

**TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 19, 2020**

Mayor Mike Waid called the meeting to order at 5:32 P.M. All Councilmembers were present. Debbie Lewis arrived late.

Deputy Town Attorney Kristin Hoffmann announced that the topic for discussion in Executive Session which was to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) which was the Municipal Court Judge Evaluation Process.

EXECUTIVE SESSION

Joshua Rivero moved and John Diak seconded to go into Executive Session at 5:32 P.M. to hold a conference with the Town's attorney to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).

The motion was approved unanimously.

Debbie Lewis moved and John Diak seconded to come out of Executive Session at 5:46 P.M.

The motion was approved unanimously.

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

The motion was approved unanimously.

REGULAR MEETING

The Mayor reconvened the meeting at 7:03 P.M. All Councilmembers were present.

Mayor Waid led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Dale DeBerry Jr., and Sharlene Glover were recognized as citizens offering Parker Police support. They were presented with a COPPS Award for their "thin blue line" project as a visual reminder for officers of their appreciation and consent support of the work they do each and every day.

PUBLIC COMMENTS

There was one written general public comment that will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - October 5, 2020*

- B. *ORDINANCE NO. 4.53.8 - First Reading*
A Bill for an Ordinance to Amend Subsection 10.09.010(a) of the Parker Municipal Code Concerning the Roadway Design and Construction Criteria Manual
Department: Engineering/Public Works, Alex Mestdagh
Second November 2, 2020
Reading:
- C. *ORDINANCE NO. 9.280.1 - First Reading*
A Bill for an Ordinance to Approve the Third Replacement Intergovernmental Dispatch Services Agreement By and Between the Town of Parker and the City of Lone Tree
Department: Police Department, Jim Tsurapas
Town Attorney, Jamie Wynn
Second Reading: November 2, 2020
- D. *ORDINANCE NO. 5.02.7 - First Reading*
A Bill for an Ordinance to Amend Section 3.01.080 of the Parker Municipal Code Concerning Trials
Department: Town Attorney, Jamie Wynn
Second November 2, 2020
Reading:
- E. *ORDINANCE NO. 5.72.1 - First Reading*
A Bill for an Ordinance to Amend Section 8.08.060 of the Parker Municipal Code Concerning Display, Consumption or Use of Marijuana in Public Places
Department: Town Attorney, Jamie Wynn
Second November 2, 2020
Reading:
- F. *RESOLUTION NO. 20-055*
A Resolution to Allow a Partial Waiver of Section 13.01.140(b) of the Parker Municipal Code to Extend the Expiration Date of the Use by Special Review for Parker Homestead Filing No. 1, First Amendment, Tract A (Back 40 Gun and Archery)
Department: Community Development, Bryce Matthews
- G. *RESOLUTION NO. 20-056*
A Resolution to Allow a Partial Waiver of Section 13.01.140(b) of the Parker Municipal Code to Extend the Expiration Date of the Site Plan for Lot 31B-2, Block 1, Twenty Mile Village Filing No. 2, 13th Amendment
Department: Community Development, Bryce Matthews

Cheryl Poage moved and Jeff Toborg seconded to remove Item 5G from the Consent Agenda.

A roll call vote was taken:

Joshua Rivero - No
Cheryl Poage - Yes
Jeff Toborg - Yes
Debbie Lewis - No
John Diak - Yes

The motion passed 3 -2. (Lewis and Rivero voted No.)

Cheryl Poage moved and Jeff Toborg seconded to remove Item 5F from the Consent Agenda.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Jeff Toborg - Yes
Debbie Lewis - No
John Diak - Yes

The motion passed 4-1. (Lewis voted No.)

Joshua Rivero moved and Cheryl Poage seconded to approve Consent Agenda Items 5A-5E.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Jeff Toborg - Yes
Debbie Lewis - Yes
John Diak - Yes

The motion was approved unanimously.

Item 5F - RESOLUTION NO. 20-055

Cheryl Poage stated that this item had a lot of controversy and the public should be updated on the status.

Bryce Matthews, Planning Manager, explained that this item is in response to a request by Parker Homestead Investments, LLC to extend the duration of their Use by Special Review approval for an indoor archery and gun range. The proposed resolution would provide a Partial Waiver of the Municipal Code to extend the Use by Special Review approval located at the Parker Homestead Filing No. 1, First Amendment, Tract A. This action extends the approval through December 31, 2021. The property owner has indicated that they need additional time to respond to market challenges associated with COVID-19.

John Diak moved to approve Consent Agenda Item 5F - Resolution No. 20-055.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - No

Jeff Toborg - Yes

Debbie Lewis - Yes

John Diak - Yes

The motion passed 4-1. (Poage voted No.)

Item 5G – RESOLUTION NO. 20-056

Bryce Matthew explained that this item is in response to a request by Parker Mainstreet Partners, LLC to extend the duration of their Site Plan approval for a multi-tenant retail and office building on Mainstreet in the western section of Downtown. The proposed resolution would provide a Partial Waiver of the Municipal Code to extend the Site Plan approval located at Lot 31B-2, Block 1, Twenty Mile Village Filing No. 2, 13th Amendment. Approval of this item will extend the Site Plan approval through December 31, 2021. The property owner has indicated that they need additional time to respond to market challenges associated with COVID-19.

Joshua Rivero moved to approve Item 5G - Resolution No. 20-056.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Jeff Toborg - Yes

Debbie Lewis - Yes

John Diak - Yes

The motion was approved unanimously.

TOWN ADMINISTRATOR

The Fall 2020 TA Report is available on the Town's web site.

ORDINANCES

A. ORDINANCE NO. 3.321.3 - Second Reading

A Bill for an Ordinance to Amend Section 13.02.010 and Subsection 13.07.140(c) of the Parker Municipal Code Concerning Dedications for Parks, Trails, Open Space and Schools

**Department: Community Development, Mary Munekata
Community Development, Stacey Nерger
Parks and Recreation, Dennis Trapp**

7:17 P.M.

The Town of Parker Land Development Ordinance (LDO) requires that new residential development incorporate parks, trails, open space and, where necessary, schools depending upon the nature of the development proposal. The current Parks Dedication Standards (the Standards) for new residential development in Section 13.07.140 of the LDO were adopted in 2001 and updated in 2005. The Standards guide the planning and design of residential development including the total area, in acres, of parks to be dedicated and the type of parks to be created.

Parks, trails and open space are important community assets. It is Town policy that they be incorporated into residential development in order to: promote residential quality of life, supplement the Town park and recreation system and contribute to the preservation of community character. In 2018, the Community Development and Parks and Recreation Departments determined that the Standards were in need of updating.

In 2019, the Community Development and Parks and Recreation Departments commissioned a study to analyze the Standards and provide recommendations for improving them. Staff from both Departments presented the resulting Parks Dedication Standards Update Recommendations Report (the Report) to Town Council in fall 2019 and were directed to confirm Council support by a resolution adopted by Council in December 2019.

Since then, staff has implemented the Report recommendations until such time as additional Parks Dedication Standards could be prepared and adopted in advance of the LDO Modernization Project that will continue into 2021. The proposed ordinance implements this approach and will establish updated parks dedication standards including a table of parks amenity options and standards. Residential developers would have to address the updated parks amenity standards in the planning and design of future residential development proposals if the ordinance is adopted.

The following changes have been made to the ordinance between first and second reading for greater consistency with the Parks, Recreation and Open Space Master Plan:

- 1 - Increasing the minimum size of Community-serving parks from 8 to 10 acres and;
- 2 - Establishing the maximum size of Neighborhood-serving parks at 9.99 acres in order to further clarify park types and better distinguish between Neighborhood and Community-

serving parks as to the scale and purpose.

Public Comments:

Michael Dokovna, 12793 Red Rose Circle, asked if this will apply to approved, but not yet built, developments and parks or will it be from this passage going forward?

Mary Munekata stated this ordinance will be everything moving forward from this passage.

Public Comments were closed at 7:31 P.M.

Joshua Rivero moved to approve Ordinance No. 3.321.3 on second reading.

John Diak seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Jeff Toborg - Yes

Debbie Lewis - Yes

John Diak - Yes

The motion was approved unanimously.

B. ORDINANCE NO. 9.318.1 - Second Reading

A Bill for an Ordinance to Repeal Ordinance No. 9.318, Series of 2020, "A Bill for an Ordinance to Approve 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

7:33 P.M.

On July 6, 2020, the Town Council approved Ordinance No. 9.318, accepting the CDBG IGA with Douglas County, which committed the Town to participate as a unit of local government in the CDBG program for the fiscal years 2021 - 2023. The Federal Department of Housing and Urban Development (HUD) rejected the CDBG IGA previously approved by Town Council and submitted required amendments. Town Council has declined to accept HUD's amendments. Staff recommends that Ordinance No. 9.318 be repealed.

Public Comments: None.

Public comments were closed at 7:35 P.M.

Cheryl Poage moved to approve Ordinance No. 9.318.1 on second reading.

Jeff Toborg seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Jeff Toborg - Yes
Debbie Lewis - No
John Diak - Yes

The motion passed 4-1. (Lewis voted No.)

C. ORDINANCE NO. 1.546 - Second Reading

**A Bill for an Ordinance to Approve the Douglas County Impact Unit (IMPACT)
Collaborative Investigation Unit Memorandum of Understanding Among the Douglas
County Sheriff's Office, Town of Parker, City of Lone Tree and Town of Castle Rock**

Department: Police, Jim Prior

Town Attorney, Jamie Wynn

7:35 P.M.

This item is for a Memorandum of Understanding (MOU) with the Douglas County Sheriff's Office to make available an officer to function as a member of their Impact Unit; a multi-organizational team that was created to distinctively address hard to solve crimes that are committed by semi-organized, habitual or career criminals who commit crimes with a repeat or "pattern" in Douglas County. Additionally, the Impact Unit addresses quality of life issues, emerging crime trends and identifies problem areas throughout Douglas County.

Public Comments: None.

Cheryl Poage moved to approve Ordinance No. 1.546 on second reading.

Joshua Rivero seconded the motion

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Jeff Toborg - Yes
Debbie Lewis - Yes
John Diak - Yes

The motion passed unanimously.

D. ORDINANCE NO 9.324 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and the Colorado Department of Revenue Concerning Sales and Use Tax Software

Department: Finance, Linda Quade

7:39 P.M.

This ordinance will allow the Town of Parker to enter into an Intergovernmental Agreement to allow for the collection of sales tax.

Senate Bill 19-006 required the Colorado Department of Revenue to implement a system for accepting and processing returns and payments for the sales and use tax levied by state and local tax jurisdictions (SUTS System). To support the SUTS System the Office of Information Technology would implement a global information system (GIS) database to house and maintain sales tax districts and boundaries and to calculate sales and use tax rates for individual addresses.

Public Comments: None.

Joshua Rivero moved to approve Ordinance No. 9.324 on second reading.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Jeff Toborg - Yes

Debbie Lewis - Yes

John Diak - Yes

The motion passed unanimously.

E. ORDINANCE NO. 8.32 - Second Reading (Incorrectly given as 8.31)

A Bill for an Ordinance to Amend Chapter 4.03 of the Parker Municipal Code to Define Economic Nexus and Update Methods for Collection and Remittance of Sales Tax

Department: Finance, Linda Quade

7:46 P.M.

The Supreme Court Wayfair decision provides the Town a legal basis for capturing local sales tax on remote sales, subject to amendments to Chapter 4.03 of the Parker Municipal Code.

In 2017, the Sales and Use Tax Simplification Task Force was created pursuant to House Bill 17-1216. The task force studied sales and use tax simplification between the state and local governments, including home rule municipalities, to identify opportunities and challenges

within existing fiscal frameworks to adopt innovative revenue-neutral solutions that did not require constitutional amendments or voter approval.

The State of Colorado adopted HB19-1240 codifying economic nexus definitions (including marketplace facilitators) for all state collected jurisdictions. Senate Bill 19-006 required the Colorado Department of Revenue to implement a system for accepting and processing returns and payments for the sales and use tax levied by State and Local tax jurisdictions (SUTS System). To support the SUTS System the Office of Information Technology would implement a global information system (GIS) database to house and maintain sales tax districts and boundaries and to calculate sales and use tax rates for individual addresses.

Wayfair provides the Town a legal basis for capturing local sales tax on remote sales. While many of the larger vendors are voluntarily remitting to the Town there has been some legal uncertainty with enforcing economic nexus. If the Town wants to capture local sales tax on remote sales, the Town will need to adopt the economic nexus definitions and participate in the SUTS agreement. The Town could adopt the definitions and not participate in the payment portal through the SUTS System; however, the state and local tax jurisdictions risk a challenge, if Colorado cannot demonstrate the tax is collected using single-point tax administration (required in the Wayfair decision).

The risk of a challenge increases should a municipality enforce economic nexus language without using the portal...(i)f extending the sales tax net to capture internet sales by otherwise out-of-state vendors, the compromise for fairness seems to require single-point payment, such as through SUTS. See CML May 29, 2020 memorandum included in the staff report..

Public Comments:

Laura Hefta, 18236 Shadberry Lane, asked about the definition of doing business in the Town. Linda Quade clarified that doing business in Parker is being physically in the Town. Those online retailers that sell to our residents should have some connection to the Town.

Public comments were closed at 7:52 P.M.

Debbie Lewis moved to approve Ordinance No. 8.32 on second reading.

Jeff Toborg seconded the motion.

A roll call vote was taken:

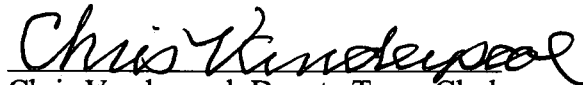
Joshua Rivero - Yes
 Cheryl Poage - Yes
 Jeff Toborg - Yes
 Debbie Lewis - Yes
 John Diak - Yes

The motion passed unanimously.

MOTION**Appoint a Town Councilmember to Fill a Vacancy****Department: Town Attorney, Kristin Hoffmann**

No motion was made to appoint a Town Councilmember to fill a vacancy.

The Town Council meeting adjourned at 7:56 P.M.


Chris Vanderpool, Deputy Town Clerk
Mike Waid, Mayor

Vanderpool, Chris

From: noreply@civicplus.com
Sent: Tuesday, October 13, 2020 9:30 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	Mike
Last Name	Skalisky
Address	12876 Buckhorn Creek St
City	Parker
State	Co
Zip Code	80134
General Public Comment	Construction traffic on Motsenbocker between Hess and Stroh is horrendous. It needs to stop. Five semis drive each direction every ten minutes. On the way in these trucks are overloaded and destroying the road, plus the noise pollution they create. On the way out they are speeding. I have never seen traffic

enforcement in this area. These trucks need to be stopped, weighed and DOT inspections completed. These trucks also need to find a different route. No construction traffic should be allowed through a well established residential area such as Stroh Ranch and Anthology.

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