

REGENCY METROPOLITAN DISTRICT

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
Tel: (303) 987-0835
Fax: (303) 987-2032
Website: <https://regencymd.colorado.gov/>

NOTICE OF SPECIAL MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Thomas J. Brinkman II	President	2025/May 2025
James E. Marshall	Assistant Secretary	2025/May 2025
Shelley Marshall	Assistant Secretary	2023/May 2023
Lisa S. Brinkman	Assistant Secretary	2023/May 2023
VACANT		2023/May 2025
Ann E. Finn	Secretary	

DATE: December 12, 2022

TIME: 1:15 p.m.

PLACE: Conference Call
Telephone Number: 1-669-900-6833
Meeting ID: 434 948 0582
Passcode: 355867
One tap mobile: +16699006833,,4349480582#,,, *355867

I. ADMINISTRATIVE MATTERS

A. Present Disclosures of Potential Conflicts of Interest.

A. Approve Agenda, confirm location of the meeting and posting of meeting notice.

II. PUBLIC COMMENT

A. Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes.

III. FINANCIAL MATTERS

A. Review and consider adoption of Resolution No. 2022-12-01 of the Board of Directors of Regency Metropolitan District Appending the town of Parker town Council Resolution No. 22-065, Series of 2022, A Resolution Approving Adjustment of Mill Levies Resulting from Legislative or Constitutionally Mandated Reductions to the District's Service Plan (enclosure).

B. Ratify approval of 2023 Budget.

IV. LEGAL MATTERS

A. _____

V. OTHER MATTERS

A. _____

VI. ADJOURNMENT **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2022.**

RESOLUTION NO. 2022-12-01

RESOLUTION OF THE BOARD OF DIRECTORS OF REGENCY METROPOLITAN DISTRICT APPENDING TOWN OF PARKER TOWN COUNCIL RESOLUTION NO. 22-065, SERIES OF 2022, A RESOLUTION APPROVING ADJUSTMENT OF MILL LEVIES RESULTING FROM LEGISLATIVE OR CONSTITUTIONALLY MANDATED REDUCTIONS TO THE DISTRICT'S SERVICE PLAN

A. Regency Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado pursuant to Title 32, Colorado Revised Statutes.

B. The District operates pursuant to its Service Plan approved by the Town of Parker, on March 20, 2006 (the “**Service Plan**”), which provides the District with the authority to impose mill levies on taxable property. Such mill levies will be the primary source of revenue for repayment of debt service, public improvements, and operations and maintenance costs of the District.

C. In 1982, the State of Colorado (the “**State**”) approved an amendment to the State constitution (the “**Gallagher Amendment**”) which required that residential property equal 45% of the statewide valuation for assessment and nonresidential property equal 55% of the statewide valuation for assessment, with the nonresidential assessment rate being set at 29% with the expectation that the residential assessment rate would decrease over time.

D. In order to lessen the impact of revenue reductions resulting from mandated reductions in the residential assessment rate, it became common for metropolitan district service plans, including the District’s Service Plan, to include “Gallagher Adjustment” language that allowed the District to increase or decrease its mill levy to offset any changes in the residential assessment rate so that to the extent possible, the actual tax revenue generated by the applicable mill levy was neither diminished nor enhanced by changes in the residential assessment rate.

E. In November of 2022, the State’s voters approved Amendment B, which repealed the Gallagher Amendment and provided the General Assembly with the authority to decrease the assessment rate in the future.

F. The Town Council of Parker adopted Resolution No. 22-065, Series of 2022, A Resolution Approving Adjustment of Mill Levies Resulting From Legislative or Constitutionally Mandated Reductions on November 21, 2022 (“**Resolution No. 22-065**”) in order to, inter alia, allow districts with service plans approved prior to the adoption of Resolution No. 22-065 to adjust their mill levies for legislative as well as constitutional changes and that such amendment is not a material modification of the districts’ service plans.

G. Pursuant to Resolution No. 22-065, the Board of Directors of any metropolitan district with a service plan approved by the Town Council prior to the date of Resolution No. 22-065, may pass a resolution resolving that Resolution No. 22-065 be appended to the district’s service plan and providing that the “Mill Levy Adjustment,” “Gallagher Adjustment,” or similar definition in the district’s service plan, or provisions in the district’s service plan permitting the

adjustment of mill levies to offset changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut, or abatement authorized shall be amended to conform to the language as provided in Resolution No. 22-065.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Regency Metropolitan District, Town of Parker, Colorado:

1. Resolution No. 22-065 be appended to the District's Service Plan.
2. The definition of "Gallagher Adjustment" in the District's Service Plan shall be amended to conform with the following language:

Mill Levy Adjustment: means, if, on or after January 1, 2000, there are changes in the method of calculating assessed valuation or any constitutionally or statutorily mandated tax credit, cut or abatement, the mill levy limitation applicable to such Debt, may be increased or decreased to reflect such changes, such increases and decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the applicable mill levy, as adjusted for changes occurring after January 1, 2000, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation, and any constitutional or legislative changes in the actual value against which the assessment rate is applied, shall be deemed to be a change in the method of calculating assessed valuation.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION OF THE BOARD OF DIRECTORS OF
REGENCY METROPOLITAN DISTRICT APPENDING TOWN OF PARKER TOWN
COUNCIL RESOLUTION NO. 22-065, SERIES OF 2022, A RESOLUTION
APPROVING ADJUSTMENT OF MILL LEVIES RESULTING FROM LEGISLATIVE
OR CONSTITUTIONALLY MANDATED REDUCTIONS TO THE DISTRICT'S
SERVICE PLAN]**

RESOLUTION APPROVED AND ADOPTED ON December ____, 2022.

REGENCY METROPOLITAN DISTRICT

President

Attest:

Secretary

RESOLUTION NO. 22-065, Series of 2022

TITLE: A RESOLUTION APPROVING ADJUSTMENT OF MILL LEVIES RESULTING FROM LEGISLATIVE OR CONSTITUTIONALLY MANDATED REDUCTIONS

WHEREAS, THE TOWN COUNCIL OF PARKER FINDS

A. In 1982, the State of Colorado (the “State”) approved an amendment to the State constitution (the “Gallagher Amendment”) which required that residential property equal 45% of the statewide valuation for assessment and nonresidential property equal 55% of the statewide valuation for assessment, with the nonresidential assessment rate being set at 29%, with the expectation that the residential assessment rate would decrease over time; and

B. In order to lessen the impact of revenue reductions resulting from constitutionally mandated reductions in the residential assessment rate, it became common for metropolitan district service plans, including service plans approved by the Town of Parker (the “Town”), to include “Gallagher Adjustment” language that allowed a metropolitan district to increase or decrease its mill levy to offset any changes in the residential assessment rate; and

C. The purpose of the adjustment language was to ensure that, to the extent possible, the actual tax revenue generated by the applicable mill levy was neither diminished nor enhanced by changes to the residential assessment rate; and

D. In November 2020, the State’s voters approved Amendment B, which repealed the Gallagher Amendment and provided the General Assembly with the authority to decrease the assessment rate in the future; and

E. Since the repeal of the Gallagher Amendment, the General Assembly has passed legislation in each year that has reduced the assessment rate for different classes of property and there have also been numerous initiative petitions that have sought to permanently reduce the assessment rate for different classes of property; and

F. The Town has been approached by counsel for several metropolitan districts that have service plans that were originally approved by the Town requesting a solution to allow the districts to adjust their mill levies for legislative changes in the assessment rate like they would for constitutional changes; and

G. The Town has determined that service plans approved prior to the date of this resolution may be amended to include specific language included in this resolution that allows for a mill levy adjustment for legislative as well as constitutional changes, and that such amendment is not a material modification of any prior service plans; and

H. The Town has also determined to amend various sections of its existing Model Service Plan to conform the mill levy adjustment language to the language included herein.

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

Section 1. The foregoing recitals are incorporated in and made a part of this Resolution.

Section 2. The Board of Directors of any metropolitan district with a service plan approved by the Town Council prior to the date of this resolution may pass a resolution resolving that this resolution be appended to the district's service plan and providing that the "Mill Levy Adjustment," "Gallagher Adjustment" or similar definition in the district's service plan, or provisions in the district's service plan permitting the adjustment of mill levies to offset changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement authorized, shall be amended to conform with the following language:

Mill Levy Adjustment: means, if, on or after [THE DATE CURRENTLY IN THE DISTRICT'S SERVICE PLAN PERTAINING TO ADJUSTMENTS], there are changes in the method of calculating assessed valuation or any constitutionally or statutorily mandated tax credit, cut or abatement, the [mill levies authorized under the service plan], may be increased or decreased to reflect such changes, such increases and decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the applicable mill levy, as adjusted for changes occurring after [THE DATE CURRENTLY IN THE DISTRICT'S SERVICE PLAN PERTAINING TO ADJUSTMENTS], are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation, and any constitutional or legislative changes in the actual value against which the assessment rate is applied, shall be deemed to be a change in the method of calculating assessed valuation.

Section 3. The definition of "Mill Levy Adjustment" in the Model Service Plan shall be amended to read as follows:

Mill Levy Adjustment: means, if, on or after January 1, 2019, there are changes in the method of calculating assessed valuation or any constitutionally **or statutorily** mandated tax credit, cut or abatement, the mill levy to which the Mill Levy Adjustment applies may be increased or decreased to reflect such changes, such increases and decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the applicable mill levy, as adjusted for changes occurring after January 1, 2019, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation, **and any constitutional or legislative changes in the actual value against which the assessment rate is applied,** shall be deemed to be a change in the method of calculating assessed valuation.

Section 4. Section VI(C)(1) of the Model Service Plan shall be amended to read as follows:

(1) For the portion of any aggregate District Debt which exceeds 50% of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be [THE NUMBER OF MILLS CURRENTLY AUTHORIZED UNDER DISTRICT'S SERVICE PLAN OR 57 MILLS AS APPROPRIATE] less the number of mills necessary to pay unlimited mill levy Debt described in Section VI.C.2 below, subject to the Mill Levy Adjustment. As of the date of this Service Plan, the Mill Levy Adjustment allows for a Maximum Debt Mill Levy of _____ mills. Except for permitted Mill Levy Adjustments, the District's mill levy **imposed by the District for payment of Debt** shall not exceed the Maximum Debt Mill Levy. If the District otherwise proposes to adjust its mill levy **for the payment of Debt** above the Maximum Debt Mill Levy for any purpose ~~of offsetting any constitutionally or legislatively mandated credit, cut, abatement or change in the method of calculating assessed valuation other than a Mill Levy Adjustment~~, the District shall first submit all relevant details of such proposed adjustment to the Town Administrator, who may approve such proposed adjustment in writing or refer the proposal to the Town Council, which may elect to treat the proposed ~~mill levy~~ **Maximum Debt Mill Levy** adjustment as a material modification of the Service Plan. If the Town Council determines that such **proposed** adjustment **to the Maximum Debt Mill Levy** constitutes a material modification of the Service Plan, the District shall proceed to amend the Service Plan in accordance with Section 32-1-207, C.R.S. The District shall obtain written approval of the Town Administrator or of a Service Plan amendment prior to any such ~~mill levy~~ **proposed Maximum Debt Mill Levy** adjustment.

Section 5. Nothing herein shall permit any metropolitan district with a service plan approved by the Town Council that does not contain language permitting the adjustment of mill levies to offset changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement to amend the district's service plan to include a Mill Levy Adjustment. Any such amendment is deemed to be a material modification by the Town Council.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

RESOLVED AND PASSED this _____ day of _____, 2022.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

**TOWN OF PARKER COUNCIL
MINUTES
NOVEMBER 21, 2022**

REGULAR SESSION

Mayor Jeff Toborg called the meeting to order at 7:03 p.m. All Councilmembers were present except for Laura Hefta.

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

SPECIAL PRESENTATIONS

Recognition of 2022 Parker Civic Academy Participants

Mayor Toborg and Cheri Sullivan acknowledged the 2022 Parker Civic Academy participants and presented them with certificates.

Certificate of Recognition - High School Art Educator of the Year - Micah Bernhardt

Mayor Toborg recognized High School Art Educator of the Year, Micah Bernhardt, from Ponderosa High School and presented him with a certificate.

PUBLIC COMMENTS

None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - November 7, 2022*

- B. *ORDINANCE NO. 1.568 - First Reading
A Bill for an Ordinance to Levy General Property Taxes for the Year 2022 to Help Defray the Costs of Government for the Town of Parker, Colorado for the 2023 Budget Year
Department: Finance, Jennifer Campbell
Second Reading: December 5, 2022*

- C. *ORDINANCE NO. 1.561.1 - First Reading
A Bill for an Ordinance to Amend Ordinance No. 1.561, Series of 2022, Conveying Certain Real Property by Easement to Parker Water and Sanitation District for a Portion of Tract B, Mountain View Senior Center Filing No. 1, Minor Development
Department: Engineering and Public Works, Alex Mestdagh
Second Reading: December 5, 2022*

- D. *ORDINANCE NO. 9.352 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Colorado Department of Transportation and the Town of Parker Concerning PWQ Maintenance and Operations Responsibilities, Parker Road, Lincoln Avenue to Pine Lane, Project #AQC M039-007 (24455) / MTF M039-009 (24467) Region # 1 (VJM)
Department: Engineering and Public Works, Alex Mestdagh
Second Reading: December 5, 2022
- E. *ORDINANCE NO. 3.315.4 - First Reading*
A Bill for an Ordinance to Amend the Hess Ranch Development, Town of Parker, Colorado, PD Development Guide – Third Amendment, and to Approve the North Parcel Development Plan - Amendment No. 4, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith
Department: Community Development, Bryce Matthews
Trakit No.: Z22-004
Second Reading: December 5, 2022
- F. *ORDINANCE NO. 8.33 - First Reading*
A Bill for an Ordinance to Amend Chapter 4.03 of the Parker Municipal Code to Establish an Exemption from the Town’s Sales and Use Tax for Certain Retail Delivery Fees and Carryout Bag Fees Enacted by the State of Colorado
Department: Finance, Linda Quade
Second Reading: December 5, 2022
- G. *RESOLUTION NO. 22-064*
A Resolution to Approve the Second Amendment to Amended and Restated Employment Agreement for the Town Manager
Department: Town Council
- H. *RESOLUTION NO. 22-066*
A Resolution Accepting the Conveyance of a Public Sidewalk and Pedestrian Lighting Easement from Lamberton Properties, LLP, for a Portion of Lots 1 and 2, Britt Subdivision Filing No. 1
Department: Engineering and Public Works, Nathan Klass
- I. *RESOLUTION NO. 22-067*
A Resolution Accepting the Conveyance of a Public Sidewalk, Pedestrian Lighting and Artwork Easement from Orris Family L.L.C. for a Portion of Lot 2, Bridgeside Subdivision
Department: Engineering and Public Works, Nathan Klass

- J. RESOLUTION NO. 22-068
A Resolution Accepting the Conveyance of a Public Sidewalk, Pedestrian Lighting and Artwork Easement from Mohr Connections LLC for a Portion of Lot 1, Bridgeside Subdivision Filing No. 2
Department: Engineering and Public Works, Nathan Klass*
- K. RESOLUTION NO. 22-069
A Resolution Accepting the Conveyance of Real Property From Rowley Downs Homeowner's Association for Open Space North of Block 26, Rowley Downs, and Open Space West of Block 1, Rowley Downs, for the Rowley Downs Trail
Department: Engineering and Public Works, Nathan Klass*
- L. PROCLAMATION - Small Business Saturday - Women Impacting Public Policy and Small Business Saturday Coalition*
- M. CONTRACTS OVER \$100,000*
- 1. Give 5 Productions, Inc. - Escape to Margaritaville
Amount: \$120,000
Contractor: Give 5 Productions, Inc.
Department: Cultural, Carrie Glassburn*

Joshua Rivero moved to approve Consent Agenda Items 5A through 5M.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero – yes

Cheryl Poage – yes

Todd Hendreks – yes

John Diak – yes

Anne Barrington – yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. POPE PROPERTY ANNEXATION

Applicant: David Brehm, Plan West

Location: Southwest corner of Twenty Mile Road and Dransfeldt Road

Department: Community Development, Stacey Nerger

TRAKiT ANX22-009

No.:

RESOLUTION NO. 22-061

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Pope Property for Annexation into the Town of Parker

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

The subject land, known as the Pope property, is an enclave parcel located in unincorporated Douglas County. The property is approximately 38.6 acres in total area and is currently used as Flat Acres Farm, an agri-tainment and commercial recreation business. The property is bordered to the north by commercial uses at the Parker Valley Center (Target), to the south by Cherry Creek open space and future Salisbury Park North, to the east by commercial uses at FlatAcres Marketplace (Kohls) and to the west by Cherry Creek open space. The property and adjacent areas in the Cherry Creek open space contain 100-year floodplain and habitat for the Preble's Meadow Jumping Mouse, a protected species under the Endangered Species Act.

The Town has identified the property as a candidate for future annexation within the municipal Planning Area (urban growth boundary) through the annual Three-Mile Area Plan and the Parker 2035 Master Plan. Therefore, the proposed annexation is consistent with the Town's land use policy as expressed in both plans. Further, the subject property is eligible for annexation because it is located within the Town's Planning Area (urban growth boundary) and satisfies the contiguity requirements of the Act. The Town is required to process the Annexation Petition subject to the Act and the standards of review contained in the Municipal Code and Town Charter. The Town Council has the final decision-making authority for the submitted Annexation Petition because annexation is a legislative act.

Resolution No. 22-061, determines that the Pope property is eligible for annexation into the Town as provided by the Act. In addition, the Town Charter requires that all properties annexed by the Town also be zoned at the same time. The property owner has submitted a Zoning Application that is being processed concurrently with the Annexation Petition. After the approval of Resolution No. 22-061, the annexation ordinance and zoning ordinance will be scheduled for Town Council consideration at the February 6, 2023 public hearing.

Applicant: David Brehm, Plan West, made a brief presentation and answered Council questions.

Public Comment: None.

Cheryl Poage moved to approve Resolution No. 22-061 and set the public hearing for the annexation ordinance on February 6, 2023.

John Diak seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 4.110.1 – Second Reading

A Bill for an Ordinance to Amend Chapter 11.19 of the Parker Municipal Code Concerning Contractor Registration

**Department: Community Development, Dale Schmidt
Community Development, Randy Sale**

The Town Council created the Contractor Registration program in 2014. The purpose of this requirement is to ensure that contractors are accountable for their work and to establish a minimum level of protection for the residents, property owners and businesses that hire them. When building permits are necessary, this provision ensures that contractors have at least the minimum insurance that is required and creates a record of the contractor performing construction work for their clients in Town.

Since 2014, the Building Division has taken on additional responsibilities such as administration of the Fire Code. As a result, Building staff identified the need to extend the Contractor Registration program to other types of contractors to ensure their accountability and provide certain protection(s) as referenced above. Staff proposed adding three categories of contractors to the Contractor Registration program: (1) fire contractors; (2) low-voltage contractors; and (3) conveyance contractors. The registration requirements for the new categories include insurance coverage similar to the current requirements for contractors subject to the program. The fire and conveyance contractors will not be charged a registration fee because they are required to be licensed through the State of Colorado, which collects license fees annually for their companies.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 4.110.1 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.571 - Second Reading

A Bill for an Ordinance to Vacate Slope Easements on Tract A-1, Parker Town Center First Amendment Exemption and Tract B, Parker Town Center, as Described in the Final Rule and Order Recorded at Reception No. 2005076961, Pursuant to Section 13.07.120(c)(5) of the Parker Municipal Code

Department: Engineering and Public Works, Alex Mestdagh

In 2005, the Town acquired right-of-way and slope easements necessary for the construction of Pine Drive south of Mainstreet. This included slope easements on two vacant properties along the west side of the roadway. The owner of the properties is requesting that the slope easements be vacated by the Town in order to locate buildings within these areas.

The purpose of slope easements is to ensure stability of roadway backslopes located on these properties. Since the site grading associated with the proposed developments will add fill to the areas along the roadway, removing the roadway backslopes and ensuring the stability of Pine Drive, there is no need to retain the slope easements.

The slope easements were acquired by the Town as part of an agreement in which the Town received right-of-way, easements, and other property in exchange for removal of the property's obligation for reimbursement for a portion of the cost to construct Pine Drive. Therefore, no reimbursement is proposed to be required for this vacation.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 1.571 on second reading.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

C. ORDINANCE NO. 9.335.1 - Second Reading**A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cottonwood Meadows Tributary (Agreement No. 21-05.15A Project No. 108520) By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker****Department: Engineering and Public Works, Michael Grabczyk**

The Town of Parker and the Mile High Flood District (MHFD), formerly the Urban Drainage and Flood Control District, have identified the Cottonwood Meadows Tributary as a reach of major drainageway requiring rehabilitation to support existing and future Town growth. To this end, the Town and MHFD have executed an intergovernmental agreement (IGA) for the design and construction of flood control improvements on Cottonwood Meadows Tributary. This ordinance proposes an amendment to this IGA which will bring in additional funds from the MHFD to complete funding for the construction of the project.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 9.335.1 on second reading.

Cheryl Poage seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

D. ORDINANCE NO. 9.338.1 - Second Reading**A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch (Agreement No. 21-05.17A, Project No. 108522) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker****Department: Engineering and Public Works, Michael Grabczyk**

The Town of Parker and MHFD have partnered previously to design and construct several major drainageway projects within the Town. This reach is located within the Bradbury Ranch development and has been identified as an area of concern for flood conveyance and long-term maintenance. The reach contains two in-line stormwater ponds and has experienced aggradation or sediment accumulation over time, as well as an immense growth of cattails causing a reduction in flood conveyance. Additionally, the elevation and design of the contributing storm

outfalls are not conducive to long-term maintenance. This project is anticipated to propose the installation of channel improvements such as outfall forebays, channel widening for increased flood conveyance, selective relocation and dredging of cattail areas, and retrofitting of existing concrete storm structures. This IGA amendment will fund the construction of the project.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.338.1 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

E. ORDINANCE NO. 1.572 - Second Reading

A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Constructing and Improving Pikes Peak Drive, a Town Roadway, Through the Utilization of the Town’s Power of Eminent Domain, and Directing the Town’s Staff and Town Attorney to Notify all Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with all Pertinent Provisions of C.R.S. 38-1-101, et seq., Relating to Good Faith Negotiations

Department: Engineering & Public Works, Chris Hudson

The Town is currently in the design phase for an upcoming capital improvement project known as the Pikes Peak Drive Sidewalks project (the “Project”). The Project proposes to make sidewalk and pedestrian lighting improvements to Pikes Peak Drive between Mainstreet and the Sulphur Gulch Trail. The Project’s main goal is to widen the existing sidewalk which is not currently Americans with Disabilities Act (ADA) compliant and add pedestrian lighting to improve pedestrian mobility, capacity, and comfort along this stretch of Pikes Peak Drive. The improved sidewalk width will vary between six and eight feet, depending on existing site improvements and landscaping. Integral colored concrete sidewalks and pedestrian lighting like the adjacent section of Mainstreet will be utilized for consistency. The Town is currently anticipating construction of the improvements in 2023.

Town staff has already commenced coordination/discussion of the necessary easements with the adjacent property owners and the improvement designs have been modified based on individual property issues/constraints, such as landscaping (trees). In all, a total of fifteen parcels were identified that required easements. Due to the nature of the sidewalk improvements being seen as an improvement to the adjacent property owners, ten of the parcels have or are executing the appropriate documents for the project. The remaining five properties are currently unresponsive, which is why staff would like to proceed with this acquisition. A “Property Owner Legend” map

that highlights the remaining parcels requiring acquisition was attached to the staff report.

To accommodate the sidewalk and lighting improvements, acquisition of permanent easements (PE) and/or temporary construction easements (TCE) are required from the five remaining properties along the project limits. The PE language will be limited to sidewalk and lighting improvements. The TCE language will have a fixed time duration and terminate at the end of the time period established in TCE agreement. There are four remaining PE areas plus five remaining TCE areas identified and, included with this item, is a vicinity map with the affected parcels highlighted. As the sidewalk improvements are adjacent/parallel to Pikes Peak Drive, the easements needed result in a narrow strip of area being needed on each property.

The permanent easement acquisition will affect properties 5, 11, 12 and 14 (reference the vicinity map in the staff report) with the total permanent easement area for these four parcels totaling 633 square feet. The temporary construction easement acquisition will affect properties 5, 11, 12, 13 and 14 (reference the vicinity map in the staff report) with the total temporary construction easement area for these five (5) parcels totaling 1,063 square feet.

Town staff and the Town's consultant will engage in good faith negotiations with the affected property owners. The Town will send a letter to the affected property owners about the Town's intent to acquire the property. This ordinance authorizes Town staff and/or consultants to initiate the acquisition of these needed permanent and temporary easements. If we are unable to come to an agreement with the property owner, Town staff will coordinate with Town Council prior to any eminent domain action.

Public Comment: None.

John Diak moved to approve Ordinance No. 1.572 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

RESOLUTIONS**RESOLUTION NO. 22-065****A Resolution Approving Adjustment of Mill Levies Resulting from Legislative or Constitutionally Mandated Reductions****Department: Town Attorney, Kristin Hoffmann**

In 1982, the State approved an amendment to the State Constitution called the “Gallagher Amendment” which required that residential property equal 45% of the statewide valuation for assessment and nonresidential property equal 55% of the statewide valuation for assessment, with the nonresidential assessment rate being set at 29%. Current language in the Town’s service plans (often called “Gallagher Adjustment” language) allows metropolitan districts to increase or decrease their mill levies to ensure that, to the extent possible, the actual tax revenue generated by the applicable mill levy is neither diminished nor enhanced by changes to the residential assessment rate.

In November 2020, the State’s voters approved Amendment B, which repealed the Gallagher Amendment and provided the General Assembly with the authority to decrease the assessment rate in the future. Since then, the General Assembly has passed legislation in each year that has reduced the assessment rate for different classes of property.

The Town has been approached by counsel for several metropolitan districts, which have service plans that were originally approved by the Town, requesting a solution to allow the districts to adjust their mill levies for legislative changes in the assessment rate, similar to how they are authorized to do so for constitutional changes.

The proposed resolution allows metropolitan districts with previously approved service plans to amend their existing service plans to include specific language to allow for a mill levy adjustment due to legislative changes, in addition to constitutional changes. The resolution also amends various sections of the Town’s existing Model Service Plan to conform to the mill levy adjustment language. Any district that amends its service plan with the proposed language must furnish a copy of the district’s resolution opting into the proposed language within 30 days of its adoption.

Dalton Kelly, attorney with Butler Snow, 1801 California Street, Suite 5100, answered Council questions.

Public Comment: None.

Joshua Rivero moved to approve Resolution No. 22-065.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the Regular Meeting at 8:05 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

The motion was approved unanimously.

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor