



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, January 4, 2022

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting Code: 2494 444 1346
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 2494 444 1346 (if prompted for a password enter "Jan4Council"). 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. January 4, 2022, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Mark Marble, Castle Rock Police Chaplain

CALL TO ORDER / ROLL CALL

Mayor Pro Tem Bracken attended remotely.

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Mayor Gray thanked everyone that helped with the Marshall Fire in Boulder County and thanked the Dads of Castle Rock that brought in so many donations and arranged to open up the Event Center for overflow, and thanked the Fire department for sending aid to them. In the future, we will talk about a plan for evacuation if we have a fire emergency. We have also had a lot of discussions about homelessness and Gray stated he met with Commissioner Teal who said they have a plan and we will work with them. The County has Human Services and so does the state. We have a rule of law in the state and we want to make sure we give a hand up not a hand out. It is not something we just throw money at. The problems we have in Castle Rock are growing and we want to get in front of it. He wished everyone a happy new year.

Councilmember Hollingshead stated our hearts and prayers are with Boulder County and thanked the Fire department.

Councilmember Cavey appreciates all the hard work from all the Fire departments. She was working that night helping with all the lost animals; specifically horses, to get them safe. She is looking forward to 2022 being a better year for everyone.

Mayor Gray also thanked Councilmember Cavey for volunteering as a plow driver.

Councilmember LaFluer stated she was on Golden Valley Trail delivering soup to someone and saw giant stars in front yards. She appreciated that they wanted to emulate our special symbol for Castle Rock and hopes everyone has a happier and healthier new year.

Councilmember Johnson wishes everyone a happy and healthy 2022 and appreciates that we can have hope.

Councilmember Dietz challenged his fellow Councilmembers to find a compromise on future downtown development and stated they are not taking away property rights.

Mayor Pro Tem Bracken will reserve his comments for a later time regarding homelessness that he has been working on as well, and that he appreciates everyone's comments.

[ID 2022-005](#)

Senator Jim Smallwood, Colorado State Senate - Presentation

Senator Smallwood wished everything a happy new year and thanked everyone for helping fellow citizens across the state. He represents District 4 which includes Douglas County. He has lived in the County for 25 years, all of his boys were born and raised here, and he is pleased to represent everyone in the Senate. He was elected to his second and final term. He is also in leadership and is the Caucus Chair, serves as the ranking member of the Health and Human Services Committee, and is the Chair of the State Audit Committee. The legislative session will start on January 12 for a 120 day session and he welcomes questions and comments. They are focused on three areas from their constituents - affordability to live in Colorado, public safety with crime increasing, and education choice to have a learning environment that works for them. Regarding redistricting, they had an independent redistricting commission for the first time, and we will have three Senators in Douglas County.

Councilmember Cavey stated education is on her personal list. She asked what they can work on that would help going back to the basics. Smallwood said they are limited at the state level because everything is governed by the school boards. They see state law makers trying to interject school curriculum, so he encourages legislators to not meddle in school boards, make it difficult to home school kids or reject decreasing liability and charter schools. Cavey asked when the redistricting takes effect. Smallwood stated he will serve the rest of his term and the new District will be up for election in 2022.

Councilmember LaFleur thanked Smallwood for his service to our state and Mayor Gray thanked Smallwood as well.

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

[ID 2022-001](#)

Update: Calendar Reminders

David Corliss, Town Manager, mentioned upcoming calendar items to include the January 17 and February 21 holidays, Open Houses for 5th Street Widening and Crystal Valley Interchange and the Fire department Awards Banquet. There are several neighborhood meetings for pending development projects.

[ID 2022-002](#)

Update: 2022 Major Projects List

David Corliss, Town Manager, reviewed the Town priorities planned for in the 2022 Major Projects list.

Councilmember Johnson inquired about the state funds and remembered that water projects were part of that. She asked if we can use some of those funds towards that. Corliss stated it will most likely be used for sewer line and water line projects.

Councilmember Cavey asked if we can use the money to buy water rights. Corliss is unsure how we would federalize that but we can use it for safe drinking water. Cavey asked what we are doing about homelessness. Corliss stated they want to see what other communities are doing and can brief Council individually. There are areas that are along our trails that are not in the Town boundaries. Cavey feels we need to get a handle on it because it is increasing substantially. Corliss stated they should coordinate with surrounding jurisdictions.

Councilmember Dietz is part of the executive committee in Douglas County and they are going to some shelters in Denver with some pastors.

Mayor Gray thanked Dietz for volunteering to be on that committee.

[ID 2022-003](#)

Development Services Project Updates

Tara Vargish, Development Services Director, discussed recent pre-applications. Meadows Affinity for an age restricted multi-family complex for 174 units. Meadows Filing 16 to reconfigure 59 lots to 81 lots on a 137 acre property with 60% open space. Dunkin Donuts in the Founders Marketplace area. Wellspring annexation on Wolfensberger for a two-story building for classrooms, conference rooms, kitchen/cafe and offices. None of these have been formally submitted yet.

[ID 2022-004](#)

Update: Quasi-Judicial Projects

Tara Vargish, Development Services Director, provided an overview of Quasi-judicial applications they have received: Avilla at Founders is a 105 unit rental community for detached and paired homes. Dawson Trails is proposing

5,850 units, 3.2M square feet of commercial and non-residential uses with 35% open space and 244 acres of public land dedication. Canyons Far South is proposing 474 single family units and 50,000 square feet of commercial uses, 53% open space and dedicated park and trail connections. Founders Vista proposing a 5 acre annexation to include the 180 acres already in the Town and rezone to 561 residential units, 29% open space and 19% park space.

TOWN ATTORNEY'S REPORT

No report except he was happy that he woke up on New Years Day as a resident of the Town of Castle Rock.

ACCEPTANCE OF AGENDA

Moved by Councilmember Johnson, seconded by Councilmember Dietz, 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 2022-001](#) **Resolution Appointing the Municipal Judge and Approving a Service Contract**

[RES 2022-002](#) ~~**Resolution Appointing the Assistant Municipal Judge and Approving a Service Contract**~~ - Item Withdrawn Indefinitely

[RES 2022-003](#) **Resolution Appointing Substitute Judges for the Town of Castle Rock Municipal Court**

[RES 2022-004](#) **Resolution Designating the Public Place for Posting Notices Pursuant to C.R.S. Section 24-6-402(2)(c)**

[MIN 2022-001](#) **Minutes: December 21, 2021 Draft Minutes**

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

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2021-033](#) **Ordinance Vacating a Portion of Jerry Street Located in the Northwest Quarter of Section 11, Township 8 South, Range 67 West, of the 6th Principal Meridian, Town of Castle Rock (Second Reading - Approved on First Reading on December 21, 2021, by a vote 4-3) [located at the corner of Jerry Street and 6th Street]**

Tara Vargish, Development Services Director, highlighted the area proposed to be vacated.

No public comment.

Councilmember Dietz, stated if these issues came through Town Council we would see more uniformity on Town Council. Any vote passed by the Design Review Board vs. Town Council will be a no from him.

Mayor Gray feels the Design Review Board and the Town in general is transparent on all our issues.

Mayor Pro Tem Bracken confirmed we are voting on the approval. Corliss stated that this is only to approve the vacation of a right-of-way that is not a Design Review Board issue that would go before them. Vargish stated it is a necessary process as the applicant's building will encroach on this area.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, that Ordinance 2021-033 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 4 - Hollingshead, LaFleur, Bracken, Gray

No: 3 - Cavey, Johnson, Dietz

[ORD 2021-034](#) **Ordinance Approving the First Amendment to the View at Castle Rock Redevelopment and Financing Agreement Between the Town of Castle Rock, the Castle Rock Downtown Development Authority, and Castle Rock Development, LLC (Second Reading - Approved on First Reading on December 21, 2021, by a vote 4-3) [located at 610 Jerry Street]**

Mike Hyman, Town Attorney, stated this is an amendment to the redevelopment financing agreement between the Town, the Downtown Development Authority, and applicant. Extensions over six months must be approved by Council for the structural permit to April 30, 2022 and the first certificate of occupancy to May 2024.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, that Ordinance 2021-034 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 4 - Hollingshead, LaFleur, Bracken, Gray

No: 3 - Cavey, Johnson, Dietz

[ORD 2022-001](#) **Ordinance Authorizing the Issuance and Sale of Water and Sewer Enterprise Revenue Bonds, Series 2022, Payable Solely Out of the Net Pledged Revenues to Be Derived from the Operation of the Town's Water and Sewer Enterprise; Providing Other Details Concerning the Bonds, Including, Without Limitation, Covenants and Agreements in Connection Therewith; Providing Other Matters Relating Thereto; and Providing for its Emergency Adoption on Second and Final Reading (First Reading) [Entire Town Service Area]**

Mark Marlowe, Director of Castle Rock Water stated this is so that we can build the Parker pipeline that will allow us to get more of our water through, build Reservoir #2 in Sedalia and expand Reservoir #1, Newland Gulch Pipeline from Plum Creek Basin into Rueter Hess, and expansion of Plum Creek Water Purification Facility from 6M to 12M gallon a day. The Water Commission is supportive of moving forward with this.

Councilmember Johnson asked if the Reverse Osmosis plant is included. Marlow stated it needs to come online in 2030 and is part of the WISE Authority.

Councilmember Cavey asked if they can lock in their rate for these bonds. Marlowe stated Hilltop Securities can answer that. They anticipate they will find out the beginning of February what their rate will be. Jason with Hilltop Securities stated their interest rates are not set yet, but will be set on the day of pricing anticipated for February 1st and will be locked in.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Ordinance 2022-001 be Approved on First Reading as presented. The motion passed by the following vote:

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

[RES 2022-005](#)

Resolution Approving a Service Agreement Between the Town of Castle Rock and Muller Engineering Company, Inc., for the McMurdo Gulch Stream Reclamation Priority 3 Project. [McMurdo Gulch south of the intersection of Castle Oaks Drive and Autumn Sage Street]

Mark Marlowe, Director of Castle Rock Water, stated that Cherry Creek Basin Water Authority is a great partnership and have contributed significant funds to these projects starting in 2011, with \$171,000 of their budget approved towards design and planning and providing funds for construction as well. They got a cash in lieu contribution from the developer in the Terrain. Construction would start in the fall of 2023. A memo was sent to the Water Commission and they did not receive any questions.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Resolution 2022-005 be Approved as presented. The motion passed by the following vote:

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

[ORD 2022-002](#)

Ordinance Amending Chapter 9.22 of the Castle Rock Municipal Code Raising the Minimum Age for the Sale and Possession of Tobacco Products (First Reading)

Mike Hyman, Town Attorney, stated this amendment is to ensure that our Code is

consistent with Federal and State law to raise the age for sale of tobacco products from 18 to 21 years old. This would allow us to charge in our municipality.

No public comment.

Councilmember Johnson asked if this will allow local law enforcement to better enforce this law.

Police Chief Jack Cauley stated they haven't any issues with this, it is just to be consistent with federal and state law.

Mayor Pro Tem Bracken asked that it has been about 3 years that this subject was presented to them and sliding the age group back to get it out of the high schools. He is encouraged by seeing this change. He doesn't feel it will make much of a difference, but understands needing to be on the same page. Risks and education is still needed.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Ordinance 2022-002 be Approved on First Reading as presented. The motion passed by the following vote:

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

ORD 2022-003 Ordinance Amending Various Sections of the Castle Rock Municipal Code Regarding Board and Commission Membership, Term Limits and Bylaws and Adding Chapter 2.18 Concerning the Oath of Office (First Reading)

Lisa Anderson, Town Clerk, presented the item.

No public comment.

Councilmember Johnson appreciates staff making our Code more user friendly and removing conflicting and inconsistent information.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Amend the Ordinance to include, "A member shall be entitled to notice and a hearing before Town Council prior to any vote being taken regarding such member's removal." The motion failed by the following vote:

Yes: 3 - Cavey, Johnson, Dietz

No: 4 - Hollingshead, LaFleur, Bracken, Gray

Councilmember LaFleur asked How would that work for downtown stakeholders. Hyman stated one thing they cannot control is the method by which state law states DDA member removal requires a hearing. This provision would apply to all Town boards and commissions that a member who is subject to a potential removal would have the right to be notified in advance and have a hearing before Council. LaFleur asked how it would apply to Design Review Board members who are stakeholders as they can be members of the DDA that are not necessarily residents and for property owners which are not necessarily residents. Hyman stated the Design Review Board is silent to residency requirements and this ordinance would control that.

Mayor Pro Tem Bracken did not recall that Council directed a residency requirement for the Design Review Board and does not agree with that policy change.

Councilmember Hollingshead asked if they will allow non-residents to apply. Corliss stated it would be clear in the application process.

Councilmember LaFleur doesn't recall this was the direction and is also concerned about that requirement for the Historic Preservation Board because of the lack of applications.

Councilmember Johnson noted that the DDA members may be non-residents, but this ordinance states they would not be able to be on the Design Review Board.

Mayor Pro Tem Bracken asked if this includes the Chamber of Commerce board members. Corliss stated we have no legal authority for their organization, and the same with the Downtown Merchants Association. Council has discretion and authority to appoint Design Review Board members that come from different organizations.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, to Continue Ordinance 2022-003 to the January 18, 2022 meeting. The motion passed by the following vote:

Yes: 4 - Hollingshead, LaFleur, Dietz, Bracken

No: 3 - Cavey, Johnson, Gray

ORD 2022-004 Ordinance Amending Section 2.01.100 of the Castle Rock Municipal Code Regarding the Authority of the Castle Rock Election Commission (First Reading)

Lisa Anderson, Town Clerk, presented the item to authorize the Election Commission to designate which Council District the newly annexed property would reside in.

Councilmember Johnson confirmed that the Election Commission has the sole authority. Corliss stated this is to keep any conflict of interest out of the decision. Johnson stated there is a potential to be in Councilmember Cavey's district. Anderson stated the number of electors would depend on how quickly homes would be built before the next redistricting.

Councilmember Dietz commended how well the redistricting was done in 2021.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Ordinance 2022-004 be Approved on First Reading as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Moved by Councilmember Johnson, seconded by Councilmember Hollingshead, to Adjourn the meeting. The motion passed by the following vote:

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

Meeting adjourned at 8:35 pm.

Lisa Anderson, Town Clerk