

# **TOWN OF PARKER COUNCIL**

## **MINUTES**

**APRIL 15, 2019**

Mayor Mike Waid called the Town Council and Parker Authority for Reinvestment (PAR) meeting to order at 5:33 P.M. All Town Council and Authority Members were present.

Town Attorney Jim Maloney announced that there was one item for the Combined Executive Session under C.R.S. § 24-6-402(4)(e) concerning Listing Agreement for Town properties between Navpoint Real Estate Group and the Town (My Mainstreet) and there were two (2) items for the Town Council Executive Session under C.R.S. § 24-6-402(4)(b) there was one (1) item concerning C.R.S. 1-45-101, et seq. (Fair Campaign Practices Act) and the second was concerning Section 13.01.100 of the Parker Municipal Code (waivers and amendments).

### **EXECUTIVE SESSION**

Joshua Rivero moved and John Diak seconded to go into the Combined 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).

The motion was approved unanimously.

Renee Williams moved and Joshua Rivero seconded to come out of the Combined Executive Session and recess the PAR meeting at 6:03 P.M.

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded the motion to go into the Town of Parker Executive Session at 6:05 P.M. 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.

Joshua Rivero moved and Renee Williams seconded to come out of the Town of Parker Executive Session at 6:27 P.M.

The motion was approved unanimously.

Renee Williams moved and Debbie Lewis seconded to recess the Town Council meeting at 6:27 P.M.

The motion was approved unanimously.

### **REGULAR MEETING**

Mayor Waid reconvened the meeting at 7:02 P.M.

Students from Frontier Valley 3rd Grade led the Town Council and audience in the Pledge of Allegiance.

## **SPECIAL PRESENTATIONS**

### **Legend High School - Sources of Strength Presentation**

Prevention Team from Douglas County and students from Legend High School explained Sources of Strength and how the schools and community come together to spread hope, help and strength into every corner of the community to use their voice to break the silence when someone is struggling, and to connect them to the help they need and deserve.

### **Frontier Valley 3rd Grade Battle of the Books Team Recognition**

Third Grade Team from Frontier Valley Elementary School were presented with a certificate of recognition for their participation in the 3rd Grade Battle of the Books.

## **PARKER CHAMBER OF COMMERCE UPDATES**

There were none.

## **PUBLIC COMMENTS**

### **The following individuals spoke on various subjects:**

- \* Gwen Wilhelm, - 20018 Briarwood Ct., concerns with gas station on Pine Dr., land in front of the PACE Center, land by Discovery Park, Light on Pine Drive
- \* Gene Gregory - Donated \$250 to Sources of Strength
- \* Scott McQueen, owner of Pine Tree Jewelers - Two-hour parking on Pikes Peak Dr. Enforcement is needed because cars are parked more than 2 hours.
- \* Josh Martin - 21777 Unbridled Ave., thanked Town and PAR Attorneys and staff for work on the lawsuit with South Metro Fire.

### **The following individuals spoke concerning Prairie Dogs:**

- \* Mark Snyder, Jr. - 12918 Ironstone Way #304, Parker, CO
- \* Travis Dieringer - Saddle Creek Trail (unincorporated Douglas County)
- \* Kenneth Ramsey - 3862 Elm Ave. (unincorporated Douglas County)
- \* Deanna Meyer - 1680 N. Hwy 67, Sedalia, CO
- \* Jillian Bernoski - 17525 Wilde Ave. #208 (unincorporated Douglas County)
- \* Michaelle Hinerman - 5318 S. Telluride Way, Centennial, CO
- \* Amanda Steinhauser - 9157 Buyou Gulch Rd. (unincorporated Douglas County)
- \* Christine Horowitz - 6175 Massive Peak Cir., Castle Rock

## **REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL**

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

**CONSENT AGENDA**

- A. *APPROVAL OF MINUTES - April 1, 2019*
- B. *AMENDMENT NO. 1 BANK OF THE WEST, D/B/A NETAPP CAPITAL SOLUTIONS*  
*Department: Finance, Traci Gorman*  
*Information and Technology, Mike Aggson*
- C. *ORDINANCE NO. 3.209.4 - First Reading*  
*A Bill for an Ordinance to Amend the Sunmarke PD Development Guide, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith*  
*Department: Community Development, Paul Workman*  
*Trakit No.: Z18-018*  
*Second Reading: May 6, 2019*
- D. *ORDINANCE NO. 3.341 - First Reading*  
*A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Parker Plaza Property from C-Commercial District to Parker Plaza Shopping Center Planned Development Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith*  
*Department: Community Development, Carolyn Parkinson*  
*TRAKiT No.: Z18-014*  
*Second Reading: May 6, 2019*
- E. *ORDINANCE NO. 5.28.24 - First Reading*  
*A Bill for an Ordinance to Amend Section 8.08.010 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker*  
*Department: Town Attorney, Kristin Schledorn*  
*Second Reading: May 6, 2019*
- F. *ORDINANCE NO. 12.03.5 - First Reading*  
*A Bill for an Ordinance to Amend Section 12.02.200 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker*  
*Department: Town Attorney, Kristin Schledorn*  
*Second Reading: May 6, 2019*

G. *RESOLUTION NO. 19-022*

*A Resolution Directing Town of Parker Staff to Commence a Process with the Parker Authority For Reinvestment ("PAR") to Identify Public Improvements Including Streets, Roads, and Other Improvements Within the Town's Three Urban Renewal Areas to be Funded, in Whole or in Part, with Urban Renewal Bonds*

*Department: Community Development, Jason Rogers*

H. *CONTRACTS OVER \$100,000*

1. *2019 Townwide Concrete Replacement Program (CIP 19-006)*

*Amount: \$1,065,381.50*

*Contractor: Stone and Concrete, Inc.*

*Department: Engineering/Public Works, Danny Smith*

2. *Hess Road - Country Meadows Commercial Traffic Signal (CIP 19-007)*

*Amount: \$294,903.56*

*Contractor: TAT Construction*

*Department: Engineering/Public Works, Chris Hudson*

3. *2019 Townwide Pavement Markings - Crosswalk/Symbols Project (CIP 19-012)*

*Amount: \$149,794.00*

*Contractor: American Striping*

*Department: Engineering/Public Works, Dave Aden*

Joshua Rivero moved and Debbie seconded to approve Consent Agenda Items 6A - 6H.

Cheryl Poage advised she wanted to remove an item so Joshua Rivero pulled this motion.

Cheryl Poage moved and Jeff Toborg seconded to remove Consent Agenda Item 6G.

The motion was approved unanimously.

Joshua Rivero moved and Debbie Lewis seconded to approve Consent Agenda Items 6A - 6H except 6G.

The motion was approved unanimously.

Cheryl Poage stated she was not in favor of Resolution No. 19-022 (Item 6G).

Joshua Rivero moved and Renee Williams seconded to approve Consent Agenda Item 6G.

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

**TOWN ADMINISTRATOR REPORT**

Mayor Waid advised that the Town Administrator's Spring 2019 Report was available on the Town's website.

**PUBLIC HEARINGS****A. STROH ROAD - Annexation**

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

**TRAKiT No.:** ANX18-005

**8:16 p.m.**

The Town proposes to annex a portion of the Stroh Road Right-of-Way (ROW) located on the south side of the road between Motsenbocker Road And J Morgan Boulevard. This action will support the future widening of Stroh Road to meet the future transportation demand in this corridor. Stroh Road is planned to be widened from the current two-lane roadway to an arterial roadway with four (4) lanes and a center median. The schedule for construction is dependent upon future budget and appropriations, but is currently planned for construction within the next five (5) years.

A resolution is processed concurrently with the ordinance setting forth findings of fact and conclusion as to the eligibility of annexation.

**Public Comment - None**

The Public Hearing was closed at 8:19 p.m.

**1. RESOLUTION NO. 19-021**

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

Cheryl Poage moved to approve Resolution No. 19-021.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

**2. ORDINANCE NO. 2.266 - Second 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**

Renee Williams moved to approve Ordinance No. 2.266 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

**B. PARKER PREMISE WAREHOUSE - Rezoning**

**Department:** Community Development, Stacey Nerger  
**Location:** Generally located South of Longs Way between Dransfeldt Road and Twenty Mile Road  
**TRAKiT No.:** Z18-003

**8:21 P.M.**

The subject property which is located on Longs Way contains the Parker Premise Warehouse, which was originally approved for mini-warehouse or self-storage use consistent with the adopted Clarke Planned Development (PD) zoning in 2005. For the past several years, a number owners of storage units have operated active business uses in violation of the Town site plan approval and zoning. As a result, the Town has sought compliance with the approved site plan and zoning through Municipal Court. The proposed rezoning application is intended to resolve the violation by allowing active business uses on the property in three (3) buildings. The proposed rezoning meets the nine criteria noted in the staff report.

**Applicant**

Tom Clark, 11280 Glenmoor Circle, advised that the owners are ready to correct the issues and was available for questions.

**Public Comment - None**

The Public Hearing was closed at 8:30 P.M.

**1. ORDINANCE NO. 3.340 - Second 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**

Debbie Lewis moved to approve Ordinance No. 3.340 on second reading.

Renee William seconded the motion.

The motion was approved unanimously.

**2. ORDINANCE NO. 3.41.3 - Second 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**

Debbie Lewis moved to approve Ordinance No. 3.41.3 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

**RESOLUTIONS****RESOLUTION NO. 19-023**

**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**

**Department:      Community Development, John Fussa  
                         Engineering/Public Works, Tom Williams**

The Anthology North property is a 1,208 acre tract that is one of the last major development sites remaining in Parker. It is located in the southwest quadrant of Town south of Hess Road, west of Motsenbocker Road, east of Rueter-Hess Reservoir and north of Hess Ranch. The property owner and their development partner have indicated that they wish to begin the development of the site in 2019 on a phased basis.

The property owner and their development partner propose to initiate the phased development process by a subdivision plat of Anthology North into three (3) segments. To do so, they have requested a partial waiver of certain subdivision regulations in the Land Development Ordinance (LDO) pursuant to Section 13.01.100 (Partial Waiver). The Partial Waiver would require that the property owner and their development partner satisfy all LDO requirements but provide a deferral of certain subdivision regulations for: (1) the initial plat to create three segments, and (2) future phases beyond Segment 1. (Staff report is available in Community Development.)

**Applicant**

Bill E. Kyriagis gave a brief summary of the project and was available for questions. He stated that the build-out time is 10 to 15 years.

**Public Comment - None**

Joshua Rivero moved to approve Resolution No. 19-023.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

## **ORDINANCES**

### **A. ORDINANCE NO. 1.289.5 - Second 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**

The Parker Authority for Reinvestment ("PAR") and the Town of Parker (the "Town") seek to amend the Amended and Restated Cooperation Agreement between the two (2) entities. This amendment comprehensively memorializes the relationship and clarifies various budget costs for the 2019 budget year. PAR and the Town have operated as two (2) separate entities through a Cooperative Agreement since August 21, 2006, which has subsequently been amended on three (3) occasions; once on June 4 2012 ("First Amendment"), again on March 17, 2014 (the "Second Amendment"), and again on May 15, 2017 (the "Third Amendment"). (Detailed information is available from Community Development.)

### **Public Comment - None**

Joshua Rivero moved to approved Ordinance No. 1.289.5 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

### **B. ORDINANCE NO. 9.269.2 – Second 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**

The Town of Parker and Urban Drainage and Flood Control District received funds from Meritage Homes to design improvements to Lemon Gulch through the Meadowlark development. This satisfied the developer's obligation to design the major drainage improvements to Lemon Gulch through the development. The second part of the developer obligation is to fund the construction costs for the improvements to Lemon Gulch. Meritage Homes has provided the construction funds to the Town and through this IGA amendment, the Town will transfer the funds to Urban Drainage for construction.

**Public Comment - None**

Joshua Rivero moved to approve Ordinance No. 9.269.2 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

**C. ORDINANCE NO. 1.529 - Second 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**  
**TRAKiT No.: Z19-009**

This item accompanies an ordinance proposing to dedicate a waterline easement to Parker Water and Sanitation District (PWSD) over Town-owned property, Lot 1, Salisbury Equestrian Park. This easement has been requested to accommodate the installation of two additional waterlines that will increase service capacity from PWSD's Regional Wellhouse within Salisbury Park.

**Public Comment - None**

Renee Williams moved to approve Ordinance No. 1.529 on second reading.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

**D. ORDINANCE NO. 1.530 - Second 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**

This ordinance submits eight (8) ballot questions to amend the Town of Parker Home Rule Charter, for the November 5, 2019, special election. Pursuant to Section 15.10, the Charter may be amended at any general or special election called for such purpose upon questions which may be submitted to the electors by a majority of the Town Council.

**Ballot Questions 1-4**

In 1995, Ordinance No. 1.81 called for a special election seeking approval for the Town to move from a "Strong Mayor" to a "Town Council-Town Administrator" form of government, which was subsequently approved by the Parker voters. Currently there are still several references in the Charter, subscribing duties and powers to the Mayor that are more appropriately delegated to the Town Administrator. To address these references in the Charter,

the first four ballot questions amend: (1) Section 4.6; (2) Sections 8.3(d) and (e); (3) Section 9.12; and (4) Sections 15.14 and 15.15.

#### Ballot Question 5

The fifth ballot question requires the Town Administrator, rather than the Town Council, prepare and approve the Town's personnel manual, subject to annual budgeting and appropriation.

#### Ballot Question 6

The Charter refers to the chief administrative officer of the Town as the "Town Administrator."

The sixth ballot question would revise all references in the Town Charter from "Town Administrator" to "Town Manager."

#### Ballot Question 7

Currently, the Charter requires the Planning Commission to review and approve plats. The seventh ballot question removes this requirement, which can then be directed by ordinance, rather than by Charter.

#### Ballot Question 8

Pursuant to Colorado Constitution Article XVIII, § 11, an elected official is limited to two consecutive terms. Voters of home rule municipalities may lengthen, shorten or eliminate this limitation. The eighth ballot question allows the Mayor and Town Councilmembers to serve three (3) consecutive four-year terms of office.

#### **Public Comment**

Kory Nelson, 21398 E. Wanderlust Ave., spoke for Jack Hilbert regarding term limits. Mr. Nelson stated that he would like to vote on the municipal judge and asked that it be put on the ballot.

Josh Martin, 21777 Unbridled Ave., stated it becomes about the person and not the office; he prefers 3 terms maximum for any seat.

Mike Roueche, 11425 E. Regency asked that it be effective after next year.

Town Council suggested removing Question 8 and discussing it further at the next Town Council Study Session.

Joshua Rivero moved to approve Ordinance No. 1.530 with the exception of Ballot Question 8

Renee Williams seconded the motion.

The motion was approved unanimously.

**E. ORDINANCE NO. 1.531 - Second 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**

Pursuant to Senate Bill 152 (SB-152) local governments cannot provide subscribers with cable television service, telecommunications service or advanced service, which includes high-speed internet access, unless authorized by the voters. This ordinance submits an election question to override the provisions of SB-152, for the November 5, 2019, special election.

**Public Comment - None**

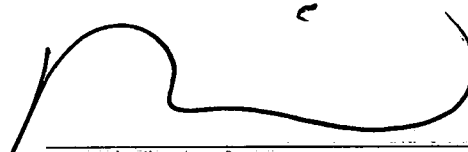
Renee Williams moved to approve Ordinance No. 1.531 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 9:22 P.M.

  
Carol Baumgartner, Town Clerk

  
Mike Waid, Mayor