



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, June 5, 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

EXECUTIVE SESSION

Mayor Green called the meeting to order at 5:20 pm.

**Green moved, seconded by Teal, to Adjourn to Executive Session as presented.
The motion passed by the following vote:**

Yes: 4 - Green, Bower, Valentine, Teal

Not Present: 3 - Loban, Townsend, Ford

[EXEC
2018-008](#)

**Executive Session: Town Manager and Town Attorney Performance
Evaluation (Council Discussion)**

INVOCATION - Pastor Chris Matthis, Epiphany Lutheran Church

CALL TO ORDER / ROLL CALL

Present: 4 - Mayor Green, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal

Not Present: 3 - Council Member Loban, Council Member Townsend, Council Member Ford

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Bower thanked everyone for the Festival Park events this weekend. He announced that there is an open house regarding downtown mobility at the Police department at 6-8pm.

Mayor Pro Tem Valentine also thanked everyone for the grand opening of Festival Park and that it was a great event. She stated the 2018 Summer Concert series tickets are now on sale. The WISE Water celebration on June 8, 4:30-6:30pm at Gemstone Park.

Councilmember George Teal commented on the feedback from citizens regarding the new fire department in Crystal Valley.

[EXEC](#)
[2018-009](#)

**Executive Session Report: Town Manager and Town Attorney's
Performance Evaluations (Council Discussion)**

Mayor Green read the report of the Executive Session.

[APPT](#)
[2018-004](#)

Town Board and Commission Appointments

**Green moved, seconded by Valentine, to Approve the Appointments as presented.
The motion passed by the following vote:**

Yes: 4 - Green, Bower, Valentine, Teal

Not Present: 3 - Loban, Townsend, Ford

UNSCHEDULED PUBLIC APPEARANCES

Residents that addressed Council:

Walter Barsh is a builder and not an architect. He feels he was overcharged for his permit after his house was finished. He said there was a difference in how the square footage is calculated and it should be stated how to calculate it. The difference in calculations resulted in about \$7,000 more. He proposes that if they make a mistake that they split the cost.

Keith Payne resident of Kings Ridge subdivision is concerned about the maintenance of the public areas. The mulch is not replaced and the metal edging is sticking up, there are clumps of dead grass, there are sprinklers damaged that are not working, dead trees and plants that have not been replaced, and exposed cable.

Councilmember James Townsend arrived at 6:15 pm.

Ray Devlin thanked the Town for the services they provide. They have lived here for over 40 years. The postal service has had contractors delivering the mail vs. the postal service employees. They state they are using their personal vehicles that do not have drivers on the right side to deliver mail to mailboxes safely. He provided his letter as EXHIBIT A.

Gary Bray is concerned about the common areas in Kings Ridge as well. Their HOA stated that it was the Town's responsibility.

Janeal Sangouard discussed the Kings Ridge area as well. Homeowners are expected to keep their yards up; but the common areas look horrible. She stated her metro district taxes are \$23,000 and doesn't understand why there isn't money for maintenance.

Abby Tardiff is a business banker at ANB Bank in the Meadows and is here with the Chamber of Commerce. Tomorrow is the Leadership Douglas County graduation at the Highlands Ranch Manor. Applications are due June 20. Last weekend was the Elephant Ride where the Chamber organized the sponsors. The Winefest is on July 21 at the Grange in the Meadows. The Chamber Visitor Center is also open.

Mayor Green closed the public hearing.

Development Services Director Bill Detweiler met with Mr. Barsh. The perimeter of the home is how the square footage is calculated. He has built other homes with no issue. When they identified the error for this permit, an agreement was reached. The difference was about \$7,900 which Mr. Barsh paid and has since sold the home. Mr. Barsh is now asking for a 50% rebate citing that staff made an error. Staff does not agree. Detweiler stated that Council may reduce or waive a fee but only if it is for a housing project or if a permit has to be reissued to the new homeowner. Staff has no authority to waive or reduce fees.

Detweiler replied to the King Ridge landscaping issue. Staff is investigating many of the areas that have been identified to determine if it is the Town responsibility or the HOA responsibility. Green asked that Detweiler follow up with the residents that are here tonight.

Green looked into the taxes for the metro district in that area and stated it is about \$4,300 a year for the entire property tax bill.

Councilmember Teal stated the metro district is conveying public funds. Slentz stated these are local governments and they are public funds and are accountable to residents in those districts. Teal asked if the Town has authority to demand or conduct an audit. Slentz stated that we do not impose any standard of maintenance to the metro district. Our approval and oversight is that they don't exceed their mill levy. Staff could meet with their board but do not have authority over them. Teal asked if Council could direct Slentz to discuss items with the board.

Green asked if the HOA has been addressed. Teal stated that the HOA president Michael White has asked for our assistance.

Town Manager David Corliss addressed the concern for the US Postal Service. He stated that the Town has no regulatory or legal authority over the Postal Service. They can send a letter to the Postmaster relaying those concerns. Teal stated he also has a concern with the poor service with mail delivery. He suggests Council addresses a letter to the Postmaster and our legislators. Bower supports that and has concerns. Corliss will work up a draft for Council for the Mayor's signature regarding accuracy and timeliness of mail delivery. Teal also stated that some of the homes are still under rural delivery standards.

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

TOWN MANAGER'S REPORT

[DIR 2018-027](#) Discussion/Direction: Council Meeting Schedule

Town Manager David Corliss went over the summer Town Council calendar specifically asking Council if there will be a quorum for the July 3 meeting. The August 7 meeting has already been canceled for the Police National Night Out.

Staff suggests a late August work study session on the budget, sales tax, and CIP. The decision for the July 3 will be delayed until all Council have been contacted. Regarding the August meeting, Bower is not available on the 14th, Teal is not available on the 28th, Green is out of town on the 28th, and Townsend and Valentine available for both.

Motion by Green, second by Teal to call a special meeting for a Town Council work study session on Tuesday, August 14, 5-7pm Townhall. The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

[ID 2018-062](#)

Update: Gold Leader Application for the Colorado Department of Public Health and Environment (CDPHE) Environmental Leadership Program

[ID 2018-063](#)

Update: Downtown Parking Request for Proposals (RFP) (During possible construction of Festival Park Commons project)

Corliss referenced the public private partnership for the project south of Townhall. Staff is in the process of sending out an RFP to downtown businesses that can be used during the transition when those parking spaces are being built.

[ID 2018-064](#)

Department Update: Election Status and Redistricting

Town Clerk Lisa Anderson reported that the election results were certified with both Amendments passing with a 22% return and very few rejected ballots as a result of the signature verification process now required. The Election Commission is now in the process of redistricting from seven to six districts with the assistance of a new electronic redistricting process created by GIS with help from Development Services. The draft map meets all the requirements and is expected to be approved at the Election Commission June 11 meeting.

[ID 2018-065](#)

Update: Castle Rock Industrial Park Development Agreement Amendment

[ID 2018-066](#)

Update: Quasi-Judicial Projects

[ID 2018-067](#)

Development Services Project Updates

[DIR 2018-028](#)

Discussion/Direction: Douglas County request to light the Star in Rock Park for the Douglas County Fair and Rodeo's 100th Anniversary

Douglas County has approached the Town asking to light the Star in support of the 100th Anniversary of the Fair. Staff is working on a policy. Other instances where the Star was lit outside of Starlighting was the end of WWII and Broncos Superbowl, and staff feels this is a valid reason as well.

Marlowe are applying the for Gold Award state wide. They had a state audit and

the state has used their plan as an example to show others. It reduces costs to our customers and the amount of energy used.

Green moved, seconded by Teal, to direct staff to light the Star in Rock Park from August 2 to August 5 in observance of the 100th anniversary of the DC Fair and Rodeo. The motion passed by the following vote:

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

Not Present: 2 - Loban, Ford

TOWN ATTORNEY'S REPORT

[ID 2018-068](#)

Town Attorney's Report - Charter Amendments

Town Attorney Bob Slentz revised proposed changes to the Charter needed for the transition plan. Staff is seeking Council consensus to bring these items to Council for further discussion on June 19. Mayor Green stated that most changes are just to include the Mayor when Councilmember is referenced and is an appropriate time to change it.

Council consensus is to bring these proposed changes to the June 19 Town Council meeting.

ACCEPTANCE OF AGENDA

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

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

Not Present: 2 - Loban, Ford

CONSENT CALENDAR

[RES 2018-052](#)

Resolution Approving the Town of Castle Rock and Nelson Family Spot Water Lease Agreement

Valentine moved, seconded by Townsend 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 2018-019](#)

Ordinance Approving the Oakwood Apartments Planned Development Plan Amendment No. 1 and Zoning Regulations (First Reading) [559 Oakwood Drive]

Mayor Green read the public hearing script for this item. No members of Council reported any conflict of interest.

Director of Development Services Bill Detweiler presented an overview of this

item. The plan is that some existing buildings will be removed and replaced. They would put a cap on two stories in height.

Diane Leavesly is executive director of the Douglas County Housing Partnership. The property was completed in 1985. This is senior housing with no elevators and none of the units have central air. There is a lot of open space on the site. They are proposing a three story elevator building that is up to date and will have 53 additional units for seniors in our community. They are a part owner of the Auburn Ridge and between the two have 800 seniors on the waitlist for these two properties. They want to be sensitive to their neighbors and current residents.

Community Development Consultant Marcus Pokner gave a brief presentation. EXHIBIT B was presented with cards of support. There will be an Activity Room/club house, leasing office; and one building that has 8 units is proposed to be removed. They have a large sewer easement they must work around as well as preserving the view shed.

The architect elaborated on features of the new building. It will have an elevator, a centralized amenity and create connectivity to other buildings. There is an 8' drop on the building site from east to west.

Councilmember Brett Ford arrived at 7:20 pm.

Councilmember Bower asked for an explanation on the roof pitch. The lower roof pitch interferes less with the view shed and keeping the height as low as possible. Bower confirmed that there will be 45 new parking spaces.

The following residents addressed Council:

Ken Kania stated he was the Town representative for the Douglas County Housing Partnership for many years and this was a subject they wanted to explore for a long time. The need is continuing to grow and the opportunity presents itself well. This will be approximately \$15M project. He also volunteers for the Senior Center Shuttle program. The feedback he received was that seniors live with fear of depending on others to get around and there is no weekend services. They are afraid to intrude or ask and impose on others. He speaks strongly in favor and asks for Council approval.

Deborah DeGroff works with Diane and her group and is the manager of the current residents. The residents are all very grateful for where they live and to be able to live independently. The residents are very excited. She also acknowledged the long wait list for affordable senior housing.

Mayor Green closed the public hearing.

Councilmember Bower stated he received some emails and is concerned about existing residents and the height of the buildings.

Townsend moved, seconded by Valentine, that Quasi-Judicial Ordinance 2018-019 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

RES 2018-051 Resolution Approving the Plum Creek Ridge at Castle Rock Site Development Plan, Amendment No. 4 [between E. Plum Creek Parkway and S. Gilbert Street]

Detweiler has received positive feedback for this project. The applicant is available if Council has any questions.

Townsend moved, seconded by Teal, that Quasi-Judicial Resolution 2018-051 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

ORD 2018-020 Ordinance Annexing to the Town Of Castle Rock, Colorado a 1.457 Acre Property Located in Part of the Southeast One-Quarter of Section 15, Township 8 South, Range 67 West of the Sixth Principal Meridian, County of Douglas, State of Colorado (Your Storage Center) (First Reading) [located along the I-25 Frontage Road between Brookside Circle and S. Perry Street]

Mayor Green read the quasi-judicial script and no conflict of interest was noted.

Detweiler presented the item showing the location of the property. Part of the property is in the Town and part is out of the Town. The applicant wants to annex the property and develop both parcels.

No questions for staff or the applicant. No public comment.

Townsend moved, seconded by Teal, that Quasi-Judicial Ordinance 2018-020 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

ORD 2018-021 Ordinance Amending the Town's Zone District Map by Approving the Your Storage Center at Castle Rock Planned Development Plan and the Planned Development Plan Zoning Regulations (First Reading) [located along the I-25 Frontage Road between Brookside Circle and S. Perry Street]

Townsend moved, seconded by Ford, that Quasi-Judicial Ordinance 2018-021 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2018-053](#) **Resolution Approving the Murdoch's Ranch and Home Supply Economic Incentive Agreement** (former King Soopers site - 100 Founders Pkwy)

Marcus Notheisen from the Economic Development Council presented a sales tax share request for Murdochs to go into the Milestone Center that was previously occupied by King Soopers from 1996 to 2017. He stated 70,000 square foot vacancies are difficult to fill. Since the vacancy, there has been an 11% decline in sales tax and a loss of four other tenants. Murdochs is proposing a 25% sales tax share for four years or \$300k and 10 year lease.

Mayor Green did a search on the new owner of Milestone and found he was just charged with 9 felonies. Notheisen stated he had heard some of this but doesn't know all the background. Murdochs lease agreement would allow that lease to trump any issues that the realtor has.

Justin spoke and is with Murdochs and a resident of Castle Rock. He clarified Murdochs is not associated with the realtor and that they have been trying to get into Castle Rock for 9 years and are hopeful they can make this work.

Residents that addressed Council:

Wayne Harlos is concerned about the tax incentive and they are competing with Tractor Supply on the south side of town. Harlos asked what advantage was given to Tractor Supply when they built a brand new building.

Councilmember Teal respects the concern regarding the ownership but also wants to bear in mind when this first came forward last year and they were sworn to secrecy which this information. The expectation is that Council will approve this. He has heard that the current tenants have experienced declines since the vacancy has occurred. We must acknowledge that there is a need for this industry and feels the incentive is appropriate as the medium home range is \$300,000 and it is off the main corridor in our state.

Mayor Green would like to see further negotiation with Dragel and Fineburg to help some of the other businesses in the area but understands the need to fill that space.

Bower stated he would like to see a property like this put up for sale before we subsidize it and see if it would produce on the free market. He also noted that we have other businesses that have not received any subsidies. Bower would like to see Murdochs put a PIF on their project.

Teal moved, seconded by Townsend, that Resolution 2018-053 be Approved as presented. The motion passed by the following vote:

Yes: 4 - Townsend, Valentine, Teal, Ford

No: 2 - Green, Bower

Not Present: 1 - Loban

[ORD 2018-022](#) **Ordinance Amending Section 2.01.210 of the Castle Rock Municipal Code Concerning Signature Requirements for the Nomination of Mayor and Members of Town Council (First Reading)**

Town Attorney Slentz presented a proposed ordinance to provide requirements for the Mayor petition to appear on the ballot.

Residents that addressed Council:

Mary Wilson was heavily involved in the petition to allow people to vote for their Mayor. This was to separate the Mayor from the Districts. Feels requiring 90 signatures is an added burden for just one vote on the Council. Wilson also questioned why you cannot sign more than one candidate petitions so two valid candidates would both be on the ballot. She did not see in her research that there was a district requirement for Mayor anywhere else.

Randy Reed asked Council not to make this a laborious effort to get on the ballot. The person that runs for Mayor will be campaigning across the whole Town. He stated Parker, Lone Tree, Castle Pines, Aurora all require 25 signatures for Mayor. He feels 25 signatures is a reasonable approach. The people will decide who the right person is for Mayor.

Mayor Green calculated that 15 signatures is .002% of the voters in that district.

Teal showed that Greenwood Village has a 50 signature requirement, and Centennial requires 100 signatures. Teal also questioned the requirement to personally circulate their petitions and supports that. He got feedback from a citizen upset because she has mobility issues and cannot collect petition signatures. Another citizen that is in the National Guard is concerned that those 20 days may fall during his service dates. He now has changed his views on personal circulation.

Valentine feels 15 signatures is not a lot to ask.

Townsend does not feel that it is difficult. The candidates will earn it when they are campaigning and we should not make it difficult. Feels it should mirror the 25 signatures of Councilmembers.

Bower stated that whoever is on the ballot has to campaign, but also stated that it is not hard to get signatures.

Ford stated that we are getting tripped up on the minutia. He doesn't want professional politicians coming here and serving on Council. He wants everyday people that serve their community. Campaigning is where you put the work in. If we make it a high hurdle then we eliminate people that are not as motivated.

Bower confirmed that the committee recommended 10 per district.

Teal stated maybe knock it down to 5 per district to be more in line with the total in other towns.

Bower stated after looking at voter turnout he would be okay with 10 signatures per district.

Moved by Ford, seconded by Valentine to amend it to 10 signatures from each district for the Mayor, 25 signatures for Councilmembers, people may only sign one Mayor petition and one Councilmember petition, and candidates must personally circulate the petition.

Teal moved, seconded by Valentine, that Ordinance 2018-022 be Approved on First Reading as Amended. The motion passed by the following vote:

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

No: 1 - Townsend

Not Present: 1 - Loban

[ORD 2018-023](#) Ordinance Repealing and Replacing Chapter 17.60 of the Castle Rock Municipal Code Concerning Personal Wireless Service Facilities (First Reading)

Detweiler acknowledged staff that worked on this project.

Brandon Dittman of Kissinger and Fellman, PC who helped update the Town Code presented an overview of the issues and the trends in the industry of cell phone use. Voice use has become stagnant but data use has significantly increased. Small cells are for increasing bandwidth most commonly found on street lights and distribution power poles and standalone poles. Our code needed to be updated to make it compliant with existing law and maintain local control. They updated it for small cells and all cell facilities and design standards

Townsend reiterated the requirement that they must use the smallest facility needed. Dittman stated we could deny and they could appeal to FCC stating it is the only place they can go, but they cannot force the Town to allow that lease which gives the Town additional flexibility.

Mayor Green stated they have discussed microtowers at the Parks and Rec Commission meeting. They blend so well into existing light structure people don't even know they are there.

Councilmember Teal addressed Deputy Town Attorney Heidi Hugdahl and asked if she received an email from one of his constituents recommending a revision.

Hugdahl did reply that they would discuss it further and may come back at 2nd reading if those changes were valid. The current code does cover those things because we are the landowner in those circumstances.

Dittman stated we are the landowner and that we don't need that language. Mr. Martin and Topelniki spoke at the Planning Commission meeting and appreciated their interest.

Townsend commended the Legal team for their work on that.

No public comment.

Teal moved, seconded by Valentine, that Ordinance 2018-023 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

[RES 2018-054](#) Resolution Approving the Castle Rock Parks & Recreation 2018-2020 Strategic Plan

Parks and Recreation Director Jeff Brauer presented the 2018-2020 Strategic Plan. The plan focussed on areas that need improvement. He shared some of the challenges including funding, wage increases, demands, increased expenses, and water conservation. They did extensive public outreach through surveys staff input, website, press release, social media, direct mail, and Parks and Recreation Commission. Themes are to create a financing plan, study priorities, set fees and charges, ensure development is adequate, safe and efficient operation, asset management, location of parks, sustainable golf course, connectivity, strengthen recreation programs, training and technology, and engage the public. Highlights are to develop the next neighborhood park and plan for the next one, access to Rueter-Hess Reservoir, expand events and improve community character, build the Central Service Center, extend Plum Creek Trail, study needs for facilities, new day camps, water conservation and recycling, and golf course infrastructure.

Councilmember Bower asked who to discuss bringing own watercrafts vs. renting them. Brauer stated he can contact the board members and he will send information on the next meeting. Green asked if Council should draft a letter of support. Consensus of Council is to have staff draft a letter to the board.

Valentine moved, seconded by Ford, that Resolution 2018-054 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

[RES 2018-055](#) Resolution Approving the Second Amendment to Villages at Castle Rock Metropolitan District No. 7 Master Intergovernmental Agreement

Town Attorney Slentz stated this is primarily Woodlands and Escavara. One of the first districts to run into financial distress and file Chapter 9 bankruptcy in the 80's and 90's, and now they are getting ready to pay off that debt and the district would dissolve.

Motion by Green, second by Townsend to extend meeting to 10pm.

Green moved, seconded by Townsend, that Resolution 2018-055 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

[RES 2018-056](#) Resolution Ratifying Emergency Change Order No. 3 with Hydro Resources - Rocky Mountain, Inc. for Casing Off of the Upper 750 Feet of the Founders Arapahoe Well CR-227 [East of Matney Park, along Lantern Circle]

Castle Rock Water Director Mark Marlowe presented this item. This is a well in Matney Park. They experienced a loss of circulation and a collapse of the bore hole and had to case it to save the hole. There have been three change orders. The wells should be more productive. Completion is planned by late July and will need a third quarter budget amendment for \$378k.

Councilmember Townsend asked if there is an investigation done for the cause for loss of circulation or collapse of the bore hole. Marlowe stated last year they had two independent experts to review it. They had an expert look at this as well.

Bower moved, seconded by Valentine, that Resolution 2018-056 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

RECESS TO EXECUTIVE SESSION

**[EXEC](#)
[2018-010](#)**

Executive Session: Town Manager and Town Attorney's Performance Evaluations (TM/TA Participation)

Green moved, seconded by Ford, to Adjourn to Executive Session as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

RECONVENE

**[EXEC](#)
[2018-011](#)**

Executive Session Report: Town Manager and Town Attorney Performance Evaluations (TM/TA Participation)

Mayor Green read the Executive Session report.

Green moved, seconded by Teal, to extend a 5% raise to the Town Attorney . The motion passed by the following vote:

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

Not Present: 1 - Loban

Green moved, seconded by Teal, to extend a 3% raise to the Town Manager. The

motion passed by the following vote:

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

Not Present: 1 - Loban

ADJOURN

Mayor Green adjourned the meeting at 10pm.

Submitted by:

Lisa Anderson, Town Clerk