



Town Council Meeting Minutes - Final

Mayor Jennifer Green
Mayor Pro Tem Renee Valentine
Councilmember Jess Loban
Councilmember James Townsend
Councilmember Jason Bower
Councilmember George Teal
Councilmember Brett Ford

Tuesday, September 19, 2017

6:00 PM

Council Chambers

This meeting is open to the public. All times indicated on the agenda are approximate. Interested parties are encouraged to be present earlier than the posted time.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Father Brad Noonan, St. Francis of Assisi Catholic Church

CALL TO ORDER / ROLL CALL

Present: 6 - Councilmember Loban, Councilmember Townsend, Mayor Green, Mayor Pro Tem Bower, Mayor Pro Tem Valentine, Councilmember Teal

Not Present: 1 - Council Member Ford

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Jason Bower announced that September 30th was the Neighborhood Clean Up day for his district as well as the Octoberfest event in Downtown Castle Rock.

George Teal acknowledged and thanked everyone for the support of the Boy Scout Troop 780 Chili Fest.

Mayor Green also announced the final concert season event 'Halfway to Hazard' this coming Friday.

[APPT
2017-004](#)

Appointment: Planning Commission

Townsend moved, seconded by Bower that Dan Ahrens be Approved for appointment to the Planning Commission for a term ending May 31, 2018. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

UNSCHEDULED PUBLIC APPEARANCES

Pam Ridler with the Chamber of Commerce presented Council with a print from Nick Lucey, this year's featured artist, from the 28th Annual Castle Rock Artfest that was held at the Outlet Mall this year.

TOWN MANAGER'S REPORT

[ID 2017-068](#)

Update: Quasi-Judicial Projects

[ID 2017-069](#) **Update: Monthly Department Reports**

[ID 2017-070](#) **Department Updates: Colorado Chiefs of Police Accreditation**

Susan Redmond, Chief Compliance Officer and Rebecca Spiess, Deputy Executive Director, both representing the Colorado Department of Public Safety presented Chief Cauley and Council with the Colorado Association of Chiefs of Police Accreditation Certificate. This accreditation recognizes excellence through compliance with 213 professional standards.

[ID 2017-071](#) **Department Updates: Budget Request to Cherry Creek Basin Water Quality Authority on McMurdo Gulch Project**

Mark Marlowe discussed the application for funding for stream reclamation of McMurdo Gulch. A possible Intergovernmental Agreement to partner with Cherry Creek Basin Water Quality Authority, should they agree, will come before Council in the future.

[ID 2017-072](#) **Department Updates: Development Projects**

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Valentine moved, seconded by Bower, to Amend the agenda by moving item 21 ahead of item 18 to begin after the break. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

CONSENT CALENDAR

[MIN 2017-015](#) **Minutes: August 15, 2017 Town Council Meeting**

Valentine moved, seconded by Bower, to Approve the Consent Calendar as presented. The motion passed by a vote of:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

Budget Items

[ORD 2017-025](#) **Ordinance Adopting the 2018 Budget for the Town of Castle Rock, Colorado** (Second Reading - Approved on First Reading on September 5, 2017 by a vote of 6-0)

Town Manager David Corliss introduced the item on second reading noting that public safety and infrastructure were key aspects of the budget.

Councilmember Bower acknowledged, even though there were no additional questions from Council tonight related to the 2018 Budget, that it is a direct reflection of Town staff being available for multiple briefings and the transparency of the budget process. Bower noted that the public should be confident that the budget had been carefully considered and thoroughly reviewed.

Councilmember Teal noted the emphasis on the public safety elements of the budget and the benefit of the new fire station and the five police officers.

Mayor Green reminded residents that the fire station was being built without taking on any debt.

Corliss affirmed that it is a multi-year plan endorsed by previous Council that the Town is borrowing from the Town's general fund which is paid back with future impact fees received from development. Corliss pointed out that a capital project of this magnitude without any debt issuance was a direct result of good stewardship.

Teal moved, seconded by Valentine, that Ordinance 2017-025 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

[ORD 2017-027](#) **Ordinance Amending Titles 3, 4 and 13 of the Castle Rock Municipal Code By Changing the Water and Wastewater System Development Fees and making certain editorial updates to such titles** (Second Reading - Approved on First Reading on September 5, 2017 by a vote of 6-0)

Castle Rock Water Director Mark Marlowe confirmed that there will be no rate increase in 2018 for existing customers. System development fees will increase 3.1%. These are fees paid for by developers which will help fund the expansion of the wastewater treatment plant in response to growth. Staff and the Water Commission were involved in the process and unanimously recommended to proceed.

Councilmember Teal thanked Marlowe for listening to concerns from his constituents and not increasing rates.

Teal moved, seconded by Valentine, that Ordinance 2017-027 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

ORD 2017-028 Ordinance Levying General Property Taxes for the Year 2017, for 2018 Collection, for the Town of Castle Rock, Colorado (First Reading)

Town Manager David Corliss noted that assessed property valuations increased from last year at a preliminary level of 17%. Final numbers from Douglas County will be available in December at which time this item will return to Council for second reading. With property values increasing, the Town is recommending to lower the mill levy, therefore decreasing it from 1.474 to 1.330.

Councilmember Townsend commended the Town on its commitment to wise stewardship and decreasing taxes.

Bower moved, seconded by Loban, that Ordinance No. 2017-028 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

ORD 2017-029 Ordinance Levying General Property Taxes for the Year 2017, for 2018 Collection, for the Castle Rock Downtown Development Authority (First Reading)

Town Manager David Corliss noted that the Town also levies property taxes for the DDA. The mill levy rate of 3 % will remain the same and will be presented to Council in December when final numbers are available from the County.

Councilmember Loban stated that the DDA levies on its own membership and questioned why this item was before Council. Corliss explained that for taxing purposes the Town was the entity that submitted it to the County.

Kevin Tilson, Director of the Downtown Development Authority, clarified that Council is the governing authority of the Downtown Development Authority. Per the intergovernmental agreement, along with a DDA vote, the Town, as governing authority, also votes on the mill levy. Tilson also noted that the Castle Rock DDA has one of the lowest mills in Colorado, which the Town matches. This is the first time that the Town match is going to surpass pre-recessionary levels which is a good indication of the economy improving and downtown property values increasing.

Bower moved, seconded by Valentine, that Ordinance 2017-029 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

RES 2017-071 Resolution Approving the 2018-2020 Balanced Financial Plan

Town Manager David Corliss noted the plan addresses the top priorities for the Town, continued investment in infrastructure, maintaining levels of service and

continued competitive compensation and benefits for employees.

Councilmember Townsend acknowledged Public Works for their commitment to pursue federal funding for projects and to keep expenses low.

Councilmember Ford arrived at 6:42 pm, but did not vote on Resolution 2017-071.

Valentine moved, seconded by Loban, that Resolution 2017-071 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Teal

Not Present: 1 - Ford

RES 2017-072 Resolution Approving the 2018 to 2022 Five-Year Capital Improvement Program

Town Manager David Corliss explained that this plan looks at capital projects over a five-year time period. Major components include water items, parks and recreation and transportation. It was noted that 2018 is a very ambitious year.

Valentine moved, seconded by Loban that Resolution 2017-072 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

ORD 2017-026 Ordinance Amending Section 2.06.010.B of the Castle Rock Municipal Code to Include the Day After Thanksgiving and Christmas Eve as Legal Holidays (Second Reading - Approved on First Reading on September 5, 2017 by a vote of 6-0)

Deputy Town Manager Fritz Sprague explained the benchmark data that supported the proposed additional holidays for Town staff to be comparable with other front range municipalities.

Mayor Green confirmed that full time employees working on a holiday would receive the holiday pay; but a part-time employee would not.

Councilmember Loban feels that this makes the Town more competitive with other communities.

Councilmember Bower asked if this would apply to all employees in the future. Sprague confirmed it would, and it will be included in the personnel guidelines.

Councilmember Ford confirmed if they would only staff as needed. Sprague stated each department establishes their own staffing needs.

Fire Chief Morales stated that they have minimum staffing requirements regardless of the holiday.

Loban moved, seconded by Townsend, that Ordinance 2017-026 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

[RES 2017-073](#) **Resolution Approving a Contract Between the Town of Castle Rock and Aetna Life Insurance Company for 2018 Stop Loss Insurance Coverage**

Deputy Town Manager, Fritz Sprague pointed out that the Town is self-insured to provide health care benefits. The stop loss insurance protects the Town from large, catastrophic claims. Increasing the deductible from \$60,000 per employee per year to \$100,000 will result in a net savings.

Councilmember Loban asked to confirm if there is a cost increase with the higher deductible. Michelle Moreau, consultant with Gallagher Benefit Services, stated they would have a net savings between the premium reduction and the net exposure.

Townsend moved, seconded by Bower, that Resolution 2017-073 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

[RES 2017-074](#) **Resolution Approving an ICMA Retirement Corporation Government Money Purchase Plan and Trust Adoption Agreement (Police Retirement)**

Deputy Town Manager Fritz Sprague presented the item stating that this will make the Town more competitive to recruit and retain Police officers.

Police Chief Cauley spoke on the difficulties of hiring qualified, talented recruits as well as retention of current personnel in relationship to our Town retirement benefits. This agreement works toward moving Castle Rock in the right direction to be competitive in the market place. Program participation is mandatory and stated he has received positive feedback in favor of this increase.

Sprague went on to say that benchmarking was done with 19 jurisdictions and showed that the Town is 1.6% behind. If approved, sworn officers will be moved over into the new plan at the beginning of 2018. Employee contributions will increase by 1.6% for a 5.6% total contribution, and the Town matching contributions would increase 1.6% for a total of 8.6% total contribution.

Bower moved, seconded by Loban, that Resolution 2017-074 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

[RES 2017-075](#) **Resolution Adopting and Entering into the Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust and Taking Other Actions Connected Therewith**

Deputy Town Manager Fritz Sprague presented the item to Council explaining that it was a State Legislative enacted measure requiring approval of Council for participation.

Councilmember Townsend questioned if this was an additional Town benefit that

would be available in lieu of, or in addition to Workmen's Compensation. Sprague responded that any Workman's Compensation would be offset with what the trust already paid if they choose to file. Claims from Workmen's Compensation can take up to two years to determine eligibility. The Trust provides a lump sum payment immediately upon diagnosis of one of the identified cancers to assist the employee with medical costs and loss of work.

Mayor Green questioned why lung cancer was not identified. Chief Morales explained that most cancer results from absorption thru the skin. With air packs for firefighters, the lungs are protected. Chief Morales noted the number of carcinogens in smoke was staggering.

Sprague reviewed the premium cost of \$265 per year for full-time firefighters and \$86 per year for part-time and volunteer firefighters. Firefighters must be employed by Castle Rock Fire Department for at least 5 years to be enrolled in the program.

Mayor Green asked what happened if an employee retired and three years later was diagnosed with cancer. Chief Morales stated the trust would be reviewing these types of items, but normally post retirement would be covered by FPPA. This program is targeted towards keeping an employee solvent during the diagnosis and treatment as they continue to work.

Loban moved, seconded by Townsend, that Resolution 2017-075 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

BREAK

Mayor Green recessed the meeting at 7:23pm.

RECONVENE - ADVERTISED PUBLIC HEARINGS & DISCUSSION ITEMS

Mayor Green reconvened the meeting at 7:30 pm.

[RES 2017-078](#) **Resolution Approving a Construction Contract with T. Lowell Construction, Inc. for the Founders Well Facility Infrastructure Project** *[East of Matney Park, along Lantern Circle]*

Castle Rock Water Director Mark Marlowe explained that this construction contract is the final component including the raw water pipelines, the well facility building structure and also electrical and Scada controls. This is part of an Intergovernmental Agreement with Dominion Water and Sanitation District to share in the infrastructure cost.

There is a pending change order with the well driller, Layne Christenson, due to unforeseen underground conditions on the first well. The Town is going to add additional requirements in the specifications due to the unforeseen conditions and then have the second well re-bid.

Initial thoughts were that the engineer's estimate for the electrical component was underestimated, but after review, it has been determined that the T. Lowell bid is

substantiated and the Water Commission and staff recommend to proceed. Completion is expected to be summer of 2018 to be available for the peak demand.

Councilmember Loban inquired what unforeseen situations resulted in the change order. Marlowe explained there were underground geologic formations that caused issues with the drilling mud that resulted in loss of circulation.

Councilmember Townsend asked to confirm that the review was done to ensure the unforeseen conditions did exist. Marlowe stated that when this is presented to Council again there will be two expert reviews of the conditions to ensure there were unforeseen conditions that were not accounted for in the bid. This expense will be shared with the contractor.

Loban asked where we are with the budget on this project with the change order. Marlowe stated the original budget was \$1.7M not including the contingency of \$174,000. The drilling of the Denver well they completed amounted to \$730,000; and the change order submitted was for \$600,000, which they are still negotiating.

Marlowe stated if the conditions were identified in the original contract, the cost may have been included in the original bid. They want to re-bid the second well to ensure they are getting fair pricing on the second well and to identify conditions to avoid a change order.

Townsend moved, seconded by Bower, that Resolution 2017-078 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

[DIR 2017-035](#)

Discussion/Direction Recommended Charter Direct Mail Piece

Barb Larson, District 4 resident, addressed Council on specific points that she believed should have further clarification. She suggested the wording under the "No" vote regarding the voting power should state "equal" voting power; and to correct the statement that the Mayor is "appointed" by Town Council as the Charter states that the Council "elects" the Mayor. She thanked the Council and staff for their work on this, but feels the "TBD" (to be determined) may not be specific enough to educate the citizens on the repercussions and collateral damage.

Councilmember Bower asked for clarification if the equal voting power was defined in the petition. Town Attorney Bob Slentz stated that the petition states that the Mayor has the same powers and responsibilities as a Councilmember which did not change from the wording in the Charter.

Councilmember Loban inquired if the Mayor as referred to in the Charter is the same as the popularly elected Mayor that is outlined in the petition. Slentz stated that the petition creates a new office of Mayor. Loban asked if the Charter would apply to a popularly elected Mayor since it is a new office created and how does it inherit the power of the Mayor if it is a separate office.

Councilmember Bower followed by asking since it is a different office are those

powers still undefined. Slentz stated there is no distinction in the Charter between an elected and a popularly elected Mayor.

Councilmember Bower asked what we are looking at that is to be determined. Slentz stated the chart shows items to be determined by Council which include a determination if there will be a 2018 special election as well as the qualifications of the Mayor.

Mayor Green inquired about the voting requirement of four Councilmembers to approve an ordinance, and how would the Mayor's vote would apply. Slentz stated it is an ambiguity that would need to be resolved and could be construed as the same powers and responsibilities as the Councilmember which may also apply to the conflict of interest.

Mayor Green asked for clarification if the Charter states the Mayor is elected or appointed. Town Manager David Corliss responded that being selected or appointed is more appropriate as elected infer that an election was held and that using the word selected was more accurate in their opinion.

Council reviewed the direct mailer with staff addressing the following changes noted for staff implementation. Items were approved by Council consensus unless otherwise requested as a formal vote.

Page 1 - No changes

Council consensus.

Page 2

The special election has been set for Tuesday, Nov. 7, 2017

(Add) *Ballots will be mailed on Oct. 16*

Council consensus.

Page 3 - Section What is the Town's current governing body?

Town Council is the governing body of the Town. Currently, Council is made up of seven Councilmembers. Each Councilmember is elected to represent a district. These seven Councilmembers vote to select the Mayor and Mayor Pro Tem among themselves.

(Add) *The Mayor presides over Town Council meetings as chairperson. Each member of the Town Council, including the Mayor, has one equal vote.*

Council consensus.

Page 3 - Section What are the Mayor's current responsibilities?

(Add at beginning) *As mentioned above, the Mayor currently presides over Town Council meetings as chairperson. Each member of the Town Council, including the Mayor, has one equal vote.*

(Delete) *Currently, the Mayor presides over Town Council meetings as chairperson, and has the same voting privileges as the other councilmembers. The Town Charter provides, "The Mayor shall be recognized as the head of the Town government for all ceremonial and legal purposes and shall execute and authenticate legal documents requiring the signature of the Mayor."*

(Delete) *The Town Code also gives the Mayor the authority to call a special meeting. It's important to note, these responsibilities would not change with this Charter amendment.*

(Add) *These responsibilities would not change with this Charter amendment.*

***Motion by Green, seconded by Loban, to Approve the changes as read.
The motion passed by the following vote: 7-0.***

Page 3 - Section What does a Mayor at-large mean?

A Mayor at-large means the Mayor would be elected by all voters in Castle Rock.

(Delete) *Currently, the Mayor is a Councilmember appointed by other members of Town Council as Mayor.*

(Add) *Currently, the Mayor is a Councilmember, and the seven Councilmembers vote to select the Mayor and Mayor Pro Tem among themselves.*

***Motion by Green, seconded by Bower, to Approve the changes as read.
The motion passed by the following vote: 6-1 (Loban No).***

Page 4

(Delete) *The Mayor is currently appointed by Town Council.*

(Add) *Town Councilmembers are elected in their respective districts, and the seven members of Town Council elect the Mayor and Mayor Pro Tem from these popularly elected members.*

If approved, the amendment would change the Town Charter to allow for a Townwide Mayor position elected by voters.

(Delete) *Town council would remain with seven members - consisting of six councilmembers elected by a district and one Mayor elected at-large.*

(Add) *Additionally, Town Council would be reduced to six Councilmember districts from the current seven districts.*

Council consensus.

Page 5 - Section What does a YES vote mean?

(Delete) *A plan will need to be developed to specify the timeframe within which the Mayor will first be elected by all Castle Rock voters, the qualifications to become Mayor, and when/how districts would be reduced from seven to six. One option would be to hold a special election in early 2018 to determine these details.*

(Add) *A plan will need to be developed to specify the timeframe within which the Mayor will first be elected by all Castle Rock voters, the qualifications to become Mayor, and when/how districts would be reduced from seven to six. Options to determine these details may include (i) referral to the voters at a 2018 special election, (ii) a Council-adopted ordinance, (iii) an Election Commission*

determination, or (iv) a judicial resolution.

Council consensus.

Page 5 - Section What does a NO vote mean?

If the Charter amendment does not pass, the Town Charter would stay the same. Since adoption in 1987, the Town Charter has outlined Town Council as seven Councilmembers including a Mayor and Mayor Pro Tem.

(Delete) *Each Councilmember is elected to represent a district. The Mayor and Mayor Pro Tem would continue to be appointed by Town Council. Additionally, the Mayor would continue to have the same voting power as the other Councilmembers.*

(Add) *Town Councilmembers are elected in their respective districts, and the seven Councilmembers elect the Mayor and Mayor Pro Tem from these popularly elected members. The Mayor and the Mayor Pro Tem would continue to be appointed by Town Council. Each of the seven districts would remain and maintain equal representation.*

Council consensus.

Page 5 - Chart

(Replace) *Mayor is appointed by Town Council.* **(With)** *Mayor is elected by the popularly elected Town Councilmembers.*

Council consensus.

(Replace) *Mayor is elected by Castle Rock voters.* **(With)** *Mayor is elected "at-large" by Castle Rock voters.*

Council consensus.

(Delete) *Mayor votes with Town Council*

Motion by Green, seconded by Valentine, to remove "Mayor votes with Town Council".

The motion passed by the following vote: 6-1 (Teal No).

(Add) *Two members of Council will reside in the same Council district*

(Add in the Yes Column) X

Council consensus.

Motion by Green, seconded by Townsend, to Approve the content of the proposed mailer with the amendments addressed between Council and confirmed by staff and direct staff to move forward with production and mailing, including posting on website and social media. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Ford

No: 1 - Teal

Motion by Green, seconded by Townsend, to extend the meeting to 10pm. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Green, Bower, Valentine, Ford

No: 1 - Teal

[RES 2017-076](#) **Resolution Approving the Town of Castle Rock Transportation Master Plan**

Motion by Loban, seconded by Green, to move RES 2017-076 to the next Council meeting. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

[RES 2017-077](#) **Resolution Approving the Town of Castle Rock On-Street Parking Policy**

Motion by Loban, seconded by Green, to move RES 2017-077 to the next Council meeting. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Green, Bower, Valentine, Teal, Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

The Mayor adjourned the meeting at 9:30 pm.

Submitted by:

Lisa Anderson, Acting Town Clerk