

**TOWN OF PARKER COUNCIL
MINUTES
SEPTEMBER 20, 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 eight (8) items. Under C.R.S. § 24-6-402(4)(e) there were six (6) items; the first item was concerning the Compark default: Compark Village Filing No. 7, Amendment 1 Subdivision Agreement; the second item was concerning the Compark/Nicks Investments default: Compark Village Filing No. 11 Subdivision Agreement; the third item was concerning the Norton Annexation/Summerset Reimbursement; the fourth item was concerning the proposed Douglas County School District School Resource intergovernmental agreement; the fifth item was concerning the proposed Subdivision Settlement Participation Agreement/Memorandum of Understanding with the State of Colorado concerning the recent Opioid Settlement; and the sixth item was concerning the proposed assignment and assumption of the Amended and Restated Stroh Ranch/Hess Annexation Agreement (Southern Property) dated September 21, 2015. Under C.R.S. § 24-6-402(4)(f) there were two items; the first item was concerning the Town Administrator evaluation process; and the second item was concerning the Town Attorney evaluation process.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:03 p.m., 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 personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).

The motion was approved unanimously.

John Diak moved and Todd Hendreks seconded the motion to come out of the Executive Session at 6:30 p.m.

The motion was approved unanimously.

Todd Hendreks moved and Anne Barrington seconded to recess regular the meeting until 7 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the Town Council meeting at 7 p.m. All Councilmembers were present.

The American Heritage Girls Troop CO1728 led the Pledge of Allegiance.

PUBLIC COMMENTS

There was one written general public comment, which will be attached to the approved minutes.

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 - September 7, 2021

B. CONTRACTS OVER \$100,000

1. High Plains Trail IREA Powerline Relocation Construction Contract

Amount: \$228,000

Contractor: IREA (now Core Electric Cooperative)

Department: Parks, Recreation and Open Space, Brett Collins

Joshua Rivero moved to approve Consent Agenda items 4A and 4B.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.339 - Second Reading (Continued from August 2, 2021)

A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Newlin Gulch at Recreation Drive (Agreement No. 21-05.23, Project No. 108504) 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, Michael Grabczyk

The Town of Parker, the Mile High Flood District (MHFD) and Douglas County have identified Newlin Gulch at Recreation Drive as a reach of a major drainage requiring repair and rehabilitation to support existing and future Town growth. The Town, MHFD, and Douglas County intend to partner in funding and managing the conceptual design of improvements to this reach and the at-grade road crossing by executing an intergovernmental agreement.

This project has been identified in the Stormwater Capital Improvements Projects 10-year Plan and is included within the 2021 budget approved by Town Council. The 2021 contributions will fund the conceptual design and any remaining funds will be utilized towards the final design. Once the conceptual design has been completed, this IGA will be amended to provide funding from the County and additional funding from the Town and MHFD for final design and construction.

2021 Design:

Town of Parker	\$100,000
MHFD	\$100,000

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.339 on second reading.

Anne Barrington seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 9.332 - Second Reading (To be continued to October 18, 2021)

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

Joshua Rivero moved to continue Ordinance No. 9.332 to October 18, 2021, for second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 12.03.6 – Second 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

With the increase in public usage of devices such as electric-assisted bicycles (e-bikes), electric skateboards, electric scooters, and other similar electric devices on trails, the Municipal Code need to be updated to be consistent with other municipalities and to adapt to the changing nature of outdoor recreation. Additionally, it has come to the attention of staff that while the Parks Rules and Regulations specify that the speed limit on trails is fifteen (15) miles per hour, the Municipal Code provision only includes the 15-mile-per-hour speed limit on “all roadways and parking areas within park lands...” The definition of "Director" needs to be updated to the current title, as well as a few other updates that need to be made to reflect current regulations and procedures.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 12.03.6 on second reading.

Anne Barrington seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 5.03.8 – Second 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

With the increase in public usage of devices such as electric-assisted bicycles (e-bikes), electric skateboards, electric scooters, and other similar electric devices on trails, Town staff is recommending updates to Chapter 12.02 - Park Regulations to be consistent with other municipalities, to adapt to the changing nature of outdoor recreation, and to comply with current regulations and procedures. Based on the updates being recommended for the Park Regulations Chapter, the Municipal Code's adoption of the Model Traffic Code will be impacted and will also need to be updated.

Public Comment: None.

Anne Barrington moved to approve Ordinance no. 5.03.8 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 21-037

A Resolution to Exempt Amendments to the Civic Center Filing No. 1, 1st Amendment, Subdivision Exemption Plat from the Definition of Subdivision and Subdivided Land as Contained in the Town of Parker Land Development Ordinance

Department: Community Development, Stacey Nerger

The Town of Parker is proposing an Exemption Plat to create two lots on 3.184 acres. The site is located at the southeast corner of Mainstreet and Pine Drive. The proposed Civic Center Filing No. 1, 2nd Amendment Exemption Plat would replat the existing vacant land and parking lot used for the PACE Center. The existing parking lot would be platted as lot 2B and would consist of a total of 1.766 acres. The existing vacant land would be platted as lot 2A and would consist of 1.418 acres.

Public Comment: None.

Cheryl Poage moved to approve Resolution No. 21-037.

Laura Hefta seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 21-038

A Resolution to Consent to the Assignment and Assumption Agreement By and Between Leila Peaslee Residuary Trust and Howard R. Peaslee, and Plaza Street Partners, LLC, and the Assignment and Assumption Agreement By and Between Plaza Street Partners, LLC and Plaza Street Fund 106, LLC

Department: Town Attorney, Jim Maloney

On May 17, 2021, the Town Council approved the ordinances annexing and zoning the property. The annexation agreement for the Property (the "Annexation Agreement") required that the deed transferring the Property (the "Deed") from the prior owners ("Peaslee") to the new owner ("Plaza Street Partners") be recorded after the recordation of the annexation and zoning ordinances and the Annexation Agreement. However, the Deed was recorded before the recordation of the annexation and zoning ordinances and the Annexation Agreement. By recording in this improper order, Peaslee was not relieved of the obligations under the Annexation Agreement and Plaza Street Partners did not assume the obligations under the Annexation Agreement. In order to correct this error, Peaslee and Plaza Street Partners entered into the first Assignment Agreement, which provides that Peaslee is relieved of all obligations under the Annexation Agreement and Plaza Street Partners assumes all obligations of the Annexation Agreement. Subsequently, Plaza Street Partners and Plaza Street Fund 106, LLC, entered into the second Assignment Agreement, which provides that Plaza Street Partners is relieved of all obligations under the Annexation Agreement and Plaza Street Fund 106, LLC, assumes all obligations of the Annexation Agreement. The Town Council's consent to the two (2) Assignment Agreements is necessary in order to finalize these Assignment Agreements.

Public Comment: None.

Joshua Rivero moved to approve Resolution No. 21-038.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

NEWLIN CROSSING METROPOLITAN DISTRICT

Department: Town Attorney, Kristin Hoffmann

The Mayor stated the next item on the agenda was a public hearing for Town Council's consideration of a service plan and related items for the Newlin Crossing Metropolitan District, which is a residential metropolitan district. On June 15, 2020, the Town Council found that a conflict of interest existed for Councilmember Poage that precludes her from

participating in any public hearing that involves a residential metropolitan district service plan or amendment to a service plan.

Mayor Toborg paused the meeting to allow Councilmember Poage to leave the Council Chambers before opening the public hearing.

Cheryl Poage left the meeting at 8:00 p.m.

The Public Hearing was opened at 8:01 p.m.

The Town has received an application for approval of a service plan and intergovernmental agreement for the Newlin Crossing Metropolitan District. Under the terms of the intergovernmental agreement, the District agrees to impose a property tax of 5 mills, which will be remitted to the Town for the planning, design, financing, acquisition, construction, operation and maintenance of the Town's infrastructure identified in Exhibit B of the intergovernmental agreement.

Attorney Megan Murphy, White Bear Ankele Tanaka & Waldron, 2154 East. Commons Avenue, Suite 200, Centennial, was present and explained the service plan changes to the Town Council. She stated that it is a metro district within a metro district but provides different services, development, and regional infrastructure.

Public Comment: None

The Public Hearing was closed at 8:09 p.m.

1. RESOLUTION NO. 21-039

A Resolution to Approve the Service Plan for Newlin Crossing Metropolitan District

Joshua Rivero moved to approve Resolution No. 21-039.

Anne Barrington seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 9.340 – Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Newlin Crossing Metropolitan District

Anne Barrington moved to approve Ordinance No. 9.340 on second reading.

Todd Hendreks seconded the motion.

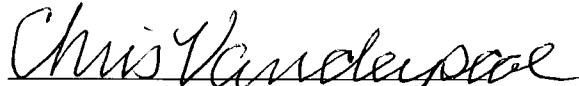
The motion was approved unanimously.

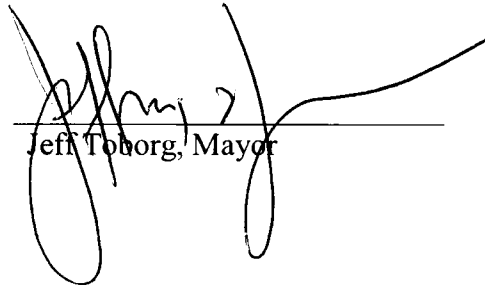
ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 8:15 p.m.

Todd Hendreks seconded the motion.

The motion was approved unanimously.


Chris Vanderpool, Acting Town Clerk


Jeff Toborg, Mayor

From: noreply@civicplus.com
Sent: Friday, September 17, 2021 5:49 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

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	Stephanie
Last Name	Jewett
Address	12521 south sopris creek dr
City	Parker
State	Colorado
Zip Code	80134

General Public Comment

I know you have received comments from many other people about the traffic noise and safety issues on Motsenbocker Road. Those are serious issues that have affected many people in Stroh Ranch, and need to be fixed.

I want to address a separate issue that may not have gotten as much attention, and that is the poor air quality along Motsenbocker Road. Noxious fumes are churned out by the many heavy construction trucks and other vehicles that travel along Motsenbocker, very close to homes. Many spew out black diesel exhaust from multiple exhaust pipes. There have been times when I have had to leave my yard to go inside my home to escape the fumes. In some cases the exhaust fumes have made me physically ill before I could escape into my home!

I am not only concerned about my health as a young adult, but also the health of many of my neighbors (especially the elderly) in Stroh Ranch. What can be done about this problem? Is there an agency that can measure the pollutants that are being generated in our residential neighborhood by the traffic? Any help you can provide would be appreciated.

Email not displaying correctly? [View it in your browser.](#)