



## **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, February 5, 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 - Pastor Chris Matthis, Epiphany Lutheran Church**

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

Mayor Gray called the meeting to order at 6pm. The system was down at the beginning of the meeting, so it did not begin recording until the Town Manager's Report.

### **PLEDGE OF ALLEGIANCE**

Boy Scouts from Troop 261 led the Pledge of Allegiance.

### **COUNCIL COMMENTS**

Councilmember Bracken reminded everyone about the Daddy Daughter Ball being held at the Event Center on February 9 from 6:30pm-8:30pm. Councilmember Johnson reminded citizens of the Castle Rock Water Reuse Open House on February 23 at the Plum Creek Water Purification Facility from 10am-2pm.

### **UNSCHEDULED PUBLIC APPEARANCES**

None.

### **TOWN MANAGER'S REPORT**

David Corliss, Town Manager, reminded Council of the changes to the upcoming Council meeting schedule. Corliss also noted that the 2019 Budget has been distributed to Councilmembers.

[ID 2019-014](#)

#### **Presentation: American Public Works Association (Colorado Section) Award: Public Outreach - Medium City**

Dave Bennetts, CO APWA Board member, presented the Public Outreach - Medium City and WISE Water awards to the Public Works and Castle Rock Water departments.

[ID 2019-015](#)

#### **Update: Residential Unit Data (through December 31, 2018)**

[ID 2019-016](#)

#### **Development Services Project Updates**

[ID 2019-017](#)      **Update: Quasi-Judicial Projects**

## **TOWN ATTORNEY'S REPORT**

Bob Slentz, Town Attorney, updated Council that there will be a Kratom roundtable on February 22 from 9am to 3pm to solicit input from the trade association and various stakeholders. It will be live streamed on TV, and they anticipate reporting to Council in May.

## **ACCEPTANCE OF AGENDA**

Townsend moved, seconded by Bower, that the Agenda be Accepted as presented.  
The motion passed by the following vote:

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

## **CONSENT CALENDAR**

[ORD 2019-001](#)      **Ordinance Amending Section 2.17.010 of the Castle Rock Municipal Code Authorizing the Castle Rock Municipal Judge or Alternate Municipal Judge to Serve as Interim Hearing Officer for the Liquor Licensing Authority (Second Reading - Approved on First Reading on January 22, 2019 by a vote of 7-0)**

[RES 2019-006](#)      **Resolution Approving the Water Rights Lease between Town of Castle Rock and Turnpike LLC**

[RES 2019-007](#)      **Resolution Approving the Water Rights Lease between Town of Castle Rock and H&H Farms**

[RES 2019-008](#)      **Resolution Approving the First Amendment to Water Rights Brokerage Agreement with Stillwater Resources & Investments, Inc.**

[RES 2019-009](#)      **Resolution Authorizing the Acquisition of Two International Dump Trucks with Plow Equipment from McCandless Truck Center LLC**

[RES 2019-010](#)      **Resolution Approving the First Amendment to Town of Castle Rock Services Agreement Between the Town of Castle Rock and HB&A LLC for the Design of the Parks and Facility Operations and Maintenance Center (Central Service Center) *[additional funds in the amount of \$19,735]***

[MIN 2019-003](#)      **Minutes: January 22, 2019 Town Council Meeting**

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

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

## **QUASI JUDICIAL HEARINGS**

**[RES 2019-011](#) Resolution Approving the Use By Special Review/Site Development  
Plan Planning Areas 47, 51 and 52 of the Terrain PD (Upper  
Sunstone Village USR-SDP18-0032) *[located south of State Highway 86,  
north of Enderud Boulevard and east of N. Ridge Road]***

Mayor Gray read the Quasi-judicial script and asked if any Councilmember had a conflict of interest. Councilmember Caryn Johnson disclosed that she attended the Planning Commission meeting and asked a question regarding traffic studies.

Tara Vargish, Assistant Development Services Director, introduced Donna Ferguson who presented the item.

The applicant gave a presentation on the project. The property was zoned for 775 units and they are proposing densities well below that at 261 units.

Councilmember Johnson had some questions on the traffic study. Bob Goebel, Director of Public Works, stated they are working with CDOT on the intersection where they will be placing a large roundabout which will help the level of service. Johnson asked if the study is taking into account the current roads or CIP projects. Goebel stated they take both into account. Johnson asked what is meant by the 50% confidence level referenced in the traffic study. Goebel stated it a professional statistical forecast. All traffic studies are created by professional traffic engineers and reviewed by staff professional traffic engineers.

Citizens that addressed Town Council:

Mary Wilson, resident, stated she lives in the area and there is difficulty crossing those areas especially around school time. She has concern where children moving into these areas will go to school as the elementary school is at capacity. The applicant responded that they have a school site that they will be dedicating and is aware of another school site in Cobblestone.

Councilmember Johnson inquired about the unsignalized intersection and asked if a signal would be added to the roundabout. Goebel stated they would not add a signal to a roundabout which is designed to handle the capacity. The design allows an additional lane that can be added if needed.

**Townsend moved, seconded by Bower, that Quasi-Judicial Resolution No. 2019-011 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

**ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS****RES 2019-012 Resolution Approving a Second Amendment to Ranch and Home Supply LLC Economic Assistance Agreement (Murdoch's)**

David Corliss, Town Manager, presented the item. The agreement is for up to \$300,000 in retail sales tax over four years. They are requesting to move the opening date to May 31, 2019. Corliss addressed concerns with the landlord and stated that the agreement has nothing to do with the landlord as the agreement is with Murdoch's.

Citizens that addressed Council:

Mary Wilson, resident, relayed information she had about the legal challenges the landlord currently has and another property he owns has experienced delays for businesses opening at that location. Wilson had heard that the current site has some mold issues and wants to ensure it is addressed. Wilson also noted that there are no signs to inform citizens that Murdoch's is coming.

Corliss stated that they would be required to take care of any issues on the site. Murdoch's has a strong incentive to open and the marketing for their store coming is something they will address.

Mayor Pro Tem Bower stated he initially voted against this agreement, but does not see a reason to hold it up.

Councilmember Townsend stated Town staff has addressed concerns.

Mayor Gray stated the smaller retailers in that center have struggled and this will improve their situation.

**Townsend moved, seconded by Bracken, that Resolution No. 2019-012 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

**RES 2019-015 Resolution Approving an Economic Assistance Agreement with Dorsey Pictures LLC**

Frank Gray, CEO of the Economic Development Council and Marcus Notheisen, Vice President, presented this item. This is a significant primary employer with 100+ jobs in Castle Rock. They initially wanted to go into the Riverwalk building, but now will be going into the Castleton area.

Notheisen said they are a full service television production company. They have 11 programs in production right now. The job creation incentive is \$2,000-\$3,000 per job paid out over 2 years not to exceed \$330,000. They have agreed to produce four 3-5 minute professional videos for the Town.

Mayor Pro Tem Bower asked to clarify that all 98 employees are relocating to

Castle Rock. Johnson asked if they will be living in Castle Rock. Nothiesen stated that the company is relocating here and they anticipate that a percentage of them will live in Castle Rock.

Councilmember Bracken asked what their next project is. The applicant stated they will be doing an IMAX film.

Councilmember Townsend feels this is a great get for our Town. Mayor Pro Tem Bower agreed.

Mayor Gray thanked Town staff and the applicant.

Councilmember Bracken feels the project benefits the Town.

No public comment.

**Johnson moved, seconded by Townsend, that Resolution No. 2019-015 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

**RES 2019-013 Resolution Approving the Town of Castle Rock Construction Contract with Mark Young Construction, Inc. for the Construction of the Public Works Service Center Expansion Project [4175 N. Castleton Court]**

Bob Goebel, Director of Public Works, presented the item anticipating completion for the first quarter of 2020.

Councilmember Johnson disclosed that she attended the Public Works Commission meeting where this was presented.

No public comment.

**Bower moved, seconded by Townsend, that Resolution No. 2019-013 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

**ORD 2019-002 Ordinance Approving a Governmental Lease-purchase Agreement Between the Town of Castle Rock and Wells Fargo Financial Leasing, Inc. for Golf Course Equipment; And Providing for Its Emergency Adoption on Second and Final Reading (Second Reading - First Reading Approved January 22, 2019 by a vote of 7-0)**

Jeff Brauer, Director of Parks and Recreation, provided an overview of this item that was approved on first reading unanimously. They are requesting emergency adoption on second reading in order to fix the interest rate.

No public comment.

A Roll Call Vote was taken for emergency adoption.

**Bower moved, seconded by Townsend, that Ordinance No. 2019-002 be Approved for emergency adoption on second reading. The motion passed by the following vote:**

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

**ORD 2019-003 Ordinance Approving the Intergovernmental Agreement for the Option to Purchase and First Right of Refusal Regarding Groundwater Rights, Easements and Related Improvements (Second Reading - Approved on First Reading on January 22, 2019 by a vote of 6-1) [The sale of Town water rights that the Town cannot use at Cherokee Ranch to Dominion Water and Sanitation District.]**

Mark Marlowe, Director of Castle Rock Water, presented the item. This was part of the overall purchase of the water rights from United. They made an agreement with Dominion at the time to allow them to purchase these rights after our acquisition. In exchange, they agreed not to bid on the overall project. They anticipate a closing in late May or early June.

Mayor Gray relayed Councilmember Loban's concern on first reading. Marlowe stated these water rights are a distance from our system and would be costly, the Town's focus is now on renewable water, and this is in good faith based on the agreement we had with Dominion. United was an all or nothing deal so we had to buy all of their assets in Douglas County including the ground water rights which we would not have purchased. Bracken asked what the price was. Marlowe stated the overall purchase price was \$22.5M.

No public comment.

**Bower moved, seconded by Townsend, that Ordinance No. 2019-003 be Approved as presented on emergency on Second Reading. The motion passed by the following Roll Call vote:**

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

**RES 2019-014 Resolution Approving a Construction Contract with Premier Earthworks & Infrastructure, Inc. for the Crowfoot Valley Road Stormwater Detention Pond Improvement Project [located at the northeast corner of Crowfoot Valley Road and Founders Parkway]**

Bob Goebel, Director of Public Works, presented the item. This is a stormwater detention pond improvement at Crowfoot and Founders prior to the intersection improvement later this year. They plan to start the project in late February with an estimated 60 day duration with estimated cost of \$310,730.

Councilmember Johnson stated that she was concerned about the disruption of moving people through that intersection. Goebel stated the work on the pond will not involve any detours on the road. The HOA owns the pond and will maintain the pond once we make the improvements. The water will eventually make its way down to the creek.

Councilmember Townsend wanted to ensure there was outreach to the homes in the area. Goebel stated the work will be during the day and the neighbors are in favor of this project.

No public comment.

**Johnson moved, seconded by Bower, that Resolution No. 2019-014 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Townsend, Bower, Gray, Bracken, Johnson

**Not Present:** 2 - Loban, Teal

#### **ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

None.

#### **ADJOURN**

Mayor Gray adjourned the meeting at 7:41 pm.

Submitted by:

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Lisa Anderson, Town Clerk