

TOWN OF PARKER COUNCIL AGENDA

June 5, 2023

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. 5:30 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 - May 15, 2023*

- B. *ORDINANCE NO. 5.28.32 – First Reading*
A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code to Conform to Recent Changes to State Law Regarding the Sale of Wine and Allowing for Administrative Approval of Temporary Sales Rooms
Department: Town Attorney, Kristin Hoffmann
Town Clerk, Chris Vanderpool
Second Reading: June 20, 2023
- C. *ORDINANCE NO. 9.260.1 – First Reading*
A Bill for an Ordinance to Approve the First Amendment to the Intergovernmental Agreement By and Between the E-470 Public Highway Authority and the Town of Parker Regarding the Extension of the Existing E-470 Trail
Department: Parks, Recreation, and Open Space, Brett Collins
Second Reading: June 20, 2023
- D. *ORDINANCE NO. 1.583 – First Reading*
A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 7, 2023, Special Election to Amend Town of Parker Home Rule Charter Section 3.1 Titled Town Council
Department: Town Attorney, Kelsey Hall
Second Reading: June 20, 2023
- E. *ORDINANCE NO. 1.584 – First Reading*
A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 7, 2023, Special Election to Amend Town of Parker Home Rule Charter Section 4.6 Titled Departments Created
Department: Town Attorney, Kelsey Hall
Second Reading: June 20, 2023
- F. *ORDINANCE NO. 1.585 – First Reading*
A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 7, 2023, Special Election to Amend Town of Parker Home Rule Charter Section 8.3, Entitled Department of Police, Subsection c., Concerning the Oath of Office
Department: Town Attorney, Kelsey Hall
Second Reading: June 20, 2023
- G. *ORDINANCE NO. 1.586 – First Reading*
A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 7, 2023, Special Election to Amend Town of Parker Home Rule Charter Section 15.7 Titled Bequests, Gifts and Donations
Department: Town Attorney, Kelsey Hall
Second Reading: June 20, 2023

- H. *RESOLUTION NO. 23-048*
A Resolution Accepting the Conveyance of a Drainage Easement from NexGen Westcreek Holdings, LLC, for a Portion of Lot 2, Block 2, Westcreek Filing No. 2 First Amendment
Department: Engineering and Public Works, Michael Walton
- I. *CANCEL THE JULY 3, 2023 TOWN COUNCIL MEETING AND RESCHEDULE THE MEETING FOR JULY 10, 2023*
Department: Town Council
- J. *CONTRACTS OVER \$100,000*
1. *Fleet Replacement Parks Equipment*
Amount: \$120,000
Contractor: Front Range Kubota
Department: Engineering and Public Works, Jim Gilbert
2. *2023 Townwide Roadway Reconstruction Program (CIP23-005-CI) Contract Modification*
Amount: \$412,236.23 Addition for a Revised Contract Amount of \$1,375,498.33
Contractor: RME Ltd., Inc., dba Elite Surface Infrastructure
Department: Engineering and Public Works, Tom Gill
3. *Cherry Creek Improvements – CORE Electric Relocation (Phase 2)*
Amount: \$226,154
Contractor: CORE Electric Cooperative
Department: Engineering and Public Works, Chris Hudson

5. **PUBLIC HEARINGS**

- A. **SALISBURY EQUESTRIAN PARK LOT 1 - REGIONAL FILTRATION ANNEX SITE PLAN AMENDMENT**
Applicant: Parker Water and Sanitation District
Location: East side of Salisbury Park
Department: Community Development, Julia Duncan
TRAKiT No.: SP23-001

B. LINCOLN PROFESSIONAL PARK FILING NO. 1 - MINOR DEVELOPMENT PLAT

Applicant: Ryanne Sass, Plaza Street Partners
Location: Southeast corner of Lincoln Avenue and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT No.: SUB21-005

1. Minor Development Plat

2. Subdivision Agreement

C. COYLE/PERKINS PROPERTY ANNEXATION AND ZONING (Continued from November 7, 2022, February 21, 2023, and April 17, 2023 and to be continued to July 10, 2023)

Applicant: Avalon Bay Communities, Inc.
Location: Southwest corner of Stroh Ranch and Crowfoot Valley Road
Department: Community Development, Julia Duncan
TRAKiT No.: ANX22-006 & Z22-017

1. ORDINANCE NO. 2.281 - Second Reading (*Continued from November 7, 2022, February 21, 2023 and April 17, 2023 and to be continued to July 10, 2023*)
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Coyle/Perkins Property in Douglas County

6. ORDINANCES

A. ORDINANCE NO. 1.289.7 – Second Reading

A Bill for an Ordinance to Approve the Second Amended and Restated Cooperation Agreement Between the Town of Parker, Colorado, and the Parker Authority for Reinvestment

Department: PAR & Economic Development Director, Weldy Feazell

B. ORDINANCE NO. 1.576 - 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 Certain Motsenbocker Road Improvements, as Part of the Dransfeldt Road Project, Both Town Roadways, 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

- C. **ORDINANCE NO. 1.580 - Second Reading**
A Bill for an Ordinance Vacating a Portion of Right-of-Way Adjacent to Kings Point Way
to LCP MFII WREN, LLC
Department: Community Development, Stacey Nerger
- D. **ORDINANCE NO. 1.581 - Second Reading**
A Bill for an Ordinance Vacating a Portion of Right-of-Way Adjacent to Kings Point Way
to KPS Retail, LLC
Department: Community Development, Stacey Nerger

7. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

8. **ADJOURNMENT**

**A PARKER AUTHORITY FOR REINVESTMENT MEETING WILL
IMMEDIATELY FOLLOW THE TOWN COUNCIL MEETING.**

Parker Town Council

Executive Session Agenda

June 5, 2023

“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).”

1. Proposed acquisition of easements for the Parker Road sidewalk improvements – Sulphur Gulch to south of Parker Square Drive

“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).”

2. Colorado Open Meetings Law, C.R.S. § 24-6-402, Colorado Open Records Act, C.R.S. § 24-72-201 through 206, and Code of Ethics, Parker Municipal Code Chapter 2.05

**TOWN OF PARKER COUNCIL
MINUTES
JUNE 5, 2023**

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

Town Attorney Kristin Hoffmann announced there were two topics for discussion in the Executive Session. The item under C.R.S. § 24-6-402(4)(e), was regarding proposed acquisition of easements for the Parker Road sidewalk improvements – Sulphur Gulch to south of Parker Square Drive. Under C.R.S. § 24-6-402(4)(b), the other item was about Colorado Open Meetings Law, C.R.S. § 24-6-402, Colorado Open Records Act, C.R.S. § 24-72-201 through 206, and Code of Ethics, Parker Municipal Code Chapter 2.05.

EXECUTIVE SESSION

Joshua Rivero moved and Brandi Wilks 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) and to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Laura Hefta moved and Brandi Wilks seconded to come out of Executive Session at 6:25 p.m.

The motion was approved unanimously.

Joshua Rivero moved and Todd Hendreks seconded to recess the meeting until 7:00 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Toborg reconvened the regular Town Council meeting at 7:00 p.m.

Brownie Troop 63604 led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

None.

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

- A. *APPROVAL OF MINUTES - May 15, 2023*
- B. *ORDINANCE NO. 5.28.32 – First Reading*
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Department: Town Attorney, Kristin Hoffmann
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Second June 20, 2023
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- C. *ORDINANCE NO. 9.260.1 – First Reading*
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Department: Town Attorney, Kelsey Hall
Second June 20, 2023
Reading:

- G. *ORDINANCE NO. 1.586 – First Reading*
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Second June 20, 2023
Reading:
- H. *RESOLUTION NO. 23-048*
A Resolution Accepting the Conveyance of a Drainage Easement from NexGen Westcreek Holdings, LLC, for a Portion of Lot 2, Block 2, Westcreek Filing No. 2 First Amendment
Department: Engineering and Public Works, Michael Walton
- I. *CANCEL THE JULY 3, 2023 TOWN COUNCIL MEETING AND RESCHEDULE THE MEETING FOR JULY 10, 2023*
Department: Town Council
- J. *CONTRACTS OVER \$100,000*
1. *Fleet Replacement Parks Equipment*
Amount: \$120,000
Contractor: Front Range Kubota
Department: Engineering and Public Works, Jim Gilbert
2. *2023 Townwide Roadway Reconstruction Program (CIP23-005-CI) Contract Modification*
Amount: \$412,236.23 Addition for a Revised Contract Amount of \$1,375,498.33
Contractor: RME Ltd., Inc., dba Elite Surface Infrastructure
Department: Engineering and Public Works, Tom Gill
3. *Cherry Creek Improvements – CORE Electric Relocation (Phase 2)*
Amount: \$226,154
Contractor: CORE Electric Cooperative
Department: Engineering and Public Works, Chris Hudson

Joshua Rivero moved to approve Consent Agenda Items 4A through 4J.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. SALISBURY EQUESTRIAN PARK LOT 1 - REGIONAL FILTRATION ANNEX SITE PLAN AMENDMENT

Applicant: Parker Water and Sanitation District
Location: East side of Salisbury Park
Department: Community Development, Julia Duncan
TRAKiT No.: SP23-001

Mayor Toborg opened the public hearing at 7:11 p.m.

The proposed Parker Water and Sanitation District (PWSD) Regional Filtration Annex is to be located within the Salisbury Equestrian Park to the south of their existing facility. The Annex will be located on land owned by the Town within an easement(s) that PWSD holds allowing them to operate public water and sewer facilities in the Park. The PWSD proposal requires Town Council approval of a site plan amendment because it would be located on Town-owned land within the Park. The PWSD proposal for a Regional Filtration Annex can be summarized as follows:

- The Filtration Annex would improve drinking water quality through water treatment and filtration.
- The Filtration Annex building would be constructed adjacent to the existing Regional Well House.
- The Filtration Annex project includes the Annex building, underground pipes connecting the existing Well House and Annex and an underground sanitary sewer pipeline connecting to the existing Salisbury Equestrian Park sanitary sewer line to the southeast of the existing Well House.
- The Filtration Annex project will relocate existing raw water lines to the Well House to make way for the Annex construction.
- The Filtration Annex does not provide storage for chemicals or hazardous materials.

The Planning Commission held a public hearing for the site plan amendment on May 11, 2023 and voted 7-0 to recommend that the Town Council approve the application.

McKenna Pearson and Adam Rubin from Tetra Tech Engineering and Alex France from PWSD were present to answer questions from Council.

Public Comments: None.

Mayor Toborg closed the public hearing at 7:18 p.m.

Brandi Wilks moved to approve the Salisbury Equestrian Park Lot 1 - Regional Filtration Annex Site Plan Amendment based on staff findings.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

B. LINCOLN PROFESSIONAL PARK FILING NO. 1 - MINOR DEVELOPMENT PLAT

Applicant: Ryanne Sass, Plaza Street Partners

Location: Southeast corner of Lincoln Avenue and Dransfeldt Road

Department: Community Development, Stacey Nerger

TRAKiT No.: SUB21-005

Mayor Toborg opened the public hearing at 7:19 p.m.

The subject property is located in the C-Commercial zone district that permits a broad range of commercial uses. The proposed Minor Development Plat (MDP) will create six lots for future commercial development and three tracts for access and drainage/stormwater management to support the commercial development. The future commercial development will most likely consist of auto-oriented and convenience commercial businesses given the location and lack of bike/pedestrian infrastructure in the area. The proposed MDP will provide improved access from Lincoln Avenue and Dransfeldt Road to all lots and tracts within the property. Internal access across the property is addressed by a private road that traverses the site and cross/reciprocal access easements to ensure all lots are accessible in the future. The applicant has also addressed the Town request to incorporate an internal road design that allows a future connection to the Walgreen's and NAPA Auto Parts properties to the east and the E.T. Technologies property to the south.

The Planning Commission held a public hearing on the MDP application at its meeting on May 11, 2023 and voted 7-0 to recommend approval.

Public Comments: None.

Mayor Toborg closed the public hearing at 7:27 p.m.

1. Minor Development Plat

Joshua Rivero moved to approve the Lincoln Professional Park Filing No. 1 Minor Development Plat, based on staff findings.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

2. Subdivision Agreement

Todd Hendreks moved to approve the Lincoln Professional Park Filing No. 1 Subdivision Agreement, based on staff findings.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

C. COYLE/PERKINS PROPERTY ANNEXATION AND ZONING (Continued from November 7, 2022, February 21, 2023, and April 17, 2023 and to be continued to July 10, 2023)

Applicant:	Avalon Bay Communities, Inc.
Location:	Southwest corner of Stroh Ranch and Crowfoot Valley Road
Department:	Community Development, Julia Duncan
TRAKiT No.:	ANX22-006 & Z22-017

1. ORDINANCE NO. 2.281 - Second Reading (*Continued from November 7, 2022, February 21, 2023 and April 17, 2023 and to be continued to July 10, 2023*)
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Coyle/Perkins Property in Douglas County

Joshua Rivero moved to continue the public hearing to consider Ordinance No. 2.281 to a date certain of July 10, 2023.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 1.289.7 – Second Reading

A Bill for an Ordinance to Approve the Second Amended and Restated Cooperation Agreement Between the Town of Parker, Colorado, and the Parker Authority for Reinvestment

Department: PAR & Economic Development Director, Weldy Feazell

The proposed Second Amended and Restated Cooperation Agreement (“Agreement”) includes the following:

- Staff Costs: PAR reimburses the Town for the cost of salaries and benefits for staff, and these dollar amounts will be updated to reflect the 2023 expenses.
 - Salary and benefit reimbursement to the Town has been included in PAR's 2023 budget for the following staff:
 - PAR Executive Director - 25% of the Town Manager’s salary and benefits
 - PAR Director – 50% PAR and Economic Development Director’s salary and benefits
 - PAR Redevelopment Coordinator – 100% salary and benefits
- Administrative Fee: For the budget year, PAR reimburses the Town \$46,000 for the cost of support functions from Town Departments: Human Resources, Finance/Accounting, Information Technology, Risk Management and the Clerk.
- In the future, allows the Town to modify the budget numbers annually by means of the Town submitting a budget to PAR annually for budget allocation.
- Office Rent: PAR reimburses the Town \$22,000 for the cost of office space in Town Hall.

- Identifies the PAR funded Capital Projects that are occurring in the Urban Renewal Areas including the funding PAR for the projects. The construction of the projects utilizing the Town's processes and Town staff for constructing the projects.

Public Comments: None

Laura Hefta moved to approve Ordinance No. 1.289.7 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.576 - 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 Certain Motsenbocker Road Improvements, as Part of the Dransfeldt Road Project, Both Town Roadways, 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 item is for an ordinance to provide notice of the Town's intent to acquire right-of-way and easements for proposed improvements on Motsenbocker Road between Todd Drive and Longland Parkway that are part of the Dransfeldt Road extension project. This ordinance is for needed roadway improvements and will affect five property owners along this section of Motsenbocker Road. One of them (the Dominoe property) was annexed into the Town in 2012 and is subject to the annexation agreement requirements to dedicate needed property/easements for the needed roadway improvements. The remaining four properties are currently located in unincorporated Douglas County.

Public Comments: Mike Smith, 11321 Dransfeldt Road, Parker, owns the property at the south end of the project and stated that he was asked to dedicate land to the Town without compensation and did not understand why other property owners were to be compensated.

John Diak moved to approve Ordinance No. 1.576 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

C. ORDINANCE NO. 1.580 - Second Reading

A Bill for an Ordinance Vacating a Portion of Right-of-Way Adjacent to Kings Point Way to LCP MFII WREN, LLC

Department: Community Development, Stacey Nerger

In 2019-2020, the Town constructed Kings Point Way to connect Cottonwood Drive in the Crown Point Planned Development (PD) to the future Aurora Parkway in the City of Aurora. The Town is proposing to vacate excess right-of-way (ROW) left over from the Kings Point Way project and convey the 0.819 acre parcel to the adjacent property owner LCP MFII WREN, LLC.

Public Comments: None.

Todd Hendreks moved to approve Ordinance No. 1.580 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

D. ORDINANCE NO. 1.581 - Second Reading

A Bill for an Ordinance Vacating a Portion of Right-of-Way Adjacent to Kings Point Way to KPS Retail, LLC

Department: Community Development, Stacey Nerger

In 2019-2020, the Town constructed Kings Point Way to connect Cottonwood Drive in the Crown Point Planned Development (PD) to the future Aurora Parkway in the City of Aurora. The Town is proposing to vacate excess right-of-way (ROW) left over from the Kings Point Way project and convey the 0.232-acre parcel to the adjacent property owner KPS Retail LLC.

Public Comments: None.

Anne Barrington moved to approve Ordinance No. 1.581 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Todd Hendreks moved to adjourn the meeting at 8:13 p.m.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

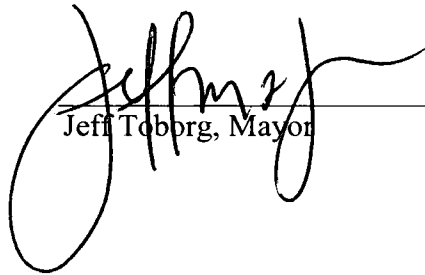
Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.



Susan L. Irvine, Deputy Town Clerk



Jeff Toborg, Mayor