

**TOWN OF PARKER COUNCIL
MINUTES
MARCH 1, 2021**

Mayor Toborg called the Town Council meeting to order at 5:36 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(e) there was one (1) item which was the Proposed Amended and Restated Intergovernmental Agreement with Douglas County concerning the Coronavirus Response and Relief Supplemental Appropriations Act signed into law on December 27, 2020. 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 SB19-085, Equal Pay for Equal Work Act, and HB 20-1415, Public Health Emergency Whistleblower Law, concerning their application to the Town; the second was to receive legal advice on specific legal questions regarding Chapter 6.03 of the Parker Municipal Code, concerning the adoption of new noise regulations; and, the third item was to receive legal advice on specific legal questions regarding Resolution No. 08-098, Series of 2008, concerning Town Council approval of the filing of the articles of incorporation, IRA Form 1023 and the appointment of the initial board of directors for the Greater Parker Foundation.

EXECUTIVE SESSION

Todd Hendreks moved and Laura Hefta seconded to go into Executive Session at 5:38 P.M. to hold a conference with the Town's attorney 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 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).

The motion was approved unanimously.

John Diak moved and Todd Hendreks seconded to recess the Executive Session at 6:31 P.M.

The motion was approved unanimously.

The Town Council meeting was recessed until 7:00 P.M.

REGULAR MEETING

Mayor Jeff Toborg reconvened the meeting 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 on Chamber events that took place over the last month and what is planned for the coming months.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Ashley Nagy provided an update on events that took place over the last month and what is planned for the coming months.

PUBLIC COMMENTS

There was one General Public Comment that will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. APPROVAL OF MINUTES - February 16, 2021

B. ORDINANCE NO. 2.275 - First Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Compark Boulevard at Upland Drive Property in Douglas County

Department: Community Development, Mary Munekata

Trakit No.: ANX20-003

Second Reading: March 15, 2021

C. ORDINANCE NO. 9.286.2 - First Reading

A Bill for an Ordinance Approving the Second Amendment to Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning the Dransfeldt Extension

Department: Engineering and Public Works, Chris Hudson

Second Reading: March 15, 2021

D. ORDINANCE NO. 1.547.1 - First Reading

A Bill for an Ordinance to Adopt the 2021 Revised Budget for the Town of Parker and to Make Appropriations for the Same

Department: Finance, Rhonda Willey

Second Reading: March 15, 2021

- E. *ORDINANCE NO. 1.455.1 - First Reading*
A Bill for an Ordinance to Amend Section 2.06.030 of the Parker Municipal Code Concerning the Affidavit of Intent for Write-In Candidates for Municipal Office and Cancelling Election
Department: Town Attorney, Jim Maloney
Second Reading: March 15, 2021
- F. *ORDINANCE NO. 9.307.1 - First Reading*
A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Construction of Fee-In-Lieu Drainage and Flood Control Improvements for Lemon Gulch Upstream of Crowfoot Valley Road Town of Parker (Agreement No. 20-01.13A, Project No. 107087) 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, Alex Mestdagh
Second Reading: March 15, 2021
- G. *ORDINANCE NO. 5.59.2 - First Reading*
A Bill for an Ordinance to Amend Chapters 6.01 and 6.03 of the Parker Municipal Code Concerning Noise Regulations
Department: Community Development, John Fussa
Town Attorney, Jamie Wynn
Second Reading: March 15, 2021
- H. *ORDINANCE NO. 9.320.1 - First Reading*
A Bill for an Ordinance to Approve the Amended and Restated Intergovernmental Agreement By and Between the Board of County Commissioners of Douglas County, the Town of Castle Rock, the Town of Parker, the City of Lone Tree, the City of Castle Pines, and the Town of Larkspur Concerning Local Governmental Distribution Under the CARES Act
Department: Town Attorney, Jim Maloney
Second Reading: March 15, 2021
- I. *CONTRACTS OVER \$100,000*
1. *PACE Mainstage Theatre Rigging System Renovation Project*
Amount: \$358,293.00
Contractor: Barbizon
Department: Cultural, Carrie Glassburn

2. *2021 Townwide Roadway Reconstruction Program (CIP21-009)*

Amount: \$1,446,279.70

Contractor: Elite Surface Infrastructure

Department: Engineering and Public Works, Tom Gill

3. *2021 Townwide Roadway Reconstruction Program (CIP21-009)*

Amount: \$136,550

Contractor: Stanley Consulting, Inc.

Department: Engineering and Public Works, Tom Gill

4. *Median Maintenance Services Contract*

Amount: \$101,434

Contractor: Terracare Associates, LLC dba TERRACARE ASSOCIATES

*Department: Parks, Recreation and Open Space, Mary Colton
Parks, Recreation and Open Space, Jared Musil*

Town Attorney Jim Maloney stated that Ordinance No. 5.59.2 (Item G) will be discussed at the Study Session on March 8, 2021, at 5 P.M.

Councilmember Poage moved to remove Consent Agenda Item 6I(1). (The PACE Mainstage Theatre Rigging System Renovation Contract)

The motion died due to a lack of a second.

Todd Hendreks moved to approve Consent Agenda Items 6A through 6I.

John Diak seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 21-004

A Resolution for Town Council Appointment of Mayor Pro Tem and Acting Mayor of the Town of Parker

Department: Town Council

As required by the Town Charter and the Parker Municipal Code, the Town Council annually appoints the mayor pro tem and acting mayor by resolution. The purpose of Resolution No. 21-004 is to approve the appointment of the mayor pro tem and acting mayor.

Public Comment:

Grant Glessner - 23233 Song Bird Hills Circle - wanted to comment on the Ordinance No.

5.59.2 (Noise Ordinance). The Mayor stated that this was not the time to make comments on the noise ordinance and that he could do so at the second reading of the ordinance.

Todd Hendreks moved to approve Resolution No. 21-004.

Laura Hefta seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 21-012

A Resolution Accepting the Conveyance of Real Property from Parker Water and Sanitation District for the Lemon Gulch Trail

Department: Parks, Recreation and Open Space, Dennis Trapp

The Town has received from Parker Water and Sanitation District, the signed Recreational Trail Easement Agreement, which when approved conveys to the Town a permanent 20-foot-wide trail easement which will allow the future construction of the Lemon Gulch Trail connection. This future trail connection, including the undercrossing of Stroh Road and the construction of a "Low-Water Crossing" of the existing Lemon Gulch drainageway, will provide a regional connection from the Meadowlark subdivision, currently under construction, to the Cherry Creek Regional Trail just north of Stroh Ranch Soccer Park. Additional trail easements will be necessary near the southern portion of the Lemon Gulch Trail to facilitate the low-water crossing and connection to the existing Lemon Gulch Trail within the Meadow Lark subdivision. Final design and engineering of this trail and cost estimates have not been completed at this time.

Public Comment - None.

John Diak moved to approve Resolution No. 21-012.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

C. RESOLUTION NO. 21-014

A Resolution to Appoint Members to the Investment Advisory Committee

Department: Finance, Rhonda Willey

The Town of Parker Investment Policy (the "Investment Policy") was adopted by the Town Council on July 7, 2015, through Resolution No. 15-031. Pursuant to the Investment Policy, the Town maintains an Investment Advisory Committee (the "Committee") consisting of "the Mayor or a Councilmember appointed by the Mayor and ratified by Town Council, the Town Finance Director, the Town Administrator and two financial professionals."

On December 31, 2019, the term of member Robert Agan ended; he continued to serve on the Committee through 2020. Mayor Jeff Toborg, Councilmember John Diak, and Finance Director Mary Lou Brown interviewed Robert Agan in February 2021 and recommend officially reappointing him to the Committee. Robert's term would run up to and including December 31, 2023.

On December 31, 2020, the term of the Councilmember expired. The Mayor reappointed John Diak to a term on the Committee expiring December 31, 2021.

Public Comment - None.

Laura Hefta moved to approve Resolution No. 21-014.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

Laura Hefta moved and Todd Hendreks seconded to reconvene the Executive Session at 7:31 P.M.

A roll call vote was taken:

Todd Hendreks - yes

Cheryl Poage - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

Todd Hendreks moved and Laura Hefta seconded to come out of the Executive Session at 8:06 P.M.

The motion was approved unanimously.

Todd Hendreks moved and Cheryl Poage seconded to adjourn the regular Town Council meeting at 8:07 P.M.

A roll call vote was taken:

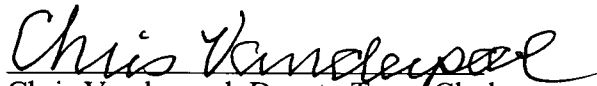
Todd Hendreks - yes

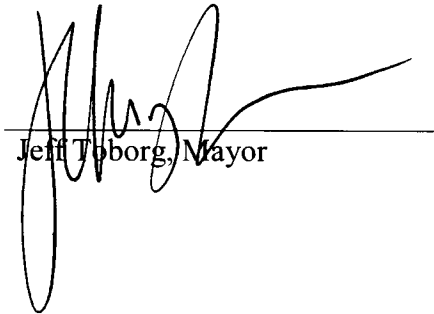
Cheryl Poage - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.


Chris Vanderpool, Deputy Town Clerk


Jeff Toborg, Mayor

Vanderpool, Chris

From: noreply@civicplus.com
Sent: Monday, March 01, 2021 2:55 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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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	OCONNOR
Address	19085 EAST OAK CREEK PLACE
City	PARKER
State	Colorado
Zip Code	80134
General Public Comment	DATE: MARCH 1, 2021

TO: MAYOR/TOWN COUNCIL - PARKER, CO

FR: STROH RANCH COMMUNITY ASSOCIATION BOARD
OF DIRECTORS

Dear Mayor Toborg and Council,

This is an official NOTICE OF OPPOSITION to the proposed Ordinance Number 5.59.2. As this Noise ordinance is written, the Stroh Ranch Community Association Board of Directors, representing more than 1,200 homes in Parker, simply cannot support what is proposed as it will negatively impact the quality of life... on every level.... that has existed in Stroh Ranch for more than 30-years.

The following list of items are the issues we have with this proposal and we strongly recommend The Council remove this item from the Consent Agenda and treat it as a separate item deserving of proper community input because of the tremendous level of government overreach in it.

1: Exemption of Town of Parker or Town of Parker sponsored events. No! If this ordinance is to happen, the law should apply across the board to everyone. Unequal application of a law is simply unacceptable. This exemption alone is a complete deal breaker.

2: There is no detailed information on the cost of special permits, there is no detailed time limit for the town on issuance of those permits. As a community that holds numerous events per year for our homeowners and families, the cost of obtaining permits each time would add a significant burden on the budget for these events. This type of financial impact for simply complying with a government regulation is inexcusable.

3: There are no specific rules/guidelines for how measurements will be taken. An example from Stroh Ranch

would be our recreation center when we are having an event with a DJ at our outside pool. Will the measurements be taken from the J. Morgan side of the facility where the sound is funneled and amplified or from the north side of the building where it is shielded by the building? Without that kind of clarification, how can measurements that are taken be truthful and honest?

What are the plans for dealing with geography and atmospherics? A wind out of the east makes it sound like Parker Road is coming right through the middle of Stroh Ranch. A wind from the North or West removes all sound to the point where you could hear a pin drop in the street? How does this factor in to compliance?

4: Our pool facility during the summer, during normal operations with families swimming generate more than the noise levels listed in this proposal. How are we supposed to handle day-to-day operations under this ordinance. Our recreation center has also been approved for a new splash pad for children, adding even more noise from just day to day use in the summer.

5: Our recreation center also hosts summer swim league events. This would also be outside of the noise levels being proposed.

6: This listing of noise levels utilized as examples are completely unrealistic. These regulated noise levels would result in people doing the following things that would be outside of compliance. This information comes from the University of Michigan School of Medicine and the University of Florida.

Leaf blower generates 99db

Weed-eater generates 96db

Lawnmower generates 90db

ShopVac generates 94db

A NORMAL CONVERSATION IS REPORTED TO BE 60db.

There are no details on how/what will be enforced or exempted from this proposed ordinance. Will a resident mowing his lawn at 7am during the hotter summer months be subject to a complaint and possible citation?

The Town's own initial findings put four current locations (PWOC / Discovery Park / Cottonwood Trailhead / Auburn hills Community Park) at or beyond the new standards and this is in the middle of a pandemic with winter season when the use of these locations is significantly reduced. Will noise levels in these areas be enforced or will more special exemptions be carved out, creating more of a situation where an ordinance becomes designed for "thee, but not for me?"

IS IT UNREASONABLE TO EXPECT OUR COMMUNITY TO OBTAIN SPECIAL USE PERMITS EVERY DAY FROM MEMORIAL DAY WEEKEND THRU LABOR DAY WEEKEND, JUST TO USE A FACILITY THAT HAS NOT BEEN BURDENED WITH THIS TYPE OF INSANITY FOR MORE THAN 30-YEARS?

Homeowners Associations across the Parker area all have similar events and gathering places, that under this ordinance will all of a sudden be out of compliance and subject to unrealistic and unnecessary regulation from a government entity. Has there even been discussion of meeting with Associations to handle these issues through to powers granted under HOA bylaws and covenants? If not, why? If this appears to be a growing issue in some areas, why aren't those issues being dealt with that that level rather than punishing the community at large.

Again, to reiterate.... the Stroh Ranch Community Association currently stands in total opposition to this proposed ordinance change as presented. Unless significant changes are made or this is completely abandoned, our Association will work with other HOA's in Parker to prevent this overbearing regulation from becoming reality.

Regards,

R.J. O'Connor-President

Maggi Pritchard-Vice President

Joy Overbeck-Director

Marvin Naylor-Director

Nancy Stern-Director

Board of Directors, Stroh Ranch Community Association

Parker, CO

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Vanderpool, Chris

From: noreply@civicplus.com
Sent: Monday, March 01, 2021 7:50 PM
To: Clerk; Cleveland, Jim; Robberson, Dannette; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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First Name	Grant
Last Name	Glessner
Address	23233 Song Bird Hills Way
City	Parker
State	CO
Zip Code	80138
General Public Comment	These comments are in reference to the planned noise ordinance revisions: My wife and I have lived in Parker for 15 years and we have

never had experienced an issue with excessive noise. I am not sure why this has become an issue that will involve Parker Police with the responsibility of measuring the decibel level of events, whether personal or commercial.

If my neighbor is having a loud party one night, am I expected to call the Parker Police for a noise check. What if 25 feet from their property line is in a neighbor's yard. Do the police have the right to enter that yard for a sound measurement? I won't risk my neighbors friendship over some noise.

Parker should establish entertainment zones for commercial bars and taverns that provide music. The sound should be measured at the zone boundary and not the boundary of each individual establishment. Much like the downtown Business District.

I can understand preventing contractors from using jackhammers and nail guns outside of the 7 to 7 daytime hours, but regulating noise at a private home is overkill in my estimation.

It sounds like you are trying to legislate Parker into being a utopian society and there is no such thing. Just let Parker residents have fun and make a little noise. Let the Tailgate blast out their music, so people can sit in the Park across the street and enjoy it. I think Parker is just fine without more regulation.

Thank you all for your service to Parker.

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Vanderpool, Chris

From: noreply@civicplus.com
Sent: Monday, March 01, 2021 7:46 PM
To: Clerk; Cleveland, Jim; Robberson, Dannette; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

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First Name	Jim
Last Name	Dvorak
Address	23306 Allendale Ave
City	Parker
State	Co
Zip Code	80138

General Public Comment	I am opposed to the changes to the residential section of chapter 6.03. of the Parker Municipal Code. I believe it should be treated separately. I am opposed to the fine structure; the
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noise level decibels that don't have any information as to what those levels equate to; the 25 foot distance from property line, no info about where along the property line it is taken.
To sum up, I am totally opposed to the residential portion of this document.

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