



**Town of Castle Rock
100 North Wilcox Street
Castle Rock, CO 80104**

Mayor Paul Donahue
Mayor Pro Tem Jennifer Green
Mark Heath
Chip Wilson
Renee Valentine
George Teal
Brett J. Ford

Town Council Meeting Minutes

Tuesday, September 6, 2016

6:00 PM

Council Chambers

CALL TO ORDER / ROLL CALL

The meeting was called to order by Mayor Donahue at 6:03 PM

Present: 7 - Council Member Ford, Council Member Teal, Council Member Valentine, Mayor Donahue, Mayor Pro-Tem Green, Council Member Wilson, and Council Member Heath

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Items presented were informational only and did not require direction from or action by the Town Council.

[EXEC](#)
[2016-010](#)

Executive Session Report: August 16, 2016

Donahue stated that an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and instructing the Town's negotiators on a potential acquisition of a water development project was held at the conclusion of the August 16, 2016 regular Town Council meeting. In addition to Town Council, the participants in the executive session were: Town Manager Dave Corliss, Town Attorney Bob Slentz, Director of Utilities Mark Marlowe, Assistant Utilities Director Tim Friday and Water Resources Manager Matt Benak. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. (No objections were stated).

UNSCHEDULED PUBLIC APPEARANCES

The following members of the public made comments or asked questions of the Council related to a variety of items that were NOT included on the regular agenda:

Pam Ridler

Jill Herr

TOWN MANAGER'S REPORT

[INTRO 2016-002](#) Introduction: New Police Officers

[ID 2016-070](#) Update: Quasi-Judicial Projects

[ID 2016-071](#) Update: 2016 Service Contract Midyear Reports

[ID 2016-072](#) Update: Summer Concert Series and Marketing

TOWN ATTORNEY'S REPORT

None

ACCEPTANCE OF AGENDA

Green moved, seconded by Valentine, to accept the agenda as presented.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

CONSENT CALENDAR

[ORD 2016-022](#) Ordinance Amending Title 19 of the Castle Rock Municipal Code Concerning Posting of Signs in the Public Rights-of-Way (Second Reading)

[RES 2016-081](#) Resolution Approving the First Amendment to Option Agreement and Joint Escrow Instructions between the Town of Castle Rock and Box Elder Creek Properties, LLC

[MIN 2016-013](#) Minutes: August 2, 2016 Town Council Meeting

[MIN 2016-014](#) Minutes: August 16, 2016 Town Council Meeting

Green moved, seconded by Ford, to approve the Consent Calendar as read.

The motion passed by a vote of:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2016-026](#) Ordinance Amending Title 2 of the Castle Rock Municipal Code by the Addition of a New Chapter 2.35 Concerning Reimbursement of Certain Recall Expenses (First Reading)

Councilmembers Donahue and Valentine recused themselves from discussion and voting on this item and left the room.

Slentz stated proposed Ordinance added a new chapter to the Municipal Code to address the issue of reimbursement of recall expenses. Noted the proposed Ordinance was intended to provide the underlying authority for a Town Council to consider a request for reimbursement, and did not authorize any specific reimbursement to the two Councilmembers who had been the subject of recent recall efforts.

Reviewed specific provisions of the Ordinance in terms as they related to criteria provided in the State Statutes, and also as to what would be considered reimburseable, what was prohibited from being reimburseable, and the discretion which a Council would have under the Ordinance to determine what, if any, portion of a request should be reimbursed.

Teal requested language be added to address the issue of reimbursement for expenses incurred by a campaign committee.

Wilson requested specific language be added to clarify that a Council could deny an entire request for reimbursement if it was determined the request was not appropriate.

The following members of the public made statements or asked questions on this item:

John Buckley
Jim Folkestad
Larry Zeigler
Suzi Hackett

Darren Hamilton
Langford Jordon
Stacey Rogers

The Council and various staff responded to issues / concerns raised by members of the public.

Heath moved, seconded by Wilson, to approve Ordinance 2016-026 as presented on first reading.

The motion passed by the following vote:

Yes: 5 - Ford, Teal, Green, Wilson, and Heath

Recuse: 2 - Valentine, and Donahue

BREAK

The Town Council went into recess for a break at 7:55 PM

The Town Council reconvened the meeting, with all members present and participating at 8:05 PM

[DIR 2016-052](#)

Discussion/Direction: Pot-Bellied Pigs

In response to recent citizen inquiry, Detweiler requested direction from Council regarding possible amendment to Town's animal regulations to remove prohibition

on allowing pot bellied pigs as pets. Provided brief informational background on pot bellied pigs, and provided summary of regulations which were in place in adjacent municipalities and within unincorporated Douglas County.

The following members of the public made statements or asked questions on this item:

Christine Beck

Jason Beck

Donahue moved, seconded by Teal, to direct staff to continue to research this issue, and prepare a recommendations for a Code amendment for review by Council.

The motion FAILED by the following vote:

Yes: 3 - Teal, Green, and Wilson

No: 4 - Ford, Valentine, Donahue, and Heath

[DIR 2016-053](#)

Nomination: 208 N. Cantril St. (Dyer House) National Register Nomination *[Nomination - Craig and Gould's]*

Detweiler reviewed request by property owner to have home listed on the National Register of Historic Places, and noted the Mayor's signature was required to show the Town's support of the nomination. The Historic Preservation Board voted to support the application.

Teal moved, seconded by Green, to direct the Mayor to sign the National Register Nomination Review Report Form finding this nomination meets the applicable criteria for National Register designation, as recommended by the Castle Rock Historic Preservation Board.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

[ORD 2016-023](#)

Ordinance Vacating a Portion of Valley View Drive (west of McMurdo Gulch); and Providing for Its Emergency Adoption on Second and Final Reading (Second Reading)

Ordinance was presented on second reading; there were no changes, and no additional comment had been received since the prior hearing.

Green moved, seconded by Valentine, to approve Ordinance No. 2016-023 as presented on second reading, on an emergency basis.

The roll call vote on the motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

[ORD 2016-024](#)

Ordinance Vacating Portions of Valley View Drive; and Providing for Its Emergency Adoption on Second and Final Reading (Second Reading)

Ordinance was presented on second reading; there were no changes, and no additional comment had been received since the prior hearing.

Valentine moved, seconded by Heath, to approve Ordinance No. 2016-024 as presented on second reading, on an emergency basis.

The roll call vote on the motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ORD 2016-025 Ordinance Vacating Portions of Valley View Drive and Rocky View Road; and Providing for Its Emergency Adoption on Second and Final Reading (Second Reading)

Ordinance was presented on second reading; there were no changes, and no additional comment had been received since the prior hearing.

Heath moved, seconded by Wilson, to approve Ordinance No. 2016-025 as presented on second reading, on an emergency basis.

The roll call vote on the motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

RES 2016-082 Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation (*Alexander Place Annexation*)

Proposed Resolution was second step in state mandated annexation process, and was used to establish that property met statutory requirements to be eligible for annexation.

Heath moved, seconded by Valentine, to approve Resolution No. 2016-082 as presented.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ORD 2016-027 Ordinance Authorizing the Organization of the Miller's Landing Business Improvement District, Designating the Service Area of the District as a Location for New Business or Commercial Development, Appointing the Board of Directors, and Placing Certain Restrictions and Limitations on the Exercise of District Powers Prior to Approval of an Operating Plan and Budget for the District (First Reading)

Slentz provided an overview of why and how Business Improvement Districts were used to support development. Noted at this time, Council was being asked to approve the general framework for the BID, and would have the opportunity to approve a more detailed operational and specific financial plan at a later date.

Donahue moved, seconded by Teal, to approve Ordinance No. 2016-027 as presented on first reading.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ORD 2016-028 Ordinance Approving a Two Million Five Hundred Thousand Dollar Term Loan with Firstbank On Behalf of The Castle Rock Downtown Development Authority and In Conjunction Therewith Approving a Promissory Note, Sales and Property Tax Pledge Agreement, and Account Pledge Agreement; and Providing for Its Emergency Adoption on Second and Final Reading (First Reading)

Due to a potential conflict of interest, Councilmember Valentine recused herself from discussion and voting on this item and left the room.

Muller reviewed key provisions of loan agreement. Noted collateral for the loan were the tax increments collected by the Downtown Development Authority.

Emergency adoption was requested on second reading so that funds could be in place prior to award of construction contract anticipated for early October.

The following members of the public made statements or asked questions on this item:

Kevin Tilson

Wilson moved, seconded by Heath, to approve Ordinance No. 2016-028 as presented on first reading.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Donahue, Green, Wilson, and Heath

Recuse: 1 - Valentine

ORD 2016-029 Ordinance Adopting the 2017 Budget for the Town of Castle Rock, Colorado (First Reading)

Corliss reviewed highlights of proposed 2017 budget, and noted expenditures were consistent with goals and priorities established by the Council. Reviewed planned use of reserves to fund certain capital projects. Reviewed potential outstanding issues to be addressed in the next year.

Wilson moved, seconded by Donahue, to approve Ordinance No. 2016-029 as presented on first reading.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

EXTENSION OF MEETING

At 9:25 PM, Wilson moved, seconded by Donahue, to extend the meeting until 10:00 PM.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

[DIR 2016-055](#) Discussion/Direction: Impact and Development Fee Study

Corliss reviewed highlights of recent impact fee study conducted by the Town which analyzed residential and nonresidential impact fees for transportation, fire, police, parks and recreation, and municipal facilities, along with fees for the Development Services Enterprise Fund, which are charged for building permits and site development processes. Study results identified that the Town should be charging significantly more for these fees, based upon estimated future project needs and higher construction costs. Noted impact fees had not been increased since 2011.

Reviewed recommended fee increase of 9% in 2017, and 8.5%, exclusive of utility fees for 2018, with ongoing discussions to fine tune recommendations for 2019-2020. This allowed the increases to be phased in, and still provided multi year predictability.

If impact fees were not increased, the Town could be forced to 1) provide reduced levels of service to the community and/or 2) ask voters to provide for additional revenue sources, such as a property tax increase

The following members of the public made statements or asked questions on this item:

Cherie Talbert
Jim Riley

Jerry Richmond

Donahue moved, seconded by Teal, to direct staff to prepare an ordinance to adopt non-utility impact fees as recommended by staff.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

EXTENTION OF MEETING

Donahue moved, seconded by Wilson, to extend the meeting until 11:00 PM.

The motion passedby the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

[ORD 2016-030](#) Ordinance Amending Titles 3, 4, and 13 of the Castle Rock Municipal Code by Changing the Water and Storm Water Monthly Services Charges and Fees, the Renewable Water Resource Fees, the Water and Wastewater System Development Fees and the Storm Water Development Impact Fee, and Making Certain Administrative Updates to Definitions and Provisions Related to Application for Service, Information Provided to Customers, Utility Discontinuance Liens, Utility Service Disconnection Procedures, Customer Dispute and Appeal, and Limitations on Disconnection (First Reading)

Marlowe reviewed results of annual rate study, and proposed 2017 utility rates, noting the average residential customer bill would increase by approximately 1%. Also reviewed proposed changes to system development fees which increased an average of 2%.

Wilson moved, seconded by Ford, to approve Ordinance No. 2016-030 as presented on first reading.

The motion passed by the following vote:

Yes: 6 - Ford, Valentine, Donahue, Green, Wilson, and Heath

No: 1 - Teal

[DIR 2016-054](#) **Discussion/Direction: Creative Crosswalks in Downtown Castle Rock**

Goebel reviewed request for direction from Council regarding installation of creative crosswalk layouts at 6 locations in the Downtown area. These would replace stamped concrete crosswalks which were not performing well from a maintenance standpoint. Proposed creative crosswalk patterns were painted on, and made the crossings highly visible for pedestrians and motorists. Noted staff had worked closely with the Downtown Alliance on marking options, and had obtained support for the proposal as presented. Noted the costs associated with the proposed creative crosswalk layouts could be absorbed within the existing budget.

The following members of the public made statements or asked questions on this item:

Kevin Tilson

The consensus of the Council was to proceed with the creative crosswalk layouts as presented.

[RES 2016-083](#) **Resolution Approving the Purchase of 87 Additional Project Shares in Chatfield Reservoir Reallocation from the State of Colorado**

Marlowe reviewed key terms of agreement for additional storage capacity in the Chatfield Reallocation Project, and recommended the Town exercise its option to purchase an additional 87 acre feet in 2016. Noted that obtaining the extra storage capacity in this manner allowed the Town to leverage its financial resources in a way that mimics a long term loan at less than one percent interest.

Heath moved, seconded by Wilson, to approve Resolution No. 2016-083 as presented.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ADJOURN

The meeting was adjourned at 10:39 PM