



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, January 16, 2018

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 - Pastor Ebassa Berhanu, Faith Lutheran Church

CALL TO ORDER / ROLL CALL

Mayor Green called the meeting to order at 6:02 pm.

Present: 7 - Council Member Loban, Council Member Townsend, Mayor Green, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal, Council Member Ford

PLEDGE OF ALLEGIANCE - Boy Scout Troop 765 will lead

COUNCIL COMMENTS

Councilmember James Townsend stated he received a few emails regarding Pine Canyon, but will let Mayor Pro Tem Renee Valentine cover those comments. Townsend thanked Councilmembers Bower and Teal for their time along with the staff with the Citizen Advisory Commission.

Mayor Pro Tem Renee Valentine stated Council has been receiving questions regarding the Pine Canyon development and wanted to ensure citizens received factual information. This area is not currently annexed but the process is ongoing. It could be developed within Douglas County, but the Castle Rock citizens and Town Council would have no input into that development. Valentine went over the timeline of that development, meetings held, sketch plans and development plans discussed. The developer has scheduled an open house February 12, 6-8pm at Townhall. Accurate information is at www.CRgov.com/pinecanyon.

Development Services Director Bill Detweiler stated this project is under quasi-judicial status so please contact the Town Attorney's office for any questions on what can be discussed.

[APPT
2018-001](#)

Appointment: Parks and Recreation Commission

Green moved, seconded by Loban, to appoint Inger Hiller to the Parks and Recreation Commission for a partial term ending on May 31, 2018. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

[ID 2017-014](#) **Update: Castle Pines Metropolitan District Drilling of Test Wells on Town-owned Property, a 59.931 Acre Parcel in Sections 21 and 28, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado - Amendment to the License Agreement (Lower East Plum Creek Park and Open Space) [Southwest of the Plum Creek Water Reclamation Authority facility and Highway 85]**

Castle Rock Water Director Mark Marlowe stated that we annexed the property into the Town south of the Plum Creek Water Reclamation facility, and in March authorized Castle Pines Metro District to drill 12 test wells on the property. The agreement will be amended to end December of 2018.

[ID 2018-004](#) **Update: Quasi-Judicial Projects**

[ID 2018-005](#) **2018 Metro Districts Mill Levy Report**

Town Manager David Corliss referenced the report which looks at the median home price which is approximately \$373,000. That property owner will pay \$1,727 in property taxes, and Metro District property taxes can vary and are detailed in that report.

[ID 2018-006](#) **Update: Monthly Departmental Reports**

Town Manager David Corliss referenced the report and that the year-end report will be coming out shortly. There will be some changes to the format of the Monthly Department reports for easier access.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Valentine moved, seconded by Bower, to Accept the Agenda as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

CONSENT CALENDAR

Valentine moved, seconded by Bower, to Approve the Consent Agenda as presented (no items are on the Consent Agenda). The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2018-001](#) Discussion/Direction: 2018 Major Projects List

Town Manager David Corliss referenced the 2018 Major Projects List. Priorities include:

Ensuring outstanding public safety - Construction of Fire Station 152 along with adding 12 positions to staff the station, adding five positions in the Police department, updating the five year strategic plan for the Police department and the co-responder mental health program, and establish the public safety training campus.

Enhancing our Transportation - improve intersections of Founders and Allen Way and Crowfoot Valley Road, roundabout at Wolfensberger and Plum Creek Parkway, pavement maintenance program, reconstruction of Meadows Parkway, install two traffic signals on Meadows Parkway and Plum Creek Parkway.

Securing our Water Future - Upgrades to Plum Creek Water Purification Facility for reuse water, Pipeline to new diversion and reservoir north of Sedalia (Castle Rock Reservoir), begin receiving WISE water and continue the Box Elder and Chatfield Reallocation projects, Implement financial management plan.

Maintaining Strong Parks and Recreation - construct next neighborhood park in the Meadows, extend East Plum Creek Trail south two miles to Crystal Valley Parkway.

Supporting Economic Development - invest \$3M in Arapahoe Community College's Collaboration Campus project and adopt new Economic Development Strategic Plan.

Managing Town Fiscal Obligations - complete 2019 budget, three-year financial plan and five-year Capital Improvement Program.

Strengthening our Unique Community Character - assemble community task force and enhanced communication to residents.

Mayor Jennifer Green asked about two transportation construction areas in the Meadows. Public Works Director Bob Goebel stated they will ensure there is no overlap on those two projects. Their priority is Meadows reconstruction when school is out, and the roundabout will most likely be delayed until the fall.

Councilmember Brett Ford asked about the two new traffic lights and how that would impact traffic. Goebel stated the lights are being converted to flashing yellow signs which completes the traffic integration project that allows them to communicate with them remotely and adjust signal timing.

Councilmember Teal asked if there is a completion date of the Plum Creek signal. Goebel replied it should be completed in the fall.

No public comment.

[DIR 2018-002](#) **Update: Charter Citizen Committee Recommendations**

Town Manager David Corliss complimented Councilmember Bower and Teal for their time dedicated to this process. The Committee made the following recommendations:

Council authorize a special election for redistricting in 2018 and the Mayor at large election in 2018.

Charter amendment to provide for qualifications for the Mayor to be a registered elector of the Town with a one year residency requirement.

The Committee voted 5-2 to recommend that the Town Code be amended to require Mayor candidates to obtain 10 signatures from each of the six districts.

Councilmember Teal stated that they attempted to seat someone from each district to serve on the Committee and asked the members to introduce themselves by their neighborhood.

Councilmember Bower wanted to publicly thank everyone that applied. Some areas had more apply than others with varying diversity in backgrounds.

Councilmember Townsend stated that it required a lot of their time to conduct the interviews and attend the meetings. Mayor Green concurred with that. Councilmember Bower also thanked Deputy Town Attorney Heidi Hugdahl and Deputy Town Manager Fritz Sprague, Town Clerk Lisa Anderson and administrative support staff of CJ Jorgenson for their assistance.

The following citizens spoke:

Mary Wilson, Castle Rock resident, stated there was in-depth discussion; however felt the discussion should not have included the petition signatures. She stated that no other Town requires 10 signatures per district and feels it should be the same as a Councilmember of 25 signatures. Wilson asked the Town Attorney for his interpretation on the felony conviction restriction.

Ziggy Guentensberger was an individual on the committee and thanked Councilmember Bower and Teal for their time to select the Committee. Guentensberger stated the signature requirement was based on that they wanted the Mayor candidate to demonstrate some initiative that they want to represent the entire town by getting 10 signatures from each district.

Chip Wilson, resident of Castle Rock, stated that there should not be a change to the petition signature requirement. Wilson stated that he understands the intent, but those signatures do not have to be collected from the candidate. He also stated that it creates additional complications that do not enhance the process. Wilson thanked the committee and the Councilmembers and staff that participated in the process.

No further public comment.

Mayor Green stated that the petition signature item would come back to Council at a future meeting. Corliss stated that those recommendations will be provided to Town Council and Council can direct staff as they wish.

Mayor Green asked the Town Attorney to address the felony restriction. Town Attorney Bob Slentz stated that the Charter states that if a Councilmember is convicted of a felony while in office it creates a vacancy.

Councilmember Teal stated that Council could direct staff to bring back the petition signature item to a future Council meeting for discussion.

Councilmember Loban and Townsend stated that we will have recommendations from the committee and staff would need direction if staff should come back with an ordinance to implement it. Councilmember Teal feels we should have an open ended discussion on that item. Townsend wants to ensure that the public first sees the recommendation of the Committee.

[DIR 2018-003](#)

Discussion Regarding the Call of a Special Election and Proposed Amendments to the Town of Castle Rock Home Rule Charter

Town Attorney Bob Slentz referenced two ordinances for discussion only and will make any changes directed by Council, proposing to have first and second readings occurring in February. Slentz presented changes proposed to the Charter. Section 2-3 to add that the Mayor shall be elected for a four-year term along with two Councilmembers at one election and four Councilmembers at the following election. Section 4-5 to state there are six districts. Section 2-4 for the Mayor qualifications. Adding a Transition Plan as Section 17-14 for an at-large Mayor election in 2018 and establishing six Council districts, reiterating that no vacancy will be created with a sitting Councilmember, using May 1 date to obtain the registered elector records and redistricting to be completed by July 31, 2018. The transition plan also stated the the Mayor and two Councilmembers will be elected to four year terms in 2018 and four Councilmembers in 2020.

Councilmember Brett Ford stated that when we go to six districts, what happens if a Councilmember no longer lives within his district.

Town Attorney Bob Slentz stated that there is no perfect answer and feels the Councilmember will have to make that decision. Councilmember Teal feels the Election Commission can make their way through this. Slentz stated that the new districts will not take affect until the November 2018 election and feels that the Election Commission will be sensitive to redistricting for the four Councilmembers that will remain on Council.

Slentz stated that there are other Charter changes that can developed for the November 2018 election, and that the changes proposed for the Spring special election be limited to the three items recommended by the Citizen Advisory Committee.

Slentz presented the proposed ballot question for the transition plan for a November 2018 Mayor-at-large election, and perform redistricting in 2018.

Mayor Green stated that the ballot question has three items within it. Slentz stated

that is all under the transition plan. Councilmember Loban stated it should be three questions, and Councilmember Townsend wants to ensure that the citizens still feel they have a vote and not that these have to pass. Slentz stated that the question is a true statement saying that "in order to implement an elected Mayor". Councilmember Bower stated that he understands why it is critical that if one item did not pass we would still be out of compliance with our Charter. Councilmember Loban stated the two dates may be confusing. Slentz stated they could strike the next regular election "of 2020" as to lessen the confusion. Councilmember Teal feels the lowercase (i,ii, and iii) makes it feel like a three part question. Slentz stated that could be stricken.

Slentz then presented the Mayor qualification ballot question which is the same as for a Councilmember. Councilmember Teal pointed out that nothing references the age; but that the Committee that you have to be 18 to be a registered elector so there was no need to reference a specific age.

Slentz stated that the targeted date for a special election is May 15, 2018. Douglas County is unable to conduct the election, so the Town will conduct it.

Town Clerk Lisa Anderson reported the negotiations for an Intergovernmental Agreement with Douglas County to assist us when we conduct the election. Town Council would like the Clerk to report back on alternatives for another County to conduct the election as an option.

Councilmember Brett Ford would like to amend the first ballot question to remove "in order to implement" which implies that they don't have a choice but to approve it. Councilmember Teal stated that it reads to him in order to implement it. Councilmember Bower feels the question is confusing and voters may think we are trying to trick them in the second question, or what if voters think the Mayor should live in the Town longer. Slentz feels voter education is important.

Councilmember Townsend asked if we could show the wording of the Charter and show what it would change to.

Mayor Green opened the public hearing.

Mary Wilson, resident, is against the word "Shall" because it has already been decided. Wilson stated that the qualifications of the Mayor and Councilmember are the same. Can we state the qualifications are to be a member of Town Council and have them the same. Wilson stated that the May 15 date is cutting it too close to redistricting.

Bill English, resident of the Glovers subdivision feels that the purpose of the questions can be communicated vs. putting it into the ballot question.

Ziggy Guentensberger stated that a lot of the information could be clarified through the Town as to why we are having the election. He states there is fear from the 2014 election and this issue is completely different. In 2014 there was a lot of outside interest and he has full confidence with the Town conducting the election. Feels we should keep the process simple.

Chip Wilson, resident, has complete faith with the Town to run the election with the assistance of Douglas County. He feels we should keep it in-house. The Committee discussed the qualifications and that they are the same as Councilmembers and it should be stated.

No further public comment. Mayor Green closed the public hearing.

Mayor Green asked the Town Attorney to explain the qualifications. Slentz stated that that Councilmembers have a district residency requirement and the Mayor does not, so it needs to be referenced in the question.

Mayor Green asked to clarify why staff recommends the May 15 election date. Anderson stated the May 15 date is the last date we could hold the election and have time for redistricting prior to candidates circulating petitions.

Mayor Green asked if the second ballot question could reference the November 2017 election. Slentz stated that the qualifications of the Mayor are not necessary in order to hold a Mayor at large election, therefore he did not include that in the question.

Slentz feels the wordsmithing test for a ballot question is if it is truthful and accurate and feels this question meets those.

Councilmember Loban asked if there is anything that would prevent someone from running for Councilmember and Mayor. Slentz stated that he believes there is something that would prevent that.

Councilmember Townsend and Bower are confident with Slentz's questions. Slentz confirmed that the 2020 reference and (i, ii, and iii) be removed.

Mayor Green asked if Slentz could get back to Council if someone could run for both offices.

Teal moved, seconded by Loban, to accept both questions for consideration for ballot questions for the May 15 special election and to bring them back to Council in an Ordinance. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

[ORD 2017-032](#) Ordinance Amending Title 17 of the Castle Rock Municipal Code by Adding a New Chapter 17.61 Concerning Accessory Dwelling Units (Second Reading - Approved on First Reading on December 5, 2017 with a vote of 6-0)

Development Services Director Bill Detweiler referenced that this item was brought to Council for first reading. An issue that arose in first reading, was the maximum square foot of a separate unit be increased based on lot size for a maximum of 800 square feet vs. 500 square feet.

Tammy King stated they are still staying with one ADU per lot, and all jurisdictions require one unit to be owner occupied, they cannot rent both units, cannot subdivide, utilities must be combined, must be in HOA compliance, design criteria

must be complimentary, both entrances cannot both face the same way unless they get a variance, pet restrictions are tied to the lot not per residence, and RV's are prohibited structures as an ADU.

Councilmember Teal asked if it is within the current structure, can it be larger than 800 square feet. Detweiler confirmed that the ADU within a current structure is 50% of the space.

Councilmember Bower asked to confirm the detached ADU 800 square feet is the footprint, but could it have a second level of another 800 square feet. Detweiler replied that 800 square feet is for total square feet.

Mayor Green asked about parking requirements and what is the impact of the ADU. Detweiler replied that the HOA restrictions would be reviewed at the time.

Slentz stated the wording in the ordinance refers to the 800 square feet as interior floor area. Councilmember Loban wants it converted to an 800 square foot footprint. Councilmember Bower feels 800 square feet total is too small and should be increased to 1,000 square feet. King stated footprint is easier to enforce.

Councilmember Bower stated that 800 square footprint would still be under review. King stated that they must still be in compliance with the zoning regulations. Councilmember Teal would also like it changed to a footprint.

Slentz stated that item 8 references the interior floor area. Detweiler stated that the building foundation is in the uniform building code.

Councilmember Bower clarified if they had to move, he could only rent one of the units.

Mayor Green opened the public hearing. The following citizens spoke:

Bill English is supportive of the ADU but if you have a detached ADU, it is difficult to control the utility costs for water, heating, and electricity.

Lucia McConnell, resident of Craig and Gould, noted that her situation is that she has a separate building that already has its own utilities. She feels that this accomplishes the objectives and thanked everyone for their efforts.

No further comments. Mayor Green closed the public hearing.

Councilmember Townsend complimented Councilmember Bower for his work and listening to his constituents.

Castle Rock Water Director Mark Marlowe stated that to separate the water bill, the owner would be required to put in a new water and sewer tap. If someone did want to pay those fees they would then have to create a new address for billing, which would be subdividing it which is not allowed. Detweiler reminded Council that this is an accessory dwelling unit, not a separate dwelling unit.

Councilmember Bower confirmed that the 800 feet would be based on the footprint.

Loban moved, seconded by Teal, to approve Ordinance No. 2017-032 amended to show the 800 square feet is the footprint not the total floor space. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

[RES 2018-005](#) Resolution Approving a Construction Contract with Garney Companies, Inc. for the Castle Rock Water Improvements Projects (various locations around Town)

Castle Rock Water Director Mark Marlowe discussed rehabilitation and replacement of infrastructure assets involving pressure reducing valves and butterfly valves installed in the 1980's that need to be replaced and the main manhole that needs to be replaced. The construction agreement received three bids and they received a low bid from Garney the same company that did the WISE local infrastructure for us. They are also asking for a 10% contingency.

Councilmember Loban asked if this is a planned expense. Marlowe stated they provide a budget for rehab and replacement every year.

No public comment.

Townsend moved, seconded by Loban, that Resolution No. 2018-005 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Green read a passage from the Bible and adjourned the meeting at 8:51 pm.

Submitted by:

Lisa Anderson, Town Clerk