

**TOWN OF PARKER COUNCIL
MINUTES
JULY 12, 2021**

Mayor Toborg called the meeting to order at 5:12 p.m. All Councilmembers were present.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were three (3) items. Under C.R.S. § 24-6-402(4)(b) there was one (1) item which was to hold a conference with the Town's attorney to receive legal advice on specific legal questions regarding H.R. 1319, The American Rescue Plan Act of 2021 (Eligible Projects). Under C.R.S. § 24-6-402(4)(e) there were two (2) items; the first item was concerning the proposed amendment to the Anthology North Annexation Agreement to address the timing for the construction of Chambers Road, and the second item was concerning My Mainstreet proposed purchase of PACE Lot 2 and East Main parcels.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:13 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); and 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).

The motion was approved unanimously.

Todd Hendreks moved and Cheryl Poage seconded to come out of Executive Session at 6:15 p.m.

The motion was approved unanimously.

Joshua Rivero moved and Todd Hendreks seconded to recess the regular Town Council meeting until 7 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the meeting at 6:58 p.m.

Alura Wilks led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Jeff Percival, Creative Pastor with the Southeast Christian Church was recognized for the "Restart" Program. The program has greatly contributed to helping small businesses during COVID-19.

PARKER CHAMBER OF COMMERCE UPDATES

No one was present to provide an update.

DOWNTOWN BUSINESS ALLIANCE UPDATES

(Inaudible name) provided a brief monthly update for the Downtown Business Alliance.

PUBLIC COMMENTS

There were six written general public comments received that will be attached to the approved minutes.

- Kory Nelson, 21398 E. Wanderlust Place, announced he will be running for the Douglas County Clerk and Recorder in the 2022 election.
- Kenneth Ramsey, 3862 Elm Avenue, talked about the protection of wildlife and not using poisons as bait as it contributes to the death of the wildlife population. Mr. Ramsey presented a notebook of information to the Town Clerk.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. *APPROVAL OF MINUTES - June 21, 2021*

B. *ORDINANCE NO. 3.193.5 First Reading*

A Bill for an Ordinance Amending the Parker Auto Plaza Development Guide Pursuant to the Town of Parker Land Development Ordinance

Department: Community Development, Stacey Nerger

Second July 19, 2021

Reading:

C. *CONTRACTS OVER \$100,000*

1. *Parker Road (SH83) Multi-Use Trail (West Side) CIP 21-017 Professional Services Agreement*

Amount: \$114,685.00

Contractor: Felsburg Holt & Ullevig

Department: Engineering and Public Works, Tom Gill

Joshua Rivero moved to approve Consent Agenda items 7A through 7C.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 3.01.125 - Second Reading (Continued from June 21, 2021)
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code
concerning Planning Department Adjustments
Department: Community Development, John Fussa

The Town Administrator issued a series of Emergency Orders in 2020 to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, staff proposes several amendments to the Municipal Code to establish a formal transition from the emergency orders back to pre-pandemic Code requirements. The proposed ordinance would exclude certain temporary site plan changes, such as marking pick-up/delivery parking spaces, from the requirement for Site Plan Adjustment approval by the Town. If approved, this ordinance will be in effect through December 31, 2021.

Public Comment: None.

Cheryl Poage moved to approve Ordinance No. 3.01.125 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 5.28.26 - Second Reading
A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code
Relating to Fines for Violations of Liquor Code Violations
Department: Town Attorney, Jim Maloney

Prior to the General Assembly's enactment of Senate Bill 20-110, state and local licensing authorities could only impose a fine for liquor code violations if the licensee requested a fine in lieu of revocation or suspension. Ordinance No. 5.28.26 will allow the Special Licensing Authority to impose a fine without suspending or revoking a liquor license. The fines under Senate Bill 20-110 range from \$500.00 to \$100,000.00. The Colorado Department of Revenue has issued regulations to serve as guidance to local licensing authorities in implementing these new fines, including categories of violations; methods of calculating fines; and aggravating and mitigating factors.

Public Comment:

Kory Nelson, 21398 Wanderlust Place, spoke in favor of the ordinance.
Bradley Trede, 6497 Mountain Manor, spoke in favor of the ordinance.

Cheryl Poage moved to approve Ordinance No. 5.28.26 on second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 21-034

A Resolution to Request that the Independent Congressional Redistricting Commission Modify the Preliminary Congressional District Map by Moving the District Boundary for Districts 6 and 7 to Place All of the Town of Parker into District 7 in Order to Preserve the Town of Parker's Whole Community of Interest with Douglas County and the Political Subdivisions Contained Within Douglas County that are All Exclusively Contained within District 7, as Provided by Colorado Constitution Article V, Section 44

Department: Town Council

The Independent Congressional Redistricting Commission prepared a preliminary Congressional District Map that splits the Town into Districts 6 and 7. However, Colorado Constitution Article V, Section 44.3, provides that the Independent Congressional Redistricting Commission "must preserve whole communities of interest and whole political subdivisions, such as counties, cities and towns." The purpose of the Resolution is to request that the Independent Congressional Redistricting Commission modify the preliminary Congressional District Map by (1) putting all of the Town of Parker in one District; (2) putting the Town in District 7 due to the Town's community of interest with Douglas County and the political subdivisions contained within Douglas County which are contained within District 7; and (3) provide a solution to the Independent Congressional Redistricting Commission, which will result in eliminating municipal splits for the Town, Littleton and Bow Mar.

Public Comment:

Kory Nelson, 21398 Wanderlust Place, spoke in favor of the resolution with a change regarding the Judicial District.

Town Attorney Jim Maloney read an amendment to the resolution into the record. He noted it would be the seventh paragraph and would read as follows: "Whereas, in 2025 Douglas County and its communities will no longer be part of the 18th Judicial District, and instead will become part of the new 23rd Judicial District, which will not include Arapahoe County or the City of Aurora."

Joshua Rivero moved to approve Resolution No. 21-034 with the amended language.

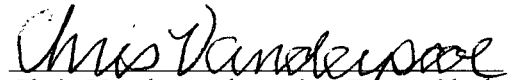
Anne Barrington seconded the motion.

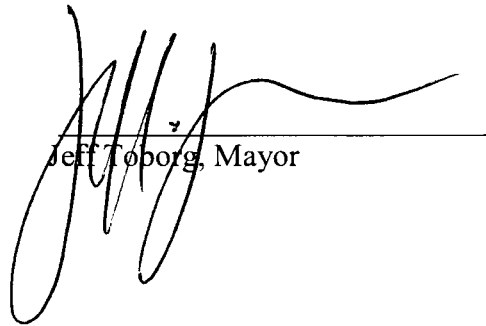
The motion was approved unanimously.

ADJOURNMENT

Cheryl Poage moved and Todd Hendreks seconded to adjourn the meeting at 8:00 p.m.

The motion was approved unanimously.


Chris Vanderpool, Acting Town Clerk


Jeff Toborg, Mayor

Vanderpool, Chris

From: noreply@civicplus.com
Sent: Monday, June 21, 2021 6:21 PM
To: Clerk; Robberson, Dannette; Sullivan, Cheri; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

Town Council Meetings - General Public Comment

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First Name	Max and Jennifer
Last Name	Anderson
Address	12818 Domingo ct
City	Parker
State	Co
Zip Code	80134

General Public Comment

We have lived in Parker for 17 yrs and love it. Our backyard faces Motsenbocker. The traffic has increased exponentially over the years, but has become intolerable since the explosion of house building down Crowfoot Valley and in our neighborhood (Anthology). The construction traffic has raised the decibel noise level so that conversations cannot even be held in our back yard. We are requesting the city reroute traffic to Parker road then down Stroh to reach their destination. This would greatly decrease the noise and traffic level for residence that live north of Stroh and on both sides of Motsenbocker. There are much fewer residence on the new route that is suggested
Thank you.

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Vanderpool, Chris

From: noreply@civicplus.com
Sent: Thursday, June 24, 2021 10:58 AM
To: Clerk; Robberson, Dannette; Sullivan, Cheri; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

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First Name	James
Last Name	Cahalin
Address	12808 Domingo Ct
City	Parker
State	CO
Zip Code	80134

General Public Comment

I'm writing to express my concern and frustration with the increased truck and construction traffic on Motsenbocker road between Hess and Stroh road. My house, in Anthology, backs up to Motsenbocker and over the past 3 years we've experienced an exponential increase in both air and noise pollution from the increased traffic. All three of my children's bedrooms face Motsenbocker and have been repeatedly awoken due to the use of jake brakes. Two of my children have asthma, as do I. All three of us have experienced increase usage of our inhalers that I'm attributing to the additional particulate matter produced by the increased trucking traffic. This is not only affecting my family's health now, it will have a negative life-long impact on their respiratory systems which are still developing.

Every Saturday morning is my time to work around my home, making sure the landscaping is keeping with the aesthetics of Anthology and I can't express enough how frustrating it is to continuously hear the jake brakes and truck traffic, while watching them speed down a road that runs between two neighborhoods! They're basically speeding through a high child populated area in vehicles that take hundreds of yards to stop at those speeds and at that weight. Safety, as well as common sense, has been discarded all so these trucks don't have drive an extra few hundred yards to Parker road.

In my opinion, the Town Council's job is to protect and better the lives of the citizens of Parker. In this case though, it seems as though your main concern is keeping the construction companies happy? Having those trucks re-routed to use Parker road instead is a reasonable request to protect the life-long health of your constituents.

My questions for the council:

1. Did the trucking and/or construction companies perform any environmental assessments or environmental impact studies on this truck traffic? If not, why did the council not request those studies?
2. If the response to question #1 is that you don't require them, why not? Again, your job is to better the lives of your constituents!
3. If the response to question #1 is yes, where can I read those studies and who was the organization / company that performed them? What are their relationships to the construction / trucking companies? Were they verified by any independent reputable environmental engineers?
4. Is requiring that traffic to be re-routed east to Parker road too big of a request? It would add less than a mile to their routes

while ensuring the health the well-being of your constituents.

My family and I are asking you to exercise sound judgement with a pragmatic solution to solve a problem that we shouldn't have ever had in the first place!

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Vanderpool, Chris

From: noreply@civicplus.com
Sent: Saturday, June 26, 2021 2:39 PM
To: Clerk; Robberson, Dannette; Sullivan, Cheri; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

Town Council Meetings - General Public Comment

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First Name	Maya
Last Name	Shoemaker
Address	18342 E Saskatoon Place
City	Parker
State	CO
Zip Code	80134

General Public Comment

I would like to provide insight as to the traffic on Motsenbocker just south of Hess. I own two homes here (18317 E Saskatoon which I rent and 18342 E Saskatoon where I reside) and have lived here for 7 years. The noise started as a nuisance based on the road being paved in concrete, but at the time, I could still sleep with the windows open or carry on a conversation indoors and out.

In the last two years with the onset of all the construction south of us, my quality of life has significantly deteriorated in my own home due to the traffic noise. My windows have to be closed year round and i can not enjoy my beautiful back yard or my patio. My family can't watch television during rush hour in the morning or the evening because the traffic noise drowns out the tv. We can't have conversations with the windows open anymore. But worst of all, since I'm forced to work from home due to COVID, my house shakes when the trucks go by, rattling glassware and my computer, and during my calls, I can not take myself off of mute except to speak quickly because the road noise is so loud. I've had co-workers say "is someone at the Indy 500?" "Is someone at the airport?" It's frustrating and maddening at the same time and I've been watching it get progressively worse over the last two years.

The only thing I've seen the Town of Parker do is put up a sign that says "Jake Brakes prohibited \$500 fine" - which essentially encourages the construction traffic to keep the route, but not use their brakes. And for the record, they still use their brakes. All day long. My home is the closest to Motsenbocker of any of the homes along the West side of the road and I am really frustrated with how much my quality of life has gone down over the last two years. I can't enjoy my home the way I'd like to and that's not right. I am asking that you consider rerouting the traffic to Parker Road and also consider paving Motsenbocker with asphalt to quiet some of the noise. We deserve better.
Thank you

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Vanderpool, Chris

From: noreply@civicplus.com
Sent: Saturday, June 26, 2021 7:02 AM
To: Clerk; Robberson, Dannette; Sullivan, Cheri; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

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First Name James

Last Name Cahalin

Address 12808 Domingo Ct

City Parker

State CO

Zip Code 80134

General Public Comment

At 6:45 am this morning, Saturday June 26, 2021, the jack
brakes started on Mostsenbocker road (between Hess and
Stroh) waking up both my 7 year old son and 5 year old
daughter. This construction traffic has to stop! Please re-route
the traffic out to Parker road, this is negatively impacting my
family's quality of life!

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From: noreply@civicplus.com
Sent: Sunday, June 27, 2021 10:47 AM
To: Clerk; Robberson, Dannette; Sullivan, Cheri; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

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First Name	John
Last Name	Ferrari
Address	18338 E Saskatoon Pl
City	Parker
State	CO
Zip Code	80134

General Public Comment

Being residents of Parker for over 15 years my family and I have seen obvious growth and have always had the opinion that our town made good infrastructure decisions before allowing massive building to take place. As we all know, the growth along the Motzenbocker/Crowfoot/Stroh corridor has been tremendous as of late. That being said - living in a home that borders Motzenbocker near French Creek has become unbearable due to the traffic pattern that has been caused by all of the construction. With our great weather it was once possible to sit on our deck to enjoy the outdoors - but this is no longer possible with the many trucks that speed through this once quiet residential street. It would be greatly appreciated if the trucks were directed to use the parker and stroh roads to get to their destination without so much disruption. I fear for the safety of the many children who are on the sidewalks along the street. Anything the town council can do to alleviate this so more of us don't move away would be a step in the right direction. Thank you for your support.

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From: noreply@civicplus.com
Sent: Monday, July 12, 2021 7:08 AM
To: Clerk; Robberson, Dannette; Sullivan, Cheri; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

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First Name James

Last Name Cahalin

Address 12808 Domingo Ct

City Parker

State CO

Zip Code 80134

General Public Comment

The construction trucks started using their jake brakes at 6:30am today, July 12 2021. They woke up both my young children as they came in a train. Please have them re-routed out to Parker road, they're negatively impacting the quality of my family's life!

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