



## **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

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**Tuesday, October 17, 2017**

**6:00 PM**

**Council Chambers**

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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**

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

Mayor Green called the meeting to order at 5:15 pm.

### **RECESS TO EXECUTIVE SESSION**

**Valentine moved, seconded by Loban, to Adjourn to Executive Session. The motion passed by the following vote:**

**Yes:** 5 - Loban, Townsend, Green, Bower, Valentine

**Not Present:** 2 - Teal, Ford

[EXEC  
2017-018](#)

#### **Executive Session: Aptive Environmental, LLC v. Town of Castle Rock Litigation Legal Advice**

Item #1 was removed from the Executive Session.

Councilmember George Teal arrived at 5:20 pm and joined the Executive Session.

**Present:** 6 - Council Member Loban, Council Member Townsend, Mayor Green, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal

**Not Present:** 1 - Council Member Ford

[EXEC  
2017-019](#)

#### **Executive Session: Storage, LLC vs. Town of Castle Rock Litigation**

### **RECONVENE**

Meeting Reconvened and Mayor Green called the meeting to order at 6:04 pm.

### **INVOCATION - Pastor Dave Love, Calvary Chapel Castle Rock**

### **ROLL CALL**

**Present:** 6 - Council Member Loban, Council Member Townsend, Mayor Green, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal

**Not Present:** 1 - Council Member Ford

**PLEDGE OF ALLEGIANCE - Cub Scout Pack 260 and 261**

Cub Scout Packs 260 and 261 led the Pledge of Allegiance. Mayor Green thanked the Cub Scouts for attending the meeting and leading the Pledge.

**COUNCIL COMMENTS**[ID 2017-082](#)**Executive Session Report: Aptive Environmental, LLC vs. Town of Castle Rock Litigation Legal Advice - October 17, 2017**

This item was removed from the Executive Session.

[ID 2017-091](#)**Executive Session Report: Storage, LLC vs. Town of Castle Rock Litigation**

Mayor Green read the report of the Executive Session.

Town Attorney, Bob Slentz would like the record to reflect that the Executive Session item involved legal advice.

**UNSCHEDULED PUBLIC APPEARANCES**

None.

**TOWN MANAGER'S REPORT**[ID 2017-083](#)**Update: Quasi-Judicial Projects**

Councilmember Teal asked to confirm if the Heckendorf development was still a Quasi-judicial project. Director of Development Services, Bill Detweiler, stated it is still an active application. They have been informed they are going to withdraw, but it will still be reported until it is formal.

**This Item was Presented.**

[ID 2017-084](#)**Update: Monthly Department Reports**

**This Item was Presented.**

[ID 2017-085](#)**Presentation: Your Town Academy Graduating Class**

Assistant to the Town Manager, Kristin Zagurski, introduced the graduates of the 2017 Your Town Academy. There were 21 citizens that graduated in this year's class. The 2018 academy will be announced in June 2018.

Mayor Green presented the graduates with their certificates, and thanked them for attending and taking the time to learn about their community.

[ID 2017-086](#)**Update: 2017 Third Quarter Major Projects Report**

**This Item was Presented.**

[ID 2017-087](#)**Department Update: Results of the 2017 Sanitary Survey**

Castle Rock Water Director, Mark Marlowe, stated they have a very dedicated team that has resulted in the next two awards; and that it is an honor to serve on that team. The 2017 Sanitary Survey of the drinking water system was conducted and reported no deficiencies. The system is inspected every three years for every piece of infrastructure, the site, records, and operations.

[ID 2017-088](#)**Department Update: Silver Environmental Achievement Award**

Castle Rock Water Director, Mark Marlowe, shared that this is the second year in a row they have earned the Silver Award and is confident that they will receive the gold award next year. Marlowe stated that the neighboring water systems are now becoming part of this program.

**TOWN ATTORNEY'S REPORT**[DIR 2017-044](#)**Town Attorney's Report: Crystal Valley Metropolitan District Nos. 1 and 2 Proposed Series 2017 Add-On Refunding Loan**

Town Attorney, Bob Slentz, briefed the Council that Crystal Valley Metropolitan District Nos. 1 and 2 desire to refinance their existing debts with a savings of approximately \$320,000 in interest per year. Councilmember Teal stated he might be a beneficiary of this refinance and feels it is a good deal for his neighbors.

**ACCEPTANCE OF AGENDA**

Mayor Green proposed to remove Item #16 for the Presentation by Aptive Environmental as they were unable to attend the meeting; and to move #14 regarding the new PL-3 Zone from Quasi-Judicial Hearings to Advertised Public Hearings and Discussion Action Items.

**Valentine moved, seconded by Loban, to Accept the Agenda as amended. The motion passed by the following vote:**

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

**Not Present:** 1 - Ford

**CONSENT CALENDAR**[MIN 2017-017](#)**Minutes: October 3, 2017 Town Council Meeting**[RES 2017-086](#)**Resolution Appointing Directors to the Board of Directors of the Bella Mesa Metropolitan District *[East side of Founders]***

**Valentine moved, seconded by Loban to approve the Consent Calendar as read. The motion passed by a vote of:**

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

**Not Present:** 1 - Ford

**QUASI JUDICIAL HEARINGS**

[RES 2017-087](#) **Resolution Approving the Meadows Filing No. 20, Amendment No. 8 Site Development Plan [Single-Family; SW of the North Meadows Drive and Champagne Avenue Intersection] (Town of Castle Rock Project #SDP17-0018)**

Mayor Green read the Quasi-judicial script and no Councilmembers voiced any conflict.

Director of Development Services, Bill Detweiler, stated this is a good application and reduces the density, changing from multi-family units to single family units.

RC Hanisch, Castle Rock Development Company, stated they were initially approved for 24 multi-family units and are now dividing it into 11 single family lots, and keeping the landscaping plan that was approved in 2004. Additionally, they were approved for a 60' height and are proposing a 46'1" height.

Dean Amann, owner of Adamo Homes, which is a local family run company. Their development focuses on 45-75 year old customers offering contemporary units with 3 car garages, a walk up to the main living area, then a walk up to the bedrooms. There is also a potential for roof top decks. The targeted price point is \$600,000-\$625,000.

Councilmember Loban asked its proximity to the school. Hanisch stated it is close by, and parking will be in the garages and driveway.

Councilmember Valentine appreciates the reduction in density.

No further comments, and Mayor Green closed the public hearing.

Mayor Green also stated her appreciation for the reduction in density and the unique focus.

Councilmember Townsend stated they have received positive community feedback.

**Loban moved, seconded by Bower, that Resolution No. 2017-087 be Approved as presented. The motion passed by the following vote:**

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

**Not Present:** 1 - Ford

## **ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**

[ORD 2017-030](#) **Ordinance Amending Chapter 17.30 of the Castle Rock Municipal Code by Adding a New Section 17.30.035 Creating the PL-3 Zone District [Rock Park] (First Reading)**

Director of Development Services Bill Detweiler presented the ordinance for an amendment to create a zoning designation for Rock Park that defines allowed

uses and development standards for the park site. If Council approves and finds appropriate, the rezoning of Rock Park would come to a future Council meeting. This would ensure that historic character is preserved in Rock Park. Detweiler stated there was a neighborhood meeting in September with the consensus to support the PL-3 zoning. Uses are limited to open space and trails, service facilities, in addition to the historic Star and flagpole, and accessories to include rock stabilization and rock fall mitigation. Lighting is limited to the Star and flagpole, and facilities are limited to the existing gazebo. The Planning Commission recommends approval.

Councilmember Bower commended the team and Jeff Smullen for their work.

Mayor Green opened the public hearing.

Dennis Carnahan, resident, is the leader of Keepers of the Rock which is comprised of Teen Court and Volunteers. Carnahan is sensitive to what goes on in the park and is concerned with the PL-3 zoning and how it overlays with the historic preservation district. Currently the Rock is in a historical district and anything that happens needs to go through the HP preservation board; and Carnahan feels it should be discussed there.

Assistant Parks and Recreation Director Jeff Smullen stated the PL-3 zoning does not supercede the HP designation from 1994 which is still in effect. This is the underlying zoning. A special use permit will still be required for temporary uses as they have been.

Detweiler added that it is no different than other landmark or HP properties.

Councilmember Teal wanted to recognize Mr. Carnahan for all the work he does to maintain and preserve Rock Park and the leadership he has taken to care for Rock Park.

Councilmember Bower added there are currently two residential parcels, and this would clean that up.

No further comments.

**Valentine moved, seconded by Teal, that Ordinance 2017-030 be Approved as presented on first reading. The motion passed by the following vote:**

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

**Not Present:** 1 - Ford

#### [ID 2017-089](#)

#### **Presentation: Active Environmental, LLC (Solicitor Ordinance)**

Removed from the agenda. Presenter was unable to attend the meeting.

#### [DIR 2017-045](#)

#### **Discussion/Direction: Neighborhood Park Site Selection Recommendation**

Director of Parks and Recreation Jeff Brauer stated the surveys taken for input into the next neighborhood park show the impact of the parks on the community.

Parks are funded through impact fees which equate to approximately \$3,849 per 3,000 square foot house. Parks that were most recently built were: 2007 - Matney and Rhyolite Regional Parks, 2008 - Bison Park, 2012 - Wrangler Park, 2014 - Philip S. Miller Regional Park, and 2017 - Festival Park. Currently, there is \$2M in the 2018 budget to develop 5-8 acres for the park site.

There are six criteria used to evaluate park sites: existing amenities, access to open space, development cost, population density, future maintenance costs, and recreation potential. Five sites were identified as potential sites - Meadows, Cobblestone, Castle Oaks, Castlewood Ranch, and Crystal Valley Ranch. A prioritization matrix was used to score each park on the criteria. The Meadows site came up with the highest number for the next neighborhood park. They toured all of the sites, held two public meetings in August, held an online survey with 550 participants; and responses showed 60% for the Meadows site. Staff recommends Meadows Filing 18 Lot 2 for the next neighborhood park as it received the most requests, had the largest surrounding population, is the smallest site to maximize funding, and they can take advantage of the proximity to Aspen View Academy.

Mayor Green participated in a portion of the tours and noted that the most expensive items are infrastructure and parking which already existed in the Meadows.

Councilmember Teal feels staff did great work on this, the analysis is solid, and it will be a great site.

Councilmember Townsend commented on how great our parks are.

Ann Weaver, Castlewood Ranch resident, favors Track L in Castlewood Ranch and shared her vision for that area. Long-time residents informed her that a park on this site was promised to the neighborhood about 17 years ago. Currently, it is a field that collects trash; and they would like to see a gravel nature trail, native trees and evergreens, boulders, some turf areas with benches for sitting, and to be nature friendly. They regularly see deer, foxes, eagles, and bluebirds. They do not want playgrounds and parking lots, buildings or playing fields and would like it to connect to the Mitchell Gulch trail system. Weaver presented a petition to Parks and Recreation previously and presented an additional petition. Weaver feels it is a great asset to the community and not expensive to build; and the HOA Board is in full support.

No other comments. Mayor Green closed the public hearing.

Brauer stated they are happy to work with the HOA in that area; and it will require more extensive research into what entire community wants and to engage more discussion with residents.

**Loban moved, seconded by Teal, to support the staff recommendation of the Meadows location for the next neighborhood park. The motion passed by the following vote:**

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

**Not Present:** 1 - Ford

**RES 2017-089 Resolution Approving the Castle Rock Public Art Commission Public Art Plan**

Kristin Zagurski, Assistant to the Town Manager, provided an update to the Public Art Plan that the Public Art Commission has been working on for almost a year. There are over 2 dozen public art works in Castle Rock which includes art from the Douglas County Art Encounters program.

A consultant worked with the Public Art Commission and a workshop was held, as well as a community input questionnaire. They drafted a mission and vision, and had follow up meetings to review town plans, policies and procedures, held discussions with key staff and community partners, and researched best practices. A word cloud was developed from 140 respondents; and 80% believe public art is important and 90% that it adds value, commemorates history and people, and promotes local artists. Public art is seen downtown, in parks and at key intersections, and respondents stated they preferred a variety of art. The Plan recommends to commission site specific art works with community partners, take care of existing art pieces, and continue to engage community in all public art initiatives. The five-year recommended budget can be accomplished with the current funding mechanism; and by 2021 there will be a fund balance. Next steps are to engage partners for downtown art initiatives and confirm parameters for the first project at Miller Park. Councilmember Townsend was thanked for his participation.

Councilmember Bower asked if murals had come up. Zagurski stated there is a new product the Commission is exploring. Art wrap is a high quality durable adhesive recently installed at Perry and Plum Creek on a traffic signal cabinet; and the Downtown Alliance is interested in partnering with us.

Mayor Green opened the public hearing. No comments. Mayor Green closed the public hearing.

Councilmember Townsend commended staff.

**Bower moved, seconded by Townsend, that Resolution No. 2017-089 be Approved as presented. The motion passed by the following vote:**

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

**Not Present:** 1 - Ford

**RES 2017-088 Resolution Approving the Miller's Landing Business Improvement District 2018 Operating Plan and Budget**

Town Attorney Bob Slentz is requesting approval for the Miller's Landing Business Improvement District Operating Plan and Budget mandated by statute. The foundational document is the public finance agreement and the Operations plan sets forth the plans for what the District intends to do next year. The plan does not undue or modify the public finance agreement which controls in the event of a conflict and is compliant with statute.

Mayor Green opened the public hearing.

Shawn Temple with P3 Advisors provided an update on the project. P3 worked for several years with Council and staff to create a vision for this development that answered many of the Town's goals. Their goal in 2018 is to bring financing to remediate the dump and get tenants committed to the hotel and primary office space. Temple is raising his children here and wants to be a productive part of the community.

Councilmember Bower asked if they landed a hotel user. Temple stated the previous hotel could not execute, so they have taken it back out to public and will do an RFP. They have received expressed interest from several entities and feels it will fill a large gap between the Springs and the Tech Center.

No further questions. No public comment. Mayor Green closed public hearing.

Councilmember Bower asked if it is unusual to have board vacancies. Slentz stated it is not unusual.

Slentz stated the District will impose a 50 mil property tax.

**Townsend moved, seconded by Loban, that Resolution No. 2017-088 be Approved as presented. The motion passed by the following vote:**

**Yes:** 4 - Loban, Townsend, Valentine, Teal

**No:** 2 - Green, Bower

**Not Present:** 1 - Ford

#### [DIR 2017-046](#)

#### **Discussion/Direction: Town Acquisition of United Water Assets**

*(Item scheduled for final consideration on November 7, 2017)*

Director of Castle Rock Water Mark Marlowe stated this project was started in June 2016 with plans to close in November 2016. In November 2016 the budget amendment was approved and was carried over to 2017; and the issue that was holding them up has been resolved. The most important piece is the diversion in Sedalia and is sized to handle 40 cubic feet per second. It is an existing diversion so there is not a need for a permit. The pipeline from the southern tip of Chatfield on the South Platte river can capture our West Plum Creek water rights. Additional assets of groundwater and infrastructure are in Bell Mountain and water rights in Cherokee Ranch.

Key terms of the agreement are \$22.5M, United will relinquish all assets in Douglas County, and the Town will take over the water service agreements with Lochbuie and Ravenna from Bell Mountain and Plum Creek respectively. Cherokee Ranch has the first right of refusal to purchase water rights which we may be interested in selling. The five-year water lease for United for excess water is at our sole discretion each year. The Water Resources Committee is in favor as well as the Castle Rock Water Commission. The agreement will be coming to Town Council on November 7th.



Councilmember Loban commented that he is glad to get water rights that are right next to us. Marlowe stated it will make it easier to exchange water rights.

Mayor Green opened the public hearing. No comment.

Councilmember Teal commented that this is a huge win and a great opportunity.

Mayor Green proposed canceling the November 21st meeting and calling a special meeting on November 14th due to the Thanksgiving holiday.

**Teal moved, seconded by Townsend, to cancel the November 21, 2017 Town Council meeting and call a Special Meeting on November 14, 2017 at 6pm at 100 North Wilcox Street, Castle Rock. The motion passed by the following vote:**

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

**Not Present:** 1 - Ford

### **ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

None.

### **ADJOURN**

Mayor Green read from Isaiah 41 then adjourned the meeting at 7:45 pm.

Submitted by:

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Lisa Anderson, Town Clerk