



Town Council Meeting Minutes - Final

Mayor Jennifer Green
Mayor Pro Tem Renee Valentine
Councilmember Jess Loban
Councilmember James Townsend
Councilmember Jason Bower
Councilmember George Teal
Councilmember Brett Ford

Tuesday, November 14, 2017

6:00 PM

Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104

This meeting is open to the public. All times indicated on the agenda are approximate. Interested parties are encouraged to be present earlier than the posted time.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Shawn Young, Cornerstone Presbyterian Church

CALL TO ORDER / ROLL CALL

Mayor Green called the meeting to order at 6:03 pm.

Present: 5 - Council Member Townsend, Mayor Green, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal

Not Present: 2 - Council Member Loban, Council Member Ford

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Bower had the opportunity to have a tour of Festival Park and said it is amazing. Saturday, the ribbon cutting will be at 3:30, Starlighting at 5:00, and the opening of the Ice Rink. Bower stated that the community will not always agree on everything and Town Council will not always agree on everything; but he accepts the results of the election and now we need to work out the "to be determined".

Mayor Pro Tem Valentine also took the tour of Festival Park and stated they will be lighting the lantern tonight. Valentine reminded citizens that the Douglas County Emergency phone system will be testing the system on November 20th at 10am through landlines, cell phones and emails. No action is required, it is only a test.

UNSCHEDULED PUBLIC APPEARANCES

John Woodrich spoke on behalf of the Chamber of Commerce to remind everyone that Starlighting will be this weekend. There will be three live stages, 150 vendors and non-profits, and anticipate 20,000 people. He stated that citizens can park at both high schools and at the event center. The ceremony starts at 5:00 and fireworks begin around 5:30.

TOWN MANAGER'S REPORT

[ID 2017-098](#)

**Update: 2017 Third Quarter Financial Review, Period Ending
September 30, 2017**

David Corliss, Town Manager, referenced items the Finance department prepared and believes we will be under budget in expenditures and over budget in revenues. Corliss thanked departments for managing their budgets. Sales tax continues to perform well and a 6% increase is budgeted for next year. Investment in new construction anticipates 800 single family units and 568 multi family units. Corliss informed Council that the quarterly reports will now contain information on investment earnings. Progress of Town priorities include Station 152 and public safety, enhancing transportation, and Festival Park renovation.

[ID 2017-099](#)

Update: Quasi-Judicial Projects

[ID 2017-100](#)

Update: Snowplowing and Ice Control Policy

Corliss referenced the Snowplowing and Ice Control policy using drivers from multiple departments. Corliss encouraged everyone to read it.

[ID 2017-101](#)

Update: Monthly Department Reports

[ID 2017-102](#)

Update: 2016 Town of Castle Rock Motor Vehicle Crash Facts

Corliss referenced the review of all motor vehicle crashes. Data is used to evaluate safety improvements and intersections that require attention. Mayor Green noted that the statistics are decreasing.

[ID 2017-103](#)

Department Update: Development Services Development Activity

TOWN ATTORNEY'S REPORT

Town Attorney Bob Slentz stated that the United pre-closing occurred yesterday and the issues needing resolution were resolved. Director of Castle Rock Water Mark Marlowe was able to reach agreement with the Cherokee Ranch foundation on the water rights issue. Closing is scheduled for Friday for disbursement and ownership of those facilities.

Mayor Green complimented staff on this large undertaking that benefits Castle Rock residents.

ACCEPTANCE OF AGENDA

Mayor Green noted that Item #9 regarding the Collaborative Campus Agreement would be deferred as the applicant was unable to attend the meeting.

Valentine moved, seconded by Bower, to Accept the Agenda deferring Item No. 9. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Teal

Not Present: 2 - Loban, Ford

CONSENT CALENDAR

None.

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**[DIR 2017-048](#) Discussion/Direction: Charter Amendment Implementation**

Bob Slentz, Town Attorney, reiterated that the initiative to approve the Charter Amendment passed at the election last week, and the purpose of tonight is to address unfinished business. The current Charter now states Town Council consists of an elected Mayor and six Councilmembers. Not addressed in the amendment is when it becomes effective and how do we accomplish redistricting. It is not a self-resolving situation, and we must have a transition plan approved by voters to correct these issues in order to have a legally constituted Town Council and to ensure the will of the voters is instituted.

Mayor Green inquired if there could still be two Councilmembers in one district. Slentz agreed that is a possibility when redistricting is done.

Slentz presented the alternatives. The recommendation of the Town Manager and Town Attorney is a voter approved Charter change. The other two possibilities were investigated. In concurrence with the opinion of the Special Counsel to the Election Commission, Kathleen Kelly, it is not within the authority of the Election Commission to make a decision on the Charter regarding when an election should occur or the qualifications of the Mayor. Their authority only encompasses election procedures. A judicial determination is also not feasible, as generally courts do not step into these situations. Additionally, the time involved to do this would not allow pursuit of a special election in 2018.

Staff is requesting direction if Council agrees that a special election for a Charter change is the best way to resolve these issues. If so, it would need to address the most critical items as in a transition plan for when the Mayor is elected and redistricting to 6 districts, as well as the Mayor qualifications. Items less critical that can be addressed at a later election are related to the Mayor's power and authority, recall procedures, voting power, conflict of interest, administrative authority over staff, and the ability to be appointed Town Manager.

Mayor Green said the Charter states Councilmembers can only serve two terms and must sit out 4 years before re-running for Council. Green inquired if it would need to go to a vote to enact this same gap before running for Mayor or to limit terms serving on Town Council. Slentz stated that it could be an issue as it would be possible to serve 8 years as Councilmember, 8 years as Mayor, and back and forth indefinitely.

Slentz presented a sample transition plan for a November 2018 Mayor election. A transition plan would need to change the Charter to elect two Councilmembers and a Mayor (vs. three Councilmembers) to four year terms beginning in 2018, and the Election Commission would need to redistrict beginning in May in time for candidates to begin circulating petitions in August for a November 2018 election.

Options:

November 2018 Mayor election. This would require voter approval of a transition plan at an April/May special election. If it failed, there would be an opportunity for another election in November 2018 to develop another question.

November 2020 Mayor election. This would require voter approval of a transition plan at a special election or a November election. The issue is that there currently is no provision to appoint a Mayor or vote for a Mayor. A transition plan could allow Council to appoint a Mayor in 2018 until the 2020 election or the Mayor Pro Tem could serve in the interim.

Council will need to educate and persuade the electorate as it is critical that the Charter amendments pass in order to correct the Charter. The Town is able to spend Town funds to educate voters as Charter amendments are not subject to FCPA.

Staff is attempting to coordinate with the County for a special election in 2018; but it may require the Town to run the election if they are unable to accommodate it. Town Clerk Anderson stated the County will possibly be installing new election software in early 2018 and are unable to commit to conduct a special election for the Town at this time.

Councilmember Bower feels we need to go to a special election and suggests having a citizen board go through these issues for qualifications of the Mayor and when the election will take place. Bower feels we should get a recommendation from them by the end of January in time to implement a spring special election.

Mayor Pro-Tem Valentine said she has been approached with that idea and feels citizens should be involved.

Councilmember Teal feels there is a good path already from the Town Attorney. A citizen committee could evaluate the less urgent issues. Teal stated he is okay with it and wants to push for a November 2018 Mayor election and is on board with the committee recommending qualifications of the Mayor but not when the election is to be held.

Slentz stated the Council did appoint an Ad Hoc committee to address Charter change recommendations in the past to extend Council terms.

Mayor Green likes the idea of the Ad Hoc citizen committee focusing on the first two questions first, then continue to go through the rest of the Charter. Green would like to take applications and interview similar to other boards and commissions.

Councilmember Townsend stated he liked the idea of each Councilmember appointing a member.

Councilmember Teal stated he wanted all the petitioners to have a seat on the committee.

Councilmember Townsend clarified that if the Town did run the election, we would need to acquire space, hire election judges, etc. Townsend asked if the County would be able to coordinate a November 2020 election. Anderson confirmed that the County can coordinate any November election.

Corliss stated any ballot question would not be contrary to what voters approved and would just be a transition plan.

Townsend asked where we get the authority to make these changes in the wording proposed for a Charter amendment. Slentz replied that any change can be submitted for voter approval, even reversing the latest changes.

Mayor Green opened the public hearing.

Mary Wilson, resident and petitioner, reminded Town Council that the election was approved 2:1 margin with a strong message to address this issue. Pushing it to 2020 seems contrary to the message sent by the vote. Wilson stated she doesn't understand why the Mayor is a separate position and why redistricting can't be done now.

Stacy Rogers, resident and petitioner, stated voters want an elected Mayor and doesn't understand why we need a special election.

Mayor Green closed the public hearing.

Slentz explained that the Charter amendment was silent on making changes to when the election of the Mayor is to occur, authorizing redistricting before 2021, correcting from 7 districts, and electing three Councilmembers in 2018.

Corliss feels that if Council recommends a ballot question to set up a transition plan and a special election, then it shows good faith with a path to get us there.

Green moved, seconded by Valentine, to direct staff to draft a Resolution to create an Ad Hoc committee to make recommendations on Charter amendments for a transition plan to address when the Mayor will be elected and the qualifications of the Mayor to be brought back to Town Council on January 16, 2018.

Councilmember Teal stated we are setting ourselves up if we don't hold a November 2018 Mayor election as all the people that signed his petitions were told it was for a November 2018 election. He feels 2018 is a natural transition. Petitioners were all instructed to have a November 2018 election as a talking point. Teal feels a recommended question of when the Mayor is elected should not be addressed by the Committee, and only the Mayor qualifications should be discussed.

Mayor Pro Tem Valentine would like to have the input from citizens and hear what they have to say to keep in line with what petitioners wanted.

Bower also stated he wants to hear from the citizens and that is why he wants to have a committee. Council still makes the decision.

Teal feels that the committee doesn't need to tell us how to make those changes and doesn't want to get feedback on when the election will take place.

Teal moved to amend the motion to only include qualifications of the Mayor to be addressed by the Ad Hoc committee.

Failed for lack of second.

Teal feels committee members need to commit to meetings. Teal wants to see all 5 petitioners to be part of that group and has 3 people from his district in mind to be on the committee. Corliss stated that other boards and commissions generally have 7 members.

Corliss stated staff could bring a Resolution to the December 5 Council meeting and Council could make appointments after interviews at the December 19 Council meeting. The committee could meet and bring recommendations to Council on January 16.

Bower moved, seconded by Townsend to amend the motion to form a seven person committee made up of registered electors of the Town of Castle Rock that apply and are interviewed by Councilmembers Townsend and Teal and a staff member to be determined to recommend a transition plan and qualifications of the Mayor by January 16. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Teal

Not Present: 2 - Loban, Ford

[DIR 2017-049](#)

Discussion/Direction: Public Safety Commission's Recommendations for the 2018 Philip S. Miller Resource Grant Program (4 applications)

Director of Finance Trish Muller stated this program supports social and human services in Castle Rock. The key items they look at are to ensure the services and benefits are applicable to Castle Rock residents, the mission supports the Town's strategic vision, the organization is funded by additional outside sources besides Town funding, and they produce measurable results. The budget is \$40,000 per year, and they may grant up to 5 grants per year and disburse annually or semi-annually.

Chairman of the Public Safety Commission James Castrodale presented the recommendations from the October 5 meeting to review the four applicants. The Crisis Center requested \$20,000 and assist 9,000 people - 50% are Castle Rock Residents. They provide shelter and counsel for domestic violence. The Task Force provides food and has three offsite food banks for low income seniors. They provide over 16,000 community members with assistance. The other two applicants were Castle Country for low income seniors to assist with medicare shortages and Catholic Charities who provide energy assistance to prevent shut off of utilities and gift cards for food, gas and hotel vouchers for applicants in need. The Commission focussed on the greatest amount of assistance to the greatest

amount of recipients and recommended \$20,000 to the Crisis Center and \$20,000 to the Task Force. Castrodale stated that the Public Safety Commission voted five in favor with one member abstaining.

Mayor Green opened the public hearing. None.

Townsend moved, seconded by Bower, to approve the Public Safety Commission recommendation awarding \$20,000 each to the Crisis Center and the Task Force as presented. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Teal

Not Present: 2 - Loban, Ford

[RES 2017-095](#) **Resolution Approving the Castle Rock Collaborative Campus Development Agreement [ACC Facility]**

The applicant was not able to attend the meeting so the item has been deferred.

[ORD 2017-031](#) **Ordinance Approving a One Million Dollar Line of Credit with FirstBank on behalf of the Castle Rock Downtown Development Authority and in Conjunction Therewith Approving a Revolving Line of Credit Promissory Note, Sales and Property Tax Pledge Agreement and Account Pledge Agreement (First Reading)**

Finance Director Trish Muller stated the State Statute requires the Town enter into a debt commitment on behalf of the Downtown Development Authority to solidify the Tax Increment Financing (TIF) dollars that must be used to repay debt.

Mayor Green opened the public hearing. None.

Bower moved, seconded by Townsend, that Ordinance 2017-031 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Teal

Not Present: 2 - Loban, Ford

[RES 2017-096](#) **Resolution Approving a Loan Agreement Between the Town of Castle Rock and the Castle Rock Urban Renewal Authority**

Director of Development Services Bill Detweiler stated the Castle Rock Urban Renewal Authority (CRURA) Commissioners adopted the 2018 budget and loan agreement between CRURA and Castle Rock. The request is to approve the loan agreement which is paid back in full after the Miller Landing project collects the Tax Increment Financing (TIF). If the project does not move forward, the funds aren't advanced. When TIF is generated, it goes into a special fund in arrears.

Councilmember Teal asked to clarify fund use. Muller stated time the Town staff spends is charged to the URA, legal counsel and professional services for items such as a fiscal impact study, etc.

Mayor Green opened the public hearing. None.

Valentine moved, seconded by Teal, that Resolution 2017-096 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Teal

Not Present: 2 - Loban, Ford

[RES 2017-097](#) **Resolution Approving the Town of Castle Rock 2030 Comprehensive Master Plan**

Director of Development Services Bill Detweiler and Julie Kirkpatrick, Long Range Project Manager, distributed hard copies of the 2030 Comprehensive Master Plan that began 4 years ago. Detweiler stated we are a growth and land use community. Many of the themes and policies in the 2020 plan are carried forward. Their goal was to make it a usable document that could be out in the community, stores, library, Town facilities, etc. The Town identity reflects what we want to look like. The document is fundamentally sound used as a guiding document in decision making, and reflects legal requirements decided by Town Council over decades.

Kirkpatrick reiterated the purpose is a guiding document to reinforce long term visions for our community. It is a land use focussed document and is an accompaniment to other master plans. The Comprehensive plan was adopted in 2000 and amended in 2002, but it was time to reevaluate the plan for 2030 and beyond. Key issues clearly identify goals and incorporate the three-mile plan. The plan reflects a world class community that embraces history, heritage and small town charm. There are four cornerstones - distinct town identity, responsible growth to accomodate residents and future residents, quality and sufficient community services, and a thriving self-sufficient economy to live, work and play.

Mayor Green wanted it noted the statement that it is a community leadership policy decision for pace of growth is not correct. It is determined by existing entitlements and the economy. Mayor Green appreciates that the document is out in the community.

Councilmember Bower confirmed it would also be on the Town website.

Councilmember Townsend complimented staff and the Planning Commission for their impressive work.

Mayor Green opened the public hearing. None.

Townsend moved, seconded by Teal, that Resolution 2017-097 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Teal

Not Present: 2 - Loban, Ford

[DIR 2017-050](#) **Discussion/Direction: Chatfield Reservoir Reallocation Project Off-Ramp and Participation Fee Agreement**

Director of Castle Rock Water Mark Marlowe discussed the Chatfield reallocation

project with direction on two decision points to purchase and own storage space northwest of the Town. The option is to purchase additional acre feet over the next 20 years. The Town has the opportunity to take the project off-ramp if we want to by December 12, 2017. Staff doesn't recommend that as there are multiple benefits to this project. This is the only on-stream reservoir on the South Platte river; and we would like to expand our option to 2,000 acre feet if the state agrees.

Chatfield Mitigation company put together a participation fee agreement. This agreement ensures if a new participant joins the project, they will pay previous costs to existing participants. The Water Commission recommends to stay in the agreement.

Mayor green opened the public hearing. None.

Green asked to clarify that we would start drawing on this in 2020. Marlowe concurred.

Councilmember Teal stated that the cost of water is just going to go up with growth all over all state, and feels it is a reasonable opportunity.

Teal moved, seconded by Bower, to approve continued participation in the Chatfield Reallocation Project and approve execution of the Participation Fee Agreement by the Director of Castle Rock Water. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Teal

Not Present: 2 - Loban, Ford

[RES 2017-098](#) **Resolution Adopting the 2017 Stormwater Master Plan Update**

Mark Marlowe, Director of Castle Rock Water, stated this plan is consistent with the 2030 Comprehensive Master plan. The Stormwater Master Plan was approved in 2004 and updated in 2010. This update includes drainage plans and uses a priority matrix to decide what capital projects to do first.

Mayor Green opened the public hearing. None.

Mayor Pro Tem Valentine left the meeting at 8:55 pm.

Bower moved, seconded by Teal, that Resolution 2017-098 be Approved as presented. The motion passed by the following vote:

Yes: 4 - Townsend, Green, Bower, Teal

Not Present: 3 - Loban, Valentine, Ford

[RES 2017-099](#) **Resolution Adopting the 2017 Water Master Plan**

Director of Castle Rock Water Mark Marlowe stated the primary focus is on capital projects. There is a general process how to identify needed capital projects to work with development and other departments with a key focus on rehabilitation and replacement of existing assets.

Mayor Green opened the public hearing. None.

Bower moved, seconded by Townsend, that Resolution 2017-099 be Approved as presented. The motion passed by the following vote:

Yes: 4 - Townsend, Green, Bower, Teal

Not Present: 3 - Loban, Valentine, Ford

[RES 2017-100](#) **Resolution Approving the Annual Update to the Castle Rock Water Five-Year Strategic Plan (2014-2018)**

Director of Castle Rock Water Mark Marlowe stated the previous strategic plan was developed in 2013 with annual updates. The key focus is developing a drought mitigation plan and designing the next upgrade to the wastewater treatment plant. The next five-year strategic plan will come to Council in 2018.

Mayor Green opened the public hearing. None.

Councilmember Teal stated there are not alot of questions as Marlowe has met with all Councilmembers to keep them updated.

Councilmember Townsend credited the Water Commission for all of their work.

Mayor Green confirmed that she realizes a lot of work has gone into these plans.

Bower moved, seconded by Green, that Resolution 2017-100 be Approved as presented. The motion passed by the following vote:

Yes: 4 - Townsend, Green, Bower, Teal

Not Present: 3 - Loban, Valentine, Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Green wished everyone a Happy Thanksgiving, read a verse from Colossians and adjourned the meeting at 9:04 pm.

Submitted by:

Lisa Anderson, Town Clerk