



## **Town Council Meeting Minutes - Draft**

Mayor Jason Gray  
Mayor Pro Tem Kevin Bracken  
Councilmember Ryan Hollingshead  
Councilmember Laura Cavey  
Councilmember Desiree LaFleur  
Councilmember Caryn Johnson  
Councilmember Tim Dietz

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**Tuesday, August 17, 2021**

**6:00 PM**

**Town Hall Council Chambers  
100 North Wilcox Street  
Castle Rock, CO 80104  
Phone in: 720-650-7664  
Meeting Code: 146 937 0493  
[www.CRgov.com/CouncilMeeting](http://www.CRgov.com/CouncilMeeting)**

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This meeting is open to the public and will be held in a virtual format in accordance with the Town Council Electronic Participation, Connected, and Hybrid Meeting Policy. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred. This meeting will be hosted online and can be accessed at [www.CRgov.com/CouncilMeeting](http://www.CRgov.com/CouncilMeeting), or phone in by calling 720-650-7664, meeting code 146 937 0493 (if prompted for a password enter "Aug17Council"). All Town Council Meetings are also streamed online in real time at [www.CRgov.com/WatchCouncil](http://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](http://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. August 17, 2021, to be included in the public record.

### **COUNCIL DINNER & INFORMAL DISCUSSION**

### **INVOCATION - Pastor Matt Crowe, Ridgeline Community Church**

Mayor Gray provided the Invocation.

### **CALL TO ORDER / ROLL CALL**

Councilmember Cavey is attending remotely.

**Present:** 6 - Councilmember Cavey, Councilmember LaFleur, Councilmember Johnson, Councilmember Dietz, Mayor Pro Tem Bracken, Mayor Gray

**Not Present:** 1 - Councilmember Hollingshead

### **PLEDGE OF ALLEGIANCE**

### **COUNCIL COMMENTS**

Councilmember Dietz stated Castle Rock is a blessing from God and is like no other place on earth and we need to keep Castle Rock great and safe knowing that we have sufficient police and fire personnel. Dietz stated the ballot issues make sense and are needed and an interchange is needed. He asked citizens to educate themselves as there is a lot of false information.

Mayor Pro Tem Bracken reported that he joined the Tri County Health Department

meeting yesterday and felt it was very unproductive. He has not heard the outcome from today's vote. He was selected to be on the Advisory Committee for the new health department for Douglas County beginning with meetings next week. He commented that Councilmember Dietz had asked for a Resolution to support moving away from Douglas County, and that will be bringing that forward. He informed Council that he is changing his position and will only support two of the four ballot measures. He stated our original goal was to support police and fire so he will only be supporting the new home excise tax and the Tabor timeout. He doesn't want any other issue competing with those questions.

Councilmember Dietz asked if he knows when the new health department would come. Bracken stated it is not until 2023 until they can legally withdraw from Tri County. They will do a study for what is needed for the new health department and identify those departments. They will meet twice a month until the beginning of next year. They follow the consultant's lead and guidance regarding regulation, where dollars are at, what grants there are, etc.

Mayor Gray noted it is the end of summer and school started; and that he is hopeful they can stay in school for the entire year. Gray thanked staff for all of the events lately and that it is nice to see how the Town can come together and put on a good show.

[APPT](#)  
[2021-006](#)

#### **Appointment: Board of Building Appeals**

**Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Approve the Appointment of Anthony Valdez to the Board of Building Appeals with a term ending May 31, 2023. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

### **UNSCHEDULED PUBLIC APPEARANCES**

#### ***Citizens that addressed Council:***

Tom Kahn, resident, spoke representing the Woodlands community, specifically the Escavara HOA. He noted that the Fire department is working with residents for fire mitigation which has become a large part of their budget. He inquired about the Town's policy regarding maintenance of community open space property owned by the Town. David Corliss, Town Manager, stated they are doing pilot projects for open space mitigation and staff will follow up with Mr. Kahn and will follow up with Council.

### **TOWN MANAGER'S REPORT**

[ID 2021-082](#)

#### **Call for Executive Session on September 7, 2021, 5:00 to 6:00 p.m., for the purposes of conducting Town Manager and Town Attorney Performance Evaluations**

**Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, to Call an Executive Session for September 7, 2021 at 5:00 pm for the purpose of conducting**

**the Town Manager and Town Attorney Performance Evaluations. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

[ID 2021-083](#)

**Update: Calendar Reminders**

David Corliss, Town Manager, reminded Council they have a special Council meeting next Tuesday August 24 regarding downtown issues. All interested citizens are encouraged to attend. The Budget Open House will be the following week August 31 where they can also be able to respond to any questions about the ballot issues. Starting September 9, the Town will hold Open Houses for Councilmembers each week until October 19 including the State of the Town on October 7 at the Amphitheater from 5-7pm. Corliss also noted that there are a number of land use neighborhood meetings going on.

[ID 2021-084](#)

**Update: Monthly Department Reports**

[ID 2021-085](#)

**Update: Franchise Agreement With Black Hills Energy**

[ID 2021-086](#)

**Update: 2021 Service Contract Midyear Reports**

[ID 2021-087](#)

**Update: Residential Unit Data (through June 30, 2021) with Potential Buildout Estimates**

[ID 2021-088](#)

**Development Services Project Updates**

[ID 2021-089](#)

**Update: Quasi-Judicial Projects**

**TOWN ATTORNEY'S REPORT**

[ID 2021-090](#)

**Castlevue Metropolitan District No. 1 Proposed Issuance of Limited Tax Senior Cash Flow General Obligation Bonds, Series 2021 A(3)**

Mike Hyman, Town Attorney, stated they received communication from Castlevue Metro District 1. Our Code states Metro Districts must submit information on refinancing of debt. Hyman noted that representatives from the Metro District are available for questions. Council's job under the Code is to review and comment. These are limited tax senior tax flow general obligation bonds. The bond holder gets paid when they get revenues from their debt mill levy. They are 30 year term bonds with debt of \$18M which is well within the cap of \$45M. The estimated initial interest rate is 5.5% and will be discharged in 2056. The maximum combined tax rate is 74.6 mills. Interest on this debt is compounding and staff believes the interest should not compound and is recommending they can move forward with this comment submitted.

**ACCEPTANCE OF AGENDA**

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

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

## CONSENT CALENDAR

[RES 2021-075](#) **Resolution Assigning and Transferring to the Douglas County Housing Partnership, a Multijurisdictional Housing Authority, All of the Town of Castle Rock's 2021 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds; and Authorizing the Execution and Delivery of an Assignment and Other Documents in Connection Therewith**

[RES 2021-076](#) **Resolution Accepting the Conveyance of Certain Real Property from the Village North Tenth Amendment Property Owners Association, Inc., By Special Warranty Deed *[located north of East Wolfensberger Road along Malibu Street near Park Street]***

[MIN 2021-014](#) **Minutes: July 20, 2021 Town Council Meeting**

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

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

## ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2021-014](#) **Ordinance Submitting to the Electorate at the Special Municipal Election on November 2, 2021, the Question of Authorizing an Excise Tax on New Housing Construction as Provided in a New Chapter 3.12 of the Castle Rock Municipal Code (Second Reading - Approved on First Reading on July 20, 2021 by a vote 7-0)**

Mayor Gray read Ordinance 2021-014, 2021-015, 2021-016, 2021-017 and 2021-018 into the record to present and take public comment on all of the items together.

David Corliss, Town Manager, presented an overview of all four proposed ballot issues.

### ***Citizens that addressed Council:***

Adam Estroff, ED Denver, is in opposition to the new development fee. He stated it is an easy choice but not the right one and will impact young families and workers that don't live here yet. Housing is already unaffordable here, so adding additional costs makes housing less accessible and less affordable, and making Castle Rock less competitive with surrounding communities. He does not feel it is

a sustainable funding stream and there are other ways to pursue our goals.

Morgan Cullin, Homebuilders Association of Metro Denver, heard that the Town intends to raise \$15M for public safety staff over the next 5 years, and that the Town stated we have 3 residents moving here every day. He feels we don't need 75 FTE's for that growth, and that we are expanding Public Safety services for existing residents with new residents paying for everything. We are not asking residents to pay for their fair share, but sticking the new residents with the entire bill. He feels we already have the highest fees in the metro area and we are proposing to double that. He encourages Council to reconsider this issue.

Natasha Gandhi, Richmond Homes, would love to continue building in Castle Rock and 60% of their business is in Castle Rock for the southern division - close to 1,500 homes equating to about \$90M to the Town. \$25-\$35k per home is a big impact on new residents looking to purchase in Castle Rock in addition to increases in material costs. They feel they will see a reduction of 30-40% in sales.

Randel Carpenter, KB Homes, stated their main focus is to deliver homes purchased at median household income. Many customers are the firefighters, police officers, and teachers. Many are first time home buyers. This tax would be paid for by these people and will be less likely to buy and live in this community. They will bear the burden for the services others are benefiting from. He suggest other methods and that low interest rates will not last forever.

Mark Bailey, Toll Brothers, stated the Montaine development includes a future school site, open space, and church site. Costs will be paid by the future residents. Castle Rock already is the most expensive community they build in. This will generate \$30M in taxes by future residents of Montaine. Builders or home buyers may go elsewhere. Services will be received by all residents, but paid for only by new home buyers.

Brian Molqueen, Century Communities in Colorado, have been building in Castle Rock the last 5 years. Their primary buyers are first time buyers. The tax will eliminate the first time buyers in Castle Rock. He also feels they may have less homes built so there will be less revenue.

Andrew Hamrick, Colorado Apartment Association, represents existing housing units. This will make existing housing stock more valuable which benefits them, but it is bad policy. The increased costs will increase the cost of the existing housing, and will have an initial slow down of building. Apartments are about 1,000 square feet and adding \$7k for an apartment equates to about \$60 a month added to the rent cost.

Mayor Pro Tem Bracken responded to some of the comments made and understands them wanting to protect their livelihood. The revenue will follow as the new homes are added; and we won't need new revenue if the new homes aren't added. We don't need the extra police and fire if we don't have the extra homes.

Mayor Gray stated when we had to raise our impact fees, the HBA came out and stated it would destroy growth in Castle Rock, and it didn't. The Police and Fire

Chief stated that if we stay at the same population today, we wouldn't need extra police and fire. Gray noted that at the Town Academy last night, most attendees only lived here around 5 years. They were asked if \$15-20k average would slow down the growth in Castle Rock, and none felt it would. We all agree we want to see our community safe.

Councilmember LaFleur, has gone back and forth on this as a life-long resident. If homes don't come, it is the decision of the residents that have put the time in to keep Castle Rock going. It is an opportunity to see this is a positive that would raise home values here.

Councilmember Johnson stated we can already pay for the current level of service for police and fire with the existing residents that live here now. The increased revenue source is for the new homes and residents that will be coming here, and feels it is being responsible to have them pay for this. They are buying into our already established community.

Councilmember Cavey concurred with prior comments. She feels we are doing the right thing for our community and she does not see it slowing growth.

Mayor Gray relayed that Councilmember Hollingshead was not present because he was taking his child to college, but that he stated he is still supportive of all four issues.

**Moved by Councilmember Dietz, seconded by Mayor Pro Tem Bracken, that Ordinance 2021-014 be Approved on Second Reading as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

**ORD 2021-015 Ordinance Submitting to the Electorate at the Special Municipal Election on November 2, 2021, the Question of Authorizing an Increase in the Tax Imposed on Sales of Lodging as Provided in Section 3.04.050 of the Castle Rock Municipal Code (Second Reading - Approved on First Reading on July 20, 2021 by a vote 7-0)**

Mayor Pro Tem Bracken repeated that strategically if we are serious about police and fire as our initial intent, that he encourages Council to support 2021-014 and 2021-017 and stay focused on those two ballot issues.

Councilmember Johnson encourages voting in favor of the lodging tax and we want to support our parks and open space. This would help us to meet some needs that currently are lower on our priority list but is at the top of the community's priority list.

Mayor Pro Tem Bracken spoke regarding the lodging tax and the 0.1% tax. He feels that voters will look at four tax measures and sees that they are competing with police and fire. If these don't pass we will have to make some changes and there will be ramifications if they fail.

Councilmember Johnson didn't recall that the revenue sources were not just focused on police and fire. Every year in our budget we discuss all of these priorities and is not seeing that the parks and open space have been lower on our list of priorities for our community. Public Safety is almost always the first thing people want, but the ability to go outside to recreate is what citizens love and that is what brings people to Castle Rock. Letting these open spaces go unmaintained is not what people want to see happen.

Mayor Pro Tem Bracken stated it is not about supporting open space and feels it is a great ballot issue, but it is not good timing to have it compete with the items that are focused on public safety. For instance, if the 0.1% tax passes only, then we will have to make cuts.

**Moved by Councilmember Dietz, seconded by Councilmember LaFleur, that Ordinance 2021-015 be Approved on Second Reading as presented. The motion passed by the following vote:**

**Yes:** 5 - Cavey, LaFleur, Johnson, Dietz, Gray

**No:** 1 - Bracken

**Not Present:** 1 - Hollingshead

**[ORD 2021-016](#) Ordinance Submitting to the Electorate at the Special Municipal Election on November 2, 2021, the Question of Authorizing an Increase in the Town Sales and Use Tax as Provided in Sections 3.04.050 and 3.04.190 of the Castle Rock Municipal Code (Second Reading - Approved on First Reading on July 20, 2021 by a vote 6-1)**

Mayor Pro Tem Bracken referenced his aforementioned comments for this item as well.

Councilmember Johnson stated the number one amenity that our residents want in our citizen surveys is parks and open space. Hopefully our residents will show that open space is a priority to them and will vote in favor of this measure.

**Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Ordinance 2021-016 be Approved on Second Reading as presented. The motion passed by the following vote:**

**Yes:** 5 - Cavey, LaFleur, Johnson, Dietz, Gray

**No:** 1 - Bracken

**Not Present:** 1 - Hollingshead

**[ORD 2021-017](#) Ordinance Submitting to the Electorate at the Special Municipal Election on November 2, 2021, the Question of Authorizing the Retention and Expenditure of Excess Tabor Revenues as Provided in a New Section 3.06.040 of the Castle Rock Municipal Code (Second Reading - Approved on First Reading on July 20, 2021 by a**

**vote 7-0)**

Councilmember Johnson stated this is hard for her to admit after living in Castle Rock for 16 years and having to vote on revenue going back to the Town, she is the one that usually votes No because she feels the TABOR revenues should go back to the residents. However, now that she has been on Council, she has learned a whole lot about why her NO vote in the past was not in the best interests of our community or public safety. She will be voting in favor of the Tabor time out.

**Moved by Councilmember Dietz, seconded by Councilmember LaFleur, that Ordinance 2021-017 be Approved on Second Reading as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

**ORD 2021-018 Ordinance Calling a Special Municipal Election of the Town of Castle Rock to Be Conducted as a Coordinated Election on November 2, 2021, for the Purpose of Submitting to the Registered Electors Certain Questions as Proposed in Ordinance Nos. 2021-014, 2021-015, 2021-016, and 2021-017 (Second Reading - Approved on First Reading on July 20, 2021 by a vote 7-0)**

Mike Hyman, Town Attorney, informed Council that the original ordinance considered on first reading mentioned that we would be coming back with an IGA with Douglas County. The IGA has now been approved to form. They provided a non-substantive change to the Ordinance that takes care of the approval of that agreement in this document.

Mayor Pro Tem Bracken asked Trish Muller, Finance Director, if the TABOR dollars would be held in separate accounts and if it is a fixed allocation.

Muller stated they do not have a specific allocation, but a separate fund will hold these funds. David Corliss, Town Manager, stated they will not know if they have excess revenue until the beginning of the next year. There will be years where we may not get excess revenue, but other years we may have substantial revenue if we are receiving contributions. Corliss stated they will provide more information on that.

**Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Ordinance 2021-018 be Approved on Second Reading as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

**RES 2021-077 Resolution Ratifying the Appointment of Directors to the Boards of Directors of the Dawson Ridge Metropolitan District Nos. 1-5**  
*[Dawson Ridge is located at the southwest portion of Town, along and west of I-25, south of Territorial Road to the Town's southern boundary just north of Tomah Road]*

Mike Hyman, Town Attorney, stated Metro Districts become inactive and don't appoint board members. The Westfield appointment of Board members occurred at their last meeting. The District Attorney stated the boards for the five districts were vacant and the appointments needed to be made right away and could not wait until our meeting tonight. Therefore, they worked with the County Attorney and asked the Board of Commissioners to approve their board appointments in order to meet their time requirement. Board member appointment is not clarified in the statute, but Hyman recommends Council ratifying the appointments is the best course of action so there is no issue.

***No public comment.***

**Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Resolution 2021-077 be Approved as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

**[ORD 2021-019](#) Ordinance Approving an Agreement Between Douglas County Development Corporation, Dawson Ridge Metropolitan District No. 1, Dawson Trails LLC and the Town of Castle Rock which provides for the Town's Acquisition of Necessary Right of Way for Construction of the Crystal Valley Parkway Interchange West Frontage Road in Exchange for the Town's Divestiture of Certain Property Interests (First Reading) *[Dawson Ridge is located at the southwest portion of Town, along and west of I-25, south of Territorial Road to the Town's southern boundary just north of Tomah Road]***

Mayor Gray read Ordinance 2021-019 and 2021-020 into the record and will present and take public comment on the items together.

Mike Hyman, Town Attorney, provided a background that this property was annexed and zoned in 1985. The roadways and infrastructure were constructed in anticipation of building until the housing market crashed. The developer and the Dawson Ridge Metro Districts declared bankruptcy. Former Town Attorney, Bob Slentz, negotiated a suspension agreement. The Town approved a new frontage road alignment. We have no use for the improvements already made and they are in disrepair. The interchange will now require a new frontage road alignment, so staff has negotiated a swap agreement that will transfer Town right-of-way to the Douglas County Development Corporation. It is a vacation process. In exchange for doing that, they will convey easements for the west frontage road. No money is exchanged, and we are releasing each other from liability. We will retain the groundwater underneath the old right-of-way and reserve a temporary utility easement.

***No public comment.***

**Moved by Councilmember Johnson, seconded by Mayor Pro Tem Bracken, that Ordinance 2021-019 be Approved on First Reading as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

[ORD 2021-020](#) **Ordinance Vacating Designated Roadway Right of Way Located Within the Dawson Ridge Planned Unit Development and Providing Certain Conditions to Such Vacation (First Reading)** *[Dawson Ridge is located at the southwest portion of Town, along and west of I-25, south of Territorial Road to the Town's southern boundary just north of Tomah Road]*  
**No public comment.**

**Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Ordinance 2021-020 be Approved on First Reading as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

## QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script, no member of Town Council voiced any conflict of interest, and Lisa Anderson, Town Clerk, affirmed that the item was published in accordance with law.

[RES 2021-078](#) **Resolution Approving a Site Development Plan for a Multi-Family Residential Housing Project Known as Alana at Castle Rock** *[located in the center of the Promenade, between Promenade Parkway and Castlegate Drive West]*

Tara Vargish, Development Services Director, presented the Site Development Plan for a multi-family development in the center of the Promenade area. that was annexed and zoned in 1987. In March 2015, it was rezoned to Promenade business/commercial; and March 2021 there was a zoning amendment for 300 multifamily units. Vargish went over the SDP review criteria. The zoning was already established and is not in question and they are looking at how it is laid out. There are two proposed access points on the northeast and southeast ends of the site. There is garage, carport and surface parking. Their community center and pool are on the west side. There is a separate open space park and dog park. This meets required setbacks and they are 3 feet lower than the maximum height allowed. Their buildings step down in elevation and do not exceed the elevation cap.

The Planning Commission approved the SDP and asked Council to look at the bicycle and pedestrian access. Staff has reviewed this and determined that what is installed meets our code, but recommends that pedestrian beacons be added. The applicant agreed to add beacons to the existing crosswalks. The park and streetscape are not part of the SDP but will be completed by the developer.

Kristin Link with the developer presented the project. Kevin Foltz is also in attendance. There are four residential buildings, club house, and a common park;

and 60% are one bedroom units. They had a parking study done to determine parking needed and recommend 20% higher than the study stated. They are looking to start construction this fall.

Councilmember Johnson inquired about the common park and sees parking in front of the park on the east side. Link stated that is for the park and is not included in the parking they provide from the parking study. Johnson asked if the park will be turned over to the Town. Link stated it will be turned over to the Metro District. Johnson confirmed the park will be open to the general public.

Councilmember Johnson asked that staff evaluate the bicycle and pedestrian access and made a motion.

Councilmember Dietz further inquired if there will be adequate parking in relation to the pedestrian mobility we are trying to address.

Mayor Gray appreciates staff working with the developer and La Loma.

Councilmember Johnson thanked staff for answering her questions.

**Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Recommend that Public Works do the analysis and provide a recommendation for improving pedestrian and cycling mobility within the Promenade development. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

**Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Quasi-Judicial Resolution 2021-078 be Approved as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

#### [RES 2021-079](#)

**Resolution Finding that Certain Property, which is the Subject of a Petition for Annexation Submitted by Canyons South, LLC, is Eligible for Annexation Under Article II, Section 30 Of The Colorado Constitution and Sections 31-12-104 And 31-12-105, C.R.S. (Canyons South Annexation) [409 acres located south of Crowfoot Road, east of Founders Parkway, north of Crimson Sky Drive and west of Castle Oaks Drive]**

Tara Vargish, Development Service Director, provided an overview of the item. Annexations require a three step process. Council already did substantial compliance confirming that it meets application requirements. The eligibility is determined tonight if the property can be annexed based on the eligibility requirements. Next Council would vote if the property should be annexed. Staff has determined that the annexation meets the eligibility requirements and recommends approval.

Councilmember Johnson asked if we always include the Development Agreement and Zoning with the annexation. Vargish stated they are required per our Code but are two separate items voted on separately. Zoning shows the density and uses. Vargish stated that will come to Council at a future Council meeting. The first two steps do have a 30-60 day window to complete, but the third step does not have a timeline requirement.

Mayor Gray confirmed that they are just confirming that the annexation requirements are met required by statute. Corliss confirmed that the state requires that it meets the state application requirements and meet the state annexation requirements. The Annexation decision is up to Council.

Councilmember Cavey inquired about the Zoning and Annexation coming at the same time. She wants to understand how zoning works. Vargish stated they are not proposing high density and that would be established and approved by Council. Corliss stated with our zoning, the Town establishes the maximum density on the site.

***Citizens that address Council:***

Kirk Duij wants to clarify where this development is on the map and how close it is to existing developments. Vargish went back to the map to acclimate where the area is and is happy to meet with the citizen afterwards if desired.

James Timmerwilke lives in the Terrain neighborhood and feels we are releasing a monster. He purchased 5 years ago in Terrain for about 600k and feels the Town has picked the most expensive houses in Terrain and is building less than 30 feet from them. Their 2nd levels will face eye level with the roads and fourplexes. He is concerned about protecting their interests.

Mayor Gray stated they are voting only if it meets state statute requirements. We are not talking about zoning or annexation at this time.

**Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, that Quasi-Judicial Resolution 2021-079 be Approved as presented. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

**ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

***None.***

**Moved by Mayor Pro Tem Bracken, seconded by Councilmember Dietz, to Adjourn the meeting. The motion passed by the following vote:**

**Yes:** 6 - Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

**Not Present:** 1 - Hollingshead

**ADJOURN**

Adjourned at 9:05 pm.

Submitted by:

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Lisa Anderson, Town Clerk