



Town Council Meeting Minutes - Draft

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

Tuesday, July 17, 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 - Father Brad Noonan, St. Francis of Assisi Catholic Church

Acting Fire Chief Norris Croom stated that the new quint was put in service at the ceremony yesterday and had it blessed by Father Brad Noonan.

CALL TO ORDER / ROLL CALL

Present: 5 - Council Member Loban, Council Member Townsend, Mayor Green, Council Member Bower, Council Member Teal

Not Present: 2 - Mayor Pro Tem Valentine, Council Member Ford

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Loban thanked the Fire department for their work on the fire in the Meadows and appreciates the Fire department looking out for us and canceling the fireworks. He also commended the Police department for their work recently in the Meadows.

Councilmember Townsend reminded citizens about the Castle Rock Winefest on July 21 from 2-8pm in Buttefield Park.

Councilmember Bower reminded citizens of the Neighborhood Cleanup this Saturday. He sits on the Douglas County Youth Initiative board and they look for opportunities to look out for at-risk youth. They partnered with a church in Town to host free soccer games and teach soccer at the Douglas County Fairgrounds. The school board provides food. The group volunteered last weekend cleaned out all the weeds at Festival Park when they couldn't play soccer.

Mayor Green announced the concerts coming up. They are listed on the website.

Councilmember Teal discussed issues with cell phone coverage in his district and other areas of Town. He feels the small cell networks work really well. We amended our ordinance regarding cell providers and asked if we should look into small cells in our neighborhoods and direct staff to put together a plan and a process. Loban felt they should engage the EDC to reach out to those companies. Townsend feels it is good to have the discussion and find a way to do

it effectively and appropriately. Teal feels there are many different carriers used by citizens. Green feels they may have a government affairs person that could be contacted.

Corliss stated the Town does not have a formal process, but we would direct them to contact their provider and feels contacting EDC is a good step.

Teal would like the information out there on what the process is. Corliss will report back about what they are doing.

Teal wanted to remind everyone August 4 at the Crystal Valley Fire station for a grand opening at 10am. He will have a big announcement to make on that day.

[DIR 2018-033](#)

Discussion/Direction: Call Special Town Council Meeting on July 24, 2018 for the Purpose of Meeting with the Board of County Commissioners on Items of Mutual Interest

Moved by Green, seconded by Teal to call a special meeting on July 24, 2018 to meet with the Board of County Commissioners on items of mutual interest.

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

Not Present: 2 - Valentine, Ford

[APPT
2018-006](#)

Appointments: Board of Adjustment, Castle Rock Water Commission and Downtown Development Authority Board

Teal moved, seconded by Bower, to Approve the Appointments as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Town Council:

Randy Reed, 30+ year resident of Castle Rock, raised two daughters that graduated from the high schools here. He served on Council from 2004-2010 and Mayor 2006-2010, and Family Circle Magazine rated Castle Rock the Top 10 communities to raise a family. The citizens voted overwhelmingly to elect a Mayor-at-Large. He is honored and humbled by the number of people that have encouraged him to run for Mayor in November and he is announcing that he will circulate a petition to run for Mayor.

TOWN MANAGER'S REPORT

[ID 2018-076](#)

Update: Calendar Reminders

Corliss wanted to remind Council about upcoming items. August 4 Grand opening of Fire Station 152 at 10am, August 7 is the National Night Out for law

enforcement, 5-8pm, August 8 is a Candidate Orientation at 6pm, August 14 is a Council Budget Study Session 5-7pm, August 21 Council meeting to introduce the 2019 Budget, August 28 is a Budget Open House at 6pm.

[ID 2018-077](#)**Update: Monthly Department Reports**

Corliss highlighted a sample of statistics from the Monthly Department Reports.

Director of Public Works, Bob Goebel, gave an update on road construction. The Meadows Boulevard reconstruction encountered poor soils at the intersection and increases costs and times substantially. They would like to take the intersection and put it into the 2020 project in order to stay on schedule and the contractor will waive the incentive for early completion. They can now actively bid the project knowing what they will encounter. This was a grant project, and CDOT is also supportive of this change.

Green asked if the 2020 project can also be done outside of the school year. Goebel confirmed that and suggests they do the intersection first.

Director of Development Services Bill Detweiler gave an update on development activity. There is a new county referral relating to the existing Solterra project east of I-25 and north of Silver Heights. They want to expand their existing facility similar to Bonaventure. They include three and four story buildings for a total of 253 beds replacing the existing facility. This is in unincorporated Douglas County. The access has to come through the Town of Castle Rock. There is an increased service level for these types of facilities from the Fire department. Green asked about Fire response, and if Castle Rock is unavailable. Acting Fire Chief Norris Croom said they currently serving that area. Police Chief Cauley confirmed that the area would be covered by the Sheriffs Office and they would assist as needed. Loban asked if they still need the north side access through Silver Heights. Detweiler confirmed that.

Detweiler stated an application submitted for 68 paired homes adjacent to Philip S. Miller Park and it is a quasi-judicial project. They want to ensure there are appropriate buffers. They have asked that no homes be built in the area closest to the Amphitheater.

Detweiler stated they have received an inquiry seeking feedback to de-annex property west side of the Maher Ranch PD. This is an inquiry only. Teal asked if there is any Town infrastructure in that area. Detweiler stated there is not. There would be an extension of services from Maher Ranch.

[ID 2018-078](#)**Update: Active Communications Plans**

Corliss referenced the report for their review.

[ID 2018-079](#)**Update: Quasi-Judicial Projects**[ID 2018-080](#)**Development Services Project Updates****TOWN ATTORNEY'S REPORT**

No report.

ACCEPTANCE OF AGENDA

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

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

Not Present: 2 - Valentine, Ford

CONSENT CALENDAR

[MIN 2018-007](#) **Minutes: May 1, May 15, June 5 and June 19, 2018 Town Council Meeting**

[RES 2018-062](#) **Resolution Appointing an Assistant Town Manager for the Town Of Castle Rock**

[RES 2018-063](#) **Resolution Ratifying the Town of Castle Rock/Gandomcar Spot Water Lease Agreement**

[RES 2018-064](#) **Resolution Approving the Town of Castle Rock/Joule, Inc. Spot Water Lease Agreement**

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

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

Not Present: 2 - Valentine, Ford

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2018-069](#) **Resolution Approving the First Amendment to Ranch and Home Supply LLC's Economic Assistance Agreement (Murdoch's)**

Town Manager David Corliss provided an update with the agreement. Murdoch's has submitted a request to extend the dates for a building permit date of November 6, 2018 and grand opening date of May 15, 2019.

Loban moved, seconded by Teal, that Resolution No. 2018-069 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

[ORD 2018-024](#) **Ordinance Amending Title 17 of the Castle Rock Municipal Code by the Addition of a New Chapter 17.62 Entitled Group Homes and Other Conforming Amendments to Sections 17.01.020, 17.14.010, 17.18.020 and 17.14.030 (Second Reading)**

Development Services Director Bill Detweiler and Zoning Manager Tammy King presented this item. Town Attorney Bob Slentz and Deputy Town Attorney Heidi Hugdahl are available for any legal questions. Staff created an update to the Group Home code regarding the distance requirement and the definition of a group home. The Town must also comply with specific standards outlined in State Statute. They provided the location of existing group homes and their capacities throughout the Town. The recommendation is to allow 9 beds. Suggested changes are to redefine group home and residential group facility. Group homes are for disabled peoples with a new definition of disability to be in line with statute. To be in compliance with the fair housing act and allow it is a permitted use. There would be use by special review for certain types of group homes. Also to be in conformance with statute is to change the distance requirement from 1,500 feet to 750 feet. They reached out to all of the HOAs and took it to the Planning Commission with no issues raised.

Mayor Green confirmed that the home that currently has 13 beds will be grandfathered in. She also asked to clarify the requirement for a use by special review. King stated that if it was more than 9 or if they did not comply with the definition of disability. Bower asked if sober living is considered a disability. Hugdahl stated that if someone is currently abusing alcohol or drugs they would require a use by special review. Loban asked if we have the ability as a Home Rule municipality to vary from statute. Hugdahl stated we can have something more restrictive. Slentz stated that this is the implication of the fair housing act. Hugdahl stated there are also ADA implications. Loban asked if an HOA could supercede an ordinance they put in place. Hugdahl stated the HOA could be less restrictive but not more restrictive. Loban asked where the definitions reside. King stated they are in a separate chapter. Teal stated there is one in Crystal Valley Ranch that involved a standard of care issue our Fire department had to respond to and asked if there is anything that addresses the standard of care. King stated the state liaison responds to those complaints. Teal asked if we have capability to augment the state standard of care. Hugdahl stated the state is required to enforce the standard of care, but feels we could enforce any violations of our municipal code. We have the ability to have more control over enforcement now that we have the bed limit and distance limit in our code.

Bower moved, seconded by Teal, that Ordinance No. 2018-024 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

[ORD 2018-025](#)

Ordinance Repealing and Reenacting Chapter 9.22 of the Castle Rock Municipal Code Concerning Cigarette, Tobacco and Nicotine Products (First Reading)

Assistant Town Attorney Elizabeth Allen presented this item. She passed out examples of the vape pens for Council to see. Allen provided an overview of the components of vape pens. She provided a history of the vape pens starting out as a tool for smokers to use in place of cigarettes. She then showed pictures of popular vape pens that are disguised as common objects that students use to hide their use and possession. The intent is to modernize our definition of tobacco

and align with statute to include these electronic devices.

Mayor Green asked if the SRO's may now be able to enforce this with students. Allen confirmed that and that schools will be notified and the intent is to have it in place by the time school starts. Allen stated that some of these devices allow them to create their own mixtures.

Teal moved, seconded by Loban, that Ordinance No. 2018-025 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

ORD 2018-026 Ordinance Proposing Amendments to the Town of Castle Rock Home Rule Charter and Referring to the Electorate the Questions of Approving the Charter Amendments at the Regular Municipal Election Conducted as a Coordinated Election on November 6, 2018 (First Reading)

Town Attorney Bob Slentz presented Charter Amendments for the November 6, 2018 regular election:

- A - Mayor may not serve as Town Manager while on Council
- B - Mayor defers administrative duties to the Town Manager
- C - Election Commission is appointed at the same time as other B&Cs
- D - Mayor has same voting authority as Councilmembers
- E - Mayor must vote on all items
- F - Mayor may recuse themselves if there is a conflict of interest
- G - Mayor may be recalled

Councilmember Loban has been asked about term limits. Slentz stated they are separate offices and could serve on Council and Mayor alternatively. Teal stated it was defined in the initiative. Slentz feels it is an important issue and should be addressed next year. Teal stated he feels these are consistent with the initiative and easily understandable.

Townsend moved, seconded by Bower, that Ordinance No. 2018-026 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

ORD 2018-027 Ordinance Directing that the November 2018 Regular Municipal Election of the Town of Castle Rock be Conducted by Douglas County as a Coordinated Election on November 6, 2018 (First Reading)

Town Attorney Bob Slentz stated this ordinance provides clarity that the regular election will be held as part of the coordinated election with the County.

Townsend moved, seconded by Teal, that Ordinance No. 2018-027 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

ORD 2018-028 Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Castle Rock, Colorado, to be known as Town of Castle Rock Festival Park Commons General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; Providing Other Details Relating Thereto; and Providing for its Emergency Adoption on Second and Final Reading (First Reading) [*location of current Town Hall parking lot and adjacent properties*]

Town Attorney Bob Slentz stated this ordinance created the Festival Commons General Improvement District (GID). The initial district boundaries are two parcels and the remaining pieces can be incorporated by amendment into the district boundaries. The Town Clerk has received the petition to create the district. A GID is to develop/maintain public improvements which in this case would be the public parking spaces in the parking garage. We are moving forward with this to allow us to have a TABOR election in November as they can only take place in November. The Council serves as the Board and will approve the ballot question on September 4. The property owner is the only voter on this measure.

Councilmember Teal stated they have a limited amount of owners as the constituency for this GID. Will there be additional property owners in the future when the condominiums are sold and the Council will continue to serve as the Board. Slentz confirmed that and that they will set the mill levy each year.

Bower moved, seconded by Teal, that Ordinance 2018-028 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

RES 2018-065 Resolution Approving the Town of Castle Rock Fire and Rescue Department Amended 2016-2019 Strategic Plan

Acting Fire Chief Norris Croom updated Council on their strategic goals. Goal 1 - maintain accreditation, 2 - community wildfire protection plan, 3 - open station 152, 4 - finalize plan, 5 - public education program, 6 - Fire training center.

Loban moved, seconded by Green, that Resolution No. 2018-065 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

RES 2018-066 Resolution Approving the Town of Castle Rock Fire and Rescue Department Community Risk Assessment and Standards of Cover 2018 Update

Acting Fire Chief Norris Croom stated this is what defines risks and their level of service and establish performance baselines and benchmarks and provides recommendations for continuous improvement.

Councilmember Loban commended the Fire department for their work on this. Teal asked if there is a need for another fire station. Croom stated that it is based on growth. Corliss stated the impact fee report will be brought forward in August which includes the Fire Capital Fund. The impact fees would help build future stations needed. Teal would like to see a modeling of projected growth during the budget workshop.

Loban moved, seconded by Teal, that Resolution No. 2018-066 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

[RES 2018-067](#) Resolution Approving the First Amendment to Service Plan for Hillside at Castle Rock Metropolitan *District [northwest of the intersection at Coachline Rd and Wolfensberger Rd]*

Town Attorney Bob Slentz presented the first amendment to the Hillside Metro District Service Plan. It is the smallest metro district in Castle Rock. It was initially approved in 2016 and the amendment is to bring the financial parameters up to current projections. 50 Mill debt service and 10 Mill operational cap. The project anticipated to move forward in 2019 and this is a request to increase debt authorization.

Councilmember Teal stated when they looked at the service plan in 2016 and questioned the high mill levy. Slentz stated that this is not the highest mill levy and stated that it is an average mill levy. Lanterns will be presenting 62 mills in August, Crystal Valley is 60 mills, and Founders is 70 mills. Loban stated this is a self-imposed situation that pays for the infrastructure.

Townsend moved, seconded by Bower, that Resolution No. 2018-067 be Approved as presented. The motion passed by the following vote:

Yes: 4 - Loban, Townsend, Green, Bower

No: 1 - Teal

Not Present: 2 - Valentine, Ford

[RES 2018-068](#) Resolution Approving the Purchase of Douglas County WISE Reservation Water

Castle Rock Water Director Mark Marlowe stated we started receiving WISE water in April and propose to secure additional WISE water. In 2013 Aurora and Denver offered 10,000 acre feet and Douglas County reserved some of that. We are proposing to purchase 1,137.5 acre feet that would be paid for by growth. This is renewable and reusable water. If approved, we would apply to Douglas County and ask them to waive the reservation fee they had to pay over the last four years totaling about \$200,000. We would have a one time payment to put the water

supply in place and an operational cost covered by growth by collecting system development fees. A budget amendment would be needed of \$2.1 million if the county doesn't waive the reservation fee. An operation budget adjustment is also needed and increased system development fees. They would need to modify the water delivery agreement and start receiving it in 2019.

Councilmember Loban asked if this is an annual purchase every year. Marlowe stated the \$1.8 million is a capital expenditure to secure that water. The cost of that water is \$7.50/1,000 gallons. Average cost is \$4.50/1,000 gallons. Loban asked what the future cost of the water would be. Marlowe stated they would add to their renewable water percentage. If other entities don't act, there may be opportunity for us to acquire more.

Bower moved, seconded by Teal, that Resolution No. 2018-068 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Green read a bible passage and adjourned the meeting at 8:09pm.