



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

Tuesday, December 18, 2018

6:00 PM

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

This meeting is open to the public. Members of the public may address Council during Unscheduled Public Appearances on items or issues that are not scheduled on the agenda, limited to three (3) minutes per speaker. Public comment will be taken during Public Hearing items, limited to four (4) minutes per speaker. All times indicated on the agenda are approximate.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Matthew Crowe, Ridgeline Community Church

CALL TO ORDER / ROLL CALL

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Loban reminded everyone to consider safety first during winter travel and to remember the danger of children playing on ice.

Councilmember Bracken commented on the recent Tri County Health Care meeting and noted that E-cigarette smoking is on the rise among teens and spoke to the efforts of Tri County Health, along with school resource officers and staff, to continue the education on the dangers of E-cigarettes.

Councilmember Johnson thanked Town staff for the new monitor in the Town Hall lobby and several recent Town projects.

Councilmember Teal spoke about the recent DRCOG sub regional meeting and the Town proposals that will be submitted for funding. He also discussed the interest from area municipalities to participate in an informal meeting to share issues and dialogue with.

Mayor Gray addressed the Wreaths Across America and Toys for Tots events and encouraged everyone to donate.

[PROC
2018-013](#)

Proclamation: Castle View High School Varsity Football Coaching Staff and Team

Councilmember Bracken recognized coaches and players present from Castle View High School varsity football team on the past season accomplishments.

[APPT
2018-010](#)

**Douglas County Housing Partnership, Board of Directors
Staff Reappointment**

Town staff member Julie Kirkpatrick was reappointed to the Douglas County Housing Partnership.

Teal moved, seconded by Bower to reappoint Julie Kirkpatrick to the Douglas County Housing Partnership Board. The motion passed by the following vote:

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

[APPT
2018-011](#)

Appointment: Castle Rock Water Commission

John D. Wright was appointed to the Castle Rock Water Commission to fill vacancy of Caryn Johnson being elected a Town Councilmember.

Loban moved, seconded by Johnson, to appoint John D. Wright to the Castle Rock Water Commission. The motion passed by the following vote:

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

UNSCHEDULED PUBLIC APPEARANCES

Kevin Tilson, Director of the Castle Rock Downtown Alliance, thanked the Town for their partnership with the Downtown Merchants Association and the Downtown Development Authority. The DDA recently voted to partially repay a loan with the Town of Castle Rock with the remaining balances of two funds held with the Town, including a fund related to sales tax increments from 2012-2014 and the Festival Park expansion fund. These two funds total \$200,741 of which will be partially repaid to the Town. He again thanked the Town for the continued partnership.

Michael Brussard, resident of the Plum Creek area, addressed Council with concerns related to the Plum Creek Golf area and open space. Currently the open space is used as a park and is hoping that it will remain as open space.

Councilmember Bower recognized Kevin Tilson and the DDA for paying back a debt early and wanted everyone to realize that this is a big deal to make this payment early.

TOWN MANAGER'S REPORT

[ID 2018-135](#)

Update: Monthly Department Reports

[DIR 2018-049](#)

Discussion/Direction: 2019 Major Project List

Town Manager Dave Corliss highlighted key projects underway this year to include public safety and transportation, water and parks and recreation priorities in addition to supporting economic development activity and the conservative management of Town finances.

[ID 2018-136](#)

Update: Santa's Second Chance 2018

Karla McCrimmon, Court Administrator, spoke to this program now in its 21st year. During October, traffic fines are donated to Santa's Second Chance program. Walmart always provides a grant each year as well, this year a grant of \$2,150 was donated. These funds provided gifts to over 270 kids this year in Castle Rock. The program is made possible by over 180 volunteers.

[ID 2018-137](#)

Update: Fact or Fiction feature on CRgov.com

[ID 2018-139](#)

Update: Residential Unit Data (through September 30, 2018)

Town Manager Dave Corliss pointed to this document and reviewed the important, in depth information it contains for the benefit of Council and stated as we continue to speak to the challenges and benefits of continued growth we will reference this document.

[ID 2018-140](#)

Update: Quasi-Judicial Projects

Dave Corliss, Town Manager, provided an overview of our responsibilities as related to Quasi-Judicial projects to insure a fair public hearing for applicants.

[ID 2018-141](#)

Development Services Project Updates

[ID 2018-142](#)

Update: 2020 Census

Dave Corliss, Town Manager, discussed the importance of the upcoming census as it relates to funding resources as well as apportionment of representation for our community.

TOWN ATTORNEY'S REPORT

Town Attorney Bob Slentz spoke to Quasi-Judicial restrictions and urged Council if specific questions related to participation or involvement in a matter that is Quasi-Judicial, to contact the legal department.

ACCEPTANCE OF AGENDA

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

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

CONSENT CALENDAR

[RES 2018-107](#)

Resolution Approving an Intergovernmental Agreement Between the Town of Castle Rock and the Downtown Development Authority (2019 Service Contract)

[RES 2018-113](#)

Resolution Authorizing Signatures on Behalf of the Town of Castle Rock

[MIN 2018-015](#) Minutes: December 4, 2018 Town Council Meeting

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

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**[DIR 2018-050](#) Discussion/Direction of Applications for the Council Community Grant Program for the 4th Quarter 2018 (Three Applications)**

Trish Muller, Finance Director, identified the three applicants, Castle Rock Band, Castle Rock Chorale and Spellbinders, all non-profit organizations seeking grants of \$500 each. This program focuses on projects that contribute to the quality of life in Castle Rock.

Johnson moved, seconded by Townsend, that Discussion/Direction Item 2018-050 be Approved as presented awarding funding of \$500 to each applicant. The motion passed by the following vote:

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

[ID 2018-138](#) Update: Recreational Vehicles (RV) Dump Station Survey Results

Mark Marlowe, Director of Castle Rock Water, introduced this item and the history and identified problems of the previous site, which was closed in 2016. A survey in 2018 was done to determine interest in a RV dump station, but recommendations from the Water Commission, as well as staff, was not to proceed due to the cost to our rate base customers.

Councilmember Teal suggested that the Town reach out to those that responded to the survey or expressed interest in a RV dump station, to follow up with them on our findings and our position on this item.

No public comment on this item.

[RES 2018-108](#) Resolution Approving the First Amendment to the Intergovernmental Agreement Between the Town of Castle Rock and the Colorado Department of Transportation for the Design and Construction of the Founders Parkway (SH86) & Allen Way Intersection Improvements

Bob Goebel, Director of Public Works, presented the two Intergovernmental Agreements related to the Founders Parkway & Allen Way intersection improvement project. Both agreements were related to additional funding contributions by CDOT and Douglas County.

There was no public comment on this item.

Teal moved, seconded by Loban, that Resolution 2018-108 be Approved as presented. The motion passed by the following vote:

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

[RES 2018-109](#) **Resolution Approving an Intergovernmental Agreement Between the Town and Douglas County Concerning Funding of the Founders Parkway and Allen Way Intersection Improvement Project**

This item was presented with the previous Resolution 2018-108.

There was no public comment on this item.

Teal moved, seconded by Johnson, that Resolution 2018-109 be Approved as presented. The motion passed by the following vote:

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

[ORD 2018-046](#) **Ordinance Imposing a Temporary Suspension and Prohibition on the Submission, Acceptance, and Issuance of Licenses and Permits Applicable to Kratom Sales Pending the Development and Adoption of Potential Regulations; Prescribing the Administration of this Ordinance; and Declaring that the Adoption of this Ordinance is Necessary for the Immediate Preservation of the Public Health and Safety and Therefore Providing for Its Emergency Adoption on First and Final Reading**

Bob Slentz, Town Attorney, acknowledge that Council would be considering the highly unusual issue of restricting or suspending the privilege of doing business in the Town, and it will be up to Council to decide if the issue and substance of this matter warrants this restriction. Slentz noted prior Town history with a similar issue related to a medical marijuana dispensary permitted in Castle Rock in 2009. Based on this previous history, staff is presenting this to Council pro-actively. Slentz also discussed the significance of an emergency ordinance to Council.

Further explanation of the possible 180 day temporary suspension and prohibition of Kratom sales in Castle Rock was presented by Elizabeth Allen, Assistant Town Attorney. It was explained that this time period would allow for further review and study of emerging and anticipated regulations by government at the federal, state and municipal levels in the near future, as well as, collaboration with the Kratom industry.

Councilmembers discussed cautions and concerns with Kratom in our community, and the fact that it is a largely unregulated industry. It was clarified that Council was not considering banning personal use of Kratom for self medication purposes. Council discussed the necessity of passing on emergency adoption as well.

Wayne Harlos, resident, spoke in favor for the use of Kratom for pain medication.

Karen Ann Harlos, resident, spoke in favor for the use of Kratom for pain medication and the right of an individual to self medicate.

Roll call voted was called.

Loban moved, seconded by Johnson, that Ordinance 2018-046 be Approved on Emergency Adoption as presented. The motion passed by the following vote:

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

No: 1 - Teal

[ORD 2018-047](#) Ordinance Amending Title 4 of the Castle Rock Municipal Code Adding a New Chapter 4.05 Entitled Graywater Systems (First Reading)

Mark Marlowe, Director of Castle Rock Water, spoke to the issue of graywater systems being approved and regulated at the local level, which has the potential to save 20% on indoor water use for new development only in the Castle Rock service area.

No public comment on this item.

Bower moved, seconded by Townsend, that Ordinance 2018-047 be Approved on First Reading as presented. The motion passed by the following vote:

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

[RES 2018-110](#) Resolution Approving the Town of Castle Rock Services Agreement with Burns & McDonnell Engineering Company, Inc. for Construction Phase Engineering Services for the Plum Creek Water Purification Facility Advanced Treatment Project [1929 Liggett Rd.]

Mark Marlowe, Director of Castle Rock Water, spoke to Resolution 2018-110 together with the following Resolution 2018-111.

No public comment on this item.

Johnson moved, seconded by Townsend, that Resolution 2018-110 be Approved as presented. The motion passed by the following vote:

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

[RES 2018-111](#) Resolution Approving the First Amendment to the Plum Creek Water Purification Facility (PCWPF) Advanced Treatment Project Construction Agreement with Garney Companies, Inc. for Work Package One [1929 Liggett Rd.]

Mark Marlowe, Director of Castle Rock Water, spoke to Resolutions 2018-110 and 2018-111 together. The purpose of this project is to add additional treatment processes to the Plum Creek Water Purification Facility Advanced Treatment Plant to purify the reusable water from Plum Creek to return it to our drinking water system.

No public comment on this item.

Teal moved, seconded by Bower, that Resolution 2018-111 be Approved as presented. The motion passed by the following vote:

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

RES 2018-112 Resolution Approving 3.0 MGD Capacity Expansion Agreement between the Town of Castle Rock, Plum Creek Water Reclamation Authority, Castle Pines Metropolitan District, and Castle Pines North Metropolitan District for Design and Construction of the Wastewater Treatment Plant Expansion [4255 North U.S. Highway 85, Castle Rock]

Mark Marlowe, Director of Castle Rock Water, explained that this expansion agreement will define what each party's share of the capacity will be, as well as the individual share of the cost for the expansion. Castle Rock project cost allocation will be 85.26% and will have ownership of expansion capacity shares of 2.59 MGD. Most of the cost of this project will be for new development and will be funded by system development fees.

No public comment on this item.

Bower moved, seconded by Townsend, that Resolution 2018-112 be Approved as presented. The motion passed by the following vote:

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

DIR 2018-051 Discussion/Direction: 2019 Meeting Schedule and Consideration of Future Work Sessions

Dave Corliss, Town Manager, suggested that study sessions be held prior to the beginning of Council meetings from 5:00 - 7:00 p.m. with the Council meeting beginning at 7:00 p.m. and ending at the normal meeting time.

Additionally, Corliss suggested the council meeting on January 1 would need to be cancelled, a special meeting called for January 8, and the January 15 meeting would need to be cancelled with a special meeting called for January 22 beginning with a study session at 5:00 p.m. and the Council meeting beginning at 7:00 p.m.

In February, meetings on the first and third Tuesdays, with a study session previous to the Council meetings from 5:00 - 7:00 p.m. on February 19 and the Council meeting starting at 7:00 p.m.

In March, it was suggested to cancel the meeting scheduled during the week of spring break and having the regular scheduled meeting on March 5 and a study session from 5:00 - 7:00 p.m. on March 12.

In April, meetings on April 2 and April 16 with a study session 5:00 - 7:00 p.m. previous to the start of the April 16 Council meeting.

The two options before Council are to keep meetings on Tuesday nights or to

move meetings to Mondays by Ordinance and to establish study sessions as proposed.

An option was also presented to Council for direction related to allowing public comment at study sessions.

Councilmember Loban questioned why a previous discussion item from the prior Council meeting was not addressed. This would allow a resident prescribed process for citizens to introduce an item to be placed on a council agenda. This process would be in addition to the unscheduled public appearances currently scheduled on the agenda.

At this point in the discussion, Councilmember Teal suggested a motion on the item before Council to cancel the January 1, 2019 Town Council meeting. Teal moved, seconded by Townsend, that the January 1, 2019 Town Council meeting be canceled. The motion passed 7-0.

Councilmembers continued to discuss options and how their constituents currently can reach out to them with concerns and issues and how this could be addressed procedurally to be added to the Council agenda. Councilmember Teal suggested the same model as we use for land use hearings.

Councilmember Bracken suggested further education through our website.

Councilmember Bower also suggested hosting open houses to hear concerns of constituents who may not prefer speaking in public. No specific direction was given to staff.

Teal moved, seconded by Loban, to cancel Town Council meetings on January 15, March 19 and August 6, 2019, Call a Special Town Council meeting on January 8 at 6:00 p.m., and Call a Special Town Council meeting on January 22 beginning at 7:00 p.m. and call a Study Sessions on January 22, February 19, March 12 and April 16, 2019 from 5:00 - 7:00 p.m. and to amend start times for Council meetings on January 22, February 19 and April 16 beginning at 7:00 p.m. following the study sessions.

Councilmember Townsend clarified that the motion stated was for Option A.

The motion passed by the following vote:

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

No: 1 - Loban

[DIR 2018-052](#)

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

Dave Corliss, Town Manager, introduced the opportunities for Councilmembers to serve on Town boards and commissions as well as community groups. He recognized the time commitment that Councilmembers have to Council and constituents first, but if they had interest specifically in an appointment, that would be welcomed. Corliss noted some appointments are to governing bodies that do require elected officials and it would be important to fill these liaisons.

Audit Committee - Mayor Gray, Councilmember Teal (alternate)
Board of Adjustment - Councilmember Townsend
Board of Building Appeals - Councilmember Teal
Castle Rock Water Commission - Councilmember Johnson, Councilmember Townsend
Design Review Board - Mayor Pro Tem Bower (voting)
Downtown Development Authority - Mayor Pro Tem Bower (voting), Councilmember Bracken (alternate)
Historic Preservation Board - Mayor Pro Tem Bower
Parks & Recreation Commission - Councilmember Johnson, Councilmember Bracken
Planning Commission - Mayor Gray, Councilmember Townsend (alternate)
Public Art Commission - All Councilmembers rotate
Public Safety - Councilmember Loban
Public Works Commission - Councilmember Johnson, Councilmember Loban
Police Forfeiture Committee - Councilmember Loban
Water Resources Committee - Councilmember Bracken, Councilmember Teal
Economic Development Council - Mayor Gray (voting) Councilmember Teal
Castle Rock Economic Partnership - Mayor Gray, Councilmember Bracken
Castle Rock Fire Volunteer Pension Board - Mayor Gray
Castle Rock Senior Center - Town Staff
Chamber of Commerce - Councilmember Townsend, Councilmember Bracken
Downtown Merchants Association - Councilmember Bracken (voting) Mayor Pro Tem Bower (alternate)
Centennial Airport Roundtable - Town Staff
Chatfield Watershed Authority - Councilmember Teal, Councilmember Loban (alternate)
Cherry Creek Basin Water Quality Authority - Councilmember Johnson, Councilmember Teal
Colorado Municipal League Policy Committee - Councilmember Teal (voting)
DRCOG - Councilmember Teal (voting), Mayor Gray
Metro Mayor Caucus - Mayor Gray
Douglas County Housing Partnership - Councilmember Loban
Douglas County Youth Initiative - Mayor Pro Tem Bower, Mayor Gray
Partnership of Douglas County Governments - Councilmember Teal, Mayor Gray

Townsend moved, seconded by Teal, that Discussion/Direction Item 2018-051 be Approved as presented identifying Council liaisons to boards and commissions. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN TO EXECUTIVE SESSION

Mayor Gray moved and Loban seconded, to Adjourn to Executive Session not to return.

The meeting was adjourned at 8:57 p.m.

[EXEC](#)
[2018-016](#)

**Executive Session: Potential Property Acquisition - 331 Players
Club Drive**

Submitted by:

Robbie Schonher, Administrative Assistant