

**TOWN OF PARKER COUNCIL
MINUTES
MAY 20, 2019**

Mayor Pro Tem John Diak called the meeting to order at 5:46 P.M. Mayor Mike Waid and Councilmember Renee Williams were absent.

Town Attorney Kristin Schledorn announced that the topics for discussion in Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(b), the first was to receive legal advice on specific legal questions concerning Section 10.11.080 of the Parker Municipal Code (service plan amendments Anthology West Metropolitan Districts Nos. 5 and 6 and related intergovernmental agreement), the second was Section 10.11.080 of the Parker Municipal Code (service plan amendments Hess Ranch Metropolitan District Nos. 1, 2 and 3 and related intergovernmental agreements), the third was Colo. Const. Art. XVIII, Section 16(1)(c) concerning the cultivation, processing and sale of industrial hemp, and the fourth was Section 13.04.200(d), 11.091.030 and 13.09.050 of the Parker Municipal Code (concerning Blue Mountain Self Storage located on Lot 8A, Dransfeldt Place Minor Development Plat Amendment No. 1, Town of Parker, Colorado.

EXECUTIVE SESSION

Cheryl Poage moved and Joshua Rivero seconded to go into Executive Session 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 Debbie Lewis seconded to come out of Executive Session at 6:39 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Pro Tem Diak reconvened the meeting at 7:00 P.M.

The Police Honor Guard led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

The Spring 2019 Police Department Citizens Academy participants were recognized and presented with a certificate.

PARKER CHAMBER OF COMMERCE UPDATES

Omar Castillo, the Chambers Vice Chair, provided an update on Parker Days.

PUBLIC COMMENTS

Kory Nelson 2138 E. Wanderlust Place, asked that funding for school resource officers be on an agenda.

Mark Zoller, 21760 Mount Elbert Place, spoke on mental help and hemp extraction.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers provided updates from meetings they attended since the last Council meeting.

CONSENT AGENDA

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

The motion was approved unanimously.

- A. **APPROVAL OF MINUTES - May 6, 2019**
- B. **ORDINANCE NO. 9.286 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Dransfeldt Road Extension
 Department: Engineering/Public Works, Chris Hudson
 Second Reading: June 3, 2019
- C. **ORDINANCE NO. 1.533 - First Reading**
A Bill for an Ordinance Authorizing a Lease Purchase Transaction and in Connection Therewith, Authorizing the Leasing of Certain Town Property and the Execution and Delivery by the Town of a Site Lease, a Lease Purchase Agreement, an Escrow Agreement and Other Financing Documents in Connection Therewith
 Department: Finance, Mary Lou Brown
 Town Attorney, Jim Maloney
 Second Reading: May 23, 2019
- D. **ORDINANCE NO. 3.113.1 - First Reading**
A Bill for an Ordinance to Amend the Jackalope Planned Development Guide and Plan, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith
 Department: Community Development, Stacey Nerger
 Trakit No.: Z18-026
 Second Reading: June 3, 2019
- E. **ORDINANCE NO. 3.343 - First Reading**
A Bill for an Ordinance Amend Section 13.04.150 of the Parker Land Development Ordinance Concerning the Rezoning of Areas From All Other Zoning Districts to PD-Planned Development
 Department: Community Development, Bryce Matthews
 Second Reading: June 3, 2019

- F. **ORDINANCE NO. 9.264.1 - First Reading**
A Bill for an Ordinance Approving the First Amendment to Intergovernmental Agreement Between the Town of Parker, Colorado, and Anthology West Metropolitan District Nos. 5 and 6
 Department: Town Attorney, Kristin Schledorn
 Second Reading: June 3, 2019
- G. **ORDINANCE NO. 9.290 - First Reading**
A Bill for an Ordinance Approving the Agreement Regarding Final Design and Construction of Fee-In-Lieu Drainage and Flood Control Improvements for Lemon Gulch Upstream of Crowfoot Valley Road (Agreement No. 18-12.24, Project No. 107087) By and Between Urban Drainage and Flood Control District and the Town of Parker
 Department: Engineering/Public Works, Jacob James
 Second Reading: June 3, 2019
- H. **ORDINANCE NO. 5.28.25 - First Reading**
A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Concerning 3.2 Beer and Changing the Reference from Town Council to Special Licensing Authority in the Parker Municipal Code Where Appropriate
 Department: Town Attorney, Jim Maloney
 Second Reading: June 3, 2019
- I. **RESOLUTION NO. 19-027**
A Resolution to Appoint a New Chairperson and Vice Chairperson of the Special Licensing Authority
 Department: Town Council
- J. **RESOLUTION NO. 19-029**
A Resolution Calling a Special Meeting on May 23, 2019, Pursuant to Section 3.8 of the Town of Parker Home Rule Charter
 Department: Town Attorney, Jim Maloney
- K. **RESOLUTION NO. 19-030**
A Resolution of the Town of Parker Approving the Enforcement of the International Fire Code, 2018 Edition, by the South Metro Fire Rescue Authority
 Department: Community Development, Randy Sale
- L. **CONTRACTS OVER \$100,000**
Taser Program Contract
 Amount: \$229,413.60
 Contractor: Axon Enterprises
 Department: Police, Ken La Velle

PUBLIC HEARINGS**ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 - 6****Department: Town Attorney, Kristin Schledorn****7:28 P.M.**

Attorney Kristin Schledorn advised that the resolution approves the First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6.

This First Amendment to the Consolidated Service Plan ("First Amendment") is proposed for an increase in debt authorization, specific only to Anthology West Metropolitan District Nos. 5 and 6, in connection with the imminent development of property within Anthology West Metropolitan District Nos. 5 and 6 ("Filing 1"). Due to favorable market conditions, the currently anticipated development of Filing 1 results in a much greater assessed valuation than was originally anticipated in the Consolidated Service Plan. This is primarily due to the fact that unit prices associated with homes to be built in Filing 1 have increased substantially. Similarly, costs have increased for construction anticipated for development within Filing 1. As a consequence, the Districts desire to amend the Consolidated Service Plan to provide for increased debt authorization to facilitate development of Filing 1.

Applicant

The following individuals spoke regarding this item and were available for questions:

Tricia Harris

Brock Chapman

Mike Sullivan

Derrick Williams

Public Comment - None

The Public Hearing was closed at 7:41 P.M.

RESOLUTION NO. 19-031**A Resolution to Approve the First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6**

Joshua Rivero moved to approve Resolution 19-031, conditional upon approval of Ordinance No. 9.264.1, approving the First Amendment to Intergovernmental Agreement Between the Town of Parker, Colorado, and Anthology West Metropolitan District Nos. 5 and 6.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 19-026 (Continued from 5/6/19)

A Resolution Authorizing the Possession and Consumption of Alcoholic Beverages in Discovery Park, Subject to Certain Conditions

Department: Town Attorney, Kristin Schledorn

This resolution designates Discovery Park where the possession and consumption of alcoholic beverages are allowed, subject to certain conditions. Consideration of Resolution No. 19-026 was continued to the May 20, 2019 Town Council meeting.

On May 6, 2019 the Town Council approved Ordinance Nos. 5.28.24 and 12.03.5, to allow the public possession and consumption of alcohol in designated park lands within the Town of Parker. Town Council directed staff to revise Resolution 19-026 to limit alcohol consumption in Discovery Park during Concerts in the Park events. Based on that direction, the resolution has been revised to allow alcohol possession and consumption (glass containers prohibited) during the hours of 4 p.m. to 9 p.m. on the following concert dates: May 30; June 13, 20 and 27; July 11, 18 and 25; and August 1, 2019. Concerts begin at 6 p.m. and are scheduled to end around 8 p.m.

It was pointed out that this is a pilot trial period and will be reviewed after the concert season.

Public Comment - None

Debbie Lewis moved to approve Resolution 19-026.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 3.345

A Bill for an Emergency Ordinance to Impose a Temporary Suspension for One Hundred Eighty (180) Days in Duration on the Processing and Approval of any Application for a Town of Parker Permit or License Related to the Operation of a Business That Would be Engaged in the Growing, Storage, Extraction, Processing or Manufacturing of Industrial Hemp or the Extraction, Processing or Manufacturing of Industrial Hemp in Commercial Products Containing Industrial Hemp; Directing the Prompt Investigation of the Town's Regulatory Authority Over Such Businesses Pursuant to the Authority Granted by Article XX, Section 6, of the Colorado Constitution; and Declaring the Intention of the Town Council to Consider the Adoption of Appropriate Town Regulations with Respect to Such Businesses if Permitted by Law

Department: Town Attorney, Jim Maloney

Amendment 64 (which legalized the recreational use of marijuana) directed the General Assembly to enact legislation to govern the cultivation, processing and sale of industrial hemp.

The General Assembly passed SB19-240, which is currently awaiting the signature of the Governor. This senate bill would authorize local governments to establish licensing requirements on businesses engaged in the growing, storage, extraction, processing, or manufacturing of industrial hemp or commercial products containing industrial hemp. The Town's current regulations are not adequate to address the location and public safety impacts of businesses engaged in the storage, extraction, processing or manufacture of industrial hemp or commercial products containing industrial hemp. The purpose of this emergency ordinance is to temporarily suspend for 180 days the processing and approval of any application or permit related to the operation of a business engaged in the activity described above to allow for the preparation and adoption of appropriate regulations.

Town staff has determined that there are significant land-use and public safety impacts associated with Hemp Operations. The Town currently has general land-use regulations to address the location of Hemp Operations. The Town Council desires to investigate the appropriate manner of accommodating Hemp Operations within the Town, including location, bulk standards, potential nuisance impacts, and proximity to sensitive receptors/uses. While the Town has building code regulations that may mitigate some of the public safety impacts associated with Hemp Operations, Town staff wishes to evaluate the need for additional standards because Hemp Operations would constitute a new type of business activity in Town. For example, the process for extracting the cannabidiol ("CBD") from hemp may involve the use of flammable solvents and result in the release of hazardous vapors, which may necessitate fire suppression, scrubbers and filters and which may require further evaluation. Additionally, there may be a need for regulations to address potential nuisance impacts, which may include, but are not be limited to, the proper storage of hemp (and mitigation of the odor), the storage and handling of chemicals and the proper disposal of hemp byproducts associated with Hemp Operations.

The Town's Building Division has received several inquiries about opening businesses that would engage in Hemp Operations. The Town's current regulations may not be adequate to address the impacts associated with this type of use and activity. Town staff will need a minimum of 180 days to develop adequate regulations to address Hemp Operations in the Town. There is currently one pending application with the Town for a business that would engage in Hemp Operations and would be located within a limited-industrial area of the Town, which business would not be subject to the attached ordinance

Detective Cleveland Holmes explained the process of hemp manufacturing and safety issues, also pointing out that there will be some odor.

Public Comment

Mark Zoller, 21760 Mount Elbert Place gave his views on hemp.

Cheryl Poage moved to approve Emergency Ordinance No. 3.345.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 3.342 - Second Reading**A Bill for an Ordinance to Amend Sections 13.07.080, 13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal Code Concerning Mylar Copies**

Department: Community Development, Bryce Matthews

The Parker Land Development Ordinance (LDO) requires applicants to provide the Town with two (2) plat mylars after the approval of subdivision and condominium plats. Staff records one (1) plat mylar with Douglas County and retains one (1) plat mylar for Town records.

The proposed LDO amendment changes the number of required plat mylars from two (2) to one (1). This change will eliminate the need for the Town to store plat mylars thus freeing up space. Applicants will provide the Town with a digital version of the plat mylar that will be stored electronically.

Public Comment - None

Debbie Lewis moved to approve Ordinance No. 3.342 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 1.532 - Second Reading**A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District at the Stroh Soccer Park**

Department: Engineering and Public Works, Chris Hudson

This item is associated with an ordinance to dedicate a sanitary sewer easement to the Parker Water and Sanitation District (PWSD) over Town owned property at the Stroh Soccer Park. This easement has been requested for sanitary sewer infrastructure necessary to serve future development south of Stroh Road.

There is now active development occurring south of Stroh Road including the Trails at Crowfoot and Meadowlark development projects in the Town. This will result in the need to complete the sanitary sewer line connection under Stroh Road that was abandoned ten (10) years earlier.

The easement would grant a 30-foot wide non-exclusive easement to PWSD to install this necessary sanitary sewer connection. PWSD is scheduling to complete this work during the summer of 2019 when there is a break in the use of Stroh Soccer Park. In addition, PWSD will need a Temporary Construction Easement to complete this construction. PWSD will be required to restore all areas disturbed by the construction, including impacts to the parking lot, sidewalk and the soccer field.

Rebecca Tejada from Parker Water & Sanitation District was available for questions.

Public Comment - None

Debbie Lewis moved to approve Ordinance No. 1.532 on second reading.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 8.28.8 - Second Reading

**A Bill for an Ordinance to Amend Section 4.03.030 of the Parker Municipal Code
Concerning Sales and Use Tax**

**Department: Finance, Mary Lou Brown
Town Attorney, Kristin Schledorn**

This ordinance amends the definition of "Engaged in Business in the Town" that is contained in Section 4.03.030 (Sales and Use Tax) of the Parker Municipal Code to include language that was omitted when the Town adopted the standardized tax definition. Language at the end of one of the standard definitions, "Engaged in Business in the Town," was inadvertently omitted from the ordinance.

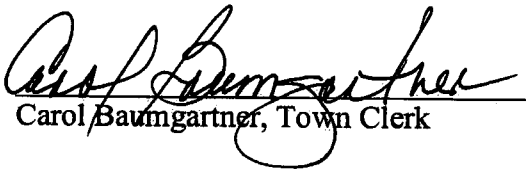
Public Comment - None

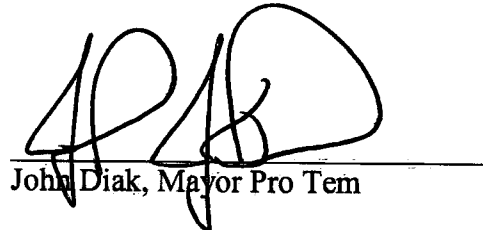
Cheryl Poage moved to approve Ordinance No. 8.28.8 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:17 P.M.


Carol Baumgartner, Town Clerk


John Diak, Mayor Pro Tem