

**TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 7, 2024**

Mayor Pro Tem John Diak called the meeting to order at 4:08 p.m. Mayor Jeff Toborg and Councilmember Todd Hendreks were absent.

Town Attorney Jamie Wynn announced that there were three topics for discussion in the Executive Session 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). The first topic was a Newlin Crossing Metropolitan District mill levy discussion. The second item was regarding House Bill 24-1152 (accessory dwelling units) and House Bill 24-1007 (occupancy bill) passed in the 2024 legislative session. The third item was about the New Land Development Ordinance, specifically Parker Municipal Code §§13.03.040(N)(5), 13.04.010(b), 13.04.090, and 13.04.080 regarding new zoning districts.

EXECUTIVE SESSION

Joshua Rivero moved and Anne Barrington seconded to enter into Executive Session at 4:09 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).

The motion was approved unanimously.

Brandi Wilks moved and Joshua Rivero seconded to come out of Executive Session at 5:09 p.m.

The motion was approved unanimously.

Brandi Wilks moved and Joshua Rivero seconded to recess the regular meeting until 7:00 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Pro Tem Diak reconvened the meeting at 7:00 p.m.

Mayor Pro Tem Diak led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

Andrew Steers, Parker, stated that HOA's are no longer allowed to regulate parking unless the Town gives explicit permission which Parker has not done. If Parker had allowed this, they would be giving police power to the HOA. He asked that Parker send a letter advising that the Stroh Ranch HOA is not allowed to enforce parking.

Chris Opfer, Parker, spoke on behalf of Mrs. Steers and the issue of parking in Stroh Ranch. He asked that the Town look at 10.170 in the code and that the Town make it clear that HOA's are not allowed to enforce parking.

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 - September 16, 2024

B. Assignment and Assumption of Owner/Contractor Contract Construction Management/General Contracting for the Town Hall Expansion & Renovation Project, with JHL Constructors, Inc., dated January 3, 2023, and All Amendments Thereto, to JHL Constructors, LLC

Department: Engineering and Public Works, Bob Exstrom

C. ORDINANCE NO. 1.631 - First 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 Parker Road Sidewalk – East Side Gaps Project (Between Bucktail Drive and Cockriel Drive), 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, Patrick Burke

Second Reading: October 21, 2024

D. ORDINANCE NO. 12.11 - First Reading

A Bill for an Ordinance to Amend Title 2 of the Parker Municipal Code by the Addition Thereto of a New Chapter 2.09 Concerning the Creation of the Parker Public Art Commission

Department: Cultural, Carrie Glassburn

Second Reading: October 21, 2024

E. CONTRACTS OVER \$100,000

1. 2024 Townwide Concrete Replacement Program Contract Modification (CIP 24-003)

Amount: \$562,692

Contractor: Norra Concrete Construction Corporation

Department: Engineering & Public Works, John Mounier

2. 2024 Townwide Resurfacing Program Contract Modification (CIP24-001)

Amount: \$335,181.03

Contractor: Brannan Sand & Gravel Company, LLC

Department: Engineering & Public Works, John Mounier

3. *2024 Townwide Concrete Replacement Program - Construction Management (CIP 24-003-CM) Contract Modification*

Amount: \$49,995 Addition for a new contract total of \$140,615

Contractor: Alfred Benesch & Company

Department: Engineering & Public Works, John Mounier

F. PROCLAMATION - Community Planning Month - October 2024

Joshua Rivero moved and Brandi Wilks seconded to approve Consent Agenda Items 4A through 4F.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 24-045

A Resolution to Appoint Members to the Parker Youth Commission and to Appoint the Vice-Chair

Department: Town Manager's Office, Cheri Sullivan

The purpose of this resolution was to appoint the following five (5) regular members to the Parker Youth Commission for two-year terms, ending on May 31, 2026: Mark Durden, Suhas Gandham, Amara Fantl, Brooke Massey, and Romir Nautiyal. Suhas Gandham was also appointed as Vice-Chair for a one-year term, ending on May 31, 2025. Upon completion of this term, he will assume the role of the Chair for a one-year term, ending on May 31, 2026.

Public Comments: None.

Brandi Wilks moved and Joshua Rivero seconded to approve Resolution No. 24-045 as part of the regular agenda.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. TRACT H, MERIDIAN INTERNATIONAL BUSINESS CENTER FILING NO. 7C, 5TH AMENDMENT ANNEXATION

Applicant: Nathan Klass, Town of Parker
Location: West side of Chambers Road south of Mainstreet
Department: Community Development, Julia Duncan
TRAKiT No.: ANX24-004

Mayor Pro Tem Diak opened the Public Hearing at 7:25 p.m.

In 2021, the developer of the Stepping Stone residential development located at the southwest corner of the intersection of Mainstreet and Chambers Road constructed a southbound acceleration/deceleration lane for improved access to their project. The developer dedicated the right-of-way (ROW) for this improvement to Douglas County because the Stepping Stone residential development is located in unincorporated Douglas County. At the end of the improvement warranty period, Douglas County executed a deed to convey the ROW to the Town. The Town Council approved the acceptance of the ROW by Resolution No. 24-022 at the March 11, 2024 meeting. The ROW that the Town accepted has a total area of 1.33 acres and includes the recently constructed improvements along the west side of Chambers Road, south of the Mainstreet intersection. The proposed annexation is being undertaken to incorporate the additional ROW into the Town boundaries, reflect property ownership, and clarify responsibility for operations and maintenance.

Public Comments: None.

Mayor Pro Tem Diak closed the Public Hearing at 7:30 p.m.

1. RESOLUTION NO. 24-041

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Town Tract H, Meridian International Business Center Filing No. 7C, 5th Amendment Right-of-Way Property for Annexation into the Town of Parker

Joshua Rivero moved and Anne Barrington seconded to approve Resolution No. 24-041.

A roll call vote was taken:

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

The motion was approved unanimously.

2. **ORDINANCE NO. 2.284 - Second Reading**

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Town Tract H, Meridian International Business Center Filing No. 7C, 5th Amendment Right-of-Way Property in Douglas County

Joshua Rivero moved and Laura Hefta seconded to approve Ordinance No. 2.284 on second reading.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

B. LOOKING GLASS SEGMENT 2B - Sketch and Preliminary Plans

Applicant: Dream Finders Homes

Location: Southwest of the future intersection of Chambers Road and Stroh Road

Department: Community Development, Julia Duncan

TRAKiT No.: SUB23-022 and SUB23-023

Mayor Pro Tem Diak opened the Public Hearing at 7:32 p.m.

The subject property is located southwest of the future intersection of Chambers Road and Stroh Road. The property is currently undeveloped and is directly adjacent to Looking Glass Segment 2A to the east, the Anthology North PD to the north, the Reuter-Hess Reservoir to the west and large lot residential development in Douglas County to the south. The subject property has a total area of 436-acres, and the Sketch and Preliminary Plan applications propose the creation of 907 lots for single-family residential development, 54 tracts to be reserved for parks and open space, drainage/stormwater management, ROW for roads and a future elementary school site. The Plans incorporate 44 acres of parks and 99.67 acres of open space and regional trails which exceeds the amount of parks and open space required by the Hess Ranch PD zoning.

On September 12, 2024, the Planning Commission unanimously recommended that the Town Council approve the proposed Sketch and Preliminary Plan applications.

Steve Allen and Matt Childers made a presentation on behalf of the applicant and answered questions from the Town Council.

Public Comments: Peter Kite, Douglas County, spoke about the proximity of the project to his acreage where he has cattle, goats and bison and the use of guns on his property which is adjacent to the proposed school property.

Mayor Pro Tem Diak closed the Public Hearing at 7:54 p.m.

Joshua Rivero moved and Anne Barrington seconded to approve the Looking Glass Segment 2B Sketch and Preliminary Plans, based on staff findings.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

C. ANTHOLOGY NORTH

Applicant: John Prestwich, PCS Group
Location: Southeast corner of Hess Road and Chambers Road
Department: Community Development, Stacey Nerger
TRAKiT No.: Z23-016 and SUB23-038

Mayor Pro Tem Diak opened the Public Hearing at 8:01 p.m.

The subject property consists of Planning Area 44 and Planning Area 46 in Segment 1 of the Anthology North PD with a total area of approximately 61 acres. The property is located near the southern boundary of the PD to the east of the future Chambers Road extension and north of the future Stroh Road extension. It is currently undeveloped while the applicant grades the site and installs infrastructure.

The applicant is requesting the approval through rezoning of a PD Amendment to reallocate 26 residential units from Planning Area 46 to Planning Area 44. This proposal will transfer approved residential units from one (1) Planning Area to another but will not increase the total number of residential units (residential yield). The applicant also proposes to reduce the size of Planning Area 39, which is an elementary school site, from 12.96 acres to 12.10 acres. The Douglas County School District (DCSD) indicated that it supports the proposed PD Amendment subject to its referral review comments.

The proposed Preliminary Plan Amendment application is intended to align the PD zoning with the Preliminary Plan if the Town Council approves the reallocation of approved residential units from Planning Area 46 to Planning Area 44 as described above. This will ensure that the approved Preliminary Plan and future Final Plat(s) reflect the transfer of 26 residential lots from one (1) Planning Area to another.

On September 12, 2024, the Planning Commission unanimously recommended that the Town Council approve the applications.

Chris Elliot, Centennial, made a presentation on behalf of the applicant and answered questions of the Town Council.

Public Comments: None.

Mayor Pro Tem Diak closed the Public Hearing at 8:07 p.m.

1. ORDINANCE NO. 3.308.4 - Second Reading
A Bill for an Ordinance to Amend the Anthology North Development Plan Amendment No. 5 Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Joshua Rivero moved and Anne Barrington seconded to approve Ordinance No. 3.308.4 on second reading.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

2. Anthology North Segment 1B & 1C Preliminary Plan Amendment No. 1

Anne Barrington moved and Laura Hefta seconded to approve the Anthology North Segment 1B and 1C Preliminary Plan Amendment No. 1, based on staff findings.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

CONTRACTS OVER \$500,000

Lincoln Avenue Widening Project – CORE Electric Relocation Phase 1

Amount: \$1,058,043

Contractor: CORE Electric Cooperative

Department: Engineering and Public Works, Patrick Burke

This agenda item was for the approval of a contract with CORE Electric Cooperative to relocate existing underground power lines related to the proposed Lincoln Avenue Widening project.

Public Comments: None.

Joshua Rivero moved and Laura Hefta seconded to approve the staff recommendation, as a part of the regular agenda.

A roll call vote was taken:

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

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 1.627 - Second Reading (Correct Ordinance No. 1.632)

A Bill for an Ordinance to Approve the Memorandum of Agreement By and Between the Town of Parker and Radiant Circle Apartments Investors LLC, Concerning the Parker Road Sidewalk/Trail Improvements South of Parker Square Drive

Department: Engineering and Public Works, Tom Gill

This item was to approve an ordinance for the memorandum of agreement for the conveyance of real property necessary to construct the Parker Road Sidewalk - East Side (Sulphur Gulch to South of Parker Square Drive). This agreement is needed for planned sidewalk/trail improvements to the east side of Parker Road, south of Parker Square Drive.

Public Comments: None.

Joshua Rivero moved and Anne Barrington seconded to approve Ordinance No. 1.627 on second reading.

A roll call vote was taken:

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

The motion was approved unanimously.

B. ORDINANCE NO. 9.334.3 - Second Reading

A Bill for an Ordinance Approving the Third Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04C Project No. 108515) By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker, and Cherry Creek Basin Water Quality Authority

Department: Engineering and Public Works, Michael Grabczyk

Joshua Rivero advised that he voted on this matter in his capacity as the Chair of the Cherry Creek Basin Water Quality Authority. He therefore asked the Council to recuse him from this item. Council agreed that there was a perceived conflict of interest and recused him from this item. Joshua Rivero left the dais and exited Council Chambers at 8:28 p.m.

The Town of Parker, the Mile High Flood District (MHFD - formerly the Urban Drainage and Flood Control District), and the Cherry Creek Basin Water Quality Authority (CCBWQA) previously executed an intergovernmental agreement (IGA) to design and permit improvements to Cherry Creek at Dransfeldt Road adjacent to Flat Acres Farms. This project is currently under construction with substantial completion anticipated this winter. Plantings and an establishment period will follow through the next several springs until federal permits are closed out. This amendment will allow the MHFD to contribute additional construction funds to ensure an adequate budget for additional plantings if necessary. Passage of this ordinance approved the amendment to the IGA.

Public Comments: None.

Brandi Wilks moved and Laura Hefta seconded to approve Ordinance No. 9.334.3 on second reading.

A roll call vote was taken:

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

C. ORDINANCE NO. 9.339.1 - Second Reading

A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Newlin Gulch at Recreation Drive (Agreement No. 21-05.23A, Project No. 108504) By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker, and Douglas County

Department: Engineering and Public Works, Michael Grabczyk

Joshua Rivero rejoined the meeting and returned to the dais at 8:34 p.m.

The Town of Parker, the Mile High Flood District (MHFD - formerly the Urban Drainage and Flood Control District), and Douglas County previously executed an intergovernmental agreement (IGA) to design and permit improvements to Newlin Gulch at Recreation Drive. This amendment will allow the MHFD and Douglas County to bring in additional funds to the project to complete the design phase of the project. Passage of this ordinance approved the amended IGA.

Public Comments: None.

Joshua Rivero moved and Anne Barrington seconded to approve Ordinance No. 9.339.1 on second reading.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

- D. ORDINANCE NO. 1.628 - Second Reading (Correct Ordinance No. 1.637)**
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 Becket Drive and Brompton Way 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: Town Attorney, Jim Maloney

This item was for an ordinance to provide notice of the Town's intent to acquire right-of-way for proposed improvements to Becket Drive and Brompton Way that are part of the Becket and Woodman Drive connectivity project (the "Project").

Jim Maloney introduced Rich Conroy, Deputy Fire Marshall, South Metro Fire Rescue who spoke in favor of this project and the improvements to public safety which would result.

Public Comments: None.

Anne Barrington moved and Laura Hefta seconded to approve Ordinance No. 1.628 on second reading.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Mayor Pro Tem Diak adjourned the meeting at 9:04 p.m.



Susan L. Irvine, Deputy Town Clerk



John Diak, Mayor Pro Tem