

**TOWN OF PARKER COUNCIL
MINUTES
SEPTEMBER 7, 2021**

Mayor Jeff Toborg called the Town Council meeting to order at 5 p.m. All Councilmembers were present.

Town Attorney Jim Maloney announced the topics for discussion in the Executive Session were three (3) items. Under C.R.S. § 24-6-402(4)(b) there were two (2) items; the first item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions concerning the proposed assignment and assumption of the Amended and Restated Stroh/Hess Ranch Annexation Agreement (Southern Property) dated September 21, 2015; and the second item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions regarding Section 13.07.020(h) of the Parker Municipal Code concerning the exemption plat for Pace Lot 2. Under C.R.S. § 24-6-402(4)(e) there was one item which was concerning the Proposed Newlin Crossing Metropolitan District Service Plan and intergovernmental agreement and amendment to the annexation agreement.

Before going into the Executive Session, the following discussion took place regarding the proposed Newlin Crossing Metropolitan District Service Plan and intergovernmental agreement and amendment to the annexation agreement. Following discussion by Town Council, it was determined that Councilmember Poage's conflict of interest as it relates to residential metropolitan district service plans or amendment to a residential district service plan remains. In determining the conflict of interest, two questions were asked of her: (1) Could she treat each application for a metropolitan district service plan as separate and distinct from any other application for a residential metropolitan district – she responded yes; and, (2) Will she base her decision to approve or deny an application for a metropolitan district on the evidence presented at the public hearing and the application of that evidence to the criteria contained in the Town Code – she responded no. Council determined that the motion that was previously passed determining that Councilmember Poage could not be fair and impartial and disqualified her from participating in any application for a service plan or service plan amendment concerning residential metropolitan districts was still valid.

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.

Councilmember Poage left the Executive Session meeting at 5:48 p.m.

Joshua Rivero moved and Todd Hendreks seconded to come out of the Executive Session at 5:57 p.m.

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

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the Town Council meeting at 7 p.m. and led the Pledge of Allegiance.

PARKER CHAMBER OF COMMERCE UPDATES

There was no one present to provide an update.

DOWNTOWN BUSINESS ALLIANCE UPDATES

There was no one present to provide an update.

PUBLIC COMMENTS

There were four written general public comments, which will be attached to the approved minutes.

- Alryne Cook, 12507 Venable Creek Street, commented regarding traffic on Motsenbocker, traffic noise from Motsenbocker, and speed on Motsenbocker.
- Tejendra Dhakal, 12723 Buffington Trail, commented on traffic on Motsenbocker, traffic noise from Motsenbocker, and speed on Motsenbocker. He also spoke about drainage in the area with new development coming soon and suggested that less dense housing in the new development would be beneficial.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

The Mayor called for a Special Town Council Meeting on October 11, 2021, at 5 p.m.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - August 16, 2021 & August 23, 2021*

- B. *ORDINANCE NO. 9.332 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement Among Arapahoe County, the Town of Parker, and the City of Aurora Regarding High Plains Regional Trail Maintenance
Department: Parks, Recreation and Open Space, Brett Collins
Second September 20, 2021
Reading:

- C. *ORDINANCE NO. 12.03.6 – First Reading*
A Bill for an Ordinance to Amend Chapter 12.02 of the Parker Municipal Code Concerning Electric-Powered Wheeled Devices, Trail Speeds and Other Code Updates
Department: Town Attorney, Jamie Wynn
Second September 20, 2021
Reading:

- D. *ORDINANCE NO. 5.03.8 – First Reading*
A Bill for an Ordinance to Amend Chapter 7.01 of the Town of the Parker Municipal Code Concerning Electric Personal Assistive Mobility Devices
Department: Town Attorney, Jamie Wynn
Second September 20, 2021
Reading:
- E. *ORDINANCE NO. 9.340 – First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Newlin Crossing Metropolitan District
Department: Town Attorney, Kristin Hoffmann
Second September 20, 2021
Reading:
- F. *CONTRACT OVER \$100,000*
1. *Professional Services Agreement for Conceptual/Preliminary Design for Lincoln Avenue Widening Project*
Amount: \$499,984.00
Contractor: Felsburg Holt & Ullevig
Department: Engineering and Public Works, Bob Exstrom
- G. *PROCLAMATION - Constitution Week - September 17 - 23, 2021*

Cheryl Poage moved to remove Consent Agenda item 6F for discussion.

Laura Hefta seconded the motion.

The motion passed 3-3 with the Mayor voting to remove the item from the Consent Agenda for discussion. (Poage, Hefta, Barrington voted yes.) (Diak, Rivero, Hendreks voted no.)

Joshua Rivero moved to approve Consent Agenda items 6A, 6B, 6C, 6D, and 6G.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

Joshua Rivero moved to approve Consent Agenda item 6E.

Todd Hendreks seconded the motion.

The motion passed with a 5-1 vote. (Poage voted to abstained.)

After discussion about the item, Cheryl Poage moved to approve Consent Agenda item 6F.

Laura Hefta seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. ANTHOLOGY NORTH - Planned Development Amendment No. 3

Applicant: PCS Group
Location: Generally located on the south side of Hess Road between Chambers Road and Motsenbocker Road
Department: Community Development, BrieAnna Simon
TRAKiT No.: Z21-008

Mayor Toborg opened at 7:24 p.m.

The applicant is proposing an amendment to the Anthology North Planned Development (PD) zoning through a revision of the Development Plan. The purpose of the PD zoning amendment is to relocate the previously approved South Metro Fire/Rescue Authority (SMFRA) fire station location from Planning Area 19 adjacent to the Horse Creek residential neighborhood to the northwest corner of the intersection of Chambers Road and Great Plain Way. The proposed relocation of the fire station will address the concerns of residents, the Town Council and the Planning Commission about nuisance impacts on the Horse Creek neighborhood from emergency response activities.

Applicant:

Chris Elliott, 7353 S. Alton Way, stated this was a win-win-win situation. The move of the fire station was a positive move for all involved.

Fire Chief Mike DellOrfano was also present for questions. He stated it would be approximately five years before the construction of the fire station takes place. The station at Stroh will serve this area until the new station is constructed.

Public Comment: None

The Public Hearing was closed at 7:33 p.m.

ORDINANCE NO. 3.308.3 - Second Reading

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

John Diak moved to approve Ordinance No. 3.308.3 on second reading.

Anne Barrington seconded the motion.

The motion was approved unanimously.

B. PARKER NORTH, 1ST AMENDMENT, TRACT D PROPERTY ANNEXATION

Applicant: Town of Parker
Location: The east side of Parker Road, north of Parkglenn Way
Department: Community Development, Bryce Matthews
TRAKiT Nos.: ANX21-003 and Z21-001

Mayor Toborg opened at 7:38 p.m.

The Parker North Tract D parcel, currently in unincorporated Douglas County, is located in the Parker Road Corridor and was a remnant of the Parker North residential neighborhood. The subject parcel is approximately 0.27 acres in total area and was conveyed by Douglas County to the Town in September, 2020. The purpose of the acquisition was to provide the opportunity for a multi-use trail along Parker Road and create an enclave for the potential annexation of unincorporated land on the west side of Parker Road in the future.

The Town proposes to annex the Parker North Tract D parcel and proposes to zone the property as PF-Public Facilities. The PF zoning will permit future public improvements such as a multi-use trail and associated grading or drainage if necessary. In addition, it will close a gap in the Town's border on the east side of Parker Road to create an enclave whereby the Town surrounds land within unincorporated Douglas County south of NAPA Auto Parts on the west side of Parker Road that may be annexed in the future after a period of three (3) years from annexation has elapsed.

The Parker North Tract D Property is located within the Town's Planning Area for future growth and development, is identified in the 2020 Three-Mile Plan as an annexation opportunity and is recommended for future annexation in the Parker 2035 Master Plan. Our review of the annexation map indicates that the subject property satisfies the contiguity requirement of the Municipal Annexation Act of 1965, specifically C.R.S. § 31-12-104(a). The proposed annexation is consistent with the Town Master Plan, Parker Road Corridor Plan and land use policies for future growth and development.

The Planning Commission held a public hearing for the proposed zoning application on August 12, 2021, and made a unanimous recommendation of approval.

Public Comment: None

The Public Hearing was closed at 7:44 p.m.

1. RESOLUTION NO. 21-036

**A Resolution to Establish the Findings of Fact and Conclusions Thereon
Concerning the Eligibility of the Town Parker North, 1st Amendment, Tract D
Property for Annexation**

Todd Hendreks moved to approve Resolution No. 21-036.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 2.277 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Town Parker North, 1st Amendment, Tract D Property

Laura Hefta moved to approve Ordinance No. 2. 277 on second reading.

John Rivero seconded the motion.

The motion was approved unanimously.

3. ORDINANCE NO. 3.359 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Town Parker North, 1st Amendment, Tract D Property to PF-Public Facilities District 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. 3.359 on second reading.

Anne Barrington seconded the motion.

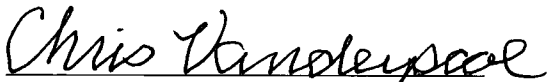
The motion was approved unanimously.

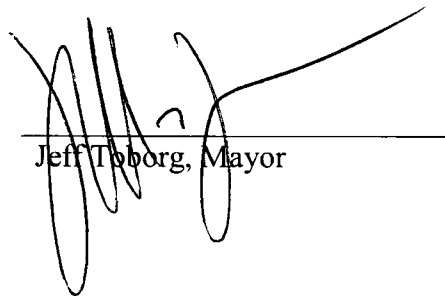
ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 7:48 p.m.

Todd Hendreks seconded the motion.

The motion was approved unanimously.


Chris Vanderpool, Acting Town Clerk


Jeff Toborg, Mayor

Vanderpool, Chris

From: noreply@civicplus.com
Sent: Wednesday, August 18, 2021 8:46 AM
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

Regular Town Council meetings are held on the first and third Monday of each month, unless announced otherwise. The general public comment period held during these meetings is an opportunity for the public to provide comments on items that are not on that meeting's agenda. Public comments can be made in writing via the online form below, live during the meeting via the Zoom application, or in person at the public meeting.

Written general public comments via the form below can be submitted from noon on the Friday prior to the next meeting until 5 p.m. Monday (the day of the meeting). To learn how to submit a live public comment during a meeting via the Zoom application, visit www.ParkerOnline.org/Calendar and go to the specific meeting date for details.

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	James
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Last Name	Cahalin
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Address	12808 Domingo Ct
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City	Parker
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State	CO
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Zip Code	80134
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General Public Comment

No one is complying with the Parker Ordinances regarding noise violations on Motsenbocker between Hess and Stroh. These construction vehicles are in constant violation. Where is the enforcement?

Ordinance:

Construction. Operating or permitting the operating of any tools or equipment in connection with construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays, between the hours of 7:00 p.m. and 8:00 a.m. on Saturdays, and between the hours of 7:00 p.m. and 10:00 a.m. on Sundays or holidays, except for emergency work on public service utilities or emergency work by Town personnel or by special variance issued by the Director of Engineering or designee.

Today the truck jake brakes started again at 5:45 am. Perhaps it would be more effective if I recorded this noise then drove to your homes and blast (well above 50 decibels) that truck noise at 5:45 am every morning via loudspeakers? Happy to pay those fines over and over again to drive change. DO YOUR JOBS!!!

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From: noreply@civicplus.com
Sent: Friday, August 27, 2021 11:52 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 Dickson

Last Name Wong

Address 12878 Domingo Ct

City Parker

State CO

Zip Code 80134

General Public Comment

I am concerned about the increased traffic on Motsenbocker Rd. We have lived in Anthology for 17 years and the traffic has increased significantly over the last couple of years. There seems to be an uptick in drivers using the road like drag strip and it happens night and day. I request an monitoring and patrolling in addition to speeding up the planned expansion of the route between Hess and Chamber. Thank you for service and consideration of my request.

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Vanderpool, Chris

From: noreply@civicplus.com
Sent: Sunday, August 29, 2021 2:29 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 Karie

Last Name Saupe

Address 12838 Domingo Ct

City Parker

State State

Zip Code 80134

General Public Comment

Dear City Council Members,

I'm writing this in support of expediting the completion of Chambers Road from Hess to Crowfoot Valley to assist in rerouting the traffic away from Motsenbocker Road. My husband and I have lived in our home, which backs up to Motsenbocker, for 13 years. We have seen the traffic volume significantly increase and it is very likely to continue due to the amount of new construction happening in the area. Not only has the traffic volume increased, but the noise has become unbearable. The trucks start traveling on Motsenbocker between 6:00 and 6:30 a.m. and continue into the evening hours. We are no longer able to have our windows open and it is very difficult to have a conversation in our backyard. The use of Jake brakes has decreased since signs were posted prohibiting them, however, it does intermittently continue to occur. In addition to the noise and volume, I am concerned about safety because I have witnessed the dump trucks using excessive speed numerous times. Our quality of life in Parker has greatly been reduced.

I would strongly encourage the council to approve the funding and complete the expansion of Chambers Road as quickly as possible. Thank you for your time and consideration on this matter.

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From: noreply@civicplus.com
Sent: Monday, August 30, 2021 8:46 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	Jill
Last Name	Schultz
Address	12748 Domingo Ct
City	Parker
State	CO
Zip Code	80134

General Public Comment

My family has lived in the Anthology subdivision for 17 years. Our home backs up to Motsenbocker Road. I am asking that the Town Council correct serious issues that have arisen on Motsenbocker Road during the past few years.

Motsenbocker Road was once a relatively quiet and safe residential street serving Anthology and nearby neighborhoods. It has now become a traffic nightmare. Not only has there been a tremendous increase in general traffic volume and noise, but construction trucks now using Motsenbocker are excessively loud. Some trucks use Jake brakes and there is enormous noise from engines/exhaust for most trucks as they speed down Motsenbocker. The truck noise and vibrations can be heard and felt inside my home all day long, 6 and sometimes 7 days a week. This has adversely affected the quality of life at our home. We can no longer open our windows at night and it is nearly impossible to carry on a conversation on our deck or in our backyard.

The volume and speed of traffic on Motsenbocker Road has created serious safety issues. Much of this traffic appears to be using Motsenbocker Road as a shortcut to bypass Parker Road. Motsenbocker Road is not suited for the speed of those vehicles, and several times vehicles have crashed into the backyards of our neighbors nearby.

Also, the intersection at French Creek and Motsenbocker has become very dangerous. Because of the speed of traffic on Motsenbocker, cars are not able to safely pass through that intersection, especially cars entering or exiting Motsenbocker at French Creek.

I am asking the Town Council to take the following actions: Expedite completion of Chambers Road, which is the more proper thoroughfare for handling traffic that is now on Motsenbocker Road.

In the interim, require all truck traffic now using Motsenbocker to be rerouted to Parker Road.

Install a traffic light at the Motsenbocker/French Creek intersection, to improve safety issues at that intersection.

Thank you for considering my concerns.

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