

**TOWN OF PARKER COUNCIL
MINUTES
FEBRUARY 19, 2019**

Mayor Waid called the Town Council meeting to order at 5:59 P.M. Debbie Lewis arrived at 6:03 P.M.

All Councilmembers present except Cheryl Poage, who is out of town, and Debbie Lewis who will be late.

Town Attorney Jim Maloney advised the item tonight is South Metro Fire Rescue Fire Protection District v. Parker Authority for Reinvestment. This is going to be an Attorney-Client communication. There is a potential conflict of interest that we need to address this evening. It concerns Cheryl Poage. When Cheryl was doing her disclosure with me I discussed with her the potential conflict of interest in reference to this lawsuit and at the time she indicated that she would recuse herself from participating in any matters associated with the lawsuit. In a subsequent conversation with Michelle Kivela, she reversed her position and indicated that she did not have a conflict of interest. In order to address this issue, the Mayor then reached out to Cheryl and sent her an email on Thursday, February 14 to schedule some time to talk about this potential conflict of interest. Cheryl responded with some times but apparently they were unable to meet. In the absence of having a phone conversation, there was another exchange of email and the first one was from Mike Waid to Cheryl Poage; this was yesterday, February 18 at 11:46. Jim Maloney read it into the record then he also read Cheryl's response into the record and then there was a discussion as to whether or not Town Council thinks there is a conflict of interest.

"Cheryl,

I'm sorry I wasn't able to reach out on Friday via phone...it has been a crazy week on a personal level. Also, this weekend my son (including today) was fencing in Junior Olympics in Denver so I haven't been able to call.

I need to touch base with you regarding your past role with South Metro and how it relates to conflicts of interest. As you stated in your candidate questionnaire with the town, you had over 40 years of experience with South Metro (which only concluded a few years ago) which constitutes a substantial amount of time. Below is the Town's conflict of interest policy which was explained to you by Jim Maloney when you were first elected."

'Section 3.4 Conflict of Interest.

No member of the Council shall vote on any question in which he has a substantial personal or financial interest, other than the common public interest, or on any question concerning his own conduct. No member of the Council shall have any material or significant financial interest, direct or indirect, or any apparent conflict of interest with the Town. In the event that any Councilmember or any member of his family has or could potentially be construed as having such interest, said Councilmember shall declare such interest. If any Councilmember declares or fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest. When such

conflict of interest is established, the remaining Councilmember shall take any action they deem to be in the best interests of the Town, including but not limited to rendering contracts void, which contracts were entered into without knowledge of a conflict of interest.'

"Having over 40 years of experience with a group and that relationship only ending a few years ago does constitute a substantial personal interest. Conflicts do not have to be financial in terms of potential gain but can also include making decisions that are conflicted. Once elected as a Council member you assumed the responsibility of representing all 52,000 citizens and their best interests. This is where Jim felt the conflict was and I understand you agreed at your initial meetings with him.

Please clarify if you still agree on that. Jim said you made it clear that you will not recuse yourself as you feel you don't have a conflict now...which is different than your original position.

If you feel you don't have a conflict and won't self recuse, then the next step would be for Jim to ask council (or a council member to ask council) to have a public vote on if you have a conflict of interest. This would be a public vote of Council and if Council votes in the affirmative of a conflict then you would not be allowed to vote on or be part of any discussions regarding South Metro...the same as if you recused yourself.

Think of it this way...If a council member had worked for Xcel energy for over 40 years and then was asked to vote on the Powerline issue would you have felt that they should recuse themselves from that vote? Or from any negotiations? Even with the most honorable intentions it would still remain best to have the transparency of not participating so that no conflict could be perceived. It is the same here.

So please, let me know if you feel that you should recuse yourself as you originally told Jim you would or if you will not so that I can inform Jim and Council of your decision.

Let me know if you have any questions. Thanks, Mike Waid"

Then Cheryl Poage responded yesterday at 12:44 P.M. to Mike and Cheryl stated: "Enjoy your son's events. I reviewed the policy after my initial meeting with Jim and don't feel that there is a substantial conflict of interest at this time, I receive no financial support from SMFRA and have not since 2016. While I was a volunteer and employed previously by the District, that should not constitute a conflict of interest any more than the fact that I started the Parks, Recreations, and Open Space in Parker, worked on master plan development, and helped to start the Town of Parker.

My opposition to the URAs in Parker stems from the removal of tax funds to all special districts within the Town and strongly feel that the school district, water/sewer districts, and urban drainage are all impacted. We have already seen the impact of the loss of their funds and an increase in residents' mill levies.

Regards, Cheryl Poage"

So that's at least the record on that particular conflict of interest. At this point it is up to Council of how you want to proceed.

Mayor Waid asked the Council how each of them feel in terms of her role because Council has the authority, by simple majority vote, on whether she has a conflict of interest and should not be allowed in those discussions.

Jim Maloney advised we need one of two motions:

1. Cheryl has a personal conflict of interest, or, in the alternative,
2. Cheryl does not have a personal conflict of interest.

Joshua Rivero moved that Councilmember Cheryl Poage has a conflict of interest regarding South Metro Fire Rescue District.

Renee Williams seconded the motion.

Voice Vote:

Josh Rivero - Yes
Renee Williams - Yes
Jeff Toborg - No
John Diak - Yes
Debbie Lewis - Yes

The motion passed 4-1.

COMBINED EXECUTIVE SESSION

Town Attorney Jim Maloney and PAR Attorney Corey Hoffmann announced the topic for discussion in Executive Session is to hold a conference with the Parker Town Attorney and the Attorney for the Parker Authority for Reinvestment to receive legal advice on specific legal questions on South Metro Fire Rescue Fire Protection District v. Parker Authority for Reinvestment, et al., Douglas County District Court Case No. 17CV30549 pursuant to C.R.S. § 24-6-402(4)(b).

Joshua Rivero moved and Debbie Lewis seconded to go into Combined Executive Session to hold a conference with the Parker Town Attorney and the Attorney for the Parker Authority for Reinvestment to receive legal advice on specific legal questions pursuant to § 24-6-402(4)(b).

The motion was approved unanimously.

Renee Williams moved and Debbie Lewis seconded to come out of the Combined Executive Session at 6:44 P.M.

The motion was approved unanimously.

Jeff Toborg moved and Renee Williams seconded to adjourn the Parker Authority for

Reinvestment meeting at 6:45 P.M.

The motion was approved unanimously.

The Town Council meeting was still in session at 6:45 P.M.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were four (4) items. Under § 24-6-401(4)(e) there were two items, the first was the proposed listing agreement for Town properties and the second was Tri-County Health Funding Request for a State-Grant for consulting services regarding a Household Chemical Roundup Permanent location; under C.R.S. 24-6-402(4)(b) there were two items, the first was to receive legal advice on specific legal questions concerning Sections 2.10 and 15.30 of the Parker Home Rule Charter (special election questions/charter amendments) and the second was to receive legal advice on specific legal questions concerning Senior Capital Pledge Agreement among Westcreek Metropolitan District No. 2, Westcreek Metropolitan District No. 1 and UMB Bank, N.A.

EXECUTIVE SESSION

Joshua Rivero moved and Renee Williams seconded to go into Executive Session at 6:46 P.M. to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Renee Williams moved and Debbie Lewis seconded to come out of Executive Session at 7:07 P.M.

The motion was approved unanimously.

Renee Williams moved and Jeff Toborg seconded to recess the Town Council regular meeting at 7:08 P.M.

The motion was approved unanimously.

Mayor Waid reconvened the meeting at 7:17 P.M.

Delaney Huff led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Waid presented Duane and Sylvia Tinnes with a certificate for their 60th Wedding Anniversary Recognition.

PARKER CHAMBER OF COMMERCE UPDATES

There were none.

PUBLIC COMMENTS

Gregg Huff, 11978 Ramble Lane, commented on his daughter's accident.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers reported on meetings they each attended since the last meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - February 4, 2019*
- B. *FOURTH AMENDMENT TO AMENDED AND RESTATED ANNEXATION AGREEMENT COTTONWOOD HIGHLANDS*
Department: Engineering/Public Works, Alex Mestdagh
- C. *ORDINANCE NO. 9.285 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the E-470 Public Highway Authority and the Town of Parker Regarding the Maintenance of Overlapping Facilities
Department: Engineering/Public Works, Chris Hudson
Second Reading: March 4, 2019
- D. *RESOLUTION NO. 19-010*
A Resolution to Amend Resolution No. 04-092, Series of 2004, to Approve the Revised Bylaws for the Parker Special Licensing Authority
Department: Town Clerk, Carol Baumgartner
Town Attorney, Jim Maloney
- E. *RESOLUTION NO. 19-011*
A Resolution to Appoint the Officers to the Greater Parker Foundation
Department: Town Attorney, Jim Maloney
- F. *CONTRACT OVER \$100,000*
 - 1. *2019 Townwide Roadway Reconstruction Program (CIP 19-004)*
Amount: \$1,247,629.10
Contractor: T & M Construction, LLC
Department: Engineering/Public Works, Tom Gill
 - 2. *Motsenbocker Road Widening (CIP 18-009)*
Amount: \$2,833,586.20
Contractor: Concrete Express, Inc.
Department: Engineering/Public Works, Tom Gill

Joshua Rivero moved and Debbie Lewis seconded to approve Consent Agenda Items 6A through 6F.

The motion was approved unanimously.

PUBLIC HEARINGS

LOT 1A, MAINSTREET CENTER, 1ST AMENDMENT - Site Plan Amendment, The Schoolhouse Plaza and Parking Lot

Applicant: Town of Parker
Location: 19650 E. Mainstreet
Department: Community Development, Carolyn Parkinson
TRAKiT No.: SP18-025

7:25 P.M.

The Town proposed a Site Plan Amendment for the final phase of the project as is required by the Land Development Ordinance. The Site Plan Amendment illustrates the proposed improvements that will create an outdoor plaza for use by residents, visitors and patrons of The Schoolhouse. The proposed parking lot improvements will incorporate landscaping, improve drainage and address maintenance issues.

The proposed outdoor plaza will replace the existing, temporary area that was established when the driveway connection to Mainstreet was closed in 2016. The proposed parking lot improvements will upgrade the lot to current standards with new drainage, pavement, landscaping, lighting and a sidewalk connecting Pikes Peak Avenue to the rear entrance of the building. The outdoor plaza and parking lot will be built concurrently.

When this phase is completed, The Schoolhouse will have been completely renovated as a community gathering place, cultural destination and complement to the PACE Center.

Public Comment - None

The Public Hearing was closed at 7:32 P.M.

Joshua Rivero moved to approve, based on staff findings, the site plan amendment to Lot 1A, Mainstreet Center, 1st Amendment, to renovate the existing parking area behind The Schoolhouse and reconfigure the area between Ruth Memorial Chapel and The Schoolhouse to provide a permanent public gathering space with street furnishings similar to those shown on the submitted sample board.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ORDINANCES**ORDINANCE NO. 1.528 - Second Reading**

A Bill for an Ordinance to Approve the 2019 Memorandum of Understanding By and Between SungateKids and Agencies and Jurisdictions in the 18th Judicial District Concerning the Provision of Child Advocacy Service for Abused Children

Department: Police, David King

Commander Ken La Velle presented this ordinance to Town Council.

SungateKids is a Colorado-based 501(c)(3) nonprofit children advocacy agency serving the 18th Judicial District, which includes Arapahoe, Douglas, Elbert and Lincoln Counties. The current memorandum of understanding has expired and needs to be replaced.

SungateKids offers a new way of providing child advocacy services for abused children using a comprehensive approach for victims and their families. They are a national leader in providing forensic interviews to child victims of crimes. The purpose of the memorandum of understanding is to establish the conditions under which individuals, agencies and jurisdictions in the 18th Judicial District may utilize the resources of the SungateKids during the investigation of allegations of child abuse and or neglect.

The SungateKids is funded by outside sources.

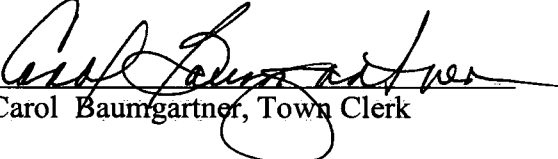
Public Comment - None

Debbie Lewis moved to approve Ordinance No. 1.528 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 7:37 P.M.


Carol Baumgartner, Town Clerk


Mike Waid, Mayor