



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, September 21, 2021

6:00 PM

Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 146 974 4649
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 146 974 4649 (if prompted for a password enter "Sept21Council"). 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., September 21, 2021, 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 - Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Johnson, Councilmember Dietz, Mayor Pro Tem Bracken, Mayor Gray

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Hollingshead thanked all involved in the Oktoberfest last weekend, and that it was very successful.

Councilmember LaFleur thanked staff for putting together the Open House last week and their efforts to have discussions with constituents. LaFleur conveyed that they held an Ice Cream Social for Angie DeLeo for her years of service at the Museum. She also concurred Oktoberfest was incredible.

Councilmember Johnson recognized the volunteerism in our community that amounted to over 26,000 hours in 2020. We wouldn't be able to have the community we do without them.

Councilmember Dietz also thanked staff for the Open Houses. We have high quality services that we expect to keep in the future. The ballot issues are needed, especially for the protection of citizens. We are worth it. We have the best fire and police departments and these men and women are the best. These measures will also allow us to keep the beauty of our parks and open space and keep our streets in good shape and enable police and fire to get to us when needed.

Mayor Pro Tem Bracken complimented Oktoberfest and that the annual Douglas County vs. Castle View football game happened with Douglas County winning. He said his in-laws were in town and able to attend the game; and that it was good to see everyone there.

Mayor Gray agreed it was a great weekend. Over the last year and a half he has been asked a lot of questions, many about COVID. He is not an expert and stated that your beliefs are your own opinions. He doesn't have advice. He doesn't get his advice from the news or social media. He talks to his doctor. He said you do you and be kind. He also announced that his mom turns 80 this week.

DIR 2021-021

Discussion/Direction: Town Council participation on Douglas County Homeless Initiative

Mayor Gray stated that we have more homelessness each year and that it is a bigger issue as you go north and feels it is a good idea to be involved. David Corliss, Town Manager, will forward the information to the County Manager, Doug DeBord. Councilmember Dietz will be the primary member and Councilmember Johnson will be the secondary member. Dietz will attend the meeting on September 30.

Moved by Councilmember Cavey, seconded by Councilmember Hollingshead, to Appoint Councilmember Dietz as the primary member and Councilmember Johnson as the secondary member to the new Douglas County Homeless Initiative. The motion passed by the following vote:

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

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

ID 2021-099

Update: Calendar Reminders - Council Attendance on October 19, 2021

David Corliss, Town Manager, reminded Council of upcoming Open Houses, State of the Town and Council meetings. The week of October 19 is the Douglas County Fall Break and asked Council for their desire to cancel the meeting. Councilmember Dietz feels Council should attend even if it is remotely.

Council consensus to keep the October 19 meeting.

Corliss also asked about December 21st meeting which is the week of Christmas.

Mayor Pro Tem Bracken stated he would prefer the break.

Majority of Council consensus to keep the December 21 meeting.

Corliss stated the Nov 2 meeting should be an early meeting due to it occurring on election night.

Mayor Pro Tem Bracken asked about staff having a holiday off on Christmas Eve and asked about this year. Corliss confirmed that the 24th will be a full holiday off because Christmas falls on a Saturday. Bracken asked if the Thursday could be a holiday.

Corliss stated staff will look into the holiday for Christmas Eve and bring it back to Council on October 5.

Corliss also noted upcoming Neighborhood meetings on various development projects.

[ID 2021-100](#) **Update: Monthly Department Reports**

[ID 2021-101](#) **2020 Volunteer Utilization**

Corliss referenced the report that Councilmember Johnson previously highlighted.

[ID 2021-102](#) **Update: Quasi-Judicial Projects**

[ID 2021-103](#) **Development Services Project Updates**

Councilmember Cavey asked where the Mt. Royal and Bella Mesa North properties are that are on the Neighborhood meeting schedule. Corliss stated Bella Mesa North is near the Founders area north of Mesa Middle School and this is the first meeting. Tara Vargish, Development Services Director, stated that Mt. Royal is a three lot subdivision on a tract in Plum Creek. This is their first meeting as well. Cavey asked if they could include a brief description on this list for reference.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Accept the Agenda as presented. The motion passed by a vote of:

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

CONSENT CALENDAR

[ORD 2021-021](#) **Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Plum Creek Parkway Widening Phase 2 Project**

(Second Reading - Approved on First Reading on September 7, 2021 by a vote of 7-0)

[RES 2021-083](#) **Resolution Adopting the 2021 Douglas County Local Natural Hazard Mitigation Plan**

[RES 2021-084](#) **Resolution Approving a Grant Application to the Land and Water Conservation Fund for Improvements at Centennial Park [located at 22 North Gilbert Street]**

[PROC 2021-010](#) **Proclamation: Fire Prevention Week October 3-9, 2021 (For Council Action - Presentation on October 5, 2021)**

[MIN 2021-016](#) **Minutes: September 7, 2021 Town Council Meeting**

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

2022 BUDGET

[ORD 2021-024](#) **Ordinance Adopting the 2022 Budget for the Town of Castle Rock, Colorado (First Reading)**

Mayor Gray read Ordinance 2021-024, Ordinance 2021-025, Ordinance 2021-026, and Ordinance 2021-027 into the record to be presented and public comment taken on all items together but voted on separately.

David Corliss, Town Manager, stated once Council approves the budget, the staff uses the document as their operating plan. Staff held a public open house, and budget information is also available at all of the open houses. The second reading is planned on December 7 for the Mill Levy. The budgets for the General Improvement District, Downtown Development Authority and the Business Improvement District will be presented at a future Council meeting. Corliss gave an overview of the proposed budget and the priorities.

Mark Marlowe, Director of Castle Rock Water, provided an overview of the proposed rate recommendations for 2022.

Councilmember Johnson asked about the Rueter-Hess treatment facility. Marlowe stated the Rueter-Hess water treatment plant is owned by Parker Water. We will invest in expansion of that plant when we are ready. Parker allows us to treat a small amount of water now.

No public comment.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Dietz, that Ordinance 2021-024 be Approved on First Reading as presented. The motion passed

by the following vote:

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

[ORD 2021-025](#) **Ordinance Amending Ordinance No. 2021-014 Regarding the Proposed Excise Tax on New Housing Construction (First Reading)**

David Corliss, Town Manager, Stated this is a change they are recommending to the Ordinance. It does not impact the ballot language, but they want to show the structure of the new housing excise tax. Previously, garages and basements were included in the calculation in error, which is now stricken from the ordinance and will not include the square footage from basements and garages in calculating the tax.

No public comment.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, that Ordinance 2021-025 be Approved on First 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 (First Reading)**

David Corliss, Town Manager, explained that this is based on an estimate of the property tax provided by the Assessor. The Town property mill levy tax will decrease from 1.196 to 1.136. The second reading of this ordinance will be on the December 7 agenda after the Assessor has finalized the property tax base.

No public comment.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Johnson, that Ordinance 2021-026 be Approved on First 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; and Making Certain Editorial Updates to Such Titles (First Reading) [Entire Town of Castle Rock and extraterritorial service areas]**

David Corliss, Town Manager, provided an overview of the amendment to the rates and fees for Castle Rock Water.

No public comment.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, that Ordinance 2021-027 be Approved on First Reading as presented. The motion passed

by the following vote:

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

QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script into the record. No Councilmember reported any conflict of interest. Lisa Anderson, Town Clerk, confirmed that the items were published according to law.

[ORD 2021-022](#) **Ordinance Annexing to the Town of Castle Rock, Colorado, 5.332 Acres of Land Located in Sections 34 And 35, Township 7 South, Range 67 West, of the 6th Principal Meridian, Douglas County, Colorado, Pursuant to an Annexation Petition Submitted by KGCB Industries LLC (StorQuest-Liggett Road Annexation) (Second Reading - Approved on First Reading on September 7, 2021 by a vote 7-0) [located south of the State Highway 85 and Liggett Road intersection]**

Mayor Gray read Ordinance 2021-022, Ordinance 2021-023, and Resolution 2021-085 into the record together which will be presented and public comment taken together.

Tara Vargish, Development Services Director, provided an overview of the annexation request noting that it was previously brought to Council to determine substantial compliance and eligibility.

Councilmember Johnson noted there was no timeframe in the Development Agreement and inquired if there was a reason for it. Vargish stated the parcel is small and already developed in the County. It will continue to be industrial so there was not a reason to put a timeframe in. Johnson thanked Vargish for addressing her concerns about the north access. Johnson noted that the cash in lieu will be required at the time of first plat and that there may not be a need of inflation cost index to be included since they plan to proceed quickly. However, that will be determined prior to the plat approval.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember LaFleur, that Quasi-Judicial Ordinance 2021-022 be Approved on Second Reading as presented. The motion passed by the following vote:

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

[ORD 2021-023](#) **Ordinance Approving the Initial Zoning for 5.332 Acres of Land Located in Sections 34 And 35, Township 7 South, Range 67 West, of the 6th Principal Meridian, Douglas County, Colorado, Pursuant to a Zoning Application Submitted by KGCB Industries LLC (StorQuest-Liggett Road Annexation) (Second Reading - Approved on First Reading on September 7, 2021 by a vote 7-0) [located south of the State Highway 85 and Liggett Road intersection]**

Moved by Councilmember Johnson, seconded by Councilmember LaFleur, that Quasi-Judicial Ordinance 2021-023 be Approved on Second Reading as presented. The motion passed by the following vote:

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

RES 2021-085 Resolution Approving the StorQuest - Liggett Road Development

Agreement [5.3 acres, located south of the State Highway 85 and Liggett Road intersection]

Moved by Councilmember Cavey, seconded by Councilmember Dietz, that Quasi-Judicial Resolution 2021-085 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

RES 2021-086 Resolution Approving a Construction Contract with JBS Pipeline, LLC for the Craig and Gould North Infrastructure Improvements Project [North of Fifth Street, east of Front Street]

Mark Marlowe, Director of Castle Rock Water, provided an overview of the item. The project is being led by the Stormwater team and will provide upgrades to water and sewer that weren't previously updated. This is a joint project with Public Works to replace roads and put in sidewalks, curb, and gutter. They had an open house on September 15 and previously 5 open houses over the years to get community input for the design. Gilbert street residents did not want sidewalks as they were concerned that people would start using that street to park along. Staff got a variance approved at that location. One of the residents on Lewis street did not desire sidewalks. Staff recommends to continue with the sidewalks to retain the connectivity.

Councilmember Cavey inquired if the resident would then have to maintain that sidewalk with snow removal.

Councilmember LaFleur confirmed the sidewalks are on Town property so what degree would he be held responsible. Marlowe stated Town Code requires residents maintain the sidewalks for snow and ice.

Mayor Pro Tem Bracken asked what is present now. Marlowe stated just the asphalt goes up to the yard with no curb. Bracken asked if we did not put in a sidewalk, would he have any responsibility. Marlowe confirmed that the resident would not have any responsibility if there was not a sidewalk.

The contractor proposes they will complete the project in 365 days anticipating to begin in November 2021. There can be delays from weather and unknown utilities in the area so they communicate anticipated completion in August 2023. Residents will get a monthly update and weekly or daily as needed.

Councilmember Johnson inquired about the diagram and noted that 6th street is a little misaligned and the stormwater tie in will be at 6th and Wilcox.

Mayor Gray asked if it is possible to exclude the sidewalk in front of that resident's property. Mike Hyman, Town Attorney, stated that our liability would be limited to defects in the sidewalk. Ice or snow we would have immunity. The homeowner would likely be covered by homeowner's insurance. Marlowe stated the drainage would be impacted, but there would need to be some curb to channel the water.

Dan Sailer, Director of Public Works, stated there is a recommendation to still put in curb and gutter for the drainage improvements that could be done without a sidewalk attached to it. Mayor Gray confirmed that Council can approve that change.

Councilmember Cavey asked what would happen if we don't put sidewalk in front of that resident's home, he sells his home and the new owner wants a sidewalk. Would we be obligated to put the sidewalk in and would it be difficult. Salier stated we are not obligated to do it, but it is a standard that we have sidewalks, but it is Council's discretion. Cavey confirmed that it wouldn't be a difficult.

Corliss stated if they approve not having the sidewalk and a future homeowner wanted it, it is cheaper now, but we would do it in the future because we feel it is a good idea.

Councilmember Hollingshead doesn't want to start a precedent and feels the good of the community overrides the property owner's rights.

Councilmember LaFleur is worried about the tone we set for residents. This is a major renovation that has been needed for a long time and did not support cutting that little piece out. She stated she would like to reach out to ensure he is helped with snow removal.

Councilmember Johnson asked if we voted not to install the sidewalk, and feels there are other situations where we don't have a sidewalk where they are needed. She feels it is best for the community to put the sidewalk in.

No public comment.

Mayor Gray wanted to note that Council took one individual's wishes very seriously and had a long discussion about it. It shows we do a lot for our citizens.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Resolution 2021-086 be Approved as presented. The motion passed by the following vote:

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

ORD 2021-028 Ordinance Amending the Castle Rock Municipal Code by the Adoption of a New Title 21 Entitled "Guidelines and Regulations for Matters of State Interest" (First Reading)

Mike Hyman, Town Attorney, provided an overview of the item. Hyman thanked outside Council for their assistance in drafting this. Mr. Sullivan is online if there are any questions. He also thanked Corliss, Vargish and Sailer for their work on

this item. Hyman referenced the Areas and Activities of State Interest Act in 1974 that grants local governments the authority to regulate projects that are out of our jurisdiction or control to protect negative impacts of outside development on the Town's watershed, existing water, wastewater and transportation infrastructure. 32 counties and 67 municipalities have adopted 1041 regulations since the inception. This is when urban level development occurs in the unincorporated area adjacent to or surrounded by the Town. Staff recommends they designate the areas around interchanges and state highways 85 and 86. If development occurs in these areas outside of our boundaries, we can require the developer obtain a permit from the Town.

Councilmember Cavey inquired about the types of properties this would apply to. Corliss stated it is what is going to impact our infrastructure in water and roads. We get to decide if there are mitigations that can reduce any negative impact on the community. There is property for the Crystal Valley interchange that may have an impact on that infrastructure

Councilmember Johnson confirmed that the Watershed map could be extended. Marlowe stated they will add an area around Cherry Creek, and that we can amend that map as needed as it grows and changes.

No public comment.

Mayor Gray stated this happens a lot making sure one city doesn't infringe on the other Town.

Councilmember Johnson appreciates Hyman going over the questions she had.

Moved by Councilmember Dietz, seconded by Councilmember Cavey, to designate the following area of state interest: Areas around interchanges involving arterial highways as designated on the Areas Around Interchanges map presented at tonight's meeting; and the following activities of state interest: Site selection of arterial highways and interchanges and collector highways located wholly or partially within the municipal boundaries, site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems located wholly or partially within the Watershed Protection District as designated on the Watershed Protection District map presented at tonight's meeting. The motion passed by the following vote:

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

ORD 2021-028 Ordinance Amending the Castle Rock Municipal Code by the Adoption of a New Title 21 Entitled "Guidelines and Regulations for Matters of State Interest" (First Reading)

Moved by Councilmember Cavey, seconded by Councilmember Johnson, that Ordinance 2021-028 be Approved on First Reading as presented. The motion passed by the following vote:

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

RES 2021-087 Resolution Approving an Intergovernmental Agreement with the

**Colorado Department of Transportation for Construction of the
Fifth Street Improvements Project [Gilbert Street to Ridge Road]**

Dan Sailer, Director of Public Works, provided an overview of the IGA funding. The grant obtained was \$3.5M toward this project. Construction is anticipated to start in 2023. Public Works Commission unanimously recommends approval.

Councilmember Johnson was pleased to see that Public Works Commission recommended approval.

Councilmember LaFleur stated people brought it up at her open house and they were happy to see it.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, that Resolution 2021-087 be Approved as presented. The motion passed by the following vote:

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

RES 2021-088**Resolution Approving the Project Participation Agreement Between the Members of the Cherry Creek Project Water Authority for the Construction of, and Sharing of Capacity in the Walker Reservoir**
[located near Walker Road, north of Highway 86, east of Highway 83, adjacent to Cherry Creek]

Mark Marlowe, Director of Castle Rock Water, provided an overview of the item. They acquired renewable water rights in Cherry Creek earlier this year and this maximizes our water rights. This is a partnership with the Cherry Creek Project Water Authority. We are about 40% owner, and the costs will be divided between the amount of water needed. CCPWA will be the owner and our cost will be about \$3M. Groundbreaking is scheduled later in September with expected completion of June 2023. Castle Rock Water Commission and staff recommend approval.

Councilmember Cavey asked who had the most senior rights. Marlowe stated we would get 40% of the total water. The storage is so that we can totally utilize our acre feet.

No public comment.

Councilmember Johnson stated they were riding near Walker Reservoir because the County is paving the southern section and asked why they weren't paving along the reservoir. There was a bear up in the tree when they rode by there. You can access Cherry Creek Trail from there. She is glad we are doing this.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Resolution 2021-088 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 Councilmember LaFleur, seconded by Councilmember Johnson, to Adjourn the meeting. The motion passed by the following vote:

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

Meeting was adjourned at 8:29 pm.

Submitted by:

Lisa Anderson, Town Clerk