

**TOWN OF PARKER COUNCIL
MINUTES
FEBRUARY 6, 2017**

Mayor Mike Waid called the meeting to order at 5:30 P.M. Councilmember John Diak was absent.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were three (3) items. Under C.R.S. § 24-6-402(4)(a) there was one (1) item on the right-of-way for J Morgan Blvd. south of Stroh Road and under C.R.S. § 24-6-402(4)(b) there were two (2) items, the first was to receive legal advice on specific legal questions on Section 13.06.050 of the Parker Municipal Code concerning vehicular access and circulation and the second was to receive legal advice on specific legal questions on Article XXIX of the Colorado Constitution and its application to home rule municipalities.

EXECUTIVE SESSION

Amy Holland moved and Josh Martin seconded to go into Executive Session at 5:44 P.M. to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a) 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).

The motion was approved unanimously.

Debbie Lewis moved and Josh Martin seconded to come out of the Executive Session at 5:44 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:06 P.M.

Boy Scouts from Troop 868 led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

- **Pikes Peak Court Extension Project Award**

Dave Schmidt with the Colorado Chapter of American Public Works and the Director of Public Works in Arapahoe County, presented the Town of Parker with the 2016 Award for the Parks and Trails category for Pikes Peak Court Extension.

PARKER CHAMBER OF COMMERCE UPDATES – None

DOWNTOWN BUSINESS ALLIANCE UPDATES – None

PUBLIC COMMENTS

The following individuals spoke:

- Tracy Hutchins, 5105 DTC Parkway, Greenwood Village
- Marty Picket, Parker Vista Road
- Karen Peterson, Wild Elk Place, Timbers Subdivision

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Debbie Lewis

1. Douglas County Housing Partnership Meeting
2. Gave a special shout out to staff who worked on The Schoolhouse with funds from a National Grant.

Renee Williams

1. Women in Business and Leadership; Julie Davis was featured speaker
2. PARAC Meeting at the Parker Library
3. Town Council Retreat
4. Lunch and Learn at Parker Library
5. Career Day at Sagewood Middle School

Josh Rivero

1. Legislative Workshop at CML
2. Becca Durfee is shadowing Josh this evening.

Amy Holland

1. Chamber Board of Directors
2. Met with citizens tonight to help those who may be facing homelessness in Parker.
3. Attended two funerals: Mark Malsum and John Foyt.

Josh Martin

Thanked Renee who attended Sagewood Career Day in his absence.

Mike Waid

1. Police Officer swearing-in; other new officers were also recognized.
2. Girl Scout meeting at Rowley Downs Rec Center. Talked to them about their role as citizens in Parker and the world.
3. Career Day at Sagewood Middle School
4. Lunch with a citizen who sent emails that went into our scam account.
5. He could not attend Mark Malsum's funeral but did go to the rosary. Also attended John Foyt's funeral.
6. Metro Mayors Caucus Meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES*
January 3, 2017

B. FIRST AMENDMENT TO DOMINOE PROPERTY ANNEXATION AGREEMENT

Department: Community Development, Ryan McGee

C. ORDINANCE NO. 3.147.6 – First Reading

A Bill for an Ordinance to Amend Section 13.07.030 of the Parker Municipal Code Concerning Residential Roadway Buffering Standards

Department: Community Development, Carolyn Parkinson

Second Reading: February 21, 2017

D. ORDINANCE NO. 1.495 – First Reading

A Bill for an Ordinance Vacating a Portion of South Tallman Drive Located Within Pine Bluffs Filing No. 2

Department: Engineering, Alex Mestdagh

Second Reading: February 21, 2017

E. ORDINANCE NO. 9.263 – First Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and the County of Douglas for a Shared Conduit License Agreement

Department: Engineering, Chris Hudson

Second Reading: February 21, 2017

F. ORDINANCE NO. 1.493.2 – First Reading

A Bill for an Ordinance to Adopt the 2017 Revised Budget for the Town of Parker and to Make Appropriations for the Same

Department: Finance, Don Warn

Finance, Rhonda Willey

Second Reading: February 21, 2017

G. RESOLUTION NO. 17-010

A Resolution Accepting the Conveyance of a Drainage Easement from Dominoe Properties, LLC, for a Portion of Lot 1, Dominoe Minor Development Plat, Town of Parker, County of Douglas, State of Colorado

Department: Engineering, Alex Mestdagh

H. CONTRACTS ABOVE \$100,000

(1) 2017 Cab and Chassis

Amount: \$271,746.00

Contractor: McCandless Truck Center LLC

Department: Finance, Traci Gorman

(2) 2017 Snow Removal Equipment and Dump Body

Amount: \$225,342.00

Contractor: Kois Brothers Equipment Company, Inc.

Department: Finance, Traci Gorman

(3) 2017 F150 Trucks and Police Vehicles

Amount: \$169,878.00

Contractor: Spradley Barr Ford Lincoln of Greeley

Department: Finance, Traci Gorman

(4) *2017 F350 and F550 Trucks*
Amount: \$177,239.00
Contractor: Korf Continental
Department: Finance, Traci Gorman

(5) *2017 Equipment Upfitting*
Amount: \$111,671.80
Contractor: LAWS
Department: Finance, Traci Gorman

I. *PROCLAMATION – National Catholic Schools Week – January 29 – February 4, 2017*
Department: Town Council

Amy Holland moved to pull Consent Agenda Item 7C and vote on it separately.

Renee Williams seconded the motion.

The motion was approved unanimously.

Joshua Rivero moved and Josh Martin seconded to approve Consent Agenda Items 7A through 7I with the exception of 7C.

The motion was approved unanimously.

Amy Holland moved to approve Consent Agenda Item 7C on first reading and continue it for second reading to March 20, 2017.

Renee Williams seconded the motion.

The motion was approved unanimously.

TOWN ADMINISTRATOR

• **Reports**

Gave an update of the Parker Adventist Hospital Board meeting and the Douglas County Managers meeting.

PUBLIC HEARINGS

A. **ORDINANCE NO. 1.493.1 Second Reading**
A Bill for an Ordinance to Adopt the 2017 Revised Budget for the Town of Parker and to Make Appropriations for the Same
Department: Finance, Don Warn
Finance, Rhonda Willey

7:37 P.M.

The total supplemental appropriation for 2017 is \$74,300 for the addition of a Digital Media Coordinator position in the Communications Department. The detailed list of items can be found in Exhibit A attached to the budget ordinance.

Elise Penington, Communications Director, explained the Digital Media Coordinator position.

Public Comment – None

The Public Hearing was closed at 7:39 P.M.

Joshua Rivero moved to approve Ordinance No. 1.493.1 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

B. LOT 1 OLDE TOWN AT PARKER FILING 1A, 1ST AMENDMENT – Use by Special Review

Applicant:	Canine Country Club, Kristen Hjelm
Location:	17002 Mainstreet, Unit K
Department:	Community Development, Ryan McGee

7:40 P.M.

The proposed dog training and boarding facility is located within an existing building that is zoned Commercial Center within the Olde Town Planned Development (PD). The PD does not specifically address dog grooming facilities. Staff determined that this use most closely relates to veterinary clinics and hospitals and therefore may be considered as a Use by Special Review.

The applicant’s actions to mitigate the potential for noise and pet waste impacts, as well as the property’s location within a commercial area of the Town, will ensure the use is compatible with the character of surrounding uses. (A detailed report is available in the Planning Department.)

Applicant

Kristen Hjelm was available for questions.

Public Comment – None

The Public Hearing was closed at 7:45 P.M.

Rene Williams moved to approve, based upon staff findings, with the four conditions contained in the staff report:

1. That the Use by Special Review materials submitted to the Community Development Department on October 26, 2016 shall be the approved Use by Special Review materials.
2. A building permit shall be required for any interior or exterior work completed on site.

- 3. **THIS APPROVAL SHALL EXPIRE SIX (6) MONTHS AFTER THE DATE OF APPROVAL UNLESS A GRADING PERMIT OR BUILDING PERMIT HAS BEEN APPLIED FOR.** The Community Development Director, upon written request, may grant a ninety-(90) day extension.
- 4. This approval **DOES NOT** include signage. A separate sign permit is required from the Community Development Department. The applicant shall also contact the Building Division regarding electrical and structural requirements associated with the sign permit.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ORDINANCE NOS. 4.111.1 AND 4.111.2 WERE HANDLED TOGETHER.

ORDINANCE NO. 4.111.1 – Second Reading (Postponed from 10/3/16)

A Bill for an Ordinance to Amend Section 11.17.20 of the Parker Municipal Code Concerning Growing Medical Marijuana

Department: Town Attorney, Jim Maloney

The Town currently permits (subject to regulation) residential cultivation of marijuana for medical use. The Town does not regulate the number of plants that can be cultivated within a primary residence or the height of the area used for cultivation. Recently, Douglas County adopted an ordinance limiting the number of plants that can be cultivated within a primary residence to twelve (12) and the area used for cultivation to 1,000 cubic feet volume. The Town will need to amend its regulations in order to maintain uniformity between the regulations in the Town and unincorporated Douglas County and to address the public safety impacts that have resulted from the cultivation of marijuana in Town residences.

In order to address the public safety impacts created by large-scale cultivation of marijuana within primary residences and to establish uniformity in the regulations between the Town and unincorporated Douglas County, the proposed ordinance will limit the number of marijuana plants that may be grown in the primary residence to twelve (12), will limit the wattage used for the lights that are used in the cultivation area, and will set the maximum ceiling height at ten (10) feet within the area used for cultivation. The recommended wattage limit is 1,140 watts.

Town Attorney Jim Maloney gave examples of the 12 plant limits:

- Douglas County – 12 plants
- City of Boulder – 6 plants
- County of Boulder – 6 plants
- Carbondale – 12 plants
- Colorado Springs – 12 plants
- Erie – 6 plants
- Lafayette – 12 plants
- Lyons – 12 plants
- Pueblo – 18 plants
- Summit County – 12 plants

Public Comment – None

Renee Williams moved to approve Ordinance No. 4.111.1 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

**ORDINANCE NO. 4.111.2 – Second Reading (Postponed from 10/3/16)
A Bill for an Ordinance to Amend Section 11.18.20 of the Parker Municipal Code
concerning Growing Marijuana for Personal Use**

Department: Town Attorney, Jim Maloney

See above item.

Renee Williams moved to approve Ordinance No. 4.111.2 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

**ORDINANCE NO. 5.68.3 – Second Reading
A Bill for an Ordinance Amending Chapter 6.01 of the Town of Parker Municipal Code
Concerning Chronic Nuisance Property**

Department: Police, Doreen Jokerst

Parker Police Officers, on an increasing basis, have been dispatched to residences within the Town for illegal drug activity. The occupants of these residences are keeping, using, selling, distributing or manufacturing illegal drugs. In some cases, officers have responded back to the same residence on multiple circumstances for offences ranging from disturbances to drug overdoses and arrests have been made as a result. One method to address this issue is to treat the keeping of a drug house as a public nuisance and to establish a procedure for the abatement of this public nuisance.

The proposed ordinance will bring awareness to the owner of the property where the drug house is located, by the issuance of a “Chronic Nuisance Notice,” which will provide the property owner with the opportunity to voluntarily abate the nuisance (probably the eviction of the drug users) before sanctions are imposed. This ordinance will provide the Parker Police Department with some of the tools needed to mitigate and hopefully reduce the number of drug houses within the Town, which in turn will address the impact to the quality of life caused by a drug house to those neighbors who reside around a known drug house, and reduce the number of calls received by the Police Department (and other emergency response agencies).

Public Comment

- James Gilchrist, Lightening View Drive

Josh Martin moved to approve Ordinance No. 5.68.3 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 9.261 – Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker, Colorado, and the Chambers Highpoint Metropolitan District Nos. 1 and 2

Department: Town Attorney, Jim Maloney

Under the Consolidated Service Plan for Chambers Highpoint Metropolitan District Nos. 1 and 2 (the “District”), the Districts are required to approve and execute the Intergovernmental Agreement between the Districts and the Town following the first organizational meeting of the Districts. The Districts have approved and executed the Intergovernmental Agreement and the agreements are now ready for consideration by Town Council.

Public Comment – None

Amy Holland moved to approve Ordinance No. 9.261 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 9.262 – Second Reading

A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Newlin Gulch Downstream of Heirloom Parkway By and Between Urban Drainage and Flood Control District and the town of Parker (Agreement No. 16- 11.23, Project No. 106484)

Department: Engineering, Jacob James

An existing check structure in Newlin Gulch at Heirloom Parkway is exposed on the downstream side due to channel erosion.

The requested funds for this project are included in the 2017 Stormwater Capital Improvements budget previously approved by Town Council. The Town funds will be matched by the Urban Drainage and Flood Control District.

Town:	\$40,000
UDFCD:	<u>40,000</u>
Total:	\$80,000

Without design and construction of this improvement, Newlin Gulch will likely degrade further causing sediment to travel to Cherry Creek and eventually the Cherry Creek Reservoir and contribute to degraded water quality. Additionally, further erosion could threaten nearby utilities and property.

Public Comment – None

Joshua Rivero moved to approve Ordinance No. 9.262 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:11 P.M.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor

