



Town Council Meeting Minutes - Draft

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

Tuesday, April 2, 2019

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.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Terry Ball, Castle Rock Baptist Church

CALL TO ORDER / ROLL CALL

Councilmember Teal has an excused absence due to the death of his mother.

Councilmember Townsend is also absent.

Present: 5 - Council Member Loban, Council Member Bower, Mayor Gray, Council Member Bracken, Council Member Johnson

Not Present: 2 - Council Member Townsend, Council Member Teal

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Mayor Jason Gray stated that the Ordinance regarding Secondhand dealers will be postponed until the April 16 Town Council meeting.

Councilmember Jess Loban was contacted by some residents unhappy about numerous flyers being left in their neighborhood. **Staff will follow up with information.**

Councilmember Kevin Bracken asked if Council would allow Tri County Health to give a presentation on vaping, specifically for ages 14-17 on April 16. **No objection raised and Staff will coordinate this presentation.**

Councilmember Caryn Johnson thanked Town staff and the snow plow drivers for their help during the Bomb Cyclone.

Councilmember Jess Loban stated he was trapped for 8 1/2 hours in his vehicle during the Bomb Cyclone while transporting stranded motorists to shelters. CDOT was able to assist him.

Mayor Pro Tem Jason Bower congratulated citizens of Douglas County for being named the healthiest county.

Mayor Jason Gray relayed Councilmember Townsend's appreciation for the Open House held last week in his District.

[PROC](#)
[2019-001](#)**Proclamation: Recognizing the efforts of Town staff during the 2019 Bomb Cyclone Blizzard**

Mayor Jason Gray read a Proclamation to Town staff recognizing their efforts during the Bomb Cyclone event and presented it to Bob Goebel, Director of Public Works.

[PROC](#)
[2019-002](#)**Proclamation: My Water Pledge, Mayor's Challenge**

Mayor Jason Gray read the Proclamation for the Mayor's Challenge to save water and presented it to Mark Marlowe, Director of Castle Rock Water.

[PROC](#)
[2019-003](#)**Proclamation: 2019 Arbor Day**

Mayor Jason Gray read a Proclamation to recognize Arbor Day and presented it to Jeff Brauer, Director of Parks and Recreation.

[APPT](#)
[2019-002](#)**Appointment: Board of Adjustment**

Loban moved, seconded by Johnson, to appoint Kenneth Arnold to the Board of Adjustment to fill a vacancy until May 31, 2019. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Town Council:

Pam Ridler, President and CEO of the Castle Rock Chamber of Commerce introduced Jason DeYoung with DeYoung Brothers Construction and alumni of Leadership Douglas County. DeYoung thanked Council for the community grant of \$500 that was used for this year's project. DeYoung encouraged Council to help identify members in the community to apply for the program and invited Council to their 20th Graduation, June 5, 4pm at the Highlands Ranch Mansion.

Jean Atkins has been a resident since 1977 when the Plum Creek development was formed and where she lives now. She would like Council to consider purchasing the swimming pool property and turn it into a park for all of Castle Rock to enjoy.

Boyd Gordon addressed Council about purchasing the pool property in Plum Creek for a park that would benefit all of Castle Rock. If the golf course were to close, the image of Castle Rock would suffer. The deferred maintenance needs to be addressed, and the proceeds from the sale would provide the capital to address that need.

TOWN MANAGER'S REPORT

Update: Calendar Reminders

David Corliss, Town Manager, brought attention to April and May calendar events. Notably the Study Session on April 16, the Chamber Banquet on May 4, the Employee Appreciation Breakfast on May 8, Board and Commission Interviews on May 14, the CML Spring Outreach at 2pm on May 15, and an HOA Roundtable at 6pm. Corliss also stated that staff would like to get Council out to the Dawson Ridge property as weather allows.

[ID 2019-032](#)**Update: Monthly Department Reports**[ID 2019-033](#)**Update of the Preliminary 2018 Unaudited Year-end Financial Review**

David Corliss, Town Manager, and Trish Muller, Director of Finance, presented an overview of the Preliminary 2018 Unaudited Year-End Financial Review. Muller stated property tax revenues were just under the 6% budgeted, revenue for East Plum Creek Trail will be reflected in 2019, development related revenues are 6% over the year to date budget, and Town-wide expenditures are under budget mainly due to the timing of the capital projects. Finance aligned their presentation of progress using our strategic priorities of ensuring our water future, transportation, public safety, and maintaining strong parks and recreation.

[ID 2019-034](#)**Concept Paper Support for Great Outdoors Colorado Connect Initiative Grant Application**

Jeff Brauer, Director of Parks and Recreation, is seeking Council support for a Concept paper to submit a grant application to Great Outdoors Colorado. GOCO's Connect Initiative will fund several high quality projects throughout the state. The project staff is proposing is to complete the Northern, Central, and Southern segments of our Trails Master Plan and are partnering with Douglas Land Conservancy, CALF, Toll Brothers, and Starwood Land Ventures (Terrain).

Loban moved, seconded by Bower, to Approve that Town Council sign the letter of support as part of the Town's concept paper submission to the GOCO Connect Initiative Grant program for the Colorado Front Range Trail Project in Castle Rock as presented. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

[ID 2019-035](#)**Update: Quasi-Judicial Projects**[ID 2019-036](#)**Development Services Project Updates**

Tara Vargish, Assistant Director of Development Services, updated Council on current development activity and summarized three PPA's recently submitted to the Town. Vargish stated PPAs are development inquiries and not actual

applications. Two PPA's were submitted in Councilmember Townsend's District. Diamond Ridge is asking for a gate into their community. Staff is meeting with them tomorrow to go over the criteria required and to brief them on the traffic calming program. Another PPA was submitted for vacant land to develop medical offices and industrial flex buildings. These would require public hearings with the Planning Commission and Town Council if they wish to proceed. Staff also received a PPA for Panda Express by the Factory Shops which, due to the size of the project, can be handled administratively.

Councilmember Caryn Johnson inquired about the Covington proposal for the apartments since it is in the County. Vargish stated they provided the applicant with information on annexation and the challenges they would face with water and transportation studies. Mayor Pro Tem Jason Bower asked about current zoning. Vargish was unsure, but most likely it is zoned agricultural.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Bower moved, seconded by Johnson, to Accept the Agenda as amended by postponing the first reading of Ordinance 2019-007 until the April 16, 2019 Town Council meeting. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

CONSENT CALENDAR

[RES 2019-037](#) **Resolution Approving the Town of Castle Rock/Gandomcar Spot Water Lease Agreement**

[MIN 2019-006](#) **Minutes: March 5, 2019 Town Council Meeting**

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

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2019-038](#) **Resolution Ratifying the 2019 Town of Castle Rock Festival Park Commons General Improvement District Budget**

Lisa Anderson, Town Clerk, briefed Council that Festival Park Commons General

Improvement District would not be collecting any taxes or have any expenses in 2019. Staff filed the zero budget with the Department of Local Affairs and is asking Council to ratify it.

David Corliss, Town Manager, stated there will be several items for the Festival Park Commons General Improvement District coming to Council in the future such as the site development plan, public finance agreement, etc.

No public comment.

Johnson moved, seconded by Bower, that Resolution No. 2019-038 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

ORD 2019-007 Ordinance Amending Title 5 of the Castle Rock Municipal Code by the addition of a new Chapter 5.09 Entitled Secondhand Dealer License (First Reading)

Loban moved, seconded by Johnson, to Continue Ordinance No. 2019-007 to the April 16, 2019 Town Council meeting. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

ORD 2019-005 Ordinance Approving the First Amendment to the 2019 Budget by Making Supplemental Appropriations for 2019 and Authorizing Changes for Year 2019 (First Reading)

Trish Muller, Director of Finance presented the first quarter budget amendment. The largest portion of the amendment is due to the capital projects started in 2018 that will be completed in subsequent years. The other portion of the amendment is due to new information that was not available when the budget was created. The carryover for capital projects is \$73.3M and \$14.7M is for supplemental appropriations.

Councilmember Caryn Johnson inquired about the increase in property/casualty premium costs. Matt Gohl, Budget Finance Manager, stated some increases are due to added facilities, but rates have increased across Colorado due to claim activity.

No public comment.

Loban moved, seconded by Bracken, that Ordinance No. 2019-005 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

ORD 2019-006 Ordinance Amending Section 13.12.050 of the Castle Rock Municipal

**Code Concerning Sewer Service Line Maintenance Obligations
(First Reading)**

Mark Marlowe, Director of Castle Rock Water, stated that the Town owns all of the Town sewer mains, but the property owner maintains the lines from their homes out to the mains. This Ordinance clarifies the rights of the Town allowing them to make repairs or modifications to privately owned lines that are in the right of way in the instance they can coordinate the repair of the line with pavement replacement. This would eliminate road cuts on new pavement. If the Town is able to coordinate the repairs with pavement replacement, there would be no charge to citizens.

Councilmember Kevin Bracken asked if they notify residents that there is an issue with their line. Marlowe stated they would notify them.

Mayor Pro Tem Jason Bower asked if this applies to businesses as well. Marlowe confirmed it would.

Councilmember Kevin Bracken asked about the cost to the citizen. Marlowe stated if the Town did the repairs in coordination with pavement replacement, there would be no cost to the citizen. However, if the line fails at another time, the citizen would be responsible for the repair.

No public comment.

Loban moved, seconded by Bower, that Ordinance No. 2019-006 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

[RES 2019-039](#)**Resolution Approving a Construction Contract with Global Underground Corporation for the Red Hawk Reuse Pipeline**

Mark Marlowe, Director Castle Rock Water, briefed Council that Red Hawk Ridge Golf course currently has a well that does not always provide enough water for the golf course and must be supplemented at times. Re-use water is used at the Castle Pines golf courses, and staff is proposing to use re-use water to take care of our golf course. Their goal is to have re-use water available for irrigation season this year. This would reduce future demands on our potable water system, and the existing deep well on the golf course can then be used for our water system. Staff has received five bids and are under budget for this project. The Town will need to obtain several easements, and already has the permit from the state. Castle Rock Water Commission and staff both recommend approval.

Councilmember Kevin Bracken asked if they are confident with the timeline. Marlowe stated they will be close.

No public comment.

Bower moved, seconded by Johnson, that Resolution No. 2019-039 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

RES 2019-040 Resolution Approving a Services Agreement between the Town of Castle Rock and HB&A Inc. to Design the Castle Rock Water Administration and Customer Service Building [175 Kellogg Ct., Castle Rock]

Mark Marlowe, Director of Castle Rock Water, stated that Castle Rock Water purchased the property in 2002 that was previously a lumber yard. In 2003, they brought in temporary buildings for staff. The new Operations and Maintenance building was built in 2015. This building will complete the project and provide space for customer service and administration. Construction is planned for 2020.

No public comment.

Bower moved, seconded by Bracken, that Resolution No. 2019-040 be Approved as presented. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

DIR 2019-011 Discussion/Direction: Use of Eminent Domain in Right of Way Acquisition

Bob Slentz, Town Attorney, provided Council with an overview of the process for eminent domain. Slentz stated that most occurrences are for transportation issues and water, and that acquisition of private property is used for public infrastructure and not for economic or private development. This right has been in place since the 1878 US Supreme Court ruling, the US Constitution 5th Amendment states just compensation will be given, the Colorado Constitution Article II states just compensation will be received, and the Town Charter reinforced the powers of eminent domain by a Town vote in 1997.

Councilmember Jason Bower asked if the Town has always been able to settle on fair compensation. Slentz confirmed that the property owner has always been well compensated.

Slentz stated it is a regulated process with the purpose to treat the property owner fairly. An offer is presented at the appraised value, negotiation takes place with the property owner in good faith, and the Town will pay for the property owner's appraisal over \$5,000. If an agreement cannot be reached, a petition can be filed with the court to order possession to allow the project to continue moving forward. Since 2008 there have been 166 parcels with 66 owners. Only three cases have been filed (one was requested by the property owner) for the North Meadows project.

Bob Goebel, Director of Public Works, stated we provide information to the property owner upfront to understand the importance to our citizens and our transportation system, that we do not entertain hold outs, and everyone is treated fairly with just compensation. Goebel stated that the North Meadows project was broken down into phases as they acquired property to keep it moving.

Slentz stated that the Crystal Valley interchange involves 44 parcels and 12 property owners. The Plum Creek Parkway/Gilbert Street roundabout involves 7 parcels and 6 property owners.

Mayor Jason Gray wants to ensure that we take eminent domain very seriously and asked if there is any pushback from the Plum Creek roundabout. Slentz stated the owner on the west side wants us to purchase the entire property.

Mayor Jason Gray inquired about any issues on the west side of I-25 and feels it is critical for the interchange project, and that it enhances their property by providing access. Slentz stated it most likely would enhance their property, but would not be considered in the valuation.

Councilmember Kevin Bracken stated that this is key for our transportation infrastructure and asked what effect would it have on the additional homes being built on the east side if we don't move forward with the interchange. Goebel stated Plum Creek interchange would be over capacity and would have to be modified to increase capacity.

Councilmember Caryn Johnson commented that Plum Creek Parkway is in bad condition and needs to be completed.

Mayor Pro Tem Jason Bower is not in favor of eminent domain and feels our citizens are reasonable.

No public comment.

Mayor Pro Tem Jason Bower asked how far along we are with acquisitions for the Plum Creek roundabout. Slentz stated there is a serious concern with one of the landowners who is a sophisticated developer out of Florida.

Mayor Pro Tem Jason Bower asked if we are talking about these two specific projects for eminent domain. Slentz confirmed that Council could request that a property owner be allowed a public hearing.

Councilmember Jess Loban asked if we need an ordinance for the specific project capturing legal descriptions of all properties and offer just compensation. Staff could then come back to Council to provide an update and if an agreement cannot be reached, to ask Council to authorize proceeding.

No public comment.

Johnson moved, seconded by Bracken, to Authorize staff to bring back an Ordinance for these two projects allowing a public hearing if an agreement cannot be reached. The motion passed by the following vote:

Yes: 5 - Loban, Bower, Gray, Bracken, Johnson

Not Present: 2 - Townsend, Teal

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Gray adjourned the meeting at 8:10 pm.

Submitted by:

Lisa Anderson, Town Clerk