



Town Council Meeting Minutes - Final

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

Tuesday, July 18, 2023

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 2498 365 3812
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 2498 365 3812 (if prompted for a password enter "July18Council"). 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. July 18, 2023, to be included in the public record.

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

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Mayor Gray reflected on a friend who took his life and is reminded that we don't know what other people are going through.

Councilmember Cavey thanked staff for getting the Buffalo Soldiers to come to the cattle drive this year. She also commented regarding the Douglas County Fairgrounds and that we are legally liable and subject to our Town ordinances.

Hyman met with the County attorney and clarified we have jurisdiction and the policies are in control of the Commissioners.

Brooks asked if the motion is just on jurisdiction.

If we do, we should be looking at issues at the fairgrounds..

Brooks in support to ensure we are all on the same page.

Hyman stated the County owns the facility and they determine how they operate it. Castle Rock Police has jurisdiction over all property in Town boundaries, and the Sheriff can enforce laws over all county. The Sheriff provides police presence; and Castle Rock can enforce state and Town law, and the Sheriff can enforce state laws but can't enforce Town laws.

Corliss stated it is tradition that the Sheriff provides law enforcement at County facilities and that is how it is programmed into the CAD. Corliss stated that the Sheriff or Castle Rock Police can enforce the state indecency statute. Our Sexually Oriented Business ordinance would be enforced by Castle Rock Police. Public indecency with a child can be charged as a class 6 felony.

Gray seems like we have police jurisdiction that we share with DCSO and don't have jurisdiction of their events. Corliss confirmed they are the landlord and have control over their events.

Bracken feels the State has higher penalties that are already in place.

Brooks asked that we continue to have a conversation to get further clarify.

Motioned by Cavey, seconded by Dietz that by August 15 that we get clarity on this issue to understand who has jurisdiction over the fairgrounds.

Motion failed 4-3: Cavey, Deitz, Brooks voting yes, Hollingshead, LaFleur, Bracken and Gray voting no.

Brooks thanked Wellspring for their food to host a party he had last weekend.

Dietz feels we should be protecting children from over-sexualization and that he is disappointed in the Commissioners for their lack of courage to protect our children. Dietz wants to amend the code to protect our children and feels Castle Rock is at risk.

Brooks does not want it to be tied to a specific event or group of people. We need to look beyond this event to the larger issues.

Hollingshead feels this has been addressed and the group knows they are on notice.

Bracken saw the videos and stated they are apauling and they should have had action taken against them. It is up to the County. There are also laws in place. Things are in place if they step out of line and it is already being handled. They will be arrested and prosecuted.

Motioned by Dietz, seconded by Cavey to discuss Title 9 of the Town Code on the August 15 agenda.

Motion failed 4-3: Cavey, Deitz, Brooks voting yes, Hollingshead, LaFleur, Bracken and Gray voting no.

[APPT](#)
[2023-006](#)

Appointment: Board of Adjustment

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, to Approve Appointment APPT 2023-006 as presented. The motion passed by a vote of:

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

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Amy Wingu - recommended the Town look into their ordinances regarding public indecency and should not give authority over to the state.

Dan Stark - Feels the Town should take responsibility and take a stand against what is going on.

Janet Zoday - 23 year resident feels elected leaders should hold people accountable and protect our children and enforce age restrictions.

Unidentified - Stated that there are assumptions that drag shows are pornographic, and last years event was unfortunate. Parents make the decision for their kids to go.

Jay - request the Town introduce an ordinance from sexually explicit activity in the Town; and last year was negligent.

KC Neel - lives in the County and feels the Town will face legal liability and unlikely to win if they don't support Pridefest and will put the relationship with the County in jeopardy.

John Anderson - stated the Town has jurisdiction and law enforcement authority. If this occurs again, the Town is liable and negligent.

Charcie Russell - is disappointed the Council decided not to discuss this any further and are passing the buck. They are asking to not allow sexualized behavior in front of children.

Evelyn Zur - asks Council to use their authority and not pass it on.

Unidentified woman took over dais and was asked to leave.

Randy Mills - stated they want to discuss protecting kids in all public areas so that sexual behavior and actions do not occur in public areas.

[ID 2023-081](#)

Unscheduled Public Appearances: July 18, 2023

TOWN MANAGER'S REPORT

[ID 2023-073](#) **Update: Planned Plum Creek North Park Naming Process**

[ID 2023-074](#) **Update: Second Quarter Major Projects**

[ID 2023-075](#) **Update: May 2023 Monthly Sales Tax Report**

Sales tax projections are down for the month from 2022 but above year to date. Staff is looking at expenditures they can defer. Property tax revenue totals about \$1.4M and we need \$76M in sales tax to run the general operations.

[ID 2023-076](#) **Update: Calendar Reminders**

[ID 2023-077](#) **Update: Monthly Department Reports**

[ID 2023-078](#) **Update: Residential Unit Data (through June 30, 2023) with Potential Buildout Estimates**

[ID 2023-079](#) **Development Services Project Updates**

[ID 2023-080](#) **Update: Quasi-Judicial Projects**

Cavey inquired about Perry Street Social and that they were going to keep the ice rink. Vargish stated they have amended their plan due to financial considerations. and the site plan amendment goes to the Design Review Board. They are not required to operate it as an ice rink.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Hollingshead, to Approve the Agenda as presented. The motion passed by a vote of:

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

CONSENT CALENDAR

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, to Approve the Consent Calendar as presented. The motion passed by a vote of:

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

[ORD 2023-015](#) **Ordinance Amending Table 64-1 of Section 17.54.040 of the Castle Rock Municipal Code Regarding Multi-Family Residential Parking Space Requirements (Second Reading - Approved on First Reading on June 20, 2023, by a vote 6-0)**

- [RES 2023-093](#) **Resolution Appointing Emma Frankiewicz and Mitch Black to the Board of Directors of the Miller's Landing Business Improvement District**
- [RES 2023-094](#) **Resolution Assigning and Transferring to Douglas County Housing Partnership All of the Town of Castle Rock's 2023 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds; and Authorizing the Execution and Delivery of an Assignment and Other Documents in Connection Therewith**
- [RES 2023-095](#) **Resolution Approving a Service Agreement Amendment to the Contract with Alfred Benesch & Company for the Plum Creek Parkway Widening Phase 2 and Ridge Road Widening Construction Projects**
- [RES 2023-096](#) **Resolution Waiving Formal Written Bidding Requirements on the Basis of a Sole Source and Approving an Equipment and Services Acquisition Agreement with Hydro Resources - Rocky Mountain Inc. for Pumping Equipment and Installation for Wells CR-234, CR-235, & CR-236 *[Open space north of Plum Creek Water Purification Facility]***
- [RES 2023-097](#) **Resolution Approving the E-85 Wastewater Intergovernmental Agreement Between the Town of Castle Rock Acting Through Its Water Enterprise and Dominion Water & Sanitation District Acting Through Its Sterling Ranch Wastewater Activity Enterprise and The Sterling Ranch Community Authority Board *[Located in Northwestern Douglas County with the use of Douglas county's American Rescue Plan Act Funding for this project]***
- [PROC 2023-009](#) **Proclamation: 35th Anniversary of Douglas Land Conservancy [For Council Action - Presentation on August 15, 2023]**
- [MIN 2023-014](#) **Minutes: May 16, June 6, and June 20, 2023 Town Council Meetings**

QUASI JUDICIAL HEARINGS

Mayor Gray read comments into the record. No Councilmembers voiced any conflict of interest, and Anderson confirmed it has been advertised.

- [RES 2023-098](#) **Resolution Approving a Site Development Plan for a Restaurant with a Drive-Thru in Founders Marketplace *[McDonald's Restaurant to be located at the corner of Hwy 86 and Aloha St on approximately 1.38 acres]***
- Vargish presented the item.

Cavey asked what concerns were brought up and feedback received.

Brooks stated there seems to be confusion on how this came to be. Some believe the Town decided what business comes. Vargish stated they do not solicit businesses. The zoning allows certain uses and applicants decide if they come. Brooks confirmed that improvements at the intersection would benefit traffic concerns.

Robert Palmer, Strategic Land Solutions, presented for the applicant.

Citizens that addressed Council:

Matt Boatwright - This development is not wanted by the people that live there. They moved there to get away from that type of development.

Online: Jillian McDonicky, resident, feels it is in the best interest of their community not to have McDonalds. Unhealthy food and will have a detrimental affect on locally owned establishments. There are traffic concerns and another McDonalds is only 3 miles away. It does not align with community values and goals.

Cavey stated it is in her district. She was not at the neighborhood meetings and 9 people does not represent a community. The community has stated they do not support fast food and that they support small businesses.

Brooks appreciated the clarification that the Town isn't pursuing businesses and that we don't make the choices. Staff determines if this use is allowed in that zoning.

Gray would rather have a little restaurant. McDonalds doesn't come if they don't think the surrounding areas support it. Anyone can choose to go there and have a right to be there.

Hollingshead would support small businesses, but no one jumped on it.

LaFluer stated Crystal Valley had a market and tried doing natural food; and it failed and now a Dominos is going in.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to Approve Quasi-Judicial Resolution RES 2023-098 as presented. The motion passed by a vote of:

Yes: 5 - Gray, Bracken, Hollingshead, LaFleur, Brooks

No: 2 - Dietz, Cavey

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2023-099](#) **Resolution Approving a Parking Lease Agreement with Douglas County School District RE-1 [55 surface parking lot spaces to the east of the School District headquarters building, 620 Wilcox Street]**

Corliss presented the item to lease 55 parking spaces from the school district off

of Wilcox.

LaFleur asked if the City Hotel project will be required to supply parking or pay for parking off-site. She asked who will be in charge of enforcing it. Corliss stated they will have signage and it will be enforced. We will be contributing to maintenance.

Cavey confirmed that the City Hotel may sublease spaces from us; so why would we obtain more parking, then give it up to them. Corliss stated the Town continues to look for more parking.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Brooks, to Approve Resolution RES 2023-099 as presented. The motion passed by a vote of:

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

[ORD 2023-016](#) Ordinance Amending Section 10.08.010 of the Castle Rock Municipal Code Regarding Restricted Parking and the Neighborhood Parking Permit Program (First Reading)

Mayor Gray read Ordinance 2023-016 and Resolution 2023-100 into the record together.

Gohl presented the items.

No public comment.

Moved by Councilmember Brooks, seconded by Mayor Pro Tem Bracken, to Approve Ordinance ORD 2023-016 as presented. The motion passed by a vote of:

Yes: 5 - Gray, Bracken, Hollingshead, LaFleur, Brooks

No: 2 - Cavey, Dietz

[RES 2023-100](#) Resolution Approving and Adopting the Town of Castle Rock Neighborhood Parking Permit Program

Moved by Councilmember Hollingshead, seconded by Mayor Pro Tem Bracken, to Approve Resolution RES 2023-100 as presented. The motion passed by a vote of:

Yes: 5 - Gray, Bracken, Hollingshead, LaFleur, Brooks

No: 2 - Cavey, Dietz

[DIR 2023-023](#) Discussion/Direction: History of Skyline/Ridgeline Ordinance and Variance Approval Authority

Vargish presented the item.

Gray confirmed there have only been 9 variances in 24 years. Vargish feels Planning Commission and staff has been good about reviewing these.

No public comment.

Gray feels they don't need to act on it because it is so infrequent.

Cavey doesn't believe in giving away elected power and Council should be held accountable. Cavey agrees the SDP should come to them as a whole package.

Brooks stated it is incongruent that they approve the SDP but not the variance as part of the SDP. How often it comes up should not affect consideration. This is to draft an ordinance for a future meeting to consider. As infill gets developed, this becomes more of an issue. Memmen Ridge would have affected LaFleur's district. This is talking about the identify of the Town, and should be up to Council.

Bracken feels Planning Commission was put in place by Council and he trusts them.

Moved by Councilmember Dietz, seconded by Councilmember Cavey, to Direct Staff to prepare an Ordinance. The motion passed by a vote of:

Yes: 4 - Hollingshead, Cavey, Brooks, Dietz

No: 2 - Bracken, Gray

Not Present: 1 - LaFleur

[RES 2023-101](#)

Resolution Approving a Construction Contract between the Town of Castle Rock and Hudick Excavating, Inc dba HEI Civil for the Four Corners Intersection Improvement Project [Founders Parkway, State Highway 86, Fifth Street, and Ridge Road]

Sailer presented the item.

Cavey confirmed there would be left hand turn lanes for all four corners; all four sides will have two thru lanes; and one lane that every corner will have a dedicated right hand turn lane.

No public comment.

Moved by Councilmember Cavey, seconded by Councilmember Dietz, to Approve Resolution RES 2023-101 as presented. The motion passed by a vote of:

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

[RES 2023-102](#)

Resolution Approving the Town of Castle Rock's CDBG 2023 Annual Action Plan

Vargish presented the item.

Cavey asked if the money goes towards ADA parking for our parks, ADA accessible restrooms, and to revive parks to add in ADA facilities. Vargish stated they look at the income levels at parks. In the past, downtown ADA accommodations were addressed.

Brooks thanked staff for their work.

No public comment.

Cavey noted that the Governor resurrected SB-22 to try to control our zoning.

Moved by Councilmember Brooks, seconded by Councilmember Hollingshead, to Approve Resolution RES 2023-102 as presented. The motion passed by a vote of:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

Mayor Gray stated that during the meeting, we lost someone in the community that fell off the Rock and extended thoughts to the family.

ADJOURN

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Cavey, to Adjourn. The motion passed by a vote of:

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