



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, October 2, 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 - Pastor Tate Thronson, Castleview Baptist Church

CALL TO ORDER / ROLL CALL

Mayor Green opened the meeting at 6:02 pm.

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

Not Present: 1 - Council Member Ford

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

[PROC
2018-009](#)

Proclamation: Cornerstone Tribute to Frank Daniel "Dan" Burgess

Mayor Green reviewed the approval of the Cornerstone Tribute in 2007 and explained the program and the four cornerstones. Mayor Green recognized the citizens that participated on the panel who unanimously agreed to award the Cornerstone Award to Dan Burgess.

Mayor Green called up Olivia Burgess, Dan's wife, and their daughter Terry Burgess Wilson to present them with a proclamation honoring Dan Burgess. Mayor Green summarized the contributions and accomplishments of Dan Burgess to our community.

UNSCHEDULED PUBLIC APPEARANCES

Councilmember Jess Loban reminded citizens that the Fire Department will have a Strategic Plan open house on October 4th.

Councilmember Jason Bower thanked the citizens that volunteered for Oktoberfest this past weekend and the Downtown Merchants Association. It was a successful event.

Councilmember George Teal thanked Pam Ridler and the Chamber for organizing the Candidate Forum held this morning. A recording of the Forum will appear on

the Chamber's facebook page by the end of the week.

Citizens that addressed Town Council:

Pam Ridler President and CEO of the Castle Rock Chamber of Commerce stated they had the annual ArtFest event and would like to move it back into downtown Castle Rock the weekend after Labor Day next year. They are currently coordinating details. Ridler presented the 2018 ArtFest print to Mayor Green.

Ian Markovitz representing Charge Point vehicle charging. They have identified a location in the Town and are requesting a letter of support to pursue a high-speed charging station. Mayor Green asked Bill Detweiler to speak with him.

TOWN MANAGER'S REPORT

[ID 2018-109](#)

Recognition of Lieutenant/Paramedic Matthew Rettmer for Completing the Executive Fire Officer Program

Fire Chief Norris Croom presented a framed certificate to Fire Lt. Matt Rettmer for completing the Executive Fire Officer Program.

[ID 2018-110](#)

Update: Quasi-Judicial Projects

[ID 2018-111](#)

Development Services Project Updates

Development Services Director Bill Detweiler presented information on a PPA in Bella Mesa South from Richmond American Homes for 53 duplex units. Another PPA from Non Nobis Investments is for a multifamily project, 12 unit, 3 story apartment building on Front Street. The Historic Preservation Board would also review this project in addition to the Planning Commission and Town Council. The third PPA is in the Meadows from Terra Form Companies for a Jiffy Lube business. A site development plan can be approved administratively.

[ID 2018-112](#)

Town Wireless Update

Development Services Director Bill Detweiler, Donna Ferguson, Brad Boland and Deputy Town Attorney Heidi Hugdahl. Council approved the Wireless Communication Facility Code in June 2018. Ferguson stated they have met with the four major wireless providers and businesses that support wireless communication facilities. Staff is working on three macro cell proposals and two master license agreements in rights-of-way. Boland stated they discovered that the lease approval could be more efficient and presented four options: leave as is for an ordinance taking approximately 12 weeks, a resolution in one reading taking approximately 6 weeks, lease approval to follow the land use approval so if it is administratively approved then the lease would be approved administratively. The forth option is to allow the lease to be approved administratively. Detweiler stated that staff recommends that the approval follows the approval requirements for the land use.

Mayor Green confirmed that this is not the Town providing internet access.

Councilmember Teal asked staff for an example where land use would go through

Council vs. administratively. Furgeson gave the example of a macro cell tower on private property or public property. Teal confirmed that micro cells as in the ones installed in the parks would be administrative approval.

Councilmember Loban asked how multiple requests come in for one area. Furgeson replied that they encourage co-location and they review them as they come. That does not necessarily limit it to theirs only, and if a new pole would be erected it would have to comply with the distance requirements. Loban stated concern with a company having a monopoly on a location.

Councilmember Bower asked how many of these applications we receive and what are the lease terms for the small cells. Boland replied that we receive 6-8 applications a year and anticipate they will receive more, with a typical 20 year lease which is a typical term across municipalities.

Councilmember Teal stated his neighborhood is interested in moving forward with this and stated his appreciation.. He asked for the contact for the project manager to provide to his constituent.

Teal moved, seconded by Valentine, to direct staff to prepare an ordinance amendment to allow the following process for review and approval of a lease for wireless communication facilities: If the wireless communication facility land use approval is administrative, the Town Manager shall approve the wireless communication facility lease. If the wireless communication facility land use approval is granted by Town Council, the Town Council shall approve the wireless communication facility lease concurrent with Council action. The motion passed by the following vote:

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

Not Present: 1 - Ford

TOWN ATTORNEY'S REPORT

[DIR 2018-042](#) **Town Attorney's Report: Dawson Ridge Metropolitan District Nos. 2, 3, 4 Request**

Town Attorney Bob Slentz presented information and recommends denial of a request from Districts 2-4. Teal asked if we could move forward with a plan that did not include all five districts. Slentz stated that the suspension agreement involves all five districts. Loban suggests planning multiple solutions at the same time. Teal wants to move forward.

Valentine moved, seconded by Bower, to direct the Town Manager to respond to the Districts' request as outlined in the staff memorandum: that the Town Council does not intend to consider an amendment to the Suspension Agreement at this time and involvement of representatives of all five Districts in conjunction with the landowners on planning and financial commitments of the new Interchange is strongly encouraged. The motion passed by the following vote:

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

Not Present: 1 - Ford

[ID 2018-113](#)**Town Attorney's Report: Castle Oaks Metropolitan District**

Town Attorney Bob Slentz stated this is just refashioning the debt.

Green moved, seconded by Townsend, to authorize the Town Manager to execute the Acknowledgement and Certification of the Town of Castle Rock in Connection with \$16,140,000 Castle Oaks Metropolitan District 2018 Refunding Bonds. The motion passed by the following vote:

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

Not Present: 1 - Ford

ACCEPTANCE OF AGENDA

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

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

Not Present: 1 - Ford

CONSENT CALENDAR

Mayor Pro Tem left the meeting at 7:21 pm.

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

[ID 2018-114](#)**Presentation: Resolutions Approving the 2019 Service Contracts**[RES 2018-086](#)**Resolution Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Chamber of Commerce**[RES 2018-087](#)**Resolution Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Economic Development Council**[RES 2018-088](#)**Resolution Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Historical Society**[RES 2018-089](#)**Resolution Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Senior Center**[RES 2018-090](#)**Resolution Approving the Service Contract Between the Town of Castle Rock and the Downtown Merchants Association**[MIN 2018-011](#)**Minutes: September 18, 2018 Town Council Meeting**[ORD 2018-036](#)**Ordinance Amending Chapter 5.08 of the Castle Rock Municipal Code by the Creation of a New Section 5.08.015 Entitled Licensed Premises; and Making Other Minor Modifications to Chapter 5.08**
[Distance Restrictions from Schools (Second Reading - Approved on First

Reading on September 18, 2018 by 7-0)

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

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

Not Present: 2 - Valentine, Ford

QUASI JUDICIAL HEARINGS

Mayor Pro Tem Valentine returned to the meeting prior to the hearing for Ordinance 2018-038.

[ORD 2018-038](#) Ordinance Amending the Town's Zone District Map Rezoning Lot 4A Village North Amended From Planned Development (PD) to Light Industrial District (I-1) (First Reading) *[Park Street north of Wolfensberger]*

Mayor Green read the quasi-judicial script. No Councilmember voiced any conflict of interest.

Development Services Director Bill Detweiler described the project and that a neighborhood meeting was held and received no objection. The property was zoned in 1980 and is consistent with surrounding property. The Planning Commission and staff recommend approval.

No public comment.

Bower moved, seconded by Loban, that Quasi-Judicial Ordinance No. 2018-038 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 1 - Ford

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2018-091](#) Resolution Approving a Contract between the Town of Castle Rock and Aetna Life Insurance Company (Award of Contract for 2019 Healthcare Plan Stop Loss)

Deputy Town Manager Fritz Sprague discussed the renewal of the healthcare stop loss coverage that is brought before Council each year. The Town is self-insured which allows more flexibility and control, and savings are returned to the fund balance. It protects the Town from high-dollar claims with a \$100,000 deductible.

No public comment.

Bower moved, seconded by Townsend, that Resolution No. 2018-091 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Ford

DIR 2018-041 Discussion/Direction: Downtown Mobility Study

Tom Reiff, Transportation Planner and consultant from Kimley-Horn presented the study. The study included the downtown core area from Wolfensberger to Plum Creek Parkway. They have met with a lot of stakeholders to get their input. They also held a community meeting to learn what they value most about downtown and what their biggest transportation concerns are.

Councilmember Bower stated that pedestrian safety is important to him as well as enhanced walkways. Councilmember Loban stated the facade improvements have been positive. Bower asked if we are under contract with the gas station on the north end of Wilcox. Corliss stated they are in the due diligence stage prior to closing.

Staff also did an online survey and how they utilize downtown. Their study shows that their level of service at the intersections in 2040 prompted their recommendations for signal timing improvements, roundabouts, through movements and turn restrictions at 6th and Perry and restriping. They have proposed improvements for bicycles raising access from 17% to 95% accessible. They have an open house on October 17 and will come back to Council with a Resolution at the end of the year.

Councilmember Loban and Bower commended staff. Bower feels making downtown more pedestrian friendly will encourage more walking.

No public comment.

RES 2018-092 Resolution Naming of The Meadows Filing No. 18 Neighborhood Park the Deputy Zack S. Parrish III Memorial Park

Jeff Smullen Parks and Recreation Assistant Director presented this item. An online survey was up for about 6 weeks and received an overwhelming response with over 700 suggestions, and 77% were a write in suggestion for Zackari S. Parrish III. The committee and the commission both concurred. Naming the park the Deputy Zach S. Parrish III Memorial Park is what his widow requested. Green acknowledged the overwhelming community support for this name.

Councilmember Loban feels it is a good tribute and we appreciate him and his family and we should do all we can to honor him.

Police Chief Cauley stated his widow is pleased that the Council is considering naming the park in his honor. She stated that Zach loved taking his girls to parks, and that it is fitting.

Smullen stated the construction schedule is planned for May 2019.

Green moved, seconded by Loban, that Resolution No. 2018-092 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Ford

[RES 2018-093](#) **Resolution Approving a Modified Agreement for Acquisition of Chatfield Reservoir Reallocation Project Shares from the State of Colorado**

Director of Castle Rock Water Mark Marlowe stated that this agreement is a low interest loan spread out over 20 years allowing us to have storage in Chatfield, and staff would like to purchase more storage. Castle Rock has participated in this since 2014. They would like to match the storage space with the 2,000 acre feet that they are allowed to take out of the South Platte.

No public comment.

Bower moved, seconded by Townsend, that Resolution No. 2018-093 be Approved as presented. The motion passed by the following vote:

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

Not Present: 1 - Ford

[DIR 2018-043](#) **Discussion/Direction: Crystal Valley / I-25 Interchange**

Town Manager David Corliss stated they have provided the information from the study session in September along with some recent additions on the website. They are proceeding with next steps to meet with property owners and stakeholders to discuss development plans and necessity of financial participation. Staff is reviewing capital improvement projects to see what plans can be reduced or delayed to provide for the interchange funding. Staff is asking a financial advisor to explore funding options with a draft report to come forward. Staff will be meeting with CDOT in October and is also reviewing state and federal funding options and engaging others.

Mayor Green referenced the presentation that showed fees that were paid by other entities. Green did not see any fees paid by World Compass. Corliss will check on that as it may have been included in the bigger development area.

Councilmember Teal asked how the Town would do a Tabor timeout for funding that comes in for the interchange to be exempt from the TABOR caps. Corliss stated there could be several options. Teal stated he would not be in favor of deciding that ahead of time, but allow voting to retain any surplus from grants for the project. Loban is in favor of looking at several options at the same time including drafting of an ordinance to address plans over 25 years old, looking at funding outside of Dawson Ridge, and to look at what current landowners' participation level is and the level of the developer.

Citizens that addressed Town Council:

Robin Coran, a resident, spoke on behalf of Congressman Ken Buck reading a letter he wrote supporting the interchange and the need. Exhibit A was provided.

Matt Call is a 15 year resident and advocates for the interchange. There is an opportunity to capitalize on cost savings to do the interchange in conjunction with the GAP project. He also feels property values will increase for residential and

commercial property the day the project is announced. He has been involved in the EDC and their objective to grow primary employment. He feels to be competitive we need to have assets in place to remain competitive.

Brian Bates has lived in Crystal Valley Ranch since 2006 and is in favor of the interchange. The traffic on the frontage road and the Plum Creek interchange is bad. We have burdened the frontage road with World Compass and now the Lanterns with no improvements. He thanked Council for looking at this.

Gregg Brown with Crystal Valley Ranch Development Company stated they are fully vested in the interchange. They are fully committed meeting with the Town, CDOT, the County, etc. They anticipate another 1,000 homes in the near future. He feels it is a good opportunity to proceed concurrently with the GAP project. He also agrees that it will increase the value of the homes.

Greg Saia representing Toll Brothers who have been developing property since 1967. Their next project is the Lanterns. The circulation for that project is Frontage Road and Plum Creek Parkway so the interchange will be a substantial benefit. They are willing to do all they can to help proceed with the project.

John Medved, owner of Medved Autoplex read a letter he wrote to Council. He is a businessman that has supported the community for years and spent a lot of money in the community for the last 20 years. He explained that the money spent in the community is through taxes, providing employment and in marketing. He feels coordinating with the I-25 project is key and Council should make this a priority. He stated his business suffers because they are unable to attract other businesses down there.

Diane Evans is representing SDM Family corporation who owns the 90 acres in the north Westfield area. They have worked on a new master plan and bringing property owners together. Delays increase the cost of the interchange.

Gregg Miller summarized the speakers and referenced a letter from the Crystal Valley Coalition (Exhibit B) and would like Council to recognize the Coalition and to allow staff to participate. He feels the letter from Ken Buck and the formation of the Coalition are beneficial to obtain funding. He feels if the two ballot measures are approved for transportation funding we should immediately apply for it and get ahead of the curve on construction demand. He feels Dawson Ridge should be held separate from the interchange.

Councilmember Teal asked for Council concurrence to direct the Town Manager to return to the next meeting recognizing the Coalition as a stakeholder in the project and to include staff or their designees as members of the Coalition. Mayor Green prefers to vote on this first and then discuss this request.

Councilmember Teal stated the gap will not be completed until summer of 2021. The cost savings would occur if we start that construction at the end of the project when they are still in the area.

Loban asked if we should void any agreements over 25 years old without activity. Townsend would like to see it as an option to look at before we draft an ordinance

but supports looking at it.

Bower asked if there is any history of contacting Mr. Haney. Slentz stated he has local council. Bower asked if this would get his attention. Slentz stated that is the intention.

Teal moved, seconded by Bower, to direct staff to continue to develop funding options and obtain community and stakeholder input for the planned Crystal Valley/I-25 interchange. The motion passed by the following vote:

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

Not Present: 2 - Valentine, Ford

Councilmember Teal would like to formally recognize the Coalition as a stakeholder and have Corliss and Slentz as members. Bower agrees with Corliss and Slentz as members. Townsend would like to ask how this would impact staff before approving and feedback from Council. Councilmember Teal referred to a graph presented at the Worksession that showed how the CIP projects are listed and would like to see how this project would effect that. Corliss stated they are already working on that.

Teal moved, seconded by Loban, that the Coalition be recognized as a formal stakeholder for the process of the interchange project and that the future members of Dave Corliss and Bob Slentz be included. The motion passed by the following vote:

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

No: 1 - Townsend

Not Present: 1 - Ford

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN

Mayor Green adjourned the meeting at 9:12 pm.

Submitted by:

Lisa Anderson, Town Clerk