



## **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

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**Tuesday, April 16, 2019**

**5:00 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.**

### **STUDY SESSION**

#### **CALL TO ORDER / ROLL CALL**

**Present:** 6 - Council Member Townsend, Council Member Bower, Council Member Teal, Mayor Gray, Council Member Bracken, Council Member Johnson

**Not Present:** 1 - Council Member Loban

#### **ID 2019-042**

#### **Parks and Recreation Presentation**

Jeff Brauer, Director of Parks and Recreation, presented an overview of the department.

#### **ID 2019-043**

#### **Results of 2019 Community Survey**

Kristin Zagurski, Assistant Town Manager presented an overview of the survey.

#### **ID 2019-044**

#### **2020 Town Priorities**

David Corliss, Town Manager, provided an overview of the Town priorities.

### **ADJOURN TO TOWN COUNCIL MEETING**

Mayor Gray adjourned the Study Session at 6:59 pm to reconvene for the Town Council meeting.

### **TOWN COUNCIL MEETING**

#### **INVOCATION - Pastor Mark Marble, Castle Rock Bible Church**

#### **CALL TO ORDER / ROLL CALL**

Mayor Gray called the meeting to order at 7:05 pm.

**Present:** 6 - Council Member Townsend, Council Member Bower, Council Member Teal, Mayor Gray, Council Member Bracken, Council Member Johnson

**Not Present:** 1 - Council Member Loban

### **PLEDGE OF ALLEGIANCE**

### **COUNCIL COMMENTS**

Councilmember Townsend reminded Council about the Chamber Annual Banquet on May 4.

Councilmember Teal thanked Council and staff for the card and flowers his family received for his mother's funeral. Douglas County subregional committee of DRCOG met last month and the committee agreed to fund the "4 corners intersection" (Founders/Enderud/5th/Highway 86) that will be decided in May. Teal also announced he was elected to Chair the Chatfield Watershed Authority.

Councilmember Johnson reminded everyone that a number of the churches will be celebrating Easter Sunday at Philip S. Miller Park for a sunrise service.

Mayor Gray complimented the open house held by Castle Rock Water over the weekend.

[EXEC](#)  
[2019-003](#)

**Executive Session Report: March 2, 2019 - Potential Property Acquisition within the Plum Creek PUD**

**This Executive Session Report was Presented.**

## **UNSCHEDULED PUBLIC APPEARANCES**

Citizens that addressed Town Council:

DJ Tedesco, Director of Castle Rock Chamber of Commerce thanked Council who participated in the videos and their support of the Leadership Douglas County program. They are currently accepting applications for the program. Tedesco reminded Council of the Annual banquet on May 4 and the Horizon event on June 14 at 7:30 am at Castle Rock Water to discuss the legislative session.

## **TOWN MANAGER'S REPORT**

David Corliss, Town Manager, reminded Council of several upcoming events: May 8 - Employee Appreciation Breakfast, May 14 - Boards and Commissions Interviews, May 15 - CML Spring Outreach and the HOA Roundtable, May 16 - Councilmember Johnson Open House at Fire Station 153.

[ID 2019-045](#)

**Update: Monthly Department Reports**

[ID 2019-046](#)

**Update: Mosquito Abatement Program**

Mark Marlowe, Director of Castle Rock Water, briefed Council on their mosquito abatement program. Citizens can report concerns on our website. Marlowe stated they coordinate with Tri County if spraying is required if there is a significant issue.

[ID 2019-047](#)

**Update: Quasi-Judicial Projects**

Tara Vargish, Assistant Director of Development Services, briefed Council on current quasi-judicial projects and an update to the Douglas County comprehensive master plan update, specifically the Canyons South Development where we are obligated to provide water service for 968 units. They must have comments back to the County next week and asked Council to provide any

comments to Mr. Corliss.

[ID 2019-048](#)

**Development Services Project Updates**

**TOWN ATTORNEY'S REPORT**

[ID 2019-049](#)

**Update: Kratom Regulation**

Elizabeth Allen, Assistant Town Attorney, provided Council an update. They received an indication from Tri County that they would not license a Kratom bar in Douglas County. Staff is requesting direction for an ordinance addressing sales to minors.

Mayor Pro Tem Bower encouraged everyone to watch the Kratom roundtable that is on our website. He supports any regulation regarding sales to minors.

Councilmember Teal supports the regulation of sale to minors.

Councilmember Bracken asked if Council would consider age 21. Mayor Pro Tem Bower and Councilmember Teal stated they support age 18. Bracken confirmed the majority of emails he received were to curb addiction and his concern is that Kratom is not regulated.

Allen stated there will be a comprehensive packet on May 21 to provide additional information, and the age can be changed between first and second reading if desired.

**Bower moved, seconded by Teal, to direct staff to bring back an ordinance on May 21 to regulate the sale of Kratom to minors. The motion passed by the following vote:**

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

**Not Present:** 1 - Loban

**ACCEPTANCE OF AGENDA**

Mayor Gray stated Item #22 regarding the Oaks of Castle Rock Development Agreement will be removed from the agenda and postponed to May 7.

**Teal moved, seconded by Johnson, to Accept the Agenda with removal of Item 22. The motion passed by the following vote:**

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

**Not Present:** 1 - Loban

**CONSENT CALENDAR**

[ORD 2019-007](#)

**Table Permanently: Ordinance Amending Title 5 of the Castle Rock Municipal Code by the addition of a new Chapter 5.09 Entitled Secondhand Dealer License**

[ORD 2019-005](#)

**Ordinance Approving the First Amendment to the 2019 Budget by Making Supplemental Appropriations for 2019 and Authorizing**

**Changes for Year 2019 (Second Reading - Approved on First Reading on April 2, 2019 by a vote of 5-0)**

[ORD 2019-006](#) **Ordinance Amending Section 13.12.050 of the Castle Rock Municipal Code Concerning Sewer Service Line Maintenance Obligations (Second Reading - Approved on First Reading on April 2, 2019 by a vote of 5-0)**

[RES 2019-041](#) **Resolution Approving a Construction Contract between the Town of Castle Rock and Sturgeon Electric Company, Inc. for the 2019 Traffic Signal Construction Project**

[RES 2019-042](#) **Resolution Authorizing an Increase to the Town-Managed Contingency for the Wolfensberger/Plum Creek Parkway Roundabout Construction Project**

[RES 2019-043](#) **Resolution Approving a Construction Contract with Rocky Mountain Excavating, Inc. for the Construction of the Metering and Control Facility as part of the Lanterns Well Project *[South of Crystal Valley Parkway in the Lanterns Planned Development]***

[RES 2019-044](#) **Resolution Approving the Town of Castle Rock/Roxborough Water and Sanitation District Water Lease Agreement**

[RES 2019-045](#) **Resolution Approving the 1st Amendment to the Intergovernmental Agreement for Disaster-Emergency Mutual Aid and Disaster-Emergency Resource Assistance in and Around Douglas County**

[MIN 2019-007](#) **Minutes: April 2, 2019 Town Council Meeting**

Teal moved, seconded by Johnson to approve the Consent Calendar as read and to direct staff to provide a memo pertaining to the labeling of Item 10 regarding the secondhand dealer ordinance. The motion passed by a vote of:

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

**Not Present:** 1 - Loban

## **ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**

[DIR 2019-012](#) **Discussion/Direction: Presentation by Tri-County Health Department - Vaping**

Taylor Roberts Chronic Disease Prevention Coordinator with Tri County Health Department provided information to Town Council on electronic smoking devices (vaping). The fluid contains nicotine, flavoring and other chemicals with varying levels of nicotine. Douglas County has the highest use from teens in Colorado. Public health concerns are addiction, harm to a developing brain, potential links to

COPD, respiratory infections, pneumonia in adults and seizures in youth. Currently, there is not a license issued to sell tobacco products. The Town could create a licensing requirement which would allow enforcement and could increase the minimum legal sales age to 21.

Councilmember Bracken asked him to highlight the effect on the community. Zachary Hess with Douglas County Schools stated that the school district has the highest use in the country and it is their #1 disciplinary issue now. They have been working to get information out to the parents and to students.

Councilmember Johnson stated this seems contrary to Douglas County being the healthiest county in the nation. Roberts stated that it was based on adult indicators vs. youth.

Mayor Pro Tem Bower asked if this is to help enforce the sales to minors. Police Chief Cauley stated they can currently enforce state law. State law states tobacco sales violations issue tickets to the clerk vs. to the store. Cauley stated the fee is \$300 per offense with no further penalty for multiple violations.

Councilmember Bracken asked if their recommendation is the age range, licensing or a combination. Roberts stated both are recommended. The license could be issued by the Town or have a check box on their business license.

Councilmember Teal asked if we have an enforcement strategy with Castle View High School. Castle View provides education and a three-day suspension if they get caught with a device on school property.

No public comment.

Councilmember Townsend asked if we should look at graduated fines for repeat offenses to sellers.

Councilmember Bracken asked if we should put this issue on the calendar in the future for further discussion.

Elizabeth Allen, Assistant Town Attorney, stated they passed an ordinance to include vaping devices and did not adjust the fine for tobacco products, but staff could bring back that section to increase the penalty.

Councilmember Teal is interested in the enforcement strategy.

Jack Cauley, Police Chief, will bring back a report on an enforcement strategy at a future Council meeting.

#### [ORD 2019-009](#)

#### **Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Plum Creek Parkway Widening/Roundabout Project (First Reading)**

Mayor Gray read Items 20 and 21 into the record to have the items presented together

and a public hearing on both items.

Bob Slentz, Town Attorney, briefed Council on these two items. These Ordinances would authorize the Town to negotiate with the property owners in good faith. If Council is committed to completing these two projects, they will have to purchase these properties. Eminent domain is a key tool to use if we have to. Administratively we would obtain an appraisal, review the appraisal, CDOT would review, we would send notice of intent, send an initial offer, have consultations with the owner, consider any counter-offer, provide a purchase and sale contract, then closing on a contract. If there is no agreement, Council would be advised and it would be brought to Council asking to authorize condemnation.

Councilmember Bracken asked if they reach out to all property owners at once. Slentz stated they will address them as the appraisals come in. Slentz stated there would be no condemnation process unless Council authorized.

Mayor Pro Tem Bower confirmed that these ordinances only address these two properties.

Councilmember Teal confirmed that the individual properties would be voted on. Corliss confirmed that it would be a public hearing item.

Bob Goebel, Director of Public Works, showed a diagram of the proposed projects and parcels that still must be obtained.

Councilmember Johnson asked why we are not starting the project in April. Goebel stated they had an open house and residents were requesting additional items that needed to be designed, and they determined they needed right-of-way to get additional design and appraisals. Johnson asked to see a schedule. Goebel stated it depends if Council approves the ordinance, then it will give them a better idea for a timeline.

Mayor Pro Tem Bower feels it is a good process that allows the property owner a public hearing.

No public comment.

Councilmember Teal acknowledged that he was a no vote on the WISE transmission line, but changed to a yes vote on the second reading. He recalled when Plum Creek Parkway was extended past Gilbert when there was no traffic. He states now it is a busy intersection that needs to be improved, and this is a right reason to exercise eminent domain.

Mayor Gray stated we do not enter into this lightly.

Bob Slentz, asked if Council will allow the Ordinance to be emergency on second reading to allow staff to proceed 30 days early. Council concurred.

**Teal moved, seconded by Townsend, that Ordinance No 2019-009 be Approved as presented on first reading with emergency adoption on second reading. The motion passed by the following vote:**

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

**Not Present:** 1 - Loban

**[ORD 2019-008](#) Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Crystal Valley Interchange Project (First Reading)**

No public comment.

Councilmember Teal stated there has been a public safety issue at the Crystal Valley interchange area since the fire station went in. They respond to an accident on the highway that now requires them to go down to Plum Creek Parkway to get onto I-25 to respond to that accident. Additionally, traffic is diverted onto the Frontage road due to accidents occurring in the GAP construction area.

Councilmember Bracken noted the traffic on Plum Creek during the blizzard event demonstrated the capacity in that area.

**Teal moved, seconded by Townsend, that Ordinance No. 2019-008 be Approved as presented on first reading. The motion passed by the following vote:**

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

**Not Present:** 1 - Loban

**[RES 2019-046](#) Resolution Approving the First Amendment to the Oaks of Castle Rock Development Agreement [*located southeast of downtown Castle Rock, near and south of Plum Creek parkway, east of South Lake Gulch Road and west of Ridge Road*]**

**Resolution No. 2019-046 was Continued to May 7, 2019.**

**[RES 2019-047](#) Resolution Approving the Agreement for Purchase and Sale of Western Pipeline and Ridgeway Pipeline Capacity**

Mark Marlowe, Director of Castle Rock Water, briefed Council on the purchase agreement to expand our capacity. The Pinery has excess capacity available for purchase at cost.

Councilmember Johnson feels this is a good deal and recommends approval.

No public comment.

Councilmember Teal feels this is a timely business operation to demonstrate that our Water department is tackling these challenges.

**Bower moved, seconded by Johnson, that Resolution No. 2019-047 be Approved as presented. The motion passed by the following vote:**

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

**Not Present:** 1 - Loban

**ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

None.

**ADJOURN TO EXECUTIVE SESSION (Not to return)**

Mayor Gray adjourned the meeting at 9:00 pm.

[EXEC](#)  
[2019-004](#)

**Executive Session: Potential Property Acquisition within the Plum Creek PUD**

**Bracken moved, seconded by Townsend, to Adjourn to Executive Session. The motion passed by the following vote:**

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

**Not Present:** 1 - Loban