

**TOWN OF PARKER COUNCIL
MINUTES
MARCH 22, 2021
(CONTINUED FROM MARCH 15, 2021)**

Mayor Toborg called the meeting to order at 7:09 P.M. All Councilmembers were present.

The Mayor led the Pledge of Allegiance.

PUBLIC COMMENTS

Steve Jewett, 12521 S. Sopris Creek Drive - Commented on the Motsenbocker Road project and the large subdivisions in the area. He stated that there has not been sufficient infrastructure put in place to handle the traffic. He suggested the Chambers Road extension be completed first.

Arlynn Cook - 12507 Venable Creek Street - Commented on the Motsenbocker Road project regarding the traffic and noise issues present. She stated the noise exceeds appropriate noise levels. The time construction is allowed during the day needs to be monitored and enforced.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. APPROVAL OF MINUTES - March 1, 2021

B. CONTRACTS OVER \$100,000

1. Jordan Road Underpass (CIP 20-012) Agreement for Construction Management Services

Amount: \$209,997.75

Contractor: EST, Inc.

Department: Engineering and Public Works, Bob Exstrom

2. Jordan Road Underpass (CIP 20-012) Agreement for General Contracting Services

Amount: \$1,765,000.00

Contractor: Hudick Excavating Inc. dba HEI Civil

Department: Engineering and Public Works, Bob Exstrom

3. *Rueter-Hess Recreation Authority Annual Assessment*

Amount: \$210,000.00

Payee: Rueter-Hess Recreation Authority

Department: Parks, Recreation and Open Space, Mary Colton

John Diak moved to approved Consent Agenda Items 4A through 4B(3).

Todd Hendreks seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. Compark Boulevard at Upland Drive Annexation

Applicant: Town of Parker

Location: Compark Boulevard at Upland Drive

Department: Community Development, Mary Munekata

TRAKiT No.: ANX-003

7:26 P.M.

The Town proposes to annex a Town-owned portion of Compark Boulevard right-of-way (ROW) between Upland Drive on the west and Prairie Trail on the east. This section of Compark Boulevard is located in unincorporated Douglas County within the Compark Village Planned Development and is approximately 600-feet in length. The Town has maintained this section of roadway since 2018 as a result of adjacent property annexations that required the Town to utilize this section of Compark Boulevard to access and maintain the previously annexed Upland Drive roadway area. On November 12, 2019, Douglas County deeded this segment of Compark Boulevard to the Town. On August 3, 2020, the Town Council accepted ownership of this segment of Compark Boulevard by resolution.

On February 1, 2021, the Town Council approved Resolution No. 21-007, determining that the annexation petition substantially complies with the requirements of C.R.S. § 31-12-107(1)(a) and set a public hearing for March 15, 2021, on the eligibility of the subject property to be annexed into the Town as provided by State law.

The required public notice regarding the March 15, 2021 public hearing of the annexation was published in the *Douglas County News Press* dated February 11, 2021. All other public notice requirements have been addressed in accordance with state law and the Municipal Code.

Public Comment: None.

The Public Hearing was closed at 7:32 P.M.

1. RESOLUTION NO. 21-016**A Resolution to Establish the Findings of Fact and Conclusions Thereon Concerning the Eligibility of the Town Compark Boulevard at Upland Drive Property for Annexation**

Cheryl Poage moved to approve Resolution No. 21-016.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 2.275 - Second 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**

Cheryl Poage moved to approve Ordinance No. 2.275 on second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 1.547.1 - Second 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

7:34 P.M.

Budget revisions for the current year budget are submitted to Town Council for consideration several times per year. This ordinance covers two categories of adjustments.

1. Carryovers, which are the re-appropriation of unspent appropriation from the prior year to the current year for projects that cover multiple years, or were not finished and under contract at the end of the previous year. Carryover requests total \$28,504,422.

2. Amendments, which consist of additional or new appropriation requests that were not anticipated at the time of the development of the budget. Supplemental expenditure requests total \$175,500.

The total amount of the budget adjustments equal \$28,679,922.

Public Comment: None.

The Mayor closed the Public Hearing at 7:41 PM

Laura Hefta moved to approve Ordinance No. 1.547.1 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.136.4 - Second Reading (Continued from Feb.16, 2021 and to be continued to April 19, 2021)

A Bill for an Ordinance to Approve the Addendum to Amended and Restated Funding Agreement By and Between the Town of Parker and the Douglas County Emergency Telephone Service Authority Concerning the Hosted 911 NICE Recording Services

Department: Town Attorney, Jamie Wynn

John Diak moved to continue Ordinance No. 9.134.4 to April 19, 2021, for second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 5.59.2 - Second 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**

Sections of Chapter 6 of the Parker Municipal Code focus on public health and welfare and are intended to provide for a safe environment and quality of life. Excessive noise, sound, and vibration can jeopardize public health, welfare, and the safety of the Town's citizens by creating nuisances that degrade quality of life and adversely impact the community.

In 2019, an amendment was added to Chapter 6.03 of the Parker Municipal Code related to the use of loudspeakers, public address systems, and similar devices. After having an opportunity to review the effect of these amendments, staff proposed additional amendments to clarify the purpose of the Code sections that regulate noise and sound in mixed-use and non-residential (commercial). The proposal includes updated standards, prohibitions and exceptions regarding noise and sound based on expert advice, other relevant information, and discussions with Town Council.

After some discussion between Council regarding the request that all residential be removed from the ordinance which includes residential in mixed use areas, it was decided to continue the ordinance to a date certain to June 7, 2021, at which time a full council will be seated to hear the proposed ordinance.

John Diak moved to continue Ordinance No. 5.59.2 to a date certain of June 7, 2021 for second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 9.286.2 - Second 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

The Town has been contemplating the extension of Dransfeldt Road south of Twenty Mile Road, over Cherry Creek, connecting to Motsenbocker Road for over a decade. This proposed roadway is an important component to the Parker area's long-term roadway transportation plan. Due to a portion of the proposed roadway extension being located in unincorporated Douglas County, the project needs to be coordinated with Douglas County. After several years of discussions with Douglas County staff, the Town and County moved forward with an intergovernmental agreement (IGA) and an amendment to the original IGA in 2019 to start the conceptual/preliminary design of this roadway extension. Parker Town Council approved the original IGA at the June 3, 2019 Town Council meeting and a First Amendment was approved at the November 4, 2019 Town Council meeting.

The design for the project commenced in late-2019 and continued through the end of 2020 when the conceptual design work was wrapped up. The Town and Douglas County would like to continue to advance this design in 2021 necessitating the IGA amendment to continue to utilize the consultants previously selected. The Town and Douglas County have both appropriated \$250,000 as part of their 2021 budgets (\$500,000 total) to fund the next step in the design effort in 2021. The next milestone in the design effort is the submittal of the Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) by the end of 2021. The Town and Douglas County have agreed to a 50/50 split on this preliminary engineering cost to be completed by December 31, 2021 and an IGA is needed to formalize this arrangement. An ordinance is needed for approval of this IGA amendment.

Assuming that all goes according to plan, a final design effort will be undertaken in 2022 and an additional (future) IGA amendment will be needed. A subsequent IGA is anticipated to follow the final design effort to fund construction that is currently projected to occur in 2023.

The Douglas County Board of County Commissioners is scheduled to review this IGA amendment at their meeting on March 23, 2021.

Public Comment: None.

Todd Hendreks moved to approved Ordinance No. 9.286.2 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 9.307.1 - Second 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

The Looking Glass development is located in the southwest quadrant of the Town, generally west of Crowfoot Valley Road and south of Stroh Road. The major infrastructure required to support the first segment of residential development on this property is currently under construction. The developer's infrastructure obligations include major drainageway improvements to portions of Lemon Gulch and a tributary stream known as Brandy Gulch that are located on the property. The Town's Code requires that the developer construct or fund these master-planned improvements on the property. The improvements to the drainageways consist of stabilization improvements and selective realignment of the streams to provide stable grades and improved channel geometry.

The Town and the MHFD have negotiated with the developer a Fee-in-Lieu (FIL) arrangement for the drainageway improvements. A FIL arrangement requires the developer to fund 100% of the cost to design and construct the improvements, which are then managed by MHFD with assistance from the Town. This approach provides benefits to both the Town/MHFD and the developer - the Town/MHFD receive increased control of the project direction, including engineer and contractor selection, and the developer is able to remove the improvements and any related permitting from their scope of work and schedule.

The FIL arrangements require the developer to provide the project funding to the Town by way of a subdivision or development agreement, which the Town then provides to MHFD via IGA. This IGA was originally reviewed and approved by Town Council in 2020 in order to codify the funding and construction of the Brandy Gulch improvements. This amendment now proposes to codify the funding and construction of the Lemon Gulch improvements by requiring the Town to provide the developer's funding to MHFD, and in turn requiring MHFD to construct the improvements.

Construction of the Brandy Gulch improvements is currently underway, and construction of the Lemon Gulch improvements is anticipated to begin in the coming months, pending federal permitting being obtained.

Public Comment: None.

Laura Hefta moved to approve Ordinance No. 9.307.1 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

E. ORDINANCE NO. 1.455.1 - Second 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

In 2000, the Charter was amended to allow elections to be coordinated with Douglas County. Since 2000, Douglas County has conducted the Town's November elections under the Uniform Election Code. The Town will be holding a special election on April 20, 2021. For the reason that this election is not being held in November, the Town will not be able to coordinate the election with Douglas County under the Uniform Election Code. As a result, the Town's special election must be held under the Municipal Election Code, which has not been amended since the last time the Town held an election under the Municipal Election Code. The purpose of the attached ordinance is to bring the Parker Municipal Code into conformance with the Municipal Election Code, specifically Section 2.06.030, which addresses write-in candidates and the ability to cancel elections if the number of candidates does not exceed the number of offices to be filled at the election.

Public Comment: None.

John Diak moved to approve Ordinance No. 1.455.1 on second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

F. ORDINANCE NO. 9.320.1 - Second 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

On March 27, 2020, Congress adopted the CARES Act, which established a \$150 billion Coronavirus Relief Fund, a portion of which was allocated to the State of Colorado. The Governor issued an executive order allocating \$270 million for local governments that did not receive a direct distribution of funds under the CARES Act, including Douglas County, Parker, Lone Tree, Castle Pines, Castle Rock and Larkspur (the "Parties"). The purpose of the Initial Agreement was to establish the structure for reimbursement of the eligible expenses incurred by the Parties in compliance with the CARES Act. Under the initial agreement, Parker was allocated up to \$2,876,671. On December 21, 2021, Congress passed the Consolidated

Appropriations Act (H.R. 133), which extended the date by which state and local governments must make expenditures with CARES Act relief fund awards, from December 31, 2020, to December 31, 2021. The Initial Agreement expires on June 30, 2021. The purpose of the attached agreement is to extend the term of the Initial Agreement to February 1, 2022, by amending and restating the Initial Agreement.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.320.1 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 21-017

A Resolution to Amend Resolution No. 20-028.1, Series of 2020, Concerning the Adoption of the Development-Related User Fee Schedule and Administrative Code Fee Schedule

**Department: Community Development, Bryce Matthews
Engineering and Public Works, Alex Mestdagh**

The Town of Parker's current Development Fee Schedule was approved by Town Council in June 2020. This new fee schedule was the product of a user fee study that was performed by the Town Administrator's office. The schedule set forth revised fees for all development-related services performed by Engineering, Community Development, Parks and Recreation, and the Town Attorney's Office. These fees are paid by applicants submitting a development request to the Town.

Staff proposed three additions to the fee schedule in order to adequately recover the Town's costs for several development tasks:

A new Inspection Surcharge for development construction inspection was proposed by the Engineering/Public Works Department. In order to effectively inspect the extensive amount of development-related construction anticipated in 2021, staff has identified a need to supplement the Town's inspection staff with a consultant inspector. Since the Town's inspection fees are based on Town staff performing the inspections rather than consultants, additional funding beyond that generated by our fees is needed to fund a consultant contract. The proposed fee would be collected from all development projects that will need infrastructure inspections in 2021, including projects already under construction, and the fees would be used to fund the consultant inspector. This consultant will perform inspections of development projects at the direction of Town Staff to ensure that construction is done in accordance with Town standards. While it is anticipated that the consultant inspector will focus on only a few projects, an additional fee of 27% of each project's calculated inspection fee is proposed to be collected from all projects to fairly spread the cost among all developers. This fee is estimated to generate the additional funds (beyond the standard

inspection fees anticipated to be collected) necessary to fund a consultant inspector through the construction season. If this fee is approved, the subsequent contract for the consultant will come before Town Council for consideration. This fee would be revisited later this year to determine if inspection assistance would be required again in 2022.

Fees were also proposed by Community Development for plat corrections and waivers/extensions. These applications have rarely been used in the past, and were not included in the original fee schedule adopted by Town Council. However, over the past year the frequency of these types of applications have increased, in part due to challenges presented by COVID. Fees are now proposed to be added for these applications. Staff proposed a flat fee of \$104 for waiver/extension requests, and \$50 for plat corrections.

Public Comment: None.

Todd Hendreks moved to approve Resolution No. 21-017.

Laura Hefta seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

Laura Hefta moved to adjourn the Town Council meeting at 8:34 P.M.

Todd Hendreks seconded the motion.

A roll call vote was taken:

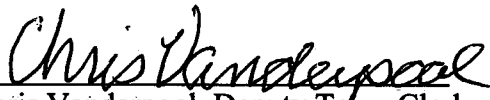
Todd Hendreks - Yes

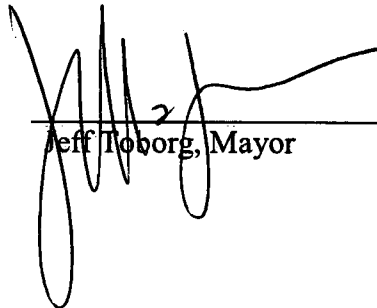
Cheryl Poage - Yes

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: Sunday, March 14, 2021 3:40 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

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	Stephen
Last Name	Jewett
Address	12521 South Sopris Creek Dr
City	Parker
State	CO
Zip Code	80124
General Public Comment	I and my neighbors are looking for the Parker Town Council to address serious issues that have arisen on Motsenbocker Road (between Hess and Stroh Roads) in the last few years.

Town development officials decided to create large subdivisions in the Stroh Rd, Chambers Rd and Crowfoot Valley Road area, without completing the road infrastructure (Chambers Road) for properly handling the resulting traffic. Most of the traffic (especially construction traffic) from this area is being funneled onto Motsenbocker Rd. This has created severe noise and safety issues along Motsenbocker, not only affecting the 50-70 homes along Motsenbocker, but also affecting residents well into the neighborhoods off of Motsenbocker.

The construction traffic includes all types of trucks, most of which are loud. Not only have we largely given up using our back yards, along a street that at one time was a pleasant residential road, but the noise from the truck traffic penetrates our homes, usually at least 12 hours a day. I have have taken steps on my own to mitigate the noise (including spending money on on sound reduction windows) and consulted an acoustical engineer, but have been advised that there will be no relief from the noise from trucks and other loud vehicles.

According to Parker Engineering/Public Works, most of the section of Chambers Road that will alleviate the problem will be completed by developers by the end of 2022. However, a small, relatively inexpensive connecting portion (1300 ft) will remain unfinished, making Chambers Road useless for correcting the problem until that that small portion is completed. We have been told that the developer in question has decided not to complete this small portion of Chambers for 4-5 years.

We have patiently endured this hardship for several years, but believe asking our neighborhood to continue to to endure it for another 4 years is not only unreasonable, but contrary to the obligation of town officials to consider the welfare of current residents when planning for future growth in our community.

We respectfully request that the Parker Town Council direct town officials to address this problem, taking the necessary steps (including budget adjustments) to complete the needed portion of Chambers Road within 2 years. We further request that the Town Council direct town officials to take more immediate steps to reduce truck traffic and safety issues along Motsenbocker until the completion of Chambers Road.