

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 1, 2019**

Mayor Mike Waid called the meeting to order for the Town of Parker meeting and the Parker Authority for Reinvestment meeting at 5:38 P.M. All Councilmembers and Board members were present.

EXECUTIVE SESSION

Mayor Waid stated that the item deals with South Metro Fire Rescue Fire Protection District, the Council had previously voted that Cheryl Poage had a conflict with this item and asked that Cheryl Poage leave the meeting. Cheryl Poage contested this and left the Pikes Peak Conference Room.

Town Attorney Jim Maloney and PAR Attorney Corey Hoffmann announced that there was one item for the Combined Executive Session under C.R.S. § 24-6-402(4)(b) concerning South Metro Fire Rescue Fire Protection District v. Parker Authority for Reinvestment, et al., Douglas County District Court Case No. 17CV30549.

Renee Williams moved and John Diak seconded to go into Executive Session to hold a conference with the Parker Attorney and the Attorney for the Parker Authority for Reinvestment to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) at 5:36 P.M.

The motion was approved unanimously.

Renee Williams moved and Joshua Rivero seconded to come out of the Combined Executive Session at 5:46 P.M.

The motion was approved unanimously.

Cheryl Poage came back into the meeting at 5:47 P.M.

Jim Maloney announced that the topics for discussion in the Town of Parker Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(e) there was one (1) item which was a Development Agreement for Parker Premise Warehouse Improvements and Lessor Consent; under C.R.S. § 24-6-402(4)(b) there were three (3) items, the first item was to receive legal advice on specific legal questions concerning Section 13.01.100 of the Parker Municipal Code, the second item was to receive legal advice on specific legal questions concerning a listing agreement for Town properties between Navpoint Real Estate Group and the Town (My Mainstreet) and C.R.S. Section 24-6-402 (Executive Session) and the third item was to receive legal advice on specific legal questions concerning Vista South, LLC, et al., v. City of Centennial, et al., Douglas County District Court, Case No. 2018CV030354.

Joshua Rivero moved and John Diak seconded to go into Executive Session 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

Parker Town Council

Executive Session Agenda

April 1, 2019

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

1. Development Agreement for Parker Premise Warehouse Improvements and Lessor Consent

“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).”

2. Section 13.01.100 of the Parker Municipal Code (Waivers and amendments)

A RESOLUTION TO ALLOW, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS, A PARTIAL WAIVER TO DEFER COMPLIANCE WITH CERTAIN REQUIREMENTS OF SECTIONS 13.07.060 AND 13.07.070 OF THE PARKER LAND DEVELOPMENT ORDINANCE ASSOCIATED WITH THE PROCESSING OF THE SKETCH AND PRELIMINARY PLAN FOR CERTAIN SEGMENTS OF THE REAL PROPERTY COMMONLY KNOWN AS THE ANTHOLOGY NORTH PROPERTY UNTIL THOSE SEGMENTS ARE READY FOR DEVELOPMENT

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3. Listing agreement for Town properties between Navpoint Real Estate Group and the Town (My Mainstreet) and C.R.S. Section 24-6-402 (Executive Session)

4. *Vista South, LLC, et al., v. City of Centennial, et al.*, Douglas County District Court, Case No. 2018CV030354

conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) at 5:49 P.M.

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded to come out of Executive Session at 7:09 P.M.

The motion was approved unanimously.

REGULAR MEETING

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

Boy Scouts led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Ester and John Lee presented with a certificate for their 25 years in business in Parker. They own the Parker Tailor business in Downtown Parker.

PARKER CHAMBER OF COMMERCE UPDATES

There was none.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Omar Costilla, representing the DBA, provided an update about their five major goals for the year.

PUBLIC COMMENTS

Isaac McConkle, 10158 Stoneridge Terrace (unincorporated Douglas County), asked Council to consider measures to reduce use of plastic bags and straws.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. APPROVAL OF MINUTES - March 18, 2019

B. ORDINANCE NO. 1.289.5 - First Reading

A Bill for an Ordinance to Approve the First Amendment to the Amended and Restated Cooperation Agreement Between the Town of Parker, Colorado, and the Parker Authority for Reinvestment for Administrative Services

*Department: Community Development, Jason Rogers
Town Attorney, Jim Maloney*

Second Reading: April 15, 2019

C. *ORDINANCE NO. 2.266 - First Reading*

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Stroh Road Property Located in Douglas County

*Department: Community Development, Carolyn Parkinson
Public Works, Chris Hudson*

Trakit No.: ANX18-005

Second Reading: April 15, 2017

D. *PARKER PREMISE WAREHOUSE - Rezoning*

Department: Community Development, Stacey Nerger

Trakit No.: Z18-003

Second Reading: April 15, 2019

1. *ORDINANCE NO. 3.340 - First Reading*

A Bill for an Ordinance Rezoning Certain Property Commonly Known as the Parker Premise Warehouse Property from Clarke Property PD Development Guide and Plan to Parker Premise Planned Development, Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

2. *ORDINANCE NO. 3.41.3 - First Reading*

A Bill for an Ordinance Amending Ordinance No. 3.41 by the Deletion of Certain Property from the Planned Development Zoned Area Known as the Clarke Property Development Guide and Plan

E. *ORDINANCE NO. 9.269.2 – First Reading*

A Bill for an Ordinance Approving the Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Lemon Gulch Downstream of Crowfoot Valley Road (Agreement No. 17-06.08B, Project No. 106741) By and Between Urban Drainage and Flood Control District and the Town of Parker

Department: Engineering/Public Works, Jacob James

Second Reading: April 15, 2019

F. *ORDINANCE NO. 1.529 - First Reading*

A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for Lot 1, Salisbury Equestrian Park

Department: Engineering and Public Works, Alex Mestdagh

Second Reading: April 15, 2019

G. *ORDINANCE NO. 1.530 - First Reading*

A Bill for an Ordinance Submitting Eight Ballot Questions to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election to Amend the Town of Parker Home Rule Charter

Department: Town Attorney, Kristin Schledorn

Second Reading: April 15, 2018

H. ORDINANCE NO. 1.531 - First Reading

A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election Concerning Provision of High-Speed Internet Services, Telecommunication Services and/or Cable Television Services Within the Town of Parker

Department: Town Attorney, Kristin Schledorn

Second Reading: April 15, 2019

I. RESOLUTION NO. 19-019

A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade

Department: Community Development, Rosemary Sietsema

Staff answered questions from Cheryl

J. RESOLUTION NO. 19-020

A Resolution Adopting a Waiver Delegating the Town's Damage Prevention Safety Program to the State's Underground Damage Prevention Safety Commission

Department: Engineering/Public Works, David Aden

K. CONTRACTS OVER \$100,000

1. 2019 Replacement and Additional Vehicle

Amount: \$115,789.00

Contractor: Korf Continental, Fleet Department

Department: Engineering/Public Works, Jim Gilbert

L. PROCLAMATION - American Legion Centennial Month - April, 2019

Department: Town Council

Councilmember Poage moved to remove Consent Agenda Items 7I and 7J for discussion.

Jeff Toborg seconded the motion.

A voice vote was taken.

The motion was approved unanimously.

Josh Rivero moved to approve Consent Agenda Items 7A - 7H and 7K - 7L.

Renee Williams seconded the motion.

The motion was approved unanimously.

Staff explained Items 7I and 7J.

Cheryl Poage moved to approve Consent Agenda Items 7I and 7J.

Josh Rivero seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. MOST TRACT A, PARKER HOMESTEAD FILING NO. 1, 1ST AMENDMENT - Use by Special Review (Back 40 Gun Range)

Applicant: John Prestwich, PCS Group, Inc.
Location: Generally located at the Northwest Corner of Chambers and
Double Angel Roads
Department: Community Development, Paul Workman
TRAKiT No.: Z18-004

7:44 P.M.

The applicant requested the approval of a Use by Special Review per the Parker Homestead Planned Development for an indoor archery and gun range with accessory retail sales on an undeveloped property. The subject property is roughly 8.5 acres in size and is zoned Mixed-Use Neighborhood Center within the Parker Homestead Planned Development.

On March 14, 2019, the Planning Commission voted 5-1 to recommend that Town Council approve the request, subject to conditions.

The zoning of the subject property allows for the retail sale of fire arms as a use-by-right. The external impacts (noise and air quality) associated with the operations of the indoor archery and gun range is what requires the additional review beyond the uses-by-right listed in the zoning.

The request for a Use by Special Review is a discretionary request made by a private property owner or applicant. The Use by Special Review is to determine whether or not the requested use meets or can meet, subject to conditions, the nine approval criteria set forth in the Land Development Ordinance. Staff has reviewed this proposal against the nine approval criteria and has determined that the criteria have been met or can be met, subject to conditions. Additional information on the review and analysis of the nine approval criteria can be found in the Planning Commission staff report.

The proposed nine conditions of approval generally fall into three categories:

1. Noise. Additional review and analysis by industry experts to ensure there is not a nuisance of noise related to fire arm discharge.

2. Air Quality. Ensure compliance with OSHA and EPA requirements.
3. Land Use. Ensure safety and compatibility with the area.

Applicant

John Prestwick, PCS Group, Inc., reviewed this project and answered questions from Town Council. Their HVAC, noise expert and engineers gave a brief description of their products and answered questions from Council.

Public Comment

The following individuals spoke for the project:

Eric Freund - 19153 New Market Ct.
 Dr. Christina Hesbol - 10506 Meadow Run
 Dr. Douglas Hesbol - 10506 Meadow Run
 Mark Moore - 8535 E. Bayou Gulch Road
 Ladd Fischer - 10620 Anderson Ave., Franktown
 Cindi Turchik - 16915 Corner Stone W.
 David Hunter - 15232 Yellow Throat St.
 Jeff Johnson - 22898 Addington Place
 Jim Lewien - 20715 Omaha Ave.
 Joel Lambe - 122755 Forest Canyon Dr.
 Robert Ham - 11203 Latigo Ln.
 Neil Wiser - 7539 Stroh Rd.
 Whitney Wiser - 7539 Stroh Rd.
 Justin Salmon - 16480 E. Hollow Horn Ave.
 Stella Gimpilova - 16034 E. Flying Quail Ln.
 Dennis Hopper - 6722 Chalet Cir.
 Betty Caveny - 14583 Haley Ave.
 Timothy Waters - 23098 E. River Chase Way
 Brad Hudepohl - 8532 Bluegrass Cir.
 Tina Hudepohl - 8532 Bluegrass Cir.
 Erin Farney - 20580 E. Regency Way
 Mark Gasper - 42241 Brokenhorn Cir.
 Calvin Craig - 19614 Culpepper Cir.
 Jeff Butler - 10737 Kimbell St.
 George Donovan - 10616 Sedgewick Way
 Nate Becker, 10535 Holyoke Dr.

The following individuals spoke against the project:

Isaac McCorkle, 10158 Stoneridge Ter.
 Amy Long - 19668 E. Elk Creek Dr.
 Emily Suyat - 15608 Crystallo Dr
 Jordon Graham - 10535 Holyoke Dr.
 Bill Hingston 11809 Phoebe St.
 jeff Aclmore - 15577 E. Maidin Hair Ln.

Tim Hicks - 10580 Hambolt Pkwy.
Ethan Reed - 11984 Pine Top St.
Logan Samuels - 9668 Paper Flower Dr.
Ashlyn Wenner - 1034 Rancho Montecito Dr.
Amy Camp - 15585 E. Maiden Hair Ln.
Erika Aelmore - 15577 E. Maiden Hair Ln.
Kim Sylvester - 15568 E. Maiden Hair Ln.
Dr. Kevin Wilson - 15751 E. Meadow Vista Cir.
Lyndsey Quist - 18140 Tennyson Ln.
Wendy Regan - 10691 Worthington
Shannon Fitzgerald - 11817 Deorio St.
Jamie Sunderman - 14933 Rider Pl.
Deanna Hemphill-O'Bryne - 15101 Yellowthroat St.
Michae Emsbach - 11873 Phoebe St.
Larissa Emsbach - 11873 Phoebe St.
Matt Brookshire - 15048 Yellowthroat St.
James Hawkins - 15201 Auklet St.
Amelie Pierce - 15215 Auklet St.
Ian Elfner - 15750 E. Indian Brook Cir.
Scott Wells, 11817 Deorio St.

Joshua Rivero moved and Renee Williams seconded to go past 10 P.M.

The motion was approved unanimously.

The meeting was recessed for 10 minutes. Mayor Waid reconvened the meeting at 10:11 P.M.

The Public Hearing was closed at 10:56 P.M.

A lengthy discussion by Town Council followed.

John Diak moved to approve, based on staff findings, with the following conditions contained in the staff report.

- 1) The applicant shall submit an updated noise study at the time of the site plan that includes further detail based on the final site layout, building construction type and noise attenuation systems. This noise study evaluation will ensure that construction of the facility restricts noise levels to no more than 45 decibels related to fire arm activities when measured at a 25-foot setback from the shared property line with the drainage pond to the west.
- 2) At the time of site plan submittal, the applicant and the Town shall enter into an agreement to fund the Town's hiring of a consultant to review and evaluate the applicant's noise study described in Condition #1.
- 3) The applicant shall evaluate the noise levels between the first three months of operations and the first 12 months of operations. Locations for measurement, duration of evaluation and the

time of year of this evaluation will be established during the site plan application. If the results of this evaluation are determined to exceed the noise levels in Condition #1, the applicant shall cease operations until such time the building is modified to bring the noise levels into compliance.

4) The applicant shall meet all requirements outlined in the Occupational Safety and Health Administration (OSHA) Standards – 29 Code of Federal Regulations (CFR) contained in 1910.1025 and 1926.62. Information showing compliance with these standards shall be provided with the site plan application.

5) The applicant shall meet all Environmental Protection Agency (EPA) standards for primary and secondary ambient air quality. Information showing compliance with these standards shall be provided with the site plan application.

6) The operator shall hold an open house at least once a month for anyone wishing to attend for the first 12 months of operations. The operator shall provide a sign-in sheet and notes of the meeting to the Community Development Department.

7) The applicant shall coordinate with the Town of Parker Police Department in order to ensure that development of the property, interior layout of the building and operating procedures are designed to ensure safety and deter criminal activity.

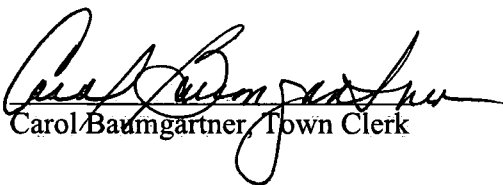
8) All business operations and activities associated with the use are required to be done within the building.

9) The applicant shall work with Town staff during the site plan application review process to ensure that buffering along the shared property line with the drainage pond to the west is above the minimum requirements, within the Town of Parker Land Development Ordinance.

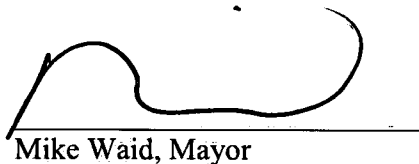
Renee Williams seconded the motion.

The motion was approved 4-2. (Poage and Toborg voted no.)

The meeting was adjourned at 11:18 P.M.



Carol Baumgartner, Town Clerk



Mike Waid, Mayor