



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 7, 2020

6:00 PM

**Town Hall Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104
Phone in: (720) 650-7664
Meeting # 146 416 6120
www.CRgov.com/July7Council**

This meeting is open to the public and will be held in a virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred, remote participation is encouraged. This meeting will be hosted online and can be accessed at www.CRgov.com/July7Council, or phone in by calling (720) 650-7664, meeting code 146 416 6120. All Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

All times indicated on the agenda are approximate. Remote participants please visit www.CRgov.com/CouncilComments to sign up to speak to an item, and for related instructions. Public Comments may also be submitted in writing online by 1:00 p.m. July 7, 2020, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Rev. Don Haymon II, Calvary Apostolic Church

CALL TO ORDER / ROLL CALL

Councilmembers Loban, Johnson, and Townsend attended remotely.

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Teal expressed the honor of the last 6 years to represent District 6 and announced that he will not be seeking re-election in November in order to pursue other opportunities. Teal stated that it has been an honor and a pleasure to get to know the Mayor and Councilmembers.

Councilmember Johnson noted that she is a caregiver for her mother-in-law so attended remotely to avoid the possibility of exposing her to COVID-19.

Mayor Gray stated they have activated the loan program through FirstTier Bank and Colorado Lending Source. Up to 80 businesses can now get a 0% loan. Gray stated that small businesses have been heavily impacted with owners and

employees that live in our Town and that have kids in our schools. He encouraged everyone to support those small businesses.

[PROC](#)
[2020-010](#)

Proclamation: Smart Irrigation Month [*Presentation - Approved on June 16, 2020 by a vote of 7-0*]

Mayor Gray read the Proclamation into the record.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Stacey Rogers, resident, understands that Douglas County is under a Stage 2 Fire Ban that prohibits fireworks. She would like to know how many calls were made, how many were addressed and how many citations were issued. She noted that every night last week there were fireworks going off. She stated that if it is not enforced, it puts the firefighters in danger.

Anna Marie Englehard, resident, thanked Council for keeping meetings online so they can access them. She suggested Council allot a brief period of time to respond to citizen comments.

Richard Sanborn, resident, is a member of a Citizen Climate group. He asks Council to encourage use of masks. With the stay at home orders, there have been reductions of automobile exhaust, and noted the long-term threat of burning of fossil fuels. He encourages switching over to all-electric vehicles for Town vehicles.

Randy Reed, resident, contacted his Councilmember Bower regarding the north end of Wilcox that has dead landscaping. He noted Bower moved forward with staff to remove the dead tree and staff is working to clean that area up. He thanked Bower.

TOWN MANAGER'S REPORT

ID 2020-075

Town Manager's Report

David Corliss, Town Manager, provided an update on the 2020 Budget.

Corliss stated that small businesses have been dramatically impacted and a number of local businesses along with Town residents have had changes in their employment status. The Town worked expeditiously to provide funds, water payment deferrals, laid off over 200 part time employees, and deferred some expenditures.

Corliss reported that sales tax is up 2% through May compared to 2019, building permits total 456 year-to-date with 750 budgeted for the year. Staff is now adjusting our spending in line with the 2020 budget. The slurry seal work was canceled, and the Town will not fill some vacancies. In addition, the Town is seeking reimbursement for expenses related to the pandemic through the CARES Act.

There will be a remote Budget Open House on July 16 at 6pm, and the budget will be presented on August 18 to Council and will come back to Council for adoption in September.

The Town has worked with the County for a COVID testing site. August 4 the testing will be performed at Castle Rock Adventist Hospital.

There will not be a meeting on August 4 which was canceled for National Night Out which has now been postponed.

The Council Candidate Orientation will be on August 6, 6pm at the Mill House.

[ID 2020-069](#)

2020 Commitment Award - Castle Rock Water

Mark Marlowe, Castle Rock Water Director, introduced Ron Falco, Program Manager for the Colorado Department of Public Health & Environment, Safe Drinking Water who attended remotely. Falco stated they encourage water utilities to operate at the highest possible level, maintain and exceed compliance and overcome challenges. Castle Rock Water was presented the Commitment Award for 2020 which is only given to one recipient each year. Castle Rock Water participated in the Excellence Program for three years and has worked to diversify their water portfolio, and taken impressive steps to maintain a high level of operations during the pandemic. Falco stated they appreciate their ongoing commitment to excellence. Marlowe thanked them for recognizing the team.

Councilmember Johnson congratulated Castle Rock Water.

[ID 2020-070](#)

Development Services Projects Updates

[ID 2020-071](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

Mike Hyman, Town Attorney, thanked everyone for the opportunity to serve this community.

ACCEPTANCE OF AGENDA

Moved by Councilmember Johnson, seconded by Councilmember Bracken, to Accept the Agenda as presented. The motion passed by the following vote:

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

CONSENT CALENDAR

[PROC](#)
[2020-011](#)

Proclamation: Human Rights *[For Council Action - Presentation on July 21, 2020]*

[PROC](#)
[2020-012](#)

Proclamation: Ducky Derby Month *[For Council Action - Presentation on July 21, 2020]*

[PROC
2020-013](#)

Proclamation: My Water Pledge, Mayor's Challenge *[For Council Action - Presentation on July 21, 2020]*

[RES 2020-059](#)

Resolution Approving a First Amendment to the Services Agreement for the Plum Creek Diversion Pump Station Project, Construction Phase Engineering Services with Dewberry Engineers, Inc.

[MIN 2020-012](#)

Minutes: June 16, 2020 Town Council Meeting

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

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ID 2020-072](#)

Update: Pine Canyon Planned Development - Douglas County Referral

Tara Vargish, Development Services Director, provided an update on this referral from Douglas County for the Pine Canyon Planned Development. The applicant requested annexation in 2013 and had various rounds of reviews that were not resolved. The applicant withdrew in April 2020 and submitted it to Douglas County with a higher level of residential and lower level of commercial. The Town provides comments on the County staff initial review. The proposal consists of 600,000 sf of commercial, 1,800 residential units with multi-family and single family. They are also proposing 800 accessory dwelling units with interconnections to Town roadways. Key Town concerns were that the open space dedication is disconnected, no mitigation for Town roadways, there is reliance on 100% groundwater with concern regarding the location of the wells, they are proposing their own wastewater reclamation facility, there will be downstream impacts from stormwater, there is no mitigation for impacts to Town infrastructure, and no skyline/ridgeline protection.

County staff provided comments. Vargish summarized them regarding open space and school site concerns including accessibility to open space, trail connectivity to existing trails and if open space and trails are open to the public. The school site is proposed for 12 acres and the school district proposes 20 acres. Douglas County also requests details on the tree preservation plan, more details and coordination with the Town and CDOT for transportation, compatibility and buffering and setbacks to surrounding properties, and feels they should follow the Town's skyline/ridgeline policy.

Mark Marlowe, Castle Rock Water Director, stated their water supply is non-renewable water which is insufficient, and does not provide renewable water. The applicant will have to go through a water appeal at the Planning Commission, and staff recommendation will be reviewed by the Board. The County also recognizes the impact of the location of the wells. Marlowe stated they need to supply more details on the water supply Infrastructure, and more detail is needed

on the wastewater system including the proposed reclamation plant. The Town has 60 days to review the wastewater site application and will bring it back to Council before they submit their recommendation. Renewable water is the biggest issue. Marlowe noted that municipalities in Douglas County have spent over a decade to transition off of ground water.

Vargish stated that Douglas County has had robust community outreach with abutting property owners. They are now waiting for the applicant to respond. Staff will then bring a Resolution back to Council stating their objection or support for this project.

Mayor Gray appreciates Town and County staff's efforts.

Citizens that addressed Council:

Randy Reed, resident, stated this development will have numerous negative impacts on the Town, County and adjacent neighbors. He respects their property rights, but the residents also have property rights that need to be protected. He encourages Council to be actively involved in this process and asks Council to attend any meetings regarding this development.

[ORD 2020-008](#) Ordinance Approving Supplemental Appropriations for 2020 and the Second Amendment to the 2020 Budget (First Reading)

Nicole Carner, Assistant Finance Director, provided an overview of the 2020 Second Amendment Overview to request funding for additional needs related to Water and Transportation projects as well as Townwide requests. Castle Rock Water is requesting \$7.4M. Transportation is requesting \$1.2M. Town-wide requests total \$1.1M.

No public comment.

Moved by Councilmember Teal, seconded by Mayor Pro Tem Bower, that Ordinance 2020-008 be Approved on First Reading as presented. The motion passed by the following vote:

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

[ID 2020-073](#) Update: Aquifer Storage and Recovery (ASR) Program

Mark Marlowe, Castle Rock Water Director, provided an update on the aquifer storage and recovery program (ASR). This stores renewable water in our aquifers and we then recover the water with pumping when needed. This program started in 2008. Evaporation losses are minimized and it is more cost effective for storage costs. The first system was installed in 2014 in the Meadows close to the Plum Creek Water Facility. The second system is installed by the Ray Waterman treatment plant. The Town must obtain a permit from the US Environmental Protection Agency. Marlowe noted that Dominion is paying for the wells by the Waterman plant. There are two existing wells in the Meadows that were converted to ASR. The two new wells will cost the Town about \$1.2M. They estimate to begin storing water in the Meadows well this winter. The Waterman wells will be ready the Spring of 2021. They plan to build four more sites for ASR for a total cost of about \$2.1M for 1,300 acre feet of storage per year. In addition, the Town

is looking at ASR in the Lost Creek Basin and partnering with Aurora water. South Metro Water Authority is also looking at doing ASR.

Councilmember Bracken asked if it is a closed cavern or in a water table. Marlowe noted that if we converted some of our wells near the Pine Canyon development, they would be affected by that development and there could be a problem.

No public comment.

[ID 2020-074](#)

Update: Chatfield Reservoir Reallocation Project

Mark Marlowe, Director of Castle Rock Water, provided an update on the Chatfield Reservoir Reallocation project and noted all of the efforts Castle Rock has made to secure renewable water. Chatfield was originally built for flood control and in the 1980's they converted some for drinking water storage. The Town committed to this project in 2014. Construction is complete and the Town will be the first entity to store water in Chatfield. Marlowe noted it allows us to capture junior water rights and all of our reusable water. Castle Rock Water is currently working with Denver, Centennial and Dominion to build infrastructure to bring the water back to Castle Rock. In addition, they are working with Parker and Denver Water to do a paper exchange to move our Chatfield water to Rueter-Hess.

No public comment.

[RES 2020-060](#)

Resolution Approving the Purchase of Additional Capacity in East Cherry Creek Valley Water and Sanitation District's Barr Lake Northern Pipeline

Mark Marlowe, Castle Rock Water Director, brought this item to Council in March to buy initial capacity in the northern pipeline. This project was put on hold because of the pandemic to see how things developed to ensure we had revenues to proceed with the purchase. This was built by East Cherry Creek as part of the WISE infrastructure. The Town purchased some capacity, and were required to pay additional money to maintain our capacity. South Metro never paid that additional money and as a result all of the members that paid in would have their capacity reduced. The deadline was March 31 which was extended to July 31. The Town is being offered .9MG vs. 1.4MG of capacity but staff still feels this is a good deal and recommends proceeding with this purchase. Marlowe noted that if we had to build our own pipeline to that area, it would cost substantially more. The final purchase must be done by July 31. Staff would like to look for opportunities to purchase more capacity.

No public comment.

David Corliss, Town Manager, noted that the Chatfield Reservoir, ASR and the Cherry Creek projects are based on our long term renewable water supply. The Pine Canyon proposed ground water reliance flies directly in the face of that.

Councilmember Bracken asked if there is any legal scenario if we have provability if the water runs out. Marlowe stated we have to do our own analysis of well interference or damage to our wells. That can be estimated based off of the draw down to those wells. Our water levels would go down with a decreased capacity

of those wells and an increase in the amount of energy to bring that groundwater to the surface. Bracken asked about a scenario if Pine Canyon residents run out of water. Marlowe stated someone would be asked to step in to fill that need. Those residents would have to pay approximately \$17,000 each to receive renewable water and buy into our system.

Moved by Councilmember Townsend, seconded by Councilmember Teal, that Resolution 2020-060 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.

Councilmember Bracken stated a resident requested looking to install an American flag at Red Hawk Golf Course. Parks and Rec agreed to put a flag there. Staff is looking to Veteran's Day to put that up with approval from the Parks and Rec Commission.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Teal, to Adjourn. The motion passed by the following vote:

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

ADJOURN

Meeting adjourned at 7:38 pm.

Submitted by:

Lisa Anderson, Town Clerk