

TOWN OF PARKER COUNCIL
MINUTES
APRIL 5, 2021

Mayor Jeff Toborg called the meeting to order at 4:32 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were seven (7) items. 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 C.R.S. Section 31-12-108, related to the annexation of real property located at the southeast corner of the intersection of Dransfeldt Road and Lincoln Avenue commonly known as the Peaslee Property (eligibility hearing process); the second item was to receive legal advice on specific legal questions concerning H.R. 1319, The American Rescue Plan Act of 2021; and the third item was to receive legal advice on specific legal questions concerning Colorado Department of Public Health and Environment Ninth Amended Public Health Order 20-36 – COVID-19 Dial, dated March 23, 2021. Under C.R.S. § 24-6-402(4)(e) there was three (3) items; the first item was concerning Sections V.C. and X. of the Consolidated Service Plan for Chambers Highpoint Metropolitan District Nos. 1 and 2, as amended, concerning an Intergovernmental District Facilities Construction and Administrative Services Agreement; the second item was the proposed amendment to Resolution No. 19-023, Series of 2019, a partial waiver to defer compliance with certain requirements for the processing of the sketch and preliminary plan for certain segments of the Anthology North property until those segments are ready for development; and the third item was the proposed amendment to Resolution No. 19-028, Series of 2019, a partial waiver to defer compliance with certain requirements for the sketch and preliminary plan for certain segments of the real property commonly known as the Hess Ranch property until those segments are ready for development. Under C.R.S. § 24-6-402(4)(a) there was one (1) item which was the Ground Lease between The Town and Parker Tennis Center, LLLP, dated October 2, 2017 (proposed site plan amendment for Parker Tennis facility).

EXECUTIVE SESSION

Todd Hendreks moved and Cheryl Poage seconded to go into Executive Session at 4:35 P.M. 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); 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 consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a).

The motion was approved unanimously.

Cheryl Poage moved and Todd Hendreks seconded to come out of Executive Session at 5:47 P.M.

The motion was approved unanimously.

Cheryl Poage moved and Todd Hendreks seconded to recess the regular Town Council meeting until 7:00 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the meeting at 7:02 P.M. All Councilmembers were present.

The Mayor led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Senator Jim Smallwood (District 4) provided an update on various legislation in the 2021 legislative session.

PARKER CHAMBER OF COMMERCE UPDATES

Kara Massa provided an update on Chamber activities for the month.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Kris Schnell provided an update on Downtown Business Alliance activities for the month.

PUBLIC COMMENTS

None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

Cheryl Poage asked to bring back Ordinance No. 5.59.2 concerning noise regulations for reconsideration on April 19, 2021 to reset a second reading date. After a brief discussion, Council decided to wait until June 7, 2021 to hear the ordinance on second reading.

CONSENT AGENDA

A. APPROVAL OF MINUTES - March 22, 2021

B. CONTRACTS OVER \$100,000

1. 2021 Townwide Pavement Markings-Crosswalks/Symbols (CIP21-007)

Amount: \$176,054

Contractor: Kolbe Striping

Department: Engineering and Public Works, Spencer Raish

2. *Lemon Gulch Trail Low-Water Crossing Design Contract*

Amount: \$129,783
Contractor: Muller Engineering Company
Department: Parks, Recreation and Open Space, Dennis Trapp
Engineering and Public Works, Chris Hudson

3. *2021 Facility Master Plan*

Amount: \$330,000
Contractor: Stantec
Department: Engineering and Public Works, Jim Gilbert

C. PROCLAMATION - Building Safety Month

John Diak moved to approve Consent Agenda items 7A through 7C.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. LINCOLN PROFESSIONAL PARK - Annexation Eligibility Hearing

Applicant: Ryanne Sass, Plaza Street Partners
Location: Generally located on the southeast corner of Lincoln Avenue and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT No.: ANX20-006

7:36 P.M.

The Lincoln Professional Park Property is located at the southeastern corner of the intersection of Lincoln Avenue and Dransfeldt Road. This property is approximately 4.4 acres in size and is undeveloped except for several dilapidated agricultural buildings. The adjacent properties and the surrounding area are located in the Town of Parker.

The applicant proposed concurrent annexation and zoning as required by the Town Land Development Ordinance and Town Charter. The proposed zoning to C-Commercial will permit future commercial development including retail, service and restaurant uses. The Lincoln Professional Park property that is proposed for annexation is located within the Town's Planning Area and identified in the 2020 Three-Mile Plan and is recommended for future annexation in the Parker 2035 Master Plan. Staff's review of the submitted annexation map indicates that the subject property satisfies the contiguity requirement of the Municipal Annexation Act of 1965 pursuant to C.R.S. § 31-12-104(a).

Applicant:

Lindsay Lyda, 950 17th Street, Suite 1600, Denver, Colorado

The applicant asked Council to approve Resolution No. 21-018 and set the annexation ordinance for public hearing on May 17, 2021.

Public Comment: None.

The Public Hearing was closed at 7:42 P.M.

RESOLUTION NO. 21-018

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Lincoln Professional Park Property for Annexation into the Town of Parker

Todd Hendreks moved to approve Resolution No. 21-018 and set the annexation ordinance hearing for May 17, 2021.

Laura Hefta seconded the motion.

The motion was approved unanimously.

B. ROBINSON RANCH FILING 2, AMENDMENT 2, LOT 8 - Use By Special Review

Applicant: Dr. Lindsay Mamula

Location: Generally located southeast of Parker Road and Hess Road

Department: Community Development, Krista Flynt

TRAKiT No.: Z20-015

7:43 P.M.

The applicant, Lindsay Mamula of the Veterinary Center of Parker, requested a Use by Special Review (UbSR) approval for a new veterinary hospital and pet boarding facility on Lot 8 of Robinson Ranch Filing 2, Amendment 2. The subject property is zoned as part of the Robinson Ranch Planned Development (PD) and is located in Planning Area C, designated Commercial, that permits veterinary clinics and hospitals through the UbSR process.

The subject property has a total area of 1.4 acres or 61,550 square feet and is currently undeveloped. The applicant proposes to build a 22,116 square foot commercial building with a 512 square-foot outdoor pet run/relief area, parking lot and accessory improvements. The Veterinary Center of Parker is currently located in the Robinson Ranch PD within an existing multi-tenant commercial building fronting Hess Road. The proposal would enable the applicant to construct a larger building to expand their business and offer additional services such as the boarding of pets.

The subject property is located within a designated, mixed-use Neighborhood Center according to the Parker 2035 Master Plan. The proposed veterinary hospital and pet boarding facility will be located in a designated commercial Planning Area within the Robinson Ranch PD and is adjacent to existing commercial uses. Veterinary hospitals are classified as commercial services, which is consistent with General Land Use Plan recommendations in Chapter 6 of the Master Plan. The proposal is compatible with adjacent uses and is consistent with the Parker 2035 Master Plan including the Land Use Plan and Neighborhood Center designation.

Staff has reviewed the proposal against the nine (9) criteria for consideration of a UbSR application set forth in the Land Development Ordinance and has determined that the proposal meets the criteria for approval subject to the proposed conditions.

The Planning Commission unanimously recommended the approval of the Use By Special Review application at its March 25, 2021 Planning Commission meeting with conditions.

Applicant:

Dr. Lindsay Mamula -12311 Pine Bluffs Way #115, Parker, described the business model and asked Town Council to approve the Use by Special Review application.

Public Comment: None.

The Public Hearing was closed at 7:51 P.M.

John Diak moved to approve, based on staff findings, with the following conditions:

1. That the Use by Special Review materials stamped by the Community Development Department on March 25, 2021, shall be the approved Use by Special Review materials.
2. The applicant will operate the facility using fecal removal procedures on a daily basis. The applicant will ensure that fecal matter will be immediately cleaned up, disinfected with a pet safe and environmentally friendly product (for example a hydrogen peroxide-based product) and then kept in a lid sealed container. To prevent accumulation of feces on site, the feces will be frequently removed from the site by a third party.
3. Following the Use by Special Review Approval, a site plan will need to be reviewed and approved by the Community Development Department.
4. Operations of the facility will be subject to the Town's noise ordinance, as amended.
5. A building permit shall be required for any interior or exterior work completed on site.
6. This approval shall expire sixteen (16) months after the date of approval unless a building permit or grading permit has been applied for. The Community Development Director, upon written request, may grant a ninety (90) day extension.

Laura Hefta seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 21-019

A Resolution Approving the Form of Intergovernmental District Facilities Construction and Administrative Services Agreement Between Chambers Highpoint Metropolitan District No. 1 and Chambers Highpoint Metropolitan District No. 2

Department: Town Attorney, Kristin Hoffmann

Town Attorney Maloney stated for the record, "on June 15, 2020, Town Council passed a motion that disqualified Councilmember Poage from participating in public hearings that involved the consideration of residential metropolitan district service plans. The agenda item that is before you now, involves a residential metropolitan district. However, due to the fact that the current Town Council is limited to four members and the Town Charter requires four members to constitute a quorum to hold a meeting and conduct business, Councilmember Poage may vote on this matter because her participation is necessary to maintain a quorum and enable the Town Council to vote on this matter. This is what is commonly referred to as the rule of necessity."

The Deputy Town Attorney stated that the Town Council approved the Consolidated Service Plan for the Chambers Highpoint Metropolitan Districts on October 3, 2016. The Consolidated Service Plan was amended by a First Amendment to Consolidated Service Plan, which was approved by the Town Council on March 18, 2019. The districts desire to enter into the attached agreement to set forth the contractual relationship between the two districts. Under the agreement, District No. 2 will be the "Operating District" and as such will contract for and supervise the construction of the public improvements and will provide administrative services to District No. 1, as the "Financing District". The Town is not a party to the agreement. Pursuant to the Consolidated Service Plan, as amended, the agreement is subject to review and approval by the Town prior to its execution by the districts.

Public Comment: None.

Cheryl Poage moved to approve Resolution No. 21-019.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 21-020

A Resolution of the Parker Town Council Regarding the Town Council's Opposition to Proposed Colorado Senate Bill 21-062 - "Concerning Measures to Reduce Jail Populations"

Department: Town Attorney, Jamie Wynn

On February 16, 2021, Senate Bill 21-062 was introduced in the Colorado State Senate. SB21-062 is currently titled "Concerning Measures to Reduce Jail Populations." Throughout the State

of Colorado, law enforcement officials and various municipal bodies have expressed significant concerns should SB21-062 get passed. The Bill prohibits police officers from making an arrest for most crimes committed in the State of Colorado, and generally prohibits judges from issuing any type of monetary, surety, or property bond until a defendant in a criminal matter has failed to appear for court at least three times. These restrictions have a potential significant impact on the court process, the ability of any prosecutor's office to fairly prosecute a criminal matter, and also has a significant impact on victims of criminal actions. Law Enforcement throughout the State has seen a substantial increase in criminal activity, due in part to the reduction in jail populations based on the COVID-19 pandemic. There is reasonable concern that creating a permanent requirement for a reduction in jail populations will continue to have impacts on increases in criminal activity.

The majority of the Chiefs and Sheriffs in the 18th Judicial District have signed a statement in opposition to SB 21-062. Other jurisdictions have also issued statements of opposition to the Bill. Based upon discussions with Town Council, a resolution has been drafted to state Council's opposition to SB 21-062.

Public Comment: None.

Cheryl Poage moved to approve Resolution No. 21-020.

Laura Hefta seconded the motion.

The motion was approved unanimously.

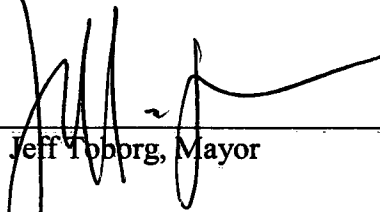
ADJOURNMENT

Todd Hendreks moved to adjourn the meeting at 8:02 P.M.

Cheryl Poage seconded the motion.

The motion was approved unanimously.


Chris Vanderpool, Deputy Town Clerk


Jeff Toborg, Mayor