

**TOWN OF PARKER COUNCIL
MINUTES
JANUARY 18, 2022**

Mayor Jeff Toborg called the meeting to order at 5:30 p.m. All Councilmembers were present except Councilmember Anne Barrington.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(e) there were two (2) items; the first item was concerning the proposed Landlord's Consent Agreement between the Town and Parker Tennis Center, LLLP; the second item was concerning the Douglas County Community Foundation. 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 concerning Section 4.03.380 concerning Finance Director remedies in case of nonpayment of sales taxes by a taxpayer. Under C.R.S. § 24-6-402(4)(f) there was one (1) item which was concerning the Town Attorney.

EXECUTIVE SESSION

Todd Hendreks moved and Cheryl Poage seconded to go into Executive Session at 5:31 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.

Cheryl Poage moved and Todd Hendreks seconded to come out of Executive Session at 6:55 p.m.

The motion was approved unanimously.

Laura Hefta moved and Todd Hendreks 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 regular Town Council meeting at 7:31 p.m. All Councilmembers were present except Councilmember Anne Barrington.

The Mayor led the Pledge of Allegiance.

PUBLIC COMMENTS

There was one general public comment that 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. **RESOLUTION NO. 22-003**
A Resolution to Amend Resolution No. 18-003, Series of 2018, to Adopt Revised Rules of Procedure and Conduct for the Parker Cultural and Scientific Commission Dated January 18, 2022
Department: Cultural, Carrie Glassburn

- B. **RESOLUTION NO. 22-004**
A Resolution to Fill a Vacancy, Appoint Regular Members to the Parker Cultural and Scientific Commission, and to Appoint the Chair
Department: Cultural, Carrie Glassburn

- C. **RESOLUTION NO. 22-005**
A Resolution Ratifying the Purchase and Binding of Insurance Coverage for the Town of Parker
Department: Risk Management, Steve Bedard
Town Attorney, Kristin Hoffmann

- D. **RESOLUTION NO. 22-010**
A Resolution to Revise the Investment Advisory Committee Section of the Town of Parker Investment Policy Number 1-2015.
Department: Finance, Rhonda Willey

- E. **PROCLAMATION - Health for Humanity Yogathon**

- F. **CONTRACTS OVER \$100,000**
Sasquatch Productions - The Wizard of Oz - Amendment
Amount: \$109,000.52
Contractor: Sasquatch Productions
Department: Cultural, Carrie Glassburn

Joshua Rivero moved to approve Consent Agenda items 4A through 4F.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Laura Hefta - Yes

The motion was approved unanimously.

TOWN ADMINISTRATOR

The 2022 Winter Town Administrator's Report is available on the Town's website.

PUBLIC HEARINGS

PARKER HILL TOP SQUARE L10 - CAR WASH - Use By Special Review

Applicant: Tim Varley
Location: 11375 S. Parker Road
Department: Community Development, Julia Duncan
TRAKiT No.: Z21-003

The Mayor opened the Public Hearing at 7:40 p.m.

The applicant, Tim Varley, is seeking a Use By Special Review (UbSR) approval from the Town Council to develop a car wash adjacent to the Parker Pavilions shopping center at the northwest corner of Parker Road and Twenty Mile Road. The subject property has a total area of .93 acres and is undeveloped. It is located in the Greater Downtown District - Market Center zone which permits car washes subject to UbSR approval.

The subject property has a significant grade change from adjacent roadways to the site and the property is at a lower elevation than Parker and Twenty Mile Roads. The property is approximately 17 feet lower than the adjacent roadways. The substantial difference in grade limits the public view of development on the site especially passing motorists on Parker Road and Twenty Mile Road.

The proposed project is for the development of a car wash incorporating a single bay tunnel design and accessory elements such as exterior vacuum stations. The planned building would contain an office, equipment rooms and bathroom. The proposed car wash also requires site plan approval to ensure the design complies with the Town's access, design and site plan standards. The applicant has also submitted site plan application #SP21-041 which is currently being processed administratively and will likely be approved if the Town Council approves the UbSR application to allow for the car wash use.

In connection with the site plan application, the applicant has also requested the partial vacation of an existing slope easement which was originally granted on November 10, 1998 (Reception No. 99002350). The portion of the property that is subject to the slope easement is no longer

necessary and the required slope may be maintained without it. However, the Town Council will be asked to approve the requested slope easement vacation in the future if the UbSR and site plan applications are approved.

The Parker 2035 Master Plan identifies the property as being located in the Central Commercial Character Area. This character area is intended to serve the core retail and service needs of the surrounding residential areas. The typical uses within the Central Commercial Character Area include retail, services, restaurants, offices, hotels, entertainment and higher density housing.

The proposed car wash is a service-use that is consistent with the Master Plan recommendations for use in the Central Commercial Character Area. It is compatible with adjacent and nearby commercial uses in the Parker Pavilions shopping center, such as PetSmart, Mattress Firm and Office Depot. The car wash is therefore consistent with the Master Plan as to use.

The Planning Commission held a public hearing to consider the proposed UbSR application for a car wash at their January 13, 2022 meeting. They voted unanimously to recommend approval to Town Council.

Applicant:

Tim Varley, 11375 S. Parker Road, was present to answer any questions.

Public Comment:

The following individuals were not supportive of the project due to the impact on prairie dogs and traffic impacts to the area:

Siobhan Cox, 42943 Vista Ridge Road

Ron Blider, 6045 Rivera Court

Ken Ramsey, 3862 Elm Avenue

Lynda Wilson (email read into the record-no address provided)

The Public Hearing was closed at 8:15 p.m.

John Diak moved to approve, based on staff findings, with the following conditions contained in the staff report:

1. The applicant shall obtain site plan approval by January 18, 2023, or within 12 months of the Use by Special Review approval; and
2. The applicant's site plan, if approved, shall be generally consistent with the concept site plan exhibit uploaded to the Use by Special Review application in TRAKit on December 17, 2021.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes
Laura Hefta - Yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 1.556 - Second Reading

A Bill for an Ordinance to Vacate a Slope Easement on Real Property Previously Owned by Parker Land Associates Limited Partnership, Pursuant to Section 13.07.120(C)(5) of the Parker Municipal Code

Department: Engineering and Public Works, Alex Mestdagh

In 1998, the Town of Parker acquired a slope easement from Parker Land Associates Limited Partnership at the northwest corner of Parker Road and the future Twenty Mile Road intersection. This slope easement was necessary to allow the construction of the roadway embankment for Twenty Mile Road west of Parker Road, which has been in place for approximately 20 years.

This slope easement on the north side of Twenty Mile Road encumbers portions of commercial lots in and around the Parker Pavilions development. Over the years, as these lots have been developed, portions of this slope easement have been vacated back to the property owners to allow some of the easement area to be recovered for development. In all cases, the easement areas have been developed in a manner that will preserve the stability of the roadway embankment.

The last of these lots, Parker Hilltop Town Square Lot 10, is now proposed to be developed as a car wash, and the developer has requested that portion of the slope easement be vacated. The proposed development plan would install a tiered retaining wall system that would preserve the integrity of the roadway embankment, which could allow approximately 30 feet of the 50-foot slope easement to be vacated should Town Council see fit. If approved, this easement vacation would be conditioned upon the developer obtaining site plan approval from the Town.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 1.556 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
Laura Hefta - Yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.557 - Second Reading**A Bill for an Ordinance Approving the Conveyance of Certain Real Property by Quit Claim Deed to the State of Colorado for Parker Road (SH 83) South and West of Mainstreet****Department: Engineering and Public Works, Chris Hudson**

On December 7, 2020, Town Council approved the Chase Bank Minor Development Plat for the property at the southwest corner of Parker Road (State Highway 83) and Mainstreet. This plat dedicated Tract A (4,498 square feet) to the Town of Parker, which was for right-of-way for the proposed Mainstreet and Parker Road improvements. The additional right-of-way was utilized for operational (turn lane) improvements constructed by the Town at the southwest corner of Parker Road and Mainstreet in 2021. With the operational improvements complete and since the Town will not be maintaining Parker Road, Town staff would like to move forward with the dedication of the Parker Road right-of-way to the Colorado Department of Transportation (CDOT).

This ordinance dededs the Parker Road right-of-way to CDOT. A total area of 1,893 square-feet of Tract A will be dedeed to CDOT for the Parker Road right-of-way. The remainder of Tract A will be retained by the Town for Mainstreet right-of-way.

Public Comment:

Joshua Rivero moved to approve Ordinance No. 1.557 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

Laura Hefta - Yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 8:36 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

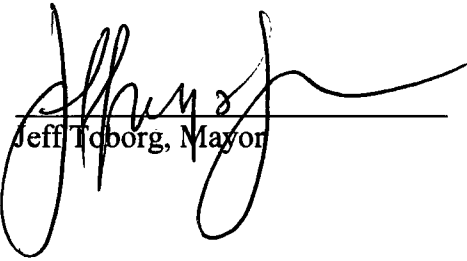
Todd Hendreks - Yes

John Diak - Yes

Laura Hefta - Yes

The motion was approved unanimously.


Chris Vanderpool, Town Clerk


Jeff Toborg, Mayor

Vanderpool, Chris

From: Toborg, Jeff
Sent: Monday, January 24, 2022 4:52 PM
To: Vanderpool, Chris
Subject: Fw: Parker Hill Top Square Car Wash
Attachments: PPC PFAS 10.19.2021.pdf



Jeff Toborg, Mayor
20120 E. Mainstreet Parker, CO 80138-7335
303.841.0353 www.parkeronline.org



This email message and all attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Although the Town of Parker has taken reasonable precautions to ensure no viruses are present in this email, we accept no responsibility for any loss or damage arising from the use of this email or attachments.

→ **From:** HERYL RAMSAY <ONE-BLUE-SKY@msn.com>
Sent: Tuesday, January 18, 2022 4:05 PM
To: Mayor, Council, and TA <Elected@parkeronline.org>
Subject: Parker Hill Top Square Car Wash

Sent from [Mail](#) for Windows

To the Parker Town Council, 1.18.2022

Parker Hill Top Square Car Wash
11375 Parker Road
TRAKIT No.: Z21-003

At the intersection of Twenty Mile Road and Parker Road are Prairie Dogs. For many years I have enjoyed parking by the pet store there and watching these Prairie Dogs. This is a small Prairie Dog colony and are a joy to watch. Some burrows in this area are located next to a street or next to a sidewalk or between a sidewalk and a street or between a property line and a sidewalk or a street. So some burrows are on Town of Parker property or on Colorado Department of Transportation property. Accurate surveys are required before all construction so we will all know which burrows are not on private property. There are large power lines (with electric utility easements) strung east & west here too. And traffic at this location is already congested and slow getting in or out at most times.

I ask that the Prairie Dogs on Town of Parker property and on Colorado Department of Transportation property be protected, included in the landscaping plan and allowed to stay where they are. Our Douglas County Open Space and Natural Resources Director is on record stating that 'killing Prairie Dogs without the property owners permission is a crime'. I ask the Town of Parker and the Colorado Department of Transportation to deny permission to kill Prairie Dogs on their properties here. If permission is ever given I will ask to see this in writing for everyone interested to view. And,

as always, I ask that the Prairie Dogs on the proposed car wash site be safely and properly relocated in warm weather months.

Car washes use chemicals known as surfactants or PFAS 'forever chemicals'. These chemicals are hazardous and never break down. See the attached news story. Parker Municipal Code 8.05.060-Poisonous Substances paragraphs a, b & c requires application in writing and Parker Town Council approval for any poisonous substance or material of any kind or nature whatsoever, for any purpose whatsoever, at any place or places within the town...etc. Has application in writing been made for using surfactants at this car wash? I ask that the use of these surfactants be permanently prohibited.

People, wildlife and ecosystems are assets and stakeholders not liabilities! Contact with nature and wildlife ecosystems is the most helpful psychological therapy there is. Cooperation between species makes life on earth possible. Every creature does something important that no other creature can do! Our most valuable wildlife are our keystone species (including Prairie Dogs). The goal of protecting our wildlife and our prairie ecosystem for future generations can be reached if we act now. Climate change and unraveling ecosystems are clear signs that learning to love mother nature, including Prairie Dogs, is urgent because mother nature always wins.

Kenneth Ramsey
3862 Elm Ave.
Parker, Colorado 80134

Vanderpool, Chris

From: L C WILSON <mikemdw@msn.com>
Sent: Tuesday, January 18, 2022 10:53 AM
To: TownClerk
Subject: Public Comment on Parker Hill Top Square L10 - Car Wash - Use By Special Review

I would like to comment on the planned car wash that is being considered tonight. I have two concerns - traffic is one. Turning left on to Pavillion Dr. is already challenging. If you are familiar with that area, Qdoba Mexican Restaurant's parking lot is where people back up now to exit onto Pavillion. Currently there is traffic from Petsmart, Office Depot and other businesses and now the possibility of adding more traffic from the proposed car wash. When I attended last week's Planning Commision meeting someone mentioned the idea of making a right turn only there - in my opinion that would not be a good idea due to people needing access to 20 Mile Rd.

My other concern is the current prairie dogs on the proposed site. We would like to work with the developer in relocating some, if not all, of these prairie dogs. It appears some of the hillside adjacent to Parker Rd belongs to CDOT and it is our understanding that those prairie dogs will not be touched. It is also our understanding that the Town of Parker owns the easement along 20 Mile Rd. I would hope we can work with the Town regarding possible relocation of those prairie dogs too.

Thank you.

Lynda Wilson