



## Town Council Meeting Minutes - Final

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

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Tuesday, February 15, 2022

6:00 PM

Town Hall Council Chambers  
100 North Wilcox Street  
Castle Rock, CO 80104  
Phone in: 720-650-7664  
Meeting code: 2498 372 5846  
[www.CRgov.com/CouncilMeeting](http://www.CRgov.com/CouncilMeeting)

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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](http://www.CRgov.com/CouncilMeeting), or phone in by calling 720-650-7664, meeting code 2498 372 5846 (if prompted for a password enter "Feb15Council"). All Town Council Meetings are also streamed online in real time at [www.CRgov.com/WatchCouncil](http://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](http://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. February 15, 2022, to be included in the public record.

### COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Reverend Jack Serr, Castlewood Canyon Church, Franktown

### CALL TO ORDER / ROLL CALL

Councilmember LaFleur 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 stated over the weekend they had a fundraiser focused on mental health for teens and young adults and he is proud to be on the board. Last week they finished the Make a Wish for Maia at Douglas County High School. They raised over \$72,000 for her. Gray also reported that twice last week his mother was helped from her car to the grocery store. There are a lot of great people in Castle Rock. Mayor Gray also congratulated Councilmember Hollingshead who was named the new principal at Ponderosa High School.

Councilmember Hollingshead stated his heart is in Castle Rock, but he excited about the opportunity to work with our neighbors in Parker.

Councilmember Cavey commented on the proposal from the baseball company and that the citizens expressed that they were not interested in moving forward. There were about 170 people at the open house last week with a petition with 1,200 signatures in opposition. Colorado Classic Baseball has rescinded their offer and we are not going forward with it. She thanked Jeff, Dave and everyone that supported the neighborhood meeting.

Councilmember Johnson stated we all believe in property rights, but likely have different views what it means based on our own experiences, and feel our own view is the proper one. She referenced Colorado case law that has helped determine that a landowner is not entitled to the most profitable or best use of their land, only that the landowner is not deprived of all reasonable economic use of their land and duly adopted standards sufficiently specific to ensure conditions have been imposed in a rational and consistent manner. She shared this in hopes that we all know about this case law and going forward and we will have a better understanding of property rights.

Councilmember Dietz noted we saw some progress for our Town to compromise and feels many are still defending the power of the Design Review Board. We are asking for better representation and feel there is still misinformation. Council has a lot of authority and we should use it wisely, and feels we have given it away to the DRB and the developers it represents. Council looks at what the whole town needs. We do not want to be held responsible for a committee's decisions and he does not agree with the comparison to an HOA as they don't have say over commercial development. The traffic impacts affect the entire community.

Mayor Pro Tem Bracken clarified the process taken for the vote for DRB. The vote has been made twice since new Council has been on about how DRB will be run. They reviewed it in a study session and voted on it twice. Bracken feels it is inappropriate to bring it up in every meeting, and it is not respecting the vote and not following democracy. The DRB has been in place for almost 19 years. Anyone can contact any Councilmember if anyone has questions.

## **UNSCHEDULED PUBLIC APPEARANCES**

No public comment.

## **TOWN MANAGER'S REPORT**

[ID 2022-017](#)

### **Update: Town Staff not proceeding with the proposed ball field complex at Cobblestone Ranch / Received Petition in Opposition to Proposal**

David Corliss, Town Manager, confirmed that we are not proceeding with the public private partnership at Cobblestone Ranch. He has made the petition part of the record. There is still a need for outdoor ball fields, some ball fields are in the master plan for that area but not to that extent.

[ID 2022-018](#)

### **Update: Calendar Reminders**

David Corliss, Town Manager, knows there are some Councilmembers that are not able to attend the March 15 Council meeting. Councilmember Hollingshead

will not be in attendance, Mayor Pro-Tem Bracken will be on vacation, and Mayor Gray and David Corliss can attend remotely. There will still be a quorum, but staff will not have any substantial items on that meeting.

Corliss referenced upcoming calendared items, the Fire Awards Banquet, holiday closure, open houses, Development Services boards and commissions appreciation, and various neighborhood meetings.

Councilmember Johnson referenced something that came up at a meeting recently. Some of the residents inquired about events in Castle Rock. She let them know the Town does provide some funding for a number of events put on by the Chamber and DMA. She feels it is important that our residents know that events are being partially funded through the Town's revenues. Corliss will work with Community Relations. Many are co-produced and some funding provided and much work is done by volunteers as well as events the Town puts on.

Councilmember LaFleur doesn't feel there is a lot of confusion and is not in favor of staff spending time on this.

Councilmember Hollingshead asked if their promotional materials have our logo on them. Johnson is not clear and doesn't have that in front of her. It was from a commission that would like to be part of these events and recognized for the part of what they do at these events for our community. The Public Art Commission is tasked with community character and it is important this commission has a part in it and share what they are trying to do for the community character. Johnson said this is also because it is tax dollars and our residents should be made aware of how it is being used.

Councilmember Hollingshead is assuming we have our logo on materials and anyone can see our budget that we spend. If the Public Art Commission is partnering with an event, then they could be recognized. Johnson feels a 400 page document is a lot and feels not too many people would look. Dietz feels the Town could communicate that.

Mayor Pro Tem Bracken feels we can post it on the webpage that the Town supports these events on a drop down menu. The budget is a lot to page through, but if it is something we can add to the web page it is an easy fix.

Councilmember Cavey asked if we put our Town logo on any of the events we sponsor. Corliss states we mail out the events to the entire community which shows all the different logos of sponsors but it doesn't say "funding". We can direct people to a webpage on the mailer and on our website.

Mayor Pro Tem Bracken stated we already have the descriptions on there and we can make a footnote and a list of anything the Town contributes to.

Councilmember Johnson said she is not asking for a mailer, but mention it on social media when highlighting an event and direct people to a webpage.

[ID 2022-020](#)      **2021 Service Contract Year-end Reports**

[ID 2022-021](#)      **Update: Quasi-Judicial Projects**

[ID 2022-022](#)      **Development Services Project Updates**

## **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 2022-009](#)      **Resolution Approving a Water Rights Lease Agreement Between the Town of Castle Rock and H&H Farms [Weld County, CO]**

[RES 2022-010](#)      **Resolution Approving a Water Rights Lease Agreement Between the Town of Castle Rock and Ruppel Farms, LLC [Weld County, CO]**

[RES 2022-011](#)      **Resolution Approving a Water Rights Lease Agreement Between the Town of Castle Rock and Turnpike, LLC [Weld County, CO]**

[RES 2022-012](#)      **Resolution Approving a Water Rights Lease Agreement Between the Town of Castle Rock and Dove Meadow Dairy, LLC [Weld County, CO]**

[MIN 2022-004](#)      **February 1, 2022 Draft Town Council Minutes**

**Moved by Councilmember Johnson, seconded by Councilmember Dietz 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**

[DIR 2022-001](#)      **Discussion/Direction: Sculpture for Town Hall Plaza [Confluence Companies Donated Funds]**

Maia Aman, Administrative Supervisor for Parks and Recreation and behalf of the Public Arts Commission, presented the proposed public art to be installed in the plaza between Townhall and Encore west of the main Townhall entrance. The selection panel from Parks and Recreation, Tony DeSimone, staff, Council representative, and the Public Art Commission reviewed over 60 submissions and narrowed it down to three finalists they interviewed in January. They recommend

Amy Jacobsen's proposal for "Still Wild" which consists of steel flowers - 3 native to Colorado and will feature LED lights on the petals. The Town will be responsible for the maintenance which just requires cleaning with water. The paint may need to be touched up after about 10 years and will need to replace LED lights. No tax payer dollars are used for the purchase as DeSimone donated \$50,000 for this piece. They anticipate it to be installed in the fall.

No public comment.

Councilmember Johnson thanked the Public Art Commission and all involved.

Mayor Gray feels the Commission does a great job and it is great to have more art.

**Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Approve the selection of the proposal of artist Amie Jacobsen for the sculpture in the Town Hall Plaza and authorize staff to finalize and execute a contract for related services. The motion passed by the following vote:**

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

[RES 2022-013](#) **Resolution Approving a Variance Pursuant to Section 2.3.1.1 of the Transportation Design Criteria Manual for the Omission of a Sidewalk on Proposed Timbermill Parkway in the Meadows Development** (Section 28, Township 7 South, Range 67 West, Town of Castle Rock) [*Located in an undeveloped portion of the Meadows, on the northwesterly side of North Meadows Drive near BNSF Railroad*]

Tara Vargish, Director of Development Services, presented this item with a request to omit a sidewalk located in the north end of the Meadows on Timbermill Parkway. It will come off the northern leg of the roundabout and will then run along the railroad tracks. The first portion is built to Town specifications, but when it runs along the railroad, they are proposing the sidewalk be a 10' wide vs. 8' wide sidewalk, pedestrian beacons and only on one side of the roadway as the side by the railroad tracks will not have development. There are two other SDP's for large industrial buildings on the northern end of the roadway that are administratively reviewed. This will reduce our long-term maintenance obligations and safety concerns of a sidewalk next to a railroad track.

Councilmember Johnson inquired about the lines in the upper left corner of the diagram. Vargish stated there a large number of utilities that run through there and it is not an above ground infrastructure.

No public comment.

**Moved by Councilmember Hollingshead, seconded by Councilmember Cavey, that Resolution 2022-013 be Approved as presented. The motion passed by the following vote:**

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

[ORD 2022-006](#) **Ordinance Amending Various Provisions in Chapter 12.04 of the Castle Rock Municipal Code (First Reading)** [*Pavement Excavations*]

*for Utility Services]*

Dan Sailer, Director of Public Works, stated anytime a cut is made by any utility company or developer it affects the life of the pavement. They propose updating our fees for pavement cuts. We want to ensure our fees are translated to the utilities that cut the streets and degrade the lifespan of the street. The current fee is static and outdated. The proposed fee is dynamic (if it is a newer street the cut fee is higher). They are proposing three exemptions: 1) If a resident that owns sewer or water lines, we aren't proposing charging the resident additional fees. 2) If a developer has multiple cuts and they do a more extensive overlay. 3) If it is a concrete street, they are required to install a new concrete panel. The fee is tied to the life cycle formula and can be administratively updated with market/inflation. We can deny the cut if the street is less than three years old. Stakeholders, Castle Rock Water and Economic Development Council were all provided the information and provided little feedback.

Councilmember Cavey confirmed with Sailer, cost is based on road's age.

No public comment.

Councilmember Johnson stated the Public Works Commission had a good discussion on this item and appreciates the members' comments and staff answers and the work they did to create our new pavement cut calculation.

**Moved by Councilmember Cavey, seconded by Councilmember Dietz, that Ordinance 2022-006 be Approved on First Reading as presented. The motion passed by the following vote:**

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

[RES 2022-014](#) **Resolution Approving a Service Agreement with Kimley-Horn and Associates, Inc., for the Automated Traffic Signal Performance Measures Project**

Dan Sailer, Director of Public Works, presented a contract to evaluate data for traffic lights around Town with a grant they obtained that pays 80% of the cost. The final phase will go to a platform to share that data with CDOT. The Town portion is \$173,740. The Public Works Commission recommended approval.

Councilmember Cavey asked if this software is just about signal timing. Sailer stated they will collect better information and change the timing. Anytime we need to make adjustments with growth we can access that data to make changes. Currently we have a software system to upload and download signal timing, but we are missing the ability to receive that data real time. They physically collected counts in the past and this automates that. Cavey asked if it will work with all the lights in Town. Sailer said just those indicated. Cavey asked if this would integrate with other signals. Sailer said it will integrate.

No public comment.

**Moved by Councilmember Hollingshead, seconded by Councilmember Cavey, that Resolution 2022-014 be Approved as presented. The motion passed by the following vote:**

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

**RES 2022-015 Resolution Approving the 2022 Town of Castle Rock Water Conservation Rebate Incentive Program**

Mark Marlowe, Director of Castle Rock Water, stated this is one of their major strategies for their long-term water plan. When we conserve water we can make it a new supply for our community. 50% of water is still used for outdoor watering. They recommend raising the reimbursement to switch to low water plans and increase the area of turf in a front yard. They recommend lowering the rebate for irrigation controllers which don't save a lot of water. Switching toilets is a great way to save water, but the whole home water monitoring system will still be offered but may be phased out. He defined Coloradoscape as rocks, mulch, and low water plants. They did not spend all the funding last year so they want to ensure it is spent this year. They are focused on public outreach. Castle Rock Water Commission and staff recommend approval.

Councilmember Cavey asked when someone applies for a rebate, does staff come out to look at the property and decide if you qualify. Marlowe stated you must first take a Water Wiser class, and then someone will come out and measure your yard and help you through the process.

No public comment.

Councilmember Johnson said the whole home monitoring is great and monitors your water usage constantly. If you are using water when you normally aren't, it will try to shut your water down if it thinks there a leak, but you can turn that feature off. The advanced metering will not do that. Marlowe stated some homeowner insurance companies will offer a discount if you have that.

Councilmember Dietz inquired about teenagers. Marlowe stated can turn the water off remotely. Dietz asked if HOA's have authority over changing to water efficient landscapes. Marlowe stated Colorado law states they can't prevent people from changing to more water efficient landscapes.

Mayor Gray stated he took the challenge last year and did no outdoor watering last year as they used rain barrels to capture water. Their front lawn is coloradoscape and astroturf and the backyard is just natural.

**Moved by Councilmember Cavey, seconded by Councilmember Johnson, that Resolution 2022-015 be Approved as presented. The motion passed by the following vote:**

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

**[RES 2022-016](#) Resolution Approving the 2022 Water Usage Master Plan (WUMP)**

Mark Marlowe, Director of Castle Rock Water, stated this plan has been around and used as a tool since 1985. This is a tool to make sure everyone is not watering at the same time and it saves the Town money because otherwise we would have to build more infrastructure to handle the demand. It works in conjunction with our drought water plan, and if we have a significant drought we

could reduce watering days more. The last 22 years have been the driest in 1,200 years and it is expected to continue. The requirement is to water before 8am or after 8pm on the schedule according to if you are a circle/diamond/square which is determined by address. Non-residential is midnight to 8am three days a week, and parks can start and end earlier 9pm to 5am with the same days. This saves money for the customer as well because off hours there is not as much evaporation. Violation surcharges remain the same and can lead to service disruption or discontinuance if it escalates. The revenue from violations fund the conservation rebates. Revenues were down last year because they were not able to hire enough water monitors. Public outreach will be mailed and on our website. Water Commission and staff recommend approval.

Councilmember Hollingshead asked about the top soil requirement. Marlowe stated they ramped up enforcement of that requirement recently over 2-3 years. They inspect all of them. They are supposed to have 6" of topsoil, but older homes don't have that much, and to add more topsoil to plant grass.

Mayor Pro Tem Bracken asked if the Town has clean soil or dirt. Marlowe does not know of any place to get soil but residents can pick up mulch from the county facility or take it there.

Councilmember Cavey has tons of grass and her house is 15 years old. She can water constantly and gets tons of dry spots. She asked if her only option is to put down more topsoil and turf. Marlowe stated she can put compost and it will help over time. Sometimes the irrigation systems have significant problems and their team will come out and look at the system.

No public comment.

**Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Resolution 2022-016 be Approved 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 Mayor Pro Tem Bracken, seconded by Councilmember Cavey, to Adjourn. The motion passed by the following vote:**

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

Meeting adjourned at 7:35 pm.

Submitted by:

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Lisa Anderson, Town Clerk