



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, May 1, 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 - Pastor Donald Haymon II, Calvary Apostolic Church of Denver

CALL TO ORDER / ROLL CALL

Present: 5 - Council Member Townsend, Mayor Green, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal

Not Present: 2 - Council Member Loban, Council Member Ford

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Jason Bower thanked the department heads and Karen Carter for putting on the open house. Reminder of the Cinco de Mayo party coming up.

Mayor Pro Tem Valentine asked to keep an eye out on CRgov.com for all the events that are happening this summer. The 2018 Summer Concert series are being held at Miller Park.

[PROC 2018-004](#)

Proclamation: Honoring Commander John Anderson and Commander Doug Ernst

Mayor Green presented a proclamation to Commander Doug Ernst for his 34 years of service to the Town of Castle Rock.

Mayor Green presented a proclamation to Commander John Anderson for his 40 years of service to the Town of Castle Rock.

Commander Anderson thanked the community and the past and present Town Councils, Mayors and staffs for their work to create a wonderful Town. Anderson called up three other police officers to join him to represent the size of the Castle Rock Police department in 1978. He then called up Parker Police Chief Dave King and three other officers to represent the size of the law enforcement for the entire County in 1978.

Chief Cauley stated that most people do not stay long in a job, let alone in law enforcement. He reminded the community that we are losing 75 years of

experience and that they have been a rock for him. Both of them have done nothing but give him total support for 6 years. They will miss them and the community will miss them.

Mayor Green restated that the Town is losing 75 years of service and wanted to thank them as well as their families for their service.

[ID 2018-046](#)

Update: Castle Rock Water Mayor's Challenge and Contest

The Mayors Water Challenge is held each April, and is a non-profit national community service campaign to use water more efficiently and reduce pollution. Castle Rock Water held a competition from two middle schools and 10 art pieces were selected to convey the water conservation message.

Those awarded were:

Alexia Cooper

Mai Ellis

Ryanne Faddness

Megan McNeill

John Peskas

Aliza White Rushing

Malea Scott

Megan Thompson

Reilly Young

Sydney Pierson

Their Teacher Crystal Sabastian Johnson was also present.

[PROC
2018-003](#)

Proclamation: Historic Preservation Month

Councilmember Bower read the proclamation into the record. He was joined by the members of the Historical Society and thanked them for all they do.

The Historical Society thanked Mayor Green and Town Council as this is the 8th year they have done this proclamation and reminded everyone that they have a Tea at The Urban on the 12th.

Gerry Percall is the president of the Hisotorical Society, and on May 10 at the Library he will be sharing the history of Castle Rock as they do each month. He stated that Kit Carson watered his horse in Castle Rock, and when they looked up at the rock they stated it reminded them of a pound cake. Luckily, David Miller, a local miner, decided to call it Castle Rock.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Town Council:

Pawel Sniezyk - Has lived in Castle Rock for 13 years in the Meadows. He lives on Avery Way and is concerned about the sex club that is on his street. He is concerned that there have been two fires in their neighborhood and is concerned with the number of people that are attending from other communities. He feels it is considered prostitution. He stated they are trying to raise their children in this

neighborhood. He feels this is not right to have in our community and feels it is wrong.

Chad Lynn - is concerned with the swinger parties in his neighborhood. He is a 10 year resident of Castle Rock. Their intent is not to take away someone's freedom but want to have them take responsibility and conduct themselves in accordance with law. He feels they are operating a sexually oriented business in a residential neighborhood. He advertises across the state. 237 attended the first event and over a hundred each month. He has sponsors that provide items and charges fees. He asked Council to shut it down.

Amber Frohardt - resident of District 1 and is concerned with the establishment on Avery. She asked that Council enact an ordinance to address these parties similar to ordinances in other states to put a stop to it.

Sheree Mullen - she is a resident of Avery Way and stated it is not a moral thing, it is how to control 200 people that are doing drugs, getting drunk, and about privacy as the windows and shades are open. They have people stumbling through neighbor's yards to go home afterwards. She is concerned because the owner doesn't even know some of the people that are coming to his parties. His yard backs to open space and that the neighbor houses can see their backyard from their windows. She also questioned where the money is going that he receives. She would like to see it shut down.

Town Manager David Corliss, Police and the Development Services Director have met and are looking at local and state law; and the Town Clerk and State Liquor Authority are looking into liquor violations. They have met with the HOA and their attorney and are looking to see if there are any applicable laws to enforce.

Town Attorney Bob Slentz stated they are taking these allegations very seriously, are coordinating with the HOA and have not made any final determination.

Mayor Green asked about attendees being on other people's property. Corliss stated to call 911 if there are any violations occurring.

Police Chief Jack Cauley stated they are aware of the comments and are responding as they can under law. They want to ensure that whatever they do is a balanced approach and everyone's rights are protected with the safety of our community as the priority. They must work on facts and are trying to collect those facts. They have tried to contact all the neighbors and attend the HOA meeting. They encourage residents to call 911 if any issues arise.

Councilmember Townsend thanked the people that came out to inform the Council and reaching out to the Town and stated they are doing their best to deal with this.

Councilmember George Teal referenced the first speaker's comments about fire danger and asked if there is an occupancy concern in a residence.

Fire Chief Art Morales stated we have looked at this. There are not occupancy limits set for private residences. They are looking into it as a possibility. They have regulations for group homes; but where is the line for a residence that has

any party.

Councilmember Jason Bower stated this is a tough situation. It is easy to pass judgement when it is not next to your house, and he sympathizes and stated it is hard to legislate against morals.

TOWN MANAGER'S REPORT

[ID 2018-047](#)

Update: Calendar Reminders

Reminder that next Tuesday they will open the meeting then adjourn to the Boards and Commissioner interviews. Wednesday is the Meadows Open House at the Grange with Council, staff, and department heads to respond to questions. Police Awards are on May 18th, May 21st is the ACC Collaboration Campus dedication, June 2nd Festival Park grand opening, and June 8 is the WISE celebration at Gemstone Park.

Corliss referenced the development report and a project near Ridge Road and Plum Creek Parkway.

[ID 2018-048](#)

Department Update: Development Services Project Updates

[ID 2018-049](#)

Draft Community Engagement Plan 2018

Corliss referenced this plan that serves as a strategic plan for the Community Relations department.

[ID 2018-050](#)

Update: Legislative Update

Corliss referenced this report and that the legislative sessions will be coming to an end soon.

[ID 2018-051](#)

Update: Quasi-Judicial Projects

[ID 2018-052](#)

Update: Residential Unit Data (through March 31, 2018)

[ID 2018-053](#)

Update: Administrative Easement Grant and Right-of-Way and Easement Abandonments [*Easement Grant and Right-of-Way and Easement Abandonments*]

[ID 2018-054](#)

Update: Plum Creek Water Reclamation Authority Preconstruction Agreement [*4255 North U.S. Highway 85, Castle Rock*]

Corliss stated this project is within our budget and staff signing authority. This allows us to keep this project moving.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Valentine moved, seconded by Teal, that the Agenda be Approved as presented.
The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

CONSENT CALENDAR

[MIN 2018-005](#) **Minutes: February 20, March 6, April 3, 2018 Town Council Meeting**

[ORD 2018-011](#) **Ordinance Amending Section 13.12.070 of the Castle Rock Municipal Code Concerning Emergency Regulation of Water (Second Reading)**

[ORD 2018-012](#) **Ordinance Amending Section 13.12.116 of the Castle Rock Municipal Code Concerning Bulk Water Service Charges (Second Reading)**

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

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

Not Present: 2 - Loban, Ford

QUASI JUDICIAL HEARINGS

[ORD 2018-014](#) **Ordinance Amending the Town's Zone District Map by Rezoning a 156.693 Acre Parcel Located in Section 2, Township 8 South, Range 67 West, of the 6th P.M. to PL-1 District; and Providing for its Emergency Adoption on Second and Final Reading (First Reading)**
[North of Wolfensberger Road at the end of Caprice Drive, between the Union Pacific Railroad on the east and the Atchison Topeka Santa Fe Railroad on the west.] (Town-owned property; Site of the new Central Service Center)

Mayor Green read the script into the record. No conflicts were stated by Town Council members.

Detweiller said staff is seeking approval of this ordinance amendment for the Parks Central Service Facility. This would change zoning from Public Open Space to Public Land-1. They will seek emergency reading on May 15th for second reading.

Bower moved, seconded by Townsend, that Quasi-Judicial Ordinance 2018-014 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2018-017](#)**Discussion/Direction: 2017 Design Award Program
(Nominations)**

Detweiler stated they have had this program annually for 8 years that recognizes the beauty of Castle Rock and how the buildings can enhance that. They have volunteers to assist with the program. There are six design award categories. The nominees are:

Large commercial - 24 Hour Fitness
Small Commercial - Brooklyn Veterinary Clinic
Community Character - Festival Park
Town Identify - Promenade Gabions & Landscaping
Adaptive Reuse - The Urban
Public Facility - Renaissance Secondary School

Honorable Mention:
Bank of America
Highlands Apartments
King Soopers Market Place
Limelight Healthcare Center
Meadows Carriage House
Verizon Building at Promenade
Castle Cafe
Taft house
Townhall Expansion
Z-Abbracci

If Council accepts the Nominations, they will inform them and present at a future Council meeting.

**Townsend moved, seconded by Valentine, to Accept the Nominations as presented.
The motion passed by the following vote:**

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

Not Present: 2 - Loban, Ford

[RES 2018-043](#)**Resolution Amending the Water Resources Strategic Master Plan**

Director of Water Mark Marlowe presented the next three items together. Titles 4, 17 and 20 have changes and they added a minor Resolution to ensure that we meet the goal of 75% renewable water by 2050. The Castle Rock Water Commission and the Planning Commission both recommend approval.

Townsend moved, seconded by Valentine, that Resolution 2018-043 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

[ORD 2018-017](#)**Ordinance Amending Chapter 4.04 of the Castle Rock Municipal
Code Requiring the Dedication of Renewable Water Resources at**

the Time of Annexation (First Reading)

Townsend moved, seconded by Valentine, that Ordinance 2018-017 be Approved on First Reading as presented. The motion passed by the following vote:

[ORD 2018-016](#) **Ordinance Amending Titles 17 and 20 of the Castle Rock Municipal Code by the Addition of a New Section 17.02.080 and 20.02.015 Regarding the Required Transfer of Residential Development Rights upon Annexation and Certain Rezonings (First Reading)**

Townsend moved, seconded by Valentine, that Ordinance 2018-016 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

[ORD 2018-015](#) **Ordinance Amending Chapter 17.42 and 17.54 of the Castle Rock Municipal Code Concerning Parking Requirements for Development in the Downtown Overlay District (First Reading)**

Detweiler stated the amendment is based on feedback received. The area begins with Wolfensberger on the North, and south of Plum Creek Parkway between I-25 and the railroad tracks on the east side. Recommendations range from .5 parking spaces per unit to 1.5 spaces per unit. They are recommending 1 space per residential unit. For the commercial areas, they separated the downtown based on historical, architectural, pedestrian and auto oriented character. North of South street has a more urban feel with parking along the street. South of South street the development activity is more suburban. Staff recommends north downtown is 1 space per 500 sq feet exempting the first 2,000 sq ft. South Downtown feels they should retain the 1 space per 200 sq ft for commercial uses.

The Director of Development Services has authority to grant reduction up to 25% or to charge \$10,000 to eliminate each required parking space.

Councilmember Jason Bower asked if they confirm if parking is required on tenant finishes and remodels.

Councilmember Teal has concerns that we are still not going as far as we have to particularly with residential requirements. He asked why we wouldn't require 1 space per bedroom. Detweiler stated we must also include market conditions. The Riverwalk project, the 5th and Jerry Street and Festival Commons included more parking than required. He appreciates the \$10,000 in lieu of a parking space.

Councilmember Bower sated that as we look at some redevelopment, it is mixed use which generally doesn't require parking 24/7.

Bower moved, seconded by Teal, that Ordinance 2018-015 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

[ID 2018-055](#)**Non-binding Memorandum of Understanding for Festival Park Commons Parking Garage**

Town Manager David Corliss gave highlights of this project. The location is south of Townhall where we have 95 surface parking space. The developer is acquiring the three businesses south of Townhall. They will build for sale units, 22,000 sq ft of retail, and 17,500 sq ft of office mixed use. There will be 496 parking spaces, (25 are surface). The Town would acquire 300 parking spaces (25 surface). The Town would own them with an estimated cost of \$9.7M. The Town would issue Certificates of Participation services from Town sales taxes from this site, 1% Public Improvement Fee (PIF), General Improvement District (GID) property tax, and share of incremental property taxes. This will allow additional public parking to serve the core of downtown, it generates revenues to pay for additional public parking, mixed used components complement our plan for downtown, and the development properties agree to pay \$900,000 for the railroad quiet zone.

Town Attorney Bob Slentz stated he had initial concerns when we turn the parking lot over to the developer. He stated they are not giving up the ownership of the parking lot as it will be a lease, but they would still have a secured interest in the ground. They will do initial soils testing and the first \$50k would be paid by the developer, and up to \$250k above that from the Town. Costs over that would be shared 50/50.

Kevin Tilson, Director of the Downtown Alliance stated the Downtown Authority has a plan of development.

Mayor Green clarified if the quiet zone is less than \$900,000 where that excess would go. Corliss stated the understanding would be that it went to the developer. Annual maintenance would be part of our Public Works budget.

Councilmember Teal stated it checks a lot of boxes. He said if we are going to invest in a quiet zone, that it needs to address the impact on the citizens it effects and he feels this does. This project also addresses the parking concerns.

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

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

Not Present: 2 - Loban, Ford

[ORD 2018-013](#)**Ordinance Repealing and Reenacting Title 6 of the Castle Rock Municipal Code Concerning Animals (Second Reading)**

Deputy Town Attorney Heidi Hugdahl addressed Council. The changes from first reading were some minor grammatical corrections, added definitions to cover bees and definition for spaying and neutering, permitting for dangerous dogs requiring spaying and neutering, and clarified the section on bees. They also clarified the penalty section and to allow mail in fines. They have done extensive community outreach - 2 open houses, social media platforms, emails and on-line feedback forms, two postcard mailers, three advertisements in the water bills, presented at Town Council, and have had various media coverage. The main focus of responses were regarding the replacement of the pit bull ban. Staff did

extensive research of scientific data, dog bite statistics, neighboring jurisdiction statistics, and evaluated impact on local business.

Councilmember Townsend asked if there is a specific breed of cat that is more apt to bite.

Councilmember Bower asked about the goats and pigs. Hugdahl stated they are looking at that and looking into other jurisdictions and will be bringing back to Council separately in the future.

The following citizens addressed Town Council:

Jen Dudley spoke in support of the revised ordinance. She presented Exhibit A which is a petition signed by 904 residents. She feels there is only a handful of people that have raised concerns. She referenced the amount of research they have been provided to base their decision on, and asked if the Town would they provide the same to the public if it went to a vote.

DA Beck lives in District 4 and stated that the majority of pet owners in the town are responsible and love their pets. She has read the revised ordinance, attended the meetings and has done her own research. Dogs on the loose, excrement and barking dogs are the three biggest concerns. This ordinance requires that animals are licensed, microchipped and vaccinated which wasn't in the previous ordinance. She is happy to see the ordinance addresses chickens and bees and is not opposed to goats as long as they don't impact others in the neighborhood. She stated a study in 2015 on dangerous dogs examined 41 years and that the dogs that bit the most were chihuahuas, and most deaths were from Malinois. She stated most were not spayed or neutered and were previously chained.

Peter Gould spoke about the number of chickens permitted and about ducks. He would like the amount allowed to 11 or 12 to work in harmony with the chicken industry. Chicks are purchased in groups of 5 or 6 so if you have some that die, you would have to wait until they all passed away before you could buy more. He would like to allow ducks just like chickens. They are raised for the same purpose.

David Notalizia stated Council has an opportunity to vote and not to go in the direction of political expediency, but to consider the safety of the residents and their families. He noted we had a pit bull ban when he moved here. He has met victims and families of those killed by pit bulls. He did not see a counterpoint presented.

Jordan Pelly has lived in Castle Rock her entire life. She is in favor of the revised ordinance.

George Hager is a 14 year resident and father. Feels the public should be voting on citing two people that were killed by pit bulls in Colorado in the past 15 years. He cited Aurora where there was a 2/3 voted to keep the ban.

Non-residents that addressed Town Council were:

Roland Halpern serves on the Colorado Voters for Animals, a nonprofit from 1996

committed to animal protection and welfare. They urge Council to pass the proposed ordinance.

David Walsh has been involved in animal rescue for 26 years and the last 5 years with pitbull rescue and relocation. His organization is in full support of the revised ordinance. He feels it fits in with Castle Rock as being an innovative Town.

Brittany Higgins stated her family lives here and she hopes to live here. She feels this system makes more sense and will make the community much safer.

Emma Wilcox stated her family lives here. She acknowledges those with opposing views, but the goal is to have a safer community. She feels the new ordinance will make the community more safe.

Hugdahl replied that the number of chickens and ducks weren't included because of the requirements of water, but they could bring it back when they come back to Council regarding goats and pigs.

Councilmember Bower stated that he feels they should increase the number of chickens and we should consider ducks.

Councilmember Teal referenced that the exhibit given by Ms. Dudley does contain duplicates and wanted it noted that there are duplicates. Teal feels there is a great deal of good policy in the ordinance.

Motion by Bower, second by Teal to amend the amount of chickens to a limit of eight.

Teal moved, seconded by Bower, that Ordinance 2018-013 be Approved as Amended. The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN

Mayor Green adjourned the meeting.

Submitted by:

Lisa Anderson, Town Clerk