



## **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, December 19, 2017**

**6:00 PM**

**Council Chambers  
100 N. Wilcox Street  
Castle Rock, CO 80104**

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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**

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

Mayor Green shared that the Calvary Chapel is hosting a Christmas Eve service at Festival Park.

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

**Present:** 5 - Council Member Loban, Mayor Green, Council Member Bower, Council Member Teal, Council Member Ford

**Not Present:** 2 - Council Member Townsend, Mayor Pro Tem Valentine

#### **PLEDGE OF ALLEGIANCE**

#### **COUNCIL COMMENTS**

Councilmember Loban reminded citizens to be careful and prepared for the cold temperatures and driving conditions and wished everyone a Merry Christmas.

Councilman Bower wished the community and the staff Merry Christmas and Happy New Year. Bower asked Town Attorney Bob Slentz to confirm if the citizen commission should address the petition signatures needed for nomination for the Mayor. Slentz stated that Councilmember candidates currently require 25 signatures for a nomination which is in our Code; so if Council wanted to change the signatures required for a Mayor candidate nomination petition, that could be a Council adopted Ordinance. Green, Loban, and Ford agree that should be modified. Teal stated they will include the petition signature requirement in the items discussed by the committee.

Councilmember Teal wished everyone Merry Christmas.

Councilmember Ford wished everyone Merry Christmas.

Mayor Green wanted to bring up the Daddy Daughter Ball on February 9th at the Event Center. Tickets are on sale on the CRgov.com website.

[APPT  
2017-005](#)

**Appointment: Water Commission**

Interviews were conducted with the Water Director, Water Commission Chair and Councilmember Townsend with a recommendation to appoint Amy Blackwell to May 2018.

**Green moved, seconded by Loban, that Amy Blackwell be appointed to the Water Commission for a term ending in May 2018. The motion passed by the following vote:**

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

## UNSCHEDULED PUBLIC APPEARANCES

None.

## TOWN MANAGER'S REPORT

### [ID 2017-111](#)

#### **Update: Quasi-Judicial Projects**

Corliss noted that now that the PL3 zoning is created, we will start the process to rezone Rock Park.

### [ID 2017-112](#)

#### **Update: Monthly Department Reports**

Corliss stated the monthly reports contain a lot of good information and that our departments are doing a lot of good work. Corliss thanked Town Council and wished them Merry Christmas.

### [ID 2017-113](#)

#### **Update: Water Court Cases**

Castle Rock Water Director Mark Marlowe stated that in 2013 Town Council assigned managing our water rights to the Director who then provides an annual update to Town Council. Marlowe stated the Town has four pending cases and are within budget for 2017. Expenses are anticipated to increase in 2018 due to the increase from four to nine applications in 2018.

Councilmember Loban commended staff on their work.

Councilmember Teal asked if any of the court cases are associated with the purchase of the United assets. Marlowe confirmed that we are hoping to file an application before the end of the year. Marlowe confirmed that Box Elder is associated with the WISE project which will use the same infrastructure to bring the water to the Town.

## TOWN ATTORNEY'S REPORT

No report.

## ACCEPTANCE OF AGENDA

**Teal moved, seconded by Bower, to Accept the Agenda as presented. The motion passed by the following vote:**

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

## CONSENT CALENDAR

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

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

[MIN 2017-020](#) **Minutes: December 5, 2017 Town Council Meeting**

[ORD 2017-033](#) **Ordinance Amending Chapter 8.26 of the Castle Rock Municipal Code Concerning Fire Restrictions (Second Reading - Approved on First Reading on December 5, 2017 with a vote of 6-0)**

## ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2017-052](#) **Discussion/Direction: Applications for the Council Community Grant Program for the 4th Quarter 2017 (4 Applications)**

Finance Director Trish Muller provided Council with an overview of the program. The program is geared to have an emphasis on quality of life with four main categories for youth, seniors, environment, and the arts. The program is funded out of the Town Council budget for an annual amount of \$8,000 with quarterly disbursements and a \$500 maximum per applicant. There were four applicants including the American Legion to replace MIA and POW flags, Castle Rock Band to use for rehearsal space and music, Clothes to Kids of Denver to provide socks and underwear for students in Castle Rock and the Metro area, and Douglas County Living to offset costs for a fundraising dinner to benefit Toys for Tots.

***No public comment.***

**Loban moved, seconded by Ford, to award a \$500 grant to the American Legion to replace MIA and POW flags. The motion passed by the following vote:**

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

**Bower moved, seconded by Loban, to award a \$500 grant to the Castle Rock Band for rehearsal space and music. The motion passed by the following vote:**

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

**Teal moved, seconded by Loban, to award a \$500 grant to Clothes to Kids to provide socks and underwear to children in Castle Rock and the metro area. The motion passed by the following vote:**

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

**Ford moved, seconded by Teal, to award a \$500 grant to Douglas County Living to offset the costs for a fundraiser they hold to benefit Toys for Tots. The motion passed by the following vote:**

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

**[RES 2017-107](#)**

**Resolution Authorizing the Acquisition of a Combination Jet/Vacuum Truck from Vac-Con through Williams Equipment and Supply**

Castle Rock Water Director Mark Marlowe informed Town Council that the last jet/vacuum unit was purchased in 2009 and has performed very well. This unit is used for cleaning sewers and storm water inlets; and they have cleaned 90 miles of sewer lines this year and often use it to dig around sensitive utilities, clean tanks, and perform emergency responses. The Town has seen a 40% expansion in sewers, storm water and diversions. The department has adequate staff to keep another unit busy; and this unit will help keep up with demand and serve as a backup for the 2009 unit. Staff obtained three quotes, did field tests and recommends purchasing the Vac-Con along with a recommendation from the Water Commission.

Councilmember Loban confirmed that this is a planned budget item.

Mayor Green asked if it is typical to clean this amount of sewer line. Marlowe replied that the recommended timeframe is to clean the entire system in five years; but their target is to accomplish that in three years.

***No public comment.***

**Green moved, seconded by Loban, that Resolution 2017-107 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Loban, Green, Bower, Teal, Ford

**Not Present:** 2 - Townsend, Valentine

**[DIR 2017-053](#)**

**Discussion/Direction: Distance Restrictions for Liquor Sales in Commercial and Industrial Zoning**

***Mayor Pro Tem Valentine arrived at 6:30 pm.***

Town Manager David Corliss briefed Town Council that State law provides for distance restrictions. An issue that has arisen is that schools are able to exist in any zone which can impact licensed liquor premises in commercial zones due to the 500 foot distance restriction in those zones. Colorado law allows municipalities to amend or eliminate this requirement, and there is interest in this issue from the business community.

Councilmember Bower stated he feels this is a big deal with Charter schools and

churches showing up within business districts limiting what can go into those zoned areas and feels it should be addressed.

Mayor Green asked for an explanation of what would be considered a school. Town Clerk Lisa Anderson replied that the Town defers to the Colorado Revised Statutes' definition of a school as well as the distance restrictions. Anderson read the school definition from CRS 12-47-103(32) as well as the distance restriction from CRS 12-47-33(1)(d)(I), noting that the restriction was silent regarding non-public schools which would be up to legal interpretation. Anderson then conveyed how the distance is computed per CRS 12-47-313(1)(d)(II).

Frank Gray and Marcus Notheisen from the Economic Development Council spoke in support of addressing this restriction and proposed a scenario to support both schools and liquor licensed areas in the commercial zoned areas to help create a vibrant community. One of the challenges identified by the EDC is property rights. If Property Owner A fills their vacancy with a school, this unilaterally affects the other property owners by restricting who they can lease to. Notheisen stated they don't want to see liquor and schools competing for the same areas which would then exclude one of them. Marcus went on to say that there are potential issues in many parts of Town that are commercially zoned as well as other mixed use areas in downtown, Meadows Town Center, off of Castleton Way and industrial areas off Woffensberger to name a few.

Frank Gray stated they are seeing trends in the market with microbreweries that want to locate in industrial areas; however there are schools looking in those same areas due to cost and space reasons. Gray would like to update the zoning to reflect current issues and allow all those uses in the community.

Councilmember Ford stated he found it interesting that we are 9th in the nation for Charter Schools and 2nd in breweries. Ford feels they both want to be good neighbors and it warrants discussion.

Councilmember Bower said the most logical approach is that if a school opens in a residential area, the distance restriction is justified; but if they want to go into a commercial area the restriction would not apply.

Councilmember Teal agrees that it is a land rights issue and that it makes sense for commercial areas. When a school builds in an industrial area; do we then limit other uses in those industrial areas. Teal feels we should discuss this and hear from staff and the public.

Mayor Green stated that this would just address the 500 foot limitation in commercial and industrial zones.

Councilmember Loban referenced a school wanting to move into an area that has businesses around it with liquor licenses and hotels that potentially would want to have a liquor license. Notheisen also noted it may have an affect on lending for businesses if they have potential restrictions.

Gray stated that we surveyed 19 communities and over 70% have eliminated or revised their requirements.

***No public comment.***

Councilmember Loban stated this is a complex issue with a lot of different scenarios where a school moves in and then it alters the property rights for the surrounding businesses.

Councilmember Teal stated this is a good subject for public outreach as we have a large population of Charter schools.

Councilmember Loban stated this could be an emotional issue, and wants to ensure we reach out to the community for feedback.

Councilmember Bower confirmed that we are only talking about schools opening in commercial areas.

Councilmember Teal wants to ensure we address circumstances for a restaurant changing owners.

Councilmember Loban stated we could invoke stronger penalties for violations as well.

Corliss stated that staff can come back to Council in the first quarter.

**Green moved, seconded by Bower, to direct staff to provide Council with additional information and a possible ordinance regarding distance restrictions for liquor sales in commercial and industrial zones. The motion passed by the following vote:**

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

**Not Present:** 1 - Townsend

**ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

None.

**ADJOURN**

Mayor read from Isaiah 9:6 then adjourned the meeting at 6:48 pm.

Submitted by:

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Lisa Anderson, Town Clerk