

**TOWN OF PARKER COUNCIL
MINUTES
SEPTEMBER 21, 2020**

Mayor Mike Waid called the meeting to order at 5:30 P.M. Councilmembers Lewis and Williams were absent.

As part of agenda review,, Town Council discussed the criteria for granting a variance under Section 13.04.250 of the Parker Municipal Code.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were two (2) items; under C.R.S. § 24-6-402(4)(b) there was one item which was to receive legal advice on specific legal questions concerning Section 13.01.100 of the Parker Municipal Code – Waiver – Stroh Ranch Filing No. 16 – Hunters Chase; under C.R.S. 24-6-402(4)(e), there was one item on My Mainstreet proposed purchase and sale of the Schoolhouse property.

EXECUTIVE SESSION

Joshua Rivero moved and John Diak seconded to go into Executive Session at 5:41 P.M. to hold a conference with the Town's attorney to receive legal advice on specific legal question; under s, pursuant to C.R.S. § 24-6-402(4)(b) and to determine positions relative to matters tat may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators,

The motion was approved unanimously.

Joshua Rivero moved and John Diak seconded to come out of Executive Session at 6:02 P.M.

The motion was approved unanimously.

Joshua Rivero moved and John Diak seconded to recess the meeting until 7:00 P.M.

The motion was approved unanimously.

Following executive session, Town Council briefly discussed Section 2.9 of the Town of Parker Home Rule Charter, concerning vacancies.

REGULAR MEETING

Mayor Waid reconvened the Council meeting at 7:00 P.M. All Councilmembers were present except Debbie Lewis and Renee Williams.

Mayor Waid led the Pledge of Allegiance.

SPECIAL PRESENTATION

The Rotary Club of Parker recognized Chief Tsurapas and the Police Department for making the Town of Parker a safe place to live, work, and recreate for all its citizen and visitors.

PUBLIC COMMENTS

There were four written public comments that will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Accept the resignation of Councilmember Renee Williams and determine that a vacancy exists effective September 21, 2020

Renee Williams read her resignation letter into the record. (See attachment.)

Town Council accepted the resignation of Councilmember Renee Williams effective September 21, 2020, and determined that a vacancy exists according to the Parker Home Rule Charter, Section 2.9 - Vacancies.

Each Councilmember provided an update on meetings they each attended since the last Council meeting.

CONSENT AGENDA

A. APPROVAL OF MINUTES - September 8, 2020

B. BOWEY PROPERTY - Annexation and Zoning

Department: Community Development, BrieAnna Simon

Second October 5, 2020

Reading:

1. RESOLUTION NO. 20-042.1

A Resolution Amending Resolution No. 20-042, Series of 2020, Setting the Date for Consideration of the Annexation Ordinance for the Bowey Property for Second Reading on November 2, 2020

Department: Community Development, BrieAnna Simon

2. ORDINANCE NO. 2.274 - First Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Bowey Property

3. ORDINANCE NO. 3.356 - First Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Bowey Property to A-Agricultural District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

C. ORDINANCE NO. 5.75.3 - First Reading

A Bill for an Ordinance to Amend Section 6.02.040 of the Parker Municipal Code Concerning Exceptions to Tobacco Smoking Restrictions

Department: Town Attorney, Kristin Hoffmann

Second Reading: October 5, 2020

- D. *ORDINANCE NO. 1.539.3 - First Reading*
A Bill for an Ordinance to Adopt the 2020 Revised Budget for the Town of Parker and to Make Appropriations for the Same
Department: Finance, Rhonda Willey
Second Reading: October 5, 2020
- E. *ORDINANCE NO. 9.323 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Colorado Department of Transportation and the Town of Parker Concerning Project: MTF 083A-144 (23970), Parker Road Trail: 20 Mile to Hess Road Funding for the Construction of the Parker Road Sidewalks Project (Twenty Mile Road to Hess Road)
Department: Engineering and Public Works, Tom Gill
Engineering and Public Works, Chris Hudson
Second Reading: October 5, 2020
- F. *ORDINANCE NO. 9.291.1 - First Reading*
A Bill for an Ordinance Approving the Amendment to Agreement Regarding Final Design and Construction of Fee-In-Lieu Drainage and Flood Control Improvements for Green Acres Tributary at Compark Village South (Agreement No. 19-06.01A, Project No. 107382) By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker
Department: Engineering and Public Works, Michael Grabczyk
Engineering and Public Works, Alex Mestdagh
Second Reading: October 5, 2020
- G. *ORDINANCE NO. 9.303.1 - First Reading*
A Bill for an Ordinance Approving a First Amended and Restated Intergovernmental Agreement Between the Town of Parker, Colorado, and the Belford North Metropolitan District
Department: Town Attorney, Kristin Hoffmann
Second Reading: October 5, 2020
- H. *ORDINANCE NO. 9.304.1 - First Reading*
A Bill for an Ordinance Approving a Second Amended and Restated Intergovernmental Agreement Between the Town of Parker, Colorado, and the Belford South Metropolitan District
Department: Town Attorney, Kristin Hoffmann
Second Reading: October 5, 2020

I. RESOLUTION NO. 20-045

A Resolution Accepting the Conveyance of an Underground Power Line Easement from Parker Water and Sanitation District for the Bar CCC Property

*Department: Parks and Recreation, Dennis Trapp
Engineering and Public Works, Chris Hudson*

J. RESOLUTION NO. 20-046

A Resolution Accepting the Conveyance of a Utility Easement Agreement from Parker Water and Sanitation District for the Bar CCC Property

*Department: Parks and Recreation, Dennis Trapp
Engineering and Public Works, Chris Hudson*

K. RESOLUTION NO. 20-048

A Resolution Accepting the Conveyance of Real Property from the Board of County Commissioners of the County of Douglas for the East Side of Parker Road (State Highway 83) South of Lincoln Avenue

Department: Engineering and Public Works, Chris Hudson

Joshua Rivero moved to approve Consent Agenda Items 5A through 5K except 5H.

John Diak seconded the motion.

The motion was approved unanimously.

Joshua Rivero moved to approve Item 5H on the Consent Agenda.

John Diak seconded the motion.

The motion passed 3 to 1. Cheryl Poage has a conflict of interest on this item, but voted no due to the Rule of Necessity as stated in the Colorado Revised Statutes as there would not have been a quorum to move the item forward without her vote.

PUBLIC HEARINGS

A. CAROUSEL FARMS FILING NO. 1, LOTS 11 and 12, BLOCK 1 - Fence Variance

7:22 PM

The applicant, Julie Trail, is requesting a variance to allow a six (6) foot high, solid privacy fence adjacent to dedicated open space with a trail connecting Mainstreet to Hayloft Street.

Julie is representing Thomas Menefee and herself as owners of Carousel Farms Filing 1, Lot 11, Block 1 located on the west side of the open space and Mi In Yoon and Sung Yoon Jeong as owners of Carousel Farms Filing 1, Lot 12, Block 1 located on the east side of the open space. The lots back to Mainstreet and the area in question is the side yard of each property adjacent to the open space. Both property owners have recently installed the six (6) foot high, solid privacy fence adjacent to the existing split rail fence along their side yard bordering the open space.

Century Communities constructed the homes on the subject properties in 2018 with a split rail fence in the side yards adjacent to the dedicated open space tract with trail. The lots were designed, platted and developed as part of Carousel Farms PD Filing No. 1 that was

approved by the Town Council in September, 2016. The Council approval included a master landscape and fence plan for the development. The approved plans indicate that the side yard for each lot bordering the open space with trail are required to have a split rail fence.

The Land Development Ordinance (LDO) requires that fencing adjacent to open space be of an open (split rail) design with a maximum height of four (4) feet. The intent of this requirement is to ensure that dedicated open space is accessible, open and visible to the public nor enclosed or walled-off by unsightly fence canyons. The requirement also seeks to enhance public safety by maintaining visibility and "eyes on the street" within open space areas. Typically, these open areas are proximate to residential uses and contain trails, parks or recreational facilities where there is public benefit in maintaining visibility to promote public safety.

The LDO provides a process and criteria for variances at Section 13.04.260 - Variances and requires applicants to demonstrate a hardship for approval at Section 13.04.260b(2).

Staff has determined that the requested variances do not satisfy the requirements for relief set forth in the LDO as indicated in 13.04.260 and 13.04.260b(2). There are no known peculiar or exceptional difficulties associated with the dedicated open space, adjacent residential side yards or the requirement for an open (split rail) fence with a maximum height of four (4) feet. This condition is commonly found throughout Town where residential yards adjacent to dedicated open space typically have an open (split rail) fence with a maximum height of four (4) feet. This condition is found within the Enclave at Pine Grove neighborhood including the subject properties and along the eastern border with Bradbury Ranch where there are multiple residential lots with rear yards adjacent to dedicated open space that have open (split rail) fences of a maximum four (4) feet in height. The subject properties and the adjacent dedicated open space do not have an exceptional configuration, shape or topographic condition that would cause a hardship and require the installation of a non-conforming six (6) foot high, solid privacy fence. Staff has therefore determined that the criteria required for variance approval are not been satisfied.

Additionally, Section 13.04.260(e) provides that "No variance shall be granted where, in the opinion of the Council...the request is determined to be a self-imposed hardship that can be rectified by means other than a variance." Here the Applicants purchased their respective lots in a finished condition with an approved split rail fence adjacent to open space. The Applicants replaced the split rail fence without approval of the Town. As an alternative, the applicant has the option of planting additional landscaping along their side property line adjacent to the dedicated open space that would provide screening, privacy and a buffer from residents of the neighborhood using the open space and trail.

Planning Commission heard this item on September 10, 2020 and recommended approval for both locations. This recommendation was based on the proximity to Mainstreet, length of the open space segment in question, and as the variance will not be detrimental to the Town. Planning Commission recommended approval with the following two conditions: 1)

The existing split rail fence, adjacent to the privacy fence be removed.2) The privacy fence be updated with additional decorative details in order to match the existing privacy fence along Mainstreet.

Applicant: Julie Trail - 16022 Hayloft Lane - She requested a variance for the installed fence. She also presented for her neighbor. She stated the fence was for safety purposes.

Ms. Trail applied for the fence in July 2019 and Mi Demna applied in June 2019. After the fences were installed, eight months later were requested to take them down or ask the Town for a variance. She stated the HOA approved them in June and July 2019 respectively.

Public Comment: 7:36 PM

Mi Demna - 11092 Hayloft Street - asked Council to approve the variance.

Brenda Owings, Carousel Farms HOA Board, 8390 E. Crescent Blvd., Greenwood Village, 80111, stated the HOA did not approve the fence requests. The management company sent out the wrong letter out to the homeowners. She noted that the HOA did in fact deny both of the requests.

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

1. **Applicant:** **Julie Trail**
 Location: **16022 Hayloft Lane**
 Department: **Community Development, BrieAnna Simon**
 TRAKiT No.: **Z20007**

Cheryl Poage moved to deny the Fence Variance request at 16022 Hayloft Lane.

Joshua Rivero seconded the motion.

The motion passed 3-1. (Toborg voted no.)

2. **Applicant:** **Julie Trail**
 Location: **11092 Hayloft Street**
 Department: **Community Development, BrieAnna Simon**
 TRAKiT No.: **Z20008**

Joshua Rivero moved to deny the fence variance at 11092 Hayloft Street.

Cheryl Poage seconded the motion.

The motion passed 3-1. (Toborg voted no.)

B. Tax and Fee Assistance Program Agreement for The Wild Goose Saloon

Department: Town Attorney, Jim Maloney

7:50 PM

The Wild Goose is planned as a 7,200-sf indoor eating/drinking/entertainment establishment with a 6,300-sf patio in the Greater Downtown District of Parker. The Wild Goose Saloon will employ approximately 60 individuals when fully operational. The capital investment is estimated at \$3.6 million. Annual sales are estimated to be \$3.6 million initially, growing to \$4.2 million over three (3) years. The Wild Goose meets the following goals of the TAP Program:

- produces increased sales taxes;
- provides new jobs (employment);
- provides for the creation or enhancement of a unique downtown; and
- contributes to the diversity of jobs and employment opportunities.

Under the TAP Agreement, Wild Goose will receive:

- fifty percent (50%) of the enhanced sales taxes generated by the project, excluding the Parks and Recreation Sales Tax, for a maximum of three (3) one-year terms; and
- fifty percent (50%) of development fees, which include permit fees, plan check fees, and construction use taxes collected by the Town during the construction permitting process for the initial construction of the project
- The maximum period that the TAP Agreement will be in effect is three (3) years or until the maximum sum of \$154,000 is shared, whichever occurs first, at which time the TAP Agreement will terminate.

Applicant:

Gene Gregory thanked Council for any assistance.

Public Comments: None

The Public Hearing was closed at 7:53 P.M.

Joshua Rivero moved to approve the staff recommendation.

John Diak seconded the motion.

The motion was approved unanimously.

C. Tax and Fee Assistance Program Agreement for Big Tool Box

Department: Town Attorney, Jim Maloney

7:55 P.M.

Jackalope is planned as a 32,000-sf indoor and 87,000-sf outdoor business that includes an Ace Hardware, Nursery Garden Center, Sprinkler Center and Repair and Rental. The capital investment in the building is estimated at \$8.7 million. Jackalope will employ 45 individuals full-time and 75 part-time when fully operational. Annual sales are estimated to be \$5.3 million initially, growing to \$8.6 million over five (5) years. Jackalope meets

the following goals of the TAP Program:

- produces increased sales taxes;
- provides new jobs (employment);
- provides for the creation or enhancement of a unique downtown; and
- contributes to the diversity of jobs and employment opportunities.

Under the TAP Agreement, Jackalope will receive:

- fifty percent (50%) of the enhanced sales taxes generated by the project, excluding the Parks and Recreation Sales Tax, for a maximum of six (6) one-year terms; and
- fifty percent (50%) of development fees, which include permit fees, plan check fees, and construction use taxes collected by the Town during the construction permitting process for the initial construction of the project.
- The maximum period that the TAP Agreement will be in effect is six (6) years or until the maximum sum of \$600,000 is shared, whichever occurs first, at which time the TAP Agreement will terminate.

Applicant:

Marley Hodgson appreciates Council's consideration.

Public Comments: None.

The Public Hearing was closed at 7:02 P.M.

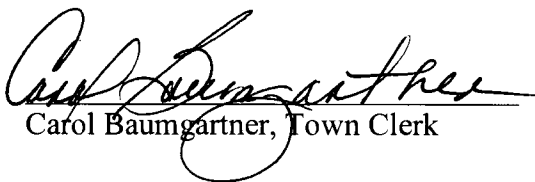
Joshua Rivero moved to approve the Tax and Fee Assistance Program Agreement for Big Tool Box.

Jeff Toborg seconded the motion.

The motion passed 3 to 1. (Poage voted no.)

ORDINANCES - None

The meeting adjourned at 8:03 P.M.



Carol Baumgartner, Town Clerk



Mike Waid, Mayor

Renee Williams

CROSSROADS - a crucial point where a decision must be made

I am sitting at my AZ desk with a packed suitcase, a tank full of gas, a plane ticket and a newly signed lease. I need to return home this afternoon to continue to satisfy the residency/vacancy requirements for Parker Town Council.

My aging parents are across the street. I do not want to leave them.

So, as difficult as this decision is, I believe it is the right one. Effective 9.18.20 I am resigning from Parker Town Council.

It has been a pleasure to serve and I hope I have left Parker a better place for the people who have made Parker their home and for the business community.

I urge you to choose your next leaders carefully as they will impact your lives more than you know. Your leaders should be in it for the best interests of all, not for themselves.

These are trying times with new challenges for all of us. Be kind. Be graceful. Seek to understand instead of being a keyboard warrior.

I wish all of you peace, happiness and good fortune. If you would like to speak with me, please text me at 720.641.0646. I miss all of you and look forward to seeing and serving you all again soon.

Sincerely, Renee Williams

Baumgartner, Carol

From: noreply@civicplus.com
Sent: Monday, September 21, 2020 3:45 PM
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	RJ
Last Name	CONNOR
Address	19085 EAST OAK CREEK PLACE
City	PARKER
State	CO
Zip Code	80134
General Public Comment	I am requesting the following questions be read into the record for tonight's Town Council meeting - 9.21.20

1: Exactly when was the Council informed for Renee William's situation involving her Arizona home?

2: Exactly when was the Town Attorney, Jim Maloney, notified of this situation and what was his determination and reasoning? Were there any stipulations on Renee Williams' intent to return to Parker.

3: Exactly when did the Council begin discussions on the Renee Williams residency matters. Publicly, state for the record, which council members were okay with the situation, which councilmembers were opposed?

4: In May of this year, Council changed the rules on "remote" attendance of official council meetings/business..... why was that date chosen and why should Renee Williams votes/input be allowed to stand prior to the rule change?

5: Will Renee Williams be reimbursing taxpayers for the salary she earned from at least September 2019?

Regards,

R.J. O'Connor

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Baumgartner, Carol

From: Baumgartner, Carol
Sent: Monday, September 21, 2020 2:49 PM
To: Maloney, Jim; Kivela, Michelle
Subject: FW: Online Form Submittal: Town Council Meetings - General Public Comment

See below.

Carol

From: noreply@civicplus.com [mailto:noreply@civicplus.com]
Sent: Monday, September 21, 2020 2:18 PM
To: Clerk <clerk@parkeronline.org>; Cleveland, Jim <jcleveland@parkeronline.org>; Robberson, Dannette <drobberson@parkeronline.org>; Anderson, Andy <aanderson@parkeronline.org>; Penington, Elise <epenington@parkeronline.org>
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

Town Council Meetings - General Public Comment

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First Name	Joy
Last Name	Overbeck
Address	19692 E. Mann Creek Drive #D

City Parker

State CO

Zip Code 80134

General Public Comment Town Council must begin a thorough investigation into Renee Williams' legal residency. If she is registered to vote in Arizona, where she has owned a home and lived part-time for several years, she is no longer a legal resident of Colorado. Thus she has very possibly committed fraud since, according to the Parker Town Charter, she must be a legal resident of Colorado to hold office in Parker. If she is found to have committed fraud and there is a special election to replace her, she must pay for it since her moral turpitude has put the people of Parker into this unacceptable situation.

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Baumgartner, Carol

From: noreply@civicplus.com
Sent: Monday, September 21, 2020 4:46 PM
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

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First Name Fritz

Last Name Freund

Address 11180 Tamarron Drive

City Parker

State Colorado

Zip Code 80138

General Public Comment I believe that the voice of the people should be heard in regards to the soon to be vacant seat on Town Council. The input of the people is worth more than \$20,000. Also, seeing as there are two councilmembers running for Mayor, the special election would then be held to vote in two Town Council seats.

The voice of the people is worth more than a \$20,000! We spend more than that on many of the events that have been canceled this year. We cut MUCH more than that out of the budget this year even though the town brought in more revenue than last year.

Town Council should be ALL be elected officials that live in the town!

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