



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, February 20, 2018

6:00 PM

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

**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 - Ernest Smith, Front Range Christian Church

CALL TO ORDER / ROLL CALL

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

Not Present: 1 - Council Member Townsend

PLEDGE OF ALLEGIANCE - Meadow View Elementary School: Third Graders

COUNCIL COMMENTS

Councilmember Jess Loban stated we are facing a cold snap and asks everyone to pay attention to pets and children outside and be prepared with items in your vehicle. He has also enjoyed hearing from citizens and encouraged it.

Councilmember George Teal asked Council to consider taking up a topic that was brought up two years ago. He would like to propose lifting the grocery tax. Teal asked if the Town Manager could update the last presentation and present it to Town Council.

Mayor Pro Tem Renee Valentine stated that would have an impact on our downtown.

Councilmember Jason Bower stated we have sales tax, property tax and impact fees; and feels it is important to be balanced. Promenade sales tax is up, but there are other parts of Town that are down.

Councilmember Brett Ford stated finances go in cycles, and when there is a downturn you face layoffs or reduction in services.

Teal asked if the Charter could be changed by petition and wanted to confirm if the initiative provision is 10% at a regular election and 15% at a special election.

Town Attorney Bob Slentz will look into the exact percentage.

Mayor Green and Councilmember Jess Loban are not opposed to getting further research. Teal stated there are three in favor and three not in favor and asked the

Town Manager if he can bring the item back.

Town Manager David Corliss will refresh the presentation on the consequence of removing the sales tax on groceries and the effect on the DDA incremental taxes.

Councilmember Jason Bower stated we need to look at 20 years down the road when the impact fees are gone.

Corliss stated they will do an analysis for impact on the services that depend on those revenues and after build out when impact fees cannot be relied upon.

UNSCHEDULED PUBLIC APPEARANCES

The following residents addressed Council:

David Bradshaw spoke regarding the pit ball plan and urges Council to retain the pit ball plan. He feels lifting the ban will encourage many citizens to move to Castle Rock with pit bulls.

Debbie Hager stated the ban is about prevention. The Town website conveys that Castle Rock is safe and family-friendly, and that is why they chose Castle Rock.

Tom Karges lives in Plum Creek and wants to talk about the leisure pool in the recreation center. He stated the temperatures vary greatly because it needs a new boiler. He was told it would not be installed until August because of loss of income if the pool is closed. Senior citizens use that pool and many cannot use it because of the cold temperature. He is concerned that the warranty on the new boiler may run out before it is installed. Karges stated the fake rocks in that area are covered with mold and some of the tiles also have mold and there is paint peeling off one of the walls by the pool.

George Hager feels the pit bull ban has been in effect for 25 years and feels the issue should be separated from the other items and put on the ballot. He is asking for help to protect the kids and if Council is willing to personally take responsibility for injuries. Aurora voted by 70% to retain the pit bull ban. He asked why it is being done without a vote. He also stated the postcards did not specify that it is about dogs or that you have to show up to be heard.

Dr. Wayne Hanson is a Pastor and loves that the Town has the invocation program and the words inscribed in the Council Chambers. He also supports putting the pit bull ban on the ballot. He went to dog fights growing up in Detroit and has seen how these animals behave. He wants to create a culture in our Town that is safe.

Derek Stevens is a resident of Castle Highlands. He stated they have a lot of construction going on and is concerned about the parking on Auburn Drive. Trash is now coming up into their neighborhood and the bus stop is in the middle of the S curve with parking on the other side of that street. He feels this is a dangerous situation. He would like to see the Town bring bike lanes up to the MAC. Parking is now bleeding over into their neighborhood.

Steven Ellis stated he had neighbors behind them that had friends over with pit

bulls that lost control of their dog. The dog broke through his fence and injured his dog badly. He feels at a minimum this issue should be on the ballot.

Mary Wilson feels the timer should go past three minutes to give people time to get their point across. She mentioned that she sent an email to the Town Attorney and had not heard back regarding the statute that states that a person cannot serve two municipal offices at the same time and feels our Mayor also serves as a Councilmember.

Donna Pratt asked about the pool in the Woodlands and the upkeep of the pool. She has been going for 8 years and the temperature is bad most of the time and the cleaning of the facility is not being done. She feels they need to clean the calcium off the windows and repair and paint the plaster that is pulled out of the wall.

The following non-residents addressed Council:

John Manka has operated a business in Castle Rock for over 10 years and is the past chair of the Chamber of Commerce. He is now the Inaugural Chair of the Chamber Foundation and relayed its purpose.

No further public requested to speak.

Mayor Green stated the pit bull ban is proposed to go from breed specific to behavioral based. Corliss stated that staff will give a presentation and a period of public comment on March 6. Based on Council direction, it would come back in April as an Ordinance.

Director of Parks and Recreation Jeff Brauer responded to concerns about the pool. He stated they close down annually to do maintenance and cleaning, and replacement of the boiler is scheduled during shut down. The temperature is monitored daily and hourly and they comply with the standard of 86 degrees +/- 2 degrees. The drop in the air temperature can affect it, which they will continue to monitor. The boiler is currently being manufactured, engineered, and must get permitted to get installed. There will be a redundancy system.

Director of Public Works Bob Goebel addressed the concerns about parking on Auburn Drive. Goebel stated they looked at this last fall when there was a significant amount of parking from the builders, who requested their employees to park on the property. There is currently parking on both sides and two lanes of traffic. The problem is long-term parking which the ordinance states cannot exceed 72 hours. Staff will look at the possibility of a bike lane. Mayor Green asked if the bike lanes were put in, would it remove parking on one side. Goebel stated that the bike lanes would be on both sides of the road, so no parking would be allowed. Goebel will work with Police to enforce the 72 hour parking issue.

Town Attorney Bob Slentz responded to Wilson's concern and assured that Mayor Green is lawfully constituted. The statute Wilson referenced is 31-10-301 which prohibits running for two elected offices. The Mayor was not elected as Mayor. Our elections are run under our own Code which does not prohibit running for two offices, which Council may want to address. Slentz stated when we coordinate

our election with the County, it is run under Title 1. The November election will be coordinated. Teal stated that we could take action by ordinance to prohibit someone running for two offices in the same election.

Councilmember Jason Bower asked about the on-street parking policy that was brought forward previously. Corliss stated they will bring that back to Council in the future.

TOWN MANAGER'S REPORT

[ID 2018-011](#)

Introduction: New police officers

Commander Jason Lyons introduced the new Police officers. Five were hired in January and are in various stages of training. Law enforcement has seen the lowest recruitment in decades, but Castle Rock has seen its highest.

Joshua Parker
Brian Schuster
Reagen Dixon
Joel Bennington
Amber LaPorte

Mayor Green and Mayor Pro Tem Valentine attended their swearing in and welcomed them to Castle Rock. Councilmember Loban thanked them for stepping up.

[DIR 2018-004](#)

Discussion/Direction: Council Meeting Schedule

Town Manager David Corliss asked Council to consider cancelling the March 20 Council meeting due to many Councilmembers not in attendance.

Green moved, seconded by Valentine, to cancel the March 20, 2018 Town Council meeting. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[ID 2018-012](#)

Update: Residential Unit Data (through December 31, 2017)

[ID 2018-013](#)

2017 Service Contract Year-end Reports

[ID 2018-014](#)

Update: Monthly Department Reports

[ID 2018-015](#)

Update: Legislative Update

Assistant to the Town Manager Kristin Zagurski presented items being monitored

at the general assembly. Over 400 bills were introduced this session. There are three items in the letter of support to the legislature regarding the transportation infrastructure funding, mussel free colorado act and the aquifer storage and recovery plans.

Councilmember Teal stated there are roads in our community that citizens drive on that are state roads. He encourages supporting the Senate Bill.

Mayor Green asked if Council support is beneficial to the mussel free bill. Marlowe stated he feels it would be beneficial.

Councilmember Loban feels the Aquifer item most pertains to us. Marlowe states that this legislation is for designated ground water basins that are shallow.

Councilmember Loban stated we are indirectly impacted from the mussel issue from the reservoirs we receive water from as well as maintenance costs.

Councilmember Jason Bower asked if there is an update on the fee for watercrafts. Marlowe stated the stamp is \$25 per year and \$50 for non-residents. The fees will raise \$2.4 million for inspections. Marlowe states current legislation proposes the stamps for sail boats and motor boats. Bower stated concern of one more layer of bureaucracy on the mussel issue.

Councilmember Loban stated concern with stacking revenue sources.

Mayor Pro Tem Valentine said it is a huge concern and such a small amount if you own a boat and it is very preventative.

Councilmember Teal is fine with the letter with the entire content.

Councilmember Ford stated he was in favor.

Teal moved, seconded by Valentine, to Approve the letter as presented. The motion passed by the following vote:

Yes: 5 - Green, Bower, Valentine, Teal, Ford

No: 1 - Loban

Not Present: 1 - Townsend

[ID 2018-016](#)

Update: Quasi-Judicial Projects

[ID 2018-019](#)

Department Update: Development Services Project Updates

Development Services Director Bill Detweiler stated there are two Quasi-Judicial applications in the Meadows Town Center and in Craig and Gould at 5th and Gilbert for a medical office that would require rezoning. 5th street is no longer a typical residential street, and is a transportation street where it would make sense to transition to businesses.

TOWN ATTORNEY'S REPORT**[DIR 2018-005](#) Town Attorney's Report: Miller's Landing Business Improvement District Consent and Waiver**

Town Attorney Bob Slentz updated a waiver and consent form with Miller's landing. When the public financing agreement was approved, the first step was a hotel milestone to be secured. The developer is preparing final documents to issue the bonds to get remediation underway.

Loban moved, seconded by Teal to Approve the Consent Form as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

ACCEPTANCE OF AGENDA

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

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

Not Present: 1 - Townsend

QUASI JUDICIAL HEARINGS**[ORD 2018-003](#) Ordinance Amending the Town's Zone District Map by Rezoning Philip S. Miller Park to PL-1 District (Second Reading - Approved on First Reading on February 6, 2018 with a vote of 6 to 0).**

Mayor Green read the quasi-judicial script into the record for the next two items with no conflicts raised by Council.

Development Services Director Bill Detweiler stated they have not received any comments from the public or any inquiries.

No public comment.

Loban moved, seconded by Bower, that Quasi-Judicial Ordinance 2018-003 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[ORD 2018-004](#) Ordinance Amending the Town's Zone District Map by Rezoning Rock Park to PL-3 District (Second Reading - Approved on First Reading on February 6, 2018 with a vote of 6 to 0).

Development Services Director Bill Detweiler stated that staff is administratively moving forward with a surveying engineer to remove the lot lines to create a single lot for Rock Park. It will take approximately 60 days. Based on comments at first

reading, staff included in the Ordinance that temporary community events must be combatable with the Rock Park Management Plan.

No public comment.

Bower moved, seconded by Loban, that Quasi-Judicial Ordinance 2018-004 be Adjourned to Executive Session as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ID 2018-017](#)

Discussion/Direction: Collaborative Campus Project Qualifications
(Project features, site layout and exterior design approval)

Belinda Aaron from Arapahoe Community College submitted the site plans and architectural drawings for the exterior of buildings that creates a sense of place reflective of Colorado.

Councilmember Loban complimented them and asked about the trade services training area. Aaron stated it will be on the left side.

Councilmember Bower stated they knocked it out of the park and loves the architecture, choice of materials and colors.

Councilmember Loban asked about the possibility of a third building. They stated there is room to expand and include a third building.

Aaron stated their expected enrollment is 500 students.

Town Manager David Corliss asked Council to approve the site plans and architectural drawings.

Loban moved, seconded by Bower, to Approve the Site Plan and Architectural Drawings as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[ORD 2018-001](#)

Ordinance Calling a Special Municipal Election of the Town of Castle Rock on May 15, 2018 for the Purpose of Submitting to the Registered Electors of the Town Proposed Amendments to the Town of Castle Rock Home Rule Charter and Providing for the Conduct of such Election (Second Reading)

Mayor Green will open a public hearing for the next two items but will vote on them separately.

Town Attorney Bob Slentz gave a brief presentation to review the amendments proposed. Slentz included the same restriction for the Mayor as there is for

Councilmembers that they cannot be a paid employee of the Town. This amendment is on schedule for the May 15 election conducted under the Town election code.

Mayor Green opened the public hearing. The following residents spoke:

Mary Wilson asked if canceling the March 20 meeting would impact the timing of the election. Town Clerk Lisa Anderson stated it would not.

Teal moved, seconded by Bower, that Ordinance 2018-001 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[ORD 2018-002](#) **Ordinance Proposing Amendments to the Town of Castle Rock Home Rule Charter by Adding a New Section 17-14, Transition to At-Large Mayor and Six Council Districts and Establishing Qualifications for the Office of Mayor, and Referring to the Electorate the Questions of Approving These Charter Amendments at the Special Municipal Election on May 15, 2018 (Second Reading)**

Teal moved, seconded by Bower, that Ordinance 2018-002 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[ID 2018-018](#) **Discussion/Direction: Communication Plan for Special Charter Election (Mayor At Large)**

Deputy Town Manager Fritz Sprague presented the framework for the communication plan for the May 15 election. Charter amendments are not subject to the FCPA restrictions to use Town funds for communication of the issues. They will use direct mail, Your Town Talk in the water bills, Social Media, etc. Sprague went over the timing of the post cards needing Council approval on March 6 so mailers can be sent out prior to the ballots being mailed. To ensure the mailers are actually received, they are paying first class rates where they are sent to Denver and are given a bar code that has to be scanned. Mayor Green asked it to be sent to all residents since they can still register to vote.

Councilmember Bower asked how many are on the email list. Community Relations Manager Karen Carter replied that subscribers to news and announcements is about 2,400, subscribers to the event list is about 3,000, and water bill customers are about 11,000. Emails will only be sent to the news subscribers.

Councilmember Bower asked if any money will be spent to boost facebook posts. Carter stated they will with Facebook and Instagram.

Mayor Green opened the public hearing and the following residents addressed Council:

Mary Wilson asked if it included directions on how to vote. Town Manager David Corliss stated they would include that information.

Councilmember Bower asked about the cost to send out a mailer. Carter stated it varies between \$4,000 to \$6,000 to print, and mailing first class is about \$15,000.

Teal moved, seconded by Ford, to implement the Special Election Communication Plan as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[RES 2018-010](#) **Resolution Adopting the Town of Castle Rock Investment Policy**

Accounting Manager Christy Guthrie, Assistant Finance Director Nicole Carner, Finance Director Trish Muller, and Senior Portfolio Manager with Insight Investments Mary Donovan presented the Investment Policy to Council. The last update to the Investment Policy was in January 2005. The Town has a \$179M portfolio - 15% in cash, 31% in C-Safe, and 54% investment portfolio in Insight Investments.

Donovan stated they revised the policy to conform with current State Statutes and language to reflect more modern practices. There are changes to eligible investments, diversification requirements remain more stringent than statute, and quarterly updates to Council.

No public comments.

Valentine moved, seconded by Ford, that Resolution 2018-010 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[DIR 2018-006](#) **Discussion/Direction: Castle Rock Industrial Park Annexation, Zoning and Development Agreement Reschedule**

Development Services Director Bill Detweiler stated this annexation was approved on first reading last year. Access issues were identified and resolution has been achieved now, and staff is asking to remove the item from the table and bring back to Council at the March 6 Town Council meeting.

Ford left the meeting at 8:25 pm.

Valentine moved, seconded by Bower, to direct the Town Manager to schedule second reading of the Annexation and Zoning Ordinance, along with the Development Agreement Resolution for March 6, 2018. The motion passed by the following vote:

Yes: 5 - Loban, Green, Bower, Valentine, Teal

Not Present: 2 - Townsend, Ford

[RES 2018-011](#) Resolution Approving a Variance Pursuant to Chapter 9.16.070.E of the Castle Rock Municipal Code for Night Time Construction Activities Related to the 2018 Pavement Maintenance Program, 2018 Bridge Maintenance Program, 2018 Town Facility Parking Lot Improvement Project, and 2018 Capital Improvement Program Projects

Public Works Director Bob Goebel identified the areas affected. Residents will be contacted to communicate specific nights they may be affected and offer accommodations. Staff and Public Works Commission recommend approval.

No public comment.

Bower moved, seconded by Loban, that Resolution 2018-011 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Loban, Green, Bower, Valentine, Teal

Not Present: 2 - Townsend, Ford

[RES 2018-012](#) Resolution Approving a Construction Contract between the Town of Castle Rock and Schmidt Construction Company for the Meadows Parkway Reconstruction Project

Public Works Director Bob Goebel stated this contract is for Meadows Parkway between Highway 85 and Prairie Hawk that was first constructed in 1987. Originally it was concrete but will be replaced with asphalt which is easier to maintain with fewer disruptions. Construction will occur between May to August. Traffic will be reduced to one lane with alternate routes and some work done at night.

Mayor Green stated we now have different routes out of the Meadows that we didn't have in the past.

Councilmember Loban stated it is smart to do when school is out.

Councilmember Bower suggested electronic signs announcing when construction will be done and other statuses.

Town Manager David Corliss commented that Coachline and Prairie Hawk was done last year to prepare for this project, and they would not let the developer work on North Meadows Parkway until this project is completed .

No public comment.

Loban moved, seconded by Bower, that Resolution 2018-012 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Loban, Green, Bower, Valentine, Teal

Not Present: 2 - Townsend, Ford

[RES 2018-013](#) **Resolution Approving a Construction Contract with Lawrence Construction Company for the Douglas Lane Tributary Stabilization and Trail Project** *[located along Douglas Lane Tributary, between Plum Creek Boulevard and the confluence with East Plum Creek]*

Castle Rock Water Director Mark Marlowe addressed the drainage issue on the south end of Town between Plum Creek Boulevard and the railroad tracks on Douglas Lane. This has a huge impact on water in Plum Creek. They will stabilize and make it safer, protect property, and make improvements to detention ponds to reduce sediment on renewable water.

Councilmember Loban asked the difference between the bid vs. the engineering estimates. Marlowe stated the bid was under due to the trail crossing not being included as well as the bid was from a local family business. Loban confirmed the company has done similar work to this.

No public comment.

Valentine moved, seconded by Green, that Resolution 2018-013 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Loban, Green, Bower, Valentine, Teal

Not Present: 2 - Townsend, Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Green adjourned the meeting at 8:55 pm.

Submitted by:

Lisa Anderson, Town Clerk