



## **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, May 21, 2019**

**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**

Councilmember Jess Loban performed the Invocation.

#### **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 Bracken reminded citizens of the Chamber of Commerce June 10 Annual Golf Tournament.

Councilmember Johnson reminded citizens of the Budget Open House June 11.

Councilmember Teal gave an update from DRCOG and potential funding for some of our transportation projects.

Councilmember Townsend thanked staff for their quick response to citizens that have reached out to him regarding the airplane noise and thanked citizens and staff that participated in the boards and commissions interviews last week.

Mayor Pro Tem Bower congratulated all of the graduates in Douglas County.

Mayor Gray stated Council was asked to support Commissioners Partridge and Laden with the School Board and their proposal for security measures.

#### **[EXEC 2019-007](#)**

#### **Executive Session Report: May 7, 2019 - Potential Property Acquisition within the Plum Creek PUD**

Mayor Gray read the script from the Executive Session. No concerns were voiced.

**This Executive Session Report was Presented.**

#### **[PROC 2019-005](#)**

#### **Proclamation: National Public Works Week**

Councilmember Johnson presented the proclamation for Public Works Week to Public Works Director, Bob Goebel.

Goebel thanked Castle Rock Water, Stormwater, Sanitary Sewer and Parks and Recreation for their contributions as well. Goebel asked everyone to tune into social media for the videos they are producing about Public Works.

[PROC](#)  
[2019-006](#)

**Proclamation: Recognition of Bob Goebel, Director of Public Works**

Mayor Gray presented a Proclamation honoring Bob Goebel for his years of service in Public Works and as the Public Works Director. Goebel will be retiring on June 3, 2019.

Goebel thanked the Mayor and the previous Mayors and Town Council members that provided direction on where the community is going, and all the Directors and the staff that work so hard. He appreciates the opportunity he was given to work for the Town and be successful.

[PROC](#)  
[2019-007](#)

**Proclamation: Ducky Derby Month**

Mayor Gray presented the Proclamation for Ducky Derby to the Rotary Clubs in Castle Rock.

**UNSCHEDULED PUBLIC APPEARANCES**

Citizens that addressed Council:

Pam Ridler, CEO of the Castle Rock Chamber of Commerce introduced Mike McNairy, Chairman of the Board for the Castle Rock Chamber of Commerce.

McNairy owns Creative Colors in Castle Rock and has been active with the Chamber and the American Legion. He looks forward to getting to know Council better and discussed upcoming events for the rest of the year. He related that the biggest issue businesses are facing is the workforce issue and how they are working with the Town Pipeline, Collaboration Campus, and Dr. Tucker to get with schools to talk to kids about alternative paths.

Kenneth Versacci is a resident of Castle Rock and asked Council to double the 4th of July fireworks this year due to the cancelation of the show last year.

**TOWN MANAGER'S REPORT**

Kristin Zagurski, Assistant Town Manager presented the Town Manager Report items to Council.

***Norris Croom, Fire Chief, in response to the citizen request, will look into the possibility of increasing the Starlighting fireworks, as it is too late to increase this year's 4th of July fireworks.***

[ID 2019-055](#)

**Update: Monthly Department Reports**

**[ID 2019-056](#)      Update: Gateway Mesa Trail Addition Minor Element Naming Request**

Kristin Zagurski, Assistant Town Manager, stated a \$10,000 anonymous donation was made to assist with this project.

**[ID 2019-057](#)      Update: Quasi-Judicial Projects****[ID 2019-058](#)      Development Services Project Updates****TOWN ATTORNEY'S REPORT**

No report.

**ACCEPTANCE OF AGENDA**

Loban moved, seconded by Bower, that the Agenda be Accepted as presented by the following vote:

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

**CONSENT CALENDAR****[APPT  
2019-003](#)      Town Board and Commission Appointments****[RES 2019-054](#)      Resolution Approving the Castle Rock Business Development Incentive Program****[RES 2019-055](#)      Resolution Adopting the 2019 Town of Castle Rock Emergency Operations Plan (EOP)****[RES 2019-056](#)      Resolution Approving the Designated and Alternate Board Members for the Rueter-Hess Recreation Authority****[RES 2019-057](#)      Resolution Approving the First Amendment to the Intergovernmental Agreement (IGA) for Water Service between Dominion Water and Sanitation District, Acting in its Capacity as a Water Activity Enterprise and the Town of Castle Rock, Acting Through the Town of Castle Rock Water Enterprise****[RES 2019-058](#)      Resolution Authorizing Change Order Number Two to the Construction Contract between the Town of Castle Rock and Global Underground Corporation, and Approving an Increase in the Contract Sum and the Town-Managed Contingency for the Red Hawk Reuse Pipeline Project****[MIN 2019-008](#)      Minutes: April 16, 2019 and May 7, 2019 Town Council Meetings and May 14, 2019 Special Town Council Meeting**

Johnson 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

## QUASI JUDICIAL HEARINGS

### [ORD 2019-010](#) **Ordinance Removing the Local Landmarking Status at 302 and 304 N. Wilcox Street and Amending 15.64.060 to Remove 302 and 304 Wilcox Street from the Listing of Historic Landmarks (First Reading)**

Mayor Gray read the quasi-judicial script. No Councilmembers voiced any conflict of interest.

Lisa Anderson, Town Clerk, confirmed that the notice was published.

Bill Detweiler, Director of Development Services presented an overview of the history of the building. The building was originally two buildings built at different times. The south building was constructed in 1939 and was a creamery. The north building was constructed in 1951. In 1973 the south building was damaged and was significantly altered. In 1995 the building was landmarked and in 1997 the buildings were combined. The new owners purchased the building in 2018 and provided a sketch they proposed as an example of what could occur if the landmark status was approved. In 2016 the Historic Preservation board was approached by the property owner asking for facade improvements which was approved but was not acted on at the time. Detweiler stated one of the two conditions must be met to de-landmark a building. 1 - Does it meet landmark status or 2 - Will it have a negative impact on adjacent properties. The Historic Preservation Board voted 5-1 to de-landmark the building stating it does not have historical significance and removing the landmark status would allow the owner to improve the facade and provide a positive impact to the adjacent business, as well as remove the negative stigma from the previous business.

Councilmember Loban asked for the opinion of the descending vote on the Historic Preservation board. Detweiler stated it was because they felt there was not a negative stigma from the previous business and it should not affect the decision.

Councilmember Teal asked if state or federal approval is required. Detweiler stated this is a locally designated landmark so they have no authority. Teal asked if it has been submitted for state or federal in the past. The applicant later confirmed a state grant was previously applied for but denied.

Councilmember Johnson confirmed that there are several members still on the board from 2016 when the facade improvements were approved.

The applicants, Sarah Miles and John Egbert, currently own 314 Wilcox and purchased 302/304 Wilcox with visions to turn it into the heartbeat of downtown. They started researching what Wilcox looked like historically and the history of the previous business and the frequent police calls. They are putting in a higher end cocktail bar, but cannot do anything to change the facade to overcome the stigma unless it is de-landmarked. Their research found several aspects of why it should

not have been landmarked in the first place. 304 Wilcox was only 44 years old at the time of submission, and it is required the building must be 50 years old. They would like to bring back the historical facade of brick, natural stone and rhyolite with industrial glass reflecting the original intent of what the block looked like. During their remodeling, they found significant asbestos, there was no structural reinforcement when the buildings were combined, and the floors are different levels. The front windows were also reconfigured after the car accident making it ineligible for state or federal designation.

Councilmember Johnson stated 302 Wilcox is a particular architectural style of a certain era and many of her constituents don't want to lose the historic look of downtown. She asked if they could separate the two and would be interested in seeing what was approved in 2016.

Egbert replied that separating the two buildings would be a hardship and difficult to make two successful businesses in those spaces.

Mayor Pro Tem Bower feels the building as it is does not fit Castle Rock style.

***The following citizens addressed Council:***

Kristen Bowling representing the Downtown Merchants Association and Downtown Development Authority, presented a letter of support for de-landmarking of the properties stating it will restore the building to a more historic facade and it will have a positive impact on the other properties.

Matthew Frary has been a resident for 14 years. He is a primary employer in Castle Rock and bought the Maddie's Biergarten building a year ago which does have historical significance but is not landmarked. Frary feels we need more upscale establishments to attract employees and visitors from out of town.

Greg Boman owns 200 Perry Street, the Emporium, and supports the de-landmarking to return it to honor the original character and intent of the downtown.

***Mayor Gray closed the public hearing.***

Councilmember Loban feels it was altered, should not have been landmarked and that it is an odd looking building. He would like it to be congruent with the neighboring building and would like it to come through Council for final approval of the facade.

Councilmember Teal served as liaison to the Historic Preservation board and faced challenges to determine the difference between old and historic. Teal stated he is in favor of moving forward and approving the ordinance. Teal asked them not to clone the other buildings, but preserve the historic look.

Mayor Pro Tem Bower agrees with Loban and Teal and feels it should not have been landmarked. Speaking with his residents they were surprised that it was landmarked. He attended the Historic Preservation Board meeting. Bower stated

the approval has to go through Planning Commission and the Design Review Board so it will be held to the Castle Rock style. He has not heard any concerns for de-landmarking.

Councilmember Bracken feels the building doesn't fit with the block currently and the lack of upkeep by the prior owners requires the current owner to make the changes and do it right. Bracken would like to see that a plaque is out front to honor the historic businesses that have been there in the past.

Mayor Pro Tem Bower stated he thinks there is a plaque on the building now. The Historical Society put plaques up at the properties throughout downtown, but that does not necessarily mean they are landmarked.

Bracken is asking for an educational plaque explaining the history, and stated that the Downtown Merchants Association and Downtown Development Authority meetings had businesses attend who encourage the change with no opposition.

Councilmember Johnson stated she has a hard time losing the historic nature of 302. Even though it doesn't fit, it is unique and that is what people love about our downtown.

Mayor Gray stated the Downtown Development Authority, Downtown Merchants Association, Historic Preservation Board, downtown businesses, and residents have spoken in favor of approval, and he feels it will be a positive change.

**Bower moved, seconded by Teal, that Quasi-Judicial Ordinance No. 2019-010 be Approved on First Reading as presented. The motion passed by the following vote:**

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

**No:** 1 - Johnson

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

### **[RES 2019-059](#) Resolution Approving A Memorandum of Understanding for the Formal Creation of the Centennial Airport Community Noise Roundtable and Funding Structure for the Operation of the Roundtable**

Bill Detweiler, Director of Development Services, was asked to fund the program to allow Castle Rock to have a voting member. Without funding the Town could still attend the meetings, but not vote.

Sandy Vossler, Senior Planner, stated the voting member does not need to be a Council liaison. Vossler has been attending and voting for the past couple of years. Mayor Gray and Councilmember Townsend stated they will be attending the meetings.

Brad Pierce with the Roundtable stated they meet every month and divide into three major working committees to work on various issues. Committees meet at the beginning of the meetings and discuss legislative updates.

Councilmember Johnson asked what the benefits are for being a voting member. Vossler replied that as they move into a more structured funding mechanism, they can have input on where they want to put dollars. Castle Rock has some areas impacted by Centennial air traffic. It allows us to be at the table and part of the conversation. The Board has a platform to state and congressional representatives and input to the FAA.

Councilmember Townsend appreciates the importance of having a voting member.

Councilmember Johnson asked if any members of Council attended. Mayor Gray stated he went to the last meeting and the FAA meeting in Washington, D.C. Vossler stated Brett Ford was the Council liaison previously.

***No public comment and Mayor Gray closed the public hearing.***

Councilmember Townsend has specific concerns with his District that is the most effected and feels it is something we should participate in.

Councilmember Teal stated the cost to participate is nominal. Castle Rock has not always had consistent attendance and encourages that one of the elected members is in the voting seat.

Mayor Gray agrees that we don't get as many complaints as elsewhere in the County, but feels they will increase and feels the fees are nominal and we need to be there.

**Teal moved, seconded by Loban, that Resolution No. 2019-059 be Approved as presented. The motion passed by the following vote:**

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

[ID 2019-059](#)

**Update: Potential Property Acquisition within the Plum Creek Planned Unit Development**

Jeff Brauer, Director of Parks and Recreation provided an update to Town Council. Several Executive Sessions have been held on Tract A and Lot 4 and 5. The appraisals are included in the packet and the Town generally follows those appraisal amounts. The Town has met with the owners and has not come to an agreement. Additionally, the removal of the pool area would cost approximately \$100,000-\$200,000.

Councilmember Townsend mentioned that we are looking at remediating the pool as it is not able to be salvaged.

***Citizens that addressed the Council:***

Steve Rivoir asked if Council could provide any insight into what they envision for this space. Brauer stated they would run a public process and would be several years away before funding would be available to make improvements.

***Mayor Gray closed the public hearing.***

Mayor Pro Tem Bower hoped we could accomplish this and leave as open space until we had a plan; however the appraisal came in at \$440,000 and they are asking over \$1M. The property owner has not provided an appraisal and have not replied to the Town's last offer. Bower noted that Councilmember Teal worked extremely hard for his residents, but at this point, they have not been able to come to an agreement.

Councilmember Teal thanked Bower for his comments and acknowledges the difference in value. Teal would like to consider putting it on the ballot if an agreement can't be reached and let the citizens decide.

Councilmember Loban confirmed that the appraised price does not include the remediation costs and that we offered over the appraised value already.

Mayor Pro Tem Bower feels we are too far apart. We have done an appraisal and a lot of due diligence. Additionally, we have not heard a response from the property owner from the last offer.

Councilmember Townsend stated Council ran as being fiscally conservative and feels it is beyond that to put this on the ballot in addition to the cost to put it on the ballot. We need to be careful how we spend the Town's money.

Councilmember Loban stated the entire golf course was purchased for approximately \$2M.

Mayor Pro Tem Bower stated if the figures were closer, Council would be supportive.

Councilmember Bracken would like to hear it directly from the owner on their plans to improve the golf course, but feels Council has exhausted their efforts on this.

Councilmember Johnson feels we are too far apart and are not seeing any movement from the owners. We have done our due diligence and need to move on.

Mayor Gray agrees with the comments and stated there are currently no plans for that area so it will sit as it is for now.

Councilmember Loban stated this is a risk for a business in the Town and maybe EDC should be involved if there is a bigger question on economic development.

Councilmember Teal spoke to one of the owners last year and appreciates Council's efforts and hopes he hears back from the owners.

***No further action at this time.***

[ORD 2019-011](#)

**Ordinance Amending Title 9 of the Castle Rock Municipal Code by the Addition of a new Chapter 9.24 Entitled Sale of Kratom to Minors Prohibited (First Reading)**

Elizabeth Allen, Assistant Town Attorney, gave an overview of the recommendation to prohibit the sale of kratom to minors and the history of this item being researched and contemplated by Council. The Ordinance has support from kratom industry, Castle Rock Police and a majority of the public feedback received.

Councilmember Loban confirmed that minor means 18 years old.

Councilmember Bracken asked if the age could be changed to 21. Allen stated the age could be changed between first and second reading.

***Citizens that addressed Council:***

Dr. Bernadette Albanese with Tri County Health Department stated they feel kratom should be regulated. The FDA banned importation for human consumption and recommends banning the sale of kratom to anyone in Castle Rock.

Councilmember Johnson asked if Castle Rock has the ability to regulate the sale of kratom to anyone. Allen stated they have the ability to ban the sale of kratom in our municipality. Johnson confirmed that this ordinance is to prohibit sales to minors and anyone over 18 could purchase kratom in Castle Rock.

Councilmember Loban asked how similar FDA approval is for marijuana. Albanese stated marijuana is approved and regulated and there is no equivalent to kratom in the US. The production is outside of the United States so there is no opportunity to regulate its production, no ability to determine what is in it, and no safeguards against contamination. There have not been sufficient studies done of quality typically presented to the FDA showing it is safe and to outline any potential affects and interactions. This product has opioidic like effects. Deaths associated with it demonstrate that combined with other substances can be deadly and are unknown. It cannot enter the US labeled for human consumption so is then repackaged. Tri-County cannot license an establishment that would sell it for consumption. They are asking Castle Rock to assist them in not promoting this substance until there is sufficient information from the FDA.

Mayor Gray asked if we could stick to the question of prohibiting the sale to minors.

Mayor Pro Tem Bower stated there is not alot of evidence that there is an issue with kratom. Several residents have spoken that they use it medicinally. Bower is in favor of prohibiting the sale to 18 and under.

Councilmember Bracken watched the roundtable and at 4:47 is when he felt the doctor drove home her point and Tri County's position. Bracken is concerned that it is not regulated. Bracken feels kratom has not been looked at for a substance in all autopsies. Bracken feels taking the age to 21 takes it out of the high school social group.

Councilmember Johnson asked Police Chief Cauley if we have any incidents related to kratom in Castle Rock. Cauley stated not that has been documented that he is aware of. Allen stated that Castle Rock Police presented at the roundtable that it hasn't been on their radar and that one explorer admitted to

vaping with marijuana and kratom.

Councilmember Johnson stated she takes vitamins and supplements that are not FDA regulated and approved and asked how is kratom distinguishable. Allen stated that kratom is unregulated as well as many other supplements. What is distinguishable is how they are categorized and applied, but kratom is banned by the FDA for human consumption therefore they cannot have any dosage or anything associated that would lead to human consumption.

Councilmember Bracken asked if we don't vote on it, what happens. Allen stated kratom has been sold at a store for about 7 years and it is nationally sold where permissible at Circle K's across the nation. That status quo would then remain the same. Allen stated that studies are currently ongoing.

Councilmember Loban asked how the Town deals with other illegal drugs. Allen stated those are federally scheduled so we would enforce those, but kratom is not currently on any of the schedules.

Mayor Pro Tem Bower stated we have not had residents come asking us to regulate this. We also had the roundtable and no one there was asking to regulate it. He feels the community thinks it is a non-issue but would support regulating it for 18 and younger.

***Mayor Gray closed the public hearing.***

Councilmember Townsend stated we may not have citizens coming to us, but we have had Tri County Health speak feeling there is a danger. He feels we are taking a proactive approach to get ahead of this issue.

Mayor Pro Tem Bower stated we have had someone selling it in the community for 7 years, it has been in the media, and feels we don't have an issue.

Councilmember Loban has residents that don't want it in his district and has had conversations with parents that don't want it in the schools.

Mayor Pro Tem Bower feels we should allow people to be able to treat their bodies the way they choose.

Councilmember Bracken stated everyone he talked to had to be educated on it and felt it was important to do something about it. He wants to raise the age to 21.

Councilmember Townsend received comments from citizens in support of kratom but all of them were over 21.

Mayor Pro Tem Bower has no issue with making it 18 and up. He said this is used for those addicted to opioids and should be available to those that need it.

Councilmember Teal agrees with the ordinance as proposed. He does not feel banning the sale under 18 is condoning it. He feels it should remain at age 18 and wait for scientific information to address it further.

Councilmember Loban has a concern that it comes in packaged not for consumption and then repackaged for consumption. Loban feels the age should be 21 at the minimum.

Councilmember Bracken questions why they haven't passed it through the FDA and that we allow a non-FDA approved product to be sold in the Town. Bracken asked what the restriction of 18 vs. 21 would mean and if there would be blowback on Council if they approve the prohibition and someone is determined to die from kratom. Bob Slentz stated that there would be no legal liability.

Loban asked when an amendment could be made. Slentz stated if there is an amendment it should be voted on tonight after a motion to approve the ordinance, and then if the amendment was approved, to vote on the ordinance as amended.

Mayor Gray stated if you are 18 you are an adult.

Councilmember Teal stated discussion should occur after the motion and then an amendment motion can be made to be voted on.

Mayor Gray stated that at 2nd reading, an amendment can be offered after the initial motion for approval during discussion.

**Bower moved, seconded by Townsend, that Ordinance No. 2019-011 be Approved on First Reading as presented. The motion passed by the following vote:**

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

#### [DIR 2019-014](#)

#### **Discussion/Direction: Animal Code re: Ducks, Miniature Goats and Miniature Pot-Bellied Pigs**

Heidi Hugdahl, Deputy Town Attorney, presented a possible amendment to our Code regarding ducks, miniature goats and miniature pigs. They have done some community outreach through several avenues. In 2017-2018 respondents were in favor but in 2019 the majority were against it. Hugdahl stated HOA's would still supersede any allowance under the Code. Staff feels ducks could be folded into the Code with chickens but would lean away from miniature goats and pigs. However, if desired, they could craft language that would address some of the areas of concern as in limits, registration and vaccinations, spaying, height and weight limits, responsibility for any damage caused, and leash requirements when off the owner's property.

Councilmember Loban is open to allowing all of those animals. Hugdahl stated they would need to address budgetary issues with enforcement as well as containment if they get out.

Councilmember Townsend addressed the burden on the Animal Control officers enforcing all the additional regulations.

Mayor Gray received emails mostly from people in HOAs where this would not apply. Hugdahl stated the HOA would supersede the Code and this would require education so citizens understand that it would also have to be allowed in their HOA.

Hugdahl stated Council could consider allowing this only in certain areas or certain zones.

Councilmember Teal stated he would like to see our regulations be concurrent with Denver and Colorado Springs.

***No public comment and Mayor Gray closed the public hearing.***

Mayor Pro Tem Bower stated his neighbor is asking for a goat and is asking for this to come before Council.

Councilmember Teal agrees with Bower.

Councilmember Loban is in favor.

Councilmember Johnson would like to add direction to approve it in certain zone districts.

Mayor Gray would like it to include verbiage regarding HOAs.

Mayor Pro Tem Bower feels we should have limits and look at what other municipalities have done. There are citizens that want to be urban farmers and it would make him smile to see someone walking their pig or goat on a leash.

Councilmember Townsend asked if we are directing staff to do all of them or just certain animals.

Mayor Pro Tem Bower feels the ducks are the most ruthless. He feels if the goats cause damage their homeowner insurance would cover it.

Councilmember Loban has had requests for pigs, and approval would provide support for approval with the HOAs.

Councilmember Teal encourages Council for each animal to have its own Code. Teal said his HOA is silent to the animal code.

***Council directed staff to bring back three separate ordinances for each animal.***

[ORD 2019-012](#) **Ordinance Repealing and Reenacting Chapters 15.04, 15.06, 15.08, 15.10, 15.12, 15.14, 15.16, 15.18, 15.24, 15.26 And 15.28 of the Castle Rock Municipal Code; Adopting by Reference as Primary Codes the 2018 Editions of the International Building Code, International Residential Code for One- and Two-Family Dwellings, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, International Fuel Gas Code, International Fire Code , International Existing Building Code, International Swimming Pool and Spa Code, ANSI A117.1-2009, ASME A17.1-2013, ASME A18.1-2011, ASME A17.3-2005, ASCE 21 Parts 1-4, with**

**Amendments; Adopting by Reference as a Primary Code the 2017 Edition of the National Electrical Code, with Amendments; Providing Penalties for Violations Thereof; Repealing Chapter 15.20; And Making Minor Editorial Amendments to Chapters 15.22 and 15.30 (First Reading)**

Bill Detweiler, Director of Development Services and Joseph Montoya, Chief Building Official gave an overview of this item. The International Code Council writes the code and it is done in a public process. They stay abreast of these updates and look to see if it is necessary, has supporting data, and is uniform, feasible, practical, consistent, and clear. Key issues in the changes were unprotected floors in non-sprinkled homes and homes and energy code.

Councilmember Bracken stated an email came to him from a citizen about their remodeling business regarding the new fire regulation. Montoya spoke with the citizen and his concern was that the additional cost of unprotected floors in basements would impact his basement finishes that he has already bid and that he may lose business. Montoya conveyed that production builders and basement finishes would be allowed to continue fulfilling the current bids until January.

Detweiler stated that this means that drywall would need to be put up in basement ceilings.

Councilmember Bracken confirmed with Montoya that we would not allow partially sprinkled houses, although they do not require sprinkling.

Councilmember Johnson asked if the fire department knows what they are getting into, for instance her home does not have protected floors in her basement.

Montoya stating existing buildings would not be affected unless they pulled a permit for any basement finishing. There would be no requirement that homeowners protect their existing floors.

Townsend stepped out of the meeting at 9:25 pm prior to the vote.

***No public comment. Mayor Gray closed the public hearing.***

**Loban moved, seconded by Johnson, that Ordinance No. 2019-012 be Approved on First Reading as presented. The motion passed by the following vote:**

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

**Not Present:** 1 - Townsend

**[RES 2019-060](#) Resolution Approving the Second Amendment to Plum Creek Water Purification Facility (PCWPF) Advanced Treatment Project Construction Agreement with Garney Companies, Inc. for Work Package Two and Establishing the Final GMP**

Mark Marlowe, Director of Castle Rock Water, presented the item. The overall project is still underbudget. The Castle Rock Water Commission recommended approval.

Teal moved, seconded by Loban to extend the meeting from 9:30 pm to 10 pm.  
Unanimous approval.

***No public comment. Mayor Gray closed the public hearing.***

Bower moved, seconded by Bracken, that Resolution No. 2019-060 be Approved as presented. The motion passed by the following vote:

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

**Not Present:** 1 - Townsend

**RES 2019-061 Resolution Approving a Construction Contract with RN Civil Construction, LLC for the Plum Creek Diversion Pump Station Project [located west of Sedalia, Colorado]**

Councilmember Townsend returned at 9:27 pm at the beginning of this item.

Mark Marlowe, Director of Castle Rock Water, presented Resolution 2019-061 and Resolution 2019-062 together. The pump station will move water up to the reservoir and will allow us to bring water back to the pump station to take back to the treatment plant. All five bids exceeded the estimate, however, the lowest bidder was well below the other four bids. Staff and the Water Commission recommends approval.

Councilmember Johnson asked if the photo was of the diversion asset purchased in Sedalia. Marlowe confirmed it was.

***No public comment and Mayor Gray closed the public hearing.***

Johnson moved, seconded by Bower that Resolution No. 2019-061 be Approved as presented. The motion passed by the following vote:

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

**RES 2019-062 Resolution Approving the Town of Castle Rock Services Agreement with Dewberry Engineers, Inc. for Construction Phase Engineering Services for the Plum Creek Diversion Pump Station Project [located west of Sedalia, CO]**

Mark Marlowe, Director of Castle Rock Water, presented the item.

***No public comment and Mayor Gray closed the public hearing.***

Bracken moved, seconded by Johnson that Resolution No. 2019-062 be Approved as presented. The motion passed by the following vote:

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

**ORD 2019-013 Ordinance Repealing and Reenacting Chapters 15.34 and 15.36 of the Castle Rock Municipal Code; Adopting by Reference as Primary Codes the Temporary Erosion and Sediment Control Manual and the**

**Storm Drainage Design and Technical Criteria Manual; Providing Penalties for Violations thereof; and Amending Chapter 4.03 Concerning Illicit Discharge and Connection (First Reading)**

Mark Marlowe, Director Castle Rock Water, stated these changes are to be consistent with state requirements and summarized changes to these manuals.

***No public comment. Mayor Gray closed the public hearing.***

Townsend moved, seconded by Johnson to to approve Ordinance No. 2019-013 on First Reading as presented. The motion passed by the following vote:

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

**ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

None.

**ADJOURN**

Mayor Gray adjourned the meeting at 9:40 pm.

Submitted by:

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Lisa Anderson, Town Clerk