



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, March 6, 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 - Shawn Young, Cornerstone Presbyterian Church

CALL TO ORDER / ROLL CALL

Mayor Green called the meeting to order at 6:04 pm.

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

Not Present: 1 - Council Member Townsend

PLEDGE OF ALLEGIANCE - Cub Scouts Pack 262

COUNCIL COMMENTS

[APPT
2018-003](#)

Appointment: Public Art Commission

Bower moved, seconded by Loban, to appoint Sydney Ludwick to the Public Art Commission for a partial term, ending May 31, 2018. The motion passed by the following vote:

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

Not Present: 1 - Townsend

UNSCHEDULED PUBLIC APPEARANCES

The following citizens addressed Council:

Donna Pratt passed out Exhibit A regarding Woodlands Recreation Center with pictures of problems with the pool and a petition with 52 signatures. Her issues were that the pool needs to be cleaned up, lifeguards did not respond when she fell, and the water is not tested every 2 hours. Pratt stated that there are more that attend Woodlands vs. the Mac.

Tom Karges passed out Exhibit B which was a petition regarding the condition of the leisure pool with about 75 signatures. Karges stated that the bottom of the pool is peeling. The MAC is beautiful and not very busy but not designed for therapy. He stated the pool temperature is still not reliable.

The following non-residents addressed Council:

Mark Michael spoke as the incoming chair for the Chamber of Commerce. As of today, the Chamber has become an accredited Chamber as one of only two in Colorado to have this accreditation. Michael stated the talent pipeline for Douglas County has trouble with recruiting highly talented and motivated workers. They will kick off a program when ACC Collaboration Campus is built to connect work with learning, from theory to practice.

Mayor Green congratulated the Chamber on their Accreditation.

Mayor Green asked Director of Parks and Recreation Jeff Brauer to address the citizen concerns. Brauer stated the boiler is scheduled to be replaced during annual shut down. Aquatic staff did a detailed review and have scheduled work for improvement including drywall and surfaces. Facilities Management will address the air temperature to maintain consistent air and water temperature. The bottom of the pool will be completed during the annual shut down.

TOWN MANAGER'S REPORT

[ID 2018-023](#)

Department Update: Development Services Project Updates

[ID 2018-024](#)

Update: Quasi-Judicial Projects

[ID 2018-025](#)

Update: Legislative Update

Town Manager David Corliss stated that staff would like to have an Executive Session during dinner prior to the April 3, 2018 Town Council meeting regarding the Festival Park Commons which has plans to triple the number of public parking spaces.

TOWN ATTORNEY'S REPORT

Town Attorney Bob Slentz addressed the prior question regarding the prohibition for a candidate to run for both Councilmember and Mayor per Title 1 of the State statute.

Councilmember Ford asked if a candidate could run for Mayor and Councilmember or if a current Councilmember could run for Mayor. Slentz stated he will address that at a future Council meeting.

ACCEPTANCE OF AGENDA

Mayor Green addressed citizens regarding Item 26 on the Animal Code item and asked Council if they wanted to limit the public comment to 1 hour in the interest of addressing other Town business.

Council consensus to not place a limit on public comment.

CONSENT CALENDAR

Mayor Green read all the items into the record from the Consent Calendar.

- [MIN 2018-003](#) **Minutes: January 16, 2018 and February 6, 2018 Town Council Meeting**
- [ID 2018-022](#) **Award of Contracts for the 2018 Pavement Maintenance Program, and Capital Improvement Projects**
- [RES 2018-017](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and PLM Asphalt & Concrete Inc. for the 2018 Asphalt Overlay, and Full Depth Reclamation Project**
- [RES 2018-018](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and Schmidt Construction Company for the 2018 Lantern Trail Reconstruction**
- [RES 2018-019](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and PLM Asphalt & Concrete Inc. for the 2018 Wagonwheel Trail Reconstruction Project**
- [RES 2018-020](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and Silva Construction Inc. for the 2018 Curb, Gutter, and Sidewalk Replacement Project**
- [RES 2018-021](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and PLM Asphalt & Concrete Inc. for the 2018 Wilcox Concrete Pavement Restoration Project**
- [RES 2018-022](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and Sabell's Enterprises LLLP for the 2018 Meadows Boulevard Concrete Pavement Restoration Project**
- [RES 2018-023](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and Vance Brothers Inc. for the 2018 Slurry Seal Project**
- [RES 2018-024](#) **Resolution Approving the Construction Contract between the Town of Castle Rock and Avery Asphalt Inc. for the 2018 Crack Seal and Mastic Project**
- [RES 2018-025](#) **Resolution Authorizing the Town Manager and Finance Director to Reallocate Approved Funds for the Pavement Maintenance Program**
- [RES 2018-026](#) **Resolution Adopting the Source Water Protection Plan**

[RES 2018-027](#) **Resolution: Approving the Town of Castle Rock/Turnpike LLC
Agricultural Water Lease Agreement**

[RES 2018-028](#) **Resolution Approving the Town of Castle Rock/H&H Farm
Agriculture Water Lease Agreement**

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

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

Not Present: 1 - Townsend

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ID 2018-020](#) **Discussion/Direction: Master Magnetics, Inc. Public Incentive
Agreement**

Frank Gray and Marcus Nothiesen from the Economic Development Council gave a background on Master Magnetics, Inc. Their products are purchased outside of Castle Rock and the income comes back to Castle Rock which drives the local economy. They feel we should support a long-standing Castle Rock company that is expanding their business. All operations and headquarters will be in Castle Rock.

Marcus Nothiesen gave a background of Master Magnetics, that they established in Castle Rock in 1976 when the population was less than 3,000. They have 2,000 unique magnet products. One product they manufacture are Moo Magnets that are used for cattle. They have 15M magnets, 66 employees in Castle Rock and 19 employees in Elbert. 64% live in Douglas County and the rest live in Castle Rock. Their current buildings were built in 1976, 1978, 1988, 1996 and 2016. Expansion was planned outside of Castle Rock, so the Economic Development Council had discussions with them to find a location to expand within Castle Rock. They entered into a 2012 Incentive Agreement that was postponed to 2016 where only a portion of the incentive was received; and a portion was postponed for this next opportunity. They will relocate all of their Colorado facilities to Atchison Court on the west side of the industrial park (the former New World Millworks). It is a 99,000 square foot facility representing 9% of the entire industrial product. They request an incentive of \$3,000 per job created, relocated and retained employees paid out over two years not to exceed \$300,000. They will not receive permit or fee rebates.

Mayor Green asked when they will occupy the new building. Nothiesen replied that they are under contract now with a 60 day due diligence.

Councilmember Ford asked how much is incentive. Nothiesen answered that they expect to grow by 8% and move 19 employees from Elbert County. They plan for 15 new employees, 16 employees relocated, and 66 retained employees.

Councilmember Ford inquired about what will happen with the vacant buildings. Nothiesen stated their vacancy rates for industrial product is low and they feel

they will be able to fill those.

Councilmember Ford asked them to describe the \$3,000 incentive structure. Gray replied that if they don't produce the jobs, they don't get paid for them. Those jobs are verified with the Town and get paid at the end of year one and the end of year two. Nothiesen stated they would not accept a job that was created a month before a deadline as they need to be in place for the full year to benefit the Town.

Councilmember Bower thanked Master Magnets for their contribution to the community. The \$30,000 that was paid out in the last two years already on the other building and would like to see that come back in a credit.

Councilmember Loban asked if it is normal to have incentive on the previous building. Gray replied that because permit and fee waiver on previous agreement, they removed the fee and permit fee on this agreement.

Councilmember Loban asked how many new jobs are anticipated in Castle Rock. Nothiesen replied a total of 100 jobs with an increase of 34 jobs.

Councilmember Bower asked what the average income would be. Gray stated it is close to the \$64,000 average Douglas County income.

Councilmember Loban asked how the Town benefits. Gray replied that it is two to three times the employment base because they are bringing outside money into the community.

Pam Ridler, President and CEO of the Castle Rock Chamber of Commerce congratulated Jennifer from Master Magnetics being nominated for Business Person of the Year.

Christi Bolton, resident, stated that manufacturing employment gives people discretionary money that is used in the community and supports Master Magnetics.

James Townsend arrived at 6:55 pm prior to the vote for item 19 regarding Master Magnetics.

Loban moved, seconded by Teal, to direct staff to put together a public incentive agreement for Master Magnetics as discussed. The motion passed by the following vote:

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

ID 2018-021 Approval of Special Charter Election (Mayor At Large) Mailers

Deputy Town Manager briefed Town Council on the mailer and the timeframe for the mailer and ballots.

Teal moved, seconded by Townsend to direct staff to send out the mailer as presented. The motion passed by the following vote:

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

RES 2018-014 Resolution Approving the Town of Castle Rock and Parker Water and Sanitation District Wheeling Agreement

Castle Rock Water Director Mark Marlowe stated this is the last thing to do in order to start receiving WISE water in April. The agreement with Parker Water and Sanitation will cover the infrastructure to connect us to the WISE water and in the future Box Elder water and Rueter-Hess water. Parker will operate and maintain infrastructure and capital costs which will go on into perpetuity. We will build our parallel lines budgeted for 2020 which will be the final big piece of infrastructure. Castle Rock Water Commission and staff recommend approval.

Bower moved, seconded by Green, that Resolution 2018-014 be Approved as presented. The motion passed by the following vote:

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

RES 2018-015 Resolution Adopting the 2018 Water Use Management Plan

Mayor Green stated that the next three items will be presented as one presentation, but each item will be voted on separately.

Castle Rock Water Director Mark Marlowe stated that they are recommending changes to the Water Use Management Plan and to maintain the three-day watering schedule split between the east side and west side of the I-25, bring back Water Wiser refresher every 5 years, and suggest not doing irrigation exemptions in August which is the hottest and driest month. They are asking to reduce exemptions for sod and seed, increase non-residential violations with education, and have registration requirements expanded to contractors. They held an open house with 75 attendees and received positive feedback. They presented the plan to the Planning Commission, Developers Round Table and Castle Rock Water Commission who recommend approval along with staff.

Councilmember Loban asked if residential could be on a regular schedule vs. a rotating schedule. Marlowe stated they could look at doing that in 2019 and added that staff is happy to help program the watering timers.

The following residents addressed Council:

John Jacobas from District 3 stated the HOAs require you to have a green lawn, but during times of drought should be exempt.

James Decker from District 6 suggests the Town areas should have buffalo grass planted that takes less water.

Marlowe stated that the penalties increase with each violation up to 5 violations and then can shut off the water and that buffalo grass on public areas is a great idea. They do require hybrids to be used in those areas. Mayor Green confirmed that public areas are usually right-of-ways.

Valentine moved, seconded by Ford, that Resolution 2018-015 be Approved as presented. The motion passed by the following vote:

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

ORD 2018-005 Ordinance Amending Sections 13.15.010, 13.15.020 and 13.15.030 of the Castle Rock Municipal Code Concerning Water Restrictions (First Reading)

Castle Rock Water Director Mark Marlowe stated this is a clean up to code changes to be consistent with the Water Use Management Plan with definitions and how the alternative schedule works.

Mayor Green confirmed that last year was the first time we had restrictions extended to HOAs.

Loban moved, seconded by Bower, that Ordinance 2018-005 be Approved as presented. The motion passed by the following vote:

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

ORD 2018-006 Ordinance Amending Section 15.48.010 of the Castle Rock Municipal Code by Adopting by Reference as a Primary Code the 2018 Landscape and Irrigation Performance Standards and Criteria Manual (First Reading)

Castle Rock Water Director Mark Marlowe stated this primarily applies to new development going forward. They worked with the community, Water Commission and other departments to look at the landscape criteria moving to Coloradoscape. Douglas County hit a moderate drought last weekend. They no longer allow Kentucky blue grass for residential new construction and will now require only hybrid grasses which are 50% more efficient. They also now will require smart irrigation controllers for new residential construction, and that contractors are tested and registered, and not allowing irrigation on islands, medians, and roundabouts and expanded turf limitations.

Councilmember Townsend asked if there is a noticeable difference between Kentucky Blue Grass vs. the hybrid grasses. Marlowe stated it is ensuring you use the right amount of irrigation and maintained appropriately. This is for new residential development.

The following citizens addressed Council:

Jeff Oxley is a landscape contractor out of Golden and is supportive of landscape standards, but the registered landscape professional is difficult to achieve. Contractors have five projects in the Promenade area and are now required to have a registered landscape professional on site at all times. It is not possible. The test has a prerequisite test in order to be able to be eligible to take the water test. The test is not administered in Spanish, and can take 1-2 years to achieve. Mowing grass would require a registered landscape professional to be present.

Deb Nab asked if there will be any rebates or incentives. Loban stated that will be the next item.

Marlowe asked Rick Shultz to address the question. Shultz stated there is a misunderstanding about the intent of the registration program. Not everyone on the crew has to be registered and mowers do not need to be registered. They want to ensure the people overseeing the project are familiar with the regulations and the Water Use Management Plan, inspections and permitting. Shultz will meet with Mr. Oxley offline.

Councilmember Townsend asked if staff could report back prior to second reading.

Valentine moved, seconded by Townsend, that Ordinance 2018-006 be Approved on First Reading as presented. The motion passed by the following vote:

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

[RES 2018-016](#) **Resolution Approving the 2018 Conservation Rebate Incentive Program**

Castle Rock Water Director Mark Marlowe stated the Smartscape renovation rebates \$1 per square foot up to \$1,500 if they replace turf with low water materials. They will expand the rebate to deal with HOA and large irrigation customers funded with \$100,000 with \$1 per square foot of replaced turf. They recommend eliminating the rain sensor program as it is not been used and put that toward the rebates.

Mayor Green asked if the HOAs will allow the artificial turf. Marlowe stated the Town has no restrictions against artificial turf. Meadows and Castlewood Ranch have looked at it.

Bower moved, seconded by Valentine, that Resolution 2018-016 be Approved as presented. The motion passed by the following vote:

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

[DIR 2018-007](#) **Discussion/Direction: Proposed Animal Code Amendment (One hour of public comment anticipated)**

Deputy Town Attorney, Heidi Hugdahl presented to Council.

The Town Attorney's office will review all sections of our Code and started with the Animal Control Code. It has been 25 years since they have updated that Code. With the increase in population, there is an increase in interest in chickens, bees, and feeding wildlife and birds. There have also been developments in the law with service animals and emotional support animals, and an emphasis on humane treatment of animals, spaying and neutering, and adoption of animals. Our Code needs to be more uniform in terms of enforcement, public health and safety issues, re-homing animals when they are separated, care of waste, and encourage pet ownership. Also in need of addressing is the importance of vaccinations and resolution of disputes among residents. Staff in attendance were the two Animal Control Officers with over 15 years of experience, Dave Hutchings and Justin Borcharding; Christy Ausmus serving 20 years as a prosecutor for the Town, Karla McKrimmon serving 22 years as the Court Administrator and Margaret Kroeckel from the Town Attorney's office. There are obsolete areas needing updating and are a challenge to enforce. Staff identified areas antiquated

and changes necessary to keep up with industry best practices, developments in technology and needs of the community. They looked at codes across the country, articles, etc. No one group contacted them to lift the breed specific ban. Staff developed recommendations based on review of the Code for enforcement challenges as the Code is written. Open houses were held in 2017 and 2018, postcards were mailed to all residents to inform them of the open houses that had good attendance. Community Relations got out messaging with Town Talk water bills, Twitter, Facebook and Next Door, put together boards and powerpoints and facilitated communication and outreach. Staff respects all perspectives that have been brought before them, and they received 530 responses - 450 responses included components to the ban. Concerns were raised regarding waste, leash laws, and barking dogs that they need to address. They received letters from the Colorado Humane Society and the AKC.

New items addressed in the proposed Code include addressing chickens, bees, wildlife and exotic animals, humane care and treatment, how many hens and no roosters, set backs on chicken coops, etc. The bee provision used to be in the zoning code and has been moved to the animal code regarding hive size, location, types of bees, humane care and treatment and a nuisance component has been added. They integrated sections regarding wildlife and exotic animals with clearer definitions, added a provision on bird feeding and envision doing additional work with feeding wild birds and enhanced definitions of wild animals. The licensing provisions was kept and tied to a requirement to have vaccinations and provisions for microchipping. They recommend online licensing process and license onsite if needed. Also addressed were noisy dogs increasing the time from 5 minutes to 10 consecutive minutes. The feedback they received supported that. Barking dogs represents the highest volume of calls they receive. There is an optional verbal and written warning prior to citing into municipal court. An Animal Control Officer and witness or 2 neighbors are required to sign a complaint. They also receive alot of dog waste and leash laws complaints.

Christy Ausmus discussed the proposed two-tier system. If we have a dog that is aggressive or bites, any conviction required the dog to be removed or euthenized. The two-tier system listens to them case by case. They would place into community if possible, and have a registration process to keep track of them with law enforcement monitoring to ensure they are adhering to the terms. They must have a proper enclosure and may require behavior modification, leash length restrictions, muzzle, etc. This gives the court the ability to deal with a dog on a case by case basis. Issues in Castle Rock are aggression on a fence line. If a dog is truly dangerous, it will be removed from the Town. Serious bodily injury to a person or domestic animal would be considered a dangerous animal.

Hugdahl stated the two-tier system is not based on how a dog looks. Pit bull is one of three breeds. Staff is not aware of any scientific data if the community is safer with a breed specific ban. We do know that when you have a breed specific ban, individuals go underground with their dogs, don't socialize or exercise them, don't get proper vaccinations or take to the vet and hesitate to take the dog to training. Presently it causes difficulty to local groomers, vets, etc., and how should they treat these animals. What is the liability for the businesses owner if an incident happens.

Since the original ban 25 years ago, there are now many mixed breeds and it is difficult to determine on visual inspection. It is highly subjective and a unanimous determination cannot be reached. DNA tests are not accurate, and dogs can have visual markers but not fall into the definition and vice versa. This presents challenges for the prosecutor, the Animal Control Officers and the Judge. There are 271 cities and towns in Colorado and nine have breed specific legislation. There are 100 home rule municipalities and 90 of them do not have a breed specific ban including Parker, Centennial, Sedalia, Monument, Douglas County, etc. There is uncertainty on how to treat service animals and emotional support animals because the law is not clear what to do in those situations.

Local Veterinarian Dr. Wollschlager thanked the Mayor and Council for addressing the Code to deal with aggressive dogs as they deal regularly with this issue. There is concern with the current law. It causes a dilemma for law abiding citizens that have a pet that resembles a pit bull. Their fear is they have to move or get rid of their family. This could cause them to be reluctant to socialize the pet or get proper care and it causes issues with animal care professionals. The main goal of the community is to provide protection regardless of the breed.

Hugdahl stated they received a letter from the Buddy Center in support of the Code changes - Exhibit D

Hugdahl stated the current Code presents problems with enforcement. HOAs can always have more restrictions than the Town has. Pot belly pigs or goats are not addressed in the Code or amendments currently.

Exhibit E was presented with 217 in favor of lifting bans and 86 keeping the ban. Where a resident status was not requested, 48 were in favor to lift ban, and 27 to keep the ban. Non-Residents reflected 60 to lift the ban, and 8 to keep the ban.

Hugdahl reviewed every comment received and has no reason to believe that those that claimed to be residents was untrue. Those that attended the open houses or provided feedback openly stated if they were non-residents.

Councilmember Bower stated he sees more and more dogs in the airport and that people can register online as for an emotional support animal. Bower asked how would we deal with that. Hugdahl stated they currently allow them if they provide paperwork because there is so much uncertainty in what to do with those animals.

Councilmember Loban stated the feedback from his district was a preponderance to keep the ban. Loban asked if there is a lot of concern, is there a way to separate it from the other animals. Hugdahl replied they have done outreach for over a year, and that those concerns would have been expressed. There is difficulty to divide that out and view it as a new version of the Code as a whole.

Councilmember Teal asked to go back to look at two-tiered dangerous animals definitions and the criteria for assigning a potentially dangerous animal. Ausmus stated the definition is in the packet which states it is acting in an aggressive or terrorizing manner, less than serious bodily injury on a person or animal. Teal asked how that is assessed. Ausmus stated this it is by reported incidents to the Police department. They respond to those complaints, investigate, take pictures,

talk to witnesses, which is consistent with any misdemeanor and would be looked into. It is an actual charge that an officer would determine if there was probable cause to charge them with the information they have in front of them.

Teal asked what is the next step. Ausmus replied it is either a conviction of that violation or acquittal. If they meet Town requirements they could potentially keep the dog. The dog would have to be permitted, fulfill certain requirements, pay a fee, etc. The court has the opportunity to do special sanctions. For instance, to put a muzzle when out in public.

Councilmember Teal asked if the permit is for a specific dog and are they microchipped to identify that particular dog. Teal also asked if there is monitoring for permitted dogs. Ausmus stated that microchip, vaccinations, and registration would be a Town requirement and subject to inspection from Animal Control.

Councilmember Townsend asked if this mirrors the state penal code? Ausmus is unaware if they have a two tiered system, but the state does have a permitting system that is like this.

Councilmember Teal asked if there are methods to take them off the list. Ausmus replied after 36 months they can petition the Town to be released from that list. There would be no reason to object if there have been no incidents. Teal asked if the owner would be removed from record. Ausmus stated it was similar to a parking violation. You get the ticket if you are the registered owner even if you are not the driver.

Teal asked if they receive a dangerous animal conviction, if they must be removed or euthenized. Ausmus replied that was correct. Serious bodily injury is defined in statute as permanent scarring, etc.

Teal asked if a vet treats animals and determines they are dangerous, must they report it to police. The vet responded that it would give her another tool to get people to address the behavior and get proper training. Ausmus stated the obligation is not put on business owners. It does not require a vet to report their opinion, but they must report bites.

Councilmember Bower does not have an HOA and residents ask if they can have a goat or a pig. Loban and Green stated residents have asked for pigs in the past.

Mayor Green thanked legal staff for meeting with Councilmembers to provide them the information.

Mayor Green opened the public hearing. The following residents addressed Council:

Deb Nab is a dog behavior specialist and is court approved in the State of Colorado and determines if people have dog behavior issues. In 30 years she has had knowledge of one pit bull bite. She is offering a workshop for her neighborhood regarding dominance confusion, pain and illness, fear, direct eye contact, body posturing and recognizing dog's signals.

Christine Smith complimented the staff. She has been working with rescue for 25 years and is a vet tech. Her personal experience is she got two bothers as puppies that were predicted to be 40 pounds, and now they are 100 pounds and don't look anything alike.

Jen Dudley is a 5 year resident, Army vet, mother, wife, and business professional. She created a website, facebook page, and email list to inform citizens. She is against the government confiscating dogs with no infractions because it looks a certain way. That is a dangerous line and a slippery slope if they are violating personal property rights, and voters should be cautious. She also believes licensing should include education.

James Decker stated his wife had her therapy dog Jake at the open house in January. The day after they were walking home and a friend brought their dog over that was 75% pit bull that came out and bit their dog. Deckers feels the Good K9 Citizen Certificate should be required. He also feels the dog should be quarantined until the person goes to court.

Debbiie Hager has been a resident for 13 years, and pit bulls don't just bite they maul and kill. She said the leash enforcement policy is lax, but is not comfortable even if a pit bull is on a leash. She asked why is it important to lift the ban, and what do we gain allowing them, and how is the tiered ordinance more safe. She is asking to allow people of the Town to make this decision.

George Hager stated that 500 people doesn't represent the 45,000 voters. Aurora chose to vote and feels we should too. He cited 4 stories on pit bull attacks in Colorado.

David Natalizia is a 10 year resident and feels like it is an important issue to overturn a ban with no argument to keep it. He feels there is a breed tendency that goes beyond how a dog is raised. He stated half of the attacks were family dogs that killed a family member. He wants to ensure public health and safety.

John Jacobis has done volunteer work for 16 months for 400 hours and worked with numerous dogs. Bite cases are mainly from other breeds and occasionally by a pit bull. There are 25-40 dogs a week coming in transfers from out of state. He has never had a problem with a pit or pit mix, nor has his wife. The two tiered system brings in dogs that might be an issue down the road. Any dog can be a potential bite case.

Ann Weaver wrote a letter to Councilmembers in favor of ending the breed discrimination. She has been in animal rescue for 15 years, and worked for the Buddy Center and the Dumb Friends League. There are dogs and cats that bite, so the dangerous animal Code is better. We want to be protected from any dangerous animals. She raised concerns about chickens in Castlewood Ranch where they are not allowed that were kept in a plastic coop that was not heated. One night they were all killed by raccoons and she had to listen to that. The chickens attract predators.

Jana Kennedy wanted to address Councilmember Loban as she emailed him in favor of lifting the ban. She appreciated that Councilmember Teal responded to

her email. She is in favor of removing dangerous animals and in favor of helping animals not be dangerous and for citizens to be responsible owners. She feels we can't punish a family or a dog for how it looks.

Non-residents that addressed Council:

Emma Wilcox has family that all live in Castle Rock. She didn't grow up around dogs but began fostering dogs that were set to be euthenized. She adopted a dog that appears now to have pit bull in him. She stated the put bulls are a cross between English bull dogs and terriers. They are known as nanny dogs and were used to watch the children. We now accept all backgrounds and teach our children acceptance, but now we are judging a dog by their appearance. It is the dog owner's responsibility to train their dogs,

Deanne Sullivan was living in Seattle and adopted a pit bull, and then returned to Colorado. Now she lives in Conifer because it did not ban pit bulls. She feels the breed specific ban sends the wrong message about concern of how a dog looks vs. being educated on how to behave around any dog.

Robert Jenson heard about this on the news this morning and lives west of Larkspur. He had an Alaskan Mallimute that would not take raw meat from him, but a pit bull grabs and won't let go. Jenson feels if it is put before a vote that people would reject lifting the ban. Jenson feels staff didn't give an objective and unbiased case and talked about the challenges of the law and not how to correct it. He feels if we legalize pit bulls we will have alot more of them here.

9:30 pm - Motion to extend the meeting to 10pm. Unanimous vote to approve.

Gueterra is a 3rd generation and 4th generation pit bull owner who grew up showing livestock, alaskan malimutes and is active with rescue and foster organizations. She is concerned with people leaving the Town because they don't want to lose their dogs. She feels that we should put the law in place to charge the people. Any dog will bite, but scared dogs will bite that haven't been socIALIZED.

Councilmember Teal feels there is room for improvement to the animal code and that we need to move forward. Teal feels the other animals were not addressed and encourages staff to separate out the dog issue and bring back in chunks. Teal likes the two-tiered dangerous animal proposal but wants to see it separated from the breed specific ban.

Councilmember Townsend feels the information was extremely thorough and recognizes that staff doesn't present every little piece or change because we don't have time. Council trusts that staff is making good changes. We often make changes to the Code based on staff recommendations. Staff focussed on issues that were important to the public.

Councilmember Loban feels we don't have to change the Code all at once.

Councilmember Teal stated that a citizen spoke of concern with chickens but we didn't address that.

After the vote, the following Councilmembers commented:

Councilmember Bower wanted to thank everyone for coming out to comment. The open houses he went to were well attended by citizens. Everyone wants our community to be safe and the laws enforced, and he feels the legal team did a great job showing us that the ordinance is old and flawed. He supports the two-tiered system and wants to continue the conversation on urban farming.

Councilmember Ford referenced how many controversial issues Council has faced since he has been on Council. He does, however, feel it is important to look at our Animal Code. Animals become a part of our family and to have them removed from the home because how they may look should be addressed. He appreciates the comments and feels it should be updated and wants to continue to move on to other items of importance to the Town.

Mayor Green appreciated the discussion and comments from citizens and was interested to learn that a pit bull is not actually a breed but a cross between a bull dog and a terrier. Green also was interested to hear how two professionals can perceive the breed of a dog differently.

Green moved, seconded by Ford, to bring back this item as an Ordinance for first reading to change the animal code. The motion passed by the following vote:

Yes: 5 - Townsend, Green, Bower, Valentine, Ford

No: 2 - Loban, Teal

[DIR 2018-008](#)

Discussion/Direction: Proposed Ordinance Amending Sections 14.02.040 and 14.02.050 Concerning the Disposition and Lease of Real Property

Town Attorney Bob Slentz stated staff is seeking authorization to dispose of real property that is held for parks or governmental purposes that is surplus, out of town or for offstreet parking for which additional parking would be provided in exchange for that land.

Teal moved, seconded by Bower, to authorize the Town Attorney to move forward. The motion passed by the following vote:

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

QUASI JUDICIAL HEARINGS

[ORD 2017-020](#)

Ordinance Annexing to the Town of Castle Rock, Colorado a 4.568 Acre Property Located in the Northeast One-Quarter of Section 34, Township 7 South, Range 67 West of the Sixth Principal Meridian, County of Douglas, State of Colorado (Castle Rock Industrial Park Annexation) [West of Liggett Road and Highway 85] (Second Reading - Approved on First Reading on June 20, 2017 with a vote of 6 to 0)

Mayor Green read the Quasi-Judicial script into the record. No Council announced any conflict of interest.

Director of Development Services Bill Detweiler gave a brief overview of the items. The zoning allows industrial uses and meets the goals and policies for bringing major employment into the community. This requires improvements to Highway 85 and Liggett Road, advance of water rights, etc. It is of mutual benefit to the property owner, the business community and the Town.

Loban moved, seconded by Teal, that Quasi-Judicial Ordinance 2017-020 be Approved as presented. The motion passed by the following vote:

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

[ORD 2017-021](#) **Ordinance Amending the Town's Zone District Map by Designating the Castle Rock Industrial Park Annexation Property as I-2 General Industrial** (Second Reading - Approved on First Reading on June 20, 2017 with a vote of 6 to 0)

Mayor Green read the Quasi-Judicial script into the record. No Councilmember expressed any conflict of interest.

Green moved, seconded by Loban, that Quasi-Judicial Ordinance 2018-021 be Approved as presented. The motion passed by the following vote:

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

[RES 2017-055](#) **Resolution Approving the Castle Rock Industrial Park Annexation and Development Agreement**

Townsend moved, seconded by Loban, that Quasi-Judicial Resolution 2017-055 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Green adjourned the meeting at 9:54 pm.

Submitted by:

Lisa Anderson, Town Clerk