



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

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

Town Council Meeting Minutes - Draft

Tuesday, September 5, 2017

6:00 PM

Council Chambers

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 Terry Ball, Castle Rock Baptist Church

CALL TO ORDER / ROLL CALL

Mayor Green called the meeting to order at 6:00 pm.

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

Not Present: 1 - Council Member Loban

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Townsend thanked the Chamber of Commerce for their hard work.

Bower reminded citizens about the Rock Rezoning meeting, Thursday at 5:30pm at Townhall.

Teal reminded Council and citizens that after Artfest on Saturday from 4-8pm at the Fairgrounds, will be Troop 780's 6th Annual Chilifest and offered tickets to Councilmembers.

Valentine reminded citizens of the 29th Annual ArtFest held at the Outlets on Saturday and Sunday.

Green stated that last weekend was the annual Castle View vs. Douglas County football game, the Castle Rock Day of Prayer, and the concerts this weekend and last weekend with one concert remaining on September 22.

UNSCHEDULED PUBLIC APPEARANCES

Austin Williams, 7th Grade teacher at Castle Rock Middle School - Williams announced that his students would be presenting their project.

Grace Garcia, Castle Rock citizen and student - Garcia stated she feels Castle Rock is missing a flag. She is a cheerleader and feels a Castle Rock flag to hang at sporting events is needed, as well as displaying it throughout Town. Garcia went on to explain the meaning of the flag.

John Woodrich, Event Manager for the Chamber of Commerce and a resident - Woodrich announced that Art Fest will be on the east side of the Outlets and will have live music, beverages, and food trucks. Woodrich stated that the Chamber appreciates the Town's support.

Mary Wilson, resident of Castle Rock and one of the petitioners - Wilson stated she researched how we came to 6 year redistricting that was passed in 2010. When it was passed, Castle Rock had roughly 22,000 voters and we are now at about 45,000. Wilson is asking Council to re-examine how often we redistrict and proposes that we pass a law to allow Council to determine when redistricting is needed.

Stacey Rogers, resident - Rogers read information provided by the Town Clerk regarding the redistricting process, and that there are no hard costs associated with redistricting but there is staff time required from several entities.

TOWN MANAGER'S REPORT

[ID 2017-065](#) **Update: Quasi-Judicial Projects**

[DIR 2017-037](#) **Discussion/Direction: Sales Tax Task Force**

Corliss introduced the item and stated that staff is asking Town Council to send a letter to support local administration of our sales tax. Sales tax is 26% of Townwide revenue and 64% of general fund revenue. The state created a Sales and Use Tax Simplification Task Force to explore options including a third-party entity to administer state and local sales tax. Staff feels local authority is important.

Green moved, seconded by Bower, to authorize staff to finalize the draft letter as discussed tonight for the Mayor's signature and send it to the Sales and Use Tax Simplification Task Force. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

Department Updates

[ID 2017-067](#) **Department Updates: Development Project Updates**

Corliss referenced Council to the memo in the packet, but there are no substantial updates from the previous meeting.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Mayor Green noted that Item #8 should be referenced as Ordinance No. 2017-027.

Valentine moved, seconded by Teal, to Accept the Agenda as presented. The

motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

CONSENT CALENDAR

[MIN 2017-014](#) **Minutes: August 15, 2017 Town Council Meeting**

[RES 2017-065](#) **Resolution Approving a Variance Pursuant to Chapter 9.16.070E of the Castle Rock Municipal Code for the Wilcox Street Valve Replacement [2nd and Wilcox Streets]**

[RES 2017-066](#) **Resolution Approving a Pipeline Right-of-Way Grant with Cureton Midstream LLC [Box Elder Property, Weld County]**

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

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2017-025](#) **Ordinance Adopting the 2018 Budget for the Town of Castle Rock, Colorado (First Reading)**

Corliss introduced the item stating that the budget has an emphasis on public safety and infrastructure. Highlights include Fire Station 152 and staffing, five Police positions, street maintenance and capacity, service center expansion, capital improvement program, five Water positions, no water rate increases, \$3M set aside for Collaboration Campus project, funding for parks and trails, compensation for employees and Police retirement, and improvements and enhancements to Town operations and services. This fall will begin the process to create the community identity task force. A Budget open house was conducted with a few residents that attended.

Mayor Green opened the public hearing. No comments.

Green commented that the open houses are important to provide information to citizens.

Bower asked Police Chief Cauley to clarify the difference between what the public information officer will provide over our current Community Relations staff. Cauley replied that the PIO will be a sworn officer and have dedicated time to provide daily updates, public outreach and community engagement.

Valentine moved, seconded by Ford, that Ordinance 2017-025 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

[ORD 2017-027](#) Ordinance Amending Titles 3, 4 and 13 of the Castle Rock Municipal Code By Changing the Water and Wastewater System Development Fees and making certain editorial updates to such titles (First Reading)

Marlowe provided an overview of the 2017 Annual Rates and Fees study and proposed 2018 fees, and noted that there were no changes from the presentation at the last meeting. Marlowe restated that there will be no rate increases for existing customers and highlighted how Castle Rock compares to other communities. There will be an increase to wastewater system development fees and a slight increase to the water system development fee. Marlowe confirmed that this was recommended for approval by the Water Commission and staff.

Valentine moved, seconded by Townsend, that Ordinance 2017-027 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

[ORD 2017-026](#) Ordinance Amending Section 2.06.010.B of the Castle Rock Municipal Code to Include the Day After Thanksgiving and Christmas Eve as Legal Holidays (First Reading)

Sprague presented the item with a staff recommendation to increase the legal Town holidays by adding the day after Thanksgiving and a half day on Christmas Eve. This was in response to an employee survey and a benchmark completed with surrounding municipalities. Public Safety and emergency services would remain open 24/7 as with all other holidays. Cost to the Town would be approximately \$93,000. Staff recommends the day after Thanksgiving to begin in 2017, and the half day for Christmas Eve to begin in 2018 as Christmas Eve falls on a weekend.

Green asked if we have recreation facilities open on those holidays. Sprague replied that the recreation facilities would be open, and that those employees would receive holiday pay.

Teal asked if department heads would still be on call. Sprague replied that executive staff would be available as with any other holiday or off hours.

Ford clarified that there would be a cost. Sprague replied that holiday pay would be received if staff is required to work at time-and-a-half. The cost represents the holiday pay.

Teal feels it is a good step to take as this is a standard holiday plan.

Bower supports this, but voiced concern over increase in cost if we need more employees to work.

Ford clarified that the Rec Center will be open the day after Thanksgiving. The same people that come to work that day would have anyway, and they will now be paid overtime pay.

Townsend stated that we need to be fiscally responsible, but we also have to be competitive in the workplace as that has its own set of costs. Valentine concurred.

Teal moved, seconded by Townsend, that Ordinance 2017-026 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

[RES 2017-067](#) Resolution Approving a Contract for the Construction Contract Between the Town of Castle Rock and Taylor Kohrs, LLC for the Construction of Castle Rock Fire Station 152

Morales gave a brief presentation on the construction contract to build Fire Station 152 in Crystal Valley. Community Outreach shows that the community is in favor of this project. An RFQ was responded to and six submitted their proposal. Taylor Kohrs Construction was chosen based on their timeline, past experience, and work quality; and staff recommends for Council consideration. They anticipate completion in the summer of 2018.

Teal complimented Chief Morales and feels the residents will appreciate it.

Teal moved, seconded by Green, that Resolution 2017-067 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

[DIR 2017-035](#) Discussion/Direction: Council Position and Public Education on At-Large Mayor Charter Amendment Election

Sprague began by stating the goal is to be responsive to Council guidance and suggestions. Ballots will be mailed on October 16, so a mailer would need to arrive prior to that date. Staff has proposed a draft mailer. Based on Council direction, the mailer provided an overview of the Charter, facts, current Council structure, ballot question, what yes and no means, for and against statements, Q&A, and information on voting. Staff initiated a communication plan - news release, web page, online comment form, Facebook and Twitter, and updated Fact or Fiction on the website. Staff responded to questions regarding cost showing the mailer is estimated at \$7,600, the 2017 special election of \$36,200 and February 2018 special election would be \$37,195. Staff would proceed with production once approved. The last day to have a public discussion for Council to provide formal direction would be the September 19 Council meeting. Council can approve the current mailer, amend it, or not proceed with a mailer.

Green confirmed that the mailer is for the November 2017 election only, and would require a mailer for a February 2018 election. Sprague confirmed that the cost would be approximately the same. Green confirmed that it would cost \$90,000 for two elections and two mailers.

Bower feels the mailer is too long and the purpose is to have people read it and be factual. Bower suggested removing the sections - How do I register, how to stay up to date with Council meetings, election process, etc. He also would like to get rid of the for and against statements and just stick to the information because he feels they are not all factual. Bower stated it should encourage residents to get out and talk to their neighbors. He would like to see a combination that includes a chart.

Valentine agrees to remove the for and against statements and just stick to the facts so citizens get the facts not opinions.

Green feels there is a lot of good information in the mailer, but would prefer to see straight factual information with perhaps a chart that shows the current system, proposed system, and if it is unknown. This would allow a more visual display of the facts. Green suggested the what a yes or no vote means be put into a bullet format and consolidated. Green went on to say that the Fact of Fiction page is meant to give citizens facts. This would allow Council to provide the information to the voters. Citizens from the last meeting, stated communications in past elections were too opinionated, and that they just wanted facts.

Townsend complimented staff on a beautiful piece and said it was well done. In terms of what a yes vote means, feels that it should show how the sections are amended and what sections would be required to be amended if it passes. Green asked how he feels it should be displayed. Townsend states that a chart would be helpful and feels the public should know it will require many changes to the Charter if the amendment passes. Townsend additionally likes having both sides able to put their strongest arguments forward.

Slentz stated that if we included the red-line of the Charter, it will expand the scope of the mailer, and may add to it in contrast to some Council wanting to condense and simplify it.

Ford felt that referencing section numbers may be confusing to citizens, and an FAQ may be more helpful. Ford likes the for and against so he can see what people think, and the FAQ is also helpful to answer the factual questions. He suggested a chart is for those that don't want to read it, and those that do will read more.

Teal feels it is a great document. It may be more than what people will read, but we can condense it down.

No further Council comments.

The following citizens spoke:

Mary Wilson, resident - Wilson said she had a question on the cost of the ballot since everyone was getting a ballot anyway. The population leveling off in 2010 was presented as a fact to change the redistricting, so Wilson cautions Council to stick to the facts.

Stacey Rogers, a resident of Castle Rock and one of the petitioners - Rogers stated she did not feel this was collectively a good piece. She thanked Bower for bringing up the focus on the facts and agrees with Townsend to show what parts of the Charter are changed. Rogers referenced some of the comments that were submitted, and reiterated that they were limited to 200 words. The Mayor's constituency would be the entire Town so citizens would receive double representation. Rogers also addressed the timing of the election and agreed that it was left out.

Green wanted to address the cost of the election as we must pay for the portion of the ballot that is specific to Castle Rock. Asked about the 200 word limit Rogers referenced. Slentz replied that there is no word limit on a Charter Amendment.

Ford agrees that we should get rid of the for or against statements. He does not have a dog in the fight as he will not be running for any office and feels it is the wrong thing for the Town, but respect the voters and agrees that we should provide the facts. We should try with other formats like bullet points, chart, and FAQs formats.

Bower would like to build on the idea of a chart with a Yes, No, or To be Determined column along with FAQs. This may draw people in to read more, but will give them quick facts up front.

Valentine agrees to take out the for and against, and some of the informational items to condense it.

Teal wants to ensure it is communicated to the citizens that this is a vote to change the Charter.

Green summarized Council's comments for staff. Eliminate the for and against arguments, how do I register to vote, and stay up to date on Council meetings. Focus on facts with a chart, bullet points, etc.

Corliss asked if it should be shorter. Green stated consolidation was desired and easier to read.

Townsend confirmed if Council wanted to keep what a yes or no vote means. Valentine agreed.

Bower feels the To be Determined column is necessary as not everything is a yes or no.

Townsend said citizens need to know what the current system is to show that Council is elected from their district and the Mayor is voted on by the other Councilmembers.

Bower feels the introduction is why are we doing this and the petition process and we should provide education on how our government is now.

Sprague asked to clarify their comments page by page.

Bower stated the first page is fine, but show how our government works now.

Townsend feels we should explain the citizen initiated petition.

Valentine asked if they could put the number of petition signers.

Bower stated that 7 pages is a lot.

Ford suggested that we should put it in bold that it is an Amendment to the Charter.

Sprague summarized his understanding of Council comments - striking the election process, for and against, how do I register, how do I stay up to date on Council meetings. Keep yes and no and convert to a chart. Highlighted section regarding when ballots mailed and where to return ballots.

Townsend wants what is the Town Charter to educate citizens.

Carter stated the target mail date is to get in their mailboxes before ballots arrive on October 16, so September 19th is the final date for Council feedback.

Corliss feels staff has received good direction and staff will present a couple of layouts at the next meeting.

[DIR 2017-038](#)

Discussion/Direction: 5th Street Apartment Project - TIF Agreement Recommendation from the Downtown Development Authority

Kevin Tilson, Director of Castle Rock Downtown Alliance, a partnership with the DDA and DMA to create an active and vibrant downtown. Tilson discussed the accomplishments over the past 10 years and how they respond to people interested in investing in downtown. Some of the accomplishments include change in the Town code and regulation, creation of Town boards, held worksessions, created a ballot measure to create a DDA and create a tax financing district. The Plan of Development approved by Council is a guiding document to outline goals for downtown. Highlights include to halt and prevent deterioration of property values, creation of an active park nearby residential, mixed use development along Wilcox, and new residences in downtown. They chose to focus development in the core in order to increase momentum for further development to increase density, retail, restaurants, office and residential uses. Tilson stated they performed a survey and held community meetings that support this plan. The DDA has unanimously approved this proposal as downtown pays for downtown and the private sector pays for the private sector. The agreement is a shareback of 40% of the tax increment and development pays \$1.7M in fees and use tax. The project must be submitted by December 31, 2017, permitting must be completed by July 1, 2018, and the project must be completed August 1, 2019.

Teal has seen studies that residential population helps vibrancy in downtown and was happy to see the consensus of Town merchants support this project. Tilson stated the analysis showing a \$3.2M gap to produce this project is partly due to the two floors of parking.

Gene Gregory, co-owner of the project stated that he built Mercantile Commons 12 apartments which are all filled, and felt it did not bring enough residential into the Town. Providing on-site parking was not required in his two most recent projects; but there is underground parking required for this project. This project consists of 65 apartments, 5 offices, and 105 storage units for occupants.

Bower asked Gregory to walk through the building materials of the building. Gregory replied that it transitions from concrete to brick to stucco.

Ford commented that the Development Research Partners analysis identifies a gap of \$3.25M but the shareback falls short. Gregory replied that they will need to fill that gap. The storage in the building will help fill that gap long term and feels they will get a decent rate of return. They will be providing 100% parking for their building. The water table is about 22' below ground, so you can't go down further for parking without a large increase in cost. Revenues must support the debt; and they feel the project will work.

Ford asked if Gregory agrees with the gap. Gregory stated their estimates were \$1.6M so they estimate a \$800k-\$1M gap. Gregory feels they were able to purchase the land at a fair price that helped reduce their gap.

Ford stated that this supports their goals, and asked why we wouldn't provide this to all businesses. Tilson replied that different DDA's in communities approach it differently. Their role is not to go after a specific businesses, but buildings that would support their goals. Their criteria is to evaluate if it will generate property tax increment, and is it needed. The rents that can be collected do not justify the cost of construction. Most developers seek 14-16% return on a project. Gregory is willing to take less return initially for a longer term return.

Bower referenced Mirage Dental did not receive any TIF funding, and two projects on Perry Street that Gregory built did not receive TIF funding. Bower continued by stating he feels projects should be a good quality project.

Ford feels we should be clear on how we use it and when we use it. Tilson concurred.

Mayor Green opened the public hearing. No comments.

Valentine moved, seconded by Ford, to direct staff to bring a TIF Agreement for the 5th Street Apartment Project to a Council meeting. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

[ID 2017-066](#)**Discussion/Direction: Community Development Block Grant (CDBG) Entitlement Community Status**

Corliss conveyed that the Town received a letter stating that Castle Rock is eligible to participate in the CDBG program as an entitlement community. This was previously brought forward in 2015 and Town Council denied based on concerns with the rules imposed by the Federal government. The total would be about \$200,000 per year, and would dictate certain land use items. The current administration is proposing zero funding in 2018; so there may not be money there if Council did want to participate.

Green recalled discussing this and the amount of control the Federal government would have and her position remains the same. Teal agreed.

Bower asked if staff feels \$200,000 is a lot of money. Corliss replied by stating that in comparison to our total budget it is not, but it may mean a lot for certain expenditures. On the other hand, Council previously declined based on the rules imposed, and those rules have not changed.

Green asked if a staff person would be required to comply with their rules. Corliss stated that is the regulation along with developing a community solicitation plan, ensure compliance with federal regulations and develop certain budgets. This is not an amount of money that would allow us to do a lot. Valentine recalled their concern previously and the control the Federal government would have.

Ford commented on previous citizen comments that the money could be used for some of the non-profit organization.

Green moved, seconded by Bower, to direct staff to notify HUD of its intent to defer entitlement status. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

[RES 2017-068](#)**Resolution Authorizing the Town of Castle Rock as a member of the Plum Creek Water Reclamation Authority to Fund the Design of the Plum Creek Water Reclamation Plant Expansion [4255 North U.S. Highway 85]**

Marlowe reviewed the need to expand the wastewater treatment plant. The expansion is funded by growth. Marlowe stated the Town owns 71% of existing capacity; and we are around 80% of capacity. The Town's portion of cost is estimated at \$40M. An RFP was issued for engineering, and the Town received four proposals. Burns and McDonald was rated high and was the lowest cost. If the other two entities that have ownership participated, they would pay their share. Marlowe stated the Water Commission unanimously recommends approval.

No Council comments. No public comments.

Townsend moved, seconded by Bower, that Resolution 2017-068 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

[RES 2017-069](#) **Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation (Your Storage Center at Castle Rock Annexation) [I-25 Frontage Road between Brookside Circle and S. Perry Street]**

Detweiler stated this is a hearing required by statute for a project south of the Medved dealership which includes two parcels of vacant land. On July 18, Town Council found the application to be in substantial compliance with statute. This hearing is to confirm that the annexation requirements have been met. If approved, they will move forward with hearings for annexation of property.

Green asked if this annexation was requested by the owner of the property. Detweiler confirmed that all annexations have been at the owner's request, not by the Town.

No Council comments. No public comment.

Teal moved, seconded by Townsend, that Resolution 2017-069 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

QUASI JUDICIAL HEARINGS

[RES 2017-070](#) **Resolution Approving the Crystal Valley Ranch Filing No. 11 Site Development Plan [Single-Family; SW Corner of Crystal Valley Parkway / West Loop Road] (Town of Castle Rock Project #SDP17-0007)**

Mayor Green read the quasi-judicial script and confirmed that no Councilmembers reported any conflict of interest or incapable of voting on this issue.

Detweiler reported that the application is for a development plan which has been met with a positive response from the neighborhood meeting and the Planning Commission meeting. Filing 11 is at Crystal Valley Parkway and West Loop road. The proposal includes 140 single family lots, reducing the density previously approved.

No Council comments.

Greg Brown, Crystal Valley Ranch Development Company spoke stating they worked with staff going through the process. They are 50 x 90 lots with detached Richmond homes across from the park and future school site. Brown went on to say they met the proposed open space requirements with 2.46 of open space. A neighborhood meeting was held in February and was well received and they have met all Town requirements.

Green feels it is a good project, and it is a positive change to single family homes.

Teal stated it is a good example where Mr. Brown worked with neighborhood residents to come up with a plan that they want.

Mayor Green opened the public hearing. No comments.

Teal moved, seconded by Valentine, that Quasi-Judicial Resolution 2017-070 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Green, Bower, Valentine, Teal, and Ford

Not Present: 1 - Loban

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Green adjourned the meeting at 8:59 pm.

Submitted by:

Lisa Anderson, Acting Town Clerk