



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, December 21, 2021

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 146 785 0135
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 146 785 0135 (if prompted for a password enter "Dec21Council"). 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. December 21, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Joshua Kaighen, Home Churches

CALL TO ORDER / ROLL CALL

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Cavey wanted to honor Gary Godfrey who passed away last week. He loved this Town, was a pillar in the community, a huge advocate for small businesses, and helped anyone in need and expected nothing in return. She ran against him for Council, and when she won he was the first person to call to congratulate her. That is the kind of person that he was. He will be deeply missed in this community. She proposed several ideas for Council to honor Gary's memory: Dads of Castle Rock would like to put a plaque on one of the benches at Festival Park. Gary was also a photographer and took some amazing pictures of Downtown, The Rock and our community. She asked if the Town would be able to buy one or two of the prints to hang where appropriate.

David Corliss, Town Manager, stated they can discuss after the Proclamation.

Councilmember LaFluer, wished Police, Fire, and Town staff a Merry Christmas and a safe holiday and Happy New Year.

Councilmember Johnson wished our community, our state and nation a Merry Christmas and Happy New Year. She looks forward to hearing the proclamation and has been saddened by Gary's passing. She would see him often when he came to her church for meetings and knows how much he gave to our community. It is sad for us all here.

Councilmember Dietz stated it is a time to rejoice and be grateful. Christmas changes things and people for the better, reminds us there are ways to help, to pray, to slow down, and help others. Gary Godfrey will be missed. He was kind, helpful, and loved Castle Rock and people. God's blessings to Gary and his family. Dietz thanked the Town of Castle Rock voters for voting for two of our ballot issues so that we have extra funds to move forward.

Mayor Pro Tem Bracken conveyed that he talked to Gary about the cell phone issue, and Gary came to Council meetings to comment. They talked a lot about things they could change and he had grandiose visions. Bracken supports something nice to honor Gary.

Mayor Gray said the season can be hard on a lot of people and wants to make sure that everyone lends a hand anyway they can. The movie A Wonderful Life sends a message that your life matters very, very much. There are a lot of people out there hurting. Hurt people have a tendency to hurt other people. He wants to promote forgiveness to people we love, people we care about and for the person he cut off on the highway. Even if they don't deserve it, you deserve it to forgive others. Your life matters and it is important to understand that.

[PROC](#)
[2021-013](#)

Proclamation: Honoring Gary Godfrey

Mayor Gray read the Proclamation honoring Gary Godfrey into the record and presented it to his brother Greg Godfrey who was in attendance at the meeting along with several of his friends.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Holly Osborne-Horn, resident, wanted to say some words about her friend Gary Godfrey. She said when you ran into him, your day got better. He was a judgment-free zone, and he was always there to listen. He was a friend to all and he was a champion for this Town. They worked together to help the Governor know how our small businesses were struggling. He was always fighting for small business owners to be successful and thrive. He was different in so many ways but a friend to all. She wanted to convey a message of gratitude and the impact he made on her life.

Councilmember Cavey introduced the video of Gary Godfrey singing a song that he wrote; and his friend David Chapa put it together with a video of photos of Gary.

Mayor Gray asked if Council would like to discuss how to honor Gary. Councilmember Dietz stated there are individuals that want to pay for it. Corliss stated they can also work to obtain some photographs of Gary's.

Councilmember Johnson stated the Public Art Commission may want to ensure they are part of the inventory they keep track of. Corliss will coordinate with them to ensure it is part of the Town inventory.

Online Comments from Citizens:

Sean Hakes became friends with Gary 7 years ago. He came into his office at 5th and Perry and gave him paintings to show his appreciation. They hung out weekly in Downtown Castle Rock. Gary was in retail a long time, but he was passionate about helping businesses thrive and was living his dream. He appreciates what the Town is doing for Gary, and noted that Gary would do the same thing for any of us. It is a huge loss to the community.

Moved by Councilmember Cavey, seconded by Councilmember Dietz, to Direct Staff to put a bench in Festival Park in Gary's honor and buy one or two pieces of his photography collection to display at a Town facility. The motion passed by the following vote:

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

TOWN MANAGER'S REPORT

David Corliss, Town Manager, wished everyone Merry Christmas and Happy New Year.

[ID 2021-132](#)

Presentation: Indoor Recreation Facility Feasibility Study Update

Corliss noted that Police and Fire salaries are a very high priority. Building a recreation center is from funds that can only be spent on Parks and Recreation from Impact fees.

Jeff Brauer, Director of Parks and Recreation, wished Council happy holidays from his staff. Staff went through the feasibility study, looked at their inventory and feel they should issue a request for proposal in the community for public private partnerships to provide land, financing or other options. The new facility will be focused on sports, teens and active adults. They will bring this back to Council in the first quarter with any updates.

Mayor Gray asked how we compare to other communities. Brauer stated that we could use a third recreation center. The Town hasn't built a competitive swimming pool since 1988, and the Town gym at the recreation center was also built during that timeframe.

Councilmember Cavey asked what the scope and size is for the rec center needed. Brauer stated they look at a 10-12 acre site.

Councilmember Johnson stated the Council recently toured the South Suburban complex. She suggested we need to include consideration for the traffic impacts

of tournaments and parking impacts. Brauer stated they will provide as much information as possible. Johnson also ensured that they consider the capstone when planning any building.

Mayor Pro Tem Bracken asked what is in the RFP. Brauer stated they identify the possibility for land, financial participation, and opened it up to anything else that would be a benefit to the Town. They know there are a lot of creative people in the community.

[ID 2021-133](#)

Update: Calendar Reminders

David Corliss, Town Manager, wanted to remind everyone about the Town holidays, the Police Swearing In on January 3 for seven new officers, the Fire Rescue Awards Banquet with a dinner and ceremony at 6pm on January 15, and Open Houses on the 5th Street widening and Crystal Valley Interchange. There are various neighborhood meetings also referenced.

[ID 2021-134](#)

Update: Monthly Department Reports

[ID 2021-135](#)

Development Services Project Updates

[ID 2021-136](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

No report; but Mike Hyman, Town Attorney, echoed Dave's wishes to Council with Merry Christmas and Happy New Year. He noted he is scheduled to close on his house on December 30th, move on December 31st and hopes to wake up on January 1st as a Castle Rock resident.

ACCEPTANCE OF AGENDA

Moved by Councilmember Johnson, seconded by Councilmember Cavey, to Accept the Agenda as presented. The motion passed by the following vote:

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

CONSENT CALENDAR

[ORD 2021-032](#)

Ordinance Approving a Franchise Agreement Between the Town of Castle Rock, Colorado, and Black Hills Colorado Gas Inc. (Second Reading - Approved on First Reading on December 7, 2021, by a vote 7-0)

[MIN 2021-022](#)

Minutes: December 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 - Bracken, Gray, Hollingshead, Cavey, LaFleur, Johnson, Dietz

QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script and no Councilmembers voiced any conflict of interest. Lisa Anderson, Town Clerk, confirmed that the items were properly noticed.

Note: Councilmember LaFleur left the meeting at 6:45 pm. prior to the start of this item.

[RES 2021-115](#) **Resolution Approving a Site Development Plan for a New Golf Clubhouse at the Plum Creek Golf Course**

Tara Vargish, Director of Development Services, presented the site development plan. This is on the agenda due to the Residential/Non-Residential Interface Regulations because of the vacant residential lots to the south of the proposed project. A new owner purchased the existing club house in 2018 and operates it as a wedding venue. There has been a temporary building used as the clubhouse until they can build a new one. There are no changes to the entrance/access or to the previous golf clubhouse. The two uses only require 150 spaces, so their current parking capacity is more than adequate.

Councilmember LaFluer returned at 6:50 pm.

Vargish noted there is 365 feet between the proposed club house and the residential lot lines. The building is just under 4,000 square feet, is one story and the architecture fits in with the surrounding area. There is an existing buffer with the open space and landscaping. Staff determined that they meet all of the requirements and objectives, and Planning Commission approved it.

Councilmember Johnson confirmed the existing building is a temporary trailer they use now.

Councilmember Cavey stated it looks like nothing is changing. Vargish stated the new club house is going where the temporary building is right now. It will be a larger building but a permanent fixture.

David Hieronymus, the architect, stated they wanted something simple that fit in the neighborhood. It is walkable from the neighborhood, and he noted they spent a lot of money and time to make improvements to the golf course. The existing lots are 50 feet above them, and will be 30 feet above the top of this building. The inside will have a bar and grill and a pro shop with a lot of outside seating.

Councilmember LaFleur asked if it will house the cart barn. Hieronymus noted the carts will remain in the old clubhouse with a 30 year lease plus a 30 year option.

No public comment.

Mayor Pro Tem Bracken thanked Vargish for her work with the applicant.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, that Quasi-Judicial Resolution 2021-115 be Approved as presented. The motion passed by the following vote:

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

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 (First Reading) *[located at the corner of Jerry Street and 6th Street]*

Tara Vargish, Director of Development Services, presented the item showing the location of the portion of the street to be vacated. The street is 50 feet wide to the north, and 80 feet at the southern portion. The vacation is 15'x50'. This street was originally platted in 1874. There will be sidewalk and some columns that hold up the floors above it. The utility providers have no objection, but there will be public access for the sidewalk and a utility easement.

Councilmember Cavey asked if this is currently owned by the Town. Vargish stated it is owned by the Town. When a developer plats a neighborhood, they give the Town the right of way, and returned when it is no longer needed.

Councilmember Dietz stated that he will not be in favor of it because the project involves a decision he was not part of.

Mayor Gray stated there has been a fence around this property and maintained privately, as they just learned it was never conveyed back.

No public comment.

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

Yes: 4 - Bracken, Gray, Hollingshead, LaFleur

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 (First Reading) *[located at 610 Jerry Street]*

Mike Hyman, Town Attorney, stated this is an amendment to the financing agreement that was approved earlier. They proposed some deadlines for the building permit by June 30, 2021 and a certificate of occupancy for the first residential unit by August 1, 2023. Anything beyond 6 months requires an amendment to the agreement. They requested an extension for the permit until December 30, 2021 that was granted. They have now requested that to be moved to April 30, 2022 and a nine month extension for the first residential unit until May 1, 2024. They have experienced volatile construction pricing and supply chain interruptions. Staff recommends approving the amendment.

Councilmember Johnson inquired if they could add conditions to this ordinance.

Hyman stated it is within her right and it would require a motion and a second and the would either succeed or fail.

No public comment.

Councilmember Deitz again stated he would not vote for it since the original project did not come through Town Council.

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

Yes: 4 - Bracken, Gray, Hollingshead, LaFleur

No: 3 - Cavey, Johnson, Dietz

[RES 2021-116](#)

Resolution Approving a Service Agreement with Short Elliott Hendrickson, Inc., for the Design of the Crystal Valley Parkway and Plum Creek Boulevard Roundabout Project

Dan Sailer, Director of Public Works, presented the item. He showed the location of the project at Plum Creek Boulevard and Crystal Valley Parkway. They try to maximize the value and looked at three options. A four-way stop has poor near and long-term performance. It is the least expensive but is not as safe. A traffic signal would work in peak hours, but off-peak is not acceptable. The roundabout met the majority of the requirements. They would maximize the right-of-way, include bicycle lane striping, it will accommodate larger vehicles, minimize impacts on the residential area, ensure there is sufficient capacity for the future, and accommodate pedestrian crossing. They received five proposals for the design phase, and their recommendation is within the budget. They look to complete construction in the first quarter of 2023. The Public Works Commission unanimously recommend approval.

Councilmember Cavey inquired about the benefits of the roundabout and confirmed that the fire trucks are accommodated. Cavey stated the design phase is budgeted at \$400,000 and asked what the total cost for the roundabout will be. Sailer stated that their program costs show close to \$2M more for construction which will be driven by the market.

Mayor Gray stated that Councilmember Dietz has been looking to alleviate problems in his District. Dietz feels it is a huge safety issue and complimented staff.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Resolution 2021-116 be Approved as presented. The motion passed by the following vote:

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

[ID 2021-137](#)

Presentation of the Metropolitan District Summary for the year ending December 31, 2020

David Corliss, Town Manager, stated they started reviewing these a few years ago because they felt the metropolitan districts were not doing a good job explaining their financial status to the public. This is a sizable financial issue for the community. Corliss iterated that this is not the Town debt, but staff feels we need to monitor it and alter our policies going forward for new metropolitan districts.

Trish Muller, Director of Finance, stated each year they get these financial reports from metropolitan districts in September for the previous year. A metropolitan district is a separate taxing entity formed by the developer and they have the ability to issue debt to fund the public infrastructure they put in the development. That debt is paid by the homeowners via the mill levy on the property taxes. We have 42 metro districts and 5 of them are inactive. Total metro district debt in December 2020 was \$875M which increased by \$59M from 2019. Some of the new districts like Bella Mesa and Castle View are just getting started with \$16.3M for Bella Mesa and \$3.6M for Castle View. The rest is accumulated interest and developer advances. 7% or \$61M represents developer debt, \$385.7M or 44% is the true outstanding principal, and \$428M or 49% is the accrued interest. Tax collected by the metro districts through property tax is \$29.1M and \$2.5M comes from ownership tax. The Town receives \$1.3M for their mill levy and receives \$338k from ownership tax when you register your vehicle.

Staff recommends debt service have a mill levy cap of 50 mills and a maximum term of 35 years. Staff also recommends there be a mill levy dedication to the Town for an urban services mill levy no less than 2 mills, imposed by the metro district and given to the Town so we can fund services that put a burden on our system. They recommend a total debt issuance limit of 95% of the total public improvements and that compounded interest not be allowed. The rate will be determined by the variable municipal market data plus a certain percent, and specific ownership tax collected by the metro districts should be remitted to the Town since it is a tax on the roads and we maintain the roads. These are the recommended changes to the model service plan to be used for any new metro district or when amendments are made to existing service plans.

Councilmember LaFluer stated Woodlands metro district is paid off and no longer active. Muller stated they can also be under a suspension plan like Dawson metro districts 1-5 that are inactive.

Councilmember Hollingshead asked if we can require them to notify taxpayers. Mike Hyman, Town Attorney, stated the metro districts are required under state Statute to notify residents in their district and feels it is appropriate to require that in future service plans.

Councilmember Cavey inquired about compounding interest and who is paying for that. Muller stated that the interest accrued on interest it is paid by the residents. Cavey asked when the metro districts are formed if we can do more as a Town to help the taxpayers to not allow them to run wild. Corliss stated that is their intent and that the key thing is a term limit on the debt service so property owners will only be paying 35 years of debt service. Some of the existing metro districts do not have that term limit. Corliss noted that Woodlands and Plum Creek both paid off their debt and it worked well. Cavey asked if it is reasonable to reduce it below 35 years. Corliss stated that is what the market tells us because it is the life

expectancy of the infrastructure. If you have a shorter term you will have a larger mill levy. We want developers to bring more equity to the project. Cavey requested time with Trish and Dave to dig into it more.

Councilmember Johnson appreciates the time staff has taken to review these and come up with a model service plan to help future residents. She encourages residents to take a look at this information, it is very important, and to see where most of their property taxes are going if they live in a metro district. Johnson reiterated that most of their taxes are not going to the Town.

David Corliss stated Council will likely see the metro district service plan for one or two developments - one being Dawson Trails.

Mayor Pro Tem Bracken stated these entities are refinancing their debt at all time lows in percentage rates and feels they have a responsibility to refinance them. He feels this is good stuff to put limitations on the service plans.

Councilmember Johnson noted that Lone Tree currently has a 2 mill levy they receive from the metro districts.

Councilmember Cavey thanked staff for what they are doing for the community to be more fiscally responsible with taxpayer dollars.

Mayor Gray stated almost all of this has been done in the past and we have no way to change it. He likes that we are finding better ways to do this in the future.

No public comment.

[RES 2021-117](#) Resolution Approving a Construction Contract with C & L Water Solutions for the Woodlands Sewer Interceptor Manhole Rehabilitation Phase 2 Project [Woodlands Boulevard and Saddleback Drive]

Mark Marlowe, Director of Castle Rock Water, presented this item that will replace existing infrastructure in the Woodlands. Manholes that serve a major interceptor that brings wastewater from the east side of Town and takes it down to the Plum Creek water treatment facility and runs along a heavily used trail. This continues a previous project with 25 more manholes that are severely corroded. They received five proposals with a wide range of costs. Three provided a structural rehabilitation method that is not what they wanted. C&L has the most experience with this method of rehab. Given the high risk nature of this project they felt C&L had the experience needed which allows them to continue to operate the sewer. They also did a great job on the first phase. They expect completion in November 2022. The Water Commission recommended unanimously.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Hollingshead, that Resolution 2021-117 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

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

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

Meeting Adjourned at 8pm.

Submitted by:

Lisa Anderson, Town Clerk