



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, January 5, 2021

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: (720) 650-7664
Meeting Code: 146 417 1931
www.CRgov.com/Jan5Council**

This meeting is open to the public and will be held in a virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred - remote participation is encouraged. This meeting will be hosted online and can be accessed at www.CRgov.com/Jan5Council, or phone in by calling (720) 650-7664, meeting code 146 417 1931 (if prompted for a password enter "Jan5Council"). 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. January 5, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Donald Haymon II, Calvary Apostolic Church Of Denver

CALL TO ORDER / ROLL CALL

Councilmember LaFleur and Johnson attended remotely.

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Hollingshead commended the Town for holding the Christmas events this year.

Councilmember Johnson Town has worked hard to support Town businesses, so their family has decided to help 6 restaurants in our Community and will be giving them each a month of her Council salary.

Councilmember Dietz provided a statement reflecting on the effects of the shutdowns on our businesses and feels there has been government overreach and inconsistencies. He feels they have not seen the benefit or proof that the shutdowns have worked and that there is a lack of trust in the decisions by the

governor and Tri County. He feels we should lead the way and be proactive and move away from Tri County's model and develop our own regulations to aid and encourage our citizens to help themselves.

Mayor Pro Tem Bracken thanked Councilmember Dietz for his comments. He has been joining the Tri County calls regularly and feels they have not proven that restaurants are causing any more spread than any other business. Bracken requested that the data from Tri County be posted so that citizens can review the data for themselves. The table is based on national data without any real substance, and Tri County then makes an assumption based on the national data. He feels they are not asking persons if they have also visited big box stores so they are making the assumption it is from restaurants. The third table asserts that churches are causing the spread. Bracken asked the Town Manager to post this report and for people to pay attention to incident rates that are based on assumptions. Council explored moving away from Tri County, and he feels it is necessary to wait for the County Commissioners as it will be very expensive to do on our own.

Councilmember Dietz is interested in talking to the Commissioners and other municipalities.

Councilmember Cavey spoke with Commissioner Thomas and Commissioner-Elect Teal who are looking into making the County Home Rule. She agrees to have conversations with the Commissioners and the Parker Council.

Mayor Pro Tem Bracken stated that we legally cannot move away from Tri County for a year from notice given and that we need to meet all the state requirements. David Corliss, Town Manager, stated the county health department only has authority that the state health department allows.

Mayor Gray commented that the state has overridden Tri County previously.

Corliss stated Council could ask to place this on a public hearing agenda and he can talk with the County Administrator to see the Commissioners' availability. Matt Gohl put together a memo that can be refreshed and put in the agenda packet.

Mayor Pro Tem Bracken noted Tri County is paid by the counties. He would like to know what the payment structure is. Corliss stated they are also provided funding at State and Federal levels, and the County provides some of the human services.

Mayor Pro Tem Bracken asked that the report be updated and get back to Council, that the Town Manager get the timeline for Commissioners and what they are trying to accomplish.

Councilmember Johnson inquired if it requires majority approval to direct staff.

Councilmember LaFleur asked if staff recommends going this direction. Corliss stated that at that time staff's judgment was that the County was looking into creating their own health department and the thought was to have Council representation on that board.

Councilmember Johnson confirmed that public health officials make decisions and not elected officials. She inquired why it was set up that way. Corliss stated public health departments and boards were established with the idea that they would not be political and not directed by elected officials, and public health professionals would advise those boards.

Councilmember Dietz feels there has been overreach on both sides.

Councilmember Cavey said Weld County is home rule and have their own health board made up of their commissioners and other officials, so we could look at their model.

Councilmember Hollingshead agrees with the direction, but feels it is the County's role to lead the effort. Mayor Gray agrees and that the County would probably want us to come alongside them.

Councilmember Dietz stated there is always going to be a cost, but there has been a cost to the shutdowns as well. He is on board with speeding up the process.

Mayor Gray added that the amount of funding we have provided to our local businesses is not the responsibility of the Town or the County; and what the staff, Council and Commissioners have done is nothing short of amazing. We have been working with this since March with Tri County and the State, and he thanked everyone for all the work they have done.

Corliss gave kudos to Town staff that have worked on the grant program and volunteering for the 5 Star inspections, even performing inspections on Christmas Eve and the day after Christmas on their days off.

Mayor Gray said we are playing by the rules we have been given.

Moved by Mayor Pro Tem Bracken to Direct Staff to contact the County Commissioners regarding their timeline and strategy to move away from Tri County, revise the report and set the topic for the agenda on January 19, 2021. The motion passed by the following vote:

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

[DIR 2021-001](#)

Discussion/Direction: Designations of Town Council Liaisons to Boards and Commissions and Other Agencies

Mayor Gray noted that the Election Commission has not had a liaison in the past and that the liaison would not be providing direction. Mike Hyman, Town Attorney, stated the Election Commission has a lot of authority resetting Council Districts and we want to ensure they can do their work freely. Their meetings are open to the public and he feels it is fine to have a Councilmember as a liaison so they can report back to the rest of the Council.

Mayor Pro Tem Bracken asked if there is any decision made that could move a Councilmember out of their District. Corliss stated they cannot unseat a sitting

Councilmember.

Councilmember Cavey asked why we redraw districts. Hyman stated to ensure there are a similar number of voters in each district.

Council agreed to the following appointments:

Board of Adjustment - Dietz 1st, Hollingshead 2nd

Board of Building Appeals - Hollingshead 1st, Dietz 2nd

Water Commission - Johnson 1st, Cavey 2nd

Design Review Board - Cavey 1st, LaFleur 2nd

Downtown Development Authority (voting member) - Bracken 1st, Hollingshead 2nd

Downtown Merchants Association - LaFleur 1st, Bracken 2nd

Election Commission - Dietz

Historic Preservation Board - LaFleur 1st, Hollingshead 2nd

Parks and Recreation Commission - Johnson 1st, Hollingshead 2nd

Planning Commission - Gray 1st, Dietz 2nd

Public Art Commission - Johnson 1st, Dietz 2nd

Public Safety Commission - Cavey 1st, Hollingshead 2nd

Public Works Commission - Johnson 1st, Hollingshead 2nd

Audit Committee - Gray 1st, Bracken 2nd

Forfeiture Committee - as needed

Water Resources Committee - Bracken 1st, Johnson 2nd

Economic Development Council Board (voting member) - Gray 1st, LaFleur 2nd

Castle Rock Economic Partnership - Gray 1st, Bracken 2nd

Volunteer Pension Board - Gray

Chamber of Commerce - Bracken 1st, LaFleur 2nd

Centennial Airport Community Noise Roundtable - Staff attends and will provide updates. Cavey will attend if needed.

Chatfield Watershed Authority - Cavey 1st, LaFleur 2nd, VanDellen (staff)

Cherry Creek Basin Water Authority - Johnson 1st, LaFleur 2nd, VanDellen (staff)

Colorado Municipal League Policy Committee - Dietz, Read (staff)

Denver Regional Council of Governments - Gray 1st, Dietz 2nd, Kirkpatrick and Reiff (staff)

Metro Mayors Caucus - Gray

Douglas County Housing Partnership - Gray 1st, Hollingshead 2nd

Douglas County Youth Initiative - Dietz 1st, Hollingshead 2nd

Partnership of Douglas County Governments - Gray 1st, Cavey 2nd (all Council is invited to attend)

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, went over the upcoming calendar items including the January 12 Study Session at 5pm, and Town holidays on January 18 and February 15.

[ID 2021-001](#)

Update: Quasi-Judicial Projects

[ID 2021-002](#)

Development Services Project Updates

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Councilmember LaFleur left the meeting at 7:15 pm.

Present: 6 - Mayor Gray, Mayor Pro Tem Bracken, Councilmember Hollingshead, Councilmember Cavey, Councilmember Johnson, Councilmember Dietz

Not Present: 1 - Councilmember LaFleur

Moved by Councilmember Johnson, seconded by Mayor Pro Tem Bracken, to Accept the Agenda as presented. The motion passed by the following vote:

Yes: 6 - Gray, Bracken, Hollingshead, Cavey, Johnson, Dietz

Not Present: 1 - LaFleur

CONSENT CALENDAR

[RES 2021-001](#)

Resolution Designating the Public Place for Posting Notices

Pursuant to C.R.S. Section 24-6-402(2)(c)

[ORD 2020-023](#) **Ordinance Approving a One Million Dollar Line of Credit with FirstBank on Behalf of the Castle Rock Downtown Development Authority and in Conjunction Therewith Approving a Revolving Line of Credit Promissory Note, Sales and Property Tax Pledge Agreement, and Account Pledge Agreement (Second Reading - Approved on First Reading October 20, 2020 by a vote of 6-0)**

[MIN 2021-001](#) **Minutes: December 15, 2020 Town Council Meeting**

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Johnson to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 6 - Gray, Bracken, Hollingshead, Cavey, Johnson, Dietz

Not Present: 1 - LaFleur

QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi judicial script into the record. No Councilmembers voiced any conflict of interest.

ORD 2021-001 Ordinance Approving the Sanders Business Park at Castle Rock Planned Development and Zoning Regulations (First Reading)
[located along the I-25 east frontage road directly south of Plum Creek Community Church]

Tara Vargish, Director of Development Services, provided an overview of the area to be zoned. It was zoned for single family residential in 2011 when it was annexed, it was noted that it would probably be rezoned to commercial in the future, and a seven acre parcel was dedicated to the Town as open space. Main access will be off of the frontage road, and 9.3 acres will be zoned as light business with a 25 foot buffer. An additional 2.39 acres will be donated to the Town as open space as Public Land 2 (PL2) passive use. Staff finds that this plan meets the criteria and complies with the comprehensive master plan. Planning Commission recommends approval.

Councilmember Cavey asked if the open space area is usable. Vargish stated the 7 acres previously dedicated is flood plain and they are able to put in trails and passive uses. They find it is valuable to the Town to own flood plain areas.

Mayor Gray asked if Plum Creek Church had any comments. Vargish stated they did not provide any comments.

Will Smith and Cody Wilson, applicants, gave a presentation on the item.

Kevin O'Brien with GT Sanders looks forward to doing business in Castle Rock.

David Corliss, Town Manager, asked Vargish to describe the next development process to go forward. Vargish stated this item is for the zoning and GT Sanders

is planning to develop a portion of the area. The next step would be to approve the site development plan that specifies the building layout, landscaping, parking, etc. That will not come to Council as it is under 10 acres. The remaining parcels are available for other developers. Construction documents and building permits would then come next.

Councilmember Cavey asked if there would be any residential. Vargish stated this rezoning removes residential zoning and changes it to light business.

No public comment.

Mayor Pro Tem Bracken asked what type of business would be at this location. Kevin O'Brien stated they anticipate personal warehousing. Vargish confirmed the zoning would allow other uses like office, restaurants, retail, automotive and fuel stations, etc.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Quasi-Judicial Ordinance 2020-001 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Gray, Bracken, Hollingshead, Cavey, Johnson, Dietz

Not Present: 1 - LaFleur

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

ORD 2021-002 Ordinance Amending Chapter 13.25 of the Castle Rock Municipal Code Regarding Damages to, and the Unauthorized Use of, Water, Wastewater, and Stormwater Facilities and Services (First Reading)

Mark Marlowe, Director of Castle Rock Water, stated there is Code in place that prevents private citizens with interfering with water and wastewater systems and facilities, but there is nothing in place for stormwater. There was an underdrain system in the Meadows, and a property owner connected their sump pump to it and clogged it causing the Town to dig it up and replace it. This amendment gives the Town the authority to enforce or cite violations and allows the Town to seek reimbursement. The Water Commission and staff recommend approval.

No public comment.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Johnson, that Ordinance 2020-002 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Gray, Bracken, Hollingshead, Cavey, Johnson, Dietz

Not Present: 1 - LaFleur

[RES 2021-002](#) Resolution Approving a Construction Contract between the Town of Castle Rock and T. Lowell Construction, Inc., for the Village North Drainage & Infrastructure Improvements Project [located along Park St., Malibu St. and Caprice Dr.]

Mark Marlowe, Director of Castle Rock Water, provided an overview to rehabilitate

the stormwater infrastructure, and in this case installing it. The stormwater run off in this area is not currently being treated before it runs into the creek. They also want to replace the old sewer pipe from 1978 in this area, upsize the sewer line which will pick up new development to the south, and replace the service connections. This project will be done under the legacy project bank loan approved in 2019 for \$9.5M to allow them to catch up on some of the legacy projects. Marlowe then outlined the status of the projects done under this loan. They plan to begin construction in February and end in the fall.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Resolution 2020-002 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Gray, Bracken, Hollingshead, Cavey, Johnson, Dietz

Not Present: 1 - LaFleur

RES 2021-003 Resolution Approving a Construction Contract between the Town of Castle Rock and T. Lowell Construction, Inc., for the Ray Waterman Well Facility Project [located near Valley View Dr. and Autumn Sage St.]

Mark Marlowe, Director of Castle Rock Water, stated this is a partnership with Dominion Water and Sanitation District. They plan to complete the project by the summer. Staff recommends approval and it has been shared with the Water Commission.

Councilmember Johnson asked if we need to do any expansion work. Marlowe replied that we will need to do some minimal upgrades if we want to get to maximum capacity.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Cavey, that Resolution 2020-003 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Gray, Bracken, Hollingshead, Cavey, Johnson, Dietz

Not Present: 1 - LaFleur

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

No public comment.

ADJOURN

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Johnson, to Adjourn the meeting. The motion passed by the following vote:

Yes: 6 - Gray, Bracken, Hollingshead, Cavey, Johnson, Dietz

Not Present: 1 - LaFleur

Adjourned the meeting at 8pm.

Submitted by:

Lisa Anderson, Town Clerk