



Town Council Meeting Minutes - Draft

Mayor Jason Gray
Mayor Pro Tem Jason Bower
Councilmember Jess Loban
Councilmember James Townsend
Councilmember Kevin Bracken
Councilmember Caryn Johnson
Councilmember George Teal

Tuesday, July 21, 2020

6:00 PM

Town Hall Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting #: 146 366 4046
www.CRgov.com/July21Council

This meeting is open to the public and will be held in a virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred - remote participation is encouraged. This meeting will be hosted online and can be accessed at www.CRgov.com/July21Council, or phone in by calling (720) 650-7664, meeting code 146 366 4046. All Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

All times indicated on the agenda are approximate. Remote participants please visit www.CRgov.com/CouncilComments to sign up to speak to an item, and for related instructions. Public Comments may also be submitted in writing online by 1:00 p.m. July 21, 2020, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Wayne Hanson, Summit Church

CALL TO ORDER / ROLL CALL

Present: 6 - Councilmember Loban, Councilmember Bracken, Mayor Pro Tem Bower, Councilmember Johnson, Mayor Gray, Councilmember Teal

Not Present: 1 - Councilmember Townsend

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

NOTE: Councilmembers Loban and Johnson, and Mayor Pro Tem Bower attended remotely. Councilmember Townsend was absent.

Councilmember Loban announced that he will not be running for Council. He will be resigning effective August 31st as he and his family are moving out of state. Loban requests appointing Ryan Hollingshead to fill the vacancy.

David Corliss, Town Manager, stated on behalf of the Town staff and himself, he personally thanked Loban for his service to the Town of Castle Rock. Corliss noted that Town Council has discretion to appoint someone to fill the vacancy or wait until the results of the November 3, 2020 election.

Mayor Gray thanked Councilmember Loban for his service to the Town.

Councilmember Bracken wished Loban and his family the best of luck and thanked him for his service and taking issues head on. He also spoke in favor of Ryan Hollingshead to be appointed to the vacancy and shared information about his involvement at Castle View High School and the Sister Cities program. Bracken feels District 1 residents deserve representation up until the election.

Councilmember Teal said he would miss Loban and stated they have done a lot of good work together. Teal wished Loban good luck to him and his family.

Councilmember Johnson wished Loban's family the best of luck. She appreciates all the work he has been able to do. Johnson added that her and her husband had a wreck on their tandem bike and that they are both doing pretty well, but she did sustain some fractures so will be recovering at home.

Mayor Pro Tem Bower enjoyed serving with Loban over the past 4 years, appreciated his perspective and the work he has done for the Town and wished his family good luck. He wished Councilmember Johnson best wishes for her recovery.

Mayor Gray noted that the citizens are supporting our local businesses and that the businesses appreciate it.

Present: 6 - Councilmember Loban, Councilmember Bracken, Mayor Pro Tem Bower, Councilmember Johnson, Mayor Gray, Councilmember Teal

Not Present: 1 - Councilmember Townsend

[PROC
2020-011](#)

Proclamation: Human Rights *[For Presentation - Approved on July 7, 2020 by a vote of 7-0]*

Mayor Pro Tem Bower read the proclamation into the record.

[PROC
2020-012](#)

Proclamation: Ducky Derby Month *[For Presentation - Approved on July 7, 2020 by a vote of 7-0]*

Mayor Gray read the proclamation into the record. The "Duck" showed up to the meeting to accept the proclamation and took a photo with Council.

[PROC
2020-013](#)

Proclamation: My Water Pledge, Mayor's Challenge *[For Presentation - Approved on July 7, 2020 by a vote of 7-0]*

Mayor Gray read the proclamation into the record.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Nathan and Selenia provided a short presentation on their business Meraki Solutions.

Will Heikes, non-resident, stated he has been involved in two petitions - one with 171 signatures and one with over 800 signatures. He proposes a Resolution that if the Town receives a petition with over 25 signatures that it warrants a response.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, reminded Council that their next meeting will be on August 18th.

[ID 2020-076](#) **Update: Second Quarter Major Projects**

[ID 2020-077](#) **Update: Monthly Department Reports**

[ID 2020-078](#) **Update: Quasi-Judicial Projects**

[ID 2020-079](#) **Development Services Projects Updates**

The Candidate Orientation will be in person at the Mill House on August 6th at 6pm. He stated the Candidates should contact the Town Clerk and information is on our website. Town Council may also attend.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Councilmember Loban, seconded by Councilmember Johnson, to Accept the Agenda as presented. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

CONSENT CALENDAR

[RES 2020-062](#) **Resolution Assigning and Transferring to Douglas County Housing Partnership All of the Town of Castle Rock's 2020 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds; and Authorizing the Execution and Delivery of an Assignment and Other Documents in Connection Therewith**

[ORD 2020-008](#) **Ordinance Approving the Second Amendment to the 2020 Budget by Making Supplemental Appropriations for 2020 and Authorizing Changes for Year 2020 (Second Reading - Approved on First Reading on July 7, 2020 by a vote of 7-0)**

[RES 2020-063](#) **Resolution Approving an Intergovernmental Agreement For Wastewater Capacity Reservation Between the Town of Castle Rock and the Silver Heights Water and Sanitation District**

[RES 2020-064](#) **Resolution Approving a Construction Contract with Velocity Constructors, Inc. for the Construction of the Metering and Control Facilities as Part of the Well CR-81 Project** *[located near the Parks Service Center at the end of Caprice Street]*

[RES 2020-065](#) **Resolution Approving the First Amendment to the Water Rights Lease Between the Town of Castle Rock and Turnpike, LLC** *[located in Weld County adjacent to Lost Creek Basin wells]*

[MIN 2020-013](#) **Minutes: July 7, 2020 Town Council Meeting and July 14, 2020 Special Town Council Meeting** *[added July 17, 2020]*

Moved by Councilmember Teal, seconded by Councilmember Loban to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

QUASI JUDICIAL HEARINGS

[ORD 2020-009](#) **Ordinance Annexing to the Town of Castle Rock, Colorado, Four Parcels Totaling 199.33 Acres Located in all or Portions of Southeast ¼ of the Southwest ¼ Section 32, the Southwest ¼ of the Southwest ¼ Section 33, Township 7 South, Range 66 West of the 6th Prime Meridian, the West Half of Northwest ¼ Section 4, North Half of the Northeast 1/4 Section 5 and the Northeast ¼ of the Northwest ¼ Section 5, Township 8 South, Range 66 West of the 6th Prime Meridian, County of Douglas, State of Colorado** *[Gateway Mesa Annexation] (First Reading)*

Mayor Gray read the quasi-judicial script. No members of Town Council stated any conflict of interest. Lisa Anderson, Town Clerk, confirmed the items were properly published. Ordinance 2020-009 and Ordinance 2020-010 will be presented together and public comment will be taken on both items but voted on separately.

Tara Vargish, Director of Development Services, provided an overview of the annexation. The Town owns the parcel which is east of Highway 86 and is 199 acres in unincorporated Douglas County. It is surrounded by Hidden Mesa Open Space, A1 Agricultural County properties, and the Bella Mesa planned development. The Town purchased the property in 1999 to use for open space. A conservation easement was placed on the property to limit development. It is adjacent to our boundary and connects to the open spaces in that area. The objective is to pull it into the Town jurisdiction and under our Code. There are no plans to change the use on this property. It is currently zoned A1 Agricultural that allows some development. Staff recommends rezoning the property to Public Land 2 (PL2) that primary uses are open space, trails and associated facilities. It meets the requirements of the applicable statutes and Code. Planning

Commission voted 7-0 to recommend approval of the annexation and the PL2 zoning.

No questions from Council or public comment.

Moved by Councilmember Teal, seconded by Councilmember Bracken, that Quasi-Judicial Ordinance 2020-009 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

[ORD 2020-010](#) Ordinance Amending the Town's Zone District Map by Approving a Change of Zone to PL-2 Public Land in the Gateway Mesa Annexation Area (First Reading)

Moved by Councilmember Teal, seconded by Councilmember Bracken, that Quasi-Judicial Ordinance 2020-010 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ID 2020-080](#) Presentation of the 2019 Comprehensive Annual Financial Report (CAFR) and 2019 Popular Annual Financial Report (PAFR)

Christie Guthrie, Accounting Manager, presented the 2019 Audited Financial Statements and reported on major Federal awards received this year as well. Guthrie introduced the BKD Auditing Firm that provided a summary of their process and the audit.

Councilmember Teal stated that he attended the Audit Committee meeting to go over the audit. He feels BDK is an excellent organization that he has the opportunity to work with many times in business. Teal recommends that they adopt this audit.

No public comment.

[RES 2020-066](#) Resolution Approving the Second Amended and Restated Consolidated Service Plan for Crystal Valley Metropolitan District Nos. 1 and 2

Mike Hyman, Town Attorney, stated the Special District Control Act grants the Town jurisdiction over the service plan approvals and material modifications for the Metro Districts located in their boundaries. They received a petition for Metro Districts 1 and 2 for an amendment to their consolidated service plan for refinancing of their outstanding debt.

Kristin Bear, attorney for Metro District 1 and 2 in Crystal Valley, provided a presentation of their proposed amendment to the service plan. District 2 contains

all of the developed area and residents. The original Service Plan was approved in August 1986 to finance, construct, operate and maintain certain improvements and was amended in 2014 to restructure debt. Creig Veldhuizen, Municipal Advisor from Piper Sandler, gave an overview of their process and proposal.

Mayor Gray stated Council has taken a more hands on approach and asked if there are any drawbacks to the proposal. Veldhuizen replied that they propose stretching the payments out longer, which is a decision between tax relief or paying it off sooner.

Citizens that addressed Council:

Brian Bates, resident of Crystal Valley, opposes the proposal which extends payments for 12 more years and stated the residents haven't been provided information.

John Topolnicki, resident of Crystal Valley, asked Council to delay the decision for another month to allow them to evaluate the information. He stated he is in favor of getting a lower bond rate, but objects to reimbursing developers and adding to the debt.

Richard Brust, resident, stated he feels some of the benefits presented are not correct and requests postponement to allow time to evaluate it.

Jim Bryant, resident of Crystal Valley, was involved in the refinancing in 2014, and he feels the residents should approve this prior to taking it to Council.

Mark Turner, resident of Crystal Valley for 14 years and member of the Metro District Board and the HOA, supports the proposal. He relayed that they held meetings for residents with few in attendance.

Matt Katona, resident and Metro District Board member, supports the amendment and feels it benefits the residents with tax savings and control of the clubhouse and amenities. He submitted resident's signatures supporting the proposal.

The Mayor noted that online public comments submitted were made part of the record.

Councilmember Teal stated he resides in this metro district and supports reducing taxes. There are three residents that have reached out to him in opposition, and all other comments he received were in support. He feels the developers have become good neighbors. The residential district board is requesting to refinance the mortgage on our neighborhood at a lower rate and lower the mill levy. Teal asks Council to support approval.

Councilmember Johnson stated that she is on the Metro District Board for Castlewood Ranch and they recently refinanced their bonds to take advantage of lower rates, and their residents were interested in lower tax rates.

Councilmember Bracken stated the Meadows has a robust Metro District and he wished there was a ceiling and knows the Meadows would like to do the same if

they were able to. He feels working the debt down is a good idea.

Mayor Pro Tem Bower asked staff what the drawback would be to delay the vote. David Corliss, Town Manager, stated the delay is market risk and interest rate change. Mike Hyman, Town Attorney, feels the key risk is the market. Bower feels refinancing to a low rate is a good choice.

Moved by Councilmember Teal, seconded by Councilmember Johnson, that Resolution 2020-066 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

[DIR 2020-027](#)

Introduction/Discussion: Consideration of Police Officers to participate in the Fire and Police Pension Association of Colorado

David Corliss, Town Manager, stated budget sets the priorities. The recommended 2021 budget will show this proposal as one of the top priorities. The resolution approving this will happen after the budget is adopted to participate in the program.

Jack Cauley, Police Chief, provided an overview of why it is important to join FPPA to attract and retain good police officers. We have a great, supportive community which is one of the main reasons officers want to work here. We have state of the art technology, and this is the driving piece of the puzzle. The job is physically and psychologically demanding and he feels it is the most stressful, challenging and complex time. Over 200 police and fire agencies participate in this program. The Fire department participates in FPPA, and the rest of the employees participate in ICMA. The Police department cannot opt out of Social Security, but current police officers can choose to participate in FPPA or can remain with ICMA. New officers would automatically participate in FPPA. Denver, Aurora, Colorado Springs, Parker, and Lone Tree all participate in FPPA, and they have lost officers to those agencies due to this benefit.

Councilmember Teal asked what the cost is to participate in this program. Cauley presented that officers contribute 13.25% and the Town contributes 16.25% to ICMA, Social Security and Medicare. If officers join FPPA, police would contribute 20.85% for FPPA, Affiliation Fee, Social Security and Medicare. The Town would contribute 17.85% for FPPA, Affiliation Fee, Social Security and Medicare. Beginning in 2021, the Town FPPA contributions would increase 0.5% per year until 2030.

Councilmember Bracken asked if it affects the salary. Cauley stated they would get their normal pay increases. However, they would be contributing more, but would be saving more for retirement.

Cauley stated if directed, staff would prepare a Resolution for Council consideration. Estimated costs would increase by approximately \$176,778 in 2021 with a .5% increase per year until 2030.

Councilmember Teal noted that a couple of years ago, officers voted to remain

with ICMA. Cauley stated that this is a new opportunity. Last time there was not an option to opt out and some of the senior officers were not supportive. It also was not the full plan like this and had limited benefits.

Councilmember Bracken asked for an example of how this affects officers. Cauley stated the ICMA is market driven. The FPPA will show exactly what their benefit will be in 25 years and that staff recommends approval.

No public comment.

Mayor Gray wants to direct staff to add this to the budget.

Consensus of Council to add this to the budget and prepare a Resolution for approval.

[RES 2020-067](#) **Resolution Approving the Town of Castle Rock Design Services Agreement with Short Elliott Hendrickson, Inc. for the Colorado Front Range Trail at Castle Rock**

Jeff Brauer, Director of Parks and Recreation, provided an overview of the Front Range Trail project to create a trail from New Mexico to Wyoming. The Town was awarded a \$2M grant for the construction of the three remaining trail segments - Lanterns 1.7 miles, Terrain 2.7 miles, and Cobblestone Ranch .6 miles for a total of 5 miles of trail. This is funded through the Conservation Trust Fund. Design will continue through September 2021. They received 8 proposals and ranked them based on criteria.

No public comment.

Mayor Gray asked when the completion is planned. Brauer stated they will be working on construction in 2022 and estimate completion by 2022 year end.

Moved by Councilmember Teal, seconded by Councilmember Bracken, that Resolution 2020-067 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

[DIR 2020-028](#) **Discussion/Direction: Public Health Department**

Matt Gohl, reported that Douglas County has communicated that they wish to form a County Health department. Gohl stated that staff does not recommend asking Castle Rock voters for a mill levy to fund our own health department, but that we work with Douglas County on their effort. Gohl provided the report as part of the packet.

Councilmember Bracken asked if the County Commissioners are not going to be with Tri County Health, would Castle Rock have representation if we stayed under Tri County. Corliss stated that the removal of Douglas County from Tri County will take approximately a year to accomplish. The State determines if the variances are granted to certain health departments (whether it is Tri County, Douglas

County or Town health department). If the Town wanted a variance, it would go to the County, then Tri County, and then to the State.

Councilmember Johnson is concerned about the potential financial burden if Douglas County creates their own health department and does not support raising taxes to do that.

Mayor Gray stated if or when Douglas County created their own health department, we would be joining them and we have asked to be involved with that process.

Councilmember Teal feels we should pursue discussions with Douglas County as they establish a new health department to include representation of Town and Town interests.

No public comment.

[DIR 2020-029](#)

Discussion/Direction: Face Covering Communications and Potential Giveaway

Kristin Read, Assistant Town Manager, provided a follow up from the last Council meeting. Staff created a draft communication plan, but suggests pausing it until the State mandatory mask order expires. They explored the cost and need for a face covering giveaway. Reusable branded masks would cost \$3.95 each, unbranded would be \$2.95, and disposable masks could be obtained for \$0.52 each. Roughly 70 businesses responded and preferred disposable masks. The City of Castle Pines gave away 8,000 masks, and staff suggests giving away 50,000 masks at a cost of \$26,250 which should be reimbursable under the CARES Act. It would take a couple of weeks to obtain the masks and communicate the program.

Councilmember Johnson asked why the Town would want to delay the education program on the masks. Read stated the Council direction was to emphasize that masks were a choice, and that conflicts with the current orders. Johnson inquired if we would be providing masks to residents. Read stated they are open to Council direction.

Councilmember Bracken feels we should table the education piece until after the order is lifted since everyone is now required to wear them. He is fine with ordering masks and seeking reimbursement from the CARES funding. Corliss stated there is some labor involved in the logistics for businesses to come to Townhall to pick them up. Our intention is to get them to smaller businesses, and we have them here at Townhall for citizens. Bracken feels we should give staff discretion on disbursing them.

Councilmember Teal asked about ordering masks. Read stated the disposable masks are in stock and can be obtained pretty quickly.

No public comment.

Mayor Gray noted that an online comment was received and made part of the record.

Councilmember Teal doesn't feel messaging is necessary since they are required, but if it expires, it may be worth discussing at that point. Teal is in favor of the medical grade masks, but is concerned about the logistics of distribution and we may end up with excess masks.

Bracken recommends a smaller purchase and order more if needed. Teal concurs.

Mayor Pro Tem Bower doesn't feel the education piece is necessary, and feels it is a nice gesture to have them available for free. He feels the disposable masks may not be desirable and is finding many of them thrown on the ground.

Councilmember Johnson clarified that the direction is to hold off on the education and revisit on August 18, and staff will purchase some disposable masks and see if there is a demand for more.

Moved by Councilmember Bracken, seconded by Councilmember Teal, to Direct Staff to order masks with discretion on how to distribute, and revisit the educational piece on August 18. The motion passed by the following vote:

Yes: 4 - Bracken, Johnson, Gray, Teal

No: 2 - Loban, Bower

Not Present: 1 - Townsend

[ORD 2020-011](#) **Ordinance Directing that the November 3, 2020, Regular Municipal Election of the Town of Castle Rock Be Conducted By Douglas County as a Coordinated Election and Authorizing Approval of the Intergovernmental Agreement (First Reading)**

Lisa Anderson, Town Clerk, stated this is the standard IGA we sign for coordinating elections with the County. She noted that there is an increase in the per registered voter rate from .80 to \$1 per registered voter.

No public comment.

Moved by Councilmember Teal, seconded by Councilmember Johnson, that Ordinance 2020-011 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

[RES 2020-068](#) **Resolution Approving the Second Amendment to the Service Agreement for the Plum Creek Parkway Widening and Roundabout Project**

Dan Sailer, Director of Public Works, provided an overview of this item.

Councilmember Teal asked what is causing the increases in the budget. Sailer

stated there were several unanticipated elements including a temporary signal design, revisions to the retaining wall design, legal descriptions required, revision to water quality pond, some revised striping plans, rapid flashing beacons, revision of lighting plan, offsite drainage design, and the new state requirement for subsurface utility engineering.

Councilmember Johnson asked staff to address some buckling of the sidewalks in that area.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Teal, that Resolution 2020-068 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

Councilmember Bracken asked to open a discussion regarding Councilmember Loban leaving. Bracken asked Loban if he had any further comments regarding the appointment of Hollingshead to complete his term. Loban stated he would support the idea. Corliss stated Council has authority to decide how they want to proceed. Mayor Gray feels we should look into it further.

Moved by Councilmember Loban, seconded by Councilmember Teal, to Discuss the Vacancy for District 1 on August 18. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

ADJOURN

Moved by Councilmember Bracken, seconded by Councilmember Teal, to Adjourn. The motion passed by the following vote:

Yes: 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

Not Present: 1 - Townsend

ADJOURN

Meeting Adjourned at 9:30 pm.

Submitted by:

Lisa Anderson, Town Clerk