

**TOWN OF PARKER COUNCIL  
MINUTES  
NOVEMBER 20, 2023**

Mayor Toborg called the meeting to order at 7:00 p.m. All Councilmembers were present except John Diak.

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

**PUBLIC COMMENTS**

There were 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 - November 6, 2023*
- B. *Motion to Approve the 2024 Town Council Meeting and Study Session Calendar*  
*Department: Town Council*
- C. *ORDINANCE NO. 1.594 - First Reading*  
*A Bill for an Ordinance to Levy General Property Taxes for the Year 2023 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2024 Budget Year*  
*Department: Finance, Mary Lou Brown*  
*Second December 4, 2023*  
*Reading:*
- D. *ORDINANCE NO. 1.595 - First Reading*  
*A Bill for an Ordinance to Utilize Available Funds to Redeem, Pay and Discharge All of the Outstanding Certificates of Participation, Series 2014*  
*Department: Finance, Mary Lou Brown*  
*Second December 4, 2023*  
*Reading:*
- E. *ORDINANCE NO. 3.74.4 - First Reading*  
*A Bill for an Ordinance to Amend Section 13 of the Crown Point Center Development Guide Third Amendment Titled "Crown Point Center Development Plan," Pursuant to the Parker Land Development Ordinance*  
*Department: Community Development, Ashley Chasz*  
*Second December 4, 2023*

*Reading:*

- F. *ORDINANCE NO. 9.338.2 - First Reading*  
*A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch (Agreement No. 21-05.17B, Project No. 108522) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker*  
Department: *Engineering and Public Works, Michael Grabczyk*  
Second Reading: *December 4, 2023*
- G. *RESOLUTION NO. 23-090*  
*A Resolution Accepting the Conveyance of Real Property from 2010 – Cottonwood LLC for Jordan Road Near Carlson Drive*  
Department: *Engineering & Public Works, Chris Hudson*
- H. *RESOLUTION NO. 23-095*  
*A Resolution Adopting an Application Fee for Retail Establishment Permits*  
Department: *Town Clerk, Chris Vanderpool*
- I. *RESOLUTION NO. 23-097*  
*A Resolution to Approve the Fourth Amendment to the Amended and Restated Employment Agreement for the Town Manager*  
Department: *Town Council*
- J. *CONTRACTS OVER \$100,000*
1. *Replacement Traffic Signal and Lighting Infrastructure*  
Amount: *\$182,500*  
Contractor: *The M/H Companies*  
Department: *Engineering and Public Works, David Aden*
2. *Parker Road Sidewalk - Pine Drive to Stroh Road - Preliminary Design*  
Amount: *\$150,000*  
Contractor: *Merge Resource Group Ltd.*  
Department: *Engineering and Public Works, Patrick Burke*
3. *Lemon Gulch Trail Improvements - Construction Management*  
Amount: *\$142,997*  
Contractor: *Felsburg, Holt & Ullevig*  
Department: *Engineering and Public Works, Patrick Burke*

4. *Police Station Audio Visual System Upgrade*

*Amount: \$188,054.67*

*Contractor: Conference Technologies Incorporated*

*Department: Police, Ron Combs*

Joshua Rivero moved to remove item 4H from the Consent Agenda for discussion.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

Brandi Wilks moved to approve Consent Agenda Items 4A through 4J except 4H.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

Item 4H: Town Clerk Chris Vanderpool explained the reasoning for the application fee of \$100. The amount is for labor to process the application and to meet with the business to provide education about the permit guidelines. The application fee includes 24 occurrences in a year. The fee is also in line with the Special Events Permit and the Tastings Permit.

Brandi Wilks moved to approve Item 4H.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes  
 Brandi Wilks - yes  
 Laura Hefta - yes

The motion was approved unanimously.

## **PUBLIC HEARINGS**

### **A. POPE PROPERTY ANNEXATION AND ZONING**

**Applicant:** David Brehm, Plan West  
**Location:** Southwest corner of Twenty Mile Road and Dransfeldt  
**Department:** Community Development, Stacey Nerger  
**TRAKiT No.:** ANX22-009, Z22-032 & Z22-037

Mayor Toborg turned this portion of the meeting over to Acting Mayor Joshua Rivero as Joshua has been a part of Council since discussions first began regarding this annexation.

Acting Mayor Joshua Rivero opened the Public Hearing at 7:15 p.m.

Senior Planner Stacey Nerger presented the following:

#### **State and Town Code Requirements**

The applicant submitted an annexation petition in accordance with the Colorado Municipal Annexation Act of 1965 (the Act), Title 31, Article 12, Part 1, C.R.S., for annexation of the subject property into the Town as described in the petition. The Town Clerk, as provided by C.R.S. § 31-12-107(1)(f), referred the annexation petition to the Town Council as a communication. The Town Council, as provided by C.R.S. § 31-12-107(1)(f), is required, without undue delay, to take appropriate steps to determine if the submitted annexation petition is in substantial compliance with the Act. Under Section 13.04.250(c) of the Town Code, the Town Council may determine the following:

1. The annexation petition substantially complies with the requirements of C.R.S. § 31-12-107(1)(a), which will require that the Town Council establish by resolution the date, time and place that the Town Council will hold the public hearing not less than thirty (30) days nor more than sixty (60) days after the resolution setting the public hearing, unless otherwise required by state law; or
2. The annexation petition does not substantially comply with the requirements of C.R.S. § 31-12-107(1)(a), which will require no further action; or
3. Table any action on the annexation petition for a period of time not to exceed one hundred eighty (180) days.

#### **Prior Review and Actions**

1. On October 3, 2022, the Town Council approved Resolution No. 22-048 that determined the submitted annexation petition substantially complies with the Colorado Municipal Annexation Act of 1965 (the Act, § 31-12-107(1)) and which set a public

hearing date of November 21, 2022 to determine eligibility for annexation into the Town.

2. On November 21, 2022, the Town Council approved Resolution No. 22-061 that determined the Pope property is eligible for annexation into the Town as provided by the Act. In addition, the annexation ordinance was scheduled for a public hearing of the Town Council on February 6, 2023.
3. On January 17, 2023, the Town Council approved the annexation ordinance on first reading with the public hearing for the ordinance scheduled on February 6, 2023.
4. On February 6, 2023, the Town Council continued the annexation ordinance public hearing to May 1, 2023 to allow the applicant additional time to negotiate the annexation agreement, complete the required inclusion into Parker Water and Sanitation District and process the required zoning application.
5. On May 1, 2023, the Town Council continued the annexation ordinance public hearing to July 17, 2023 to allow the applicant additional time to negotiate the annexation agreement, complete the required inclusion into Parker Water and Sanitation District and process the required zoning application.
6. On July 17, 2023, the Town Council continued the annexation ordinance public hearing to October 16, 2023 to allow the applicant additional time to negotiate the annexation agreement, complete the required inclusion into Parker Water and Sanitation District and process the required zoning application.
7. The October 16, 2023 Town Council meeting was rescheduled to October 23, 2023. On October 23, 2023, the Town Council continued the annexation ordinance public hearing to November 20, 2023 to allow the applicant additional time to finalize the annexation agreement.

### **Summary of Proposal**

The subject property, known as the Pope property, is an enclave parcel located in unincorporated Douglas County that is contiguous to the Town. The property has a total area of approximately 38 acres and is currently used as Flat Acres Farm, an "agritainment" and commercial recreation business.

The subject property fronts Twenty Mile Road and is bordered to the north by commercial uses at the Parker Valley Center (Target); to the south and west by the Cherry Creek open space and future Salisbury Park North; and to the east by commercial uses at FlatAcres Marketplace (Kohls). The property and adjacent areas in the Cherry Creek open space contain environmentally sensitive land including a 100-year floodplain and habitat for the Preble's Meadow Jumping Mouse, which is protected by the U.S. Endangered Species Act.

The Town surrounds the subject property and has identified it as a candidate for future annexation within its Municipal Planning Area (urban growth boundary). This is an existing land use policy recommendation supported by the annual Three-Mile Area Plan and the Parker 2035 Master Plan. It is also consistent with the Town's approach to annexation that prioritizes enclave parcels surrounded by the Town to promote orderly growth and rational service delivery.

The property owner is proposing to divide the 38-acre property into three (3) sections with different zoning as follows:

- **Western Section:** The western 9.2 acres of the property within the Cherry Creek 100-year floodplain, which includes Preble's Jumping Mouse habitat, will be zoned Open Space and dedicated to the Town.
- **Central Section:** The majority of the central section of the property consisting of approximately 11.791 acres will be zoned Agricultural and allow the applicant to continue the existing "agritainment" uses currently in operation.
- **Eastern Section:** The remainder, consisting of the upland central section and the area located east of the future Dransfeldt Road extension, has a total area of 17.48 acres and will be zoned to Greater Downtown District - Market Center. This zoning will permit future commercial use for retail, restaurants, services, etc.

The Parker 2035 Master Plan identifies the subject property as located in the Central Commercial and Medium Density Residential Districts as well as the Cherry Creek 100-year floodplain. The Master Plan recommends a mix of uses in this area including commercial, open space and transportation use. The proposed rezoning has been prepared in accordance with the Master Plan as to permitted uses, zone district boundaries and development standards. Further, the Transportation Master Plan recommends the Dransfeldt Road extension through the subject property to expand the transportation system for greater vehicular, bicycle, and pedestrian mobility across Cherry Creek. The annexation petition and proposed zoning are therefore consistent with the Master Plan and its various elements.

The property owner's annexation has been submitted in accordance with the Act as described in the petition. Further, the Town has identified the Pope Property as a candidate for future annexation through the annual Three-Mile Plan and the Parker 2035 Master Plan. Therefore, the proposed annexation is consistent with the Town's land use policy as expressed in both plans. The subject property is eligible for annexation because it is located within the Town's Planning Area (urban growth boundary) and satisfies the contiguity requirements of the Act, C.R.S. § 31-12-104(a). The annexation petition and zoning application are being processed together because the Town Charter and Section 13.04.250 of the Town Code require concurrent annexation and zoning.

#### **Annexation Agreement**

Town staff and the Property Owner negotiated the terms of an annexation agreement, which would govern the annexation of the Property into the Town if approved by Town Council (the "Annexation Agreement" or "Agreement"). The Agreement outlines the responsibilities of both the Town and the Property Owner as development occurs onsite. The major terms of the Agreement include the Property Owners obligation to convey to the Town the right of way and easements necessary for the construction of that portion of Dransfeldt Road on the property.

#### **Planning Commission Review**

The Planning Commission held a public hearing for the proposed zoning application on November 9, 2023 and voted unanimously to recommend that the Town Council approve the zoning.

The Applicant, David Brehm with Plan West, made a brief presentation and was available for any questions.

**Public Comments:**

Mike Smith - Parker, Colorado, was present and spoke in favor of the annexation and zoning of his property. He added that this project took many years to come to fruition with each party getting what each felt they needed.

Acting Mayor Rivero closed the Public Hearing at 7:39 p.m.

**1. ORDINANCE NO. 2.282 - Second Reading (Continued from February 6, 2023, May 1, 2023, and July 17, 2023)**

**A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Pope Property in Douglas County**

Anne Barrington moved to approve Ordinance No. 2.282 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**2. ORDINANCE NO. 3.364 - Second Reading**

**A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Pope Property to GD-Greater Downtown District, Market Center, Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**

Laura Hefta moved to approve Ordinance No. 3.364 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**3. ORDINANCE NO. 3.365 - Second Reading**  
**A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Pope Property to A-Agricultural District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**

Todd Hendreks moved to approve Ordinance No. 3.365 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**4. ORDINANCE NO. 3.366 - Second Reading**  
**A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Pope Property to OS-Open Space District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**

Brandi Wilks moved to approve Ordinance No. 3.366 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**5. ORDINANCE NO. 3.367 – Second Reading**

**A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Pope I Remnant 1 Property from GD-Greater Downtown District to OS-Open Space District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**

Todd Hendreks moved to approve Ordinance No. 3.367 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**6. ORDINANCE NO. 3.368 – Second Reading**

**A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Town-Owned Pope I Remnant 2 Property from GD-Greater Downtown District to A-Agricultural District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**

Brandi Wilks moved to approve Ordinance No. 3.368 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**7. Annexation Agreement**

Anne Barrington moved to approve the Annexation Agreement.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**B. ORDINANCE NO. 1.567.2 - Second Reading**

**A Bill for an Ordinance to Adopt the 2023 Revised Budget for the Town of Parker and to Make Appropriations for the Same**

**Department: Finance, Mary Lou Brown & Christine Brookshire**

Mayor Toborg opened the Public Hearing at 7:52 p.m.

Budget adjustments for the current year's budget are submitted to 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. 1.567.2 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**C. ORDINANCE NO. 1.593 - Second Reading****A Bill for an Ordinance to Adopt the 2024 Budget and to Make Appropriations for the Same****Department: Finance, Mary Lou Brown & Christine Brookshire**

Mayor Toborg opened the Public Hearing at 8:02 p.m.

Internal work on the 2024 Town of Parker Budget began in mid-July and was followed by a Council budget retreat on October 6, 2023 and a Council study session on October 23, 2023. The 2024 Budget was posted to the internet on Monday, October 9, 2023, in advance of the legal deadline of October 15, 2023. Tonight is the second public hearing for the 2024 Budget. The first public hearing was held on November 6, 2023.

The 2024 Budget was prepared in conjunction with seven overall guidelines:

- Meet the General Fund required cash balance percentage
- Calculate the Cultural and Recreation Fund cash balances in the same manner as the General Fund
- Sustain level of funding for community programs
- Maintain repair and maintenance programs at the current activity levels
- Plan for potential compensation study recommendations
- Fund performance pay and police officer step plans in line with other area agencies
- Contain growth in discretionary expense items

The sales tax growth rate has experienced considerable volatility from the 2021 and 2022 rates of 18.4% and 11.1%, respectively, to the 2023 projection of 4.0%. Based on this history, the sales tax growth rate for 2024 is budgeted at 5%.

In the General Fund, which is the main operational fund of the Town, expense growth is 14% due to twelve and a half additional employees being added to the Police Department and four in Public Works, \$1.13M added in Capital Outlay, and inflationary growth in most categories.

**Public Comment:** None.

The Public Hearing was closed at 8:22 p.m.

Todd Hendreks moved to approve Ordinance No. 1.593 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**ADJOURNMENT**

Laura Hefta moved and Joshua Rivero seconded to adjourn the meeting at 8:23 p.m.

A roll call vote was taken:

Joshua Rivero - yes

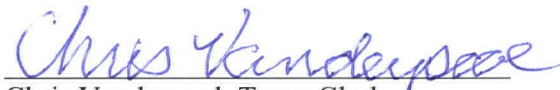
Anne Barrington -yes

Todd Hendreks -yes

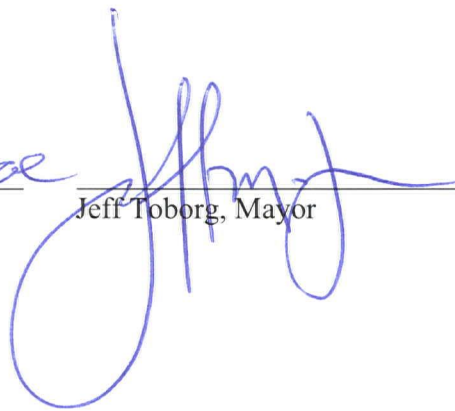
Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

A handwritten signature in blue ink, reading "Chris Vanderpool", written over a horizontal line.

Chris Vanderpool, Town Clerk

A large, stylized handwritten signature in blue ink, reading "Jeff Toborg", written over a horizontal line.

Jeff Toborg, Mayor