



## Town Council Meeting Minutes - Final

Mayor Jason Gray  
Mayor Pro Tem Jason Bower  
Councilmember Jess Loban  
Councilmember James Townsend  
Councilmember Kevin Bracken  
Councilmember Caryn Johnson  
Councilmember George Teal

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Tuesday, January 7, 2020

6:00 PM

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

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This meeting is open to the public. All times indicated on the agenda are approximate.

### COUNCIL DINNER & INFORMAL DISCUSSION

### INVOCATION - David Love, Calvary Chapel Castle Rock

### CALL TO ORDER / ROLL CALL

**Present:** 7 - Council Member Loban, Council Member Townsend, Council Member Bracken, Mayor Pro Tem Bower, Council Member Johnson, Mayor Gray, Council Member Teal

### PLEDGE OF ALLEGIANCE

### COUNCIL COMMENTS

Councilmember Loban wished everyone Happy New Year and thanked everyone for coming out. He stated he would be scheduling an open house soon.

Councilmember Townsend attended the Sapphire Point HOA meeting with the Town Manager and thanked the HOA for hosting them. They heard concerns about the Castle Pines development. Additionally, he thanked Castle Rock Police for responding so quickly to a constituent.

Councilmember Bracken announced the Open House for District 3 on January 28 at the Grange. He will be meeting with the Red Hawk HOA president to hear their needs for the Red Hawk area. He encourages citizens to reach out to him.

Councilmember Teal announced his District 6 meeting on January 23 at the new Fire Station 152 off of Crystal Valley Parkway. He referenced letters that have been sent from Council in the past regarding legislation. He is concerned about the possible change to health care and would like staff to prepare an outline of what that may look like and asks if Council could weigh in against it with a letter to the Governor. Mayor Gray wouldn't mind looking at it and get up to date information but does not want to do anything prematurely. David Corliss will have staff prepare and bring to Council. Teal reminded everyone that we have troops under fire from Iran that are fighting on our behalf and to keep them in our prayers.

Councilmember Johnson received a calendar in the mail from Parks and Rec from the POST partner volunteers and is thankful for our community and the 1,400 volunteers for all of their work and Parks and Rec work who manage the volunteers.

Mayor Gray wished everyone Happy New Year and thanked everyone for their

involvement in the Town.

## UNSCHEDULED PUBLIC APPEARANCES

None.

## TOWN MANAGER'S REPORT

David Corliss, Town Manager, reviewed upcoming calendar reminders for the first quarter.

### [DIR 2020-001](#)

#### **Discussion/Direction: 2020 Major Project List**

David Corliss, Town Manager, reviewed the 2020 Major Projects report which is organized by the Town's six top priorities: Ensure outstanding public safety (8 new police officers, police parking lot, Fire master and strategic plans, public safety training center, remodel apparatus bays, breathing apparatus), enhance our transportation (Plum Creek widening, roundabout on Highway 85 and 5th, Pavement Maintenance Program, transit feasibility study, downtown alleys, two new traffic signals, efforts toward future Crystal Valley interchange), secure our water future (using re-use water, design of Sedalia diversion reservoir, work on renewable water rights, 6 approved staff, new administrative building), maintain strong parks and recreation (Cobblestone Ranch park design, rec center feasibility study), support economic development (continue to grow with ACC, downtown redevelopment work, Encore groundbreaking), and manage Town finances conservatively. In addition, Corliss stated they are updating their ADA requirements.

### [DIR 2020-002](#)

#### **Discussion/Direction: 2020 Meeting Schedule**

David Corliss, Town Manager, stated he had not heard of any conflicts with the proposed schedule. Staff is requesting a Study Session on January 21, May 12 is proposed for Boards and Commissions interviews, and the first August meeting is proposed to be canceled so Council can attend National Night Out.

**Moved by Council Member Loban, seconded by Mayor Pro Tem Bower, to Call a Study Session on January 21, 2020 at 5pm. The motion passed by the following vote:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

**Moved by Council Member Teal, seconded by Mayor Pro Tem Bower, to Call a Special Meeting on May 12, 2020 at 5pm for Boards and Commissions Interviews. The motion passed by the following vote:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

**Moved by Mayor Pro Tem Bower, seconded by Council Member Johnson, to Cancel the August 4, 2020 Town Council Meeting. The motion passed by the following vote:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

### [DIR 2020-003](#)

#### **Discussion/Direction: Town Council Liaisons to Boards and Commissions and Other Agencies**

David Corliss, Town Manager, stated he has not heard any feedback that any

changes are desired to the Council Liaison assignments.

[ID 2020-001](#)     **Update: 2020 Census Update**

David Corliss, Town Manager, stated they have a communications plan to remind people to participate in the Census as Colorado could gain an additional seat based on the population and some funding levels are based on population as well.

[ID 2020-002](#)     **Development Services Project Updates**

[ID 2020-003](#)     **Update: Quasi-Judicial Projects**

David Corliss, Town Manager, stated the Census number can impact the Town because that determines funding levels for various grants, etc.

### TOWN ATTORNEY'S REPORT

None.

### ACCEPTANCE OF AGENDA

**Moved by Council Member Loban, seconded by Council Member Teal, that the Agenda be Accepted as presented. The motion passed by the following vote:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

### CONSENT CALENDAR

[RES 2020-001](#)     **Resolution Ratifying and Approving the Recommendation of the Town Manager for the Director of Public Works for the Town of Castle Rock**

[RES 2020-002](#)     **Resolution Appointing the Municipal Judge and Approving a Service Contract**

[RES 2020-003](#)     **Resolution Appointing Substitute Judges**

[RES 2020-004](#)     **Resolution Approving the Second Amendment to the South Metro WISE Authority Formation and Organizational Intergovernmental Agreement (IGA) and Contemporaneously Approving the Assignment and Assumption of Reservation Water**

[RES 2020-005](#)     **Resolution Designating the Public Place for Posting Notices Pursuant to C.R.S. Section 24-6-402(2)(c)**

[MIN 2020-001](#)     **Minutes: December 17, 2019 Town Council Meeting**

**Moved by Teal, seconded by Council Member Townsend to approve the Consent Calendar as read. The motion passed by a vote of:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

**ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**

[ORD 2019-042](#) **Ordinance Amending Title 17 of the Castle Rock Municipal Code by Adoption of a New Chapter 17.51 Entitled Dissimilar Residential Interface Regulations (Second Reading - Approved on First Reading on December 17, 2019 by a vote of 5-1)**

Bill Detweiler, Director of Development Services, provided background on this item. The underlying goal when preparing the code amendment was to mitigate the impacts between dissimilar residential property. Dissimilar property was defined and where the code applies and does not apply (mixed-residential development or properties in the Downtown Overlay District). The interface buffer must be 50 feet in width. The code also allows Council to waive one or more of the requirements. Detweiler displayed the two areas that this may affect in Hillside and Young American and the buffer between Founders and Terrain that this code would apply.

Mayor Pro Tem Bower stated he spoke with a number of residents. Residents in favor of the ordinance felt that 50 feet is not enough space and residents against based it on property rights. Bower feels if there is truly an issue we should work further on it.

Councilmember Bracken stated he did not read any emails that were based on the type of people that would reside there, residents were concerned with the value of their property and their views.

Councilmember Townsend feels if we are going to be encroaching on property rights there should be a real problem that we are addressing.

Councilmember Teal is in favor of the motion. The Town mainly has grown in the last two generations and the Code should be responding to changes in our community. He feels it is more ethical to take this step now before the areas go into development so the landowner can plan appropriately. He feels it is tweaking our existing laws.

Mayor Pro Tem Bower feels it needs more tweaking.

Councilmember Bracken feels we have followed a solid pathway with the review and open house. Detweiler stated he had thorough and productive discussions to inform the development and building community who were comfortable with the wording.

Mayor Gray has received all positive feedback, and feels that the developers and builders have been included in the conversation and don't have a problem with it.

**Moved by Council Member Bracken, seconded by Council Member Johnson, that Ordinance 2019-042 be Approved on Second Reading as presented. The motion passed by the following vote:**

**Yes:** 6 - Loban, Townsend, Bracken, Johnson, Gray, Teal

No: 1 - Bower

[RES 2020-006](#) **Resolution Authorizing the Acquisition and Possession of Certain Real Property through the Statutory Condemnation Process in furtherance of Construction of the 2020 Plum Creek Parkway Widening and Roundabout Transportation Project**

Bob Slentz, Town Attorney, summarized that the resolution allows us to file a petition in condemnation to acquire the right-of-way parcel and a permanent easement that are necessary for the construction of the roundabout. We have followed the statutory process by obtaining an appraisal, paid for the property owner's appraisal, and are offering them their asking price.

Dan Sailer, Public Works Director, stated this project is one of the priorities for the Town to be constructed. Underground utilities are being improved now, and construction is targeted to be completed by year end. The schedule is targeting March for the construction award, and completion in the 4th quarter of 2020.

Slentz pointed out the parcels that have been closed on and those that are planned to close soon. The property is encumbered with a Deed of Trust that is tied to other properties by the lender.

Mayor Gray stated the owner is okay with the amount as we are offering them what they asked for.

Slentz does not have a commitment from the owner when the closing can take place. Slentz notified the property owners of this hearing and did not receive any response.

No public comment.

Councilmember Teal thanked Slentz for preparing this resolution. He stated he is normally against condemnation, but understands the situation and that it is necessary to acquire the property in time to complete the project.

Slentz stated when they file for immediate possession, they will tender into the court the \$135,000 to pay the property owner.

**Moved by Council Member Loban, seconded by Council Member Teal, that Resolution 2020-006 be Approved as presented. The motion passed by the following vote:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

[DIR 2020-004](#) **Discussion/Direction: Sister City Program Process**

Kristin Read, Assistant Town Manager, provided the recommended process after discussing the programs with Parker, Lone Tree, and the state. Joining the Sister Cities International is recommended as the first step, and next month reaching out to the community to see how much interest there is. Read stated that having a clear goal would help to ensure a successful program.

Councilmember Townsend asked if any of the communities could point to this program as a success or revenue to the Town. Read stated that Denver and Aurora may see a benefit to tourism. Littleton has a group that comes every five years and the program is more of a pleasantry.

Councilmember Bracken stated his interest in being in the group. He sees the value for the youth.

Councilmember Teal thanked Read for her work, and endorses Bracken to be in the group based on his international sporting competition experience. He speaks in favor of the process. He noted there is a small group of residents that are in support of a sister city in Italy. Teal stated he would be interested in volunteering if Germany was an option. Teal feels the program should be a volunteer driven organization, and staff time should be limited to preparing documents for the Mayor's signature.

Councilmember Townsend does not see a benefit for the Town and does not feel we should be spending funds on this.

Mayor Pro Tem Bower celebrates any culture we can bring to our community, but does agree it should be citizen led.

Councilmember Teal referenced that Johnson and he attended the National League of Cities conference, and referred to this as emotional infrastructure and what we can do for the culture of our Town.

Councilmember Loban supports this and feels the cost is minimal to join the organization.

Councilmember Bracken feels we should include both high schools.

Councilmember Teal commented that the community grant funding program could contribute toward this program as a cultural enhancement.

Councilmember Johnson thanked Read for her work and information and is in support.

Mayor Gray stated if there are citizens that want to move this forward, it could be a benefit.

**Moved by Council Member Teal, seconded by Council Member Johnson, to Approve Staff's Recommended Process for a Sister Cities Program and Amended to include to Appoint Councilmember Bracken as the Town Council's Representative for the Sister Cities Group. The motion passed by the following vote:**

**Yes:** 6 - Loban, Bracken, Bower, Johnson, Gray, Teal

**No:** 1 - Townsend

[ID 2020-004](#)

### **Update: Non-Residential Irrigation Water Budgets**

Mark Marlowe, Director of Castle Rock Water, stated the goal is water efficiency and conservation and recommends that we educate the non-residential

customers on appropriate water use rather than adjusting their water budget immediately.

Councilmember Bracken asked if we have a mechanism for catching and storing rainwater. Marlowe stated we don't, but it does allow us to fully utilize the water rights on Plum Creek, etc.

Councilmember Loban asked if they would be giving them information on what their bills would be at their continued usage outside of their water budget. Loban feels there needs to be a tangible impact for exceeding their water budget. Marlowe feels it is a technical discussion to explain the water budget, etc. and wants to ensure they understand the financial consequences.

Councilmember Johnson agrees with the recommendation.

Councilmember Bracken wants to have a clear message that they are out of compliance. Marlowe stated they have reached out to all 90 customers.

No public comment.

Councilmember Loban does not support this unless there is a tangible penalty as they have been called and noticed already.

Mayor Gray noted that they did reach out, but admitted they felt they could have done a better job communicating the financial component.

Councilmember Teal stated these are businesses, and supports the proposed plan.

Councilmember Loban feels there should be some financial impact even if it is minimal to get their attention.

Councilmember Johnson gave an example of their HOA contract for landscaping. They have a number of water accounts and may only have one account that is overwatering. Johnson suggested a flat fee. Marlowe stated it would be difficult to determine a fair flat fee, but a percentage could be determined if Council chooses.

Councilmember Loban recommends a nominal percentage.

Mayor Pro Tem Bower feels most people aren't paying attention, but the goal is to get them to comply. Marlowe stated this isn't about generating more income, and feels we have the time and it is important to be customer friendly.

**Moved by Mayor Pro Tem Bower, seconded by Council Member Townsend, to direct Castle Rock Water to provide another year of education for water budget changes for pre-January 1, 2019 non-residential customers prior to financial impacts. The motion passed by the following vote:**

**Yes:** 6 - Townsend, Bracken, Bower, Johnson, Gray, Teal

**No:** 1 - Loban

[RES 2020-007](#) **Resolution Approving the Town of Castle Rock Services Agreement with AECOM Technical Services, Inc. for the 6400 South Tributary Stabilization Project**

Mark Marlowe, Director of Castle Rock Water, stated this is one of the legacy projects funded by the bank loan. It is close to Castlevue High School and includes about a mile of the stream to stabilize and reduce the erosion. They would like design completed this year and construction to be complete in Spring 2022.

Councilmember Johnson stated she is glad to have this moving ahead.

No public comment.

**Moved by Council Member Townsend, seconded by Mayor Pro Tem Bower, that Resolution 2020-007 be Approved as presented. The motion passed by the following vote:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

[RES 2020-008](#) **Resolution Approving a Services Agreement With Olsson, Inc. for the East Plum Creek Reach 5 Phase II Stabilization Project**

Mark Marlowe, Director of Castle Rock Water, stated this is part of the stormwater legacy projects funded by the bank loan. The primary purpose is to protect the diversion from being destroyed. There is also critical water and sewer infrastructure in the area. The plan is to design in 2020 and 2021 with construction completed in Spring 2022. There was unanimous recommendation from the Commission.

No public comment.

**Moved by Council Member Johnson, seconded by Mayor Pro Tem Bower, that Resolution 2020-008 be Approved as presented. The motion passed by the following vote:**

**Yes:** 6 - Loban, Townsend, Bracken, Bower, Johnson, Gray

**Not Present:** 1 - Teal

[RES 2020-009](#) **Resolution Approving the Town of Castle Rock Services Agreement with Muller Engineering Company, Inc. for the McMurdo Gulch Stream Reclamation Priority 2 Project**

Mark Marlowe, Director of Castle Rock Water, stated this is identified in the Master Plan. They plan for the design in 2020 and 2021 with construction completed in Spring 2022. The Water Commission recommends approval.

Mayor Gray asked if there is a chance to receive additional funding from Cherry Creek. Marlowe feels we have a good chance to receive more.

No public comment.

**Moved by Council Member Townsend, seconded by Council Member Teal, that**



**Resolution 2020-009 be Approved as presented. The motion passed by the following vote:**

**Yes:** 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

### **ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

None.

### **ADJOURN**

Mayor Gray adjourned the meeting at 7:49 pm.

Submitted by:

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Lisa Anderson, Town Clerk