



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, September 17, 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

EXECUTIVE SESSION

Mayor Gray called the meeting to order at 5:30 pm.

Present: 4 - Mayor Pro Tem Bower, Council Member Johnson, Mayor Gray, Council Member Teal

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

[EXEC](#)
[2019-014](#)

Executive Session: Potential Property Acquisition within the Plum Creek PUD

Mayor Gray Adjourned to Executive Session at 5:31 pm.

Moved by Mayor Gray, seconded by Council Member Teal, to Adjourn o Executive Session. The motion passed by the following vote:

Yes: 4 - Bower, Johnson, Gray, Teal

Not Present: 3 - Loban, Townsend, Bracken

INVOCATION - Pastor Shawn Young, Cornerstone Presbyterian Church

The meeting reconvened at 6:00 pm.

CALL TO ORDER / ROLL CALL

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

Not Present: 1 - Council Member Townsend

PLEDGE OF ALLEGIANCE

Boy Scout Troop 262 led the Pledge of Allegiance.

COUNCIL COMMENTS

[EXEC](#)
[2019-015](#)

Executive Session Report: September 17, 2019 - Potential Property Acquisition within the Plum Creek PUD

Mayor Gray read the report from the Executive Session. All Town Council members were present except for Townsend. Staff present was David Corliss,

Bob Slentz, Jeff Brauer, and Trish Muller. No improper action was reported.

Moved by Council Member Teal, seconded by Council Member Loban, to approve \$525,000 to purchase 7.63 acres at the Plum Creek Golf Course. The motion passed by the following vote:

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

Not Present: 1 - Townsend

COUNCIL COMMENTS:

Council Member Loban encouraged attendance at the high school football games and would like to propose lighting the star with the school colors for the winner of the game between Douglas County and Castleview High Schools.

Council Member Bracken supports that initiative.

Council Member Teal feels cross-town revelry generates long term relationships and is in favor of using the star for that purpose.

Council Member Bower feels the star is about Thanksgiving and leads up to Christmas. Bower feels it is a special season and it takes away from that when we do it for other things.

Council Member Johnson agrees with Bower, it has been lit for the holiday season for almost 80 years.

Council Member Bracken feels it should also be used for memorial type of activities. David Corliss, Town Manager, stated it was lit for Officer Parrish and the Broncos when they went to the Superbowl.

Norris Croom, Fire Chief, stated it was lit twice for the Superbowl and it was already lit for Starlighting for Officer Parrish. They also lit it for the 100th Anniversary of the Douglas County Fair and for 911. Croom stated the bulbs are special ordered, are expensive, that some colors don't show up, and it takes volunteers and staff several hours to install the bulbs. The Fire team is concerned it could lead to other causes, and if we do it for football do we do it for other sports.

Council Member Loban feels there is a difference in supporting sports vs. some other events. He feels there could be standards set. He feels we need to show that we support our high schools.

Council Member Bower is in support of doing something, but we could do it in a different way.

Mayor Gray feels the game is a special event, but he feels there are other events and other sports. He feels the star is very important for this Town and this is not the direction he wants to go.

Council Member Bracken stated the Chamber held a meeting in Gilbert, Arizona that was once the size and demographic of Castle Rock. Castle Rock is facing a shortage of a workforce and they are attempting to build a bridge with internships.

The Chamber committee will come up with an action plan when they meet next.

Council Member Teal briefed Council on two transportation issues. The Town is on the shortlist for a grant for the downtown alley project. Additionally, the I-25 Planned Environmental Linkages study is asking for a letter of support. He would like staff to look at it and prepare a letter of support.

Consensus of Council for staff to review the document.

Council Member Johnson announced that Castle Rock Water and Tri County Health are having the Household Chemical Roundup on Saturday at Castle Rock Water from 9am-3pm.

Mayor Pro Tem Bower announced that Oktoberfest will be held next Saturday from 1-10pm downtown.

Mayor Gray read a letter the Town received from Zach Parrish's parents following the dedication of Parrish Park.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Town Council:

Todd Casebre, head football coach at Castlevue High School. He appreciates the opportunity for the boys to play in front of the Town. This game is important, but all games are important. He hopes citizens continue to support both teams.

Annamarie Engelland, resident of Plum Creek, feels Memmen Open Space could be expanded to be a larger open space with biking opportunities. Two of the biggest projects in our plan are building another recreation center and investing in Hess Reservoir. Both of these were lower on the priorities from the citizen survey, and 84% citizens utilize open space and trails. Engelland feels we should postpone the recreation center development and acquire more open space. She stated the time is limited when that can be done.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, reminded Council of upcoming events and future Council meetings. Corliss asked Council if they were able to attend the October 15 Council meeting which is during school fall break. All Council Members present stated they planned on being there with the exception of Mayor Pro Tem Bower.

[ID 2019-093](#)

Update: Monthly Department Reports

[ID 2019-094](#)

Update: 2020 Census Update

[ID 2019-095](#)

Update: Quasi-Judicial Projects and Development Services Project Updates

[ID 2019-096](#)

Update: Residential Unit Data (through June 30, 2019)

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Council Member Loban, seconded by Council Member Johnson, to remove Item 10, Resolution 2019-090, and Accept the Agenda as Amended. The motion passed by the following vote:

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

Not Present: 1 - Townsend

CONSENT CALENDAR

[ORD 2019-027](#) Ordinance Amending Section 15.54.020 of the Castle Rock Municipal Code Concerning Issuance of Grading Permits; Repealing Chapter 15.66; and Making Minor Amendments to Titles 15, 16 and 18 of the Castle Rock Municipal Code (Second Reading - Approved on First Reading on September 3, 2019 by a vote of 6-0)

[RES 2019-089](#) Resolution Authorizing Change Order Number Five to the Construction Contract between the Town of Castle Rock and T. Lowell Construction, Inc. and Approving an Increase in the Contract Sum for the 2019 Castle Rock Water Meter Replacement Project

[MIN 2019-013](#) Minutes: August 20, 2019 and September 3, 2019 Town Council Meeting

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

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

Not Present: 1 - Townsend

RECESS TO TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT MEETING

Mayor Gray recessed the meeting at 6:39 pm.

RECONVENE TOWN COUNCIL MEETING - ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

Mayor Gray reconvened the meeting at 6:41 pm.

[RES 2019-090](#) Resolution Ratifying the 2020 Town of Castle Rock Festival Park Commons General Improvement District Budget

Item removed from the Agenda.

2020 BUDGET ITEMS

ORD 2019-030 Ordinance Amending Titles 3, 4 and 13 of the Castle Rock Municipal Code by Changing Stormwater Development Impact Fees, Renewable Water Resource Fees, Water System Development Fees, Meter Set Fees, and Rates for Bulk Water and Wastewater; and Making Certain Editorial Updates to Such Titles (Second Reading - Approved on First Reading on September 3, 2019 by a vote of 7-0)

Mark Marlowe, Director of Castle Rock Water, explained recommended 2020 rates and fees. (Loban and Teal not present for the vote.)

No public comment.

Moved by Mayor Pro Tem Bower, seconded by Council Member Johnson, that Ordinance 2019-030 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 4 - Bracken, Bower, Johnson, Gray

Not Present: 3 - Loban, Townsend, Teal

ORD 2019-029 Ordinance Adopting the 2020 Budget for the Town of Castle Rock, Colorado (Second Reading - Approved on First Reading on September 3, 2019 by a vote of 7-0)

David Corliss, Town Manager, stated there were no changes from first reading and summarized priorities presented at prior meetings.

No public comment.

Council Member Johnson stated Council has gone over the budget extensively with staff and that they do look at the budget in detail.

Council Member Teal commended Mark Marlowe for putting the work in on the water rates.

Moved by Council Member Loban, seconded by Council Member Teal, that Ordinance 2019-029 be Approved on Second Reading as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

RES 2019-091 Resolution Approving the 2020-2024 Balanced Financial Plan

David Corliss, Town Manager, presented this item that reflects long-term planning to ensure we are financially preparing for those needs.

Citizens that addressed Council:

Annamarie Engelland, resident, spoke on the five-year budget and that the survey showed that the recreation center and Hess reservoir are lower priorities than trail and open space acquisition.

Corliss stated they have been presented with a five-year capital plan for Rueter Hess. Jeff Brauer, Director of Parks and Recreation, stated they will explore if a recreation center is feasible and have not decided yet. Brauer stated they are just looking at a feasibility study. Mayor Gray added that we have not had that property come to the Council. Corliss stated that the property owner and a potential developer has had discussions to annex the land into the Town, but there is no pending application before Council regarding a development proposal. We recognize that open space is an important item and are looking for a revenue source for open space acquisition.

Council Member Townsend arrived at 7pm.

Mayor Gray reminded citizens that the property Engelland was referring to is not annexed into the Town.

Mayor Pro Tem Bower stated that the Memmen Open Space is in the Town, and the property Engelland was referring to is not owned by the Town or within the Town.

Council Member Teal added that the idea of the new recreation center is just being studied.

Moved by Mayor Pro Tem Bower, seconded by Council Member Loban, that Resolution 2019-091 be Approved as presented. The motion passed by the following vote:

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

IMPACT FEES / CIP DISCUSSION

[ORD 2019-031](#) Ordinance Repealing and Reenacting Section 3.16.030 of the Castle Rock Municipal Code Adjusting the Development Impact Fees for Residential Uses and Amending Stormwater Development Impact Fees for Residential and Non-Residential Uses and Amending Section 3.16.035 of the Castle Rock Municipal Code for Inflation (Second Reading - Approved on First Reading on September 3, 2019 by a vote of 6-1)

Mayor Gray read Ordinance 2019-031 and Resolution 2019-092 into the record together. These items were presented and received public comment together. Items will be voted on separately.

David Corliss, Town Manager, stated impact fees are not taxes. They are what is paid by someone pulling a building permit to build a new building. Corliss gave an overview of information previously presented to Town Council at the September 3, 2019 Town Council meeting. Corliss highlighted the need for the Crystal Valley Interchange to be moved up in priority. Corliss presented two options for fully increasing impact fees immediately or phasing them in while delaying some CIP

projects.

Council Member Johnson appreciated the graph showing the lost revenue when impact fees were reduced and feels we need to have growth help pay for growth.

Mayor Gray clarified the impact of the options. Corliss stated that if we keep increases all the same, we will have a reduction to parks and recreation and to transportation which will delay certain projects. Corliss stated we would like to proceed with projects in the 2020 budget.

Council Member Bracken would like to see the a tighter phase in schedule of 2% each quarter until we meet the maximum at year end 2020. Bracken asked if that would that still meet the Town needs. Corliss does not recommend that approach.

No public comment.

Moved by Council Member Teal to amend 2C with maximum fee increase for Transportation in 2020 and Parks in 2022. Failed for lack of second.

Mayor Pro Tem Bower stated that citizens he has spoken to say Parks and Recreation exceeds their expectations and did not feel we need another recreation center and do not expect a new park each year. Bower stated that when residents see that the golf course takes care of itself, they question why the recreation center can't take care of itself and want to see more open space acquisition.

Council Member Teal prefers we keep an agreement when we make it. Feedback he has received is that we need to proceed with transportation planning and supports 2C. We have transportation issues that need to be addressed now. He will speak in favor of this motion.

Council Member Bracken asked if any Council Members support any short term relief.

Council Member Loban noted a math correction on the total for option 2C.

Mayor Gray agrees with Council Member Bracken's recommendation to do quarterly increases by the end of 2020.

Council Member Townsend feels we should not go against the recommendation and what the citizens are requesting.

Moved by Council Member Loban, seconded by Council Member Bracken to amend the motion to phase in the increase in 25% increments every quarter until the end of 2020 for both transportation and parks. The motion failed by the following vote:

Yes: 2 - Loban, Bracken

No: 5 - Gray, Johnson, Bower, Townsend Teal

Moved by Council Member Townsend, seconded by Council Member Johnson, that Ordinance 2019-031 be Approved on Second Reading as presented. The motion passed by the following vote:

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

[RES 2019-092](#) Resolution Approving the 2020 to 2024 Five-Year Capital Improvement Program

Mayor Gray said this wouldn't change Plum Creek Parkway between Gilbert and Eaton in 2020, the stormwater work this fall and 2021 widening from Eaton to Ridge Road. Gray asked if we received quicker funding from the County and the west side property owners, could we move forward sooner.

Council Member Johnson confirmed the Town is trying to make \$20M available for the Crystal Valley Interchange and the difference will be if we have it by 2023 or 2024. Johnson feels it is needed and that it is a matter of when it is needed and when we have the money. Johnson stated there are projects that have completed designs because they were planned by the Town previously. Johnson hears from her residents that Ridge Road needs to be widened and was planned for 2020.

Council Member Johnson moved to Amend the Capital Improvement Program to delay some of the planning work related to the Crystal Valley Interchange to 2020 and continue with Ridge Road widening in 2020 as planned. Failed for Lack of Second.

Teal discouraged the amendment based on citizen's comments that doing both projects in 2020 would impact two neighborhoods and recommends moving forward with the CIP as presented.

Council Member Bracken commended Johnson for advocating for her district. Plum Creek Parkway on the west side is going to have problems as Miller Landing develops, but we are going to have address some of the local district issues as well.

No public comment.

Mayor Gray understands Johnson's concern and feels the Crystal Valley Interchange helps Johnson's and Teal's districts the most and Castle Rock as a whole.

Moved by Council Member Loban, seconded by Council Member Teal, that Resolution 2019-092 be Approved as presented. The motion passed by the following vote:

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

No: 1 - Johnson

OTHER BUDGET ITEMS

[ORD 2019-032](#) Ordinance Levying General Property Taxes for the Year 2019, for 2020 Collection, for the Town of Castle Rock, Colorado (First Reading)

Corliss stated most municipalities have removed TABOR restrictions.

ACTION: Staff will pass on information regarding municipalities that have removed TABOR restrictions.

Moved by Council Member Teal, seconded by Council Member Loban, that Ordinance 2019-032 be Approved on First Reading as presented. The motion passed by the following vote:

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

ORD 2019-033 Ordinance Levying General Property Taxes for the Year 2019, for 2020 Collection, for the Castle Rock Downtown Development Authority (First Reading)

Mayor Gray read Ordinance 2019-033 and Resolution 2019-033 into the record. Both items will be presented and receive public comment together, then voted on separately.

Kevin Tilson, Director of the Castle Rock Downtown Alliance. The DDA plans to adopt their budget on October 3, 2019 after Town Council approval.

No public comment.

Moved by Mayor Pro Tem Bower, seconded by Council Member Loban, that Ordinance 2019-033 be Approved on First Reading as presented. The motion passed by the following vote:

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

RES 2019-093 Resolution Approving the Castle Rock Downtown Development Authority (CRDDA) Proposed Annual Budget for 2020

This item was presented and discussed under Ordinance 2019-033.

Moved by Mayor Pro Tem Bower, seconded by Council Member Loban, that Resolution 2019-093 be Approved as presented. The motion passed by the following vote:

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

OTHER PUBLIC HEARING ITEMS

RES 2019-094 Resolution Approving a Construction Contract with 53 Corporation, LLC, for the Plum Creek Parkway Roadway and Widening Improvements Phase 1A - Storm Sewer Project

Dan Sailer, Acting Director of Public Works, presented an overview of the project location and phasing schedule.

No public comment.

Moved by Council Member Bracken, seconded by Mayor Pro Tem Bower, that Resolution 2019-094 be Approved as presented. The motion passed by the following vote:

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

[DIR 2019-024](#)

Discussion/Direction: Possible Town Participation in Community Development Block Grant (CDBG) Program

David Corliss, Town Manager, presented an overview of the Community Development Block Grant program that provides grants to assist with needs for low to moderate income neighborhoods. They must notify HUD by September 23, 2019. Staff is seeking direction on how to respond. The Town would be eligible to receive \$222,000 for 2020. Other communities have used these funds for public improvements, acquiring certain property, housing assistance, energy efficiency grants, etc. Previous Town Council members and some residents were concerned over the regulations attached to receiving these funds. Corliss recommends accepting the entitlement and the Town can exit the program if they desire.

Council Member Johnson asked if this would require additional staffing. Corliss stated we would use staff initially and may need to contract with someone later.

Mayor Pro Tem Bower asked what administrative costs would be. Corliss feels \$40-\$60,000. Meetings with HUD, night meetings with citizen action plan, etc. Bower noted that the amount has been going down each year. Council Member Teal confirmed that the \$220,000 is then reduced by administrative costs.

Council Member Loban inquired about the process to withdraw. Corliss stated we just state we no longer want to be an entitlement municipality and withdraw.

Mayor Gray asked if Council decides where those funds go. Corliss stated Council makes the final approval after they appoint a committee that looks at the requests and makes a recommendation to Council.

Mayor Pro Tem Bower inquired if rehabilitation of buildings and structures included privately owned buildings. Corliss confirmed it would.

Citizens that addressed Council:

Jenny Follmer, resident, with Douglas County Task Force stated that funding is difficult to find for the the issues they assist residents with.

Joe McCabe, non-resident, stated he helps those in need. They have received CBDG funds through the county in the past to enable them to help individuals with rental assistance. McCabe requests Castle Rock receive these funds and allocate funds to assist those in need.

Diane Leavesley, Executive Director of the Douglas County Housing Partnership encourages the Town to accept the funds. This program brings tax dollars we have paid back to our community and allows us to decide where we want the funds to be used (within their requirements).

Artie Lehl, Douglas County Housing Authority. They offer down payment assistance which is funded by the state that is not as flexible as CBDG funding.

Lehl stated this affected three couples they could not assist.

Jennifer Walker, Executive Director of the Crisis Center. They work closely with the other entities and could benefit from these funds.

Council Member Teal feels receiving these funds can impact land use issues in Town. We brought in \$4M in federal funds and are part of an agreement for the next three years. The Town will get \$4.7M in funds and an opportunity for an additional \$5M in funds. The only strings attached is that we have to do road projects. Teal stated there are strings attached to the CDBG funds. Teal encourages us to look at the Miller Fund to provide for health and life giving needs if we feel the community needs \$220,000. Teal asked to table the issue.

Council Member Townsend has concerns over their authority and agrees with Loban and Teal.

Council Member Bracken thanked the folks who showed up tonight and their service to the community.

Mayor Gray likes the idea that we can use these funds and can exit if needed.

Moved by Council Member Teal, seconded by Council Member Loban, to defer receiving CDBG funding. The motion passed by the following vote:

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

No: 1 - Gray

ORD 2019-028 Ordinance Amending Title 17 Of The Castle Rock Municipal Code Concerning Zoning by Repealing and Reenacting Chapters 17.01 Through 17.10, Chapters 17.14 Through 17.30, Chapters 17.36, 17.38.; Repealing Chapter 17.20; Amending Sections 17.50.040, 17.52.050, 17.52.060 and 17.52.240; and Adding a New Chapter 17.39 Entitled Use by Special Review (Second Reading - Approved on First Reading on September 3, 2019 by a vote of 4-2)

Tara Vargish, Assistant Director of Development Services, announced upcoming open houses on residential interface and industrial uses.

Council Member Bracken asked to move the October 22 open house as he would like to attend and will be out of town. Vargish confirmed that they would be able to move that date.

Council Member Johnson asked Mayor Pro Tem his thoughts on the amendment previously proposed at the September 3, 2019 Town Council meeting whether to remove Section D regarding the Town Manager's authority to decide if all meetings were necessary. The amendment failed.

Mayor Pro Tem Bower stated he trusts the Town Manager to make that call if a meeting is not needed.

Moved by Council Member Loban, seconded by Council Member Townsend, that

Ordinance 2019-028 be Approved on Second Reading as presented. The motion passed by the following vote:

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

No: 1 - Johnson

QUASI JUDICIAL HEARINGS

[RES 2019-095](#) Resolution Approving a Request for Demolition of the Building Located at 407 Jerry Street (Olinger Andrews Caldwell Gibson Chapel)

Mayor Gray read the quasi-judicial script. No concerns were raised by Council. Lisa Anderson, Town Clerk, confirmed that proper notice was posted.

Tara Vargish, Assistant Director of Development Services, gave an overview of this item. This property is not landmarked and does not contain the original characteristics due to the many alterations. They are proposing a new funeral home and chapel to be built in its place. There are five criteria that staff and the Historic Preservation Board reviews. The Historic Preservation Board and staff recommend approval.

Council Member Johnson asked if any of the trees could be saved. The applicant, JR Pinon, came to speak stating that one tree could be saved, and they will attempt to save two additional trees.

Citizens that addressed Council:

Gay Ramsour, resident, stated they are in the buildings adjacent to this property and are enthusiastic and support the project.

Moved by Council Member Loban, seconded by Mayor Pro Tem Bower, that Quasi-Judicial Resolution 2019-095 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Gray adjourned the meeting at 9:27 pm.

Submitted by:

Lisa Anderson, Town Clerk