



Town Council Meeting Minutes - Draft

Mayor Jason Gray
Mayor Pro Tem Kevin Bracken
Councilmember Ryan Hollingshead
Councilmember Laura Cavey
Councilmember Desiree LaFleur
Councilmember Caryn Johnson
Councilmember Tim Dietz

Tuesday, December 7, 2021

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 146 246 3195
www.CRgov.com/CouncilMeeting**

This meeting is open to the public and will be held in a virtual format in accordance with the Town Council Electronic Participation, Connected, and Hybrid Meeting Policy. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred. This meeting will be hosted online and can be accessed at www.CRgov.com/CouncilMeeting, or phone in by calling 720-650-7664, meeting code 146 246 3195 (if prompted for a password enter "Dec7Council"). All Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

All times indicated on the agenda are approximate. Remote participants please visit www.CRgov.com/CouncilComments to sign up to speak to an item, and for related instructions. Public Comments may also be submitted in writing online by 1:00 p.m. on December 7, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Matt Crowe, Ridgeline Community Church

CALL TO ORDER / ROLL CALL

Present: 7 - Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Johnson, Councilmember Dietz, Mayor Pro Tem Bracken, Mayor Gray

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Hollingshead commented on how beautiful the Town looks and thanked the Town staff for their work putting up the lights. Hollingshead also thanked the Chamber for putting on a great Starlighting event.

Councilmember LaFleur paid tribute to JR Pinon, a compassionate man who helped families in need, supported local pastors, and supplied them with resources to help those going through grief and loss. He demonstrated selfless and sacrificial service, supported Police and Fire, and hosted an annual BBQ free to all first responders. He made Challenge coins for Fire and Police, and was committed to keeping Castle Rock a great place to live. JR graduated in 2016 and was co-chair in 2018 for Leadership Douglas County and on the Douglas County Veterans Monument foundation. He made Castle Rock a better place for all.

LaFleur also noted that the Historical Society is holding events in the community and to visit www.castlerockmuseum.org.

Councilmember Johnson commented on the November 16 Council meeting when four Councilmembers removed a board member and Johnson felt the public process wasn't circumvented by the individual. She met with the Town Manager and followed his advice to send her comments to the applicant before the neighborhood meeting. This is a common practice and she did not violate the public process. Johnson was also concerned that Councilmembers perceived that there is an issue if board and commission members are in relationships with members on other boards or commissions. This occurs and has never been brought up as an issue or a reason to deny residents to serve our community. Johnson feels we should be thankful to have interested residents. If Council wishes to continue on this vein, there are board members that are married and serving our community. Voting publicly for having them removed is not how it should be resolved, even if Town Council is allowed to with our without cause; and should only occur when all other alternatives are used. She was not provided any alternatives. She wanted to be engaged in our community. Johnson hopes to never see this happen to another boards and commissions member.

Councilmember Dietz also agrees with the concern of removing a board member and publicly dragging this person through the mud. There was another board member than never even received a reprimand. We should not give up our power to an unelected board.

Mayor Pro Tem Bracken stated that the vote has been made.

Mayor Gray stated it is a day of remembrance of 1941 December 7 and it was a tragedy. We persevered and democracy came out on top. We came together as a country. Gray reminded us to be compassionate towards each other. There are a lot of people in pain this time of year and aren't able to reach out. Douglas County Youth Initiative, Housing Partnership, Senior Center, Catholic Charities, Help and Hope, DRCOG, Chamber, Police, DoCR are all here to help. Don't be afraid to reach out if you are in financial or emotional pain. This community is here to help you.

[PROC](#)
[2021-012](#)

**Proclamation Recognizing the Painting Positivity Campaign [For
Presentation - Approved on November 16, 2021, by a vote 7-0]**

Councilmember Johnson read the Proclamation into the record. Several representatives were in attendance to receive the proclamation and take a photo.

[APPT](#)
[2021-009](#)

Appointments: Design Review Board

Mayor Gray noted that the Town Council Liaisons are Cavey, LaFluer and Bracken.

**Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, tp
Appoint Chris Leever to fill a partial term ending May 31, 2023 to the Historic
Preservation Board. The motion passed by the following vote:**

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

Councilmember Cavey stated she is not a fan of the Design Review Board because she doesn't believe in giving away elected official power. She noted that the Design Review Board is just doing what the ordinance states they should do, and it is nothing against the people on the board.

Councilmember Dietz, feels same way. It is not personal, but feels it is giving away our fiduciary responsibility.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to Appoint Robert Lange as the new Historic Preservation Board Representative to the Design Review Board, for a partial term ending May 31, 2022. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

John Berry, resident, has two questions. Why is the main street in Castle Rock called Wilcox Street vs. Main Street, and has there ever been a Main Street in Castle Rock. He is a member of the Historic Society and making a presentation January 11 at 7pm at the Library to answer those questions. He invited everyone to learn about the history of the Town.

Councilmember Hollingshead was nervous this was a quiz, and said he will be there.

Frank Gray, CEO of the Economic Development Council, reminded Council what they did at the beginning of the pandemic with the KIVA loan program that assisted 16 businesses with 0% interest. Gray had stated when the loans were paid back, they would like to give it to Police and Fire and the community foundation at the hospital for front line folks. Gray came with a \$25,000 check previously, and they now have another check to the Town for a portion of the money that has been paid back.

Mayor Pro Tem Bracken thanked Frank Gray for his support in writing that check back. Those on Council at the time had a difficult time on deciding what to do, how we respond, and how we spend dollars. Offering the 0% loans helped several businesses. Some thought the Town would benefit from shutting down businesses, but that was not true. We offered dollars associated with a program for 0% loans, and Castle Rock will submit their dollars for that. The EDC is making good on their promise that the money we gave is getting paid back. It was very impactful for our community. We were the only municipality on the front range to implement this program and then others followed us.

Mayor Gray was part of the KIVA program and paid back that loan. It saved his business and many other businesses in the Town.

(Online caller) read some Bible passages. He prayed for Council and thanked staff to support these meetings.

TOWN MANAGER'S REPORT

[ID 2021-128](#)**Update: Calendar Reminders**

David Corliss, Town Manager, reminded Council about a number of open houses for upcoming projects, Council meetings, Town holidays, and some of the community celebrations going on this month.

[ID 2021-129](#)**Development Services Project Updates**[ID 2021-130](#)**Update: Quasi-Judicial Projects**

Councilmember Johnson wanted to ensure that the January 20 Open House for Villa at Founders would be a hybrid meeting. David Corliss, Town Manager, confirmed with Council that they choose hybrid meetings for open houses with higher interest.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Johnson, to Accept the Agenda as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

CONSENT CALENDAR[RES 2021-105](#)

Resolution Approving an Amendment to the Intergovernmental Agreement Between the Town of Castle Rock and Crowfoot Valley Ranch Metropolitan District Nos. 1 and 2 Regarding the Monitoring and Enforcement of Town Conservation Regulations *[South of Crowfoot Valley Road and east of Founders Parkway]*

[RES 2021-106](#)

Resolution Approving a Variance Pursuant to Section 9.16.070.E of the Castle Rock Municipal Code for the Village North Drainage and Infrastructure Improvements Project *[Intersection of Park and Malibu Street]*

[MIN 2021-021](#)

Minutes: November 16, 2021, Town Council Meeting

Moved by Councilmember Johnson, seconded by Mayor Pro Tem Bracken to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script. No Councilmembers voiced any conflict of interest. Lisa Anderson, Town Clerk, confirmed the item was properly published.

RES 2021-107 Resolution Finding that Certain Property, Which is the Subject of a Petition for Annexation Submitted by 455 Alexander, LLC, and Tierra Investors, LLC, is Eligible for Annexation Under Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 31-12-105, C.R.S. (Alexander Way Annexation)

Tara Vargish, Development Services Director, provided an overview of the item that consists of just under 74 acres on north end of Town, north of the Home Depot area. To the west is Silver Heights residential and unincorporated property to the north. To the South is commercial land in the Town, Alexander Place senior living, and below Diamond Ridge. The first step was substantial compliance to determine if the petition is accurate and complete. The Eligibility hearing determines if the property can be annexed according to the Colorado State Statutes. The third step will be annexation and zoning; and Town Council will determine if the property should be annexed.

Eligibility requirements are 50% of landowners must sign the petition, the boundary is 1/6th contiguous with the Town boundary, it is capable of being integrated with the Town, a community of interest exists, it is not part of any other corporate jurisdiction, and it does not extend boundaries more than 3 miles. This property is in the Douglas County School District and no election is required.

Staff reviewed this and determined it meets eligibility requirements and recommends approval.

Councilmember Cavey asked what they want to do with the land. Vargish stated there is an active zoning application for mostly large lot single family homes and a small live/work unit.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, that Quasi-Judicial Resolution 2021-107 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

ORD 2021-030 Ordinance Approving the Third Amendment to the Town of Castle Rock 2021 Budget by Making Supplemental Appropriations for Fiscal Year 2021, and Providing for the Emergency Adoption of this Ordinance on Second and Final Reading (Second Reading - Approved on First Reading on November 16, 2021, by a vote 7-0)

Trish Muller, Director of Finance, provided an overview of the Third Amendment to the 2021 Budget regarding strategic priorities of water, transportation, and public safety. Crystal Valley and Plum Creek Intersection, purchase of a utility terrain vehicle for public works for inspections, special event revenue within Miller Trust to increase expenditures, golf maintenance equipment, Police department parking lot, Walker Reservoir Project, Employee medical and prescription claims and

employee wellness program. Any remaining will go back into the fund balance.

Mike Hyman, Town Attorney, explained the emergency ordinance. Normally ordinances take effect 30 days after adoption. If adopted on emergency, it is effective immediately for public health and safety. They all have to do with meeting the deadlines before the end of the year. The 2022 budget and the mill levy are tied together. You need a budget to levy a property tax. It must be certified to the County by December 15 so we want to make sure they are both in effect so we can make that certification. Water, Wastewater, Stormwater Fees and Rates need to make budgetary requirements so they are in effect by January 1st. The same applies to the DDA Mill Levy to meet the December 15 certification deadline.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, that Ordinance 2021-030 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

2022 Budget Items

[ORD 2021-024](#) **Ordinance Adopting the 2022 Budget for the Town of Castle Rock, Colorado and Providing for the Emergency Adoption of this Ordinance on Second and Final Reading (Second Reading - Approved on First Reading on September 21, 2021, by a vote 7-0)**

Mayor Gray announced that Ordinance 2021-024, Ordinance 2021-027, Ordinance 2021-026, Resolution 2021-108, and Resolution 2021-109 will be presented together but voted on separately.

David Corliss, Town Manager, provided an overview of the 2022 Budget to take into account the ballot issues that passed.

Councilmember Cavey asked if we could put some of that money towards building a new fire station. Corliss stated they could and we know we will need three more at build out. One near Castle Oaks will begin design next year. \$8M is what South Metro just built one for and Crystal Valley station was \$6M to build. Staffing them costs about \$2M per year. They sell reliability and quick response and need to be able to do it 24/7/365. Cavey reminded the citizens how critical it is to have a safe community, and it costs money to build and staff new fire stations.

Councilmember Dietz commended staff and appreciates them taking care of the police department.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember LaFleur, that Ordinance 2021-024 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[ORD 2021-027](#) **Ordinance Amending Titles 3, 4 and 13 of the Castle Rock Municipal Code by Changing Stormwater Development Impact Fees, Water Resources System Development Fees, Water System Development Fees, Wastewater System Development Fees, Water Resources, Stormwater and Wastewater Rates, Meter Set Fees; Making Certain Editorial Updates to Such Titles; and Providing for the Emergency Adoption of this Ordinance on Second and Final Reading (Second Reading - Approved on First Reading on September 21, 2021, by a vote 7-0) [Entire Town of Castle Rock and extraterritorial service areas]**

Mark Marlowe, Director of Castle Rock Water, stated water funds are enterprise funds and they have to operate like a business where revenues cover expenses. They do an annual rates and fees study every year. Existing customers rates and fees will remain the same, and a small increase in water resources fund for water rights and long-term water of about 78 cents per month. The wastewater fund is a 5% decrease because they retired a significant amount of debt. Stormwater is requesting a 2.5% increase that is about 18 cents on a typical bill. They anticipate a 2% growth in revenue. The current financial 5 year plan assumes no debt issued. They may need to issue debt in the future in 5-10 years, and next year they are likely to bring a debt issuance of \$30M to get ahead of potential issues they anticipate in late 2020's without having to take on more debt later. The typical residential customer will see a decrease in their bill unless they do a lot of irrigation. They look at their competition and we are generally lower. In first reading, the long term rates and fees model indicated we should be looking to charge for system development fees. System development fees were moved up to the model number and will generate \$7-\$11M a year and decrease the amount of debt we issue in the long-run. This will get us closer to what Parker charges. Staffing increases are looking at 3 in 2022, 5 in 2023, 3 in 2024, 2 in 2025, and 1 in 2026.

No public comment.

Mayor Pro Tem Bracken feels if there is projected inflation potential, it is best to stay ahead of the market. Marlowe recommends if we wait until 2026 to get our rates up to those numbers, we forego significant capital dollars to get water rights and we don't know what they are going to cost at that time. Sooner is better than later. Bracken feels we had the money to strategically purchase some of those wells, but what we bid on them missed based on the consultant's recommendation.

Councilmember Johnson thanked staff for taking another look at the system development fees and looking at our long term projects. Marlowe stated they took this to the Water Commission and they recommend approval.

Councilmember Dietz thinks staff is doing great work and they did things the right way. Castle Rock was not the one that set the higher rates and feels Marlowe is highly proficient in that area. Bracken agrees with the increase and looking to the market future, and is supportive of approval. We want to make sure our residents have water and have it at a reasonable price.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Ordinance 2021-027 be Approved on Second Reading as presented. The motion

passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

ORD 2021-026 Ordinance Levying General Property Taxes for the Year 2021, for 2022 Collection, for the Town of Castle Rock, Colorado and Providing for the Emergency Adoption of this Ordinance on Second and Final Reading (Second Reading - Approved on First Reading on September 21, 2021, by a vote 7-0)

David Corliss, Town Manager, presented the second reading for the property tax mill levy. Every year, entities must adopt their mill levy. The history of the mill levy is that our property tax revenue must be limited in growth to 5.5%. If you are a home rule municipality you are limited to 5.5% and that was included in our Town Charter. Our mills will be 1.139 mills which is a reduction from 1.196 mills. It is a modest amount, but it is a reduction. It will generate \$1.482M to the Town which is about a \$78,000 increase. We have to approve it under emergency adoption to certify to the County by December 15.

No public comment.

Councilmember Johnson appreciated staff entertaining a question she had about the 5.5% limitation and indulging her in finding out the difference if we had not had to lower our mill levy. She appreciates staff's work.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Ordinance 2021-026 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

RES 2021-108 Resolution Approving the 2022-2026 Five-Year Capital Improvement Program for the Town of Castle Rock

David Corliss, Town Manager, stated that by Town law we are required to provide a 5 year plan. It does not obligate us but provides a strategic plan.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, that Resolution 2021-108 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

RES 2021-109 Resolution Approving the 2022-2026 Balanced Financial Plan for the Town of Castle Rock

David Corliss, Town Manager, presented the five year. We budget for one year and we plan for five years. We are significantly constrained by our general fund. We will have to come back to see if we can add more in police and fire. This will change over time, but it is a helpful tool and forces us to think about commitments we have over those five years.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Resolution 2021-109 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

2022 Service Contracts and Related Items

[ID 2021-131](#)

Presentation: 2022 Service Contract Funding Requests

David Corliss, Town Manager, gave a brief overview of the service contracts. The individual entities will give their presentations for their funding requests.

The Economic Development Fund is a Town fund that receives all of the commercial use tax (sales tax on construction materials). It is also used for incentive agreements for primary employers and the incentive agreement for the ACC Campus.

An in-kind memo was provided to staff for Chamber and Downtown Merchants Association events.

[DIR 2021-027](#)

Discussion/Direction: Service Contract Between the Town of Castle Rock and the Castle Rock Chamber of Commerce

Pam Ridler, CEO of the Chamber of Commerce attended with Kevin McHugh from KAL Residential Flooring, local businessman and Chair for the Chamber Board. They increased their request which hasn't increased in 10 years. The absorb about \$33,000 of the costs and are asking for an 11% increase for \$11,095. The Chamber helps businesses with challenges they face, over 500 businesses and their employees, and a long history of 66 years championing local initiatives.

Ridler stated they focus on being a catalyst for businesses. The talent pipeline is all about jobs. They leverage connections. Leadership Douglas County started in 2000 and has had 421 graduates. There are 14 in the current class. They take pride in leading several community events - Douglas County Fair parade that brings about 9,200 people, Artfest with about 11,000 and Starlighting estimated at 26,000. Partnerships are what makes these events possible along with 13,000 volunteer hours. They believe partnerships are valuable and demonstrate significant savings to the Town by partnering.

Councilmember Johnson asked how many businesses they were able to help retain. Ridler does not have that specific information, but stated last year and into 2021, the Chamber, EDC and Downtown Alliance worked together as a team. Johnson asked they provide this information in the future.

Mayor Pro Tem Bracken asked how she felt the events the Chamber sponsored went and asked for a brief summary of the revenue associated with each of those along with what it brings to the Town. Ridler stated from an event standpoint the residents were ready to be out and about, and they had record numbers this year. They are working a lot more directly with the local businesses with training and to

listen to their challenges. Volunteers ensure we are talking to each other. Being able to be there is critical because people are still struggling.

Councilmember Cavey asked about the revenue for 2021. Ridler replied between the Chamber and Chamber foundation, revenues were \$809,000. The Town contract is 13% of their total revenue. Cavey noted that it looks like they make \$200,000 a year. Ridler replied that they have other programs not listed. These are only programs and events that are part of the service contract.

No public comment.

Councilmember LaFleur stated the pandemic proved how resilient our community is, and the partnerships are important.

Mayor Pro Tem Bracken stated prior Council went to Gilbert, Arizona and looked at their program to be able to connect into the community and a bridge between the schools within Douglas County. It was a good example of the folks going into the trades and be able to connect those students that weren't going to move on to college. The Chamber developed a program and the collaboration campus is now connecting with the hospital to pull those students in that are much needed. His son will be attending the collaboration campus next semester. This is proof that the Chamber and the EDC attract a product that the community is accessing, and he is supporting their direction and budget increase.

Councilmember Hollingshead feels this is a huge bang for our buck. The Chamber has a strong volunteer base and feels it is incredible what they pull off and is fully in favor of it.

Mayor Gray was on the Chamber Board and feels they do a great job.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, to Authorize Staff to Approve the Service Contract. The motion passed by the following vote:

Yes: 6 - Hollingshead, Cavey, LaFleur, Johnson, Bracken, Gray

No: 1 - Dietz

[DIR 2021-028](#)

Discussion/Direction: Intergovernmental Agreement Between the Town of Castle Rock and the Castle Rock Downtown Development Authority (2022 Service Contract)

Kevin Tilson, Director of the Castle Rock Downtown Alliance (a partnership with the DDA and DMA) stated their goal is to create a vibrant downtown. The DDA believes downtowns require investment and strategic planning and the goal is about people, improving the quality of life, and that downtown is the heart of our community.

Councilmember Johnson asked what part the DDA would play in wayfinding signage in downtown. Tilson has contracted with who helped with Festival Park. We work with them to talk about landmark signature and streetscaping. They are funding that study. Johnson asked if the public will be invited to those meetings to

provide input on wayfinding. Tilson stated all meetings will be public to seek input. Meetings are publicly noticed as all meetings are.

Councilmember Dietz asked if all information is publicly available. Tilson stated it is and if anyone has any questions, they can call their office and they will answer any questions.

Mayor Pro Tem Bracken asked to explain the participation their organization had during COVID. Tilson their staff worked with the EDC with the KIVA loan program, phone calls with the SBA, federal government, and small business development with state, along with local resources and the County to be of service and help them access information. They provided information and directed them to resources, did a social media campaign to support the local businesses, worked on curbside service spaces, bought tables and chairs to put around downtown to allow people to eat outside, led the effort with FirstTier that also provided loans to the community, and worked long hours to provide assistance to businesses.

Councilmember Johnson confirmed we are talking about the mill levy match. She inquired if the entryways will be included in their study. Tilson stated they have talked about wayfinding and landmark signage, and have talked about the entryways since the inception of the DDA. They don't have a study authorized to look at that. They hope to be able to ask them for recommendations. He feels there should be. We wanted to do it for many years but didn't have the dollars to do that. He hopes to talk about it more in 2022.

Councilmember Cavey would like to see what would it take to do something about the entryways, what kind of money we would be looking at.

David Corliss, Town Manager, stated the Lodging Tax, they have put away some of that money to hire a consultant to discuss entrances into communities and the Town.

Mayor Gray stated it hasn't been Council's direction in the past and the DDA hasn't had the funding, but we can discuss.

No public comment.

Councilmember LaFluer feels it is a great partnership to keep downtown beautiful and have a strong economy.

Mayor Gray appreciates their hard work.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, to Authorize Staff to Approve the Service Contract and Match the Mill Levy. The motion passed by the following vote:

Yes: 6 - Hollingshead, Cavey, LaFleur, Johnson, Bracken, Gray

No: 1 - Dietz

[ORD 2021-031](#)

Ordinance Levying General Property Taxes on Behalf of the Castle Rock Downtown Development Authority for the Year 2021, To Be

Collected in 2022, and Providing for the Emergency Adoption of This Ordinance on Second and Final Reading (Second Reading - Approved on First Reading on November 16, 2021, by a vote 6-1)

Kevin Tilson, stated the DDA voted to set the mill levy to 3 mills because there has not been a vote to change the mill levy.

Mayor Pro Tem Bracken stated the situation is that we have to approve the mill levy as a Council even though the taxpayers voted on it as a matter of process.

Councilmember Dietz stated we could vote to change that if we choose. Mike Hyman, Town Attorney, stated Council has the authority to un-do a tax.

Mayor Pro Tem Bracken stated that even if the voters voted to tax themselves, we can decline the approval of it, but we can't reverse their vote. Hyman stated the voters gave the authorization to levy the tax. A government body always has the authority to determine what they will do with the tax unless there is a debt contract attached to that. David Corliss, Town Manager, stated you could eliminate it or reduce it, but cannot increase it without the vote of the people.

No public comment.

Councilmember Hollingshead stated they are proud to be residents of the Town. They didn't bring people downtown before, but now they do and feels Council should be unified in supporting this. He realizes there is a conflict over the Design Review Board and feels we shouldn't make hurtful statements.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, to Authorize Staff to Approve the Service Contract. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[RES 2021-110](#) Resolution Approving an Amendment to Section 5.210 of the Castle Rock Downtown Development Authority Bylaws

Kevin Tilson, director of the Downtown Alliance, presented a modification to the DDA Bylaws to specifically add language "or as otherwise permitted by law". It clarifies that the DDA has flexibility to follow the financial practices of the Town which is to participate in the Colorado Surplus Asset Fund Trust used by municipalities and special districts.

Councilmember Cavey asked if the investment is liquid, and if they are making interest on that money does it go back into the fund to spend on downtown. Tilson stated the funds are liquid. All funds from interest earned would still stay in the same fund and must be in annual budgeting and used as approved.

Councilmember Johnson confirmed that they will see this in their budget this year. Corliss stated it will show up in their audit and show as interest revenue. We have an investment policy and it is heavily regulated by the state. They met with their auditor, their attorney, town legal, finance, treasurer, bookkeeper and accountant. All recommended approval.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember LaFleur, to Authorize Staff to Approve the Service Contract. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[DIR 2021-029](#)

Discussion/Direction: Service Contract Between the Town of Castle Rock and the Downtown Merchants Association

Kevin Tilson, Director of the Downtown Alliance, a partnership between the DDA and DMA, stated they have one set of staff for both organizations to maximize taxpayer dollars. The DMA was created by downtown business owners. They need assistance to make downtown vibrant, improve quality of life, and generate commerce. They produced 17 events with 25,000 attendees which provides exceptional value to the Town. They staff, pay rent, purchase technology, purchase insurance, and produce all events for \$75,000, paying for the stage, band, port-a-potties, trash and clean up. Every dollar they receive from the Town they get \$3 from vendors, alcohol sales, and sponsorships. Castle Rock residents, visitors, and businesses participating in these events connect to the Castle Rock market. Their social media page talks about downtown and promotes businesses. He feels the partnership is working and is appreciated by the businesses and residents. Their events are family friendly, build community character, improve quality of life, and strengthen the downtown economy.

Councilmember Johnson asked to elaborate on how downtowns are fragile. Tilson said they are fragile because if you go back in history, people got their goods and services downtown. As we grow, commerce is elsewhere. You need to make it the heart of the community to park and walk to many different places. Downtowns started to figure out you need to slow traffic down, be pedestrian friendly, and have community character. We need to do everything we can to get people downtown. One way is events.

Citizens that addressed Council:

KC Neel, downtown business owner, and serves as president of DMA, is asking for support and also to solicit support for all the service contracts. Every single organization here tonight plays a vital role in the identity and operation of this Town. All of them take the Town money and parlay that money into creating events, programs and services that serve all of our community, to the vulnerable, to the businesses that help fill the Town coffers. Without the nimbleness of the EDC, DDA, DMA and Chamber we would have seen more businesses perish. Without the Senior Center, residents would be more isolated and would not have things we take for granted like going to the doctor or grocery shopping. Without the housing authority we would have people living under bridges instead of homes. All of these organizations do these things so the Town doesn't have to. You don't have the time, the staff, the resources to do all of these things. The Town focuses on infrastructure and public safety; and they fill in the gaps so our Town continues to be a smart, compassionate community that cares for all our residents and businesses. The service contracts are good sound investments both short term

and long term. Neel urged Council to support these service contracts so that we can continue to be the best community in the state of Colorado.

Councilmember LaFleur, stated that all are important and the merchants are important in the downtown.

Mayor Gray said Johnson had a great question about the fragility of downtown. Look at those that had thriving downtowns 30 years ago but now they don't. Parker Mayor Tobar comments on how Castle Rock has done a good job and came here for advice.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to Authorize Staff to Approve the Service Contract.. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[DIR 2021-030](#)

Discussion/Direction: Service Contract Between the Town of Castle Rock and the Castle Rock Economic Development Council

Frank Gray, President and CEO of the Economic Development Council, stated their mission is to actively promote the Town's goals of a unique standalone community with business retention and expansion, business friendly environment, attract primary employers, and target and retain development and recruitment. The partnership was established in 1997 to leverage Town dollars to be engaged with the business community so we are working together to create the community we wanted. 60% of funding comes from the County and private sector, 40% comes from the Town. They are focused on communication and collaboration to achieve the Town's goals. They meet weekly with a liaison to Town Council, businesses, town staff and elected officials who all have a voice with the EDC. The intentionally put the Town Manager and Town Development director on the board.

Councilmember Johnson asked if they could come to the Economic Development Council. Frank stated whoever the two Council liaisons can come, but no other Councilmembers because it is not a public meeting.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to Authorize Staff to Approve the Service Contract.. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[DIR 2021-031](#)

Discussion/Direction: Service Contract Between the Town of Castle Rock and the Castle Rock Historical Society

Ron Claussen, president of the Historical Society, and Angie DeLeo, Director of the Museum. Next year is their 30th year and the museum is 25 years old. There are three board members left. They operate the Castle Rock Museum, celebrate, educate and bring people together in an effort of preservation of the heritage of the Town. They want to get young people curious and ask questions and help them do their own research. Their numbers are up for tours and hiking tours, ghost

tours, and presentations have been increasing in attendance. They have other funding sources as well.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, to Authorize Staff to Approve the Service Contract and double their funding request from \$2,500 to \$5,000. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

Moved by Councilmember Dietz, seconded by Councilmember Cavey, to Extend Meeting to 10pm. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[DIR 2021-032](#)

Discussion/Direction: Service Contract Between the Town of Castle Rock and the Castle Rock Senior Center

Debbie Haney, Director of Castle Rock Senior Center, stated they provide transportation services, activities, and wellness programs to the senior population. They turned 50 years old this year and have 952 members - about 200 new members this year. They are still offering virtual programs and adding more events each month. Transportation is still critical and back to pre-pandemic levels; and they now have their new rear entry wheelchair van. Their Meals on Wheels program grew this year. They are asking for the same contract amount for transportation and services. She noted that you can be a member if you are over 50.

Councilmember Dietz asked since he is over 50, can he get a ride home.

No public comment.

Councilmember LaFleur thanked them for their gifts.

Councilmember Cavey appreciates what they do, and how important it is to the community, and how important it is for what they do for our seniors so they aren't isolated.

Haney stated the Senior Center formed a support group that met weekly to share their resources.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, to Authorize Staff to Approve the Service Contract. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[DIR 2021-033](#)

Discussion/Direction: Intergovernmental Agreement for the Douglas County Housing Partnership (2022 Service Contract)

Diane and Arty with the Douglas County Housing Partnership, stated they are used to giving presentation in August. They announced that Castle Pines joined the partnership in 2020. She went over all the programs they do for citizens - reverse

mortgage counseling, foreclosure mitigation, credit counseling, home buyer education, down payment assistance, rental housing, issue private activity bonds, and emergency rental assistance for those affected by COVID. They have the same request every year even with increased population. She noted the Senior housing building on Oakwood Drive is a month away from completion for a 53 unit building opening in January. The property was built as rural development in 1984 on 4 acres. They now have put in sidewalks and a 2,000 square foot community room.

No public comment.

Mayor Gray serves on the board and it is a pleasure to serve on the board. He appreciates how they work to help those in need.

Moved by Councilmember Johnson, seconded by Councilmember Cavey, to Authorize Staff to Approve the Service Contract. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[DIR 2021-034](#)

Discussion/Direction: Intergovernmental Agreement for the Douglas County Youth Initiative (2022 Service Contract)

Marsha Alston, Douglas County Youth Initiative, has been managing it since 2012 and serves all of the County. Alston showed a video of youth and the pressures they face. They held a Youth conference and created a uniform county curfew. They also have a WrapAround program and many other programs to help them develop a plan to succeed. The Youth Initiative was founded in 2005 to deal with issues pertaining to youth and families.

No public comment.

Councilmember Cavey is very concerned about our youth with the impacts of Covid, loss of education, loss of sport scholarships, education, and is concerned with suicides that are at an all time high. She appreciates these programs. Cavey said Thank you from the bottom of my heart, it is a very troubling time for youth.

Councilmember Hollingshead has seen the success in person.

Moved by Councilmember Dietz, seconded by Councilmember Cavey, to Authorize Staff to Approve the Service Contract. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

Other Public Hearing Items

[DIR 2021-035](#)

Discussion/Direction of Applications for the 2021 Fourth Quarter Council Community Grant Program, One Application

Trish Muller, Director of Finance, has one application to discuss. The program has an annual budget of \$8,000 and it is divided into \$2,000 per quarter. They generally award \$500. The American Legion requested \$500 to purchase gifts and hold a Christmas party at a Veterans community living center.

Councilmember Dietz asked if there were more funds available. Muller stated they have \$2,000 available.

Citizens that addressed Council:

Jim Thiessen, Senior Vice Commander for American Legion, states the money goes towards new flags for Wilcox, and they want to put more on Perry Street. This money is for gifts to Fitzsimmons and makes a big impact on the Veterans. He thanked Councilmember Dietz for his involvement in their organization.

Councilmember Cavey is in full support of granting the full \$2,000. Cavey feels the Veteran community is sadly ignored and they are responsible for our freedom. Cavey thanked them for what they are doing to make them feel needed and appreciated; and thanked them all for their service.

Moved by Councilmember Dietz, seconded by Councilmember Johnson, to Award a Community Grant of \$2,000 to the American Legion. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

ORD 2021-032 Ordinance Approving a Franchise Agreement Between the Town of Castle Rock, Colorado, and Black Hills Colorado Gas Inc. (First Reading)

David Corliss, Town Manager, stated the franchise agreement with Black Hills Energy expires at the end of the year. The agreement allows Black Hills to use our public right-of-way and utility easements.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, to Extend the Meeting to 10:20 pm. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

Councilmember Cavey confirmed that the 3% paid on their bills has remained the same and is passed to the Town.

Citizens that addressed Council:

Carley West, Black Hills, thanked Council for their consideration.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, that Ordinance 2021-032 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

RES 2021-111 Resolution Authorizing the Acquisition and Immediate Possession of Certain Real Property Through the Statutory Condemnation Process in Furtherance of Construction of the Ridge Road Widening Project [located along Ridge Road between Plum Creek Parkway and Fifth Street]

Mike Hyman, Town Attorney, stated this will allow us to widen the road from 2 lanes to 4 lanes. The Town has been unable to reach an agreement with the landowner so they are asking Council to move forward with the condemnation. The property owner has been non-responsive and is not in attendance tonight. The disparity is between the fair market value. We will have a court of law determine the value. Dan Sailer, Director of Public Works, stated we are just asking for an opinion on the value of the property. We had two appraisals and paid for their appraisal. Staff recommends the Town proceed with eminent domain and then we will petition with Douglas County District Court.

Councilmember Dietz asked if they are compensated. Hyman said we resolve the cost in court.

No public comment.

Mayor Gray stated it is always taken very seriously by Council and they want to make sure the landowner is compensated fairly.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Resolution 2021-111 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[RES 2021-112](#)

Resolution Approving an Intergovernmental Agreement Between the Town of Castle Rock, the South Metro Wise Authority, Dominion Water and Sanitation District, and Parker Water and Sanitation District Regarding the Wise Pump Station and Infrastructure Design [Location: Rueter-Hess Reservoir, Parker Water and Sanitation District, Parker, CO]

Mark Marlowe, Director of Castle Rock Water, stated there is \$24.4M scheduled for the WISE project over the next 5 years, this is part of it. Parker built the Ridgeway line from 470 delivering water to Parker. The pump station has excess capacity so we could use it. When Parker needs it, the rest of us need to build a new pump station by 2024. Parker issued an RFP in September and got 7 proposals for design engineers. Parker Water will manage the project and we would pay 54% of estimated costs. Construction will begin in early 2023. Water Commission and staff recommend approval.

Councilmember Cavey asked if the other entities want to be part of this. Marlowe stated they don't need it.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Cavey, that Resolution 2021-112 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[RES 2021-113](#) **Resolution Approving the First Amendment to the Participation Agreement for Design of Stream Reclamation Improvements for McMurdo Gulch Between the Town of Castle Rock and the Cherry Creek Basin Water Quality Authority** *[McMurdo Gulch near the intersection of Castle Oaks Drive and Autumn Sage Street]*

Mark Marlowe, Director of Castle Rock Water, stated this is a way for us to get some of our money from the Cherry Creek Basin Water Authority. They are responsible for water quality in Cherry Creek Reservoir. They contributed \$75k for this project and want to give us another \$540k for construction. They are providing 25% of the construction cost. Staff, Cherry Creek Board and the Water commission recommend approval.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Resolution 2021-113 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

[RES 2021-114](#) **Resolution Approving a Construction Contract with Tezak Heavy Equipment Co., Inc., for the McMurdo Gulch Stream Reclamation Priority 2 Project** *[McMurdo Gulch near the intersection of Castle Oaks Drive and Autumn Sage Street]*

Mark Marlowe, Director of Castle Rock Water, stated this is the actual construction bid. They got 13 bids, and the qualified low bidder was considerably under the engineer's estimate. The anticipated completion is June 2022. Cherry Creek contributed \$446,375. The Water Commission and staff recommend approval.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Resolution 2021-114 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN

Meeting Adjourned at 10:20 pm.

Lisa Anderson, Town Clerk