



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, October 15, 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 David Love, Calvary Castle Rock

CALL TO ORDER / ROLL CALL

Present: 5 - Council Member Loban, Council Member Bracken, Council Member Johnson, Mayor Gray, Council Member Teal

Not Present: 2 - Council Member Townsend, Mayor Pro Tem Bower

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Council Member Loban thanked everyone in attendance. Loban discussed the proclamation policy and asked that it be presented in the prior meeting on the Consent Calendar, and if approved, it would go on the next agenda.

Council Member Teal agreed. He feels this gives Council Members an opportunity to review it prior to presenting it. He also suggests that if it is approved on the Consent Calendar it could be approved on the regular agenda that night.

Council Member Johnson asked what our current policy is.

David Corliss, Town Manager, stated that the policy was approved by resolution requiring that proclamations have a Council Member sponsor. Corliss suggests a resolution on the next agenda to approve a process.

Consensus of Council to bring a Resolution to the November 5, 2019 Council meeting.

Council Member Bracken provided an update from Tri County Health department regarding vaping in students ages 14-17. They are going to form a panel of students to review and understand why teens are using vaping products and things they think could affect change. This will be used as an educational tool for students and parents. Statistics show half of students have tried vaping and many are addicted.

Council Member Teal was voted in to participate on behalf of Douglas County to look at what is right and what isn't working with RTD. It is a two-year commitment.

He is not representing Castle Rock, as in 2005 Castle Rock voted to be out of RTD.

Council Member Johnson thanked the Parks and Recreation staff who she joined at the tree planting in the Mitchell Creek Trail area and noted that the soil had alot of clay.

[APPT](#)
[2019-007](#)

Appointment: Public Art Commission

Moved by Council Member Johnson, seconded by Council Member Loban, to Appoint Diana Sterling to a partial term ending May 31, 2020. The motion passed by the following vote:

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

Not Present: 2 - Townsend, Bower

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Town Council:

Richard Sanborn, resident, moved here in November 2016. He previously shared his concern of air pollutants caused by fossil fuels, and his concerns have increased. He is a member of the Citizens Climate Lobby focussed on national policies to address climate changes with 6,000 members in Colorado. He would like us to study this and develop a plan for adaptation and discuss legislation.

Peter Bierbaum, non resident. He is an engineer and has run his own business in Douglas County for the last 20 years. He stated that we were identified with a non-containment moderate status and he encouraged Council to stay involved.

TOWN MANAGER'S REPORT

[DIR 2019-027](#)

Discussion/Direction: I-25 Planning and Environmental Linkages (PEL) Study

Dan Sailer, Acting Public Works Director, gave an update to the letter sent in support of the study.

Chuck Attardo with CDOT is the project manager for the PEL-25 study from Monument to Lone Tree, and asked for a letter of support for the study. He handed out an Executive Summary (EXHIBIT A) that summarizes the PEL and recommendations. The first priority is to fix the interstate and extend express lanes to Lone Tree. Transit has to be part of this like a new station/mobility hub in Castle Rock, bus and rail. There are supplemental elements that are smaller projects.

Council Member Loban asked how we do transit when we are outside of RTD and asked if it would be federally funded. Attardo recommended in the PEL that front range passenger rail needs to be studied more, which is a \$70M project in the I-25 corridor. The bus would be federally funded as well as rail.

Mayor Gray asked who else is involved in this. Attardo stated the PEL is not a binding document, but they are asking other government entities to provide a letter of support.

Council Member Teal served on the steering committee for the I-25 South PEL. He recommends providing a letter of support but recommend a general purpose lane from Castle Rock to 470 vs. an express lane to 470. Teal does not support a toll lane from Castle Rock to 470.

Attardo thanked Teal and stated he was very instrumental.

Moved by Council Member Loban, seconded by Council Member Teal, to provide a letter in support of the majority of the presented material with the exception of the toll lane to stop north of Plum Creek. The motion passed by the following vote:

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

Not Present: 2 - Townsend, Bower

[DIR 2019-028](#)

Discussion/Direction: Transit Feasibility Study Focus Group

David Corliss, Town Manager, stated the Town has a feasibility study underway which is included in our budget. Public Works is managing the project and is looking to Council to appoint members to committees with a goal to provide Council a plan in the third quarter of 2020. The technical committee would be made up of representatives from the Town, Douglas County, DRCOG and CDOT. The second committee would be a higher over arching steering group with members from Town Council, Public Works Commission, Planning Commission, Town Manager, DDA/DMA, Douglas County, Economic Development Council, Chamber of Commerce and residents. They are looking to hold a kick off meeting the week of November 4th, hold a public open house on November 13, and be at the Castle Rock Art Show on November 2.

Council Members Johnson, Teal and Loban volunteered to be on the Committee.

Corliss reminded staff that we will need to publish the meeting as there will be more than two Council Members in attendance.

[ID 2019-104](#)

Update: Third Quarter Major Projects

David Corliss, Town Manager, presented the item.

[ID 2019-105](#)

Update: Monthly Department Reports

[ID 2019-106](#)

Update: Administrative Easement Grant and Right-of-Way and Easement Abandonments

[ID 2019-107](#)

Update: Quasi-Judicial Projects

[ID 2019-108](#)

Development Services Project Updates

David Corliss, Town Manager, pointed out that we have received an inquiry for a senior retirement community in the Meadows.

Council Member Johnson referred to a convenience center at Plum Creek and Lake Gulch Road. She attended a neighborhood meeting last fall and wanted to know what the status was. Bill Detweiler, Development Services Director, will find out and provide an update to Council.

[ID 2019-109](#)

Update: Water Court Cases

Mark Marlowe, Director of Castle Rock Water, provided an annual update on cases where the Town is the applicant and where the Town is the opposer.

Council Member Johnson asked if it is typical what Dominion or Castle Pines is doing. Marlowe stated they use structures that are already on the stream and strive to come to an agreement with the owners of the structure. Marlowe said we would only come to an agreement if it benefited our residents.

TOWN ATTORNEY'S REPORT

Bob Slentz, Town Attorney, sent an email regarding the Philip S. Miller Trust. Douglas County retained special Counsel and will take the lead on this. The assessment is that there should be no change in function with the administration of the Trust moving to Nevada.

Council Member Bracken asked if there would be a change to the beneficiary status and allotments to the Town. He also asked if they are just looking to streamline the operation to move operations to Nevada, and if we will have a local representative in Colorado.

David Corliss, Town Manager, stated the Miller's left us a tremendous gift. Any updates will be provided to Town Council.

ACCEPTANCE OF AGENDA

Moved by Council Member Loban, seconded by Council Member Johnson, to Accept the Agenda as presented. The motion passed by the following vote:

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

Not Present: 2 - Townsend, Bower

CONSENT CALENDAR

[RES 2019-107](#)

Resolution Approving Purchase of an Annexair Custom Air Handling Dehumidification Unit for the Recreation Center Pool

[MIN 2019-016](#)

Minutes: October 1, 2019 Town Council Meeting

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

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

Not Present: 2 - Townsend, Bower

RECESS TO THE CASTLE ROCK URBAN RENEWAL AUTHORITY MEETING

Mayor Gray recessed the meeting at 6:55 pm.

RECONVENE TOWN COUNCIL MEETING - QUASI JUDICIAL HEARINGS

Mayor Gray reconvened the meeting at 6:58 pm.

[RES 2019-108](#) **Resolution for Crystal Valley Ranch Filing No. 18 Site Development Plan [*Single-Family Detached Homes; Southeast of Crystal Valley Parkway and West Loop Road*] (Town of Castle Rock Project SDP18-0060)**

Mayor Gray read the quasi-judicial script into the record. No conflict was noted by any member of Town Council. Lisa Anderson, Town Clerk, confirmed it had been properly noticed.

Bill Detweiler, Development Services Director, presented the item and noted the applicant, Greg Brown, was present if Council had any questions. The property is proposing a change in use. The original plan allowed for multi-family units and they are proposing to reduce it to 90 single family detached units with a four acre future commercial site, 14% open space with a park, trail connections and streetscape. They conducted a neighborhood meeting with three residents in attendance who were all in support. The Planning Commission found that the application supports the goals of the Town consistent with the Planned Development and meets the Site Development Plan criteria.

Council Member Bracken asked if the set backs have been reviewed by staff even though it isn't in the code yet.

Greg Brown, Crystal Valley Ranch Development Company, gave a presentation. He showed the location and the four acres for commercial activity. He showed the landscaping and interconnectivity of the trails and the recreation center. It is about 25 acres and is currently zoned with 4 acres of commercial and 171 dwelling units. They are proposing to reduce it to 90 detached homes with an age restricted community. Brown stated they have 70 people already signed up that are interested in living there. Brown stated they have met all Town's codes and have a recommendation from the Planning Commission.

Council Member Bracken asked if they obtained funding for the age restriction or is it just a preference and if it could be lifted. Brown stated they would have it put in place to be compliant with that.

No public comment.

Council Member Teal stated he is familiar with this property and it has good support in the neighborhood and recommends approval.

Moved by Council Member Teal, seconded by Council Member Johnson, that Quasi-Judicial Resolution 2019-108 be Approved as presented. The motion passed

by the following vote:

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

Not Present: 2 - Townsend, Bower

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2019-034](#) **Ordinance Repealing and Reenacting Castle Rock Municipal Code Section 10.08.010 Area Designated by Designating the Town Website for Map Publication; Repealing and Reenacting Section 10.08.020 Authority to Set Parking Restrictions to Add Clarity to Authority; and Repealing Chapter 10.12 (First Reading)**

Kristin Zagurski, Assistant Town Manager, presented the item. They are preparing for the Encore construction in our parking lot and have been looking at our code in relation to parking and are recommending an update. Updating the downtown parking map currently requires changes be published in the paper, and they propose to post the map on website. The code is 45 years old regarding downtown parking and they would like to align it with current practices. The special event parking section will be brought to Council at a later time.

No public comment.

Moved by Council Member Bracken, seconded by Council Member Loban, that Ordinance 2019-034 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Townsend, Bower

[RES 2019-111](#) **Presentation of the Quinquennial Review - Promenade at Castle Rock Metropolitan Districts Nos. 1, 2 and 3**

Trish Muller, Finance Director, presented a walk through of the quinquennial review for Promenade at Castle Rock metro districts. A metro district is a special taxing district to issue bonds that fund construction of infrastructure. It shifts the cost of the infrastructure and imposes it on future residents. The quinquennial review is a 5 year review process after a district has authorization to issue bonds. The district files an application, and the Town looks at the service plan and financial plan to ensure it is adequate enough to meet their debt financing.

Bob Slentz, Town Attorney, stated we have not done a lot of these, but we will be doing more in the future. If Council finds that there are concerns that the district is not meeting its financial obligations, the Town can deprive them from issuing new debt. He stated the Promenade has not shown any issues of concern. The district has a comprehensive presentation and he defers to their presentation.

Allison Fogg presented an overview of the report for the Promenade at Castle Rock Metro District Numbers 1-3. The service plan was approved in 2014 for the development near the outlets, and in 2015 they issued Series A and B bonds.

David Corliss asked to review projected sales tax revenues and PIF reviews and clarified that their figures showed the expected sales (not the sales tax) in 2020.

Bob Slentz, Town Attorney, asked if repayment of the developer advances continue until they are paid. Peter Cudlip with Alberta Development, stated they have an obligation to that. Fogg reported that the interest on the developer advance is prime plus 3%.

David Corliss, Town Manager stated that Promenade has been successful and the Resolution will be on the November 5 agenda.

No public comment.

ORD 2019-035 Ordinance Approving the Third Amendment to the 2019 Budget by Making Supplemental Appropriations for 2019 and Authorizing Changes for Year 2019 (First Reading)

Trish Muller, Finance Director, presented this item. There is a total increase of expenditures of \$2,030,000 and an increase in revenue of \$875,000 in three areas: Transportation is requesting \$195,000 (\$125,000 is for the 6th Street alley retaining wall and \$70,000 for road de-icer). Parks and Recreation is requesting \$735,000 (Plum Creek property acquisition for \$525,000 and remediation for \$150,000, and point of sale software for the community center for \$60,000). The Plum Creek purchase and remediation will come out of the cash in lieu fund. Townwide healthcare claims are high this year and they are requesting \$900,000 which will come from the claims reserve fund. An additional \$200,000 will fund the start of the process for the quiet zone and will be reimbursed to the Town at closing.

Council Member Bracken asked if the quiet zone is town-wide. Corliss stated it is for the downtown area. We will have further discussions with the County outside of Town limits. Bracken feels we should look at a quiet zone on the west side. Corliss stated this is for the three intersections downtown at this time.

Council Member Johnson asked to specify the intersections. Corliss stated it will be the 2nd, 3rd and 5th Street crossings that need to be improved so a vehicle cannot cross the tracks and includes median improvements. Corliss is not aware of any other at grade crossings in Town. Teal stated there is one at Territory Road that will be part of the interchange project.

No public comment.

Moved by Council Member Teal, seconded by Council Member Bracken, that Ordinance 2019-035 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 2 - Townsend, Bower

[RES 2019-109](#) Resolution Approving a Construction Contract with Hydro Resources - Rocky Mountain Inc. for Wells CR-27R and CR-231

Mark Marlowe, Director of Castle Rock Water, stated this is an important project. This project will replace two wells. The key is to get this done before the irrigation season next year and in the winter when windows are closed and it is less disruptive. These will be in the Arapahoe Basin and produce up to one million gallons a day. The vendor just completed the wells in the Lanterns and were selected through sole source. The cost of the two wells are lower than the wells they did in the Lanterns. The Commission supports the project, and they plan an open house at the Grange on October 24.

Council Member Loban confirmed the time for the open house begins at 5pm.

No public comment.

Moved by Council Member Loban, seconded by Council Member Bracken, that Resolution 2019-109 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Townsend, Bower

[RES 2019-110](#) Resolution Approving a Construction Contract with Global Underground, Inc. for the Heckendorf Raw Waterline

Mark Marlowe, Director of Castle Rock Water, presented the item. Raw waterline runs along Plum Creek and some erosion has exposed the water line in the creek. The best approach is to get the line out and away from the creek and they plan to move the line several hundred feet east. Horizontal directional drilling is recommended, and Global is the only contractor that will do those drills. They would like to complete this project soon prior to irrigation season.

Council Member Teal referred to the planned Perry Street extension and if it will affect it. Marlowe stated it will be horizontally drilled and well under grade. His team will ensure it is coordinated.

No public comment.

Moved by Council Member Johnson, seconded by Council Member Teal, that Resolution 2019-110 be Approved as presented. The motion passed by the following vote:

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

Not Present: 2 - Townsend, Bower

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Gray adjourned the meeting at 7:58 pm.

Submitted by:

Lisa Anderson, Town Clerk