



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, May 15, 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

EXECUTIVE SESSION

[EXEC](#)
[2018-006](#)

**Executive Session: Instructing Negotiators Regarding a Potential
Economic Assistance Agreement with Murdoch's Ranch & Home
Supply, LLC**

INVOCATION - Pastor Terry Ball, Castle Rock Baptist Church

CALL TO ORDER / ROLL CALL

Present: 6 - Council Member Loban, Council Member Townsend, Mayor Green, Council Member Bower,
Council Member Teal, Council Member Ford

Not Present: 1 - Mayor Pro Tem Valentine

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Loban thanked the Town for the Open House event in the Meadows and everyone who came out.

Councilmember Bower explained that he receives many phone calls and emails in regard to properties that need to mow their grass. He thanked Tammy King in Development Services for contacting Douglas Co. 4-H who set aside a weekend for the kids to take care of some of these blighted homes and recognized Tammy King for thinking outside of the box for a creative solution.

Mayor Green recognized the recent announcement that the Town Parks & Rec department is a finalist for 2018 National Gold Medal Award for excellence in park and recreation management in the Class 4 population category. Mayor Green congratulated the Parks & Rec staff.

Mayor Green announced that Saturday, June 2nd at the Rueter Hess Reservoir, in celebration of National Trails Day, the Hike it to Bike It event would be going on, featuring guided hikes and the opportunity to bring in your own kayak, paddle boards and canoes. Pre-registration for a boat inspection will be required as well as registration for the guided hikes.

The Town in conjunction with CSU is offering multiple youth camps at PS Miller Park and the MAC this summer, May 29 through August 3, for ages 5-15 years. Activities to include music and movement, multi sport and outdoor adventure, including the zip line and epic adventure tower.

[EXEC](#)
[2018-007](#)

**Executive Session Report: May 15, 2018 Executive Session
Instructing Negotiators Regarding a Potential Economic Assistance
Agreement**

[PROC](#)
[2018-005](#)

Proclamation: Peace Officers Memorial Day and Police Week

Councilmember Loban presented proclamation to Chief Cauley. Chief Cauley recognized the loss of former Town of Castle Rock police officer, Zachary Parish, as well as two other law enforcement officers. He mentioned several Castle Rock officers are in Washington DC this week to honor fallen members. Community support is appreciated and Chief Cauley wants to thank everyone for their support.

[PROC](#)
[2018-006](#)

Proclamation: Ducky Derby Month

Councilmember Townsend presented the proclamation to members of the Castle Rock Rotary Club recognizing their service to the community and providing support and funds for local programs including the Crisis Center, Douglas Elbert Task Force, the Senior Center, Boy Scouts and Cub Scouts of America, college scholarships and leadership training for youth.

The 22nd annual Ducky Derby on June 9, 2018 is expected to draw up to 4,000 citizens to Festival Park for this event.

Rick Nelson, president of the Castle Rock Rotary Club, thanked the Town for the proclamation and announced that this year they had given over \$60,000 to various charities and social service agencies within the community including Wellspring who offers services to autistic and developmentally challenged children and young adults and thanked everyone for their support.

Al Wonstolen, Castle Rock Rotary Club, commented that the Ducky Derby has turned into a Town wide festival that everyone looks forward to and they are proud to provide this event for the Town.

[PROC](#)
[2018-007](#)

Proclamation: National Public Works Week

Councilmember Loban presented National Public Works Week Proclamation to Bob Goebel.

Public Works Director, Bob Goebel, thanked Council and all of the Castle Rock citizens for their support and accepted this award on behalf of the Public Works department and also the employees of Utilities and Parks roadway maintenance

and parks maintenance who also share in the public works responsibilities.

[DIR 2018-020](#)

Discussion/Direction: Town Board and Commission Appointments

Interviews were held on May 8, 2018 with the Town receiving 51 applications. 63 interviews were scheduled among the ten boards and commissions. Castle Rock Water and Public Art Commissions opted to schedule alternative interview dates for a few applicants that were not available to interview. These interviews have not been completed so those appointments will be presented at the June 5, 2018 council meeting. At the June 19 council meeting, additional recommendations for the Design Review Board will also be presented.

Motion by Bower, seconded by Townsend to approve appointments to Boards and Commissions as presented. Motion passed by a vote of:

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

Not Present: 1 - Valentine

UNSCHEDULED PUBLIC APPEARANCES

Dave Hickey, Castle Rock Chamber of Commerce, introduced himself as a newly elected board member. He announced that the Chamber has a new Chair person, Mark Michael, with Versatility Creative Group. Hickey spoke about the Chamber program 'Accelerate' which teaches small businesses how to be competitive in their marketplace. Additionally, the Chamber also provides training and one on one consulting as well. Anyone interested may contact the Chamber.

Norman Joslyn, citizen, addressed Council related to a petition for an exemption to Ordinance 2018-017. He cited their unprecedented effort to previously annex to the Town. The Town did approve the Joslyn property into the urban service area for future development, an effort that took over five years to complete due to the IGA document which is now abandoned. He questioned the reason of the January 10th date for cut off of properties that were classified exempt prior to that time. Time expired and Joslyn returned to the audience.

Mayor Green identified the ordinance Mr. Joslyn was speaking about and noted that it was included in the consent calendar later on the agenda.

Town Manager, David Corliss, noted the two ordinances were scheduled on the consent calendar, if approved by Council on consent, then they would be effective after 30 days as law.

Mayor Green asked if within the 30 day timeframe if they could submit paperwork for an annexation and Corliss explained that it becomes effective after 30 days unless a referendum petition against it.

No questions from Council for staff.

TOWN MANAGER'S REPORT

Town Manager, David Corliss, noted upcoming special events that Council

attendance would be appreciated to include the Police Department Awards & Promotional Ceremony, ground breaking for the ACC Collaboration Campus, Festival Park Grand Opening and the WISE water celebration at Gemstone Park.

Also, June 5 was noted as an early 5:15 p.m. executive session prior to the Council meeting for both the Town Manager and Town Attorney evaluations.

[ID 2018-056](#)**Update: Town Manager's Reports**

Town Manager, David Corliss, announced that Chief Morales announced his retirement and that he had appointed Norris Croom as Acting Fire Chief. Pursuant to our Town Charter, Corliss suggested a motion acknowledging that appointment and retirement would be appropriate. Corliss also wanted to thank Chief Morales for his service to the community.

Motion by Loban, seconded by Teal to recognize the retirement of Fire Chief, Art Morales and the appointment of Norris Croom as Acting Fire Chief. Motion passed by a vote of:

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

Not Present: 1 - Valentine

[ID 2018-057](#)**2017 Design Award Program (Presentations)**

Director Development Services, Bill Detweiler, stated the Design Award program is to recognize excellent design in the Town to match our comprehensive master plan. Detweiler introduced nominating committee members John Beystehner with J & M Architects, Kris Belter with Intergroup Architects, Peter Cudlip with Alberta Development, Charles Fletcher, Planning Commission member and Shawn Temple with P3 Advisors (not present) Mayor Green congratulated the following winners.

Large Commercial - 24 Hour Fitness, Justin Black, general manager
Small Commercial - Brooklyn Veterinary Clinic, Drs. Deb and Shawn Patterson
Community Character - Festival Park, Jeff Brauer, Parks & Recreation Director
Town Identity - Promenade Gabions & Landscaping, Peter Cudlip, Alberta Development
Adaptive Reuse - The Urban, Brad Brown, Owner
Public Facility - Renaissance Secondary School, Debbie R. Principal

[ID 2018-058](#)**Update: Legislative Update**

Town Manager, David Corliss acknowledged the work of the general assembly had concluded, adopting a new transportation bill and will see if funds will be directed back to the municipalities.

[ID 2018-059](#)**Update: 2018 First Quarter Financial Review, Period Ending March**

31, 2018

Town Manager, David Corliss spoke to the First Quarter financial review indicating that total revenues are about 2% higher than budgeted for in the first three months, with town-wide expenditures 47% lower than budget. Sales tax collections are higher by an estimated 6.9% in comparison to same period last year, plus we are estimating about a 5.7% increase in sales tax for March compared to last year. He cautioned about trends that were noted in comparison to area communities. The General Fund, where core services live, expenditures are about 7% lower than the amended budget. Corliss also noted development activity, 433 housing permits and 14 commercial permits were issued in the first quarter.

[ID 2018-060](#)**Update: Quasi-Judicial Projects**

Development activity update was presented by Development Services Director, Bill Detweiler. The Wolfensberger Apartment project which includes a significant underground parking garage, is an annexation and zoning application and this property is currently in unincorporated Douglas County.

The Kreft PD PPA is a property adjacent to the old Town Depot. The development team that is seeking feedback from staff is a construction company and the property would be used for an construction office.

1407 N. Park Street PPA is already zoned industrial, specifically identified for auto use. The property owner is looking to rezone the property to identify other uses more appropriate for the property.

The last update is related to a Senior Living Development PPA located adjacent to the Timber Canyon area and Tower Road off of Crowfoot Valley Road. Property is currently in unincorporated Douglas County which would require an annexation and zoning into the Town. This project allows for paired homes along with a three story, 150 unit community building.

[ID 2018-061](#)**Department Update: Development Services Project Updates****TOWN ATTORNEY'S REPORT**

No report by Town Attorney

ACCEPTANCE OF AGENDA

Motion by Teal, seconded by Townsend to accept the agenda. Motion passed by a vote of:

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

Not Present: 1 - Valentine

CONSENT CALENDAR

Mayor Green noted that Item 13 was the item that Mr. Joslyn spoke about and read all consent items into the record.

[ORD 2018-015](#) **Ordinance Amending Chapters 17.42 and 17.54 of the Castle Rock Municipal Code Concerning Parking Requirements for Development in the Downtown Overlay District (Second Reading - Approved on First Reading on May 1, 2018 with a vote of 5-0)**

[RES 2018-044](#) **Resolution Approving the Agreement between the Town of Castle Rock and the State Board of the Great Outdoors Colorado Trust Fund**

[RES 2018-045](#) **Resolution Authorizing an Expenditure from the Parks and Recreation Capital Fund and the Parks General Fund for Recreational Development at Rueter-Hess Reservoir**

[RES 2018-046](#) **Resolution Approving a Pipeline Right-of-Way Grant with Discovery DJ Services, LLC [Box Elder Property, Weld County]**

[RES 2018-047](#) **Resolution Approving the First Amendment to Lease Agreement for Property Located at 1335 Park Street for Use as a Public Safety Training Facility**

Motion by Teal, seconded by Townsend to approve the consent calendar as amended with the removal of items 13 and 14. Motion passed by a vote of

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

Not Present: 1 - Valentine

ITEMS REMOVED FROM CONSENT CALENDAR

[ORD 2018-017](#) **Ordinance Amending Chapter 4.04 of the Castle Rock Municipal Code Requiring the Dedication of Renewable Water Resources at the Time of Annexation (Second Reading)**

Director of Water, Mark Marlowe, addressed Council and explained this was second reading of proposed changes to Titles 4, 17 and 20. He explained that this item is about meeting our long term renewable water goal, making sure we have 75% renewable water by 2050. He noted at the last meeting the resolution updating the Water Resources Strategic Master Plan was approved. The changes would require water efficiency plans for all future annexation and that we meet the requirement for 100% renewable water going forward for new annexation. Annexations in process now would have until 12/31/2020 to complete their annexation and they would become subject to the changes as well. Options to meet Title 4, 17 & 20 changes were discussed. Marlowe noted extensive outreach was completed and this process started with the Commission in October 2017, then went to Council in November of 2017 in conjunction with work done with the Developer's Roundtable, the Economic Development Council's

Water Sub Committee, the Castle Rock Water and Planning Commissions with First Reading on May 1st and again tonight for second reading.

Mayor Green asked Marlowe if the intent was for those properties not within Castle Rock, which we have already planned to provide water for, and other properties currently in Douglas County that wanted to annex to Castle Rock, that they would have to provide a source for their water?

Director of Water, Mark Marlowe responded they have options, either provide renewable water or work with Castle Rock Water on expanding one of our existing renewable water projects and providing the funding for that. The second option would be the transferable development right process that will be put in place once approved through Title 17 and Title 20. The third option currently in development, looked at irrigated land dry up, areas that are irrigated currently to be replaced with artificial turf.

Mayor Green asked if a current request for annexation is in place, if the Town is required to supply water to the annexation.

Marlowe responded if Council approves an annexation and all requirements have been met for annexation and water requirements that are currently in place have already been applied, then we have already planned for that. Anything beyond what has been identified is what we are currently planning for. There are many annexation discussions through the years, but we cannot hold water or resources in place until those annexations occur, so we had to identify a cutoff date for transition to the new policy.

Mayor Green asked Mr. Joslyn if he wanted to address Council now as he initially signed up to speak to Item 13. Joslyn addressed Council as a landowner and the burden as such if interested in annexation to the Town. He discussed that previously landowners were able to use deep water rights for annexation but providing renewable water rights was a major burden.

Item was brought back to Council for discussion. Councilmember Loban addressed Marlowe regarding forfeiture of deep water rights to the Town upon annexation.

Marlowe answered that the dedication of their non renewable groundwater rights to the Town was still a requirement. The change to Title 4 was addressing the renewable component going forward and the option for the transferable development rights, allowing smaller annexations an option that is achievable for property owners. Marlowe reviewed the third option related to irrigation dry up, that a potential annexer could pay for that to develop those resources that already exist and would no longer be needed to irrigate property which is currently under development.

Councilmember Loban asked as an individual landowner interested in annexation, who has substantial deep water rights, if there was a way to trade those deep water rights to be annexed? Marlowe clarified at issue was adding renewable water requirements so we can meet our long term goal. Loban voiced his concern that individuals may be shut out.

Marlowe responded that the option of transferable development rights is in Title 4, and we need to develop the process now. Loban asked if Council should wait to vote on this item until this process is completed and Marlowe responded it was up to Council.

Councilmember Teal understood the direction of Councilmember Loban but voiced that this is 2018-017, agenda item 13, pointing out the two separate items. Item 14 is relevant to the discussion about the ability to make that transfer of already entitled renewable rights which addresses Mr. Joslyn's concerns. That is where that provision is provided for.

Motion by Teal, seconded by Bower to Approve Ord 2018-017. Motion passed by a vote of:

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

Not Present: 1 - Valentine

[ORD 2018-016](#) Ordinance Amending Titles 17 and 20 of the Castle Rock Municipal Code by the Addition of a New Section 17.02.080 and 20.02.015 Regarding the Required Transfer of Residential Development Rights upon Annexation and Certain Re-zonings (Second Reading)

Teal spoke in favor of the motion and the fact that for landowners with no renewable water rights to dedicate, that Title 20 specifically identified options available to landowners.

Motion by Green, seconded by Teal to Approve Ord 2018-016. Motion passed by a vote of:

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

Not Present: 1 - Valentine

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2018-021](#) Discussion/Direction: Nomination Signatures for At-Large Mayor Election

Deputy Town Manager, Fritz Sprague, introduced the item before Council related to the required number of signatures necessary to petition to be on the ballot for the at-large Mayor position approved as a Charter Amendment.

At this time, Castle Rock Town Code requires a minimum of 25 valid signatures to petition on the ballot with the distinction that this is just for Council seats. Having this discussion and putting this in place is necessary as currently the Code is silent on number of signatures for an at-large Mayor position. Options for Council consideration would be that it remain at 25 signatures minimum, increase the number of signatures, or look at requiring a certain number of signatures to come from each district.

Councilmember Teal asked Sprague if this issue wasn't already covered during the Citizens Advisory Committee that was convened early in January.

Deputy Town Manager, Sprague, indicated there was a conversation regarding that but the charge of the Citizen Advisory Committee was to provide recommendations to Council on the two charter amendments.

Town Manager, David Corliss, indicated that group did make a recommendation that the code be changed to have signatures from each council district.

Councilmember Teal reiterated that committee members voted 5-2, to recommend the Town code be amended to provide the mayor nominating petitions have the requirements of a minimum of 10 signatures from each of the Town's six districts. He was in favor of considering that option as it was discussed by the committee.

Councilmember Bower stated there was a lot of great discussion in that committee meeting. His personal opinion was ten from each district was not enough, and that he personally would like whoever is going to apply to be Mayor to work a little harder and would like to see 25 signatures from each district.

Councilmember Teal said he believed that was keeping in the spirit of the discussion of the committee. There was a feeling by a majority of the committee that if you are going to run for mayor in Castle Rock you really need to know everybody across the Town. I still like 10 signatures but should consider from each district.

Councilmember Loban suggested 25 per district just like Councilmembers are required to do. That makes you have to walk through the neighborhoods and get to know each other just like we did, it is more onerous but you are asking for a Town-wide position so it's going to be harder.

Councilmember Bower noted the Town is growing, the population is changing, the population in districts depending on how things get redistricted, for sake of discussion could be a percentage of the population to keep things congruent, not necessarily in favor of it, but throwing it out there as a topic of discussion.

Councilmember Townsend addressed Councilmembers Bower and Teal asking what were some of the concerns of the committee with requiring more from different districts? Were there any?

Councilmember Teal, replied one comment was the inverse about the requirement, that getting around to all six districts collecting signatures is onerous because you may have an individual resident whom is easily capable of garnering support from half the Town but may not know where Crystal Valley Ranch is or never been up to Justice Corner in the Meadows or to other councilmember areas as a lot of us live in these district corners. So it was onerous to ask that person who may know everyone in their neighborhood to go outside of their comfort zone.

Councilmember Teal added if we are going to elect a Mayor at-large we should

elect a Mayor who knows our whole Town and understands the whole Town and the issues. Councilmember Teal commented on Councilmember Bower's district in that his district is very different, one side is the neighborhood you live in and then you had to get to know the folks living across I25 in your district running for office.

Councilmember Loban thought the percentage idea was a good idea but needed to stay congruent with what is already on the books and could look at making both of them a percentage.

Councilmember Bower said at the committee meeting most people think 25 signatures is just too easy to do, it provides a little more due diligence citing recent petitions signed at King Soopers.

Councilmember Townsend thought it wasn't as important to make it more difficult to run in regard to number of signatures so as not to eliminate good, qualified candidates.

Councilmember Loban expressed that 25 signatures per district is not a big expectation, he wants to see those that run get out there and know our Town.

Mayor Green asked Sprague how many days from the time a petition is pulled to collect signatures to the time it was due.

Councilman Bower added that the at large Mayor is going to have a lot of work anyway, and if you don't really have time to get out there to collect signatures you don't have time to do the job.

Councilmember Teal liked the 10 signatures, and acknowledged that the Town Manager had answered the previous question and that it was 20 days.

Mayor Green stated it was 20 days to collect 150 signatures and thought you could get 25 signatures in the span of an hour or less.

Councilmember Teal responded that there was a value to knocking on doors and earning a vote in the signature phase to qualify. The real discussion should occur once we have those candidates. Agreeing with Loban, 25 per district doesn't scare me but the question is where we put it so we can have that access to the ballot.

Councilmember Townsend spoke to the fact that we want people who work full time, have their own jobs, and the point of this is for us to be part time.

Town Manager, David Corliss, brought up that it is not a code requirement that it just be the candidate that obtains the signatures.

Mayor Green qualified that the candidate themselves does not have to collect signatures, and Town Attorney, Bob Slentz, responded that the code did not prescribe that requirement. Mayor Green wanted to have the code prescribe that the candidate collect their own signatures.

Councilmember Townsend asked if staff had a recommendation for Council?

Councilmember Teal asked if going forward if we should also require that councilmembers also collect the signatures themselves?

Mayor Green motioned that any candidate filing for Mayor at-large must themselves obtain 25 signatures minimum per district.

Councilmember Loban seconded.

Town Attorney, Bob Slentz, pointed out that even though this was a discussion item that the public should be invited to comment.

Councilmember Ford spoke that he was leaning towards higher minimum and he doesn't want to see 25 signatures become a hurdle in the fact that it is six times the work being six districts and that this is only a qualification to get on the ballot. He liked the idea that you get signatures from the six different districts, but it then becomes exponential in the terms of the added work and logistics, citing he didn't want professional politicians, but people with a job that understand the challenges of running a business, and trying to run and earn a place to give back to the community. He preferred a smaller hurdle to get on the ballot.

Councilmember Townsend acknowledged the time commitment for those that work, and worried about those that may not have job flexibility to accommodate this work and time commitment, that it may shut them out. He thought twenty days was not enough time to get signatures.

Councilmember Loban thought collecting the signatures could be done in a couple of weekends and it would be a fantastic experience in meeting a lot of folks, understanding what they want and need and didn't see this as a hurdle, plus it would help your campaign later on.

Councilmember Bower thought twenty days was a lot to get a 150 signatures.

Councilmember Ford spoke to the challenges for those that work and that this is just to get on the ballot, the work begins after that. Ford wanted to open it up and not make the first hurdle so hard that people don't even want to try.

Councilmember Townsend questioned about people travelling for work or vacation during this time, how they would be able to complete this.

Councilmember Bower commented that social media would be an avenue to get this done.

Councilmember Ford wanted the process to be inclusive and not exclusive to get on the ballot and actually run.

Mayor Green repeated the motion of 25 signatures per district and the candidates themselves had to collect those signatures. Motion failed 4-2

Councilmember Teal motioned 10 signatures per district per the citizens commission recommendation district, but also requiring candidates to obtain the

signatures themselves.

Councilmember Bower interjected if 15 would be a proper balance?

Councilmember Teal replied if there was a second to his 10 he would consider a friendly amendment to 15.

Councilmember Ford seconded for 10 signatures.

Mayor Green amended the motion to 15 signatures per district, seconded by Bower with Councilmember Teal accepting the friendly amendment, seconded by Ford. Motion passed by a vote of:

Motion was amended to 15 signatures by Green, seconded by Bower with Teal accepting friendly amendment, seconded by Ford. Motion passed by a vote of:

Yes: 4 - Green, Bower, Teal, Ford

No: 2 - Loban, Townsend

Not Present: 1 - Valentine

[RES 2018-048](#)

Resolution Approving the Execution of the Water Infrastructure Design and Construction Cost Sharing Intergovernmental Agreement between the Town of Castle Rock and Dominion Water and Sanitation District (Plum Creek Raw Water Return Pipeline / Eastern Regional Pipeline Project)

Director of Water, Mark Marlowe, spoke to this item and our long term renewable water. This project constructs a pipeline to bring back our reusable water from the diversion purchased in Sedalia. This is a cost sharing agreement with Dominion Water with the Town building a pipeline from Sedalia to Castle Rock and Dominion would be building their potable line from Castle Rock back to Sterling Ranch. Dominion would be taking the lead on this project. Dominion selected a design build contractor that would construct both pipelines and obtain the easements and rights of ways and deliver a guaranteed maximum price. The timeline is to begin construction in August 2018 with completion September 2019.

Councilmember Ford stepped out during explanation and returned during discussion.

Councilmember Loban asked Marlowe about the pipeline purchase and if it went all the way to Chatfield.

Marlowe explained that pipeline goes from the diversion structure on Plum Creek in Sedalia to the Ravenna development, roughly a 1,000 feet from the South Platte River and just south of the Chatfield reservoir.

Councilmember Loban questioned if the Town was going to use the diversion in Sedalia as the point of access and if there was a need at this time for the

remaining Chatfield connection? Also asked if in the future Dominion would have any responsibility or obligation to help with improvements upline as it benefits Dominion as well, if they would participate going forward.

Marlowe explained that Dominion would have an interest in participating in the expansion, or the additional reservoir, at our discretion.

Councilmember Teal appreciated the questions from Councilmember Loban and agreed that it seemed like a pretty good deal, and didn't see a downside now.

Item was opened for public comment, no citizens spoke.

Motion by Loban, seconded by Bower to Approve Reso 2018-048. Motion passed by a vote of:

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

Not Present: 1 - Valentine

[RES 2018-049](#)

Resolution Approving the Town of Castle Rock On-Street Parking Policy

Director of Public Works, Bob Goebel discussed amendments to the policy discussed last fall, including overflow parking issues, related to areas that cannot accommodate all the parking requirements on site, including residential streets, entire neighborhoods, citing the Craig and Gould neighborhood that experiences over flow parking during downtown events, and multi family areas in Red Hawk as well as the high school.

The focus now is on the violations with the updated policy in three phases: Engineering Review, Evaluation and Enforcement similar to the neighborhood driven process related to traffic calming which has been successful when enforcement doesn't resolve the violation issue or problems.

Councilmember Loban asked about engineering phase, and what the alternatives would include or look like and if any feedback had been received from the school district?

Chief Cauley addressed Council explaining they met with school district and they were very receptive to our ideas, and understanding that it is a neighborhood issue and they are a part of the neighborhood. They have looked at increasing the number of permits. Multiple Town departments worked to add additional spots on Saber Cat as well, which has helped, but going forward they will have continued increase in student population as well.

Councilmember Bower asked what was being enforced under current code now?

Chief Cauley responded depending on violation, that enforcement would be first option, but for chronic issues that enforcement doesn't work over a period of time, that we try to evaluate other options for resolution.

Councilmember Bower asked about the neighborhood driven process, how the 65% was identified logistically and how the timeline looked.

Director of Public Works, Goebel explained that the Town worked with the neighborhood to identify the problem. We have a community relations person in Development Services that would be the lead person along with Public Works and Police working together to pull the team together to determine solutions.

Councilmember Loban addressed that it starts with the citizen(s) speaking up to voice there is a problem and that the Town has a process to address their issue.

No citizens spoke to this item.

Motion by Bower, seconded by Loban to Approve Reso 2018-049. Motion passed by a vote of:

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

Not Present: 1 - Valentine

[RES 2018-050](#) Resolution Approving a Construction Contract between the Town of Castle Rock and Rocky Mountain Excavating, Inc. for the Wolfensberger Road/Plum Creek Parkway Roundabout Project

Director of Public Works, Bob Goebel identified this construction project as the intersection of Plum Creek Parkway, Coachline and Wolfensberger roundabout. Currently this intersection is controlled by a 4-way stop sign. The roundabout will be built to accommodate the enlarged streets. This project will begin after the Meadows Parkway Project is completed as this is a detour route for that project. Completion is expected in Fall 2018.

No citizens signed up to speak to this item.

Motion by Bower, seconded by Loban to Approve Reso 2018-050. Motion passed by a vote of:

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

Not Present: 1 - Valentine

QUASI JUDICIAL HEARINGS

[ORD 2018-014](#) Ordinance Amending the Town's Zone District Map by Rezoning a 156.693 Acre Parcel Located in Section 2, Township 8 South, Range 67 West, of the 6th P.M. to PL-1 District; and Providing for its Emergency Adoption on Second and Final Reading (Second Reading - Approved on First Reading on May 1, 2018 with a vote of 5-0) [North of Wolfensberger Road at the end of Caprice Drive, between the

Union Pacific Railroad on the east and the Atchison Topeka Santa Fe Railroad on the west.] (Town-owned property; Site of the new Central Service Center)

Director of Development Services, Bill Detweiler, identified this project as a rezoning of a parcel of land that will be used for the Town Central Service Facility. This property is referenced as the East Plum Creek Annexation.

No citizens signed up to speak to this item.

Motion by Loban, seconded by Townsend to approve Ord 2018-014. Motion passed by a vote of:

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

Not Present: 1 - Valentine

[RES 2018-032](#)

Resolution - Application by T-Mobile West, LLC and Eco-Site, LLC for a Use by Special Review/Site Development Plan for a Personal Wireless Service Facility (*Intersection of Crystal Valley Parkway and Mighty Oaks Street*)

Director of Development Services, Bill Detweiler, introduced the item as a Use by Special Review and Site Development Plan for a cell tower in the Quarry Mesa Open Space, within the Crystal Valley Ranch community. The Town purchased this property in 2007 to protect it as permanent open space. The tower is not in a conservation easement, it is not within in the Skyline / Ridgeline District area. The tower would be located adjacent to a Town water tank and is not adjacent to a residential zone. The tower design will allow up to three cell carriers within a 70 ft. by 30 ft. lease area. The site plan will include a retaining wall, road paving for access, a perimeter fence and landscaping. Detweiler discussed the considerable public interest in this project at the Planning Commission meetings. Neighbors understand there is a need for wireless service in this community but expressed concern with compatibility with open space character and neighborhood real estate values. The Planning Commission determined the tower was not compatible with the character of Quarry Mesa open space and did not meet multiple criteria and recommends denial of this resolution for an application for a personal wireless service facility.

Town Attorney, Bob Slentz, suggested review by Council of the Parks & Rec memo in the packet concerning the degradation of this property with the location of this cell tower.

Councilmember Teal addressed Jeff Brauer, Director of Parks & Rec, asking what the proximity of the planned development was to the walking path to the bridge over Crystal Valley Ranch Parkway up to the top of the mesa. Brauer responded it was directly adjacent to that path.

Discussion was opened up to the applicant who identified Eco Site as the tower owner with T mobile being the initial carrier and that the tower would address a significant gap in coverage and increased capacity however acknowledging there

were significant challenges with this property. Also presenting were Tim Allen with Eco Site, Curtis Lindville and John Wabashevitz with T mobile.

Wabashevitz spoke to Council about their partnership with Eco Site to address a coverage need in this area, noting area has recognized significant growth and development and one of the things that needs to be looked at for new residents is wireless broadband. With no existing infrastructure available to address the gap in coverage, there is a need for this structure and it will benefit the community. This proposal is the least intrusive option to serve this community, visual impact has been minimized through careful design, as well as the tower height has been reduced from our initial proposal. This structure would increase safety through enhanced 911 services and be able to service those who work from home from this community. Addressing concerns related to traffic impact, he noted this was an un-manned facility and will be monitored by engineers off site.

Becky Decook, counsel for Eco Site, spoke to Council addressing issues that were before the Planning Commission. She addressed the need for additional wireless facilities in residential areas to create a line of site for connectivity as they are intended to cover small, finite areas. Wireless devices are important for emergency services in addition to 911 calls that may arise in open space areas, enabling emergency services providers to locate a person who may be injured. She discussed the overlay of Federal law that governs federal, state and local regulations for the siting of wireless facilities. There are some constraints on your actions, in terms of local government regulation, the placement, construction and modification of personal wireless facilities may be regulated, but regulation shall not discriminate among providers of equivalent services, or prohibit personal wireless services. She qualified that there is a significant gap in coverage and that this proposal is the least intrusive means of addressing that gap in coverage and really the only available location to address the gap in coverage.

Tim Allen, spoke to the challenges of this application. Based on neighborhood meetings the original design was not favorable and the design was compromised to be more aesthetically pleasing in the 50' stealth water tower option. Under the Open Space Dedication use area, it does permit utility facilities and a cell tower is considered a utilities facility.

Decook addressed the Planning Commission determinations on the code requirements, noting the location was zoned open space dedication use, the Fourth Amendment to the Crystal Valley Ranch Land Development, and under that document, it explicitly permits this type of utility facility in this zoning. In addressing the Parks and Rec claims that the proposed tower is not compatible with adjacent land, it is not all that different that the existing water tower that sits on the parcel now. The code does not restrict the placement of this type of facility in open space. In our view, this facility will enhance the public safety, health and welfare by providing better cell service and particularly the 911 issues while in open space. Maintenance vehicles after construction will be minimal, the stealth rustic design will not adversely impact residential property values and will be visually compatible.

Lindville, RF engineer, spoke to Council defining the coverage issues related to data services, beyond just trying to make a phone call. Current coverage in this

area is challenging. Most 911 calls fail. The challenge is the terrain and the ridge that runs up the valley and continues on to the mesa. This proposal places the facility on the ridge to increase the line of sight. This location is favorable to cover the area with a single facility. This is the most tasteful solution to provide the necessary coverage to the neighborhood.

A letter from AT&T regarding co-locating with Eco Site was presented to Council by Wabashevitz, demonstrating that AT&T has a severe coverage need in the area as well. Wireless emergency public benefits were highlighted again in regard to activities / injuries in open space areas as well as the ability to notify the public, ie: Amber and Facebook alerts as well as reverse 911 notifications. Also discussed was findings and conclusions related to property value impact, as well as outreach that was done with neighborhood meetings and with the Town Parks & Rec Department.

Councilmember Teal asked the presenter if their assertions were that this was a utility, and by Town Code, permitted to be at this location. Presenter confirmed yes and acknowledged the amendment.

Town Attorney, Bob Slentz, discussed prior staff review of underlying zoning on PD utilities on whether a utility encompassed a cell tower, but did conclude that could be classified as a utility facility, but to remember that the UBSR SDP sits on top of that zoning requirement, it is another level of scrutiny for the Town to consider, the second stage of review, specifically Use by Special Review.

Councilmember Loban addressed Wabashevitz saying the presentation was negative, and that he assumed that we will be facing litigation and reviewed prior comments of Decook related to discriminating among providers and prohibiting personal wireless services and citing this is not what citizens want.

Councilmember Teal asked applicant to reference page 33 of their presentation, questioning Eaglestone Drive on the map. Applicant response was that there was no inbuilding coverage as indicated by a drive test collecting signals levels in the area. Black dots indicated there was not adequate coverage, establishing service in the area was inadequate. Teal confirmed he lived at 931 Eaglestone Drive and did have cell coverage.

Discussion was opened up to the public. Mayor addressed the fact that public comment was four minutes per speaker and at 9:30 Council was required to have a majority vote to extend the meeting to 10 p.m. and it required a unanimous vote to extend past 10 p.m. for Council consideration of this item tonight.

Shaun Martin - resident of Crystal Valley, asked Council to vote against (deny) the application. He attended all the meetings for two years, and there is overwhelming resistance to this cell tower by the community. No one opposes improved cell service in this area. Quarry Mesa is a recreational resource and a historic treasure to the Town. This area is a resource not only to Crystal Valley Ranch but to the Town. This area was purchased for solitude, hiking and enjoyment as open space. He cited a short list of reasons why he opposed this including, incompatible with open space, conflicts with Town ordinance, Town vision 2020, 2030 statements, disregards historical significance of the area and that it

negatively impacts residential value. He asked Council to consider the Planning Commission and Parks & Rec and Planning staff review and evaluation and conclude this should not be placed there and to vote no.

Deb Martin, Crystal Valley resident, stated many of us are very active in serving this community and want to see the best for it. During our house search, we liked Crystal Valley Ranch for underground utilities, developer supported landscaping enhancement, restrictions and covenants to keep value of our investment as high as we can. We love the outdoor amenities, hiking trails, views, open space all greatly appreciated. It is a great family area and it is also a home to wildlife near where the proposed sight for this tower is located. The address of the proposed cell tower is Eveningsong and I wonder what types of frequencies may be emitted by this cell tower and how it affects animals? It is very important that our community has better cell service, but I have accomplished that and I have good cell service so it can be done.

Tom Fuhr, resident of Crystal Valley, bought their house since it was near Quarry Mesa and commended the Town for the preservation of Quarry Mesa and views as you hike up there. They picked Castle Rock to live in for the main reasons of parks, recreation and trails. He asked Council to vote no on the cell tower to protect Quarry Mesa and also was concerned for the precedent that would be set if we allow the tower to go in, and what that would say about the rest of our open space? You can not discriminate, if you do this for T mobile you can not set that precedent for other open spaces being used for cell towers. Our responsibility tonight is to protect that open space and not set that precedent. He also cited trail warning signs that will be required and postings regarding frequencies and being close to the structures, and questioned if that was compatible with the hiking trail? He also questioned the option to increase the number of carriers, resulting in potential additional equipment, possible increased tower height, and in five years we have that risk of what we see not looking like what was originally approved. He asked Council to follow and stay consistent with the Planning Commission, Parks & Rec recommendations and to vote no.

Dan Hampton, has attended all the meetings, and is not happy with the process they went through. The first meeting we asked applicant to consider alternative locations and designs, and they came back during the second meeting with a tower height that was lower in height, a design with a modular look, visually toxic water tank that will only grow in size and ugliness as the carrier adds additional transmission capacity and that will undoubtedly happen. He never felt the applicant studied additional locations or solutions, finally providing information tonight that would have been nice to have had in the previous meetings. The alternate locations would have provided additional discussion which didn't happen. He asked Council to refer to the map which was from the T Mobile sales website which clearly showed, in spite of what has been discussed tonight, that they are selling cell coverage on this map in the same area they say tonight is not acceptable and I think there is a lack of credibility and a big disparity between the T Mobile sales group and the presenters tonight. My opinion is the applicant failed to discuss other possible alternatives that could satisfy all of us in the community. I strongly oppose this and he asked Council to deny the application.

Dennis Finn, resident of Crystal Valley, is firmly against the proposed cell tower

location and spoke to the separation of the issues of the cell tower, and not getting it put in, and the fact that people do need cell service in some areas. He referenced the applicants mention of the Federal Communications Act and applicants failure to mention that the Act specifically says that loss of property values is a valid reason to deny cell tower applications. He found studies that identified up to a 20% loss in property values for properties within site of cell towers. There are great many homes to be in eye site of this tower and property tax related to loss of value, and loss of property tax revenue will be realized. He also spoke of residential sales comparables that will degrade property tax revenues all throughout the life of the tower. He also noted that the applicant said all the carriers have the same technology, yet they determined that the Verizon site did not serve their purposes.

Mayor Green stated the time and asked Council for a motion to extend the meeting.

Councilmember Loban motioned to extend the meeting seconded by Bower. Motion passed 4-2

Mayor Green explained that there would be another vote prior to 10 p.m. for an extension and it needed to be an unanimous vote or the meeting would end immediately and there will be no vote tonight and all remaining agenda items will be continued.

Chuck Hacard was called to speak but declined.

Milan Smith, resident of Opal Ridge on Loop Road was present to support this item. He believed that T Mobile had met burden of proof of the necessity of this tower. He currently lives in that loop and has no service, and had to buy a \$250 micro cell to get a phone call out and still experiences dropped calls, and works from home. He believed the opposition was from Kings Ridge, a well organized, small group, well connected with the Planning Commission. He commented that there are at least 30 people on Opal Ridge that support that tower. This is built for multiple carriers and this is critical, this is no longer an issue of aesthetics, this is a need for the additional 350 homes that will be built under the Town's master plan that will have no coverage. Aesthetics and property values, is a joke, the open space argument and the tower not being an utility, is a joke, with a giant water tank there already he asked if your property value decreased? He confirmed this is a need and a utility that our community needs.

Richard Brust was called to speak, not available.

Ken Greenwood, resident of Plum Creek, thought we were making a mountain out of a mole hill. He works from home and needs cell coverage to conduct business everyday. He discussed the issue with aesthetics in comparison to the bridge that was built. He addressed Council in regard to blocking people that don't want to pay for repeaters or those that may worry about their children and calling 911. Council needs to allow other carriers to get in, and needs to be fair about it. He also made reference to signs posted for rattlesnakes on the trail and what if you get bit, you won't have any cell service to get help. He acknowledged that T Mobile is trying to enhance the needs of the community, and that there is a water tank

there now, built on the site of a mine, and that this utility is already there and we need service. He commented that a group of people are upset that it doesn't look good, but maybe their livelihood doesn't depend upon on it, or maybe they don't need to call 911.

John Topolnicki, resident of Crystal Valley, has Verizon service and drives all over Crystal Valley and has yet not to have cell service. He noted that the map was not correct, that it was a T Mobile map. In speaking to the reference to litigation, he explained that the applicant is entitled to equal competition not better coverage. There are other solutions, more expensive to them. He was not opposed to better cell service, but to this location. He referenced Rock Park zoning which does not allow cell towers. He cited the Town exists because of Quarry Mesa, it is not a mine any longer, but is a beautiful natural area of historical significance, a Town treasure that should be protected. He asked Council to deny the application and asked for further investigation to designate Quarry Mesa as PL3 zoning, again noting multiple technical remedies to help those that work from home.

Enga Bach, resident of Carriage Hills in Crystal Valley, has no cell service, and only has cell phones. Living on social security and with her daughter can't afford a land line. Her concerns were related to health issues and being able to access 911 service and about doing what is best for everyone. She noted the aesthetics was not complimentary to Quarry Mesa, however the water tower didn't look that bad. She asked Council to consider her emergency, if she couldn't reach 911 for a health issue because Council voted against this cell tower what should she do?

Joy Norton was called to speak, not available.

Brian Bates, resident of Crystal Valley Ranch, discussed what we haven't heard tonight, that by the FCC regulations, all cell phone providers have to route 911 calls whether the subscriber is one of theirs or not. He noted in Crystal Valley there is spotty coverage, but by one or more carriers, 911 calls would be routed to the public service access point serving Douglas County. Currently, there are no E911 exceptions registered for Douglas County by any cell phone provider. He noted he was familiar with the history of Crystal Valley, and Major Amendments 3 and 4, focusing on how to preserve the Mesa Open Space with focus on natural resource preservation and indicated vesting provided assurances in Major Amendment 4 that the Town will not change the planned development zoning. He asked Council to consider that they are being asked by a company in the business to build cell towers and to lease it to communication providers, and commented that didn't sound like a utility to him, that it sounded more commercial to him which is a prohibited use in this zoning. He asked Council to please deny the application.

Councilmember Loban left the meeting briefly as next speaker was introduced.

Jim Bryant, Planning Commission member, addressed some misconceptions. He noted he was very sympathetic to poor coverage but indicated alternatives to poor cell service, including WIFI, VOIP, Magic Jack, a company for land lines that is affordable and reliable, also acknowledging he used to have a micro cell, but didn't need it any longer that all cells now have WIFI calling. He lives on a black road that has reception. The map is wrong. In regards to emergency service calls, what was referenced previously by Mr. Bates is correct, any service will handle

911 calls. The applicant is not presenting a complete picture, the tower is 50 foot, that is for their service, if you approve three carriers this will be above 50 feet. It is all about money, all they need to do is build two towers. Bryant cited that Verizon had a 30 foot tower located at the interstate and he had service, citing also that applicant says their technology is comparable to others, doesn't seem to be that way as Verizon is doing what they say they can't do, asking Council to not approve and instead find the right solution for the community.

Kevin Smith, indicated he was in favor of the tower, asking Council to consider possibilities and future technology this will provide us. Currently he has Comcast for internet service, cell service through WIFI at home, and if T Mobile service would be brought into this community he would love to use the 5G technology. I would ask for your consideration to positively review this application.

Mark Costello added that in his case, similar to others, he couldn't make calls unless over WIFI at my office. If he leaves his house, within one mile, has zero coverage and the next four miles is spotty coverage until I reach Town proper, which is horrible for business. He has to explain to his customers that his call will drop but that he will reconnect with them. Visitors to his new house as well as worker's can't make a call and it is not just an inconvenience, it is disruptive. He stated this is not an argument to get coverage, just when and where, and that Council should consider the disservice to its citizens. He asked Council to vote yes and to get coverage.

No council comment, public hearing was closed.

Councilmember Teal acknowledged comments for the need for cell service are absolutely true as well as concerns of 911 service. He stated we have been presented with evidence that is flawed at best, fraudulent, contradictory to marketing material by the applicant, and contradicts my own personal appearances. I don't like the tower, I don't want it there and I do ask Council to vote in favor of denying.

Councilmember Loban spoke that this is a commercial endeavor, there are other competitors and different solutions.

Town Attorney, Bob Slentz, spoke to emphasize the findings in the resolution of denial, in particular I, J and K for the Council to base their decisions primarily on those criteria that this is not the right property and not the right location and use of this property. This should be the primary driver of your decision as opposed to technical issues to serve the community. These findings form the legal basis for the denial of this application. Also of note is a correction to be made to reflect the final version of May 15, 2018 as the hearing date this evening.

Councilmember Teal questioned the Mayor if we allowed this Use By Special Review, when do we allow this UBSR at Rock Park, or on other protected properties? A reason to vote in favor of this motion is to insure that we need to preserve our open spaces as intended.

Mayor Green asked for any further discussion. Councilmember Bower confirmed the motion on the table was for denial. Clarification from the Mayor Green stated

that a 'yes' is for a denial, a 'no' is to proceed.

Town Attorney, Bob Slentz, asked Mayor to read the title of the resolution that was being voted on to be sure the record was clear and to correct the Mayor's response to reflect the resolution title was denying the application by T Mobile

Mayor Green motioned to extend the meeting until 10:30. No second. Meeting was adjourned.

Town Manager, David Corliss, asked and confirmed with Mayor Green and Council that Councilmember Ford voted No. Ford responded that was correct.

Town Manager, Corliss added that items remaining on the agenda would be on the June 5th agenda.

Motion by Teal, seconded by Townsend to Approve the Reso 2018-032 denying Use By Special Review application by T Mobil. Motion passed by a vote of:

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

No: 1 - Ford

Not Present: 1 - Valentine

[ORD 2018-018](#) **Ordinance Approving a Lease Agreement Between the Town of Castle Rock and Eco-Site LLC for a Personal Wireless Service Facility to be Located Within Quarry Mesa Open Space**

Deferred to next meeting

[ORD 2018-019](#) **Ordinance Approving the Oakwood Apartments Planned Development Plan Amendment No. 1 and Zoning Regulations (First Reading) [559 Oakwood Drive]**

Deferred to next meeting

[RES 2018-051](#) **Resolution Approving the Plum Creek Ridge at Castle Rock Site Development Plan, Amendment No. 4 [between E. Plum Creek Parkway and S. Gilbert Street]**

Deferred to next meeting

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN

Meeting adjourned at 10:02