

**TOWN OF PARKER COUNCIL
MINUTES
DECEMBER 4, 2017**

Mayor Pro Tem Josh Martin called the meeting to order at 5:35 p.m. Mayor Mike Waid was absent.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were five (5) items. Under C.R.S. § 24-6-402(4)(e) there are two (2) items, the first is the Intergovernmental Agreement between the Town and Douglas County (the comprehensive development plan); and the second is Compark Village Filing Nos. 1 and 2 Subdivision Agreements and the Intergovernmental Agreement for Belford Avenue. Under C.R.S. § 24-6-402(4)(b) there are three (3) items which are C.R.S. Section 32-1-502, procedure for excluding property from a special district; the Professional Services Agreement with Logan Simpson Design, Inc.; and Section 7.02.080 of the Parker Municipal Code.

EXECUTIVE SESSION

Amy Holland moved and Joshua Rivero seconded to go into Executive Session at 5:38 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.

Amy Holland moved and Debbie Lewis seconded to adjourn the Executive Session at 6:34 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Pro Tem Josh Martin reconvened the meeting at 7:00 p.m.

The Pledge of Allegiance was led by the youth in the audience.

SPECIAL PRESENTATIONS

Legend High School Softball Team was recognized for winning the 5A State Softball Championship. Mayor Pro Tem Martin presented the team with a Proclamation.

PARKER CHAMBER OF COMMERCE UPDATES

Dennis Houston reported on the Business Impact Meeting with Lockheed Martin, reminded the Council about the Community Celebration on December 14, 2017 at Wildlife Experience, reported on the Annual Leadership Retreat, and announced the new Board Members for the Chamber.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Shelly Mango reported the Downtown Business Alliance received their 501-c6 status. She announced the DBA will be holding a Mixer at Vines on Friday. She also informed Council that the Alliance is working on a website called DowntownParker.com.

PUBLIC COMMENTS

None.

REPORT, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. APPROVAL OF MINUTES

October 2, 2017

October 16, 2017

November 6, 2017

B. ORDINANCE NO. 9.252.2 - First Reading

A Bill for an Ordinance to Approve the Second Amendment to Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding the Design, Construction and Maintenance of Belford Avenue (Peoria Street to Compark Village South) Improvement Project

Department: Engineering, Alex Mestdagh

Second Reading: December 11, 2017

C. CONTRACTS OVER \$100,000

1. Third Amendment to Agreement for Professional Services (for advertising purchased for the PACE Center)

Amount: \$263,000

Contractor: Evolution Communications Agency

*Department: Cultural, Elaine Mariner
Cultural, Carrie Glassburn*

2. Intermountain Rural Electric Association - Parker Road at Robinson Ranch Overhead to Underground Electrical Conversion

Amount: \$641,674

Contractor: Intermountain Rural Electric Association

Department: Engineering, Chris Hudson

3. *First Amendment to Agreement for Professional Services (purchase of additional seats for Schoolhouse Theater)*

Amount: \$204,700
Contractor: Barbizon Light of the Rockies
Department: Cultural, Elaine Mariner
 Cultural, Shaun Albrechtson

Joshua Rivero moved to approve items 7A through 7C on the Consent Agenda.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

TOWN ADMINISTRATOR – None.

PUBLIC HEARINGS

NEU TOWNE METROPOLITAN DISTRICT

Department: Town Attorney, Jim Maloney

(1) RESOLUTION NO. 17-057

A Resolution to Approve the First Amendment to Service Plan for Neu Towne Metropolitan District

(2) RESOLUTION NO. 17-058

A Resolution Providing Consent to the Inclusion of Property Within the Neu Towne Metropolitan District

7:20 P.M.

Jim Maloney stated there are two Resolutions before you this evening and explained Neu Towne Metropolitan District ("District") is requesting Town Council approval of a First Amendment to the District's Service Plan ("First Amendment to Service Plan") and consent to inclusion within the District of a 10.3-acre parcel of property.

The Town Council approved the Service Plan for the District in October 2004. The District subsequently issued debt in December 2004. The District Board has tentatively decided to refinance its 2004 Bonds, including all accrued interest and principal unpaid from prior periods. The District also desires to incur approximately \$1,350,000 in additional debt to fund certain public improvements, including an enhanced pool and clubhouse amenities that will be funded in part by the refinancing. The District anticipates issuing limited tax senior and subordinate general obligation bonds in the approximate total principal amount of \$10,610,000.

The Service Plan authorizes the District to incur debt up to \$8,000,000, exclusive of refundings or other refinancings. As such, the District proposes as a part of the First Amendment to Service Plan to (a) add a community swimming pool to the list of District facilities, and (b) amend the debt limit in the Service Plan to \$11,000,000.

In addition to the First Amendment to Service Plan, the District requests the Town's consent to include into the District's boundaries the 10.3-acre parcel owned by Pacific North Enterprises ("PNE") and formerly known as the Moomah property (the "Residential Parcel"). According to the District's letter, the District and PNE have entered into a Public Improvement Agreement ("PIA") regarding the refinancing of the 2004 bonds, which is feasible, in the opinion of the District's investment banker, if PNE is willing to include its proposed residential condominium development into the District. Thus, according to the District, the inclusion of the Residential Parcel is necessary to add assessed valuation to the District tax base. Further, the inclusion will make the refinancing feasible, "thus stabilizing the District's financial condition and providing benefits to the District's residents," and the refinancing will provide additional funds for additional improvements PNE will construct. Under the PIA, PNE's inclusion of the Residential Parcel is conditioned upon the closing of the refinancing and Town approval of the inclusion and Service Plan amendments.

Given that the inclusion and refinancing are linked, the Town is requiring that the inclusion of the Residential Parcel be completed no later than 90 days after the date of the first issuance of any Debt, pursuant to the First Amendment to Service Plan. This condition further provides that the District shall not, after this first such issuance of Debt, thereafter certify its operating mill levy for the subsequent year without first completing the inclusion.

Regarding the increase in the Public Improvements' costs, the District proposes to incur \$1,350,000 in additional debt to fund certain public improvements within the District for the benefit of District residents and the enhancement of property values. In addition to the debt limit increase for this purpose, the First Amendment to Service Plan proposes revisions to the capital improvement sections of the Service Plan to add specific references to a swimming pool.

The proposed First Amendment to Service Plan does not include any proposed changes to the mill levy limitations of the approved Service Plan. Finally, once the Town consents to the inclusion and approves the First Amendment to Service Plan, and the District issues its new debt, it will then process the petition for inclusion.

Matthew Ruhland, attorney from Collins Cockrel & Cole, representing Neu Towne Metropolitan District explained that current residents will not see an increase in the property tax, but should see a difference in the area due to the improvements that are being proposed. The improvements will be an asset to the residents as well as the Town.

Public Comment: None.

Amy Holland moved and Joshua Rivero seconded the motion to approve Resolution No. 17-057.

The motion was unanimously approved.

Amy Holland moved and Joshua Rivero seconded the motion to approve Resolution No. 17-058.

The motion was unanimously approved.

ORDINANCES

ORDINANCE NO. 4.85.4 - Second Reading

A Bill for an Ordinance to Amend Sections 11.05.020, 11.05.050, 11.05.060 and 11.05.080 of the Parker Municipal Code Concerning the Parker Electrical Code

Department: Building, Dale Schmidt

Staff stated it is the Town's desires to adopt the 2017 edition of the National Electrical Code, as published by the National Fire Protection Association (NFPA 70), which is consistent with best practices in building services, plan review and construction. Staff stated they have notified Parker businesses of the adoption and have met with many of the contractors in Parker.

Public Comment: None.

John Diak moved to approve Ordinance No. 4.85.4 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 1.508 - Second Reading

A Bill for an Ordinance to Levy General Property Taxes for the Year 2017 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2018 Budget Year

Department: Finance, Mary Lou Brown

Staff explained that Council levies the tax by ordinance and authorized the Finance Director to certify the mill levy rate to the County Commissioners.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 1.508 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 1.289.4 - Second Reading**A Bill for an Ordinance to Approve 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

The Parker Authority for Reinvestment (PAR) and the Town of Parker (Town) have operated as two separate entities with a Cooperation Agreement since 2006.

An Amended and Restated Agreement between PAR and the Town is required at this time to clarify items in previous amendments as well as memorialize the relationship that has continued to evolve as the three (3) urban renewal plans have been implemented and dedicated PAR staff has been determined.

Public Comment: None.

Debbie Lewis moved to approve Ordinance No. 1.289.4 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 5.78 - Second Reading**A Bill for an Ordinance to Amend Chapter 8.11 of the Parker Municipal Code by the Addition Thereto of a New Section 8.11.070 Concerning Matters Related to Sexually Explicit Images of a Minor**

Department: Town Attorney, Jim Maloney

Currently, when a minor engages in "sexting" behavior, the only available offense with which to charge that minor is sexual exploitation of a child, which is a class 3 felony. Under House Bill 17-1302, the Colorado General Assembly has declared that it is necessary for all law enforcement to charge lower level offenses or civil infractions, in addition to providing other diversionary programs that can more appropriately address the conduct involved in cases involving "sexting behavior" by a minor. The purpose of this ordinance is to make the exchange of sexually explicit images by a minor a municipal violation.

Public Comment: None.

Debbie Lewis moved to approve Ordinance No. 5.78 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 1.480.4 - Second Reading

A Bill for an Ordinance to Approve the Reinstatement of and Fourth Amendment to Agreement for Sale and Purchase of Land By and Between the Town of Parker and ACG, LLC, Concerning the Gym Property

Department: Community Development, Weldy Feazell

The developer of the approved Parker Taphouse and Distillery adjacent to The Schoolhouse on Mainstreet is awaiting final bank approval for project financing to close the purchase of this Town-owned property. As a result, the Purchase and Sale Agreement has lapsed and there is a need to reinstate it through the Fourth Amendment to Agreement for Sale and Purchase of Land By and Between the Town of Parker and ACG, LLC.

Public Comment: None.

Amy Holland moved to approve Ordinance No. 1.480.4 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 7:39 p.m.


Chris Vanderpool, Deputy Town Clerk


Mike Waid, Mayor