

TOWN OF PARKER COUNCIL

MINUTES

JUNE 15, 2020

Mayor Pro Tem Joshua Rivero called the meeting to order at 5:30 P.M. Mayor Waid was absent.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were seven (7) items; under C.R.S. § 24-6-402(4)(b) there were three (3) items, the first was to receive legal advice on specific legal questions concerning Section 15.14 of the Town of Parker Home Rule Charter (emergency powers - the CARES Act - performance contracts for the PACE Center - Executive/PHO Orders); the second 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 and the third item was to receive legal advice on specific legal questions concerning proposed senate bill concerning measures to enhance law enforcement integrity; under C.R.S. § 24-6-402(4)(e) there were four (4) items, the first was My Mainstreet proposed purchase and sale of the PACE Lot 2; the second was proposed Intergovernmental Agreement Regarding the Community Block Grant Program for Fiscal Years 2021-2023 Administered by the U.S. Department of Housing and Urban Development By and Between the Board of County Commissioners of the County of Douglas, State of Colorado, and the Town of Parker; the third was proposed Amended and Restated Establishing Intergovernmental Agreement for the Douglas County Housing Authority, a Multi-jurisdictional Housing Authority and the fourth was Parker Automotive PD Guide and Plan concerning real property commonly known as the Eisenberg Property.

EXECUTIVE SESSION

Debbie Lewis moved and Renee Williams seconded to go into Executive Session at 5:33 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) and 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.

John Diak moved and Renee Williams seconded to come out of Executive Session at 7:00 P.M.

The motion was approved unanimously.

Debbie Lewis moved and John Diak seconded to recess the regular meeting at 7:02 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Pro Tem Rivero reconvened the meeting at 7:09 P.M. Mayor Waid and Jeff Toborg were absent.

Mayor Pro Tem Rivero led us in the Pledge of Allegiance.

PUBLIC COMMENTS

There were none.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember provided updates on meetings they each attended since the last meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - May 15, 2020, May 18, 2020, May 26, 2020 and June 1, 2020*
- B. *ORDINANCE NO. 3.193.4 - First Reading*
A Bill for an Ordinance Amending Ordinance No. 3.193, Series of 2002, By the Deletion of Certain Property from the PD-Planned Development Known as Parker Auto Plaza
Department: Community Development, Carolyn Parkinson
Second Reading: July 6, 2020
- C. *ORDINANCE NO. 3.355 - First Reading*
A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Commonly Known as the Parker and Pine Property to PD-Planned Development Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith
Department: Community Development, Carolyn Parkinson
Second Reading: July 6, 2020
- D. *ORDINANCE NO. 9.318 - First Reading*
A Bill for an Ordinance Approving the Intergovernmental Agreement Regarding the Community Development Block Grant Program for Fiscal Years 2021-2023 Administered By the U.S. Department of Housing and Urban Development By and Between the Board of County Commissioners of the County of Douglas, State of Colorado, and the Town of Parker
Department: Town Attorney, Jamie Wynn
Community Development, John Fussa
Second Reading: July 6, 2020
- E. *ORDINANCE NO. 3.01.123 - First Reading*
A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code to Add a New Section 13.05.015, Concerning Unauthorized Camping in Floodplains
Department: Town Attorney, Jamie Wynn
Second Reading: July 6, 2020

F. *RESOLUTION NO. 20-029*

A Resolution to Approve the Chair and to Appoint Members and Alternates to the Town of Parker Planning Commission

Department: Community Development, Rosemary Sietsema

G. *RESOLUTION NO. 20-028.1*

A Resolution to Amend Resolution No. 20-028, Series of 2020, Concerning the Adoption of the Development-Related User Fee Schedule and Administrative Code Fee Schedule, Effective June 15, 2020

*Department: Town Attorney, Kristin Hoffmann
Town Administrator, Dannette Robberson
Community Development, Randy Sale*

H. *CONTRACTS OVER \$100,000*

1. *Parker Town Hall Chiller Replacement (CIP 20-18)*

*Amount: \$172,688
Contractor: Colorado Mechanical Systems Inc.
Department: Engineering/Public Works, Jim Gilbert*

2. *Indoor Sports Field Turf Replacement- Fieldhouse (RFP #20-004)*

*Amount: \$120,648
Contractor: RMTS, Inc. Rocky Mountain Turf Solutions
Department: Parks, Recreation and Open Space, Mary Colton*

3. *Axon Professional Services Agreement - Year 2*

*Amount: \$185,136.00
Contractor: Axon Enterprise, Inc.
Department: Information and Technology, Jason Long*

Renee Williams moved and Debbie Lewis seconded to approve Consent Agenda Items 4A through 4H.

A roll call vote was taken:	John Diak	-	Yes
	Debbie Lewis	-	Yes
	Joshua Rivero	-	Yes
	Renee Williams	-	Yes
	Cheryl Poage	-	Yes

The motion was approved unanimously.

RESOLUTIONS

A. COMPARK VILLAGE SOUTH

The developer of the proposed Compark Village South subdivision is requesting extensions of several items associated with this project. This item includes the following requests:

- An extension to the expiration date of the development's Minor Development Plat (Filing No. 1) that creates the major infrastructure for the project, and approval of the associated Amended and Restated Subdivision Agreement.
- An extension to the expiration date of the developments' Final Plats - Compark Village South Filing No. 2 and Compark Village South Filing No. 2, Amendment No. 1 – that create single-family residential lots.

These extensions are being requested due to difficulties in obtaining financing for the project because of volatility in the bond market due to the COVID 19 pandemic.

Applicant

Michael Vickers, Denver, CO, was present and provided an update on the project. Mr. Vickers requested another six (6) month extension due to the COVID-19 pandemic which led to problems in the bond market through which the developer intends to fund the infrastructure. He has requested the expiration date for the Minor Development Plat and Subdivision Agreement be extended to December 31, 2020 to allow for the market to settle and allow financing to be obtained.

Public Comment - None

1. RESOLUTION NO. 20-030

A Resolution to Amend Resolution No. 19-104, Series of 2019, to Extend the Expiration Date of the Minor Development Plat for Compark Village South Filing No. 1 Through December 31, 2020, and Approve the Subdivision Agreement for Compark Village South Filing No. 1

Department: Engineering/Public Works, Alex Mestdagh

Debbie Lewis moved to approve Resolution No. 20-030.

Renee Williams seconded the motion.

A roll call vote was taken:	John Diak	-	Yes
	Debbie Lewis	-	Yes
	Joshua Rivero	-	Yes
	Renee Williams	-	Yes
	Cheryl Poage	-	Yes

The motion passed unanimously.

2. RESOLUTION NO. 20-031

A Resolution to Amend Resolution No. 19-105, Series of 2019, to Extend the Expiration Date of the Final Plats for Compark Village South Filing No. 2 and Compark Village South Filing No. 2 - Amendment No. 1 Through June 30, 2021

Department: Engineering/Public Works, Alex Mestdagh

Cheryl Poage moved to approve Resolution No. 20-031.

Debbie Lewis seconded the motion.

A roll call vote was taken: John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes
Cheryl Poage	- Yes

The motion passed unanimously.

ORDINANCES

A. ORDINANCE NO. 5.37.1 - Second Reading

A Bill for an Ordinance to Amend Chapter 4.05 of the Parker Municipal Code Regarding Unclaimed Property

Department: Town Attorney, Kristin Schledorn

This ordinance revises Chapter 4.05 of the Parker Municipal Code to comply with changes required by SB 19-088, concerning the adoption of the Revised Uniform Unclaimed Property Act.

SB 19-088, which takes effect on July 1, 2020, adopts the Revised Uniform Unclaimed Property Act. In order for the provisions of the Act to not apply to a local government, the local government must adopt an ordinance relating to the disposition of property, which (1) requires the Town to hold the property for the owner for at least five years after it is presumed abandoned under C.R.S. 38-13-201(1)(j) (one year after the property becomes distributable); and (2) provides the State Treasurer with specified information concerning such property. This ordinance makes those changes to Chapter 4.05 of the Parker Municipal Code, entitled Unclaimed Property.

Public Comment - None

John Diak moved to approve Ordinance No. 5.37.1 on second reading.

Cheryl Poage seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes
Cheryl Poage	-	Yes

The motion passed unanimously.

B. ORDINANCE NO. 5.32.5 - Second Reading

A Bill for an Ordinance to Amend Section 10.01.060 of the Parker Municipal Code Concerning Pedestrians on Medians and Shoulders

Department: Town Attorney, Jamie Wynn

The purpose of this amendment is to update the Parker Municipal Code to address safety concerns with respect to pedestrians located on certain medians and shoulders on and along the roadways in the Town.

The Code section entitled Solicitation on or near street or highway, has been retitled as Pedestrians on medians and shoulders, and has been modified to further detail the specific traffic flow considerations and operations as well as the focus on the safety concerns of pedestrians on certain medians and shoulders which pose a higher safety risk for pedestrian traffic.

Under the applicable national standards, the recommended minimum safe width for pedestrian safety islands is six feet. In the Town of Parker, the majority of roadways that would be subject to this proposed Ordinance have medians that exceed seven feet in width, with the exception of these medians that narrow at intersections for specific purposes, such as accommodating left-hand turn lanes.

Public Comment - None

John Diak moved to approve Ordinance No. 5.32.4 on second reading.

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes
Cheryl Poage	-	Yes

The motion passed unanimously.

John Diak moved to amend the motion to read Resolution No. **5.32.5**.

A roll call vote was taken:	John Diak	-	Yes
	Debbie Lewis	-	Yes
	Joshua Rivero	-	Yes
	Renee Williams	-	Yes
	Cheryl Poage	-	Yes

The motion passed unanimously.

PUBLIC HEARINGS

A. CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 10

(Continued from 5/18/20 and continued from 6/4/20)

Department: Town Attorney, Kristin Hoffmann

7:35 P.M.

This resolution approves the service plan for Cherry Creek South Metropolitan District No. 10. The ordinance approves the intergovernmental agreement with the District.

In October 2004, the Town Council approved the Consolidated Service Plan (the “Original Service Plan”) for Cherry Creek South Metropolitan District Nos. 2 – 11 (the “Cherry Creek Districts”). At the time of the Town’s approval of the Original Service Plan it was anticipated that the Cherry Creek Districts would collectively undertake the financing and construction of the public improvements. However, as a result of the sale of the property to differing interests with differing development plans, it is no longer feasible or practicable for the Cherry Creek Districts to operate under the Original Service Plan.

In 2016, the Town Council approved the amended and restated consolidated service plan for District Nos. 2 and 3, and they operate independently from District Nos. 4-11. District No. 10 has submitted an application to amend and restate its service plan. This plan is submitted and processed under the recently approved metropolitan district policies.

Meagan Murphy, 15834 E. Otero Avenue, Centennial, CO, briefly described the metropolitan district.

Public Comment - None

The Public Hearing was closed at 7:44 P.M.

1. RESOLUTION NO. 20-020

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 10

John Diak moved to approve Resolution No. 20-020.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes
Cheryl Poage	-	Yes

The motion passed unanimously.

2. ORDINANCE NO. 9.315 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No.10

John Diak moved to approve Ordinance No. 9.315 on second reading.

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes
Cheryl Poage	-	Yes

The motion passed unanimously.

**B. CHERRY CREEK SOUTH METROPOLITAN DISTRICTS NOS. 4-9 and 11
(Continued from 5/18/20 and continued from 6/4/20)**

Department: Town Attorney, Kristin Hoffmann

Rivero: This is a public hearing for Cherry Creek South Metropolitan Districts Nos. 4-9 and 11 which was continued from May 18, 2020, and continued from June 4, 2020.

7:46 P.M.

The purpose of this public hearing is for Town Council to consider service plans for Cherry Creek South Metropolitan Districts Nos. 4-9 and 11 which are residential metropolitan districts and intergovernmental agreements between the Town and the Districts.

Rivero: Councilmember Poage has declared a conflict of interest and is disqualified from participating in any matter before the Town concerning residential metropolitan districts which includes the public hearing Item 7B and Ms. Poage will now please turn off her camera and microphone.

Poage: Mayor Pro Tem I have a comment to make and I want to read a statement.

Maloney: Certainly, if Councilmember Poage wants to make a statement under conflict of interest, it would be appropriate to hear it now if she wants to read it.

Poage: Tonight, Town Council is voting on two separate service plans for residential metro districts and for the establishment of the adopted mil levy of 77 mills for Cherry Creek South Metropolitan District 4-9 and 11 and the Meadowlark Metro District at this point.

I believe that in accordance with Section 3.4 – Conflict of Interest, Parker Town Charter, amended by special election 11/3/98, I do not have a conflict of interest with the vote tonight on the metro districts I just mentioned.

Accordingly, I Cheryl Poage, do not have a material or significant financial interest, direct or indirect or any conflict of interest with the above subject subdivisions or metro districts. I do not have any other concern for these issues, other than the common public interest.

Furthermore, at this point, I will not recuse myself from this vote and will not leave the session.

I submit to the Town Council the following issues on this matter:

First, I Cheryl Poage, do not have a material or significant financial interest, direct or indirect or any conflict of interest on the above subject subdivisions or proposed metro districts. I do not have any other current concern for these issues, other than the common public interest.

My public comment in February 2020, in which I stated that I would have a concern supporting a 77 mil levy rate for unoccupied homes in new developments, is a statement for the common public interest and nothing more. Town Attorney Mr. Maloney, declared that I, Cheryl Poage had a conflict of interest on this matter and simply because I uttered those words in public at a February 2020 meeting.

The Town Attorney Jim Maloney arbitrarily and capriciously recommends the application of the conflict of interest rules, to systematically remove Town Councilmembers from a vote, based on his personal opinion and of what constitutes an actual conflict of interest from the Town Councilmember themselves. As stated before, I have no material or significant financial interest, I do not have any other concerns for these issues, other than the common public interest.

The current Conflict of Interest Policy, for the Town of Parker, Section 3.4 should be rewritten overall. It is poorly written and is now allowing the Town Attorney Jim Maloney to be able to systematically and without actual bias, accuse Town Council members of a conflict of interest on Town Council voting matters.

The voters of Parker should be concerned that the Town Attorney, Jim Maloney is stifling public discussion of public matters and declaring those matters a conflict of interest when they do not align with his personal view and opinion on issues before the board. This is an abuse of power by the Town Attorney in his attempts to stop me, Cheryl Poage from voting on the issues tonight related to Metropolitan Districts and mill levies.

The Conflict of Interest Policy, as it is now written, does not closely align with the State of Colorado's conflict of Interest policies for the State Senate. This current and poorly written

conflict of interest policy per Section 3.4 of the Town of Parker, can and will affect all voting members of the Town Council now and going forward on all issues for decision and vote before the Council.

I propose that our current Conflict of Interest Policy, Section 3.4 be rewritten by outside legal counsel and should more closely align with the Colorado Senate conflict of interest policy.

The voters of Parker, Colorado should not be pleased to learn that our current Conflict of Interest Policy, for the Town of Parker in Section 3.4, as written, undermines the duty of our elected officials on Town Council to voice their concerns on an issue of common public interest and to vote in matters in their official duties.

I wish to thank the Town Council for listening to my concerns\ and I hope in the spirit of these comments, we can come together in future session to discuss these matters for the good of our Town and as our duties as elected officials to the Town of Parker.

Rivero: Thank you very much Councilmember Poage. I will remind Town Council that Councilmember Poage recused herself and conflicted herself in further discussion.

Maloney: The minutes of March 16, 2020, reflects that Councilmember Poage voluntarily recused herself concerning any matter involving a metropolitan district in the Town of Parker that concerned a residential development. That was a determination that was made voluntarily by Councilmember Poage after discussing the issue with Mayor and Council. It is not a decision the Town Attorney made. The Town Attorney is simply an advisor and a voluntary decision was made. I believe, the basis for that decision is centered on the fact that there is an established policy adopted by a resolution which creates a model service plan and establishes a mill levy cap as a part of that model service plan. Councilmember Poage stated that she did not agree with those mill levy caps as established by Council resolution and she could not vote for a residential metropolitan district so long as those caps were in place. When you approve a metropolitan District or an amendment to a metropolitan district service plan that requires a notice and public hearing. That is a quasi-judicial proceeding.

When you are acting as a council member, you are acting as a judge and as a judge, you have to apply the law as written. If you don't like the law, you change the law. But you, Councilmember Poage, as a judge, indicated you could not follow the law and as a result, you made the decision yourself that you would recuse yourself. This is not a decision made by the Town Attorney's office. The Town Attorney's office does not set the policy concerning service plans for metropolitan districts; that was approved by Mayor and Council.

The Town Attorney's office does not set the law related to due process in the context associated with quasi-judicial proceedings. You were voted to uphold the laws of the Town Parker. You decided you cannot uphold the laws of the Town of Parker with regard to residential metropolitan districts. Based upon your decision you voluntarily recused yourself. Town Council can certainly pass a motion now to make it official. That is a decision that has to be made by Town Council.

Rivero: Councilmember Poage are you wishing to unrecuse yourself.

Poage: I am. Because at this point in time at that meeting I was told I could either recuse myself or Town Council would declare me in conflict of interest over an issue that is clearly an issue of public interest. Period.

Joshua Rivero moved that Councilmember Cheryl Poage has a conflict of interest concerning any application for a service plan or service plan amendment for a residential metropolitan district and that Councilmember Poage should be disqualified from participating in any matter before the Town concerning residential metropolitan districts, because:

- “(1) Councilmember Poage’s conflict of interest impedes independence of judgment;
- “(2) Councilmember Poage’s participation will negatively effect the public’s confidence in the integrity of the Town Council;
- “(3) Councilmember Poage’s participation is likely to have a significant negative effect on the ultimate disposition of the matter; and
- “(4) Councilmember Poage has a fiduciary duty to be impartial and she is obligated to avoid participating in matters when there is a personal interest that may conflict with, influence, or be perceived by the public as influencing Councilmember Poage’s conduct.

The basis for this motion is the statement made by Councilmember Poage that she cannot approve residential metropolitan districts, which statement constitutes prejudgment and a demonstration that she will not be able to be fair and impartial.

Renee Williams seconded the motion.

It was pointed out that Councilmember Poage could not vote on her own conflict.

A roll call vote was taken: John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion passed 5-0-1 abstention. (Poage abstained.)

Councilmember Poage left the meeting at approximately 8:05 P.M.

These resolutions approve the service plans for Cherry Creek South Metropolitan District Nos. 4-9 and 11. The ordinances approve the intergovernmental agreements with the Districts.

In October 2004, the Town Council approved the Consolidated Service Plan (the “Original Service Plan”) for Cherry Creek South Metropolitan District Nos. 2 – 11 (the “Cherry Creek Districts”). At the time of Town approval of the Original Service Plan it was anticipated that the Cherry Creek Districts would collectively undertake the financing and construction of the public

improvements. However, as a result of the sale of the property to differing interests with differing development plans, it is no longer feasible or practicable for the Cherry Creek Districts to operate under the Original Service Plan.

In 2016, the Town Council approved the amended and restated consolidated service plan for District Nos. 2 and 3, and they operate independently from District Nos. 4-11. District Nos. 4-9 and 11 has submitted an application to amend and restate their service plans (one for District Nos. 4-6 and one for District Nos. 7-9 and 11; and one for District No. 10). These plans are submitted and processed under the recently approved metropolitan district policies.

Meagan Murphy, 15834 E. Otero Ave., Centennial, CO, described all the districts and financing.

Public Comment

Laura Hefta, 18236 Shadbury Lane, Parker, CO, had a question regarding the mill levy.

Kristen Hoffmann responded to Ms. Hefta's question.

The Public Hearing was closed at 8:15 P.M.

The Public Hearing was reopened at 8:16 P.M. because Laura Hefta wished to make a subsequent comment which was addressed by Ms. Murphy.

The Public Hearing was closed at 8:19 P.M.

1. RESOLUTION NO. 20-021

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 4

John Diak moved to approve Resolution No. 20-021.

Debbie Lewis seconded the motion.

A roll call vote was taken:	John Diak	-	Yes
	Debbie Lewis	-	Yes
	Joshua Rivero	-	Yes
	Renee Williams	-	Yes

The motion was approved unanimously.

2. ORDINANCE NO. 9.309 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No. 4

Debbie Lewis moved to approve Ordinance No. 9.309 on second reading.

Renee Williams seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

3. RESOLUTION NO. 20-022

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 5

Renee Williams moved to approve Resolution No. 20-022.

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

4. ORDINANCE NO. 9.310 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No. 5

John Diak moved to approve Ordinance No. 9.310 on second reading.

Renee Williams seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

5. RESOLUTION NO. 20-023

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 6

Debbie Lewis moved to approve Resolution No. 20-023.

Renee Williams seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

6. ORDINANCE NO. 9.311 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No. 6

John Diak moved to approve Ordinance No. 9.311 on second reading.

Renee Williams seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

7. RESOLUTION NO. 20-024

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 7

Renee Williams moved to approve Resolution No. 20-024.

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

8. ORDINANCE NO. 9.312 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No. 7

Debbie Lewis moved to approve Ordinance No. 9.312 on second reading.

Renee Williams seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes

The motion was approved unanimously.

9. RESOLUTION NO. 20-025

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 8

Debbie Lewis moved to approve Resolution No. 20-025.

Renee Williams seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes

The motion was approved unanimously.

10. ORDINANCE NO. 9.313 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No. 8

Renee Williams moved to approve Ordinance No. 9.313 on second reading.

John Diak seconded the motion

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes

The motion was approved unanimously.

11. RESOLUTION NO. 20-026

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 9

Renee Williams moved to approve Resolution No. 20-026.

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes

The motion was approved unanimously.

12. ORDINANCE NO. 9.314 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No. 9

Renee Williams moved to approve Ordinance No. 9.314 on second reading/

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes

The motion was approved unanimously.

13. RESOLUTION NO. 20-027

A Resolution to Approve the First Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 11

Renee Williams moved to approve Resolution No. 20-027.

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	-	Yes
Debbie Lewis	-	Yes
Joshua Rivero	-	Yes
Renee Williams	-	Yes

The motion was approved unanimously.

14. ORDINANCE NO. 9.316 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cherry Creek South Metropolitan District No.11

Renee Williams moved to approve Ordinance No. 9.316 on second reading.

John Diak seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

C. MEADOWLARK METROPOLITAN DISTRICT

Department: Town Attorney Kristin Schledorn

8:34 P.M.

It was pointed out that Councilmember Poage has a conflict with residential metropolitan districts.

The resolution approves the amended and restated service plan for Meadowlark Metropolitan District, and the ordinance approves the amended and restated intergovernmental agreement with Meadowlark Metropolitan District.

The District is seeking to amend and restate its service plan to conform to the Town's updated special district policy and model service plan. As part of that process, the District is also seeking to amend and restate its intergovernmental agreement with the Town. An analysis of the service plan and intergovernmental agreement was included in the packet.

Applicant

Paula Williams of McGeady Becher and Glenn Neir of Meritage Homes gave a brief description of the District.

Public Comment - None

The Public Hearing was closed at 8:45 P.M.

1. RESOLUTION NO. 20-032

A Resolution to Approve the Amended and Restated Service Plan for Meadowlark Metropolitan District

John Diak moved to approve Resolution No. 20-032.

Debbie Lewis seconded the motion.

A roll call vote was taken:

John Diak	- Yes
Debbie Lewis	- Yes
Joshua Rivero	- Yes
Renee Williams	- Yes

The motion was approved unanimously.

2. ORDINANCE NO. 9.317 - Second Reading

A Bill for an Ordinance to Approve the Amended and Restated Intergovernmental Agreement By and Between the Town of Parker and Meadowlark Metropolitan District

Department: Town Attorney, Kristen Schledorn

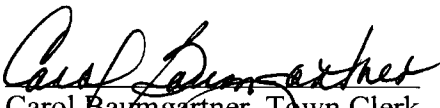
Renee Williams moved to approve Ordinance No. 9.317 on second reading.

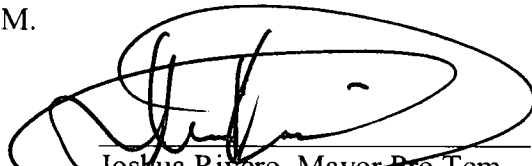
Debbie Lewis seconded the motion.

A roll call vote was taken:	John Diak	-	Yes
	Debbie Lewis	-	Yes
	Joshua Rivero	-	Yes
	Renee Williams	-	Yes

The motion was approved unanimously.

The meeting was adjourned at 8:47 P.M.


Carol Baumgartner, Town Clerk


Joshua Rivero, Mayor Pro Tem

Baumgartner, Carol

From: Davey Jones Fireworks <daveyjonesfireworks@hotmail.com>
Sent: Monday, June 15, 2020 5:43 PM
To: Clerk
Subject: Tonight's Council Meeting Public Comments
Attachments: US Drought Monitor.pdf

Hello,

I just found out that the meeting tonight is closed to yhe public and that I needed to send you an email for public comment below:

My name is Brad Witherell the owner of Davey Jones Fireworks.

I am writing this email to ask the City Council to re-consider the ban on the sale of fireworks in the city of Parker this 4th of July season.

Below are some bullet points:

- Please see the attached current drought monitor map for Arapahoe and Douglas county which are in yellow (D0) or abnormally dry but no drought conditions exist. The threshold for the counties to able to ban the sales of fireworks would be (D2) severe drought or higher conditions or the brownish color on the chart. As you can see the conditions in Parker just do not warrant a ban on the sale of fireworks. The southern part of the state is very dry but not the city of Parker.
- During a fire ban the sale of firewood, charcoal briskets, matches, cigarettes, etc are not restricted but fireworks are. This does not seem fair. As we are only allowed to sell for a few weeks per year people can purchase fireworks now and when conditions improve use the fireworks later.
- This ban effects the fireworks industry severely. We order our product one year in advance and the product cannot be returned to China. Our employees will be out of work again with the covid 19 and now this ban. There are also many non-profits that use fireworks sales as their fundraisers as well.
- With being stuck at home with all this Covid 19 quarantine going on fireworks and the celebration of our country's birthday would go a long way with the mental health of the citizens of Parker.

With all the above in mind I would like to propose something that may work for everyone. Allow us to sell but shorten our selling season from three weeks to only one week. Allow the use of the fireworks for only one night, July 4th only. This is what the city of Castle Rock is doing this season as well.

Thank you in advance for your time in this matter.

Brad Witherell

Davey Jones Fireworks

Brad Witherell

7361 Fox Creek Trail

Franktown, CO 80116

303-522-5532

DaveyJonesFireworks.com

daveyjonesfireworks@hotmail.com

From: Britton Cottrell <CottrellB@tntfireworks.com>
Sent: Monday, June 15, 2020 3:12 PM
To: Clerk
Subject: Public Comments: Parker Fireworks Ban

JUN 15 2020
TOWN CLERK
TOWN OF PARKER

Please include the following statement in the Public Comment time for the Town Council meeting on June 15th, 2020.

Mayor and Town Council Members

My name is Britton Cottrell, and I work with TNT Fireworks. I am writing in public comment today to talk about the town's decision to ban the "sale" of legal fireworks this year. We know that at times the messaging can be confusing to residents regarding the sale and use of fireworks. Currently, there is a Stage 1 Fire Ban in Douglas county; however, the county is still ALLOWING the "sale" of fireworks. As well, other cities are allowing the full use and sale of fireworks. The City of Castle Rock has taken an approach where they will be allowing the "sale" of fireworks and then limiting the "use" to July 4th only. Mayor Gray has indicated this is the best approach. We are currently working with the city of Aurora to adopt a similar common-sense approach to this season.

People are anxious and want a way to celebrate the fourth of July. Considering the struggles that communities are having with COVID-19, we feel that the safest way for people to celebrate this year is at home. Please consider the following points:

Non-Profit Groups:

The people impacted the most are the local groups and nonprofits. They are depending on a fundraiser to keep them afloat.

Current Conditions:

We have continued to receive rain throughout the past two weeks and scattered thunderstorms are in the forecast through the 4th of July.

Firework Sales Bans:

Immediately around the City of Parker, the sale of fireworks ARE still allowed in the following counties: Douglas, Arapahoe, Jefferson and Adams. Cities such as Castle Rock and Highlands Ranch are also allowing the "sale" and "use" of fireworks.

Banning Sales:

Something to consider, when there are fire restrictions, there isn't a ban on the "SALE" of lighters, torches, firewood, fuel, charcoal, propane, grills, cigarettes, etc. Consumers are not allowed to "use" these items at certain times but the "SALE" of these items is not banned. Why is the fireworks industry singled out and targeted for this? Statistics from the NFPA (National Fire

Working Together for a Solution:

We want to propose that the Town of Parker consider allowing for a small window of time to allow people to celebrate.

- Consider allowing the sale of fireworks for about a week leading up to the 4th of July. Possibly have the stands open by Friday, June 26th. Then, only allowing the consumer to light fireworks for a period of 24-48 hours on the 3rd and/or the 4th. The residents would be happy knowing there is an opportunity for

them to celebrate. This will also give nonprofits a small window to make some of their much needed funds.

- This option would allow the town to accomplish focusing response efforts during a smaller window of time and yet allow for some time of celebration!
- This would cause less confusion to residents considering sales are still happening in the county.
- The industry would work to provide safety fliers at the point of sale to customers and help the city to educate residents about the newly adopted plan.
- The industry would be happy to help with safety PSA's to post on social media and websites as well.

We feel like this is a common sense approach considering all the variables that are at play. We would love the opportunity to work hand-in-hand with the town of Parker to find a solution.

Thank you so much for your time and consideration!!

Thanks!

Britton Cottrell
TNT Fireworks
303-513-8184



Holiday Enterprises
PO Box 248
New Underwood, SD 57761
(605) 484-3027

RECEIVED

JUN 15 2020

TOWN CLERK
TOWN OF PARKER

June 15, 2020

Mayor and City Council
City of Fort Morgan
Colorado

Re: Resolution re: temporary fire ban
Council Meeting 15 June 2020

I am writing in reference to the proposed temporary fire ban being considered tonight, and that it will prohibit the retail sale of fireworks over this year's 4th of July holiday.

As responsible business owners, and operators of the fireworks stand in Parker on Parker and Long's way for 31 years, we too are concerned about fire safety issues. As you are aware, aerial type fireworks are already prohibited within the state of Colorado. In spite of this ban people regularly make the trek to Wyoming or Nebraska to purchase fireworks to use in the metropolitan area to celebrate Independence Day, generally without incident. Banning fireworks completely without the option of buying from their local, licensed retailer of fireworks legal to be sold within the state of Colorado, will encourage those individuals and their neighbors, intent upon using fireworks to drive across the state border and return with illegal fireworks. I have been selling fireworks within Parker for the last thirty-two years and it is our experience that most fireworks are purchased by city residents, used within the city limits, near access to water and fire suppression equipment, vegetation control and near structures comprised of cement or asphalt in your residents front or back yard.

As the nation and its people come out from under the massive lockdowns recently experienced I believe people want to celebrate this great country's independence. I hope you will reconsider and look for a solution that will benefit The Town of Parker's citizens. We would also encourage you to more closely follow the precedent set by Douglas County, as has been done in the past.

We propose that if allowed to operate this year, we will continue to encourage proper and safe handling of the product. Our staff will remind people to use fireworks in an area free of vegetation, such as a driveway, and to keep a trash can full of water nearby. Most importantly, they will stress to our younger customers to have adult supervision at all times. We are aware that it has been proposed that sales be allowed under the above conditions, and that the use by citizens be condensed to perhaps Friday and Saturday, July 3rd and 4th only.

The people of America this year more than any other, needs to celebrate the birth, perseverance and resiliency of our great nation.

Sincerely,
Dale Boydston, President