



**Town of Castle Rock
100 North Wilcox Street
Castle Rock, CO 80104**

Mayor Paul Donahue
Mayor Pro Tem Jennifer Green
Mark Heath
Chip Wilson
Renee Valentine
George Teal
Brett J. Ford

Town Council Meeting Minutes

Tuesday, June 21, 2016

6:00 PM

Council Chambers

CALL TO ORDER / ROLL CALL

Mayor Donahue called the meeting to order at 6:01 PM

Present: 5 - Council Member Teal, Council Member Valentine, Mayor Donahue, Mayor Pro-Tem Green, and Council Member Wilson

Not Present: 2 - Council Member Ford, and Council Member Heath

PLEDGE OF ALLEGIANCE

RECESS TO EXECUTIVE SESSION

[EXEC](#)
[2016-008](#)

Executive Session: Storage, LLC vs. Town of Castle Rock Litigation Legal Advice

At 6:02 PM, Donahue moved, seconded by Wilson, to recess to Executive Session for the purpose of receiving legal advise under C.R.S. 24-6--402(4)(B) regarding the Storage LLC vs Town of Castle Rock Litigation. Donahue noted for the record that Councilmember Heath was not participating in the Executive Session.

The motion passed by the following vote:

Yes: 5 - Teal, Valentine, Donahue, Green, and Wilson

Not Present: 2 - Ford, and Heath

RECONVENE

The meeting reconvened at 6:48 PM.

Councilmember Heath was present after the meeting reconvened.

Present: 6 - Council Member Teal, Council Member Valentine, Mayor Donahue, Mayor Pro-Tem Green, Council Member Wilson, and Council Member Heath

Absent: 1 - Council Member Ford

COUNCIL COMMENTS

[EXEC](#)
[2016-009](#)

Executive Session Report: June 21, 2016

Donahue stated that in addition to the Council, with the exception of Councilmember Heath, the participants in the Executive Session were: Town Attorney Bob Slentz, Deputy Town Attorney, Heidi Hugdahl, Town Manager, Dave Corliss, Public Works Director, Bob Goebel, and special legal counsel Andy Nathan. For the record, if any person who participated in the Executive Session

believes that any substantial discussion of any matters not included in the motion to go into the executive session, occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. (No concerns were stated by any participant).

[DIR 2016-040](#) Call Special Meeting: Joint Meeting with County Commissioners on July 27, 2016

Donahue moved, seconded by Wilson, to call a Special Meeting for July 27, 2016 at 5:30 PM at the Plum Creek Golf Club, 331 Players Club Dr., Castle Rock, for the purposed of holding a joint discussion with the Douglas County Commissioners.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

[APPT 2016-006](#) Appointment: Citizen Volunteer to Planning Commission

Wilson moved, seconded by Valentine, to appoint Shauna Loban to the Planning Commission for a term ending May 31, 2017.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

[APPT 2016-007](#) Appointment: Citizen Volunteer to the Historic Preservation Board

Donahue moved, seconded by Valentine, to appoint Desiree LaFleur to the Historic Preservation Board for a term ending May 31, 2018.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Donahue moved, seconded by Teal, to move the Invocation to 6:00 PM on all future agendas.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Other comments were informational only and did not require direction from or action by Council.

UNSCHEDULED PUBLIC APPEARANCES

The following members of the public made comments or asked questions of the Council related to a variety of items that were NOT included on the regular agenda:

Sid Brooks
John Buckley
Suzi Hackett
Anne Dorzweiler
Angie Vencill

Jill Herr
Larry Blanc
Carolyn Cline
Todd Folkenberg

The Council and various staff responded to issues / concerns raised by members of the public.

TOWN MANAGER'S REPORT

Corliss requested Council direction as to alternate dates for the fireworks should weather force a cancellation on July 4th.

The consensus of Council was to set Saturday, July 9th as the back up date for fireworks.

[ID 2016-051](#) Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

Requested authorization to hire Brian Connelly as Special Counsel to review the Town's sign code, specifically as it related to political signs. Noted there had been a recent Supreme Court decision on this issue, and recommended review of the Town's Code by Connelly to assure it was in compliance with the decision.

Teal moved, seconded by Donahue, to authorize the retention of Special Council as requested by Slentz.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

ACCEPTANCE OF AGENDA

Green moved, seconded by Valentine, to accept the agenda as presented.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

CONSENT CALENDAR

[ORD 2016-016](#) Ordinance Approving Changes Of Appropriations For The Year 2016 Third Budget Amendment

[RES 2016-068](#) Resolution Approving a Variance Pursuant to Chapter 9.16.070.E of the Castle Rock Municipal Code for Soil and Groundwater Remediation at Town Hall

[MIN 2016-010](#) Minutes: May 17, 2016 Town Council Meeting

Green moved, seconded by Valentine, to approve the Consent Calendar as read.

The motion passed by a vote of:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

BREAK

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ID 2016-053](#)

Presentation: 2015 Comprehensive Annual Financial Report

Representatives of Eide Bailey, LLP, the Town's auditors, presented highlights of their review of the Town's financial statements for the year ending December 31, 2015. Noted the Town received a clean or unmodified opinion, indicating the Town's financial statements appear fairly stated in all material respects, in accordance with general accepted accounting principles (GAAP), with no adjusting journal entries to the financial statements required, and no recommendations for significant changes to accounting practices or procedures.

[DIR 2016-041](#)

Discussion/Direction: Applications for the Council Community Grant Program for the 2nd Quarter 2016 (2 Applications)

Heath moved, seconded by Wilson to grant \$500 to Project ReCycle.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Green moved, seconded by Wilson, to grant \$500 to the Castle Rock Orchestra.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

[DIR 2016-042](#)

Discussion / Direction: Additional Information on TABOR Alternatives

Corilss provided follow up information regarding 2015 TABOR Surplus, including results of public outreach efforts.

Noted because 2015 revenues have exceeded TABOR limits by \$174,580, Town Council has until the end of 2016 to carry out one of two choices: 1) Refund the surplus in some manner, or 2) Ask voters to keep the money to spend on local services.

Requested further Council direction regarding the resolution of the surplus.
Noted staff recommendation, supported by public input, was to provide refunds.
Further recommended the refund be applied as a one time credit on utility bills,
which depending on the specific parameters authorized by Council, would amount
to approximately \$35 - \$40 per account.

The following members of the public made statements or asked questions on this
item:

Stacey Rogers	John Buckley
James Mill	Katie Coleman

The Council and various staff responded to issues / concerns raised by members
of the public

**Wilson moved, seconded by Heath, to add a question referring the issue retaining
or refunding the 2015 TABOR surplus to the November 2016 Election.**

The motion passed by the following vote:

Yes: 4 - Valentine, Donahue, Wilson, and Heath

No: 2 - Teal, and Green

[RES 2016-065](#) Resolution of the Castle Rock Town Council Making Required Statutory
Findings Concerning the Eligibility of Certain Property for Annexation
(Ridge Estates Annexation)

Proposed Resolution was second step in state mandated annexation process,
and was used to establish that property met statutory requirements to be eligible
for annexation.

The following members of the public made statements or asked questions on this
item:

Jesus Angel

**Donahue moved, seconded by Green, to approve Resolution No. 2016-065 as
presented.**

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[RES 2016-066](#) Resolution of the Castle Rock Town Council Making Required Statutory
Findings Concerning the Eligibility of Certain Property for Annexation
(Calvary Chapel Annexation)

Proposed Resolution was second step in state mandated annexation process, and was used to establish that property met statutory requirements to be eligible for annexation.

Donahue moved, seconded by Green, to approve Resolution No. 2016-066 as presented.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[ORD 2016-017](#) Ordinance Authorizing the Issuance and Sale of Water and Sewer Enterprise Revenue Refunding Bonds, Series 2016, in an Aggregate Principal Amount Not to Exceed \$64,425,000, Payable Solely out of the Net Pledged Revenues to be Derived From the Operation of the Town's Water and Sewer Enterprise; Providing Other Details Concerning the Bonds, Including, Without Limitation, Covenants and Agreements in Connection Therewith; Providing other Matters Relating Thereto: and Providing for its Emergency Adoption on Second and Final Reading (Second Reading)

Ordinance was presented on second reading; there were no changes, and no additional comment had been received since the prior hearing. Emergency adoption was requested to allow flexibility to respond quickly to market timing.

Donahue moved, seconded by Wilson, to approve Ordinance No. 2016-017 as presented on second reading on an emergency basis.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[RES 2016-067](#) Resolution Approving First Amendment to Extraterritorial Service Contract with the Catholic Diocese of Colorado Springs for St. Francis Assisi Catholic Church

Friday stated the proposed Resolution authorized a permanent connection to the Town's system domestic water service for St. Francis Catholic Church. Per Town Code, connection to the Town's system for properties outside the Town limits was permitted with Council approval. The location was within the Town's existing service area, so staff recommended not adding a surcharge to the rate, but noted the church would pay all fees required to tap into the system.

Teal moved, seconded by Valentine, to approve Resolution No. 2016-067 as presented.

The motion passed by the following vote:

Yes: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

The following members of the public made comments or asked questions of the Council related to a variety of items that were NOT included on the regular agenda:

Stacey Rogers

Jesus Angel

ADJOURN

The meeting was adjourned at 8:47 PM