

TOWN OF PARKER COUNCIL AGENDA

October 17, 2022

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Public comment for items that are not on the agenda may be made in person or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person or electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments submitted electronically through the website that are received by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

Public Viewing Only - YouTube: Town Council meetings may be viewed live on YouTube at www.youtube.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through YouTube.

1. TOWN COUNCIL MEETING SCHEDULE

A. 6:30 P.M. – Call to Order Town Council Meeting and Roll Call

B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)

C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.

2. PUBLIC COMMENTS (No action will be taken on these items.) *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.*

3. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

4. CONSENT AGENDA

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

A. *APPROVAL OF MINUTES - October 3, 2022 and October 10, 2022*

- B. *ORDINANCE NO. 1.569 - First Reading*
A Bill for an Ordinance Granting a Combined Drainage Facility and Access Easement to the Board of County Commissioners of Douglas County, Colorado for the Pine Drive Water Quality Pond Located Adjacent to Lincoln Avenue
Department: Engineering and Public Works, Chris Hudson
Second Reading: November 7, 2022
- C. *ORDINANCE NO. 3.363 - First Reading*
A Bill for an Ordinance to Amend Sections 13.01.140, 13.07.080, 13.07.090 and 13.07.100 of the Parker Municipal Code Concerning Expirations of Approvals
Department: Community Development, Bryce Matthews
Second Reading: November 7, 2022
- D. *ORDINANCE NO. 1.570 - First Reading*
A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Widening, Constructing, and Improving a Portion of Dransfeldt Road, 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, Bob Exstrom
Second Reading: November 7, 2022
- E. *ORDINANCE NO. 2.281 - First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Coyle Property in Douglas County
Department: Community Development, Julia Duncan
Trakit No.: ANX22-006
Second Reading: November 7, 2022
- F. *ORDINANCE NO. 1.391.3 - First Reading*
A Bill for an Ordinance to Amend Section 2.03.020 of the Parker Municipal Code Concerning Town Administrator; Functions And Duties
Department: Town Attorney, Kristin Hoffmann
Second Reading: November 7, 2022
- G. *RESOLUTION NO. 22-049*
A Resolution to Adopt the Town of Parker, Colorado 2022 Three-Mile Area Plan
Department: Community Development, Jeremiah Fettig
- H. *RESOLUTION NO. 22-055*
A Resolution Accepting the Conveyance of a Multi-Use Easement from Mainstreet Developers LLC for a portion of Lot 5, Mark Six Business Subdivision, Second Amendment
Department: Engineering and Public Works, Alex Mestdagh

- I. **RESOLUTION NO. 22-056**
A Resolution Accepting the Conveyance of a Drainage Easement from Crossroads Drive, LLC for a portion of Lot A, Replat of Lot 1, Crossroads Filing No. 2
Department: Engineering and Public Works, Alex Mestdagh
- J. **RESOLUTION NO. 22-057**
A Resolution Accepting the Conveyance of a Drainage Easement from New Horizon Real Estate Development – Colorado, LLP for a portion of Lot 11A, Douglas 234 Filing No. 6, Amendment 1
Department: Engineering and Public Works, Alex Mestdagh
- K. **CONTRACTS OVER \$100,000**
1. **Canterberry Parkway Redundant Fiber Optic Interconnect (CIP 22-029)**
Amount: \$315,934.78
Contractor: Communication Construction & Engineering
Department: Engineering and Public Works, Spencer Raish
2. **Cimarron Middle School Pond Improvements (CIP 22-028) - Contract Modification**
Amount: Original Amount - \$316,669.00
Modified Amount - \$347,581.69
Contractor: 53 Corporation, LLC
Department: Engineering and Public Works, Alex Mestdagh and Michael Walton

5. **PUBLIC HEARINGS**

- A. **RESOLUTION NO. 22-052**
A Resolution to Adopt an Update of the Parker 2035 Master Plan
Department: Community Development, Jeremiah Fettig

6. **ORDINANCES**

- A. **ORDINANCE NO. 3.362 - Second Reading**
A Bill for an Ordinance to Amend Section 13.10.090 of the Parker Municipal Code Concerning Utilities
Department: Community Development, John Fussa
- B. **ORDINANCE NO. 8.28.9 - Second Reading**
A Bill for an Ordinance to Amend Section 4.03.050 of the Parker Municipal Code Concerning Business Licenses
Department: Finance, Linda Quade

7. **CONTRACTS OVER \$500,000**

Harvie Open Space Access Improvements (CIP 18-012)

Amount: \$910,934

Contractor: T&M Construction, LLC

Department: Engineering and Public Works, Tom Gill
Parks, Recreation and Open Space, Brett Collins

8. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

9. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

October 17, 2022

“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).”

1. Section 13.10.090, Utilities, of the Parker Municipal Code

“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).”

2. Proposed acquisition of permanent easements and temporary construction easements for the Pikes Peak Drive sidewalk project (Mainstreet to Sulphur Gulch)

**TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 17, 2022**

Mayor Toborg called the meeting to order at 6:30 p.m. All Councilmembers were present except for Joshua Rivero.

Town Attorney Kristin Hoffmann announced there were two topics for discussion in the Executive Session. Under C.R.S. § 24-6-402(4)(b), the first item was concerning Section 13.10.090, Utilities, of the Parker Municipal Code. Under C.R.S. § 24-6-402(4)(e), the second item was regarding the proposed acquisition of permanent easements and temporary construction easements for the Pikes Peak Drive sidewalk project (Mainstreet to Sulphur Gulch).

EXECUTIVE SESSION

Todd Hendreks moved and John Diak seconded to go into Executive Session at 6:31 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 hold a conference with the Town's Attorney 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.

John Diak moved and Anne Barrington seconded to come out of the Executive Session at 7:01 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Toborg reconvened the regular Town Council meeting at 7:05 p.m.

Mayor Toborg led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

Written comments were received, distributed to Council, and entered into the record.

Debbie King, Parker, spoke about a parking dispute with her neighbor and asked who enforces the 72-hour parking rule in their homeowner's association covenants.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings and activities they had attended since the last Town Council meeting.

CONSENT AGENDA

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Department: Engineering and Public Works, Alex Mestdagh

K. *CONTRACTS OVER \$100,000*

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Modified Amount - \$347,581.69

Contractor: 53 Corporation, LLC

Department: Engineering and Public Works, Alex Mestdagh and Michael Walton

Cheryl Poage moved to approve Consent Agenda Items 4A through 4K.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. RESOLUTION NO. 22-052

A Resolution to Adopt an Update of the Parker 2035 Master Plan

Department: Community Development, Jeremiah Fettig

The Public Hearing was opened at 7:16 p.m.

The Parker Road Corridor Plan was adopted as an element of the Master Plan in 2019 and was developed to provide a roadmap that coordinates the Town's and Colorado Department of Transportation's policies and programs as they relate to transportation investments and land development approvals in the Corridor. The proposed update to the Master Plan will incorporate references to the Parker Road Corridor Plan addressing additional transportation and land use related goals and strategies. The next update to the Master Plan will be a major update that is scheduled to start in 2023.

The Planning Commission held a public meeting on September 22, 2022 and unanimously recommended that Town Council approve the proposed update to the Parker 2035 Master Plan.

Public Comment: None.

The Public Hearing was closed at 7:20 p.m.

Todd Hendreks moved to approve Resolution No. 22-052.

Laura Hefta seconded the motion.

A roll call vote was taken:

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

ORDINANCES**A. ORDINANCE NO. 3.362 - Second Reading****A Bill for an Ordinance to Amend Section 13.10.090 of the Parker Municipal Code Concerning Utilities****Department: Community Development, John Fussa**

This amendment to Subsection 13.10.090, Utilities, of the Municipal Code addresses the location and design of utilities for electric service to individual lots in connection with new development. The proposed amendment updates Parker's utility standards in response to the local electric utility, CORE, revising their policy and standards for utility location and design in a manner that conflicts with those of the Town.

At their October 13, 2022 meeting, the Planning Commission recommended, on a 6-1 vote, that Town Council approve the proposed amendment to Subsection 13.10.090, Utilities. After Town Council adoption, the amended Municipal Code pertaining to utilities will apply to future development applications including those for Site Plan, Preliminary Plan and Final Plat.

Public Comment: Jeff Baudier, 5496 N US Hwy 85, Sedalia, CEO of CORE Electric, spoke in opposition to this ordinance, asked for additional time, and felt that CORE had not been given adequate opportunity to address the issues raised by the ordinance.

Liz Gardner, Xcel Energy, 1800 Larimer Street, Denver, spoke in opposition and asked that Council delay a decision on this ordinance.

Morgan Cullen, 9033 East Easter Place, Suite 200, Centennial spoke in opposition to this ordinance on behalf of the Homebuilders Association of Metro Denver and requested that Council delay their decision to allow for more time to reach a solution.

Cheryl Poage moved to approve Ordinance No. 3.362 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 8.28.9 - Second Reading**A Bill for an Ordinance to Amend Section 4.03.050 of the Parker Municipal Code Concerning Business Licenses****Department: Finance, Linda Quade**

Pursuant to SB 22-032, as of July 1, 2022, local taxing jurisdictions may no longer charge a fee to obtain a local business license to any retailer that has a state-issued retail license; makes retail sales within the local taxing jurisdiction; and either does not have a physical presence in the local taxing jurisdiction or only has an incidental physical presence within the jurisdiction. As of July 1, 2023, the Act prohibits local taxing jurisdictions from requiring retailers that meet the criteria set forth above to obtain a local business license.

The Town currently requires all entities that are engaged in business within the Town to obtain a local business license and charges a biennial fee of \$20 for the license. In order to create an equitable environment for those retailers that do have a physical presence within the Town, staff proposes to amend Section 4.03.050 of the Parker Municipal Code to eliminate the fees to apply for and renew a business license entirely.

Additionally, staff proposes to add language to Section 4.03.050 of the Code to clarify that certain retailers will no longer be required to obtain a Town of Parker business license as of July 1, 2023 in compliance with state law.

Public Comment: None.

Anne Barrington moved to approve Ordinance No. 8.28.9 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

CONTRACTS OVER \$500,000**Harvie Open Space Access Improvements (CIP 18-012)****Amount: \$910,934****Contractor: T&M Construction, LLC****Department: Engineering and Public Works, Tom Gill
Parks, Recreation and Open Space, Brett Collins**

This item is for an award of a \$910,934 Trade Contractor Agreement with T&M Construction, LLC., for the Harvie Open Space Access Improvements Project (CIP18-012-CI). The project construction is anticipated to start in November 2022 and be completed by June 2023.

Public Comment: None.

Todd Hendreks moved to approve the staff recommendation as part of the regular agenda.

Laura Hefta seconded the motion.

A roll call vote was taken:

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Cheryl Poage moved to adjourn the Regular Meeting at 8:33 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Cheryl Poage - yes

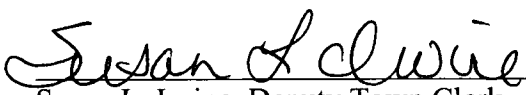
Todd Hendreks - yes

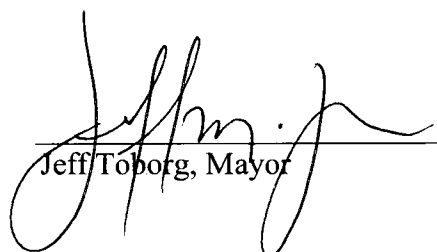
John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.


Susan L. Irvine, Deputy Town Clerk


Jeff Toborg, Mayor

Irvine, Susan

From: noreply@civicplus.com
Sent: Friday, October 14, 2022 4:20 PM
To: Clerk; Sullivan, Cheri; Anderson, Andy; Brooks, Liana
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).

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	Debbie
Last Name	King
Address	21133 Saddleback Cir
City	Parker
State	CO
Zip Code	80138

General Public Comment

We have involved in a parking dispute with homeowners at 21120 Saddleback Cir. They park in front of our home and on the side of our unit, while leaving their own driveway empty and garage one car or sometimes empty. This bullying behavior is intentional. Even with the assistance of Community Officer Leroy Vigil on October 11 to have a civilized conversation, homeowner refused to compromise whatsoever. One of their vehicles, parked on the side of our house, has not been moved for at least 30 days. Homeowner boasts that he will "buy move vehicles", as this is his type of business". They have 4 vehicles leaving two or three on street most of the time and does not use his private property for parking such vehicles.

The Model Traffic Code (48.5) is a bit unclear regarding a vehicle that has been abandoned. Municipal code 7.02.040 also is unclear regarding solid definition of abandoned vehicle. Generally, Parker Police not useful, refers to HOA, and HOA refers back to Parker Police to enforce a 72 hour rule of public parking.

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

Irvine, Susan

From: noreply@civicplus.com
Sent: Saturday, October 15, 2022 4:06 PM
To: Clerk; Sullivan, Cheri; Anderson, Andy; Brooks, Liana
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

Town Council Meetings - General Public Comment

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First Name	Doris
Last Name	Bender
Address	12884 Capital Creek St
City	Parker
State	CO
Zip Code	80134

General Public Comment

I'm concerned about the proposed development of the vacant property on the southeast corner of Motsenbocker and Stroh roads. Although I would prefer that this property not be developed, I'm more concerned about the resulting increase in traffic in this area. With new condos being build on the northeast corner of this intersection as well as the construction south of this intersection, the increase in traffic is already becoming serious. There has been an increase in traffic incidents at this intersection already and there are times where you must sit through two cycles at this light. The completion of Chambers Road has been delayed until the end of 2023. I am hopeful that Chambers Road will help relieve some of the additional traffic. At the very least, I am recommending that any further development be delayed at least until Chambers Road is open.

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