

**TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 16, 2017**

Mayor Mike Waid called the meeting to order at 5:55 p.m. Amy Holland arrived at 5:50 p.m. Josh Martin was absent and Debbie Lewis arrived at 6:20 p.m. Amy Holland then left the meeting at 6:30 p.m.

Town Attorney Jim Maloney announced the topics for discussion in Execution Session were six (6) items. Under C.R.S. § 24-6-402(4)(e) there was one (1) item which was the proposed annexation agreement for the Norton property. Under C.R.S. § 24-6-402(4)(b) there were four (4) items, the first was Section 26A Douglas County Appeal Standards and Procedures (proposed Compark transfer station); the second item was Section 13.06.050 of the Parker Municipal Code concerning vehicular access and circulation (Stroh Ranch Filing No. 1, 1st Amendment); the third item was Section 13.04.280 of the Parker Municipal Code (Light Industrial Conservation Overlay District); and the fourth item was Default related to Pine Bluffs Filing No. 3B Subdivision Agreement. Under C.R.S. § 24-6-402(4)(f) there was one (1) item which was the Town Attorney Evaluation Process

EXECUTIVE SESSION

Amy Holland moved and John Diak seconded to go into Executive Session at 5:55 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 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).

Debbie Lewis moved and Renee Williams seconded to adjourn the Executive Session at 7:04 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:08 p.m.

SPECIAL PRESENTATIONS

- The Mayor recognized Cohlton Schultz as the Gold Medal Roman World Championship.

PARKER CHAMBER OF COMMERCE UPDATES - None

PUBLIC COMMENTS

- Scott Wright, Parker, Colorado – Commented about the Pine Bluffs property and the entrances. He felt like Toll Brothers had misrepresented the entrances and felt the entrances were unsafe. He asked Council to look into the situation.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Council provided a brief update on the meetings they had attended since the last Council meeting.

CONSENT AGENDA

- A. *INTENTIONALLY LEFT BLANK*
- B. *AMENDED AND RESTATED PINE BLUFFS FILING NO. 2 SUBDIVISION AGREEMENT*
Department: Town Attorney, James S. Maloney
- C. *ORDINANCE NO. 3.315.1 - First Reading*
A Bill for an Ordinance to Amend the Hess Ranch Development Plan and Guide, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith
Department: Community Development, Stacey Nerger
Second Reading: November 6, 2017
- D. *PROCLAMATION – Community Planning Month, October 2017*
Department: Town Council

Joshua Rivero moved and Renee Williams seconded to approve the Consent Agenda Items 6B – 6D.

The motion was approved unanimously.

TOWN ADMINISTRATOR

- **Reports - None**

PUBLIC HEARINGS

- A. **HIGHLANDS AT KINGS POINT PROPERTY - Annexation and Zoning**
Applicant: Peter Niederman, Douglas County Associates
Location: North of Cottonwood Drive on both sides of E-470
Department: Community Development, Stacey Nerger
Community Development, Carolyn Parkinson

7:24 PM

Public Hearing Items A and B were combined into one presentation. The applicant, Douglas County Associates L.L.P., proposes to annex and commercially zone approximately 20-acres of land into the Town of Parker. The Highlands at Kings Point property is located at the northeast corner of Cottonwood Drive and the future Kings Point Way.

On September 19, 2016, Town Council approved the Pre-Annexation Agreement for the Highlands at Kings Point property.

On August 21, 2017, Town Council set the public hearing date for the Annexation Petition for October 16, 2017.

On October 2, 2017, Town Council approved the first reading of the Annexation and Zoning.

The Highlands at Kings Point property is situated east of the Vantage Point development, on both sides of E-470 and north of the existing Crown Point development. The 20-acre property is proposed to be annexed and zoned into the Town of Parker. The proposed rezoning will create two Planning Areas for commercial use. Planning Area 1 located on the west side of E-470 will be zoned for commercial development with a focus upon retail sales tax generating businesses. Planning Area 2 located on the east side of E-470 is located near the Stone Canyon Apartments and will be zoned for open space.

The property is contiguous to the Town and meets the statutory requirements for annexation.

Applicant:

Peter Niederman concurred with the staff presentation and did not have anything to add.

Public Comment: None

(1) RESOLUTION NO. 17-052

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Highlands at Kings Point Property for Annexation into the Town of Parker

Joshua Rivero moved to approve Resolution No. 17-052.

Renee Williams seconded the motion.

The motion was approved unanimously.

(2) ORDINANCE NO. 2.253 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Highlands at Kings Point Property in Douglas County

Joshua Rivero moved to approve Ordinance No. 2.253 on seconded reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

(3) ORDINANCE NO. 3.331 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Highlands at Kings Point Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Joshua Rivero moved to approve Ordinance No. 3.331 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

(4) **ANNEXATION AGREEMENT**

Joshua Rivero moved to approve the Annexation Agreement.

Renee Williams seconded the motion.

The motion was approved unanimously.

B. KINGS POINT WAY RIGHT-OF-WAY PROPERTY - Annexation

Applicant:	Town of Parker
Location:	North of Cottonwood Drive on west side of E-470
Department:	Community Development, Stacey Nerger Community Development, Carolyn Parkinson

Public Hearing Items A and B were combined into one presentation.

(1) **RESOLUTION NO. 17-053**

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Kings Point Way Right-of-Way Property for Annexation into the Town of Parker

John Diak moved to approve Resolution 17-053.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

(2) **ORDINANCE NO. 2.254 – Second Reading**

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Kings Point Way Right-of-Way Property in Douglas County

John Diak moved to approve Ordinance No. 2.254 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

C. LOT 4C, LINCOLN MEADOWS FILING 2, AMENDMENT 1– Use by Special Review

Applicant: Thomas Frank, Richie's Parker Express Carwash
Location: Southwest corner of Dransfeldt and Lincoln
Department: Community Development, Paul Workman

7:34 PM

Richie's Parker Carwash Express requests the approval of a Use by Special Review to convert their three self-serve carwash bays into two bays for auto detailing and one bay for office space.

The proposal is to enclose three self-serve wash-bays to accommodate an office in the eastern most bay and auto detailing in the two remaining bays. The auto detailing would include window tinting and limited cleaning services. An administrative Site Plan Amendment has been submitted to the Town for review and is currently being evaluated against the PD Guide development requirements.

The subject property is designated Commercial within the Lincoln Meadows PD Map. Within Section IV.B of the Lincoln Meadows PD Guide, certain Uses by Special Review are identified in the Commercial area.

The previously referenced Section identifies that "Automobile service stations, not including auto body or engine repair" are required to obtain approval for a Use by Special Review.

The requested changes to the Site Plan would be located directly adjacent to the current window chip repair operation and has the potential to create a pinch point on the site. Staff therefore recommends that if approved, the Use by Special Review include a condition that the applicant is required to relocate the window chip repair operation to the west side of the site in order to ensure adequate site circulation.

On September 28, 2017, the Planning Commission voted 7-0 to recommend approval for the request, subject to three conditions. Staff recommended that Town Council approve the Use by Special Review subject to the three conditions:

1. The applicant shall meet or exceed the requirements of the landscape plan submitted in connection with the Site Plan Amendment (SP1 7-042).
2. The Site Plan Amendment shall reflect a new location for the existing chip repair operation and canopy on the west side of the building.
3. This approval shall expire 12 months after the date of approval unless a grading permit or building permit has been applied for. Upon written request, the Community Development Director may grant one 90-day extension.

Applicant

The applicant was satisfied with staff's presentation and had nothing further to add.

Public Comment - None

John Diak moved to approve Lot 4C, Lincoln Meadows Filing 2, Amendment 1 with the conditions noted in staff's presentation.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 9.270 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding the Sharing of Costs for Providing Police Officers to Act as School Resource Officers

Department: Police Department, Andy Coleman

This contract has been developed through partnerships between the Douglas County School District and the Town of Parker. The schools and the Police Department have reached an agreement to have an officer from the Town of Parker serve as a School Resource Officer and a Y.E.S.S Instructor and the school district will pay half of the salary of the officer. A 90-hour overtime budget has also been added to the contract for special events and after school activities. The school district will pay up to the 90 hours at 100%.

Public Comment – None

Joshua Rivero moved to approve Ordinance No. 9.270 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 5.27.5 - Second Reading

A Bill for an Ordinance to Amend Section 3.01.050 of the Parker Municipal Code by the Addition Thereto of New Subsections (a) (10) and (11) Concerning Court Costs Associated with Setting Aside Certain Convictions and Judgments

Department: Town Attorney, Jim Maloney

The Parker Municipal Court often receives requests in the form of motions to set aside certain judgments and convictions. The processing of such a motion requires a significant administrative effort. The Parker Municipal Court does not have the authority under the Parker Municipal Code to impose court costs for this effort. The purpose of this ordinance is to establish a court cost to process these types of motions.

The Parker Municipal Court reviews motions to set aside convictions because a defendant: (1) failed to satisfy the conditions of a "deferred judgment" and the court enters a judgment; or (2) the defendant "failed to appear" at court to address a traffic offense and the court enters a default judgment. The processing of these types of motions requires a significant effort by the court staff. There is currently no court cost in place under the Parker Municipal Code to cover the administrative cost for the court staff to process these types of motions. The purpose of the attached ordinance is to establish a court cost of up to \$100 to process these types of motions. By limiting the cost to "no more than" \$100 allows the court to graduate the amount of this court cost in order to take into account the reasons for the defendant's failure to comply with the conditions of a "deferred judgment" or the defendants "failure to appear," *i.e.*, illness, family emergency, or other valid reasons.

Public Comment – None

Debbie Lewis moved to approve Ordinance No. 5.27.5 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 4.114 - Second Reading

A Bill for an Ordinance Establishing the Vertical and Horizontal Alignment and the Grade of Kings Point Way from the Cottonwood Drive Intersection to Approximately 850 Feet North of the Cottonwood Drive Intersection

Department: Engineering, Chris Hudson

The Town would like to begin the construction of Kings Point Way north of Cottonwood Drive in 2018. Since this is a new Town roadway, the Town must establish the vertical alignment, the horizontal alignment and the grade for this roadway.

This ordinance establishes the vertical alignment, horizontal alignment and the grade of this new Town roadway for approximately 850 feet north of the Cottonwood Drive intersection. Beyond (or north of) this point, the roadway will exist within the incorporated boundary of the City of Aurora. This ordinance is being proposed so that the vertical alignment, horizontal alignment and the grade of Kings Point will already have been determined for any future development adjacent to this roadway.

Public Comment - None

Debbie Lewis moved to approve Ordinance No. 4.114 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 9.136.3 - Second Reading

A Bill for an Ordinance to Approve an Amended and Restated Funding Agreement to that Certain Funding Agreement By and Between the Town of Parker and the Douglas County Emergency Telephone Service Authority for Funding the "VIPER System" to Improve Communications Between the Parker Police Department and Other Law Enforcement Agencies

Department: Police Department, Ron Combs

This ordinance would approve an amendment to the Funding Agreement between the Town of Parker and the Douglas County Emergency Telephone Service Authority to fund the "VIPER System," which is a 911 telephone platform that will enhance communications between the Parker Police Department, other law enforcement agencies, and the community. Funding for this project has been appropriated by the Douglas County Emergency Telephone Service Authority.

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 9.136.3 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 1.506 – Second Reading**A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for a Waterline on Lot 1A, Mainstreet Center, 1st Amendment****Department: Engineering, Alex Mestdagh**

This item accompanies an ordinance proposing to convey a waterline easement to Parker Water and Sanitation District (PWSD) across Lot 1A of Mainstreet Center, 1st Amendment. This easement is necessary to accommodate a new waterline that will be installed by the Parker Taphouse Development.

Public Comment - None

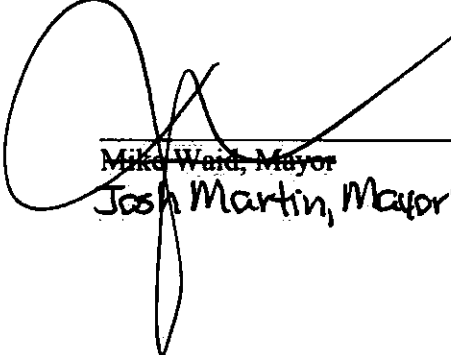
Renee Williams moved to approve Ordinance. 1.506 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 7:34 p.m.


Chris Vanderpool, Deputy Town Clerk


~~Mike Waid, Mayor~~
Josh Martin, Mayor Pro Tem