

TOWN OF PARKER COUNCIL AGENDA

December 14, 2020

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

Town Administrator Emergency Order No. 2-2020: All municipal facilities, including Town Hall where Town Council meetings are physically held, are closed to all members of the general public in response to the COVID-19 pandemic.

Town Administrator Emergency Order No. 4-2020: Town Council meetings are closed to members of the general public in response to the COVID-19 pandemic. The Town will provide for electronic participation by the general public, including applicants, residents and other interested parties during regular and special Town Council meetings. Information regarding such electronic participation will be included on the Town Council's website www.ParkerOnline.org/VirtualTownCouncilMeetings.

Town Administrator Emergency Order No. 8-2020: Public comment for items that are not on the agenda may be made electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments that are provided by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

Public Viewing Only - Facebook Live: Town Council meetings may be viewed through Facebook Live from the Town of Parker website: www.facebook.com/townofparkerco.

1. TOWN COUNCIL MEETING SCHEDULE

7:00 P.M. – Call to Order Town Council Meeting and Roll Call

2. APPROVAL OF MINUTES - December 7, 2020

3. ACKNOWLEDGEMENT OF SERVICE OF MAYOR AND COUNCILMEMBERS

4. SWEARING-IN OF COUNCILMEMBERS

Swearing-In of Councilmembers

1. Oath of Office - John Diak

2. Oath of Office - Laura Hefta

3. Oath of Office - Todd Hendreks

5. **SELECT ACTING MAYOR**

Select Acting Mayor

6. **RESIGNATION OF COUNCILMEMBER JEFF TOBORG**

Resignation of Councilmember Jeff Toborg

7. **ACCEPTANCE OF RESIGNATION EFFECTIVE IMMEDIATELY**

Acceptance of Resignation Effective Immediately

8. **SWEARING-IN OF MAYOR**

Oath of Office - Jeff Toborg

9. **ADJOURNMENT**

**TOWN OF PARKER COUNCIL
MINUTES
DECEMBER 7, 2020**

Mayor Waid called the meeting to order at 7:03 P.M. All Councilmembers were present.

The Mayor led the Pledge of Allegiance.

PARKER CHAMBER OF COMMERCE UPDATES

Kara Massa provided an update for the last month and described the activities for December 2020. She read a letter from the Chamber Board regarding a letter from the Downtown Business Authority that is being circulated regarding businesses in Parker not paying sales tax. Ms. Massa stated she would email a copy of the letter to Council. The Mayor asked for clarification regarding taxes being collected and kept or not charging tax at all.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Ann Barrington provide an update for the last month and described the activities for December 2020. She noted they are working on the planters and entertainment decks. Ms. Barrington read a letter from the Board. She summarized by asking for the Town's sales tax relief for bars and restaurants from December 1, 2020 to February 21, 2021. She will email the letter to Council. Ms. Barrington clarified that the request was to not collect sales tax during this period.

PUBLIC COMMENTS: None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - November 2, 2020 and November 16, 2020*
- B. *RESOLUTION NO. 20-058*
A Resolution Accepting the Conveyance of a Drainage Easement from Curtis M. McQueen for a Portion of the Southeast Quarter of Section 4, Township 7 South, Range 66 West of the 6th Principal Meridian
Department: Engineering and Public Works, Michael Grabczyk
- C. *RESOLUTION NO. 20-062*
A Resolution to Allow a Partial Waiver of Section 13.07.080(h)(2) of the Parker Municipal Code to Extend the Expiration Date of the Final Plats for the Trails at Crowfoot Filing Nos. 11, 12 and 13 Through December 31, 2021
Department: Community Development, Bryce Matthews
- D. *CONTRACTS ABOVE \$100,000*
 - 1. *Sixth Amendment to the Agreement for Professional Services for Advertising Purchased for the Town of Parker's Cultural Department*
Amount: \$190,000
Contractor: Evolution Agency, LLC
Department: Cultural, Carrie Glassburn

2. *Parker Road and Mainstreet Turn Lane Improvements*

Amount: \$720,048.00

Contractor: T & M Construction, LLC

Department: Engineering and Public Works, Tom Gill

E. PROCLAMATION - Douglas County Gives Day in Douglas County

Cheryl Poage moved to remove Consent Agenda Item 6B.

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.)

Joshua Rivero moved to approve Consent Agenda Items 6A through 6E, except 6B.

John Diak 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.)

Cheryl moved to continue Consent Item 6B (Resolution No. 20-062) to a date in the future for further discussion.

Jeff Toborg seconded the motion.

Tom Williams provided clarification on this item.

A roll call vote was taken:

Joshua Rivero - no

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - no

John Diak - no

The motion failed 2-3. (Diak, Rivero and Lewis voted no.)

Joshua Rivero moved to approve Consent Agenda Item 6B.

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.)

PUBLIC HEARINGS

A. HESS RANCH – Planned Development Amendment No. 3

Applicant: Front Range Communities

Location: Generally on the south and west of the intersection of Stroh Road and Crowfoot Valley Road

Department: Community Development, BrieAnna Simon

Trakit No.: Z20-005

7:28 P.M.

The applicant, Front Range Communities, is proposing to amend the Hess Ranch Planned Development (PD) zoning for Segment 2A and future phases of the project. The proposed amendments are necessary to support a dendritic design approach to stormwater management, realign the location of Stroh Road to the common boundary with Anthology North and comply with the 2019 partial waiver resolution approved by the Town Council. The 2019 partial waiver resolution requires that the planning areas at the intersection of Chambers Road and Stroh Road be rezoned to require that at least one-third (1/3) of the developable land be used for future commercial development. The applicant is also requesting an amendment to the Annexation Agreement to simplify and better align parks and open space dedications with the proposed PD planning areas and to reflect the public improvement requirements associated with the new Stroh Road alignment.

Applicant:

Matt Osborn, 4100 E. Mississippi Ave., Denver, CO 80246, was present and described the planned development amendment to Town Council.

Public Comments - None

The Public Hearing was closed at 7:54 P.M.

1. ORDINANCE NO. 3.315.3 – Second Reading

A Bill for an Ordinance to Amend the Hess Ranch Development, Town of Parker, Colorado, PD Development Guide – Second Amendment, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Debbie Lewis moved to approve Ordinance No. 3.315.3 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

2. First Amendment to Amended and Restated Stroh Ranch/Hess Ranch Annexation Agreement (Southern Property)

Debbie Lewis moved to approve the First Amendment and Restated Stroh Ranch/Hess Ranch Annexation Agreement (Southern Property) based on staff findings, subject to approval of Ordinance No. 3.315.3.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

B. OLDE TOWN AT PARKER

Applicant: Norris Design

Location: Generally on south of Mainstreet between Motsenbocker Road and Jordan Road

Department: Community Development, Stacey Nerger

TRAKiT No.: Z20-013

7:58 P.M.

The subject property is located south of Mainstreet between Motsenbocker Road and Jordan Road adjacent to American Academy Charter School. The applicant's representative, Norris Design, is proposing an amendment to the Olde Town at Parker Planned Development (PD) zoning to permit single-family attached housing (townhomes) on an additional 12.16 acres. This is the applicant's response to the Town Council denial of their previous PD zoning application in July, 2020 for a residential development with single-family attached housing (townhomes) and multi-family housing (condominiums). They have revised their proposal to reduce height and density by eliminating multi-family housing (condominiums).

Applicant:

Bill Mahar, 1101 Bannock St, Denver, CO, reviewed the project with Town Council. He stated they eliminated the condominium units. They revised their proposal to reduce height and density by eliminating the condominiums.

Mike Heimerle, 11364 S. Trailmaster Cir, Metro District Representative, explained the impact to the Neu Towne Metro District

Bryan Byler, Pacific North Enterprises owner, 900 Castleton Rd, Castle Rock, talked about the public improvements.

Public Comments:

The following individuals were in support of the development:

Corey Wilks, 17402 E. Neu Towne Parkway

Sara Lubchenco, 17474 E. Neu Towne Parkway

Ian Elfner, 15750 E. Indian Brook Circle

Kayla Wildeck, 17182 E. Cedar Gulch Dr.

The Public Hearing was closed at 8:27 P.M.

1. ORDINANCE NO. 3.162.4 – Second Reading

A Bill for an Ordinance to Amend the Second Amendment to the Olde Town at Parker Planned Development Guide and Plan, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Joshua Rivero moved to approve Ordinance No. 3.162.4 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

C. CHASE BANK

Applicant: Stantec

Location: Generally located at the southwest corner of Parker Road and Mainstreet

Department: Community Development, Stacey Nerger

TRAKiT Nos.: Z19-001 and SUB19-004

8:28 P.M.

The applicant's representative, Stantec, is requesting a Use by Special Review approval to allow a bank with a drive-through facility for an ATM/ITM and a Minor Development Plat to create one (1) 0.613-acre commercial lot. The subject site is located at the southwest corner of the intersection of Parker Road and Mainstreet and would replace the existing abandoned, vacant gas station on the site.

Applicant:

Attorney Carolynne White, 410 17th St., Unit 2200, Denver, CO 80202, described the proposed project for Town Council.

Architect Brian Reno, 224 S. Michigan Avenue, Suite 1400 Chicago, IL, further described the project's details and how it would tie into the Town's trail system.

Public Comments - None

The Public Hearing was closed at 9:01 P.M.

1. Use by Special Review to Allow a Drive Through

Joshua Rivero moved to approve the Chase Bank Use by Special Review, based on staff findings, with the following conditions contained in the staff report.

1. That the Use by Special Review materials submitted to the Community Development Department on September 29, 2020 shall be the approved Use by Special Review materials.

2. The applicant shall submit a Site Plan that includes a minimum of the following:

a. The building shall be two-stories in height or, at a minimum, include two-story massing along Mainstreet.

b. The building shall include an area along the Mainstreet frontage for future commercial space or an amenity zone. The amenity zone shall, at a minimum, provide activation and a continuous hardscape edge along the Mainstreet sidewalk subject to Town approval.

3. This approval shall expire twelve (12) months after the date of approval unless the applicant applies for a building permit. The Community Development Director, upon written request, may grant a ninety-(90) day extension.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

2. Chase Bank Minor Development Plat

Joshua Rivero moved to approve the Chase Bank Minor Development Plat, based on staff findings, contained in the staff report.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

3. Subdivision Agreement

Joshua Rivero moved to approve the Chase Bank Subdivision Agreement, based on staff findings, contained in the staff report.

John Diak seconded the motion.

The motion was approved unanimously.

ORDINANCES**ORDINANCE NO. 1.548 - Second Reading**

A Bill for an Ordinance to Levy General Property Taxes for the Year 2020 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2021 Budget Year

Department: Finance, Mary Lou Brown

Council took a five minute break.

9:07 P.M.

The Town of Parker must certify a mill levy to Douglas County prior to December 15, 2020, in order to collect property taxes for the 2021 budget year.

The following is a comparison of the mill levy, assessed valuation and property tax revenue for this year (2020) and next year (2021).

2020 Budget Year

Assessed Valuation	\$906,911,607
Mill Levy	2.602
Property Tax Revenue	\$2,359,784

2021 Budget Year

Assessed Valuation	\$936,222,119
Mill Levy	2.602
Property Tax Revenue	\$2,436,050

The mill levy of 2.602 mills is the same as the prior year. The voters approved exemption of Town revenues from the TABOR amendment, so the restriction to an increase of the local growth factor plus inflation does not apply. The Town cannot increase the mill levy without a vote of the citizens; therefore, the mill levy will continue to remain 2.602 mills.

Public Comments – None

The Public Hearing was closed at 9:09 P.M.

John Diak moved to approve Ordinance No. 1.548 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

RESOLUTIONS**A. RESOLUTION NO. 20-061****A Resolution Calling a Special Election for the Town of Parker to be Held on April 20, 2021, to Fill a Vacancy on the Town Council of the Town of Parker, Pursuant to Section 2.9c. of the Town of Parker Home Rule Charter****Department: Town Attorney, Jim Maloney**

This Resolution calls for a special election to be held on April 20, 2021, to fill the current vacancy on the Town Council.

Public Comments – None

Joshua Rivero moved to approve Resolution No. 20-061.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 20-063**A Resolution Opposing the Colorado Department of Public Health & Environment's Move of Douglas County to Level Red on the State's COVID-19 Dial and the Closure of Indoor Dining at Local Restaurants****Department: Town Council**

On November 17, 2020, Douglas County received notice from the Colorado Department of Public Health & Environment that the state was changing restrictions for Douglas County from Level Orange to Level Red, effective at 5:00 P.M. on November 20, 2020. Level Red restrictions completely shut down indoor dining at restaurants, significantly impacting the survival of the Town's restaurants and their ability to provide needed jobs with the Town of Parker, particularly during this critical holiday season. The attached resolution, if passed, would formally declare the Town's opposition to the state's decision, and demand that the state reverse this unsustainable decision and reopen indoor dining in Douglas County to Level Orange or less restrictive level on the COVID-19 Dial.

Public Comments:

Shaun Sindelman, 11300 Whooping Crane Drive, opposed the resolution.

Jeff Toborg moved to approve Resolution No. 20-063.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The meeting adjourned at 9:26 P.M.

Chris Vanderpool, Deputy Town Clerk

Mike Waid, Mayor



Request for Town Council Action

Date: December 14, 2020
Submitted By: Jim Maloney, Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: Swearing-In of Councilmembers

EXECUTIVE SUMMARY

The Town Charter requires the Mayor and Town Councilmember to take an oath of office before entering upon the duties of their respective offices.

STAFF RECOMMENDATION

BACKGROUND/DISCUSSION

Section 3.5 of the Town of Parker Home Rule Charter provides that “the Mayor and every Councilmember shall take, subscribe before and file with the Town Clerk an oath or affirmation that he will support the Constitution of the United States of America, the Constitution of the State of Colorado, this Charter and the ordinances of this Town, and will faithfully perform the duties of this office” before entering upon the duties of their respective offices.

Following the acknowledgement of service of the Mayor and Councilmembers, Councilmembers Toborg, Poage and Diak will return to the dais.

Each newly elected Councilmember will take the oath separately. As the incumbent, Councilmember Diak will take the oath first. Councilmember Diak will leave the dais and, in the presence of his guests, will take the oath. The guests of the other newly elected Councilmembers will remain sequestered until each takes the oath. After the oath is administered, Councilmember Diak will return to the dais and his guests will leave the Council Chambers. The same process will follow for newly elected Councilmembers Hefta and Hendreks. After the oath is administered, Councilmembers Hefta and Hendreks will join Councilmembers Toborg, Poage and Diak on the dais.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

None

RECOMMENDED MOTION

None needed.



Request for Town Council Action

Date: December 14, 2020
Submitted By: Jim Maloney, Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: Select Acting Mayor

EXECUTIVE SUMMARY

Due to the change in the Town Council membership, the newly seated Town Council will need to appoint an Acting Mayor to conduct the Town Council meeting, until the newly elected Mayor takes the oath.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Section 3.3 of the Town of Parker Home Rule Charter provides that “in the absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence.” With the change in Town Council membership, the newly seated Town Council will need to appoint an Acting Mayor to conduct the Town Council meeting until the newly elected Mayor takes the oath.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

None

RECOMMENDED MOTION

I move to appoint Cheryl Poage as the Acting Mayor, until the newly elected Mayor takes the oath.



Request for Town Council Action

Date: December 14, 2020
Submitted By: Jim Maloney, Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: **Resignation of Councilmember Jeff Toborg**

EXECUTIVE SUMMARY

Councilmember Toborg was elected Mayor. In order for Councilmember Toborg to take the oath for the office of Mayor, he needs to resign effective immediately.

STAFF RECOMMENDATION

BACKGROUND/DISCUSSION

Section 2.9a. of the Town of Parker Home Rule Charter provides that “an elected officer shall continue to hold his office until his successor is duly qualified, except that an elective office shall become immediately vacant whenever an elected officer . . . resigns . . .” Councilmember Toborg is required to vacate the office of Town Councilmember by resignation before he can take the oath of office of Mayor.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

None

RECOMMENDED MOTION

No motion is needed. Instead, Councilmember Toborg needs to state for the record that “I, Jeff Toborg, hereby resign as Councilmember of the Town of Parker Town Council effective immediately.



Request for Town Council Action

Date: December 14, 2020
Submitted By: Jim Maloney, Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: Acceptance of Resignation Effective Immediately

EXECUTIVE SUMMARY

A vacancy is not created on Town Council until the Town Council determines at a Town Council meeting, based on competent evidence placed on the record, that a vacancy exists.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Section 2.9b. of the Town of Parker Home Rule Charter provides that “the existence of a vacancy shall be established by competent evidence thereof placed on the record in the Town Council minutes. The Town Council shall determine the validity of the evidence and decide when a vacancy exists.” Resigning from the elected position of Town Council, during a regular Town Council meeting, is competent evidence of the existence of a vacancy. In order to create a vacancy, the Town Council must accept the resignation and declare the vacancy.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

None

RECOMMENDED MOTION

I move to accept the resignation of Jeff Toborg from the office of Town Council effective immediately, and to declare that a vacancy exists on the Town Council.



Request for Town Council Action

Date: December 14, 2020
Submitted By: Jim Maloney, Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: Oath of Office - Jeff Toborg

EXECUTIVE SUMMARY

The Town Charter requires the Mayor to take an oath of office before entering upon the duties of the office of Mayor.

STAFF RECOMMENDATION

BACKGROUND/DISCUSSION

Section 3.5 of the Town of Parker Home Rule Charter provides that “the Mayor and every Councilmember shall take, subscribe before and file with the Town Clerk an oath or affirmation that he will support the Constitution of the United States of America, the Constitution of the State of Colorado, this Charter and the ordinances of this Town, and will faithfully perform the duties of this office” before entering upon the duties of their respective offices.

Following Town Council’s acceptance of the resignation, Jeff Toborg will leave the dais and, in the presence of his guests, will take the oath. After the oath is administered, Mayor Toborg will return to the dais to join Councilmembers Hefta, Poage, Diak and Hendreks, and will call for a motion to adjourn the Town Council meeting.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

None

RECOMMENDED MOTION

None needed.