

**TOWN OF PARKER COUNCIL
MINUTES
NOVEMBER 1, 2021**

Mayor Jeff Toborg called the Town Council meeting to order at 5 p.m. All Councilmembers were present except Councilmembers Laura Hefta and Todd Hendreks.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were five (5) items. Under C.R.S. § 24-6-402(4)(e) there was one item which was concerning the proposed Subdivision Settlement Participation Agreements/Memorandum of Understanding with the State of Colorado concerning the recent Opioid Settlement. Under C.R.S. § 24-6-402(4)(b) there were three (3) items; the first item was concerning C.R.S. Section 31-12-106 concerning annexation of enclaves adjacent to Parker Road; the second item was concerning the proposed School District Pine Drive Property Annexation Agreement; and the third item was regarding Section 13.03.030(f) of the Parker Municipal Code concerning the expiration of temporary patio use permits. Under C.R.S. § 24-6-402(4)(f) there was one (1) item which was concerning the Town Attorney agreement.

EXECUTIVE SESSION

Joshua Rivero moved and Cheryl Poage seconded to go into Executive Session at 5:02 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); 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 consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).

The motion was approved unanimously.

Joshua Rivero moved and Cheryl Poage seconded to come out of Executive Session at 6:10 p.m.

The motion was approved unanimously.

Cheryl Poage 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. All Councilmembers were present except Councilmembers Laura Hefta and Todd Hendreks.

The Pine Lane Elementary Student Council led the Pledge of Allegiance.

PARKER CHAMBER OF COMMERCE UPDATES

TJ Sullivan provided a monthly update for the Parker Chamber of Commerce.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Omar Castillo provided a monthly update on activities for the Downtown Business Alliance.

PUBLIC COMMENTS

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

Arylnn Cook, 12507 Venable Creek, commented on the noise on Motsenbocker. She asked that the speed on the road be lowered to address safety hazards.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. *APPROVAL OF MINUTES - October 25, 2021*

B. *ORDINANCE NO. 1.547.2 - First 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, Jennifer Campbell

Second Reading: November 15, 2021

C. *ORDINANCE NO. 1.552 - First Reading*

A Bill for an Ordinance to Levy General Property Taxes for the Year 2021 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2022 Budget Year

Department: Finance, Mary Lou Brown

Second Reading: November 15, 2021

D. *ORDINANCE NO. 1.554 - First Reading*

A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Constructing and Improving the North Sidewalk on East Mainstreet, a Town Roadway, Through the Utilization of the Town's Power of Eminent Domain, and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations

Department: Engineering and Public Works, Chris Hudson

Second Reading: November 15, 2021

- E. *ORDINANCE NO. 1.551 – First Reading*
A Bill for an Ordinance Vacating a Public Sidewalk Easement Agreement Conveyed to the Town of Parker by Parker Water and Sanitation District
Department: Engineering and Public Works, Chris Hudson
Second Reading: November 15, 2021
- F. *PINE DRIVE ANNEXATION*
Department: Community Development, Stacey Nerger
Second Reading: November 15, 2021
1. *ORDINANCE NO. 2.279 – First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Pine Drive Property in Douglas County
2. *ORDINANCE NO. 3.241.2 – First Reading*
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Pine Drive 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
- G. *ORDINANCE NO. 9.342 – First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Douglas County School District and the Town of Parker Regarding an MS4 Participation Agreement
Department: Engineering and Public Works, Michael Grabczyk
Second Reading: November 15, 2021
- H. *ORDINANCE NO. 3.193.6 – 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, Julia Duncan
Second Reading: November 15, 2021
- I. *BUILDING CODE UPDATES*
Department: Community Development, Randy Sale
Second Reading: November 15, 2021
1. *ORDINANCE NO. 4.85.5 - First Reading*
A Bill for an Ordinance to Amend Sections 11.05.020, 11.05.050, 11.05.060 and 11.05.080 of the Parker Municipal Code Concerning the Parker Electrical Code

2. *ORDINANCE NO. 4.89.7 - First Reading
A Bill for an Ordinance to Amend Sections 11.01.030, 11.01.060 and 11.01.080 of the Parker Municipal Code Concerning the Parker Administrative Code*
3. *ORDINANCE NO. 4.91.7 - First Reading
A Bill for an Ordinance to Amend Sections 11.02.020, 11.02.050, 11.02.060 and 11.02.080 of the Parker Municipal Code Concerning the Parker Residential Code for One- and Two-Family Dwellings Building Code*
4. *ORDINANCE NO. 4.92.6 - First Reading
A Bill for an Ordinance to Amend Sections 11.03.020, 11.03.050, 11.03.060 and 11.03.080 of the Parker Municipal Code Concerning the Parker Building Code*
5. *ORDINANCE NO. 4.93.6 - First Reading
A Bill for an Ordinance to Amend Sections 11.04.020, 11.04.050, 11.04.060 and 11.04.080 of the Parker Municipal Code Concerning the Parker Fire Protection Code*
6. *ORDINANCE NO. 4.94.5 - First Reading
A Bill for an Ordinance to Amend Sections 11.06.020, 11.06.050, 11.06.060 and 11.06.080 of the Parker Municipal Code Concerning the Parker Mechanical Code*
7. *ORDINANCE NO. 4.95.5 - First Reading
A Bill for an Ordinance to Amend Sections 11.07.020, 11.07.050, 11.07.060 and 11.07.080 of the Parker Municipal Code Concerning the Parker Plumbing Code*
8. *ORDINANCE NO. 4.96.5- First Reading
A Bill for an Ordinance to Amend Sections 11.14.020, 11.14.050, 11.14.060 and 11.14.080 of the Parker Municipal Code Concerning the Parker Energy Code*
9. *ORDINANCE NO. 4.97.5 - First Reading
A Bill for an Ordinance to Amend Sections 11.15.020, 11.15.050, 11.15.060 and 11.15.080 of the Parker Municipal Code Concerning the Parker Fuel Gas Code*
10. *ORDINANCE NO. 4.101.6 - First Reading
A Bill for an Ordinance to Amend Sections 11.16.020, 11.16.050, 11.16.060 and 11.16.080 of the Parker Municipal Code Concerning the Parker Property Maintenance Code*

11. *ORDINANCE NO. 4.105.3 - First Reading*
A Bill for an Ordinance to Amend Sections 11.08.020, 11.08.050, 11.08.060 and 11.08.080 of the Parker Municipal Code Concerning the Parker Existing Building Code
12. *ORDINANCE NO. 4.106.3 - First Reading*
A Bill for an Ordinance to Amend Sections 11.09.020, 11.09.050, 11.09.060 and 11.09.080 of the Parker Municipal Code Concerning the Parker Swimming Pool and Spa Code

J. CONTRACTS OVER \$100,000

1. *Professional Services Agreement - Give 5 Productions, Inc.*
Amount: Not to exceed \$130,000
Contractor: Give 5 Productions, Inc.
Department: Cultural, Carrie Glassburn
2. *Professional Services Agreement - Inspire Creative, d/b/a Inspire Theater Company*
Amount: Not to exceed \$130,000
Contractor: Inspire Creative, d/b/a Inspire Theater Company
Department: Cultural, Carrie Glassburn
3. *2021 Townwide Concrete Replacement Program (CIP21-006) Contract Modification*
Amount: \$1,257,509.31
Contractor: Stone & Concrete, Inc
Department: Engineering and Public Works, Danny Smith

Joshua Rivero moved to approve Consent Agenda items 6A through 6J3.

John Diak seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS**ORDINANCE NO. 1.553 - First Reading**

A Bill for an Ordinance to Adopt the 2022 Budget and to Make Appropriations for the Same

Department: Finance, Mary Lou Brown

Second Reading: November 15, 2021

Mayor Toborg opened the Public Hearing at 7:26 p.m.

The 2022 Budget and Council study session presentation were posted to the internet on Wednesday, October 6, 2021. The budget document is legally required to be posted and made public no later than October 15, 2021. Finance Director Mary Lou Brown provided an overview of the 2022 budget document. November 1, 2021, was the first public hearing for the 2022 Budget with the second public hearing being held on November 15, 2021.

Public Comment: None.

The Public Hearing was closed at 8:06 p.m.

Joshua Rivero moved to approve Ordinance No. 1.553 on first reading and schedule second reading for November 15, 2021.

John Diak seconded the motion.

The motion was approved unanimously.

ORDINANCES**A. OPIOID ITEMS**

Department: Town Attorney, Jim Maloney
Town Attorney, Jamie Wynn

Ordinance No. 9.341 provides for the approval of a memorandum of understanding with the state of Colorado and other participating local governments (the "Colorado MOU") to share in the proceeds from the settlement of a lawsuit that was filed against certain pharmaceutical companies that made and distributed opioids.

Resolution No. 21-047 provides for the approval of the Subdivision Settlement Participation Form, Settlement Participation Form and the Colorado Subdivision Escrow Agreement, which are necessary for the settlement of the lawsuit (collectively referred to as the "Settlement Documents") regarding opioids.

Public Comment: None.

1. ORDINANCE NO. 9.341 – Second Reading

A Bill for an Ordinance to Approve the Colorado Opioids Settlement Memorandum of Understanding between the State of Colorado Acting through its Attorney General and the Colorado Department of Law, and the Participating Local Governments, including the Town of Parker

**Department: Town Attorney, Jim Maloney
Town Attorney, Jamie Wynn**

Cheryl Poage moved to approve Ordinance No. 9.341 on second reading.

Anne Barrington seconded the motion.

The motion was approved unanimously.

2. RESOLUTION NO. 21-047

A Resolution to Approve the Subdivision Settlement Participation Form, Settlement Participation Form, and Colorado Subdivision Escrow Agreement, Concerning the Nationwide Opioid Settlement

Cheryl Poage moved to approve Resolution No. 21-047.

Anne Barrington seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 5.28.27 – Second Reading

A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Relating to Takeout and Delivery Permit Notification

Department: Town Attorney, Jim Maloney

To assist restaurants during the COVID pandemic, in 2020, the General Assembly enacted Senate Bill 20-213 ("SB 213"), which allowed certain licensees to sell alcoholic beverages for takeout and delivery. House Bill 21-1027 ("HB 1027") extends the ability of certain licensees to continue to sell alcohol for both takeout and delivery to July 1, 2025. The ordinance requires those licensees operating in the Town that have obtained a state-issued permit for delivery and takeout of alcohol to notify the Town.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 5.28.27 on second reading.

Anne Barrington seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 5.28.28 – Second Reading**A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code
Authorizing Communal Outdoor Dining Areas****Department: Town Attorney, Jim Maloney**

HB 1027 authorizes state and local licensing authorities to allow communal outdoor dining areas. "Communal outdoor dining areas" are outdoor areas used for food and alcohol beverage service by two or more liquor licensees. The only types of licensees that are eligible to have communal outdoor dining areas include beer and wine, beer wholesaler that operates a sales room, brew pub, distillery pub, fermented malt beverage retailer licensed for on-premises consumption, hotel and restaurant, limited winery, lodging and entertainment facility, manufacturer that operates a sales room, optional premises, tavern, and vintner's restaurant.

To operate a communal outdoor dining area, two of the above licensees must apply for a permit from the state and local licensing authorities. All licensees who plan to use the communal outdoor dining area must also: (1) apply to attach their license to that outdoor area, and (2) apply to modify their licensed premises to include that area. To approve the communal outdoor dining area, the state and local licensing authority must find that the area is within 1,000 feet of the permanent licensed premises of each of the licensees. This measurement is made by using a route of direct pedestrian access from the nearest property line of the land used for the communal outdoor dining area to the nearest portion of the building where the permanent licensed premises is located.

A special event cannot be held in a communal outdoor dining area unless the special event permittee agrees in writing to adhere to the Colorado Liquor Code and all local rules. If a violation occurs within a communal outdoor dining area and the licensee responsible for such violation can be easily ascertained, that licensee will be subject to discipline. If, however, the responsible licensee cannot be easily identified, all licensees who operate in that communal outdoor dining area are subject to discipline.

HB 1027 requires the state licensing authority to promulgate rules regarding communal outdoor dining areas. These rules must govern applications, supervision, and control of the communal outdoor dining areas; security; removal of beverages from the area; special events within the area; and insurance requirements. The Special Licensing Authority recommends approval of this ordinance.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 5.28.28 on second reading.

Anne Barrington seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 5.28.29 – Second Reading**A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Relating to Festival Permits****Department: Town Attorney, Jim Maloney**

Starting September 6, 2021, SB 082 authorizes the following license types to begin applying for festival permits: beer and wine, brew pub, distillery pub, hotel and restaurant, limited winery, manufacturer, tavern, vintner's restaurant; and wholesaler.

To hold a festival, one of the above licensees must apply for a permit from the state licensing authority. Under the attached ordinance, the Town would create its own permitting system for festivals. It is important to note that winery manufacturers and limited wineries are exempt from local licensing permitting requirements. Once a licensee obtains a permit, it may hold up to nine (9) festivals per year, so long as it notifies the state and local licensing authority, by application, at least 10 business days in advance of the festival. Other licensees may participate in the festival without obtaining their own permit, so long as there is a valid festival permit held by the hosting licensee. Any licensee that applies for a festival permit from the Town will also need to obtain a community event permit.

John Diak moved to approve Ordinance No. 5.28.29 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

RESOLUTIONS**A. ANTHOLOGY NORTH PROJECT****Department: Engineering and Public Works, Tom Williams**

Approval of the agreement and resolution will accelerate the completion of that portion of Chambers Road that will be constructed as part of the Anthology North Development. This will include a full principal arterial roadway section (6-lanes) between the intersection of Hess Road and Stroh Road.

Chris Elliott, 7353 S. Alton Way, Suite A-100, Englewood, Colorado, developer with E5X, was present and spoke about the process of building Chambers Road. He noted that it does make more sense to construct this piece of road sooner rather than later.

Owners, Kirt Wolter and Matt Jenke of NPI were also present but did not speak.

Public Comment:

Steve Jewett, 12521 S. Sopris Creek, spoke in favor of the project. He noted that there are still noise issues on Motsenbocker.

1. Fourth Amendment to Amended and Restated Stroh Ranch/Hess Annexation Agreement (Northern Property)

Anne Barrington moved to approve the Fourth Amendment to the Amended and Restated Stroh Ranch/Hess Annexation Agreement (Northern Property).

John Diak seconded the motion.

The motion was approved unanimously.

2. RESOLUTION NO. 21-022.1

A Resolution to Amend Resolution No. 19-023, Series of 2019, to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance with Certain Requirements of Sections 13.07.060 and 13.07.070 of the Parker Land Development Ordinance as Amended, Associated with the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Anthology North Property until those Segments are Ready for Development

Cheryl Poage moved to approve Resolution No. 21-022.1.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

B. TOWN OF PARKER POLICY MANUAL

Department: Town Administrator, Michelle Kivela

The Town of Parker Policy Manual consolidates Town Council policies adopted by Town Council Resolution into a reference document that is both accessible and transparent. Resolution 21-051 amends the Council Liaison Policy (No. 1-12). The purpose of the policy is to: a) define the process by which Council Liaison appointments are identified and assigned; b) define the roles and responsibilities of a Council Liaison; c) differentiate between Council Liaison roles and other appointments made by Council to various boards, agencies and community groups; and d) provide agencies and community groups with clarity as to the role and expectations of a Council Liaison.

Resolution 21-052 creates a Consent Agenda Policy (No. 1-13). The Consent Agenda streamlines Council Meeting procedures by grouping items considered to be routine, administrative or noncontroversial (and do not require discussion), into a single agenda item that can be passed with a single motion and a vote. The Consent Agenda is a way to expeditiously handle routine matters coming before the Town Council. Transparency and accountability are the foundations of successfully utilizing the Consent Agenda. The Consent Agenda allows for more efficiency with citizens' and staff time regarding routine items.

Public Comment: None.

1. RESOLUTION NO. 21-051

A Resolution to Amend Resolution No. 18-054, Series of 2018, Concerning the Town of Parker Policy Manual by the Adoption of an Amended Town of Parker Policy Statement Number 1-12 Concerning the Council Liaison Policy

Joshua Rivero moved to approve Resolution No. 21-051.

Anne Barrington seconded the motion.

The motion was approved unanimously.

2. RESOLUTION NO. 21-052

A Resolution to Amend Resolution No. 18-054, Series of 2018, Concerning the Town of Parker Policy Manual by the Adoption of a New Town of Parker Policy Statement Number 1-13 Concerning the Consent Agenda

Anne Barrington moved to approve Resolution No. 21-052.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

C. GREATER PARKER FOUNDATION

1. RESOLUTION NO. 21-044

A Resolution to Approve the Amended and Restated Articles of Incorporation and the Amended and Restated Bylaws of the Greater Parker Foundation

Department: Town Attorney, Jim Maloney

This resolution approves the Amended and Restated Articles of Incorporation and the Amended and Restated Bylaws of the Greater Parker Foundation, subject to the approval of a majority of all voting directors in office.

Cheryl Poage moved to approve Resolution No. 21-044

Joshua Rivero seconded the motion.

The motion was approved unanimously.

2. RESOLUTION NO. 21-015

A Resolution to Appoint the Board of Directors to the Greater Parker Foundation

Department: Town Attorney, Jim Maloney

Board members of the Greater Parker Foundation are appointed by Town Council by resolution.

Cheryl Poage moved to approve Resolution No. 21-015.

Joshua Rivero seconded the motion.

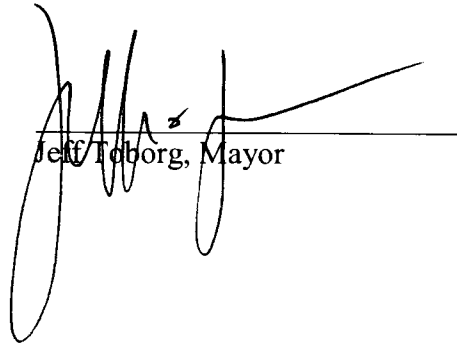
The motion was approved unanimously.

Joshua Rivero moved to adjourn the meeting at 9:26 p.m.

Cheryl Poage seconded the motion.

The motion was approved unanimously.


Chris Vanderpool, Town Clerk


Jeff Toborg, Mayor

Vanderpool, Chris

From: noreply@civicplus.com
Sent: Sunday, October 31, 2021 7:43 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 Brian

Last Name Ruff

Address 12540 S. Sopris Creek Dr

City Parker

State CO

Zip Code 80134

General Public Comment

General traffic volume and speeds on Motsenbocker (north of French Creek) have grown over the past few years causing a significant amount of noise that is clearly heard indoors during all hours of the day. Sitting outside hearing the constant truck & car traffic, in addition to the noise in my children's bedroom is causing very undesirable living situation. I do not believe the two lane street (Motsenbocker at this location) was set up for this level of traffic and would like to know what the town is doing to expedite the expansion of Chambers Road. As a daily commuter on the road traveling north I notice the vast majority of vehicles are turning westbound on Hess Road and I believe the Chambers expansion will move the congested traffic on this better suited throughway.

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