



Lone Tree City Council Agenda Tuesday, November 1, 2016

Meeting Location: City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway.
Meeting Procedures: The Lone Tree City Council and staff will meet in a public Study Session at 4:30pm. *At 5:30pm and following the meeting, if necessary, the Council Meeting will adjourn and convene in Executive Session. (NOTE: change of time)* If an Executive Session is not necessary, Council will recess for dinner. The Regular Session will be convened at 7:00pm. Study Sessions and Regular Sessions are open to the public, Executive Sessions are not. Study Sessions are informational sessions and no action is taken. Comments from the public are welcome during the Regular Session at these occasions: 1. Public Comment (brief comments on items not on the agenda or scheduled for public hearing or public input) 2. Public Hearings. To arrange accommodations in accordance with the Americans with Disabilities Act at public meetings, please contact the City Clerk at least 48 hours prior to the meeting.

4:30pm Study Session Agenda

1. Lincoln Commons Park Presentation
 2. **Ordinance 16-XX, BOND REFUNDING**
 3. Addenda 2, 3, and 4 to the Master IGA with Park Meadows Metro District
-

5:30pm Executive Session Agenda

(Note: change of time)

1. Roll Call
 2. Executive Session
-

7:00pm Regular Session Agenda

3. Opening of Regular Meeting/Pledge of Allegiance
4. Amendments to the Agenda and Adoption of the Agenda
5. Conflict of Interest Inquiry
6. Public Comment
7. Announcements
8. Consent Agenda
 - a. Minutes of the October 18, 2016 Regular Meeting
 - b. Claims for the Period of October 10-24, 2016
9. Community Development
 - a. **Public Hearing: Ordinance 16-04, AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION** Second Reading
10. Public Works
 - a. Approval of Addenda 2, 3, and 4 to the Master IGA with Park Meadows Metro District
11. Administrative Matters
 - a. **Public Hearing: Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS** Second Reading
 - b. **Resolution 16-25, ENACTING THE MUNICIPAL COURT FINE SCHEDULE**
12. Council Comments
13. Adjournment

City of Lone Tree Upcoming Events

more info available at www.cityoflonetree.com & www.lonetreeartscenter.org

- Sons of the Pioneers, Thursday, November 3rd, 7:30 pm., LTAC Main Stage: SOLD OUT
- Erth's Dinosaur Zoo, Sunday, November 6th, 1:30, 4:00 – SF Show and 7:00 pm, LTAC Main Stage
- City Offices will be closed on Friday, November 11th in observance of Veteran's Day
- Passport to Culture: Seven Falls Indian Dancers, Sunday, November 13th, 1:30 pm, LTAC Main Stage
- National Geographic: The Lens of Adventure, Tuesday, November 15th, 7:30 pm, LTAC Main Stage

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
October 18, 2016**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, October 18, 2016, at 6:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

Jacqueline Millet, Mayor
Susan Squyer, Mayor Pro Tem
Cathie Brunnick, Council Member
Jay Carpenter, Council Member
Wynne Shaw, Council Member

Also in attendance were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Steve Hebert, Deputy City Manager
Jeff Holwell, Economic Development Director
Interim Chief Ron Pinson, Lone Tree Police Department
Kristin Baumgartner, Finance Director
Kelly First, Community Development Director
Lisa Rigsby Peterson, Lone Tree Arts Center Director
Gary White, City Attorney, White, Bear and Ankele, P.C.
Neil Rutledge, Assistant City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TTG Corp.

Call to Order

Mayor Millet called the meeting to order at 6:09 p.m., and observed that a quorum was present.

Executive Session

Mayor Millet announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session is for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) concerning the possibility of an election. Council Member Carpenter moved, Mayor Pro Tem Squyer seconded, for City Council to recess and convene in Executive Session for the reasons

stated. The motion passed with a 5 to 0 vote.

Council adjourned to an Executive Session at 6:09 p.m.

The Executive Session was adjourned at 6:38 p.m.

Mayor Millet reconvened the meeting in Regular Session at 7:00 p.m., following a short recess.

Pledge of Allegiance

Mayor Millet led those assembled in reciting the Pledge of Allegiance.

Amendments to the Agenda

There were no amendments to the agenda.

Conflict of Interest

There was no conflict of interest.

Public Comment

Bill Robertson, 9278 E. Aspen Hill Circle, apologized for missing the last council meeting.

Announcements

Alex Britti, Youth Commissioner, gave Council an update on the Youth Commission.

Mayor Millet announced upcoming events.

Consent Agenda

Mayor Millet noted the following items on the Consent Agenda, which consisted of:

- *Minutes of the October 4, 2016 Regular Meeting*
- *Claims for the period of September 26-October 10, 2016*
- *Treasurer's Report for August 2016*

Mayor Pro Tem Squyer moved, Council Member Shaw seconded, to approve the Consent Agenda. The motion passed with a 5 to 0 vote.

Administrative Matters

Approval of Park Meadows Business Improvement District (BID) Operating Plan and Budget for 2017

Jeff Holwell, Economic Development Director, introduced the item and Pam Schenck-Kelly. Ms. Schenck-Kelly, Park Meadows General Manager, spoke about the district.

Mayor Pro Tem Squyer moved, Council Member Brunnick seconded, to approve the Park Meadows Business Improvement District Operating Plan and Budget for 2017. The motion passed with a 5 to 0 vote.

Approval of Lone Tree Business Improvement District (BID) Operating Plan and Budget for 2017

Jeff Holwell, Economic Development Director, introduced the item. Shane Purcel, Board Member and owner of Mellow Mushroom, and Matt Dempsey, Ehlers Inc, spoke about the District.

Council Member Carpenter moved, Council Member Shaw seconded, to approve the Lone Tree Business Improvement District Operating Plan and Budget for 2017. The motion passed with a 5 to 0 vote.

Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS (First Reading)

Jennifer Pettinger, City Clerk, introduced the item.

Council Member Shaw moved, Mayor Pro Tem Squyer seconded, to approve **Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS** on First Reading. The motion passed with a 5 to 0 vote.

Community Development

Public Hearing: Ordinance 16-02, AMENDING THE CITY OF LONE TREE ZONING CODE SIGN STANDARDS (Second Reading)

Mayor Millet opened the public hearing at 7:35 p.m.

Hans Friedel, Planner III, introduced the item.

Mayor Millet opened the public hearing for comment at 7:42 p.m.

There were no comments.

The public hearing was closed at 7:42 p.m.

Mayor Pro Tem Squyer moved, Council Member Brunnick seconded, to approve **Ordinance 16-02, AMENDING THE CITY OF LONE TREE ZONING CODE SIGN STANDARDS** on Second Reading. The motion passed with a 5 to 0 vote.

Ordinance 16-04, AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION (First Reading)

Matt Archer, Building Official, introduced the item.

Mayor Gunning asked for public input.

There was no comment.

Council Member Carpenter moved, Council Member Shaw seconded, to approve **Ordinance 16-04, AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION** on First Reading. The motion passed with a 5 to 0 vote.

Adjournment

There being no further business, Mayor Millet adjourned the meeting at 8:13 p.m.

Respectfully submitted,

Jennifer Pettinger, CMC, City Clerk



CITY OF LONE TREE

STAFF REPORT

Project Summary

Date: October 26, 2016

Project Name: Proposed Amendments to the Residential Building Code – Mandatory Sprinkler Option

Project Type: Code Amendment

Staff Contacts: Matt Archer, Chief Building Official
Kelly First, Community Development Director

Meeting Type: Public Hearing

Summary of Request: Approval to amend the Lone Tree Municipal Code, Chapter 18, Building Regulations, Article III – Residential Code, to adopt language for a mandatory sprinkler option in single family and townhomes built under the 2012 International Residential Building Code (2012 IRC).

Suggested Motion or Recommended Action:

I move to approve Ordinance 16-04, AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION.



**CITY OF LONE TREE
STAFF REPORT**

TO: Mayor Millet and City Council

FROM: Matt Archer, Chief Building Official
Kelly First, Community Development Director

FOR: November 1, 2016 City Council Meeting – Public Hearing

DATE: October 26, 2016

SUBJECT: Proposed Amendments to the Residential Building Code – Mandatory Sprinkler Option

A. SUMMARY

Staff is proposing to amend Chapter 18 of the Municipal Code to add language for a mandatory sprinkler option in single family and townhomes built under the 2012 International Residential Building Code (2012 IRC).

B. SUGGESTED MOTION OR RECOMMENDED ACTION

I move to approve Ordinance 16-04, AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION.

C. BACKGROUND

The City Council previously approved the mandatory sprinkler option in 2014 as part of a family of construction code updates. However, staff recently discovered that the approved language had been inadvertently omitted from the adopted ordinance. The current proposal seeks to correct that administrative oversight while also using it as an opportunity to improve upon the language.

The mandatory sprinkler option means that a home builder in Lone Tree must offer sprinklers as an option to their buyers as part of the building permit process. It represents a compromise between positions held by Fire Departments (who would

prefer to see sprinklers mandated) and Home Builders (who are oppose sprinkler mandates, mainly due to concerns about costs associated with installing sprinklers).

The Colorado Home Builders Association (HBA) previously supported the mandatory option approach. However, for a variety of reasons, that organization has changed their position and will not be in support of the adoption of fire sprinklers or any language making them a mandatory option.

The mandatory option approach is being employed by other cities such as Centennial and Castle Pines.

Staff and South Metro Fire Rescue Authority (SMFRA) have worked with other jurisdictions since the last adoption in 2014. Through that process we have drafted new language, which we believe improves upon the previous version. The proposed language is clear in outlining scoping located within the sprinkler requirements of the IRC and does not rely on a separate form to be submitted.

D. PROPOSED AMENDMENTS

The following is a red-lined version of the proposed amendments.

Sec. 18-3-40 (10) R313.1 and R313.2 are amended as follows:

R313.1 Townhouse automatic fire sprinkler system. ~~Although not required, if an automatic residential fire sprinkler system for a townhouse is desired, it shall be designed and installed in accordance with Section P2904.~~ A builder of a townhouse shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a townhouse shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

Exception: An automatic residential fire sprinkler system option shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation.

If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- or two-family dwelling automatic fire sprinkler system. ~~Although not required, if an automatic residential fire sprinkler system for a one- or two-~~

~~family dwelling is desired, it shall be designed and installed in accordance with Section P2904 or NFPA 13D. A builder of one- or two- family dwellings shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a one- or two- family dwelling shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.~~

Exception: An automatic residential fire sprinkler system option shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

R313.2.1 Design and installation.

If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

End

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2016

Ordinance No. 16-04

**AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE
TO PROVIDE FOR A MANDATORY SPRINKLER OPTION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998 and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to the Charter, the Municipal Code and the authority given home rule cities, the City may adopt and amend Ordinances.

ARTICLE 2 – DECLARATIONS OF POLICY

- A. The City Council has adopted the 2012 International Residential Code (IRC), addressing the standards for the design and construction of residential buildings that adequately protects the public health, safety and welfare.
- B. The City Council, in adopting the IRC, addressed provisions that allowed optional automatic residential fire sprinkler systems.
- C. The City Council believes there is a need to strengthen those provisions to provide for a mandatory sprinkler option that requires a home builder to offer sprinklers as an option to buyers as part of the building permit process.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, 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.

ARTICLE 4 – REPEAL AND ADOPTION

Section 18-3-40 (10) of the Municipal Code, is hereby repealed in its entirety and re-adopted as follows:

(10) Section R313, Automatic Fire Sprinkler System, is deleted in its entirety and replaced by the following:

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler system. A builder of a townhouse shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a townhouse shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

Exception: An automatic residential fire sprinkler system option shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- or two-family dwelling automatic fire sprinkler system. A builder of one- or two- family dwellings shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a one- or two- family dwelling shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

Exception: An automatic residential fire sprinkler system option shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

R313.2.1 Design and installation. If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

ARTICLE 5 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance or in the Building Regulations hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 6 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 7 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.

INTRODUCED, READ AND ORDERED PUBLISHED ON OCTOBER 18, 2016.

PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON OCTOBER 27, 2016], LEGAL NOTICE NO. 930019.

APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING ON NOVEMBER 1, 2016, TO BECOME EFFECTIVE ON NOVEMBER 26, 2016.

CITY OF LONE TREE:

Jacqueline A. Millet, Mayor

ATTEST:

Jennifer Pettinger, CMC, City Clerk

(SEAL)



CITY OF LONE TREE

STAFF REPORT

TO: Mayor Millet and City Council

FROM: John P. Cotten, P.E., Public Works Director

FOR: November 1, 2016 Council Meeting

DATE: October 26, 2016

SUBJECT: Addenda 2 through 4 to the IGA between Park Meadows Metropolitan District and the City of Lone Tree

Summary

Staff recommends City Council approve Addenda Number 2, 3, and 4 to the Master Intergovernmental Agreement (IGA) between Park Meadows Metropolitan District and City of Lone Tree regarding Public Improvements.

Addendum No. 2 – Parkway Drive reconstruction and landscaped medians.

Addendum No. 3 – Yosemite Street widening between Maximus Dr. and Park Meadows Dr.

Addendum No. 4 – Park Meadows Drive Improvements west of Yosemite Street.

Cost

There is no cost to the City as a result of approving these three (3) addenda.

Suggested Motion or Recommended Action

I move to approve Addenda Number 2, 3, and 4 to the Master Intergovernmental Agreement between Park Meadows Metropolitan District and the City of Lone Tree regarding Public Improvements and authorize the City Manager to execute the addenda documents.

Background

The City and Park Meadows Metropolitan District approved a previous master IGA expressly for the purpose of streamlining the process of partnering on projects that are jointly funded by the parties. These three addenda are for the purpose of documenting the funding that PMMD has or will provide related to the referenced projects. Each of these three (3) addenda authorizes the Parties (PMMD and the City) to initiate public improvements described within each of the addenda pursuant to the terms of the Master Intergovernmental Agreement regarding Public Improvements.

PUBLIC IMPROVEMENT PROJECT DESIGNATION ADDENDUM NO. 2

MASTER
INTERGOVERNMENTAL AGREEMENT
BETWEEN PARK MEADOWS METROPOLITAN DISTRICT AND
CITY OF LONE TREE REGARDING PUBLIC IMPROVEMENTS

This Public Improvement Project Designation Addendum No. 2 authorizes the Parties to initiate the Public Improvements described below pursuant to the terms hereof and the terms of the above-named Intergovernmental Agreement. The terms of this Public Improvement Project Designation Addendum No. 2 supplement the Intergovernmental Agreement.

1. PUBLIC IMPROVEMENTS. The Parties hereby agree to cooperate in the funding, design, construction, operation and/or maintenance of the Public Improvements described below:

Reconstruction of Parkway Drive and replacement of concrete panels in Parkway Drive from Acres Green Drive to County Line Road and installation of landscaped medians.

2. TIME FOR PERFORMANCE. The Parties acknowledge and agree that the above-described Public Improvements shall be substantially completed one hundred ten (110) days after award of the construction contract(s) for such Public Improvements. The Parties acknowledge and agree that the construction contract(s) for such Public Improvement shall be awarded on or before September 30, 2015.

3. PROJECT MANAGEMENT. The City will be responsible for the design, preparation of bid packages, conduct of the bid process, and awarding the construction contract or contracts for the above-described Public Improvements. The City will obtain all required permits to construct each Public Improvement. The City will be responsible for managing construction of each Public Improvement.

4. MAINTENANCE OF PUBLIC IMPROVEMENTS. Subsequent to the final completion of the above-described Public Improvements the City and the District shall maintain the above-described Public Improvements, with the City maintaining the concrete panels and roadway improvements and the District maintaining the landscaped median improvements. The City hereby agrees to issue all licenses and permits necessary for the District to maintain the above-described Public Improvements.

5. ALLOCATION OF FUNDING AND PAYMENT. The City and the District agree to allocate the funding of the above-described Public Improvements as follows:

The District is paying for a portion of the costs of the reconstruction of Parkway Drive in the amount of \$150,000.00 and all of the costs of the concrete panel replacements along Parkway Drive in the amount of \$200,000.00. The City is paying the remainder in the amount of \$355,489.85. The District is paying for all of the costs of the new landscaped medians including irrigation and flagstone hardscape in the amount of \$137,071.00.

(Signatures appear on following page)

Addendum No. 2

By the signature of their authorized representatives below, the Parties agree to the terms and conditions of this Public Improvement Project Designation Addendum No. 2.

CITY OF LONE TREE, COLORADO, a home rule municipal corporation of the State of Colorado

Date: _____

By: _____
_____, Mayor

ATTEST:

By: _____
_____, City Clerk

PARK MEADOWS METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

Date: _____

By: _____
Greg Kelly, President

ATTEST:

By: _____
Thomas Haning, Secretary

PUBLIC IMPROVEMENT PROJECT DESIGNATION ADDENDUM NO. 3

MASTER
INTERGOVERNMENTAL AGREEMENT
BETWEEN PARK MEADOWS METROPOLITAN DISTRICT AND
CITY OF LONE TREE REGARDING PUBLIC IMPROVEMENTS

This Public Improvement Project Designation Addendum No. 3 authorizes the Parties to initiate the Public Improvements described below pursuant to the terms hereof and the terms of the above-named Intergovernmental Agreement. The terms of this Public Improvement Project Designation Addendum No. 3 supplement the Intergovernmental Agreement.

1. PUBLIC IMPROVEMENTS. The Parties hereby agree to cooperate in the funding, design, construction, operation and/or maintenance of the Public Improvements described below:

The construction of a new north bound right turn lane at Yosemite Street and Park Meadows Drive. These improvements include new curb, gutter, and sidewalk, additional asphalt pavement for the widening of Yosemite Street, a retaining wall, relocation of City owned pedestrian lights, traffic signal modifications and upgrades, and reconfigured lane striping.

2. TIME FOR PERFORMANCE. The Parties acknowledge and agree that the above-described Public Improvements shall be substantially completed ninety (90) days after award of the construction contract(s) for such Public Improvements. The Parties acknowledge and agree that the construction contract(s) for such Public Improvement shall be awarded on or before August 15, 2016.

3. PROJECT MANAGEMENT. The City will be responsible for the design, preparation of bid packages, conduct of the bid process, and awarding the construction contract or contracts for the above-described Public Improvements. The City will obtain all required permits to construct each Public Improvement. The City will be responsible for managing construction of each Public Improvement.

4. MAINTENANCE OF PUBLIC IMPROVEMENTS. Subsequent to the final completion of the above-described Public Improvements the City shall maintain the above-described Public Improvements. The City hereby agrees to issues all licenses and permits necessary for the District to maintain the above-described Public Improvements.

5. ALLOCATION OF FUNDING AND PAYMENT. The City and the District agree to allocate the funding of the above-described Public Improvements as follows:

The contract price for the new right turn lane project is anticipated to be \$600,000. The District and the City will each contribute \$300,000 to the new right turn lane.

Cost Underruns: If the contract price is less than \$600,000, the District and the City shall share equally in any cost underruns without further action or agreement of the parties.

Cost Overruns: If the contract price is more than \$600,000, the District shall contribute no more than \$300,000 and the City shall contribute any additional amounts necessitated by such cost overrun. Prior approval by the District Board shall be required for any District contribution in excess of \$300,000.

All contractors shall present invoices to the City. After review and approval by the City of such invoices, the City shall present them to the District. Upon the District's review and approval, the District will make

Addendum No. 3

payments to the City within thirty (30) days of receipt of such invoices by the District. The City will make the payments to the contractors.

(Remainder of page intentionally left blank)

By the signature of their authorized representatives below, the Parties agree to the terms and conditions of this Public Improvement Project Designation Addendum No. 3.

CITY OF LONE TREE, COLORADO, a home rule municipal corporation of the State of Colorado

Date: _____

By: _____
_____, Mayor

ATTEST:

By: _____
_____, City Clerk

PARK MEADOWS METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

Date: _____

By: _____
Greg Kelly, President

ATTEST:

By: _____
Thomas Haning, Secretary

PUBLIC IMPROVEMENT PROJECT DESIGNATION ADDENDUM NO. 4

MASTER
INTERGOVERNMENTAL AGREEMENT
BETWEEN PARK MEADOWS METROPOLITAN DISTRICT AND
CITY OF LONE TREE REGARDING PUBLIC IMPROVEMENTS

This Public Improvement Project Designation Addendum No. 4 authorizes the Parties to initiate the Public Improvements described below pursuant to the terms hereof and the terms of the above-named Intergovernmental Agreement. The terms of this Public Improvement Project Designation Addendum No. 4 supplement the Intergovernmental Agreement.

1. PUBLIC IMPROVEMENTS. The Parties hereby agree to cooperate in the funding, design, construction, operation and/or maintenance of the Public Improvements described below:

Improvements to Park Meadows Drive west of Yosemite Street to create an access for the proposed “Yard Development” north of Park Meadows Drive and West of Yosemite Street. These improvements include cutting a new access through the existing raised median, modifications to the existing raised medians, construction of a traffic signal, and construction of a sidewalk on the north side of Park Meadows Drive adjacent to the City open space parcel.

2. TIME FOR PERFORMANCE. The Parties acknowledge and agree that the above-described Public Improvements shall be substantially completed two hundred (200) days after award of the construction contract(s) for such Public Improvements. The Parties acknowledge and agree that the construction contract(s) for such Public Improvement shall be awarded on or before July 1, 2017.

3. PROJECT MANAGEMENT. The City will be responsible for the design, preparation of bid packages, conduct of the bid process, and awarding the construction contract or contracts for the above-described Public Improvements. The City will obtain all required permits to construct each Public Improvement. The City will be responsible for managing construction of each Public Improvement.

4. MAINTENANCE OF PUBLIC IMPROVEMENTS. Subsequent to the final completion of the above-described Public Improvements the City shall maintain the above-described Public Improvements. The City hereby agrees to issue all licenses and permits necessary for the District to maintain the above-described Public Improvements.

5. ALLOCATION OF FUNDING AND PAYMENT. The City and the District agree to allocate the funding of the above-described Public Improvements as follows:

The contract price for the Public Improvements described herein is anticipated to be Five Hundred Forty-Four Thousand Dollars (\$544,000). The District’s total contribution for the Public Improvements shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000). The City shall be responsible for the remaining costs in the amount of Two Hundred Ninety-Four Thousand Dollars (\$294,000).

Cost Underruns: If the contract price for the Public Improvements is less than \$544,000, the District and the City shall share equally in any cost underruns without further action or agreement of the parties.

Cost Overruns: If the contract price is more than \$544,000, the District shall contribute no more than \$250,000, and the City shall contribute any additional amounts necessitated by such cost overrun. Prior approval by the District Board shall be required for any District contribution in excess of \$250,000.

Addendum No. 4

All contractors shall present invoices to the City. After review and approval by the City of such invoices, the City shall present them to the District. Upon the District's review and approval, the District will make payments to the City within thirty (30) days of receipt of such invoices by the District. The City will make the payments to the contractors.

(Remainder of page intentionally left blank)

By the signature of their authorized representatives below, the Parties agree to the terms and conditions of this Public Improvement Project Designation Addendum No. 4.

CITY OF LONE TREE, COLORADO, a home rule municipal corporation of the State of Colorado

Date: _____

By: _____
_____, Mayor

ATTEST:

By: _____
_____, City Clerk

PARK MEADOWS METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

Date: _____

By: _____
Greg Kelly, President

ATTEST:

By: _____
Thomas Haning, Secretary



CITY OF LONE TREE

STAFF REPORT

TO: Mayor Millet and City Council

FROM: Jennifer Pettinger, CMC, City Clerk

FOR: November 1, 2016 Agenda

DATE: October 25, 2016

SUBJECT: Public Hearing: Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS

Summary

Recent legislation requires personal service notification for a hearing on a defendant's ability to pay before a warrant can be issued (for failure to appear or failure to request additional time to pay a fine). For that reason, we researched cost effective alternatives to incentivize defendants to pay and would like Council to approve the use of a collections service. The attached ordinance allows for court fines and assessments to be recovered by a collection agency. Also on tonight's agenda is a resolution amending the Municipal Court Fine Schedule to include the addition of the collections fee. A recent court listserve inquiry showed at least 17 area municipalities utilizing a collection service and we expect many more to begin due to the new legislation. If approved, current outstanding citations will be referred to a collections service. We will not refer any citations that were not personally served by an officer (i.e. parking or red-light camera violations).

Cost

There will be no direct cost to the City. If the collection service is successful in collecting, defendants will be charged an 18-25% collection fee and the City will recoup 100 percent of the fine and fees.

Suggested Motion

I move to approve Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS on second reading.

Background

We are limited, with our current software (Eforce), to retrieve a report with the exact number or percentage of unpaid violations because of the way partial payments are reported in the system but we believe over the course of 10 years it is approximately 4% of the citations remain fully uncollected. We are able to retrieve statistics for unpaid parking tickets. 77 parking citations were issued from May to August of this year. In that 4 month period, 64 tickets have been paid and 13 remain unpaid which equates to 16% still outstanding. In regard to red-light camera violations we have 15.9% unpaid from the program's inception.

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2016

Ordinance No. 16-03

**AN ORDINANCE PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT
FINES, COSTS AND OTHER ASSESSMENTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the “City”) is a home rule municipality operating under the Lone Tree Home Rule Charter (the “Charter”) adopted on May 5, 1998 and a Municipal Code (the “Code”), codified and adopted on December 7, 2004. Pursuant to the Charter, the Code and the authority given home rule cities, the City may adopt and amend Ordinances.

ARTICLE 2 – DECLARATION OF POLICY

- A. The City Council recognizes the need to revise from time to time the legal underpinnings of the Code in order to promote and protect the public health, safety and welfare.
- B. The City Council wishes to allow for the lawful collection of delinquent municipal court fines and other assessments, and to charge a reasonable rate to facilitate such collection.
- C. The City Council hereby finds and declares that collection of fines is an administrative burden that would be more efficiently handled by a professional collection agency or other collection methods.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, 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.

ARTICLE 4 – ADOPTION

Chapter 10, Article XVII of the Municipal Code is amended to add the following section:

Sec. 10-17-20. Collection of unpaid Municipal Court assessments.

The Municipal Judge is authorized to direct the Municipal Court Clerk to pursue payment of fines, fees, default judgments, personal recognizance bond forfeitures, civil penalties or any other unpaid amounts due from any person assessed such sums by the Municipal Court, including the reasonable costs of collection, by any lawful method. Reasonable costs of collection shall include, without limitation, the fees and costs of the City Attorney, private counsel, or a collection agency, but such fees and costs shall not exceed twenty-five percent (25%) of the unpaid amount.

ARTICLE 5 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision or application shall not affect any of the remaining parts, provision or applications of this Ordinance which can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 6 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 7 – EFFECTIVE DATE

This Ordinance shall take effective thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days following publication after the second reading if change are made upon second reading.

INTRODUCED READ AND ORDERED PUBLISHED ON OCTOBER 18, 2016

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON OCTOBER 27, 2016,
LEGAL NOTICE NO. 930020.**

**APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING ON
NOVEMBER 1, 2016 ,TO BECOME EFFECTIVE ON NOVEMBER 26, 2016.**

CITY OF LONE TREE:

Jacqueline A. Millet, Mayor

ATTEST:

(SEAL)

Jennifer Pettinger, CMC, City Clerk



CITY OF LONE TREE

STAFF REPORT

TO: Mayor Millet and City Council
FROM: Jennifer Pettinger, CMC, City Clerk
FOR: November 1, 2016 Agenda
DATE: October 25, 2016

SUBJECT: Resolution 16-25, ENACTING THE MUNICIPAL COURT FINE SCHEDULE

Summary

By Charter, all Municipal costs and fees are to be enacted by Council upon the recommendation of the Municipal Judge. Staff has recommended these changes to the Court Fine schedule and Judge Gresh has approved them:

1. Removal of the \$4 community service fee
2. Addition of the Collections Fee (up to 25%)
3. Addition of the Teen Court Fee \$54.00

Cost

There is no direct cost.

Suggested Motion

I move to approve Resolution 16-25, ENACTING THE MUNICIPAL COURT FINE SCHEDULE.

Background

The community service fee is for additional insurance that was previously purchased on behalf of the defendant. The reporting required for the insurance has become extremely labor intensive and we feel it is not economically feasible to continue providing.

We anticipate Council approving the Collections ordinance on 2nd reading at tonight's meeting. Once this ordinance has been approved we need to also include the fees associated with it.

We plan to process our first Teen Court respondents in November and thus the need for the Teen Court Fee. Douglas County Teen Courts have generally agreed to collect the same fee (\$54.00) to enable consistency throughout the County and to assist with accepting respondents from the District Attorney.

Attachments:

- Resolution 16-25, ENACTING THE MUNICIPAL COURT FINE SCHEDULE
- Signed Order of Court: Fine Schedule

**CITY OF LONE TREE
RESOLUTION NO. 16-25**

**A RESOLUTION ENACTING THE CITY OF LONE TREE
MUNICIPAL COURT FINE SCHEDULE**

WHEREAS, pursuant to Article VIII, Section 2 of the City of Lone Tree Charter, and Section 2-2-10 of the Municipal Code, The Municipal Court for the City of Lone Tree was established; and

WHEREAS, the authority of the Municipal Court is provided for in the City Charter, City ordinances, state law, as found in C.R.S. Article 10, Title 13, and the Colorado Municipal Court Rules of Procedure promulgated by the Supreme Court of Colorado; and

WHEREAS, the City Council has established, by ordinance, the amount of fines, fees, costs and surcharges to be assessed against defendants by the Municipal Court in appropriate circumstances, as determined by the Court; and

WHEREAS, the Municipal Court is required to specify, by published Court Order, a schedule of the amount of fines to be imposed for violations, designating each violation specifically in the schedule, pursuant to Colorado Municipal Court Rules of Procedure, Rule 210 (b) (5); and

WHEREAS, the Municipal Court, by Order of the Court, has promulgated a Fine Schedule, including fees, costs and surcharges, subject to approval by the City Council; and

WHEREAS, the City Council wishes to approve the Fine Schedule specifying the amount of fines, fees, costs and surcharges, as established by ordinance, and as recommended by the Municipal Judge, pursuant to Article VIII, Section 2 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO:

1. The City of Lone Tree Municipal Court Fine Schedule, attached hereto and incorporated herein, is hereby approved, enacted and adopted.
2. This Resolution shall be in full force and effect upon passage.

APPROVED, ENACTED AND ADOPTED THIS FIRST DAY OF NOVEMBER, 2016.

CITY OF LONE TREE

By: _____
Jacqueline A. Millet, Mayor

ATTEST:

By: _____
Jennifer Pettinger, CMC, City Clerk

ORDER OF COURT

FINE SCHEDULE

WHEREAS, THE COURT FINDS subject to approval by the City Council and pursuant to Colorado Municipal Court Rules of Procedure, Rule 210 (b) (5), that the below enumerated traffic infractions and related penalties shall be designated and posted as follows:

TRAFFIC VIOLATION PENALTIES
Fines based on the original charge

1. The minimum fine for 0 point violations shall be \$25.00.
2. The minimum fine for 1 point violations shall be \$25.00.
3. The minimum fine for 2 point violations shall be \$50.00.
4. The minimum fine for 3 point violations shall be \$75.00.
5. The minimum fine for 4 point violations shall be \$100.00.
6. The minimum fine for 6 point violations shall be \$150.00.
7. The minimum fine for MTC 802(1) Pedestrians' right-of-way in crosswalks shall be \$150.00.
8. In addition to any penalty and other surcharge imposed for any traffic violation, if the traffic violation occurs within a school zone, in a maintenance, repair or construction zone or in a speed safety sensitive zone by the City, the applicable fine shall be doubled.
9. In the case of multiple traffic offenses or infractions involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense or infraction. For purposes of this Subsection, aggressive driving means committing any two (2) or more of the following violations in a single act or series of acts in close proximity to another motor vehicle:
 - a. Exceeding the speed limits (1101);
 - b. Following too closely (1008);
 - c. Failure to obey official traffic control devices (603);
 - d. Passing on shoulder of road (1004);
 - e. Failure to give an adequate signal (903);
 - f. Failure to yield right-of-way (701, 702, 703); and
 - g. Unsafe lane change (903).

Fines will be assessed at the minimum rate of \$25.00 per point; the maximum penalty for Traffic Violations is a \$1,000.00 fine.

Victim Assistance Surcharge of \$10.00 will be assessed on each case.

Court Costs in the amount of \$30.00 will be assessed on each case.

If a default judgment or outstanding judgment/warrant is issued, a \$30.00 fee will be assessed.

GENERAL (NON-TRAFFIC) ORDINANCE VIOLATIONS

The maximum fine for general ordinance violations is \$1000.00 and/or 180 days in jail. Juveniles may not be sentenced to jail, except for Contempt of Court. An ordinance may specify the penalty for violation of that ordinance.

Court Costs in the amount of \$30.00 will be assessed on each case upon a finding or plea of guilty or no contest.

Costs in the amount of \$50.00, plus all actual juror costs, upon a finding of guilty after a trial to a jury, the entry of a plea of guilty after a trial to a jury, the entry of a plea of guilty or no contest, or request for a continuance prior to the commencement of a trial to a jury but after a jury has been summoned unless the court has been notified of the prospective plea or continuance at least forty-eight (48) hours prior to the date of trial.

\$5.00 for each subpoenaed City witness if a plea of guilty or no contest or finding of on the date of trial.

\$50.00 for each subpoenaed off-duty officer and \$10.00 for each subpoenaed City witness, including on-duty officers, who appear at trial and that trial is continued at the defendant's request on the date of trial.

\$50.00 costs for failure to comply with terms and conditions of a deferred judgment in addition to any previously suspended fine.

A surcharge of 35% of the fines and costs will be assessed on each case.

\$10.00 Victim Assistance Surcharge will be assessed on each case.

\$54.00 Teen Court service fee will be assessed for each Teen Court Respondent.

\$30.00 warrant fee will be assessed if a bench warrant was issued.

If an outstanding judgment/warrant was issued, a \$30.00 fee will be assessed.

Actual Cost of Collection of Unpaid Amounts Assessed by Court: up to 25% of the unpaid amount.

PARKING VIOLATIONS Sec. 8-2-110. Violations and penalties.

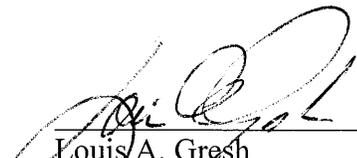
Fines will be assessed at the minimum rate of \$15.00; the maximum penalty for a parking violation is \$300.00.

Court Costs in the amount of \$30.00 will be assessed on each case upon a finding or plea of guilty or no contest.

Victim Assistance Surcharge of \$10.00 will be assessed on each case.

THE COURT FINDS, effective November 1, 2016, that such fines as designated, are within the limits set by City of Lone Tree Municipal Code 8-1-60, 8-2-110, 10-16-10 and 10-17-10.

WITNESS MY HAND AND SEAL THIS 20th DAY OF OCTOBER, 2016.



Louis A. Gresh
Presiding Municipal Court Judge