

**TOWN OF PARKER COUNCIL  
MINUTES  
JULY 6, 2020**

Mayor Mike Waid called the meeting to order at 6:03 P.M. All Councilmembers were present; Renee Williams participated via the telephone.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were four (4) items; under C.R.S. § 24-6-402(4)(e) there were two (2) items, the first was the election intergovernmental agreement with Douglas County and the second was Parker Automotive PD Guide and Plan concerning real property commonly known as the Eisenberg Property; under C.R.S. § 24-6-402(4)(f) there were two (2) items, the first was the Town Administrator Evaluation Process and the second was the Town Attorney Evaluation Process.

**EXECUTIVE SESSION**

Debbie Lewis moved and Joshua Rivero seconded to go into Executive Session at 6:04 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 consider personnel matters pursuant to C.R.S. § 24-6-402(4)(f).

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.

Josh Rivero moved and Debbie Lewis seconded to recess the regular meeting at 6:40 P.M.

The motion was approved unanimously.

**REGULAR MEETING**

Mayor Waid reconvened the meeting at 7:00 P.M. Renee Williams participated remotely.

Mayor Waid led the Council and audience in the Pledge of Allegiance.

**SPECIAL PRESENTATIONS**

There were none.

**PARKER CHAMBER OF COMMERCE UPDATES**

Kara Massa of the Parker Chamber of Commerce provided a monthly update. She advised that they are still trying to work out something for the Wine Walk.

**DOWNTOWN BUSINESS ALLIANCE UPDATES**

Carrie Glassburn provided an update on the DBA and their monthly activities.

**PUBLIC COMMENTS**

Comments received will be attached to the minutes.

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

There were none.

**CONSENT AGENDA**

- A. *APPROVAL OF MINUTES - June 15, 2020*
- B. *ORDINANCE NO. 3.162.3 – First Reading*  
*A Bill for an Ordinance to Amend the Olde Town at Parker Planned Development Guide and Plan, and to Amend the Zoning Ordinance and Map to Conform Therewith*  
*Department: Community Development, Carolyn Parkinson*  
*Trakit No.: Z19-014*  
*Second Reading: July 20, 2020*
- C. *ORDINANCE NO. 9.319 - First Reading*  
*A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Douglas County Clerk and Recorder and the Town of Parker Regarding the Conduct and Administration of the November 3, 2020, Coordinated Election*  
*Department: Town Attorney, Kristin Hoffmann*  
*Town Clerk, Carol Baumgartner*  
*Second Reading: July 20, 2020*
- D. *ORDINANCE NO. 1.543 - First Reading*  
*A Bill for an Ordinance Approving the Well Site Easement Agreement (DD-4) by the Town of Parker and the Cottonwood Water and Sanitation District Concerning a Portion of Tract C, Cottonwood Subdivision Filing No. 8*  
*Department: Engineering and Public Works, Tom Gill*  
*Second Reading: July 20, 2020*

Joshua Rivero moved and Renee Williams seconded to approve Consent Agenda Items 7A through 7D.

The motion was approved unanimously.

**RESOLUTIONS****RESOLUTION NO. 20-019****A Resolution to Approve the Settlement Agreement (Vista South)**

**Department: Town Attorney, Kristin Hoffmann**

The Town annexed and zoned certain lots within the Grasslands-Prairie Trail Planned Development area. The owner of two of the lots filed a civil action against the Town. The Town and the owner of the two lots desire to enter into a settlement agreement to resolve the civil action. Vista South filed a civil action challenging the annexation and zoning of the

Property. The Douglas County District Court issued an order approving the annexation, but invalidating the zoning of the Property (the "Order"). Both the Town and Vista South appealed the Order to the Colorado Court of Appeals (the "Appeal"). The Town and Vista South desire to settle the lawsuit, based on terms that validate the annexation and zoning of the Property, which will allow Vista South to develop the Property in the manner allowed by the zoning. If the attached settlement agreement is approved, the lawsuit will be dismissed, the Order will be vacated, the Appeal will be dismissed, and the Town will be released from all liability related to the lawsuit.

**Public Comment - None**

Joshua Rivero moved to approve Resolution No. 20-019.

John Diak seconded the motion.

The motion was approved unanimously.

**PUBLIC HEARINGS**

**A. PARKER AND PINE - Rezone, Minor Development Plat, and Subdivision Agreement**

**Applicant:** EVT PARKER COLORADO, L.L.C.  
**Location:** Southwest corner of Parker Road and Pine Lane  
**Department:** Community Development, Carolyn Parkinson  
**TRAKiT No.:** Z19-027 & SUB18-020

**7:16 P.M.**

The property owner plans to develop a vacant property into a mixed-use development. To accomplish this, the owner is proposing the following actions:

1. Create a new Parker and Pine Mixed Use Planned Development (PD) zone district by removing Block 3, Lot 1 of Parker Auto Plaza Filing 1 from the Parker Auto Plaza PD.
2. Update the list of permitted uses in the new PD to accommodate and promote retail/restaurant/service uses on the majority of the site and allow multi-family residential use on a portion of the site.
3. A Minor Development Plat (MDP) to replat the property into six (6) lots for future commercial use and one (1) tract (Tract A) for future multi-family residential use. A further replat of Tract A is required prior to future multi-family development on the site.
4. A Subdivision Agreement ("Agreement") to identify the required public improvements and secure the construction of these improvements.

The Planning Commission held a public hearing on the proposal June 11, 2020 and voted unanimously to recommend Town Council approval.

**Applicant**

The applicant provided a PowerPoint presentation. Ryan Amato of Eisenberg, Dan Skeehan of Kimley Horn and Bill Mahar of Norris Design gave a brief summary of their role in this process.

**Public Comment**

The following individuals commented on prairie dogs:

Siobhan Cox, Vista Ridge Road (Elbert County)  
Lynda Wilson, 11443 Regency Ct.

The Public Hearing was closed at 7:50 P.M.

John Diak asked about the prairie dog ordinance. It was pointed out that the property owner will need to comply with the ordinance.

**1. ORDINANCE NO. 3.193.4 - Second 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**

Joshua Rivero moved to approve Ordinance No. 3.193.4 on second reading.

Debbie Lewis seconded the motion.

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

**2. ORDINANCE NO. 3.355 - Second 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**

Joshua Rivero moved to approve Ordinance No. 3.355 on second reading.

Debbie Lewis seconded the motion.

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

**3. Minor Development Plat**

Joshua Rivero moved to approve the Parker and Pine Minor Development Plat, subject to the condition contained in staff's report.

(Condition: Prior to recordation, the applicant will satisfy all engineering comments related to SUB18-020.)

Debbie Lewis seconded the motion.

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

**4. Subdivision Agreement**

Joshua Rivero moved to approve the Subdivision Agreement for Parker and Pine Minor Development Filing 1.

Debbie Lewis seconded the motion.

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

**ORDINANCES**

**A. ORDINANCE NO. 9.318 - Second 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**

Douglas County and the Town of Parker previously participated in the Community Development Block Grant (CDBG) Program but opted out of the Program in June, 2016. The County notified the U.S. Department of Housing and Urban Development in April, 2020 of their intention to requalify as an Urban County for the CDBG Program starting in Fiscal Year 2021 through 2023. The Town of Parker qualifies as a "Metropolitan City" and has the option of deferring participation or accepting participation in the CDBG Program as a "Metropolitan City" or by entering into a partnership with Douglas County as a unit of general local government. The latter option would be exercised through the execution of an Intergovernmental Agreement (IGA). By entering into an IGA, the Town would agree to comply with applicable federal laws and regulations, as well as providing the County the information necessary for the Town's participation in the program as a unit of general local government with the County.

**Public Comment - None**

Joshua Rivero moved to approve Ordinance No. 9.318 on second reading.

Renee Williams seconded the motion.

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

**B. ORDINANCE NO. 3.01.123 - Second 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**

The purpose of this amendment is to update the Parker Municipal Code to add a section to the Code to address the safety concerns with respect to camping in floodplains and the potential for property damage and injury or death to human life.

It was pointed out that the Mile High Flood District engaged in public meetings to address the public safety and danger concerns with respect to individuals camping in designated floodplain areas. They have documented specific examples of injuries to humans, as well as to property, including flood-related deaths that have occurred due to individuals camping in floodplain areas.

Therefore, it is because of these risks that staff is recommending that Town Council adopt a new Parker Municipal Code Section 13.05.015 to specifically address these concerns, by prohibiting camping in floodplain areas.

**Public Comment – None**

Joshua Rivero moved to approve Ordinance No. 3.01.123 on second reading.

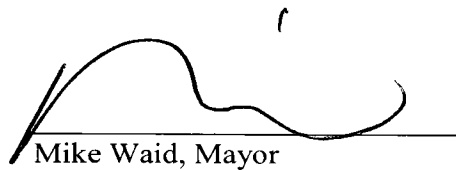
Debbie Lewis seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:13 P.M.



Carol Baumgartner, Town Clerk



Mike Waid, Mayor

Mayor and City Council Members,

I would like to comment regarding the Vista South Agreement. First, I want to thank all parties for participating in the discussion and all efforts taken to come to a resolution that is acceptable by most.

My wife, Terri, and I have been involved with this project since we first heard about the trash transfer facility application with Douglas County. We have witnessed a community and elected officials come together to do their best to thwart a risky, dangerous, and highly undesired project in the area of Chambers Rd and Grasslands Drive.

It is our understanding that the Town of Parker will call for Vista South to meet all the requirements of the Town. It is also our understanding that Tri County Health Department will also have binding input in the process.

The Dove Meadows community still has many of the same concerns that we had for the initial proposal for a trash transfer facility. These concerns are as follows:

- Increased truck and private vehicle traffic at the same time of day that the roads are now already busy from the increase in current traffic in the area. It is our understanding that a traffic signal is being installed to help mitigate this issue.
- Rodents and other pests in the area. The proposed facility is to include wash bays, however we know that not every truck will be washed daily and rodents could become an issue.
- Birds in the area may be attracted to garbage in the facility which could become a hazard with the small aircraft that regularly fly over our homes.
- Odors from unwashed trash trucks sitting in the parking lot.
- Noises and lights from operations that will impact the residential homes across Chambers from the proposed site, particularly at night. Increased truck noise at times of day when the residents of our community are home. We understand the wash and maintenance bays will be required to be drive through type rather than pull in and back out to help minimize the noise from back up alarms. We would like to have limited hours of operation from 6am to 6pm to lessen noise impacts when residents are home and resting or sleeping.
- Unsightliness of the site as a whole and the need to mitigate with high and solid fencing, berms, etc No chain link fencing should be permitted on any side of this project. There are neighbors on all sides who should not have to look at or be impacted by such an undesirable business.

While we are not convinced that a trash truck storage or maintenance site is a good idea in this area, due to the residential zoning across the street, the Osteopath College, and other fortune 100 businesses in the area, we understand that Vista South owns a piece of property and they have a right to develop and use it. Further, we understand the parcels are zoned for this use and that, if set up and mitigated to lessen the impact of negative factors (noise, lights, odors), this project is less of an impact to the community as the previously proposed trash transfer facility.

We hope all of the businesses in the area can be good neighbors and that there will be no issues with this facility in the future; however, the residents want to be certain that all parties understand that if there are any negative impacts there are sources and means to appropriately deal with those problems to everyone's satisfaction. Having a recourse for non-compliance is a huge concern.

We also hope the Town of Parker will continue to keep area residents and businesses in the know as regards future development and potential impacts to their electorate.

Finally, the main reason all of this became an issue was due to very old zoning that was in place and never updated to accommodate the major changes in the corridor. We ask that the Town of Parker and staff take a look at old zoning and consider making needed changes and regular updates every 3-5 years. Zoning that seemed appropriate 25 or more years ago is not necessarily a good fit today.

Thank you for allowing me to comment on this matter.

Mitch Maulik

**From:** noreply@civicplus.com  
**Sent:** Monday, July 06, 2020 9:38 AM  
**To:** Clerk; Cleveland, Jim; Robberson, Dannette; Anderson, Andy; Penington, Elise  
**Subject:** Online Form Submittal: Town Council Meetings - General Public Comment

## Town Council Meetings - General Public Comment

*Regular Town Council meetings are held on the first and third Monday of each month, unless announced otherwise. As per Town Emergency Order No. 8-2020, general public comment rules regarding participation have been adjusted due to the COVID-19 health emergency. In lieu of attending in person, community members may submit a general public comment online starting at noon on the Friday prior to the next meeting until 5 p.m. Monday (the day of the meeting).*

*This online form will also be used for other virtual meetings held by the Town of Parker's Special Licensing Authority. Public comments that are provided by 5 p.m. on the day of the Special Licensing Authority meeting will be provided to the Authority and will be included with the approved meeting minutes.*

*General Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. No action will be taken on these items. Public comments will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting. For those unable to provide comments electronically through this form, please contact the Clerk's Office to make arrangements. The Town Clerk can be reached by phone at 303.805.3198.*

|                        |  |
|------------------------|--|
| First Name             | Amanda   |
| Last Name              | Mutah  |
| Address                | 19583 E Hollow Creek Dr  |
| City                   | Parker   |
| State                  | CO   |
| Zip Code               | 80134  |
| General Public Comment | My name is Amanda Mutah and I live here in Parker at 19583 E Hollow Creek Dr |

I would like to address this council to share my concerns about the level of pollutants in our air caused by fossil fuel energy

generation and internal combustion transportation and their long term damaging effects on the health of all of us especially our most vulnerable, the young and the elderly.

Fossil fuel combustion is both the main driver of climate damage and the major contributor to air pollution. The cost of this damage is felt in our hospitals and in our lungs. Fossil Fuel pollutants exacerbate respiratory diseases and fuel the current asthma epidemic. The EPA air quality rating for Colorado has changed from moderate non-compliance to severe non-compliance.

As a proud member of our town, I am also a member of Citizens Climate Lobby, a non-profit, non-partisan, advocacy organization, focused on National Policies to address Climate Change.

CCL has over 100,000 members nationally with 6,000 of those here in Colorado

I am asking the leaders of the town of (Parker/Castle Rock) to initiate a review of the risks of Climate Change to our community and then to reduce our impact by creating a plan for adaptation.

I am sure high on the list of goals of our council and town government is to provide and maintain a safe and healthy environment for its citizens. With this in mind, I believe a thorough discussion followed by a comprehensive climate action plan will help to ensure The City of Parker's long term vitality.

In addition, we would like the opportunity to talk about important legislation in Congress that will offer a market-based solution to addressing climate change and would then request an endorsement from the town of Parker.

We have a unique and pressing opportunity to begin a discussion on climate issues as well over 60% of residents nationwide are very concerned about climate changes facing us while 50% expect the local governments to take action on this issue.

This is an urgent request and I hope, in the spirit of collaborative government, it will encourage you to take action. CCL would be eager to participate in such discussions.

Thank you for your time.

## Baumgartner, Carol

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**From:** noreply@civicplus.com  
**Sent:** Monday, July 20, 2020 7:38 PM  
**To:** Clerk; Cleveland, Jim; Robberson, Dannette; Anderson, Andy; Penington, Elise  
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|                        |   |
|------------------------|---|
| First Name             | LaTanya   |
| Last Name              | Brown   |
| Address                | 17085 Carlson Dr APt 1038   |
| City                   | Parker  |
| State                  | CO  |
| Zip Code               | 80134   |
| General Public Comment | Come on please wear masks, there is an influx of Texans, Arizona, and Florida. I don't know if you haven't seen it. Be responsible, for God sake. How many people are high risk in Parker, CO |

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Email not displaying correctly? [View it in your browser.](#)