

**TOWN OF PARKER COUNCIL
MINUTES
NOVEMBER 15, 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 Executive Session were six (6) items. Under C.R.S. § 24-6-402(4)(b) there were two items; the first item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions regarding Section 13.04.180 of the Parker Municipal Code concerning home occupations; the second item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions regarding Section 13.04.205 of the Parker Municipal Code concerning use by special review for public utilities. Under C.R.S. § 24-6-402(4)(e) there were four (4) items; the first item was concerning the proposed annexation agreement for the Kime Property; the second item was concerning the proposed acquisition of right-of-way for the North Parker Road Operational Improvements; the third item was regarding Anthology West Metropolitan District Nos. 4 and 2 concerning a revenue pledge agreement; and the fourth item was regarding Cherry Creek South Metropolitan District Nos. 4 and 6 concerning the inclusion of property.

Mayor Toborg stated there were two items on the Executive Session agenda related to the Anthology West Metropolitan Districts and the Cherry Creek Metropolitan Districts, which are both residential metropolitan districts. On June 15, 2020, the Town Council found that a conflict of interest existed for Councilmember Poage that precludes her from participating in any executive session that involves matters related to a residential metropolitan district service plan. Councilmember Poage left the Pikes Peak Conference Room before items 5 and 6 on the executive session agenda were discussed by Town Council.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:03 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.

Cheryl stated that she could not approve residential metropolitan districts, because such approval amounts to taxation without representation. Cheryl Poage left the meeting at 6:07 p.m. due to her conflict of interest with items 5 and 6 on the Executive Session agenda.

Joshua Rivero moved and Todd Hendreks seconded to come out of the Executive Session at 6:13 p.m.

The motion was approved unanimously.

John Diak moved and Joshua Rivero seconded to recess the regular Town Council meeting until after the Parker Authority for Reinvestment meeting.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the Town Council meeting at 7:10 p.m., which immediately followed the Parker Authority for Reinvestment meeting.

Mayor Toborg led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Toborg recognized the 2021 Fall Police Department Citizens' Academy participants.

PUBLIC COMMENTS – None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - November 1, 2021*

- B. *ORDINANCE NO. 3.01.126 - First Reading*
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code concerning Planning Department Adjustments for Temporary Patios
Department: Town Attorney, Jim Maloney
Second December 6, 2021
Reading:

- C. *KIME RANCH ANNEXATION*
Department: Community Development, Julia Duncan
 - 1. *ORDINANCE NO. 2.278 – First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Kime Ranch Property in Douglas County

 - 2. *ORDINANCE NO. 3.360 – First Reading*
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Kime Ranch Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

D. CONTRACTS OVER \$100,000

1. Lasso Digital Media

Amount: Not to exceed \$259,000
Contractor: Lasso Digital
Department: Cultural, Carrie Glassburn

2. Motsenbocker Road and Hess Road Widening and Intersection Improvements (CIP 21-001) - Contract Modification

Amount: \$103,050
Contractor: Villalobos Concrete, Inc.
Department: Engineering and Public Works, Tom Gill

3. Motsenbocker Road/French Creek Avenue Signal Poles

Amount: \$104,476
Vendor: The MH Companies
Department: Engineering and Public Works, Chris Hudson

E. PROCLAMATION - Small Business Saturday in Parker

F. PROCLAMATION - National American Indian Heritage Month

Joshua Rivero moved to approve Consent Agenda Items 5A through 5F.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

PUBLIC HEARINGS**A. ORDINANCE NO. 1.553 - Second Reading****A Bill for an Ordinance to Adopt the 2022 Budget and to Make Appropriations for the Same****Department: Finance, Mary Lou Brown**

The Public Hearing was opened at 7:25 p.m.

The 2022 Town of Parker Annual Budget has been prepared for Town Council consideration and approval. Internal work on the budget began in mid-July and was followed by three Council Study Sessions on September 27, October 4 and 11, 2021. 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. The first public hearing for the 2022 Budget was held on November 1, 2021.

The 2022 Budget was prepared in conjunction with four overall guidelines:

- Meet the General Fund's required cash balance percentage and focus on cash balances in the remaining Funds
- Reflect operational recovery in the Recreation and Cultural Funds
- Balance competing needs - operating expenses, increased employee positions, infrastructure requirements
- Maintain and grow community programs

The Town is in a unique position coming into the 2022 budget preparation. Sales tax revenue, the primary source of revenue for the General Fund, has recorded very strong growth of 18% year-to-date. While the Town continues to grow and increased shopping opportunities exist for citizens, a lower growth rate of six percent is reflected for 2022 and is more in line with historical growth rates.

In the General Fund, which is the main operational fund of the Town, operating expense growth is fifteen percent due to the return to pre-Covid 19 activity levels. The performance pay pool and commissioned officer step plan have both been funded at four percent, which is consistent with the surrounding metro areas. In addition, the police department compensation plan has undergone a structural correction. Six additional full-time employees are being added in the General Fund with four of those positions in the Public Works department.

The General Fund cash-to-expense ratio is budgeted at 25.6% for year-end 2022.

Both the Recreation and Cultural Funds have continued to be impacted by the pandemic during 2021; the budget reflects a full return to normal operations. Revenue and expense will continue to be monitored for signs of ongoing softness.

Public Comment: None.

The Public Hearing was closed at 7:52 p.m.

John Diak moved to approve Ordinance No. 1.553 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.547.2 - Second 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

The Public Hearing was opened at 7:55 p.m.

Budget adjustments for the current year's budget are submitted to the Council for consideration several times per year. Supplemental amendments consist of additional/new appropriation requests that were not anticipated at the time of budget development. Section 9.12 of the Parker Municipal Code provides the authority under which these adjustments may occur. For supplemental amendments, additional revenue or available cash is the source of funding.

Public Comment: None.

The Public Hearing was closed at 8:00 p.m.

Joshua Rivero moved to approve Ordinance No. 1.547.2 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

C. PINE DRIVE ANNEXATION

Department: Community Development, Stacey Nerger
Second November 15, 2021
Reading:

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

The applicant, Douglas County School District, proposed to annex and zone a 1.95-acre property located at the intersection of Pine Drive and Hills Drive in Douglas County into the Town of Parker. The subject property was also proposed to be zoned PF-Public Facilities to permit school use. In addition, the applicant also proposed to rezone an existing 17.99 acre property, which is located in the Town of Parker, from Pine Drive Planned Development to PF-Public Facilities.

On October 4, 2021, the Town Council approved Resolution No. 21-042 that determined the subject property was eligible for annexation into the Town and set the public hearing date for consideration of the annexation ordinance on November 15, 2021.

As required by the Land Development Ordinance, the Town Council considered the following factors when it evaluated and made a decision on the zoning application:

1. A need exists for the proposal;
2. The particular parcel of ground is indeed the correct site for the proposed development;
3. There has been an error in the original zoning; or
4. There have been significant changes in the area to warrant a zone change;
5. Adequate circulation exists and traffic movement would not be impeded by development; and
6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.
7. There are minimal environmental impacts or impacts can be mitigated.
8. The proposal is consistent with the Town Master Plan maps, goals and policies.
9. There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses.

Public Comment: None.

The Public Hearing was closed at 8:07 p.m.

1. RESOLUTION NO. 21-048

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Pine Drive Property for Annexation into the Town of Parker
Todd Hendreks moved to approve Resolution No. 21-048.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

2. ORDINANCE NO. 2.279 – Second Reading
A Bill for an Ordinance Approving and Accomplishing the Annexation of
Contiguous Unincorporated Territory Known as the Pine Drive Property in
Douglas County

Joshua Rivero moved to approve Ordinance No. 2.279 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

3. ORDINANCE NO. 3.241.2 – Second 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

Cheryl Poage moved to approve Ordinance No. 3.241.2 on second reading.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

4. Amended and Restated Annexation Agreement

Joshua Rivero moved to approve the Amended and Restated Annexation Agreement.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

D. ORDINANCE NO. 3.193.6 – Second 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

The Public Hearing was opened at 8:10 p.m.

The Public Hearing was closed at 8:10 p.m.

Joshua Rivero moved to continue Ordinance No. 3.193.6 to December 13, 2021 for second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

ORDINANCES**A. BUILDING CODE UPDATES**

Department: Community Development, Randy Sale

The Town amends the Building Code on a three (3) year cycle to ensure that proposed construction projects are reviewed and approved using the most current standards in the field. The proposed updates are the best practices and ensure that all construction is approved using the most current standards for life and fire safety as well as the structural integrity of buildings. The proposed Building Code amendments apply uniformly to the administration of all the technical codes related to building and construction.

Public Comment: None.

1. ORDINANCE NO. 4.85.5 - Second 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

Joshua Rivero moved to approve Ordinance 4.85.5 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

2. ORDINANCE NO. 4.89.7 - Second 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

Joshua Rivero moved to approve Ordinance 4.89.7 on second reading.

Laura Hefta seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

3. ORDINANCE NO. 4.91.7 - Second 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

Joshua Rivero moved to approve Ordinance 4.91.7 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

4. ORDINANCE NO. 4.92.6 - Second 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

Joshua Rivero moved to approve Ordinance 4.92.6 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

5. ORDINANCE NO. 4.93.6 - Second 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

Joshua Rivero moved to approve Ordinance 4.93.6 on second reading.

Cheryl Poage seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

6. ORDINANCE NO. 4.94.5 - Second 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

Joshua Rivero moved to approve Ordinance 4.94.5 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

7. ORDINANCE NO. 4.96.5 - Second 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

Joshua Rivero moved to approve Ordinance 4.96.5 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

8. ORDINANCE NO. 4.97.5 - Second 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

Joshua Rivero moved to approve Ordinance 4.9.5 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

9. ORDINANCE NO. 4.101.6 - Second 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

Joshua Rivero moved to approve Ordinance 4.101.6.5 on second reading.

Cheryl Poage seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

10. ORDINANCE NO. 4.105.3 - Second 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

Joshua Rivero moved to approve Ordinance 4.105.3 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

11. ORDINANCE NO. 4.106.3 - Second 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

Joshua Rivero moved to approve Ordinance 4.106.3 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

12. ORDINANCE NO. 4.95.5 - Second 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

Joshua Rivero moved to approve Ordinance 4.95.5 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.552 - Second 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

The Town of Parker is required to certify a mill levy to Douglas County prior to December 15, 2021, in order to collect property taxes for the 2022 budget year.

Public Comment: None.

Cheryl Poage moved to approve Ordinance 1.552 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

C. ORDINANCE NO. 1.554 - Second 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

This ordinance provides notice of the Town's intent to acquire a needed permanent fee (right-of-way) area and a temporary construction easement area on the north side of Mainstreet for sidewalk improvements between the Victorian Drive (east) intersection and the PACE Center Drive intersection.

Public Comment: None.

John Diak moved to approve Ordinance 1.554 on second reading.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

D. ORDINANCE NO. 1.551 – Second 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

This ordinance vacates an existing sidewalk easement at the PAR/P3 property at the northeast corner of Mainstreet and Victorian Drive (east).

Public Comment: None.

Joshua Rivero moved to approve Ordinance 1.551 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

E. ORDINANCE NO. 9.342 – Second 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

Both the Town of Parker and Douglas County School District (DCSD) currently operate

stormwater facilities such as inlets, storm pipes, and stormwater ponds under a state permit, known as an MS4 Permit (Municipal Separate Storm Sewer System). The Town operates under a "Standard Permit" while the DCSD operates under a "Non-standard Permit" based on populations served. Historically, the administrative and reporting requirements for Non-standard Permits are much less stringent due to the smaller population served, lack of expertise, and more limited resources of the permittees. Earlier this year, the CDPHE updated the Non-standard Permit requirements to align more with the Standard Permit requirements.

Due to the burdensome programming and documentation requirements, language within the update was included which allows Standard permittees, such as the Town, to administer their construction and post-construction programs over the Non-standard Permit's jurisdictional boundary for coverage of these permit items. However, the ownership, maintenance, and operation of the covered stormwater facilities remains with DCSD. This arrangement would require the Town to perform and maintain records and documentation of plan reviews and approval, permitting, inspection, and acceptance in accordance with the Town's land use process. Additionally, the Town will forward records and documentation of these actions within 30 days of any request by DCSD for the recordkeeping requirements of their Non-standard Permit. This benefits the Town as it would guarantee staff the ability to inspect and comment on the functionality of ponds, inlets, storm pipes and other storm facilities to which the Town previously had no legal access.

This intergovernmental agreement codifies the responsibilities of both the DCSD and the Town of Parker associated with their respective MS4 Permit programs.

Public Comment: None.

Joshua Rivero moved to approve Ordinance 9.342 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 21-054

A Resolution Approving the Form of Revenue Pledge Agreement Between Anthology West Metropolitan District No. 4 and Anthology West Metropolitan District No. 2

Department: Town Attorney, Kristin Hoffmann

Mayor Toborg stated the final two items on the agenda for Town Council's consideration of matters related to the Anthology West Metropolitan Districts and the Cherry Creek Metropolitan Districts, which are both residential metropolitan districts. On June 15, 2020, the Town Council found that conflict of interest existed for Councilmember Poage that precludes her from participating in any public hearing that involves a residential metropolitan district. At this time, we will pause the meeting so that Councilmember Poage may leave the Council Chambers before I open the public hearings.

Before leaving the meeting, Cheryl stated that she could not approve residential metropolitan districts, because such approval amounts to taxation without representation. Cheryl Poage left the meeting at 9:02 p.m.

Anthology West Metropolitan District No. 2 ("District 2") and Anthology West Metropolitan District No. 4 ("District 4" and collectively with District 2, the "Districts") requested Town Council approve the form of a Revenue Pledge Agreement (the "Pledge Agreement") between the Districts, as required by Section X of the Service Plan (the "Service Plan") for Cherry Creek South Metropolitan District No. 2 (now known as Anthology West Metropolitan District No. 2), Cherry Creek South Metropolitan District No. 3 (now known as Anthology West Metropolitan District No. 3), Anthology West Metropolitan District No. 4, Anthology West Metropolitan District No. 5 and Anthology West Metropolitan District No. 6.

Section V.C of the Service Plan states the Districts, collectively, will undertake the financing and construction of the Public Improvements, and will enter into an intergovernmental agreement to further state and clarify the functions and services provided by the Districts. The Service Plan requires intergovernmental agreements among the Districts be submitted to the Town Council for review and approval prior to signing.

Public Comment: None.

John Diak moved to approve Resolution No. 21-054

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

B. RESOLUTION NO. 21-055

A Resolution Providing Consent to the Inclusion of Property Within Cherry Creek South Metropolitan District No. 4 and Cherry Creek South Metropolitan District No. 6.

Department: Town Attorney, Kristin Hoffmann

Cherry Creek South Metropolitan District No. 4 and Cherry Creek South Metropolitan District No. 6 (collectively, the "Districts") are governed by Amended and Restated Service Plans that were approved by the Town Council on June 15, 2020 (collectively, the "Service Plans"). Section V.A.7 of the Service Plans states, "The Districts shall not include within any of its boundaries any property outside the Service Area without the prior written consent of the Town Council." The Service Plans define the "Service Area" as the property within the boundaries of Cherry Creek South Metropolitan District Nos. 4-11.

The Districts sought written consent of Town Council to include an additional 10.763 acre parcel (the "Property") into the boundaries of the Districts.

Attorney Megan Murphy with White Bear Ankele Tanaka and Waldron, 2154 East Commons Avenue, Suite 2000, Centennial, Colorado, was present to answer any questions.

Public Comment: None.

Anne Barrington moved to approve Resolution No. 21-055

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 9:10 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

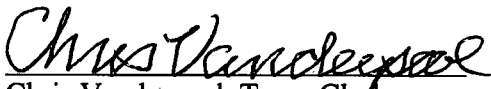
Todd Hendreks - Yes

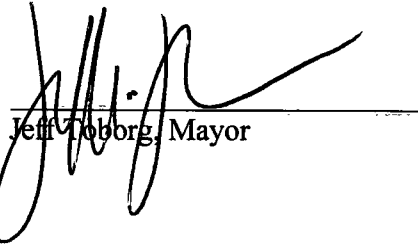
John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.


Chris Vanderpool, Town Clerk


Jeff Toborg, Mayor