



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, February 6, 2018

6:00 PM

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

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION

Councilmember Jess Loban gave an invocation, specifically thanking our fire departments and police departments.

CALL TO ORDER / ROLL CALL

Mayor Green opened the meeting at 6:02 p.m. Mayor Green acknowledged the three law enforcement officers lost in the line of duty and read Joshua 1:9 and John 15:13 and asked to join her for a moment of silence for Deputies Zach Parrish, Heath Gumm, and Micah Flick.

Castle Rock Fire and Rescue Pipes and Drums performed two songs including Amazing Grace in honor of Deputy Flick.

Present: 6 - Council Member Loban, Council Member Townsend, Mayor Green, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember James Townsend reminded the public of the open house hosted by Castle Rock Water regarding changes to the Water Plan on February 7 from 5-7:30pm at the Plum Creek Water Purification Facility.

Councilmember Jason Bower thanked everyone who came to the Animal Code open house last week and asked staff when that item will come to Council. Town Manager David Corliss stated that they could introduce the item on March 6 to receive direction from Town Council if they would like an Ordinance brought back.

Mayor Pro Tem Renee Valentine stated there will be a Pine Canyon meeting at Townhall put on by the developer on February 12.

Councilmember George Teal commended the Fire department for their performance.

[APPT](#)
[2018-002](#)

Appointment: Planning Commission

Councilmember George Teal read the background on the two recommended appointments to the Planning Commission - Chris Cote and Richelle McKim.

Teal moved, seconded by Green, to Appoint Chris Cote and Richelle McKim to the Planning Commission for partial terms ending on May 31, 2018. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

UNSCHEDULED PUBLIC APPEARANCES

The following citizens spoke:

Chris Choate referenced the animal ordinance and stated he has been a resident for four years, has a military background, and has two boys and two girls. Choate stated he was attacked by a pit bull as a child. He asked if the Castle Rock electors could vote on this issue. He feels these dogs are more prone to being vicious.

Nick Lucey is a resident and is on the Board of the Directors of the Castle Rock Chamber of Commerce. He reported that the event put on with Stride Mob raised more than \$80,000 for the Douglas County Fallen Officers foundation and the Parrish family with 3,000 runners and 4,200 spectators.

George Hager spoke on the animal ordinance. He feels it should be a different issue from the other animals in the ordinance. He asked if they could separate the pit bull ban and add it to the November ballot. They considered the ban when they moved here. Hager feels the information about pit bull attacks was not discussed and that the voters of Castle Rock should decide it.

No other comments.

Mayor Green thanked the Chamber and Stride Mob for raising \$80,000 and that the animal code would come back to Council in March.

TOWN MANAGER'S REPORT

[ID 2018-007](#)

Department Update: Development Services Project Updates

Town Manager David Corliss referenced the right-of-way item and the quasi-judicial update.

Development Services Director Bill Detweiler gave an update on the proposed five-story mixed-use project at 3rd and Wilcox with two levels of underground parking and first floor retail totaling 5,000 square feet. Detweiler referenced a quasi-judicial item for Oakwood Apartments which is a senior housing project wanting to increase density from 64 to 109 units. Another quasi-judicial item is Ridge Estates on the south end of the Crystal Valley loop for 52 single family homes.

[ID 2018-008](#) **Update: Right-of-Way and Easement Abandonments** [*Right-of-Way and Easement Abandonments*]

[ID 2018-009](#) **Update: Quasi-Judicial Projects**

[ID 2018-010](#) **Update: Legislative Update**

Assistant to the Town Manager Kristin Zagurski highlighted two items going on at the legislature. Transportation bills have been introduced in the House and Senate to get more money for transportation state-wide without raising taxes. The second item is the Mussel Free Colorado Act putting safeguards in place for local water sources getting funding through watercraft stamps.

Mayor Green asked if the Council would like to take a position on the transportation issue. Councilmember Teal stated this bill would undue some affects from the bill passed last year. He feels that issuing debt is the way to go and pay the debt back to take on the \$15B of roadwork the state needs. Mayor Green asked if staff could bring back more information after the policy committee meeting. Teal stated DRCOG is also monitoring this issue.

Mayor Green asked if Castle Rock should take a position on the Mussel Free Colorado Act bill. Zagurski stated there is alot of support for it, and Castle Rock could take a position. Corliss stated staff can prepare a short letter to bring back to Council on February 20. Townsend asked if staff could provide information on why staff supports it. Bower asked if they could provide information on the fees, etc. Marlowe stated that it is not an issue yet in Colorado, but boats come from other areas that may bring them in and that the stamp is currently \$15. Marlowe stated he would find out what vessels it would apply to.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

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

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

CONSENT CALENDAR

Valentine moved, seconded by Loban to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

[MIN 2018-002](#) **Minutes: January 2, 2018 Town Council Meeting**

[RES 2018-006](#) **Resolution Making Appointments to the Miller's Landing Business Improvement District Board of Directors**

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2018-001](#) **Ordinance Calling a Special Municipal Election of the Town of Castle Rock on May 15, 2018 for the Purpose of Submitting to the Registered Electors of the Town Proposed Amendments to the Town of Castle Rock Home Rule Charter and Providing for the Conduct of such Election (First Reading)**

Mayor Green stated Council will hear both items 8 and 9 together but they will be voted on separately.

Town Attorney Bob Slentz presented the ordinance to call the special election for May 15, 2018. He stated that the more he and the Town Clerk looked into contracting services with another County, it presented more issues. A code amendment would be required as it currently requires election judges to be Castle Rock electors. Staff believes that it would introduce some risks to having the election facilities in Denver and exposed us to a challenge due to voter inconvenience. Slentz stated staff is comfortable with running the election with the assistance of Douglas County. The ordinance authorizes staff to sign the intergovernmental agreement, and the election will be conducted by the Town and run under the Town election code.

Mayor Jennifer Green asked about the signature verification process and if it would be done manually. Town Clerk Lisa Anderson confirmed it would be done manually by election judges that are specifically trained and experienced in signature verification through the County.

Councilmember George Teal asked about the 2014 election that was subject to a legal challenge regarding the use of secrecy sleeves. Anderson stated that the Code previously did not require the use of secrecy sleeves. However, our Code does now require the use of secrecy sleeves so we will be using secrecy sleeves in this election.

Councilmember Jason Bower confirmed that we would be using the County facilities but without the use of their software. Anderson confirmed the County agreed to give us exclusive use of their room which is under 24/7 surveillance and secured lockers to lock up everything each night with limited access to the room.

Councilmember James Townsend thanked staff for exploring all options and for their hard work.

Slentz stated the question is phrased to remind voters of why the Charter amendments are needed. Sections 2-3 and 4-5 of the Charter conflict with the initiative that passed in November 2017. The amendment will make the necessary changes. If we do not submit the changes to the voters or if voters vote no, the risk is we will have elected a Council that conflicts with the Charter and urged the Council and community to get behind the amendments.

Mayor Green referenced section 4-5 regarding redistricting. Slentz stated that will be covered in the transition plan.

Slentz stated that the amendment provides for a 2018 election of the Mayor and redistricting to be completed by July 31. He stated the current Council terms will not be affected. The second amendment would address the qualifications of the Mayor. The Charter states a vacancy is created if a member of Council has a felony conviction while in office. Regarding voter registration, a felon who completes probation can be reinstated for voting privileges. These proposed amendments are the three most critical changes needed immediately and others will be addressed at the November 2018 election.

Slentz presented the proposed ballot questions and feels it is necessary to remind voters why these questions are being asked. Amendment B is to outline the qualifications of the Mayor.

Councilmember Jess Loban asked if someone could run for Councilmember and Mayor. Slentz stated staff will get back to that prohibition, as the election would be run under Title 1 when coordinating with the County for Council elections.

No public comment.

Mayor Green read Charter Amendment A wording into the record.

Teal moved, seconded by Bower, that Ordinance No. 2018-001 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

[ORD 2018-002](#) Ordinance Proposing Amendments to the Town of Castle Rock Home Rule Charter by Adding a New Section 17-14, Transition to At-Large Mayor and Six Council Districts and Establishing Qualifications for the Office of Mayor, and Referring to the Electorate the Questions of Approving These Charter Amendments at the Special Municipal Election on May 15, 2018 (First Reading)

Teal moved, seconded by Bower, that Ordinance No. 2018-002 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

QUASI JUDICIAL HEARINGS

[ORD 2018-003](#) Ordinance Amending the Town's Zone District Map by Rezoning Philip S. Miller Park to PL-1 District (First Reading)

Mayor Green read the quasi-judicial script into the record. No Councilmember

expressed any conflict of interest.

Director of Development Services Bill Detweiler stated staff is seeking Council action to rezone Philip S. Miller Park to Public Land 1 (PL-1) zoning that better aligns with park properties. A neighborhood meeting was held with support from the attendees. The existing zoning is split zoned currently. The Planning Commission conducted a public hearing and are recommending approval.

No questions from Council. No public comment.

Townsend moved, seconded by Teal, that Quasi-Judicial Ordinance No. 2018-003 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

[ORD 2018-004](#) **Ordinance Amending the Town's Zone District Map by Rezoning Rock Park to PL-3 District (First Reading)**

Development Services Director Bill Detweiler gave an overview on the rezoning for Rock Park to Public Land 3 (PL-3) zoning. Initially Rock Park was planned for a PL-2 zone district, but PL-3 zoning was more appropriate to ensure existing uses. Rock Park opened in 1988 as 62 acres, is currently zoned Residential 1 zoning and is a designated historic landmark that allows oversight by the Historic Preservation Board. The rezoning would enable the park to be maintained in its current condition. The Planning Commission recommends approval of the PL-3 zoning.

No questions from Town Council.

Mayor Green opened the public hearing and the following citizens spoke on the item:

Dennis Carnahan distributed a document containing Rock Park information and the Management Plan that has been labeled as **Exhibit A**. Carnahan stated that the Rock is to be preserved in its entirety, and there is a management plan for the park that references trail uses such as hiking and picnicking with no off-trail use permitted. He stated the new ordinance allows temporary community events sponsored by the Town which is a new requirement on the park. These events will conflict with the community use of the park and doesn't feel it is big enough to support these events. He feels the ordinance changes the use then changes it back and would like to see 4a. stricken from the ordinance.

No further comments.

Director of Parks and Recreation Jeff Brauer thanked Mr. Carnahan for all the time he dedicates to Rock Park. He states staff evaluates all special events from the special events committee made up of all departments to evaluate whether the site is capable to hold the event. Corliss gave an example of using the parking lot for the steer drive starting point as an example of a use that would be allowed. Teal stated that it could be qualified further to be consistent with the Rock Park

management plan.

Slentz stated this is merely changing to the PL-3 zoning, so the ordinance that created the zoning would need to be amended. Corliss stated that a separate ordinance or resolution could state that temporary community events shall be in keeping with the management plan as direction to staff.

Councilmember Bower would like to see a resolution coming back to address the management plan. Bower stated that staff responded to community concerns by creating a completely new zoning district to address those.

Councilmember Bower asked if it is possible to remove the lot lines and make it one parcel. Detweiler stated they have administrative authority and can begin that immediately. Bower thanked Mr. Carnahan for all his work on the Park and his passion is duly noted. Carnahan replied that he is glad to do it.

Corliss stated they will bring a resolution back at 2nd reading to address the community event uses.

Teal moved, seconded by Bower, that Quasi-Judicial Ordinance No. 2018-004 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

ADDITIONAL ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2018-007](#) **Calvary Chapel Castle Rock Site Development Plan (SDP16-0031): To be continued to a date certain of March 20, 2018** (northwest corner of Fifth Street and Woodlands Boulevard)

Detweiler asked if they could postpone the public hearing, requiring it to go back to the Planning Commission and readvertise to allow time to deal with issues with the site plan.

Bower moved, seconded by Teal, that Resolution No. 2018-007 be Tabled. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

[RES 2018-008](#) **Resolution Approving the First Amendment to the Town of Castle Rock Services Agreement between Short Elliott Hendrickson Inc., and the Town for the Founders Parkway/Fifth Street/Ridge Road Intersection Improvement Design**

Director of Public Works Bob Goebel presented the item showing a map of the project location. This item is in their five- year capital improvement plan to reconstruct the intersection to address the traffic congestion. Three alternatives were investigated - intersection widening, roundabout, and continuous flow intersection. CDOT and staff both recommend a roundabout. Cost is significantly lower than a standard intersection and has the ability to accommodate future

growth. They anticipate a 2018 design completion and 2021 estimated project completion. Staff and the Public Works Commission recommend approval.

Councilmember Townsend clarified that the majority of the intersection is state highway. Goebel stated that we will be applying for any grants available and have also approached the county who stated they may help fund.

No public comment.

Loban moved, seconded by Townsend, that Resolution 2018-008 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

[RES 2018-009](#) Resolution Approving a Services Agreement with Hydro Resources - Rocky Mountain, Inc. for Construction of Wells CR-15R and CR-16R Drilling, Completion and Equipping Project [2032 Champions Court, Plum Creek Subdivision]

Director of Castle Rock Water Mark Marlowe stated this contract is to rehabilitate two of the 54 deep wells. These two wells were installed in 1982 and 1983. One well is located on Plum Creek golf course and feeds the PS Miller Water treatment plant. Staff would like to get it in place by July 2 for the high irrigation season. Hydro Resources provided the low bid which includes glass beads and epoxy coating to improve the long-term maintenance of the well. They would like to start in late February and be done by June. They will provide substantial outreach with letters, meetings with residents, the HOA and the golf course, and sound walls will be installed. Staff and the Castle Rock Water Commission recommends approval.

Councilmember Jess Loban asked if there would be nighttime drilling. Marlowe stated they typically drill around the clock in order to maintain circulation, and that is what the sound walls are for. Loban asked if they will put people up in accommodations. Marlowe stated they will if needed.

Councilmember George Teal confirmed that they have a plan for outreach to the direct neighbors. Marlowe stated they will be meeting with those neighbors individually. Teal asked if there will be outreach to the HOAs. Marlowe stated they will meet with the HOA and the golf course. Teal asked to be informed of any neighborhood meetings so he can attend.

No public comment.

Bower moved, seconded by Townsend, that Resolution No. 2018-009 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN TO EXECUTIVE SESSION

[EXEC](#)
[2018-001](#)

**Executive Session: Aptive Environmental, LLC vs. Town of Castle
Rock Litigation**

Mayor Green moved to adjourn into Executive Session not to return.

Mayor Green read a verse from the Bible and adjourned the meeting at 7:42 pm.

**Green moved, seconded by Loban, to Adjourn to Executive Session as presented.
The motion passed by the following vote:**

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

Submitted by:

Lisa Anderson, Town Clerk