



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 19, 2021

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: (720) 650-7664
Meeting code: 146 954 0878
www.CRgov.com/Jan19Council**

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/Jan19Council, or phone in by calling (720) 650-7664, meeting code 146 954 0878 (if prompted for a password enter "Jan19Council"). 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 19, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Shawn Young, Cornerstone Presbyterian Church

CALL TO ORDER / ROLL CALL

Councilmembers Johnson and LaFleur 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 Cavey asked to have a discussion regarding the authority of the Design Review Board (DRB) and proposed to bring certain projects back under the approval of Council. David Corliss, Town Manager, stated that about a year ago Council proposed changing the Code to designate Council to make decisions on site development plans in the downtown area. They voted not to change the Code. Council only hears appeals. Site development plans outside of downtown come to Council if they are above the square footage threshold. If they are below the threshold, they are approved administratively. Town Council does approve public finance agreements for downtown projects.

Mayor Pro Tem Bracken feels we should have the DRB attend the meeting.

Councilmember Johnson stated if Council votes to approve site development plans in the downtown area, she proposes that the DRB should hear the appeals.

Moved by Councilmember Cavey, seconded by Councilmember Johnson, to bring the Design Review Board authority discussion to Council. The motion passed by the following vote:

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

No: 1 - LaFleur

Councilmember Johnson commended the POST volunteers. She appreciates all of our volunteers and thanks them for all the work they do in our Town.

Councilmember Dietz reflected that as we move into this important week in our history, we should stand together and be bold in continuing our vision to do what is right to support the citizens in Castle Rock. We need to focus on unity, not division, and promote freedom and free speech. We need to continue to show courage in perilous times. We are formed by the people, for the people to guide the Town to bring us through challenges that may come before us and avoid government overreach.

Mayor Pro Tem Bracken joined the Tri County weekly call that lasted about 20 minutes. He sent a summary of what Tri County has done and their shortcomings. He asked Dr. Douglas and the staff if they had a plan once the elderly and compromised are vaccinated, to make a recommendation on behalf of Douglas County to remove the restrictions. He encourages citizens to start writing Tri County and requesting them to come up with a plan to remove restrictions. Bracken said that Dr. Douglas commented that there is a new strain and they are not sure how long the vaccine will be effective. Mayor Gray thanked Bracken for his involvement.

Councilmember Dietz relayed that he has been in on a few of the calls, and not much is said.

Mayor Gray thanked the citizens that have come out to support the businesses. Several businesses have said that some customers give them the brunt of their anger. Gray discourages that as it is not the fault of the businesses or the employees. He encourages citizens to reach out to Tri County instead.

Councilmember Johnson suggests also supporting the nurses and doctors on the front line and people that have fallen ill or died from COVID.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Mike Forte - stated he came before Council previously regarding a vicious pit bull in his community. He commended staff for their response. He provided a letter and brochure about a current issue they are having at the Sawgrass townhomes and asked Council to read it. David Corliss, Town Manager, accepted the copies

to provide to Council.

Gary Godfrey - 8 year resident of Castle Rock. He is the administrator of Castle Rock Local Business Alliance. Many business owners would love to be open because they still struggle. He feels Council should amend the previous resolution regarding the Town's stand on restrictions on local businesses. He said they will continue their rallies and wants their voices to be heard.

TOWN MANAGER'S REPORT

Corliss pointed out upcoming calendar items and asked Council if they are available to have a study session on February 23 from 5-6:30 pm regarding Town finances, public safety funding, and the capital improvement plan. Next week they will hold a virtual open house about the Crowfoot Valley Road corridor.

Moved by Councilmember Johnson, seconded by Councilmember LaFleur, to hold a Study Session on February 23, 2021 from 5pm-6:30 pm. The motion passed by the following vote:

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

[ID 2021-004](#)

Update: Noxious Weed Management Plan

Matt Gohl, Special Projects Manager, stated the Town received a letter regarding Town compliance to the state mandated Colorado Noxious Weed Act. We are required to have a local advisory board, management plan, and maintain treatment on public lands and right of way. The plan is to get public input and have a plan approved by the advisory board and Council. Staff recommends the Parks and Recreation Commission serve as the advisory board.

Councilmember Cavey asked what the Town does currently and what is considered a weed that we can't have in the community. Gohl stated they have regular mowing schedules and spray as needed. Thistles and nap weed are a couple of the weeds on the list.

Councilmember Johnson confirmed that the weed height is limited to 12" and is the responsibility of the property owner.

Barbara Spagnuolo, Natural Resources Specialist, said the weed height was initially put in the Code for fire mitigation.

Councilmember Johnson referenced a property that is a future park site but hasn't been mowed in several years.

Jeff Brauer, Director of Parks and Recreation, stated they use native landscapes and that some exceed 12", but the Town Code indicates that is the limit for weed height, not native grasses.

Councilmember Cavey is in Terrain where there is a lot of open space and asked if the HOA is responsible. Brauer stated it would be the owner of the property and that 12" does not apply to native landscape.

Mayor Gray stated that April/May is when we get concerns for potholes, and

May/June is when we receive concerns for weeds.

[ID 2021-005](#)

Update: Community Development Block Grant (CDBG) Program

Matt Gohl, Special Project Manager, gave a presentation on the Community Development Block Grant (CDBG) that is a federal grant program. There will be some Council action as we move forward. Council accepted entitlement status into CDBG for 2021 funding, and we participate under the County. Castle Rock withdrew in 2016 based on requirements under the Affirmatively Furthering Fair Housing (AFFH) that interfered with zoning requirements. That rule changed last summer.

Staff will develop a plan on how we will use the funding. They have engaged a consultant to help develop the plan and ensure we meet all the data requirements. The deadline to submit the plan to HUD is August 16 and we will have public engagements. The estimated amount is around \$220,000. Douglas County, Castle Pines, Parker and Lone Tree are all participating in 2021. He gave examples of projects that funds have been used for. The fund's purpose is to benefit low to moderate income individuals, prevent or eliminate slums or blight, or address development needs. They will have public outreach and public comment at Council meetings and hold open houses. No action is required tonight, and a draft plan will be presented to Council in early summer.

Mayor Pro Tem Bracken stated the past issue was approving a program then the federal government requiring continuance of that service. Gohl stated it previously allowed the federal government to have a voice or influence in local zoning matters. In August 2020, they loosened up the definition and it now allows the Town to define what that means in our community.

Councilmember Cavey is not a fan of AFFH, and with the incoming administration, she is concerned it will change again. Corliss stated we can exit the program whenever we want after the year is over. If HUD does not approve our plan, we could exit at that time as well. Corliss added that the funds allow us to work in areas we haven't done in the past.

Councilmember Johnson asked if staff would like a Council liaison and that she is interested in serving on the committee. Corliss stated eventually they will have citizens in the group. Johnson voiced that she would like to be involved at the beginning. Corliss said they will identify stakeholders that will be interviewed and they will reach out and involve her in the process.

Mayor Gray stated that he met with Commissioners and other elected officials, and the changes are the reason they all decided to participate this year. It is good now, but if not in the future we can get out.

[ID 2021-006](#)

Update: Monthly Department Reports

[ID 2021-007](#)

Update: Quasi-Judicial Projects

[ID 2021-008](#)

Development Services Project Updates

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

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

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

CONSENT CALENDAR

[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 (Second Reading - Approved on First Reading on January 5, 2021 by a vote of 6-0)**

[MIN 2021-002](#) **Minutes: January 5, 2021 Town Council Meeting**

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

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

QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script into the record. No Councilmembers voiced any conflict of interest. Lisa Anderson, Town Clerk, confirmed that the hearing was noticed according to law.

[ORD 2021-001](#) **Ordinance Amending the Town's Zone District Map Rezoning Property Located at 1004 S Interstate 25 from R-1 Residential to Planned Development Zoning and Approving the Sanders Business Park at Castle Rock Planned Development Plan (Second Reading - Approved on First Reading on January 5, 2021 by of a vote 6-0)**
[located along the I-25 east frontage road directly south of Plum Creek Community Church]

Tara Vargish, Director of Development Services, gave a brief summary of this item that was initially presented at the January 5, 2021 Council meeting. This property was initially zoned residential when it was annexed noting that it most likely would be rezoned later.

No public comment.

Moved by Councilmember Cavey, seconded by Mayor Pro Tem Bracken, that Quasi-Judicial Ordinance 2021-001 be Approved on Second Reading as presented. The motion passed by the following vote:

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

Online comments were allowed up until 5pm due to an issue with the website.

[DIR 2021-002](#)**Discussion/Direction: Draft 2021 Community Survey**

Kristin Read, Assistant Town Manager, went over changes from the previous draft. They updated the community character section to focus on the four cornerstones, clarified Town priorities and gauge community support for public safety funding in addition to a lodging tax. They clarified the snow plowing question and predictability of drive times in Town. There is a follow up open-ended question to the long term water performance question, and Parks and Recreation focuses on upcoming initiatives. Fire focuses on big picture goals rather than service ratings which they obtain in other ways. They added communication preferences, what social media sites they use and clarified the Town's website. They added to the demographic section regarding remote working during the pandemic.

Councilmember Cavey inquired if we ask how they feel about our response to COVID. Read replied that they did not, but if Council wants to provide expansion on that question, they could work it in and bring it back at the next Council meeting.

Mayor Pro Tem Bracken stated that if we are going to ask that, we should outline programs that the Town has implemented to give them context.

Corliss suggested that we also outline what we were not involved with (state and other requirements) so we are not blamed for things not in our control.

Mayor Pro Tem Bracken got a message asking Council not to make vaccines mandatory, so there is that perception. He referred them to the Governor. Another instance is when a restaurant owner thought the Town received money if they were shut down. We want to ensure we don't solicit the wrong response.

Councilmember Cavey asked if it would open another can of worms if we ask about leaving Tri County. Gray feels the problem is it could make the survey too long.

Read agrees that it would take a lot of information to get an informed response, but they have an opportunity with the focus group to go more in depth. She stated they ask businesses what their needs are and if there is anything additional we could do to support them.

Councilmember Johnson asked about the lodging tax question and if it addresses short term rentals. Read stated they did not feel there would be a difference of opinion for short term rentals and didn't feel they would gain anything from that. Johnson clarified that Council would still be able to include short term rentals in the ballot language and she wanted to ensure we are collecting from short term rentals. Corliss said we can refresh the data to bring it to Council so they can provide direction.

Read reviewed the business survey and that they added questions about the pandemic regarding revenues and staffing.

Their plan is to administer the scientific survey February 9-March 12, the open resident survey March 15-26, the online focus group February 9-April 9, and results to Council April 6. They can continue further online discussions for up to two months afterwards.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, to Direct staff to proceed with the 2021 community survey as discussed. The motion passed by the following vote:

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

[DIR 2021-003](#)

Discussion/Direction: Public Health Department

Matt Gohl, Special Projects Manager, presented updated information from the presentation last summer and the status of Douglas County on forming their own health department. David Corliss, Town Manager, stated the County is planning to proceed with a County health department to implement by January 2023. There are existing agreements for 2021 and 2022 funding that cannot be removed, and there are significant transitions for State and Federal funding for health departments that must occur. It is functionally and statutorily necessary to have this transition for establishing a new Board of Health, staffing, facilities and related items.

Mayor Pro Tem Bracken is asking if the Town would participate with the County health department or form a Town health department. Corliss clarified that staff responded with the request to provide information on forming a Town health department, but staff recommends participating with the County health department. Requirements are similar because they must all follow the state laws.

Statutory overview in Title 25 houses the state department of public health, formation, joining or withdrawing from health departments, and requires a one year written notice to withdraw. The public health board consists of five members that reside in the county they represent, and no business or professional group can be a majority.

Gohl reviewed when the state health department was formed, and all of the different services required and services that Tri County offers. Tri County was formed with Adams, Arapahoe and Douglas counties with nine members (three for each county). The per capita contribution is \$7.10 per person (about 500k for Castle Rock residents). There is no mill levy to pay for Tri County. Tri County receives 20% of their funding from the per capita allocation and remaining revenue is from vital records, state contracts, federal funds, grants, etc.

Councilmember Cavey asked if all of these programs are required by the state. Gohl said they align with the state health plan and priorities, but can confirm which are required.

Mayor Pro Tem Bracken stated there are so many restaurants that Tri County

can't hire enough people to go into each restaurant.

Gohl summarized that Weld County has nine board of health members appointed by the County Commissioners, and they have chosen not to enforce the state public health orders. Local health agencies can be more restrictive but cannot be more lenient than the state.

Budget impact: Broomfield's population is similar to Castle Rock with a population of 73,761 with an adopted budget of \$3.7M equating to \$50.54 per capita. They have 26 employees and 4.5 part time employees. A portion of their funding is supported by a mill levy of 1.23 mills for about \$1.9M.

If the Town were to create their own health department, an estimated cost to construct a facility is \$5M and may require acquiring land. Staff estimated up to 5 mills of additional property tax revenue to keep levels of service which would require voter approval for a new tax and would be subject to TABOR unless debrucing was part of the ballot question.

No public comment.

Councilmember Hollingshead feels the County could afford it but doesn't see how the Town could. He wants to ensure that we are not making a decision in reaction to COVID and aren't harming relationships with organizations we have worked with in the past. He noted we haven't received any public comment, so maybe this isn't an issue citizens are concerned with.

Mayor Pro Tem Bracken asked if we would fall under Douglas County if they formed their own health department, or if we would be under Tri County. Gohl stated we would be under Douglas County. Bracken stated his opinion is that it is too costly to do it on our own.

Councilmember LaFleur questioned what we would accomplish if we are still under state orders at the end of it. Tri County covers quite a bit and she is not sure if residents would support tax increases when Tri County offers all of these services now.

Councilmember Dietz feels citizens would be interested and feels the County department is the way to go but wants to have our elected officials on the board. We want something done and want our businesses open.

Councilmember Johnson stated we are fiscally conservative and can't see how we could do this on our own. She agrees we need to be looking longer term. Tri County has been serving our community for a long time and she has concerns even at the county level. She doesn't want to pay more taxes to have our own health department.

Councilmember Cavey stated it doesn't look fiscally responsible to do at a Town level. She thinks Douglas County should pursue leaving Tri County.

Mayor Pro Tem Bracken sent an email to Council outlining his perspective on what Tri County has and hasn't done and what hasn't been addressed. He wants a

strategy and plan to remove restrictions. We should support the County moving away, because we are not getting the support from Tri County we deserve. Businesses are shut down, lives are being ruined, and we can't get straight answers. He understands we have to enforce the state orders, but it is unacceptable what they are basing their decisions on and feels they have dropped the ball.

Councilmember Cavey feels they are putting everyone in a one size fits all, and it is not right for our community.

Mayor Gray said COVID is a small piece of Tri County. He met with Commissioners in 2019 before COVID and discussed that we are different than Adams and Arapahoe County. He feels it is a bigger issue than COVID. We need an advocate for the state orders.

Moved by Councilmember Dietz, seconded by Mayor Pro Tem Bracken, to Direct staff to encourage Douglas County to expedite their withdrawal from Tri County and seek a Town role in the County health department governance. The motion passed by the following vote:

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

No: 1 - Johnson

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

No public comment.

ADJOURN

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

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

Meeting adjourned at 8:30 pm.

Submitted by:

Lisa Anderson, Town Clerk