine or any other sentence, the Municipal Judge may also assess the following costs:

* * *

(12) Whenever the Municipal Judge places any person on supervision pursuant to Chapter 3.04 of this Parker Municipal Code, the Municipal Judge may also assess the following supervision costs:

a. One hundred fifty dollars (\$150.00) for adults who are placed on supervision for six (6) months or less.

b. Two hundred dollars (\$200.00) for adults who are placed on supervision for more than six (6) months and up to one (1) year.

c. One hundred dollars (\$100.00) for juveniles who are placed on supervision for six (6) months or less.

d. One hundred fifty dollars (\$150.00) for juveniles who are placed on supervision for more than six (6) months and up to one (1) year.

Section 2. The Parker Municipal Code is amended by the addition of a new Chapter 3.04 entitled "Supervision Office," which shall read as follows:

CHAPTER 3.04

Supervision Office

3.04.010 Establishment.

There is hereby created a Supervision Office within the Office of the Court Clerk of the Municipal Court. The Court is authorized to establish by order the procedures by which a person may have his or her sentence subject to supervision by the Supervision Office.

3.04.020 Sentence including supervision.

The Supervision Office is authorized to exercise supervision of the following sentences imposed by the Court:

(1) A person pleading guilty or no contest to a violation of this Code may be required to undergo supervision through the Supervision Office for a period of up to one (1) year.

(2) A person pleading guilty or no contest to a violation of this Code, pursuant to a deferred judgment and sentence, may be required to undergo supervision through the Supervision Office for a period of up to one (1) year.

(3) A person entering into an agreement for a deferred prosecution may be required to undergo supervision through the Supervision Office for a period of up to one (1) year.

3.04.030 Scope.

The Court shall establish criteria for the monitoring and supervision of individuals by the Supervision Office to include, by way of example, but not be limited to, compliance with requirements for alcohol or substance abuse evaluations and completion of recommended treatment, completion of useful public service, completion of required classes, and the payment of restitution.

Section 3. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Tara Moore, Employment & Org. Dev. Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 18-056**
A Resolution to Approve the First Amendment to Town Administrator Employment Agreement

Department: Town Council

EXECUTIVE SUMMARY

An amendment to the Town Administrator's employment agreement and compensation.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On October 1, 2018 Town Council conducted a performance evaluation for the Town Administrator. Prior to this performance evaluation, Town Council and the Employment and Organizational Development Manager did a white board exercise and went through the evaluation process for the Town Administrator. Based on the rating of the competencies for the evaluations it was determined that a 4.7% merit increase was in order pending Town Council approval of the attached Resolution.

FINANCIAL IMPACT

The merit increase was included in the budgeting process.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



ENHANCE ECONOMIC
VITALITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Resolution No. 18-056

RECOMMENDED MOTION

I move to approve Resolution No. 18-056, as part of the consent agenda.

RESOLUTION NO. 18-056, Series of 2018

**TITLE: A RESOLUTION TO APPROVE THE FIRST AMENDMENT TO TOWN
ADMINISTRATOR EMPLOYMENT AGREEMENT**

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

Section 1. The Town Council of the Town of Parker hereby approves the First
Amendment to Town Administrator Employment Agreement, which is attached hereto as
Exhibit A and incorporated herein.

RESOLVED AND PASSED this _____ day of _____, 2018.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

THIS FIRST AMENDMENT is made and entered into this ____ day of October, 2018, by and between the Town Council of the Town of Parker, a Colorado home rule municipality (the "Town"), and Michelle Kivela (the "Town Administrator"), both of whom understand as follows:

RECITALS:

A. The Town and Town Administrator entered into the Employment Agreement on October 15, 2018, concerning the terms and conditions of the Town Administrator's employment with the Town (the "Employment Agreement").

B. The Town desires to increase the Town Administrator's salary, effective September 1, 2018, subject to the terms and conditions of this Second Amendment.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. Paragraph 3 of the Employment Agreement is amended to provide as follows:

3. Salary. The base salary to be paid to the Town Administrator shall be Two Hundred and One Thousand Twenty-Four Dollars (\$201,024.00), annually, which shall be paid periodically in the same manner as other employees of the Town are paid.

2. 3(d) Vacation Leave at the standards accrual rate set forth in the Town Personnel Manual, plus eight (80) additional hours of vacation leave annually. Upon termination of this Agreement, The Town Administrator will be paid the unused portion of her accumulated vacation leave in an amount not to exceed 256 hours. The Town Administrator may not carry accumulated vacation leave in excess of 256 hours part December 31st of each year.

3. Paragraph 5 of the Employment Agreement is amended to provide as follows:

5 (b). Other Terms and Conditions of Employment. The Town Council shall conduct a performance evaluation with the Town Administrator annually in the month in which the Employment Agreement is made and entered into.

4. The Employment Agreement is hereby amended to the extent provided in this First Amendment.

IN WITNESS WHEREOF, the parties have signed this First Amendment as of the date set forth above.

**TOWN COUNCIL OF THE TOWN OF
PARKER, COLORADO**

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

Michelle Kivela, Town Administrator



Request for Town Council Action

Date: October 15, 2018

Submitted By: Stacey Nerger, Associate Planner
Carolyn Parkinson, Planner I
Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 18-063**
A Resolution Finding Substantial Compliance of the Norton Property's Annexation Petition with C.R.S. § 31-12-107 and Setting a Public Hearing on December 3, 2018, for the Purpose of Considering Said Annexation

Department: Community Development, Stacey Nerger
Community Development, Carolyn Parkinson

EXECUTIVE SUMMARY

The applicant, Robert Norton, proposes to annex and zone approximately 9.5 acres of land within unincorporated Douglas County known as the Norton property into the Town of Parker. The property is developed with several residential and agricultural buildings and is located at the northeast corner of Pine Drive and Summerset Lane. The applicant has submitted a zoning application concurrent with the annexation petition that proposes commercial use adjacent to Pine Drive and multiple residential uses for the eastern section of the area to be annexed.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town Council adopted Ordinance No. 1.475 stating its intent to acquire the real property necessary for the construction of Summerset Lane, including property owned by Robert Norton and Meredith Norton (the Nortons). As a part of the good faith negotiations required by Ordinance No. 1.475, the Norton's entered into an Agreement for Possession and Use of land necessary for Summerset Lane. On September 19, 2016, the Town Council approved this

Agreement that also provided for the annexation and zoning of the Norton property.

As outlined in the Agreement, the applicant has submitted an annexation petition and a zoning application that are being processed concurrently for the property. The proposed zoning will incorporate a 3.16 acre area adjacent to Pine Drive with Modified Commercial (C) zoning that permits a range of commercial uses and 6.32 acre area to the east with Modified Multiple Family (MF) zoning that permits a range of residential uses. The permitted uses would include single-family detached homes, single-family attached townhomes, duplexes/paired homes and limited multi-family housing.

The applicant has submitted the annexation petition in accordance with the Municipal Annexation Act of 1965 (the Act), Title 31, Article 12, Part 1, C.R.S., for incorporation into the Town of Parker. The Town Clerk has referred the annexation petition to the Town Council as a communication. The Town Council is required, without undue delay, to take appropriate steps to determine if the annexation petition as filed is in substantial compliance with the Act. Additionally, the Town Council may under Section 13.04.250(c) of the Parker Municipal Code:

- (1) Determine that the annexation petition substantially complies with the requirements of C.R.S. § 31-12-107(1)(a), which requires that the Town Council establish by resolution the date, time and place that the Town Council will hold the public hearing. This public hearing shall not be less than thirty (30) days nor more than sixty (60) days after the resolution setting the public hearing, unless otherwise required by State law;
- (2) Determine that the annexation petition does not substantially comply with the requirements of C.R.S. § 31-12-107(1)(a), which will require no further action; or
- (3) Table any action on the annexation petition for a period of time not to exceed one hundred eighty (180) days.

As part of its review, Community Development staff has confirmed that the subject property is located within the Town of Parker's Urban Growth Area as described in the Parker 2035 Master Plan. The proposed zoning allows a range of commercial and residential uses that are consistent with the Master Plan. Staff has also confirmed that the subject property is contiguous to the Town of Parker and satisfies the contiguity requirements of the Act. The proposed annexation may therefore proceed subject to Town Council review and approval.

The Town Council may adopt Resolution No. 18-063, Series of 2018, if they determine that the annexation petition substantially complies with the Act. The Resolution would set a public hearing date of December 3, 2018 for the Town Council to determine the eligibility of the subject property for annexation and to approve same.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



**DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH**



**ENHANCE ECONOMIC
VITALITY**

ATTACHMENTS

1. Resolution No. 18-063
2. VicinityMap

RECOMMENDED MOTION

I move to approve Resolution No. 18-063, as part of the consent agenda.

RESOLUTION NO. 18-063, Series of 2018

TITLE: A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF THE NORTON PROPERTY'S ANNEXATION PETITION WITH C.R.S. § 31-12-107 AND SETTING A PUBLIC HEARING ON DECEMBER 3, 2018, FOR THE PURPOSE OF CONSIDERING SAID ANNEXATION

WHEREAS, the Petitioner owns certain real property in Douglas County commonly known as the Norton Property, which is described on attached **Exhibit A** (the "Real Property");

WHEREAS, the Petitioner submitted to the Town a Petition for Annexation (the "Annexation Petition") concerning the Real Property;

WHEREAS, pursuant to C.R.S. § 31-12-107, this Town Council, sitting as the governing body of the Town, shall determine whether the Annexation Petition is in substantial compliance with the requirements of C.R.S. § 31-12-107(1); and

WHEREAS, the Town Council of the Town of Parker, Colorado (the "Town"), has satisfied itself concerning the compliance for the Annexation Petition with the requirements of C.R.S. § 31-12-107(1) and must now proceed to consider the proposed annexation of the Real Property to and by the Town.

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

Section 1. The Annexation Petition for the proposed annexation of the Real Property into the Town substantially complies with the requirements of C.R.S. § 31-12-107(1).

Section 2. A public hearing on the eligibility of the Real Property to be annexed into the Town will be conducted on November 19, 2018, at the Town of Parker Town Hall, which is located at 20120 East Mainstreet, Parker, Colorado, 80138, to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Colorado Revised Statutes, Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

Section 3. Any person may appear at such hearing and present evidence upon any matter to be determined by the Town Council.

RESOLVED AND PASSED this ____ day of _____, 2018.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

LEGAL DESCRIPTION Norton Zoning - Residential

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23;

THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER NORTH 89°37'38" EAST, A DISTANCE OF 85.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF PINE DRIVE RECORDED AT RECEPTION NO. 2011031053 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE NORTH 89°37'38" EAST, A DISTANCE OF 1255.31 FEET TO THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER;

THENCE ALONG SAID EASTERLY LINE SOUTH 00°22'39" EAST, A DISTANCE OF 331.90 FEET TO THE NORTHEAST CORNER OF VILLA PARKER SUBDIVISION FILING NO. 1, MINOR DEVELOPMENT PLAT RECORDED AT RECEPTION NO. 2009018851 IN SAID RECORDS;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID VILLA PARKER SUBDIVISION FILING NO. 1, MINOR DEVELOPMENT PLAT SOUTH 89°56'19" WEST, A DISTANCE OF 1270.09 FEET TO THE NORTHWEST CORNER THEREOF AND THE EASTERLY RIGHT-OF-WAY OF PINE DRIVE RECORDED AT RECEPTION NO. 2003173279 IN SAID RECORDS;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAYS THE FOLLOWING (3) COURSES:

1. NORTH 00°25'11" WEST, A DISTANCE OF 25.00 FEET;
2. NORTH 89°37'38" EAST, A DISTANCE OF 15.00 FEET;
3. NORTH 00°25'11" WEST, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

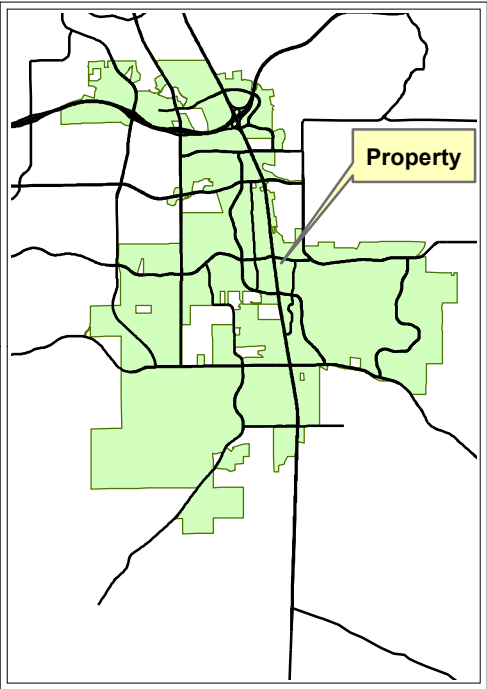
CONTAINING AN AREA OF 9.474 ACRES, (412,693 SQUARE FEET), MORE OR LESS.

DANIEL E. DAVIS, PLS
FOR AND ON BEHALF OF:
AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898



Norton Property Annexation

Annexation
Case No. ANX17-002



Legend

-  Site
-  Roads

Narrative:
Proposed annexation of
approximately 9.5 acres from
Dougals County into the Town
of Parker.

Planner: Stacey Nerger
Hearing Schedules:

Town Council:
October 15, 2018





Request for Town Council Action

Date: October 15, 2018

Submitted By: Tara Moore, Employment & Org. Dev. Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 18-069**
A Resolution to Approve the Twelfth Amendment to Town Attorney Employment Agreement

Department: Town Council

EXECUTIVE SUMMARY

An amendment to the Town Attorney's employment agreement and compensation.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On October 1, 2018 Town Council conducted a performance evaluation for the Town Attorney. Prior to this performance evaluation Town Council and the Employment and Organizational Development Manager did a white board exercise and went through the evaluation process for the Town Attorney. The attached resolution provides for a 5.25% merit increase.

FINANCIAL IMPACT

The merit increase was included in the budgeting process.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Resolution No. 18-069

RECOMMENDED MOTION

I move to approve Resolution No. 18-069, as part of the consent agenda.

RESOLUTION NO. 18-069, Series of 2018

TITLE: A RESOLUTION TO APPROVE THE TWELFTH AMENDMENT TO TOWN ATTORNEY EMPLOYMENT AGREEMENT

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

Section 1. The Town Council desires to increase the Town Attorney's annual compensation by five and one-quarter percent (5.25%), based on the Town Attorney's performance from August 1, 2017, through July 31, 2018, in the amount of Ten Thousand Three Hundred Forty-Six Dollars and 50/100 Dollars (\$10,346.50), which increase in compensation will be in the form of an increase in the employer's contribution to the Town Attorney's retirement plan. For fiscal year 2018 (which is to be prorated from August 1, 2018, through December 31, 2018) and each year thereafter, the employer's contribution to the Town Attorney's retirement plan will be increased from seventeen percent (17%) to twenty-two and one-quarter percent (22.25%), subject to the terms and conditions of the Twelfth Amendment to Town Attorney Employment Agreement.

Section 2. The Town Council of the Town of Parker hereby approves the Twelfth Amendment to Town Attorney Employment Agreement, which is attached hereto as **Exhibit A** and incorporated herein.

RESOLVED AND PASSED this ____ day of _____, 2018.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

TWELFTH AMENDMENT TO EMPLOYMENT AGREEMENT

THIS TWELFTH AMENDMENT is made and entered into this 15th day of October, 2018, by and between the Town Council of the Town of Parker, a Colorado home rule municipality (the "Town"), and James S. Maloney (the "Town Attorney"), both of whom understand as follows:

RECITALS:

A. The Town and Town Attorney entered into the Employment Agreement on August 1, 2002, concerning the terms and conditions of the Town Attorney's employment with the Town (the "Employment Agreement").

B. The Town desires to increase the employer's contribution to the Town Attorney's retirement plan, effective August 1, 2018, subject to the terms and conditions of this Twelfth Amendment.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. Subparagraph 3.f. of the Employment Agreement is amended to provide as follows:

f. The Town will contribute the employer's share of the applicable Medicare tax rate and will contribute twenty-two and one-quarter percent (22.25%) of the Town Attorney's salary to the existing 401A Retirement Plan (the "Plan") administered by the Great West Life Assurance Company or a successor company selected by the Town Council. The Town Attorney shall be vested one hundred (100%) of the Town's contribution to the Plan in the manner mutually agreed to by the Town and Town Attorney on or before September 1, 2002. The Plan is subject to the Town of Parker Department Head Money Purchase Pension Plan. The Town Attorney will contribute eight percent (8%) of paid salary to the Plan. The Town Attorney also has the option of contributing to the existing 457 Deferred Compensation Plan maintained by Great West Life Assurance Company or a successor company selected by the Town Council. The Town will not contribute to the 457 Deferred Compensation Plan.

2. The Employment Agreement is hereby amended to the extent provided in this Twelfth Amendment.

IN WITNESS WHEREOF, the parties have signed this Twelfth Amendment as of the date set forth above.

**TOWN COUNCIL OF THE TOWN OF
PARKER, COLORADO**

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Tara Moore, Employment & Org. Dev. Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 18-070**
A Resolution to Approve the Tenth Addendum to Agreement with Judge Kevin Sidel

Department: Town Council

EXECUTIVE SUMMARY

A Resolution to Approve the Tenth Addendum to Judge Kevin Sidel Employment Agreement.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On October 1, 2018 Town Council, Town Attorney's Office and Human Resources has a discussion regarding the contract for the Municipal Court Judge. The two year contract is up for renewal and the attached resolution provides that Judge Kevin Sidel's compensation be increased to \$35,000 annually for the upcoming contract period through December 31, 2020.

FINANCIAL IMPACT

The Municipal Court Judge's compensation has been included in the 2019/2020 budget.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



ENHANCE ECONOMIC
VITALITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Resolution No. 18-070

RECOMMENDED MOTION

I move to approve Resolution No. 18-070, as part of the consent agenda.

RESOLUTION NO. 18-070, Series of 2018

TITLE: A RESOLUTION TO APPROVE THE TENTH ADDENDUM TO AGREEMENT WITH JUDGE KEVIN SIDEL

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

Section 1. The Town Council of the Town of Parker hereby approves the Tenth Addendum to Agreement with Judge Kevin Sidel, which is attached hereto as **Exhibit A** and incorporated herein.

RESOLVED AND PASSED this _____ day of _____, 2018.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

TENTH ADDENDUM TO AGREEMENT WITH JUDGE KEVIN SIDEL

THIS TENTH ADDENDUM is made and entered into this _____ day of _____, 2018, by and between the TOWN OF PARKER, a Colorado home rule municipality (the "Town"), and KEVIN SIDEL ("Judge Sidel").

NOW, THEREFORE, it is hereby agreed that the salary for Judge Sidel as Municipal Court Judge for calendar years 2019 and 2020 shall be as follows:

TERM

Judge Sidel is hereby appointed for an additional two-year term, which ends on December 31, 2020.

COMPENSATION

Pursuant to Town of Parker Municipal Code § 3.02.080, the annual salary for Judge Sidel shall be Thirty-Five Thousand Dollars (\$35,000) per year. In addition, in the event that Judge Sidel performs judicial services for the municipal court in excess of three hundred fifty (350) hours during any calendar year in which this Tenth Addendum is in effect, such hours in excess of three hundred fifty (350) shall be compensated at a rate of One-Hundred Dollars (\$100.00) per hour. In the event Judge Sidel is absent more than six percent (6%) of the scheduled municipal court sessions during any calendar year in which this Tenth Addendum is in effect, the Town may reduce the compensation described herein by the percentage of the municipal court sessions missed by Judge Sidel.

EFFECTIVE DATE

The effective date of this Tenth Addendum is January 1, 2019.

All remaining terms and conditions in the Agreement entered into between the Town and Judge Sidel in January 2000 shall continue to remain in full force and effect, unless specifically amended hereinabove.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same in duplicate, as of the date first above written.

TOWN OF PARKER, COLORADO

By: _____
Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

KEVIN SIDEL



Request for Town Council Action

Date: October 15, 2018

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 18-071**
A Resolution Accepting the Conveyance of a Drainage Easement from HR935, LLC, for a Part of the Northeast Quarter of Section 9, Township 7 South, Range 66 West of the Sixth Principal Meridian for Conveyance of the South Pond

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

EXECUTIVE SUMMARY

The item accompanies a resolution accepting a drainage easement from HR935, LLC to cover drainage improvements necessary for the proposed Trails at Crowfoot development. This easement covers infrastructure necessary for conveyance of stormwater to the south detention pond.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The proposed Trails at Crowfoot development is located on the south side of Crowfoot Valley Road, south of Richlawn Estates and west of Cherry Creek. The developer has gained approvals for the first phase of this development, which will include the development of the west half of the property.

The design for the development requires storm drainage infrastructure to be constructed across the undeveloped portion of the property with the initial development. This is necessary to convey stormwater runoff from areas of the initial development to Cherry Creek. The Town's Stormwater criterion requires that drainage easements be dedicated for all public storm drainage facilities located on private property. The drainage easements are necessary to ensure the long term operation and maintenance of drainage infrastructure to minimize flooding and protect the quality of stormwater runoff.

The Engineering/Public Works Department has reviewed and approved the construction drawings for the drainage facilities associated with the Trails at Crowfoot development. Since these drainage facilities described above are being proposed within an area that is not proposed to be platted, the easements need to be dedicated via separate instrument.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



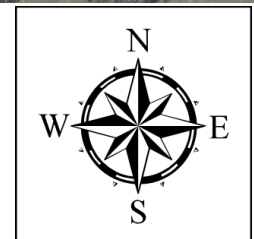
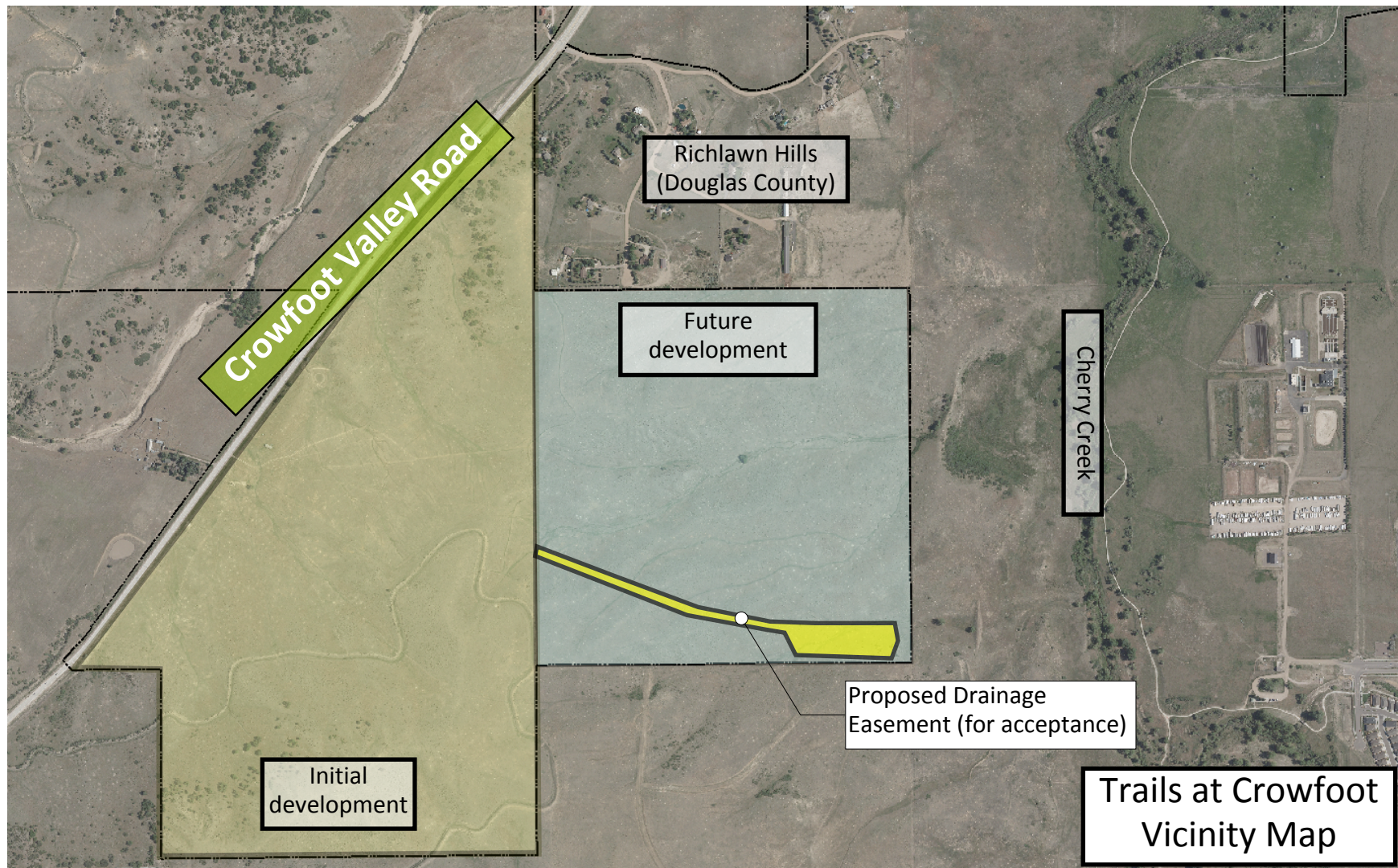
DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Resolution No. 18-071

RECOMMENDED MOTION

I move to approve Resolution No. 18-071, as part of the consent agenda.



RESOLUTION NO. 18-071, Series of 2018

TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF A DRAINAGE EASEMENT FROM HR935, LLC, FOR A PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN FOR CONVEYANCE OF THE SOUTH POND

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities;

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

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement specified hereinbelow to the Town by this Resolution.

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

Section 1. The Town Council of the Town of Parker hereby accepts the conveyance of certain property interests for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities from HR935, LLC, for a part of the northeast quarter of Section 9, Township 7 South, Range 66 West of the Sixth Principal Meridian, as provided in the Drainage Easement Agreement attached as **Exhibit 1** and incorporated by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

RESOLVED AND PASSED this _____ day of _____, 2018.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT (the "Easement Agreement") is dated this _____ day of _____, 2018, by HR935, LLC, a Colorado limited liability company, having an address at 7353 S. Alton Way, Ste. A-100, Englewood, Colorado 80112 ("Grantor"), and the TOWN OF PARKER, a Colorado home rule municipality, having an address of 20120 East Mainstreet, Parker, Colorado 80138 ("Grantee").

WHEREAS, Grantee desires to acquire an easement for the purpose of the construction and maintenance of a drainage pipe and appurtenant drainage facilities on and through the property more particularly described and depicted in **Exhibit A** (the "Easement Property"), attached hereto and incorporated herein by this reference; and

WHEREAS, Grantor is willing to grant an easement to Grantee for the aforesaid purposes on the terms and conditions set forth hereinbelow.

NOW, THEREFORE, for good and valuable consideration by Grantee to Grantor, the covenants of Grantee herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, and for and in consideration of the easement rights herein granted and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantee does hereby covenant and agree as follows:

1. Grant of Easement. Grantor does hereby grant and convey unto Grantee, its successors, assigns, lessees, licensees and agents, an easement under and through the Easement Property, for the purpose of constructing and providing for the maintenance of a drainage pipe and appurtenant drainage facilities. Grantee shall also have the specific rights of ingress and egress, consistent with this Easement Agreement, for the construction, reconstruction, operation and maintenance of a drainage pipe and appurtenant drainage facilities, consistent with the easement provided herein. Subject to the other terms and conditions of this Easement Agreement, Grantee shall also have the right to remove impediments to operation and maintenance of the Easement Property such as trees, asphalt and sidewalks. Grantee further agrees all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Property will be coordinated with Grantor so as to minimize any disruption to Grantor's property. Grantor and Grantee agree that this Easement Agreement may be released in writing by the Town of Parker's Engineering/Public Works Director or designee at such time as the Easement Property is replatted and provides a suitable replacement for the drainage easement described herein.

2. Unencumbered Title. Grantor warrants that the Easement Property granted herein is granted free and clear of all liens and encumbrances.

3. Operation and Maintenance.

a. The operation and maintenance of the drainage facilities described herein and located within the Easement Property shall be the responsibility of the Grantor; provided, however,

that Grantee shall have the right to maintain the Easement Property in the event Grantee, in its sole discretion, determines to enter the Easement Property for the operation and/or maintenance of the Easement Property as set forth in subsection b. hereinbelow. The Grantor acknowledges and agrees that the Grantee has the right to enter the Easement Property to maintain and operate the drainage facilities covered by Chapter 4.08 of the Parker Municipal Code or to maintain and operate the drainage facilities in the manner described herein.

b. If Grantor fails to adequately maintain the drainage facilities located within the Easement Property, and within fourteen (14) days after the date of written notice from Grantee, fails to correct the maintenance problem, or fails to begin to clean, cure or correct such problem within fourteen (14) days if such problem cannot be reasonably cleaned, cured or corrected within fourteen (14) days, and fails to diligently prosecute such cleaning, cure or correction to completion, then Grantee may do so as provided herein. Notwithstanding the foregoing, Grantee may, in the event of an emergency, as determined by Grantee in its sole discretion, clean, cure or correct any damage caused by Grantor's failure to adequately maintain the drainage facilities located within the Easement Property. The Grantor shall reimburse the Grantee for the cost of such maintenance to the extent that (i) the drainage facilities and/or the type of maintenance performed by Grantee are not covered by Chapter 4.08 of the Parker Municipal Code, as amended, or (ii) if the drainage facilities and/or the type of maintenance performed by the Grantee is covered by Chapter 4.08 of the Parker Municipal Code, as amended, and the Grantee determines in its sole discretion that there are not sufficient funds available for such maintenance. If Grantor fails to reimburse Grantee for the cost of such maintenance, within thirty (30) days after receipt of an invoice from Grantee describing the corrective or maintenance action taken, the unpaid amount shall constitute a lien on the Easement Property until paid in full, with priority over all other liens, except general tax liens, which liens shall be certified to the County Treasurer and collected in the same manner as other taxes are collected. Grantor further agrees that Grantee may also pursue any and all other remedies available at law or in equity.

4. Grantor Defined. The word "Grantor" as used herein, whenever the context requires or permits, shall include the heirs, personal representatives, beneficiaries, successors, grantees and assigns of the owners of the land through which the easement runs, or the respective owners from time to time of portions thereof. The burdens and benefits of this Easement Agreement shall be deemed covenants running with said easements and said land. Notwithstanding any contrary provision in this Easement Agreement, however, any obligation under this Easement Agreement which is to be performed by the owner of any land which is burdened by this Easement Agreement shall be enforceable only against the then owner of such land, and not against any such owner's predecessors in interest.

5. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor, and its successors and assigns, as follows:

a. Grantee shall protect the Easement Property, and the adjacent lands of Grantor over which Grantee has rights of ingress and egress, from damage caused, in whole or in part, by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents.

b. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as

defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act, and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Property or any other lands owned by Grantor.

6. Retained Rights. Grantor shall have all rights to the Easement Property not granted hereby.

7. Miscellaneous.

a. Except as otherwise expressly provided herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

b. This easement constitutes all of the agreements, understandings and promises between the parties hereto, with respect to the subject matter hereof.

c. This easement shall be of no force and effect until this easement is duly and validly executed by all parties hereto.

[Remainder of page intentionally left blank. Signatures on following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date and year first above written.

GRANTOR: HR935, LLC,
a Colorado limited liability company

By: _____
Christopher Elliott, Manager

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Christopher Elliott, as Manager of HR935, LLC.

My commission expires: _____

(S E A L)

Notary Public

GRANTEE: TOWN OF PARKER

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 'A'
DRAINAGE EASEMENT
TOWN OF PARKER

LEGAL DESCRIPTION

A DRAINAGE EASEMENT BEING A PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9 AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 BEING MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 9 BY A 3-1/4" ALUMINUM CAP STAMPED LS 23053 AND AT THE EAST QUARTER CORNER OF SAID SECTION 9 BY A 2-1/2" ALUMINUM CAP STAMPED LS 6935 TO BEAR SOUTH 00°15'06" EAST, 2648.70 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 02°47'15" WEST, A DISTANCE OF 2372.83 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 46°54'28" EAST, A DISTANCE OF 74.24 FEET;

THENCE NORTH 64°29'34" EAST, A DISTANCE OF 46.12 FEET;

THENCE SOUTH 25°30'26" EAST, A DISTANCE OF 25.00 FEET;

THENCE SOUTH 64°29'34" WEST, A DISTANCE OF 40.32 FEET;

THENCE SOUTH 00°15'06" EAST, A DISTANCE OF 44.82 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 91.00 FEET, A CENTRAL ANGLE OF 87°28'25", AN ARC LENGTH OF 138.93 FEET, THE CHORD OF WHICH BEARS SOUTH 43°29'07" WEST, 125.83 FEET;

THENCE SOUTH 87°13'19" WEST, A DISTANCE OF 98.89 FEET;

THENCE NORTH 84°49'42" WEST, A DISTANCE OF 191.75 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 37.00 FEET, A CENTRAL ANGLE OF 70°42'32", AN ARC LENGTH OF 45.66 FEET, THE CHORD OF WHICH BEARS NORTH 49°28'26" WEST, 42.82 FEET;

THENCE NORTH 14°07'09" WEST, A DISTANCE OF 24.14 FEET;

THENCE NORTH 72°56'18" WEST, A DISTANCE OF 186.53 FEET;

THENCE NORTH 81°36'18" WEST, A DISTANCE OF 183.19 FEET;

THENCE NORTH 68°27'13" WEST, A DISTANCE OF 180.78 FEET;

THENCE NORTH 55°31'55" WEST, A DISTANCE OF 148.74 FEET;

THENCE NORTH 51°25'05" WEST, A DISTANCE OF 583.32 FEET;
THENCE NORTH 63°09'21" WEST, A DISTANCE OF 180.77 FEET;
THENCE NORTH 76°46'31" WEST, A DISTANCE OF 171.58 FEET;
THENCE SOUTH 89°43'12" WEST, A DISTANCE OF 166.65 FEET;
THENCE NORTH 00°16'48" WEST, A DISTANCE OF 25.00 FEET;
THENCE NORTH 89°43'12" EAST, A DISTANCE OF 169.61 FEET;
THENCE SOUTH 76°46'31" EAST, A DISTANCE OF 177.53 FEET;
THENCE SOUTH 63°09'21" EAST, A DISTANCE OF 186.32 FEET;
THENCE SOUTH 51°25'05" EAST, A DISTANCE OF 585.00 FEET;
THENCE SOUTH 55°31'55" EAST, A DISTANCE OF 145.02 FEET;
THENCE SOUTH 68°27'13" EAST, A DISTANCE OF 175.07 FEET;
THENCE SOUTH 81°36'18" EAST, A DISTANCE OF 182.21 FEET;
THENCE SOUTH 72°56'18" EAST, A DISTANCE OF 164.29 FEET;
THENCE NORTH 74°30'44" EAST, A DISTANCE OF 34.34 FEET;
THENCE NORTH 87°41'30" EAST, A DISTANCE OF 36.96 FEET;
THENCE NORTH 71°04'02" EAST, A DISTANCE OF 135.19 FEET;
THENCE NORTH 28°40'13" EAST, A DISTANCE OF 25.42 FEET;
THENCE NORTH 80°11'34" EAST, A DISTANCE OF 99.34 FEET;
THENCE NORTH 70°30'38" EAST, A DISTANCE OF 55.29 FEET TO THE **POINT OF BEGINNING**,

SAID DRAINAGE EASEMENT CONTAINING A CALCULATED AREA OF 106,941 SQUARE FEET OR 2.455 ACRES, MORE OR LESS.

THE LINEAL UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO
HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.


WILLIAM F. HESSELBACH JR., P.L.S. 25369
FOR AND ON BEHALF OF
CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112



EXHIBIT A



N1/4 COR. SEC. 9
FOUND 2-1/2" ALUM CAP
"LS 6935 1991"

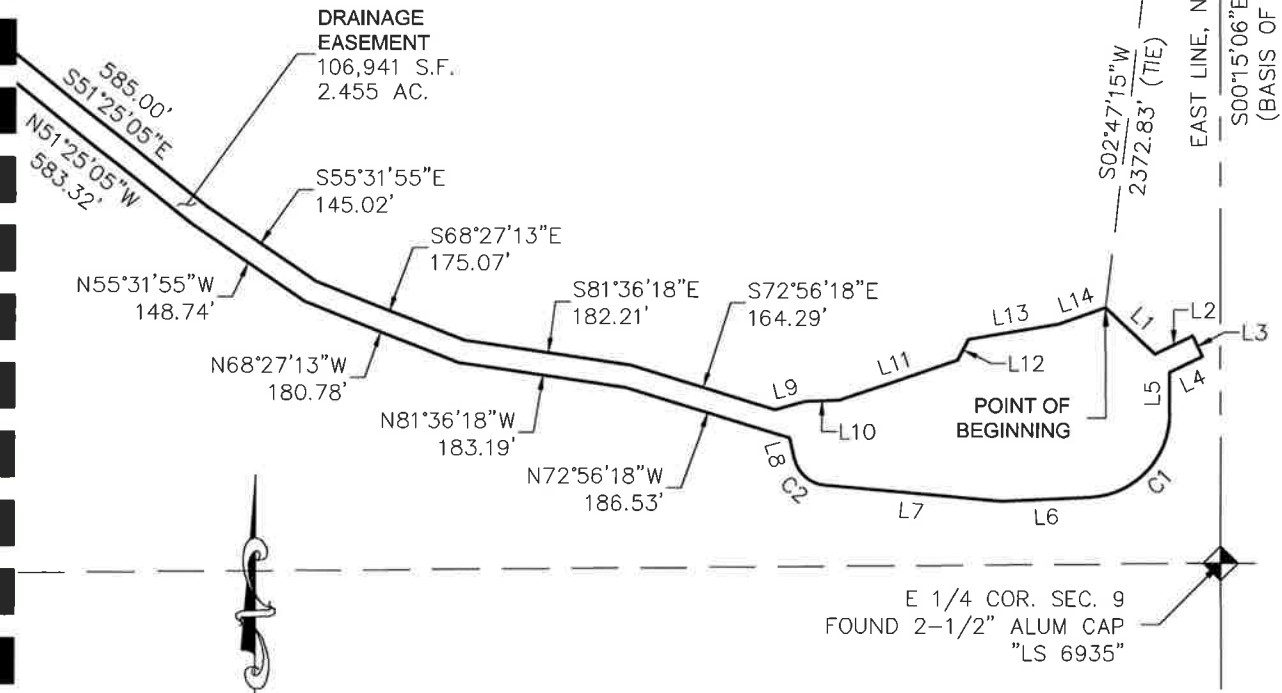
NORTH LINE, NE1/4, SEC. 9
S89°26'53"W 2642.13'

POINT OF COMMENCEMENT
PARCELS A & B
NE COR. SEC. 9
FOUND 3-1/4" ALUM CAP
"LS 23053 1988"



NE 1/4
SEC 9

MATCHLINE - SEE SHEET 2



OWNER: HR 935 LLC
7353 S. ALTON WAY
CENTENNIAL, CO 80112

200 100 0 200 400

SCALE: 1" = 200'

THE ABOVE DESCRIBED EASEMENT CONTAINS
106,941 SQUARE FEET OR (2.455 ACRES) MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

NE1/4 SEC.9, T7S, R66W, 6TH P.M.
DRAINAGE EASEMENT
TOWN OF PARKER

DOUGLAS COUNTY, COLORADO



10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 1 OF 2

DATE: SEPTEMBER 14, 2018

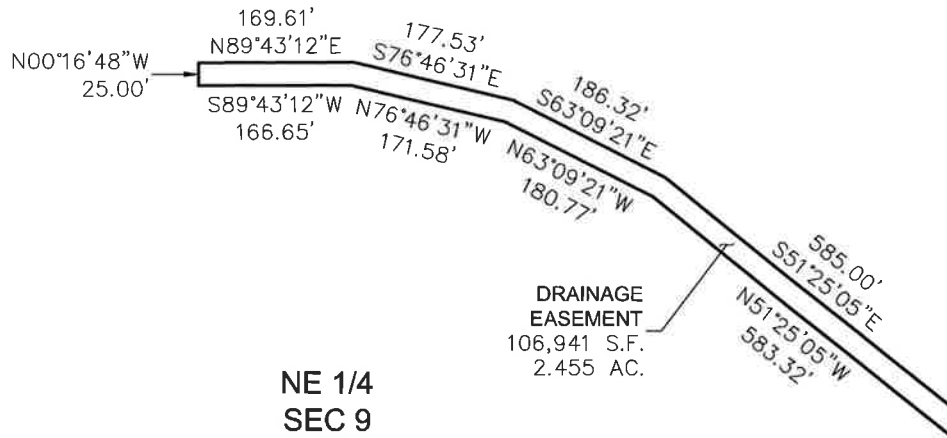
EXHIBIT A



N1/4 COR. SEC. 9
FOUND 2-1/2" ALUM CAP
"LS 6935 1991"

NORTH LINE, NE1/4, SEC. 9
S89°26'53"W 2642.13'

POINT OF COMMENCEMENT
PARCELS A & B
NE COR. SEC. 9
FOUND 3-1/4" ALUM CAP
"LS 23053 1988"



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S46°54'28"E	74.24'
L2	N64°29'34"E	46.12'
L3	S25°30'26"E	25.00'
L4	S64°29'34"W	40.32'
L5	S00°15'06"E	44.82'
L6	S87°13'19"W	98.89'
L7	N84°49'42"W	191.75'
L8	N14°07'09"W	24.14'
L9	N74°30'44"E	34.34'
L10	N87°41'30"E	36.96'
L11	N71°04'02"E	135.19'
L12	N28°40'13"E	25.42'
L13	N80°11'34"E	99.34'
L14	N70°30'38"E	55.29'

CURVE TABLE					
CURVE NO.	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	91.00'	87°28'25"	138.93'	S43°29'07"W	125.83'
C2	37.00'	70°42'32"	45.66'	N49°28'26"W	42.82'



200 100 0 200 400

SCALE: 1" = 200'

OWNER: HR 935 LLC
7353 S. ALTON WAY
CENTENNIAL, CO 80112

THE ABOVE DESCRIBED EASEMENT CONTAINS
106,941 SQUARE FEET OR (2.455 ACRES) MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

NE1/4 SEC.9, T7S, R66W, 6TH P.M.
DRAINAGE EASEMENT
TOWN OF PARKER

DOUGLAS COUNTY, COLORADO



10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 2 OF 2

DATE: SEPTEMBER 14, 2018



Request for Town Council Action

Date: October 15, 2018

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 18-072**
A Resolution Accepting the Conveyance of a Drainage Easement from HR935, LLC, for a Part of the Northeast Quarter of Section 9, Township 7 South, Range 66 West of the Sixth Principal Meridian for Conveyance of the North Pond

Department: Engineering/Public Works, Alex Mestdagh

EXECUTIVE SUMMARY

The item accompanies a resolution accepting a drainage easement from HR935, LLC to cover drainage improvements necessary for the proposed Trails at Crowfoot development. This easement covers infrastructure necessary for conveyance of stormwater to the north detention pond.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The proposed Trails at Crowfoot development is located on the south side of Crowfoot Valley Road, south of Richlawn Estates and west of Cherry Creek. The developer has gained approvals for the first phase of this development, which will include the development of the west half of the property.

The design for the development requires storm drainage infrastructure to be constructed across the undeveloped portion of the property with the initial development. This is necessary to convey stormwater runoff from areas of the initial development to Cherry Creek. The Town's Stormwater criterion requires that drainage easements be dedicated for all public storm drainage facilities located on private property. The drainage easements are necessary to ensure the long term operation and maintenance of drainage infrastructure to minimize flooding and protect the quality of stormwater runoff.

The Engineering/Public Works Department has reviewed and approved the construction drawings for the drainage facilities associated with the Trails at Crowfoot development. Since these drainage facilities described above are being proposed within an area that is not proposed to be platted, the easements need to be dedicated via separate instrument.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



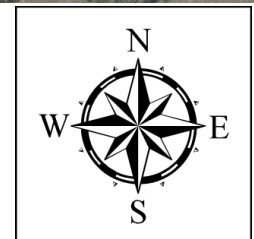
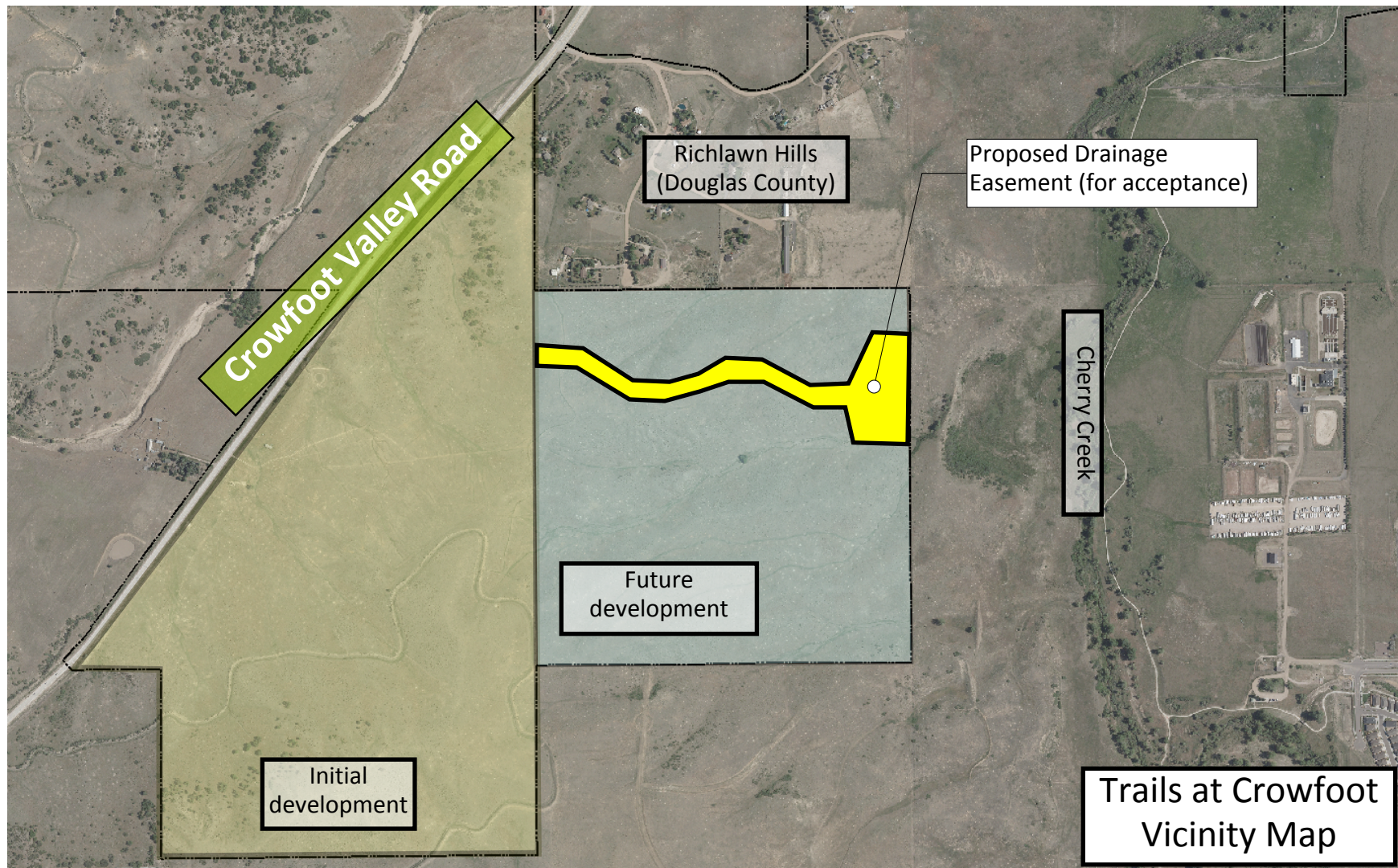
PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Vicinity Map
2. Resolution No. 18-072

RECOMMENDED MOTION

I move to approve Resolution No. 18-072, as part of the consent agenda.



RESOLUTION NO. 18-072, Series of 2018

TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF A DRAINAGE EASEMENT FROM HR935, LLC, FOR A PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN FOR CONVEYANCE OF THE NORTH POND

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities;

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

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement specified hereinbelow to the Town by this Resolution.

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

Section 1. The Town Council of the Town of Parker hereby accepts the conveyance of certain property interests for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities from HR935, LLC, for a part of the northeast quarter of Section 9, Township 7 South, Range 66 West of the Sixth Principal Meridian, as provided in the Drainage Easement Agreement attached as **Exhibit 1** and incorporated by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

RESOLVED AND PASSED this _____ day of _____, 2018.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT (the "Easement Agreement") is dated this _____ day of _____, 2018, by HR935, LLC, a Colorado limited liability company, having an address at 7353 S. Alton Way, Ste. A-100, Englewood, Colorado 80112 ("Grantor"), and the TOWN OF PARKER, a Colorado home rule municipality, having an address of 20120 East Mainstreet, Parker, Colorado 80138 ("Grantee").

WHEREAS, Grantee desires to acquire an easement for the purpose of the construction and maintenance of a drainage pipe and appurtenant drainage facilities on and through the property more particularly described and depicted in **Exhibit A** (the "Easement Property"), attached hereto and incorporated herein by this reference; and

WHEREAS, Grantor is willing to grant an easement to Grantee for the aforesaid purposes on the terms and conditions set forth hereinbelow.

NOW, THEREFORE, for good and valuable consideration by Grantee to Grantor, the covenants of Grantee herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, and for and in consideration of the easement rights herein granted and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantee does hereby covenant and agree as follows:

1. Grant of Easement. Grantor does hereby grant and convey unto Grantee, its successors, assigns, lessees, licensees and agents, an easement under and through the Easement Property, for the purpose of constructing and providing for the maintenance of a drainage pipe and appurtenant drainage facilities. Grantee shall also have the specific rights of ingress and egress, consistent with this Easement Agreement, for the construction, reconstruction, operation and maintenance of a drainage pipe and appurtenant drainage facilities, consistent with the easement provided herein. Subject to the other terms and conditions of this Easement Agreement, Grantee shall also have the right to remove impediments to operation and maintenance of the Easement Property such as trees, asphalt and sidewalks. Grantee further agrees all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Property will be coordinated with Grantor so as to minimize any disruption to Grantor's property. Grantor and Grantee agree that this Easement Agreement may be released in writing by the Town of Parker's Engineering/Public Works Director or designee at such time as the Easement Property is replatted and provides a suitable replacement for the drainage easement described herein.

2. Unencumbered Title. Grantor warrants that the Easement Property granted herein is granted free and clear of all liens and encumbrances.

3. Operation and Maintenance.

a. The operation and maintenance of the drainage facilities described herein and located within the Easement Property shall be the responsibility of the Grantor; provided, however,

that Grantee shall have the right to maintain the Easement Property in the event Grantee, in its sole discretion, determines to enter the Easement Property for the operation and/or maintenance of the Easement Property as set forth in subsection b. hereinbelow. The Grantor acknowledges and agrees that the Grantee has the right to enter the Easement Property to maintain and operate the drainage facilities covered by Chapter 4.08 of the Parker Municipal Code or to maintain and operate the drainage facilities in the manner described herein.

b. If Grantor fails to adequately maintain the drainage facilities located within the Easement Property, and within fourteen (14) days after the date of written notice from Grantee, fails to correct the maintenance problem, or fails to begin to clean, cure or correct such problem within fourteen (14) days if such problem cannot be reasonably cleaned, cured or corrected within fourteen (14) days, and fails to diligently prosecute such cleaning, cure or correction to completion, then Grantee may do so as provided herein. Notwithstanding the foregoing, Grantee may, in the event of an emergency, as determined by Grantee in its sole discretion, clean, cure or correct any damage caused by Grantor's failure to adequately maintain the drainage facilities located within the Easement Property. The Grantor shall reimburse the Grantee for the cost of such maintenance to the extent that (i) the drainage facilities and/or the type of maintenance performed by Grantee are not covered by Chapter 4.08 of the Parker Municipal Code, as amended, or (ii) if the drainage facilities and/or the type of maintenance performed by the Grantee is covered by Chapter 4.08 of the Parker Municipal Code, as amended, and the Grantee determines in its sole discretion that there are not sufficient funds available for such maintenance. If Grantor fails to reimburse Grantee for the cost of such maintenance, within thirty (30) days after receipt of an invoice from Grantee describing the corrective or maintenance action taken, the unpaid amount shall constitute a lien on the Easement Property until paid in full, with priority over all other liens, except general tax liens, which liens shall be certified to the County Treasurer and collected in the same manner as other taxes are collected. Grantor further agrees that Grantee may also pursue any and all other remedies available at law or in equity.

4. Grantor Defined. The word "Grantor" as used herein, whenever the context requires or permits, shall include the heirs, personal representatives, beneficiaries, successors, grantees and assigns of the owners of the land through which the easement runs, or the respective owners from time to time of portions thereof. The burdens and benefits of this Easement Agreement shall be deemed covenants running with said easements and said land. Notwithstanding any contrary provision in this Easement Agreement, however, any obligation under this Easement Agreement which is to be performed by the owner of any land which is burdened by this Easement Agreement shall be enforceable only against the then owner of such land, and not against any such owner's predecessors in interest.

5. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor, and its successors and assigns, as follows:

a. Grantee shall protect the Easement Property, and the adjacent lands of Grantor over which Grantee has rights of ingress and egress, from damage caused, in whole or in part, by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents.

b. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as

defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act, and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Property or any other lands owned by Grantor.

6. Retained Rights. Grantor shall have all rights to the Easement Property not granted hereby.

7. Miscellaneous.

a. Except as otherwise expressly provided herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

b. This easement constitutes all of the agreements, understandings and promises between the parties hereto, with respect to the subject matter hereof.

c. This easement shall be of no force and effect until this easement is duly and validly executed by all parties hereto.

[Remainder of page intentionally left blank. Signatures on following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date and year first above written.

GRANTOR: HR935, LLC,
a Colorado limited liability company

By: _____
Christopher Elliott, Manager

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Christopher Elliott, as Manager of HR935, LLC.

My commission expires: _____

(S E A L)

Notary Public

GRANTEE: TOWN OF PARKER

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 'A'
DRAINAGE EASEMENT
TOWN OF PARKER

LEGAL DESCRIPTION

A DRAINAGE EASEMENT BEING A PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9 AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 BEING MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 9 BY A 3-1/4" ALUMINUM CAP STAMPED LS 23053 AND AT THE EAST QUARTER CORNER OF SAID SECTION 9 BY A 2-1/2" ALUMINUM CAP STAMPED LS 6935 TO BEAR SOUTH 00°15'06" EAST, 2648.70 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 13°17'57" WEST, A DISTANCE OF 798.54 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 88°00'01" EAST, A DISTANCE OF 95.78 FEET;

THENCE NORTH 44°32'25" EAST, A DISTANCE OF 51.57 FEET;

THENCE NORTH 16°17'51" EAST, A DISTANCE OF 37.47 FEET;

THENCE SOUTH 84°08'14" EAST, A DISTANCE OF 17.90 FEET;

THENCE SOUTH 08°47'48" WEST, A DISTANCE OF 37.14 FEET;

THENCE SOUTH 12°00'06" WEST, A DISTANCE OF 44.54 FEET;

THENCE SOUTH 04°18'11" WEST, A DISTANCE OF 141.11 FEET;

THENCE SOUTH 00°33'36" WEST, A DISTANCE OF 122.08 FEET;

THENCE NORTH 89°50'27" EAST, A DISTANCE OF 48.17 FEET;

THENCE SOUTH 00°09'33" EAST, A DISTANCE OF 25.00 FEET;

THENCE SOUTH 89°50'27" WEST, A DISTANCE OF 45.31 FEET;

THENCE SOUTH 00°33'36" WEST, A DISTANCE OF 81.68 FEET;

THENCE SOUTH 07°34'06" WEST, A DISTANCE OF 35.98 FEET;

THENCE SOUTH 08°16'37" EAST, A DISTANCE OF 108.50 FEET;

THENCE SOUTH 08°02'30" EAST, A DISTANCE OF 106.86 FEET;

THENCE SOUTH 12°49'22" EAST, A DISTANCE OF 49.99 FEET;

THENCE SOUTH 09°49'31" WEST, A DISTANCE OF 120.25 FEET;

THENCE NORTH 77°26'54" WEST, A DISTANCE OF 102.17 FEET;

THENCE NORTH 07°09'08" EAST, A DISTANCE OF 122.50 FEET;

THENCE NORTH 00°53'47" EAST, A DISTANCE OF 23.49 FEET;

THENCE NORTH 33°36'27" WEST, A DISTANCE OF 72.81 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 108.00 FEET, A CENTRAL ANGLE OF 37°38'01", AN ARC LENGTH OF 70.94 FEET, THE CHORD OF WHICH BEARS NORTH 14°47'27" WEST, 69.67 FEET;

THENCE NORTH 04°01'34" EAST, A DISTANCE OF 65.64 FEET;

THENCE NORTH 02°32'04" WEST, A DISTANCE OF 154.31 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 164.28 FEET;

THENCE NORTH 66°17'49" WEST, A DISTANCE OF 255.35 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 221.08 FEET;

THENCE NORTH 81°09'51" WEST, A DISTANCE OF 232.31 FEET;

THENCE SOUTH 32°29'44" WEST, A DISTANCE OF 237.86 FEET;

THENCE SOUTH 62°42'42" WEST, A DISTANCE OF 116.15 FEET;

THENCE NORTH 67°54'46" WEST, A DISTANCE OF 178.26 FEET;

THENCE NORTH 42°05'30" WEST, A DISTANCE OF 24.96 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 565.00 FEET, A CENTRAL ANGLE OF 27°45'43", AN ARC LENGTH OF 273.76 FEET, THE CHORD OF WHICH BEARS NORTH 55°58'21" WEST, 271.09 FEET;

THENCE NORTH 79°20'41" WEST, A DISTANCE OF 30.67 FEET;

THENCE NORTH 09°33'27" EAST, A DISTANCE OF 79.87 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 25°41'28", AN ARC LENGTH OF 8.97 FEET, THE CHORD OF WHICH BEARS NORTH 52°27'07" WEST, 8.89 FEET;

THENCE NORTH 69°48'13" EAST, A DISTANCE OF 72.26 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 112.00 FEET, A CENTRAL ANGLE OF 63°56'51", AN ARC LENGTH OF 125.00 FEET, THE CHORD OF WHICH BEARS SOUTH 78°13'22" EAST, 118.61 FEET;

THENCE SOUTH 46°14'56" EAST, A DISTANCE OF 219.25 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 88.00 FEET, A CENTRAL ANGLE OF 86°48'06", AN ARC LENGTH OF 133.32 FEET, THE CHORD OF WHICH BEARS SOUTH 89°38'59" EAST, 120.93 FEET;

THENCE NORTH 46°56'58" EAST, A DISTANCE OF 269.48 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 112.00 FEET, A CENTRAL ANGLE OF 75°38'34", AN ARC LENGTH OF 147.86 FEET, THE CHORD OF WHICH BEARS NORTH 84°46'15" EAST, 137.36 FEET;

THENCE SOUTH 57°24'28" EAST, A DISTANCE OF 132.77 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 63.00 FEET, A CENTRAL ANGLE OF 50°02'21", AN ARC LENGTH OF 55.02 FEET, THE CHORD OF WHICH BEARS SOUTH 82°25'39" EAST, 53.29 FEET;

THENCE NORTH 72°33'11" EAST, A DISTANCE OF 95.66 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 87.00 FEET, A CENTRAL ANGLE OF 31°33'20", AN ARC LENGTH OF 47.92 FEET, THE CHORD OF WHICH BEARS NORTH 88°19'51" EAST, 47.31 FEET;

THENCE SOUTH 75°53'29" EAST, A DISTANCE OF 133.98 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 38.00 FEET, A CENTRAL ANGLE OF 75°37'44", AN ARC LENGTH OF 50.16 FEET, THE CHORD OF WHICH BEARS NORTH 66°17'39" EAST, 46.60 FEET;

THENCE NORTH 28°28'46" EAST, A DISTANCE OF 20.05 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 62.00 FEET, A CENTRAL ANGLE OF 62°27'49", AN ARC LENGTH OF 67.59 FEET, THE CHORD OF WHICH BEARS NORTH 59°42'41" EAST, 64.29 FEET;

THENCE SOUTH 89°03'25" EAST, A DISTANCE OF 162.98 FEET;

THENCE NORTH 01°30'18" WEST, A DISTANCE OF 9.56 FEET;

THENCE NORTH 04°35'30" EAST, A DISTANCE OF 25.83 FEET TO THE **POINT OF BEGINNING**,

SAID DRAINAGE EASEMENT CONTAINING A CALCULATED AREA OF 325,572 SQUARE FEET OR 7.474 ACRES, MORE OR LESS.

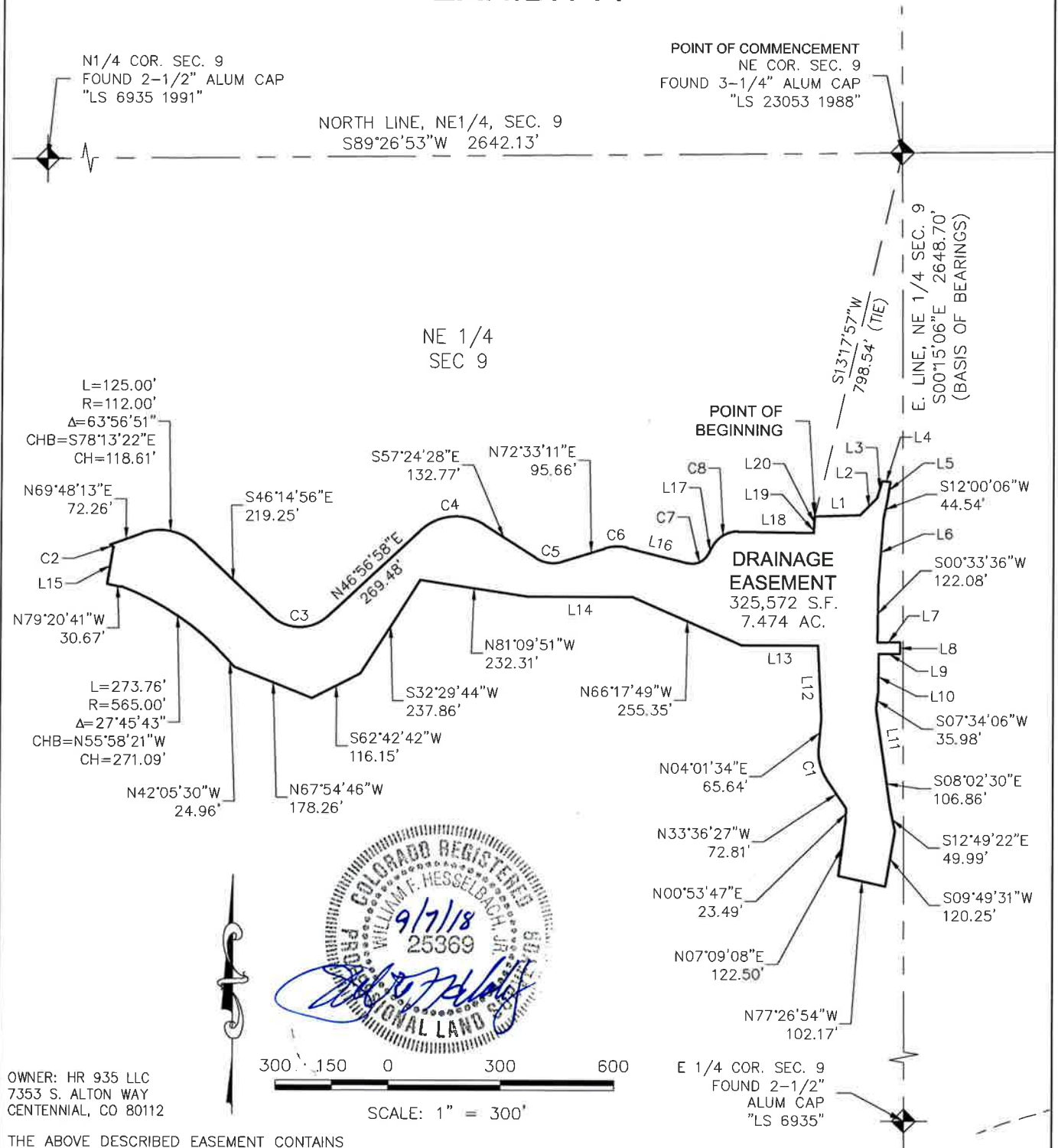
THE LINEAL UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.


WILLIAM F. HESSELBACH JR., P.L.S. 25369
FOR AND ON BEHALF OF
CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112



EXHIBIT A



OWNER: HR 935 LLC
7353 S. ALTON WAY
CENTENNIAL, CO 80112

THE ABOVE DESCRIBED EASEMENT CONTAINS
325,572 SQUARE FEET OR (7.474 ACRES) MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

NE1/4 SEC.9, T7S, R66W, 6TH P.M.
DRAINAGE EASEMENT
TOWN OF PARKER

DOUGLAS COUNTY, COLORADO



10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 1 OF 2

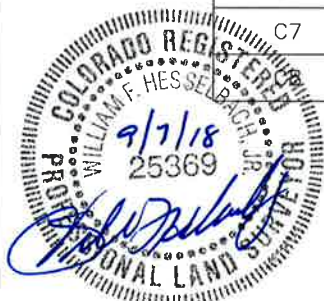
DATE: SEPTEMBER 07, 2018

EXHIBIT A

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	95.78'	N88°00'01"E
L2	51.57'	N44°32'25"E
L3	37.47'	N16°17'51"E
L4	17.90'	S84°08'14"E
L5	37.14'	S8°47'48"W
L6	141.11'	S4°18'11"W
L7	48.17'	N89°50'27"E
L8	25.00'	S0°09'33"E
L9	45.31'	S89°50'27"W
L10	81.68'	S0°33'36"W

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L11	108.50'	S8°16'37"E
L12	154.31'	N2°32'04"W
L13	164.28'	N90°00'00"W
L14	221.08'	N90°00'00"W
L15	79.87'	N9°33'27"E
L16	133.98'	S75°53'29"E
L17	20.05'	N28°28'46"E
L18	162.98'	S89°03'25"E
L19	9.56'	N1°30'18"W
L20	25.83'	N4°35'30"E

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	70.94'	108.00'	37°38'01"	N14°47'27"W	69.67'
C2	8.97'	20.00'	25°41'28"	N52°27'07"W	8.89'
C3	133.32'	88.00'	86°48'06"	S89°38'59"E	120.93'
C4	147.86'	112.00'	75°38'34"	N84°46'15"E	137.36'
C5	55.02'	63.00'	50°02'21"	S82°25'39"E	53.29'
C6	47.92'	87.00'	31°33'20"	N88°19'51"E	47.31'
C7	50.16'	38.00'	75°37'44"	N66°17'39"E	46.60'
	67.59'	62.00'	62°27'49"	N59°42'41"E	64.29'



NE1/4 SEC.9, T7S, R66W, 6TH P.M.
DRAINAGE EASEMENT
TOWN OF PARKER

DOUGLAS COUNTY, COLORADO



10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 2 OF 2

DATE: SEPTEMBER 7, 2018



Request for Town Council Action

Date: October 15, 2018

Submitted By: Mary Munekata, Associate Planner
Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **Land Development Ordinance - Modernization**

Amount: \$299,990
Contractor: Clarion Associates, LLC
Department: Community Development, Mary Munekata

EXECUTIVE SUMMARY

The Community Development Department proposes a Professional Services Agreement with Clarion Associates, LLC in the amount of \$299,990 to update and modernize the current Land Development Ordinance (LDO). Community Development staff have previously discussed the importance of this project with Council and it is the culmination of a multi-year effort to update land use policy and regulations. The benefits of this project include adoption of best practices in zoning, greater consistency between the Parker 2035 Master Plan and LDO, increased transparency to the public and greater efficiency by making the LDO easier to use for residents and staff.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Community Development Department has worked with the Town Council, Town Administrator's Office and Finance Department over the past two to three years to advance the LDO Modernization project and identify funding for it. Community Development's 2018 budget includes sufficient funding for the LDO project and staff has worked with the Finance Department Procurement Officer for the past year to ensure a competitive, rigorous and thorough procurement process.

The Town issued a Request for Information and Expression of Interest (RFIE) on November 3, 2017 soliciting interest from qualified planning and zoning consulting firms for the LDO Modernization project. The Town received five (5) submittals from consulting firms located across the U.S. and interviewed four (4) firms in February, 2018. The recommended firm, Clarion Associates, LLC of Denver, was selected based upon their proposed scope of work, project cost, significant experience in preparing zoning codes and local knowledge of Colorado and Parker.

This initiative seeks to modernize the current LDO which was originally adopted in 1981 from County zoning and has been amended, expanded incrementally over time. The updated LDO is expected to better align with and support the vision, goals and policies of the Parker 2035 Master Plan. The updated LDO will also facilitate a more transparent, modern and efficient approach to how the Town manages future growth and development. Community Development staff has incorporated a robust community and stakeholder involvement process in anticipation of significant public interest in the project and to engage residents, property owners and businesses about the various issues that will arise during the effort.

The final LDO Modernization scope of work has been negotiated with the recommended consultant for a two-phase project approach that will include the following:

- **Phase 1 – Development of the LDO Project Charter and Annotated Outline** that organizes and describes, with some detail, the project and the project development approach. Preliminary research, analysis and public input are included in the Phase 1 scope of work and will help guide the development of the Charter with Outline.
- **Phase 2 – Modernize the LDO** based on the LDO Project Charter and Annotated Outline. The anticipated project schedule is 30 to 36 months based upon the recommendation of the consultant with similar projects and the experience of senior Community Development staff who have worked on similar projects in the past.

FINANCIAL IMPACT

None. The Community Development Department has money reserved for the project.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

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



COMMUNITY PLANNING MONTH PROCLAMATION

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work, live, and play live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the *(State, City, or County)* of the Town of Parker *(insert name of state, city, or county)*; and

WHEREAS, We recognize the many valuable contributions made by professional community and regional planners of the Community Development Department *(State or City or County)* of the Town of Parker *(insert name of state, city, or county)* and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2018 is hereby designated as **Community Planning Month** in the Town of Parker *(State or City or County)* of Douglas County, Colorado *(insert name of state, city, or county)* in conjunction with the celebration of National Community Planning Month.

Adopted this _____ day of _____, 2018.

Chief Elected Official



Clerk

PROCLAMATION

WHEREAS, the Town of Parker celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and

WHEREAS, small businesses employ 47.5 percent of the employees in the private sector in the United States; and

WHEREAS, 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and

WHEREAS, 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

WHEREAS, 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and

WHEREAS, the most reported reason for consumers aware of the day to shop and dine at small, independently-owned businesses was to support their community (64%); and

WHEREAS, Parker, Colorado, supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Mike Waid, Mayor of the Town of Parker, Colorado, do hereby proclaim, November 24, 2018, as:

SMALL BUSINESS SATURDAY

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

In witness whereof, I have hereunto set my hand this 15th day of October 2017.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk



Request for Town Council Action

Date: October 15, 2018

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.115 - Second Reading**
A Bill for an Ordinance to Amend Section 13.04.210 of the
Parker Municipal Code Concerning Temporary Structures
and Uses

Department: Town Attorney, Jim Maloney

EXECUTIVE SUMMARY

The Town Code does not authorize the Community Development Department to deny the issuance of a temporary use permit for a fireworks stand or suspend a temporary use permit that was issued for a fireworks stand when a Stage 1 or Stage 2 fire ban is in place.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town Code requires the issuance of a temporary use permit to operate a fireworks stand. Under the Town Code, the Town staff is required to issue a temporary use permit if all of the requirements of the Town Code are met by the applicant, even if a Stage 1 or Stage 2 fire ban is in effect. Additionally, the Town Code does not authorize Town staff to suspend a temporary use permit for a fireworks stand if a Stage 1 or Stage 2 fire ban goes into effect after the permit is issued. The purpose of the attached ordinance is to authorize the Planning Director or designee to deny the application for a temporary use permit for a fireworks stand if a Stage 1 or Stage 2 fire ban is in effect. Similarly, the attached ordinance would authorize the Planning Director or designee to suspend a temporary use permit for a fireworks stand for a Stage 1 or Stage 2 fire ban that goes into effect after the permit is issued. Additionally, the attached ordinance would allow for an appeal of the Planning Director's or designee's decision to the Town Council.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 3.01.115

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.115 on second reading.

ORDINANCE NO. 3.01.115, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.04.210 OF THE PARKER MUNICIPAL CODE CONCERNING TEMPORARY STRUCTURES AND USES

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

Section 1. Section 13.04.210 of the Parker Municipal Code is amended to correct the numbering of paragraph (d) to (c), and read as follows:

13.04.210 Temporary structures and uses.

* * *

(d)(c) Temporary uses.

* * *

(10) The temporary use shall be operated in compliance with Title 6 of this Code, including, but not limited, to noise, litter, trash and debris from such use. **A fireworks stand is not eligible for a temporary use permit when a Stage 1 Fire Ban or a Stage 2 Fire Ban, as defined in Chapter 6.06 of the Code, is in effect.**

* * *

(d) Revocation/Suspension. The Planning Director or designee may revoke a temporary use permit for failure to comply with the terms of the permit or the Code. The Planning Director or designee shall suspend any permit issued for a fireworks stand during the period of time that a Stage 1 Fire Ban or a Stage 2 Fire Ban, as defined in Chapter 6.06 of the Code, is in effect. The decision of the Planning Director or designee to terminate or suspend a temporary use permit may be appealed to the Town Council within fifteen (15) days of the date of the decision.

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 _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: October 15, 2018

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.74.2 - Second Reading**
A Bill for an Ordinance to Amend Section 6.06.050 and
Section 6.06.100 of the Parker Municipal Code Concerning
Unlawful Acts and Penalties Related to Stage 1 and Stage 2
Fire Bans

Department: Town Attorney, Jim Maloney

EXECUTIVE SUMMARY

The purpose of this ordinance is to make it unlawful to offer for sale any fireworks in Town when a Stage 1 or Stage 2 fire ban is in place, including fireworks stands. Additionally, this ordinance would authorize the Town to seize impermissible fireworks offered for sale.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The attached ordinance and Ordinance No. 3.01.115, which will be considered contemporaneously by Town Council, will address the sale of fireworks when a Stage 1 or Stage 2 fire ban is in effect. The purpose of Ordinance No. 3.01.115 is to authorize the Planning Director or designee to deny an application for a temporary use permit for a fireworks stand or suspend a temporary use permit that was issued for a fireworks stand when a Stage 1 or Stage 2 fire ban is in effect. If Ordinance No. 3.01.115 is approved by Town Council, then the attached ordinance would make the purchase or sale of all fireworks in the Town unlawful while a Stage 1 or Stage 2 fire ban is in effect, including fireworks sold by a fire stand.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 5.74.2

RECOMMENDED MOTION

I move to approve Ordinance No. 5.74.2 on second reading.

ORDINANCE NO. 5.74.2, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 6.06.050 AND SECTION 6.06.100 OF THE PARKER MUNICIPAL CODE CONCERNING UNLAWFUL ACTS AND PENALTIES RELATED TO STAGE 1 AND STAGE 2 FIRE BANS

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

Section 1. Section 6.06.050 of the Parker Municipal Code is amended to read as follows:

6.06.060 Unlawful acts.

* * *

(b) It shall also be unlawful for any person to offer for sale any fireworks, as defined in Section 6.06.050 above, in the Town when a Stage 1 Fire Ban or a Stage 2 Fire Ban, as defined in herein, is in effect, ~~including public, private, state and federal lands; provided, however, that it shall not be a violation of this Section if the person offering fireworks for sale has provided the notice described in Section 6.04.050 of this Title and prominently displays a public notice sign at each point of sale location that is clearly visible to purchasers. Each such public notice sign shall measure not less than two (2) feet by three (3) feet and shall consist of a white background with black lettering. Letter size shall be a minimum of three (3) inches high. The public notice sign shall read:~~

PUBLIC NOTICE

~~When Town of Parker Fire and Burning Restrictions are in effect, the use of all fireworks is strictly prohibited. Information on current restrictions can be found at the Town Web site at www.parkeronline.org~~

* * *

Section 2. Section 6.06.100 of the Parker Municipal Code is amended by the addition of new paragraph (b) and renumbered paragraph (c) to read as follows:

6.06.100 Penalty for violation.

* * *

(b) The Town may seize, take, and remove, at the expense of the owner all stocks of impermissible fireworks offered or exposed for sale, stored or held in violation of this Chapter.

~~(b)~~(c)

Section 3. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney