



## **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

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**Tuesday, August 15, 2023**

**6:00 PM**

**Town Hall Council Chambers  
100 North Wilcox Street  
Castle Rock, CO 80104  
Phone in: 720-650-7664  
Meeting code: 2480 319 8542  
[www.CRgov.com/CouncilMeeting](http://www.CRgov.com/CouncilMeeting)**

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**\*AGENDA AMENDED to remove item: RES 2023-106 Resolution Waiving Formal Written Bidding Requirement on the Basis of Sole Source and Approving a Construction Contract with Saunders Construction, Inc., for the Recreation Center Slide Tower Removal and Replacement [Location: 2301 Woodlands Blvd]\***

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 2480 319 8542 (if prompted for a password enter "Aug15Council"). 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. August 15, 2023, to be included in the public record.

### **COUNCIL DINNER & INFORMAL DISCUSSION**

### **INVOCATION - Pastor David Love, Calvary Castle Rock**

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

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

### **PLEDGE OF ALLEGIANCE**

### **COUNCIL COMMENTS**

Councilmember LaFleur stated she supports Town laws on public indecency and supports strong public safety as long as it does not focus on one group.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Direct Staff to provide information on state laws and policies on public nudity, indecency and obscenity to the September 19 Council meeting. The motion passed by a vote of:

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

Mayor Gray thanked everyone for coming out and it is important for them to have a voice and be heard.

Councilmember Hollingshead stated we are here because of what happened last year and before; and that we are unified that it was not okay for kids. He voted no in the past because there is more than indecent exposure. The Commissioners got together with them to re-establish the boundaries and the pressure from this group has been very clear. He believes that we won't have the same issue or if it goes bad, they won't be back. If we get rid of the lewd behavior and if there are anything else going on. He added that we are passionate about parental choice here, and the parents taking their kids to the Pride Fest know what they are taking their kids to.

Councilmember Cavey stated that since we solved that Castle Rock has jurisdiction and the Fairgrounds is in the Town, we should have Castle Rock Police present in the future. Corliss stated we do have jurisdiction at the Fairgrounds except for some sport fields. Corliss' understanding is that there has been tradition that the Sheriff deputies patrol that facility when it is in use and we are secondary in response.

Chief Cauley stated they have jurisdiction along with the State Patrol. Douglas County Sheriff's Office has traditionally patrolled the Fairgrounds and other County owned buildings. We have the same agreement with the State Patrol that handles crashes on the highways, but we agree they take crashes on the highways so we can focus on the other areas. He spoke with the Sheriff last week and reaffirmed our agreement. Cauley stated they have more resources than we do and the amount of events is significant. We have our own events that our officers work off duty. He is not sure it is doable, and the system they have works well. If there is an incident that occurs they can call us.

Corliss stated this is a verbal understanding. It is not a written agreement. Cavey asked if that is a resource issue. Cauley said it has been that way forever, but it is a strain on our resources as it already is for our own events.

Councilmember Brooks stated they have an elderly widower in their neighborhood who's insurance carrier dropped her. He urged everyone to check their insurance. Brooks mentioned that the library board of trustees plans to drop the Philip S. Miller name from the library. Philip S. Miller Trust provides funding for them as well as many other entities in Douglas County along with retiring 500k debt for the library. He asks that everyone get involved and attend the September 27, 5:30pm meeting to express interest in retaining the name.

**Moved by Councilmember Brooks, seconded by Councilmember Dietz, to Direct Staff to craft a letter to ask and urge trustees to retain the Philip S. Miller name in the library. The motion passed by a vote of:**

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

Mayor Pro Tem Bracken agrees everyone wants kids safe. We have been discussing this issue for 5 months. We are going to discuss the Town of Castle Rock's ordinance, not the county's. He said that any Town ordinance will not apply to the Fairgrounds. [corrected] He asked the attorney to confirm.

Mike Hyman, Town Attorney, stated all Town laws apply to all property within the Town. The County can make their own regulations, but they still need to abide by our Ordinances.

Corliss stated we don't have a local indecent exposure law, and if we have one it would apply to the fairgrounds.

Hyman added if it is adjudicated. If a law provides for a felony punishment, it cannot be processed through municipal court. If we adopt a municipal offense, we have the power to enforce those in the Town.

Bracken stated we are not the state, so state law would not apply and we could not enforce [corrected].

Corliss stated they will be exhaustive on their memorandum for the meeting agenda and make the jurisdiction and laws clear.

#### [ID 2023-082](#)

#### **Superintendent Erin Kane, Douglas County School District**

Mayor Gray welcomed Superintendent Kane and her colleagues to make a presentation. Becky Meyers and Mike Peterson, President from the school board, and the principal of Wild Cat Mountain Elementary.

Kane described awards received by the school district, scholarships received by students, and how they have expended their career and technical education pathways utilizing the Legacy Campus opened after purchasing the Wildlife Experience building. They are continuing to have challenges with funding and staffing as the lowest paid teachers. School Districts are funded by property taxes and the state of Colorado for a certain amount but the amount from each entity varies each year. They are asking for mill levy override to make up the \$130M deficit as their average salary is \$20k less than neighboring districts. \$66M of the mill levy override will increase pay for teachers and staff, and \$484M bond will expand education opportunities. The impact is about \$20 per year per \$100k of home value. Kane added they are down 104 bus drivers this year.

Mike Peterson iterated that Douglas County recovered from the learning loss of shutdowns, but issues of rolling blackouts on bus routes due to driver shortages and our average teachers pay is lower than Cherry Creek's starting pay. He stated the future of Douglas County is sitting in our classrooms.

Becky Myers shared that she moved here in 1993 and started substitute teaching and then became a teacher until she retired.

Mike Peterson is asking for Council support of the ballot issue.

Mayor Pro Tem Bracken reminded citizens that Council doesn't direct the school board. This presentation was to inform Council as community leaders so they are

able to explain this issue. He added that good schools equal good neighborhoods.

Councilmember Dietz stated he has a wife who has been a teacher in Douglas County for 20 years.

Councilmember Hollingshead thanked the board for their dedication to our kids.

**Moved by Councilmember Brooks, seconded by Councilmember Hollingshead, to Direct Staff to provide information at their September 5 meeting so Council can consider whether to support the School District's ballot items. The motion passed by a vote of:**

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

[PROC  
2023-009](#)

**Proclamation: 35th Anniversary of Douglas Land Conservancy [For Presentation - Approved on July 18, 2023, by a vote 7-0]**

Mayor Gray read the proclamation into the record. Jeff Brauer, Director of Parks and Recreation recognized the Douglas Land Conservancy and reflected on the goals they have met. Castle Rock has Woodlands Bowl, Quarry Mesa and Metzler Family Open Space.

## **ACCEPTANCE OF AGENDA**

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

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

## **UNSCHEDULED PUBLIC APPEARANCES**

Mayor Gray noted that most people are against under 18 and lewd behavior. Emails they received that were hateful are not representative of the people here.

### **Citizens that addressed Council:**

Christian PrePruett is grateful Council agreed to discuss an indecency ordinance that will allow us to enforce it; as DA's are not likely to prosecute at the state level.

David Love thanked Council for hearing the voice of the people and reiterated they only cared about behavior in front of kids. He requested that they have a representative in discussions about code changes.

Autumn Miller noted that we allow parents to make decisions concerning their kids, but if children are abused or exposed to things like that, it is neglectful and we don't turn a blind eye.

CJ Garbo advocates to continue the conversation and thanked Council for their vote and noted that contentious subjects don't go away if they are swept under the rug - they only escalate. He added when he was in law enforcement he carried two ticket books depending on if it was a municipal summons or state summons.

Sean Printz thanked Council for having the discussion. He was raised here and now is raising his children here he wants to retain the integrity and morality in the Town.

Charles Adamo recently moved here and thanked Council for considering this issue.

Chris Tracy noted that Hollingshead said he would be open minded to hearing more. He added that noone stepped in to stop the performance last year. He is concerned with teenagers attending without their parents who aren't aware of this type of performance occurring. He feels the best way to ensure they aren't seeing this type of performance without their parent's consent is not to have it in the first place.

Amy Windju thanked Council for being open to discussing the ordinance. This is not a gender issue and not a religious issue. It is not related to the event. It is about protecting the character of this Town and the innocence of the children.

Meghan Zavadil has been a resident for over a decade, and volunteers and is a board member of Castle Rock Pride and on the board for the Pride event. She doesn't oppose the indecent exposure measure but feels it is targeting the LBGTQ community.

Mary Wilson has been a resident for 14 years. She was involved in bringing the vote to change the Charter for an elected Mayor. She feels it is a parents job to decide was is indecent.

Bill Jack has been an educator for 10 years in public schools, and 28 years on the faculty and founder of World View Academy. He has been required to be trained in recognizing warning signs of grooming of children as part of his job in guarding the students he educates. What he witnessed last year was nothing less than sexual grooming. Council's job is to reward good behavior and punish evil behavior.

Katy Barrett apologized for her behavior at the last meeting.

Jay Gribbling thanked Council and appreciates having the discussion and that we don't want sexual behavior in front of children. It isn't about hate or bigotry or religion. It is objective morality. We don't worry about the feelings of the drunk driver when we make DUI laws. The fourth step in grooming children is exposing them to sexual behavior which is written in Psychology Today. It is our job to legislate to protect the group as a whole, and do what is best for everyone at large.

[ID 2023-091](#)

**Unscheduled Public Appearances: August 15, 2023**

## **TOWN MANAGER'S REPORT**

[ID 2023-083](#)

**Update: Calendar Reminders**

David Corliss proposes that the September 5 meeting begin at 5:15 and have an

Executive Session with Castle Rock Water items.

**Moved by Councilmember Cavey, seconded by Councilmember Brooks to begin the September 5 Council meeting at 5:15 pm for the purpose of holding an Executive Session. The motion passed by a vote of:**

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

[ID 2023-084](#)      **Update: Monthly Department Reports**

[ID 2023-085](#)      **Update: 2023 Service Contract Midyear Reports**

[ID 2023-086](#)      **Update: Mobility Hub Overview**

Dan Sailer, Director of Public Works provided an overview of a proposed mobility hub from CDOT.

Cavey is not happy because CDOT won't give a penny toward Crystal Valley Interchange. Corliss stated we don't have any money for it for the next five years. Mayor Gray agrees it is not a good partnership when they wouldn't help with CVI.

[ID 2023-087](#)      **Development Services Project Updates**

Tara Vargish, Director of Development Services, provided an update on proposed projects.

[ID 2023-088](#)      **Update: Quasi-Judicial Projects**

Tara Vargish, Director of Development Services provided an overview of quasi-judicial projects.

## **TOWN ATTORNEY'S REPORT**

[DIR 2023-024](#)      **Discussion/Direction: Multidistrict PFAS Litigation**

Mike Hyman, Town Attorney, presented on the multidistrict PFAS litigation (non-stick, stain or water resistant substances) which is also contained in fire fighting foam which may be linked to harmful effects. It is present in low levels in our water and treat for it. It is costly to replace the carbon in our filters every two years for \$650k along with cost of testing.

Marlow stated there are 150k water providers in the US. We have detected in our raw water and we don't detect it after going through our filters.

LaFleur asked how Louviers with this. Marlowe stated it is in raw water as a national concern.

Marlowe stated we have one of the most advanced treatment facilities in the US.

Keller Rohrback, LLP is a firm that specializes in multidistrict litigation and represents Denver, Aurora, Boulder and Jefferson County in PFAS litigation. They will represent the Town on contingency fee equal to 20% of sums recovered with no out of pocket costs for the Town.

Moved by Councilmember Cavey, seconded by Councilmember Brooks, to Authorize the Town Attorney to enter into a Professional Services and Contingency Fee Agreement with Keller Rohrback, LLP to represent the Town of Castle Rock in multi-district litigation against companies who manufacture, market, and sell products containing PFAS. 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:** 6 - Gray, Bracken, Cavey, LaFleur, Brooks, Dietz

**Not Present:** 1 - Hollingshead

[RES 2023-104](#) **Resolution Approving the Tri-Party Agreement for Design Services for the Highway 85 Wastewater Collection and Treatment System Project** *[Located in Northwestern Douglas County with Castle Rock Water managing the use of Douglas County's American Recue Plan Act Funding for this project]*

[MIN 2023-015](#) **Minutes: July 18, 2023 Town Council Meeting**

## QUASI JUDICIAL HEARINGS

[RES 2023-105](#) **Resolution Approving a Site Development Plan for a Senior Multi-Family Residential Housing Project** *[The Meadows Filing No. 17, Area No. 3 - 17.36 Acres Located South of the Intersection of Regent Street and Meadows Parkway]*

Mayor Gray read the script into the record. No Council voiced any conflict of interest. Lisa Anderson, Town Clerk, confirmed that the publication was completed.

Tara Vargish, Director of Development Services, presented the item. Cavey confirmed that it is age restricted.

The applicant presented.

### **Citizens that addressed Council:**

Wanda Bode asked if they are accommodating to ADA.

The applicant stated there are 15 ADA parking spots provided which is above the required spots and includes van parking.

Wanda inquired about ADA accommodations for showers, elevators, pool lifts, etc. Her concern is that wheelchair users can't access facilities when there isn't van parking.

The applicant stated they have ADA units and the other units can be converted, there is a pool lift, elevator service, and van parking.

**Moved by Councilmember Brooks, seconded by Councilmember Hollingshead, to Approve Resolution RES 2023-105 as presented. The motion passed by a vote of:**

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

## **ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**

### **[ORD 2023-017](#) Ordinance Approving the Second 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 View Investors, LLC (First Reading)**

David Corliss, Town Manager, and Kevin Tilson, Executive Director of EDC presented. They requested an 8 month extension for the requirement of a occupancy permit. There have been some unforeseen site issues. The first amendment extended that deadline to May 1, 2024 and they are now proposing an extension to December 2024.

Kevin Tilson, Director of Castle Rock Downtown Alliance, representing the DDA stated this site used to be a storage facility with a chain link fence with barbed wire around the top of it. The developer agreed to providing more public parking and to allow the Town to buy spaces. They went above the code with facade, office space, retail, and more parking. They support extending their deadline.

Cavey asked for their reason for asking for an extension.

Corliss stated their letter they lists five reasons - site issues, sewer bypass issues, groundwater, insurance issues, price escalations, and that CORE had to bury certain utilities adding to the time frame.

The applicant stated this is something they don't like to do with the high interest rates right now. They had to remove 25-30k gallons of water a day due to the heavy rains and couldn't pour concrete when they wanted to because of the water issues. They have been working with adjacent property owners to bury the utility lines that don't even feed their site. There was also an issue with the condo provision for the parking spaces and insurance and the retaining wall on the east side could not be salvaged as they thought and had to be rebuilt.

Councilmember Dietz clarified with Dave and asked how it will affect our rate of investment and the sales tax we may be losing. Corliss stated the developer is losing the opportunity for sales tax increment so they are the ones being penalized. We aren't getting the benefit of parking right away, but we are getting covered parking at \$30k a piece which is well below the market rate of \$40k. Our price doesn't change even though their costs have gone up. He stated staff is favorable to the project.

**No public comment.**

**Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to**



**Approve Ordinance ORD 2023-017 as presented. The motion passed by a vote of:**

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

**No:** 2 - Cavey, 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 (Second Reading - Approved on First Reading on July 18, 2023, by a vote 5-2)**

Matt Gohl presented the item.

Councilmember Brooks asked if there are plans to update Council on requests. Gohl stated they can share when applications are submitted.

**No public comment.**

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

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

**No:** 2 - Dietz, Cavey

**ORD 2023-018 Ordinance Amending Section 17.48.090 of the Castle Rock Municipal Code Regarding the Approval of Variances from the Town's Skyline/Ridgeline Protection Regulations (First Reading)**

Tara Vargish, Director of Development Services, presented the item.

No public comment.

**Moved by Councilmember Brooks, seconded by Councilmember Cavey, to Approve Ordinance ORD 2023-018 as presented. The motion passed by a vote of:**

**Yes:** 6 - Gray, Hollingshead, Cavey, LaFleur, Brooks, Dietz

**No:** 1 - Bracken

**ORD 2023-019 Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Fifth Street Widening Project (First Reading)**

Dan Sailer, Director of Public Works, presented the item.

Mike Hyman, Town Attorney, explained eminent domain to acquire property for public projects to condemn property if need be. There must be a public purpose and then have a need with the property you are seeking to acquire. We contact the owner, try to negotiate, and obtain an appraisal and offer them fair compensation. If we can't agree, the owner has an opportunity to have a hearing with Council before proceeding to go to court.

Councilmember Cavey inquired about the large portion of land and what it was

needed for. Sailer stated it is for a detention pond. Cavey confirmed that the speed will reduce from 45 to 35.

**Motion by LaFleur, seconded by Cavey to Extend the meeting to 10pm. The motion passed by a vote of:**

**Yes: Hollingshead, Cavey, LaFleur, Brooks, Dietz, Bracken, Gray**

Corliiss attended the meetings and the concern from residents is the speed which should be helped by the roundabout, the traffic light and posted speed. Cavey asked why it was a struggle to lower it 5 mph on Crowfoot. Sailer stated the engineer uses the factors to set the initial limits. When it is widened it can be adjusted.

**No public comment.**

**Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, to Approve Ordinance ORD 2023-019 as presented. The motion passed by a vote of:**

[ORD 2023-020](#)

**Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the East Plum Creek/Sellars Gulch Confluence Project (First Reading) *[Downtown Castle Rock]***

Mark Marlowe, Director of Castle Rock Water, presented the item. This project is to put in infrastructure to keep the water level up.

Councilmember Cavey confirmed this is the area that they might do some sort of nature path to enhance that area. Marlowe stated they would like to do some recreational soft surface paths.

**No public comment.**

**Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Approve Ordinance ORD 2023-020 as presented. The motion passed by a vote of:**

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

[ORD 2023-021](#)

**Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Plum Creek to Rueter-Hess Reservoir Pipeline Project (First Reading) *[Northern Castle Rock and Eastern Castle Pines]***

Mark Marlowe, Director of Castle Rock Water, presented the item. We spent money to buy storage space in Reuter-Hess but we need to get water into that storage space. There are 38 parcels and 18 property owners. This is precautionary if they run into issues.

Councilmember Brooks stated they received a letter from Happy Canyon residents. Marlowe stated the letter is from the West family. They live where there is an emergency gate. Castle Rock Fire has to provide emergency services to Happy Canyon. The residents don't want that road used for traffic, so the gate was put in so it could only be used for emergency. The water line may cross the

asphalt drive that goes up to the gate, but it will be restored. It is a temporary construction issue. The property is not owned by the West's. The gate will not be removed and will remain emergency access only.

Councilmember Cavey is concerned about the impact on the horses. Josh, the project manager, stated they are staying off the southern portion of her property. They would follow the easement along her property. It is a 30' encumbrance on her property and she made some adjustments to her fencing. They are trying to overlap as many easements as they can. Marlowe stated the final pipeline path has not been set.

**No public comment.**

**Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, to Approve Ordinance ORD 2023-021 as presented. The motion passed by a vote of:**

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

[RES 2023-103](#) **Resolution Approving a Service Agreement with Dewberry Engineers Inc. for the Young American Infrastructure Improvements, Bell Mountain Raw Pipeline, and Bell Mountain Flow Meter Vault Upgrade Projects [Young American neighborhood and Bell Mountain Ranch]**

Mark Marlowe, Director of Castle Rock Water, presented the item.

No public comment.

**Moved by Mayor Gray, seconded by Councilmember LaFleur, to Approve Resolution RES 2023-103 as presented. The motion passed by a vote of:**

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

[ID 2023-089](#) **Agenda item**

**Moved by Councilmember Dietz, seconded by Councilmember Cavey, to Extend the Meeting to 10:30 pm. The motion passed by a vote of:**

**Yes:** 6 - Gray, Hollingshead, Cavey, LaFleur, Brooks, Dietz

**No:** 1 - Bracken

## **ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

## **ADJOURN**

**Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Adjourn. The motion passed by a vote of:**

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