



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 2, 2019

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.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Donald Haymon II, Calvary Apostolic Church

CALL TO ORDER / ROLL CALL

Mayor Gray called the meeting to order at 6:04 p.m.

Present: 7 - Council Member Loban, Council Member Townsend, Mayor Pro Tem Bower, Council Member Teal, Mayor Gray, Council Member Bracken, Council Member Johnson

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Council Member Bracken commented that the vaping issue is a nationwide epidemic and not just a Castle Rock or Douglas County issue.

Council Member Johnson thanked residents for the opportunity to attend the Colorado Municipal League conference.

Council Member Teal and Mayor Gray wished everyone a safe Independence Day and mentioned fireworks would be around 9:30 pm.

[DIR 2019-016](#)

Discussion/Direction: Call a Special Town Council Meeting on July 8, 2019 at 6:00 p.m. for the Purpose of Meeting with the Board of County Commissioners on Items of Mutual Interest

Discussion of proposed meeting scheduled with the Board of County Commissioners was introduced by Mayor Gray with the date yet to be determined.

[APPT 2019-005](#)

Appointments to the Downtown Development Authority and Design Review Board

Moved by Council Member Johnson, seconded by Mayor Pro Tem Bower to Appoint recommended individuals identified in the agenda memo to the Design Review Board and the Downtown Development Authority. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

Town Manager, Dave Corliss, noted that Council Member Loban's term had

expired on the Douglas County Housing Partnership but he was interested in being reappointed, also indicating that the Town should appoint an alternate member as well.

Moved by Council Member Townsend, seconded by Council Member Teal, to Appoint Council Member Loban and alternate Mayor Gray to the Douglas County Housing Partnership. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

UNSCHEDULED PUBLIC APPEARANCES

Matthew Smith, resident, spoke to concerns related to Colorado's Red Flag bill.

TOWN MANAGER'S REPORT

[ID 2019-070](#)

Presentation: Ron Claussen - Douglas County Open Space Advisory Committee (COSAC)

Ron Claussen, Douglas County Open Space Advisory Committee member, presented at the request of Council Member Johnson. He explained that the committee recommends to the Board of County Commissioners open space property for purchase which is funded by sales tax dollars, grant partners and private individuals.

Town Manager, Dave Corliss, reminded everyone that the August 6 Council meeting was canceled and encouraged participation in the National Night Out event. He noted upcoming meetings would be scheduled with Council Members for purposes of budget review.

Council Members addressed the Town Manager with questions related to the Red Flag bill discussion timeline, the Town's responsibility as a home rule municipality and asked for clarification of the staff direction in researching this item.

Corliss understood staff direction to include a summary review of the law, how it relates to our Charter, as well as background information on how other municipalities have responded to the law, noting this item was scheduled for the July 16 Council meeting.

[ID 2019-071](#)

Development Services Project Updates

[ID 2019-072](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bower, seconded by Council Member Johnson, to Accept the agenda as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

CONSENT CALENDAR

[ORD 2019-018](#) **Ordinance Amending Chapter 14.02 of the Castle Rock Municipal Code Concerning Eminent Domain (Second Reading - Approved on First Reading on June 18, 2019 by a vote of 6-0)**

[RES 2019-076](#) **Resolution Adopting a Waiver Delegating the Town's Damage Prevention Safety Program to The Underground Damage Prevention Safety Commission**

[RES 2019-077](#) **Resolution Approving the First Amendment to the Town of Castle Rock Equipment and Services Acquisition Agreement with Moltz Construction, Inc. for the PCWRA Pipe Modification and Pump Installation**

Moved by Council Member Loban, seconded by Mayor Pro Tem Bower to approve the Consent Calendar as read. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2019-017](#) **Discussion/Direction: School Resource Officer (SRO)**

Police Chief, Jack Cauley, identified the role of a (SRO) School Resource Officer to Council. Currently one SRO is shared by Mesa Middle School and Castle Rock Middle School. The request for an additional SRO would provide a dedicated, full time SRO at both Mesa and Castle Rock Middle Schools, and if approved, would be implemented in August for the 2019-2020 school year.

Council Members directed questions to Chief Cauley as related to the school district sharing the funding costs of the SRO, how the position would be filled, the level of experience required of the officer filling this position and coverage within schools as related to community and national standards.

Chief Cauley responded that the position would be filled by movement within the department by an experienced officer already identified, and if approved, the additional SRO position along with the school marshal program in elementary schools put Castle Rock in a very good coverage position.

Chief Cauley acknowledged Officer Stark, the previous SRO at Castlevue for his outstanding work. Council Members and Mayor Gray also commended his service.

No public comment.

Moved by Council Member Loban, seconded by Council Member Teal, that the SRO recommendation by the Police Chief be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

ORD 2019-019 Ordinance Approving the Second Amendment to the 2019 Budget by Making Supplemental Appropriations for 2019 and Authorizing Changes for Year 2019 (First Reading)

Town Manager, Dave Corliss explained additional expenditures were identified by staff to be worthy of amending the 2019 budget and resources were available to fund this year.

Council Members addressed questions to staff related to the accounting for the allocation of the school resource officer and how the funding match from the school district would be reported for budget purposes.

Corliss explained the expenditure authority was needed to pay salary and benefits for the SRO. Revenue from the school district, as part of an intergovernmental agreement, would be a reimbursement recorded in the general fund.

Council Members Teal and Johnson addressed questions to staff related to Ridge Road widening right of way acquisition.

Corliss identified the right of way property to be on the west side of Ridge Road and that the Town had interest in acquiring the property. He acknowledged Council efforts that were instrumental in receiving a grant from DRCOG for this project.

Moved by Mayor Pro Tem Bower, seconded by Council Member Loban, that Ordinance 2019-019 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

ORD 2019-020 Ordinance Amending Chapter 5.04 of the Castle Rock Municipal Code Concerning the Administration of Regulations for Solicitors (First Reading)

Town Manager, Dave Corliss, explained no changes were made to the solicitor ordinance, the ordinance clean up was to reflect current business practices.

Council Member Loban stated that he wished the No Knock List was an opt out list.

No public comment.

Moved by Council Member Johnson, seconded by Council Member Townsend, that Ordinance 2019-020 be Approved on First Reading as Presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

ORD 2019-017 Ordinance Amending Chapter 6.02 of the Castle Rock Municipal

Code Concerning Ducks, Miniature Goats and Miniature Pot-Bellied Pigs by Amending Sections 6.02.030, 6.02.090, 6.02.250, 6.02.340 and Adding New Sections 6.02.251, 6.02.252, 6.02.253 and 6.02.254 (Second Reading - Approved on First Reading on June 18, 2019 by a vote of 5-1)

Deputy Town Attorney, Heidi Hugdahl, noted minor changes between First and Second Readings to include goats be disbudded, a modification of age limit on intact male goats, the walking of goats by leash or harness, and the prohibition of grazing in public areas. It was clarified that HOA regulations will be predominate over Town rules and may be more restrictive. Proposed effective date is October 1, 2019.

Ms. Barrett, citizen, was acknowledged for her help and recommendations.

Council Members directed questions to staff to include if the Town had reached out to 4-H membership for help with shelter for escaped animals, as well as budget impact concerns related to additional animal control officers, training, code enforcement, registration and housing and what the experience was of other area municipalities with similar ordinances. It was questioned if pet owners were responsible for the registration and documentation of the breed. It was noted that citizens did not really have a high level of interest in this issue and the intent should be to preserve the rural character of Castle Rock.

Hugdahl responded that the Town had not reached out to 4-H membership as there would possibly be legal or liability issues involved. It was noted that further research would need to be done across front range municipalities to determine license process as well as the fees charged. It was clarified in the ordinance that goats were identified by breed and penalties would be imposed on pet owners with possible municipal code violation citations. It was noted that similar ordinances in other areas had not posed any significant problems.

Members of the public speaking in favor of this item were:

Julie Barrett
Lisa Rouleau
Doug Roth
Matt Kerr
Colleen Harmon
Ron Claussen
Tammie Kutina (Nonresident)

Council Member Johnson explained the reasoning for her previous No vote at the prior council meeting, citing concerns with sheltering animals that may escape and additional burdens on Town staff.

Moved by Council Member Teal, seconded by Council Member Loban that Ordinance 2019-017 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Teal, Gray, Bracken

No: 2 - Townsend, Johnson

[DIR 2019-018](#)**Discussion/Direction: Buffering Between Dissimilar Residential Uses**

Tara Vargish, Assistant Director Development Services, explained item before Council tonight was in response to previous Council direction. Staff has defined a dissimilar residential interface as the area between a single family detached neighborhood next to a neighborhood of duplex, triplex, quadruplex or multifamily housing or an area between a neighborhood of duplex, triplex, or quadruplex next to a multifamily housing development. The intent is to establish buffers and design standards with a visually interesting interface which would be applicable at the time of the site development plan.

Council Members directed questions to staff regarding how the buffer distance was measured, how it would relate to vested properties and future annexations and if the additional requirements would have an affect on developers in their ability to reach their proposed density.

The following people spoke in favor of buffering:

Kelly Gill, Terrain resident

Rhonda Fellers, Terrain resident

Council Members directed additional questions to staff to clarify if buffers were in place for dissimilar properties now, and the impact on developers to comply with buffer zones. It was discussed how the Town could make information easily accessible on the Town website in regard to zoning adjacent to residential areas for home buyers. It was noted that the intent is not to discourage or burden developers by additional requirements.

Council Member Townsend voiced concerns about providing affordable housing and how this would impact new development related to multi family housing.

Vargish responded that a buffer requirement currently is in place between residential and non residential properties and under the site development plan review, there is general language provided, but not as defined as what was proposed. Information would be shared with the community and stake holders through an open house format. Staff recommendation was for Council to direct staff to proceed with adding additional language to the code in regard to dissimilar residential uses through the site development plan process.

Council Member Bracken motioned to direct staff to make the appropriate changes and necessary action with a second from Council Member Johnson.

Council Member Teal offered a friendly amendment.

Moved by Council Member Teal, seconded by Council Member Bracken to Adopt the staff recommendation to conduct public outreach as well as outreach within the development community for the purposes of determining buffering between dissimilar residential uses as annotated in the staff packet. Motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

Council discussion endorsed there was value in moving forward with additional discussion and outreach.

Council Member Townsend wanted the additional discussion and outreach to address options to provide affordable multi family housing.

Council Member Townsend motioned to direct staff to explore how we can effectively bring in multi family housing and how we can look at these ordinances to encourage or if these buffer amendments make it easier for multi family housing to go into or next to residential where it has been previously zoned. Mayor Pro Tem Bower seconded the motion.

Council Member Loban proposed an amendment to the previous motion to include consideration for affordable and accessible housing as it pertains to the motion that was just passed. Motion failed due to lack of a second.

Council Member Johnson asked for clarification from staff on the affordable housing element as it related to the discussion on dissimilar residential buffering.

Corliss stated the direction he understood from Council was for staff to present to Council an overview of the current zoning for multi family housing, to engage conversation with multi family housing developers to include the Douglas County Housing Partnership. And if directed by Council for staff to research affordable housing options, recognizing that affordable housing is a separate issue from the discussion on dissimilar residential buffering, but an important related issue.

Moved by Council Member Townsend, seconded by Mayor Pro Tem Bower to direct staff to explore how we can effectively bring in multi family housing and how we can look at these ordinances to encourage or if these buffer amendments make it easier for multi family housing to go into or next to residential where it has been previously zoned. The motion passed by the following vote.

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

No: 1 - Teal

[DIR 2019-019](#)

Discussion/Direction: Title 15, 16, 17 and 18 Code Amendments

Tara Vargish, Assistant Director Development Services, introduced the proposed code amendments to include updates to the zoning code to be consistent with the Comprehensive Master Plan, recommended changes to improve the land development process and general code clean up.

Moved by Council Member Loban, seconded by Council Member Townsend, to Extend the meeting to 10:00 p.m. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

Council Members commented and directed questions to staff related to grading prior to a site development plan, accessory dwelling units applicability Town-wide, public noticing requirements, public hearing process options and how the zoning definitions affect new businesses opening in Castle Rock.

Vargish responded accessory dwelling units were applicable Town-wide unless a planned development was more restrictive and the public hearing process allows in lieu of approving or denying a motion, to continue the application back to the Planning Commission for further review. Zoning definitions proactively designate where a business is allowed to locate to.

Mayor Pro Tem Bower asked staff questions related to walk in and rehab clinics if they were only allowed in I2 zoning, and voiced concerns that I2 zoning was very limited.

Vargish explained that clinics and urgent care facilities were prohibited from providing substance abuse or alcohol treatment in those facilities and that identified walk in clinics or overnight care were not designated for these zoning uses.

Council discussion was to consider further review of the definitions provided as well as request additional time to review the information and the possibility of scheduling a study session at a later date.

No public comment.

Town Manager, Dave Corliss, stressed the importance of the discussion and suggested that further discussion be scheduled for the July 16 meeting.

Moved by Council Member Loban, seconded by Council Member Townsend to continue the discussion to the 16th. The motion passed by the following vote.

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None

ADJOURN

Mayor Gray adjourned the meeting.

Submitted by

Assistant Town Clerk, Robbie Schonher