



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 7, 2021

5:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 146 324 2320
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 146 324 2320 (if prompted for a password enter "Sept7Council"). 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 7, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

EXECUTIVE SESSION

[EXEC](#)
[2021-007](#)

Executive Session: Town Manager and Town Attorney Annual Performance Evaluations

Moved by Mayor Gray, seconded by Councilmember Johnson, to Adjourn to Executive Session. The motion passed by the following vote:

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

Not Present: 1 - Cavey

INVOCATION

Mayor Gray provided the Invocation.

CALL TO ORDER / ROLL CALL

Mayor Gray reconvened the meeting at 6:25 pm.

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS[EXEC](#)
[2021-008](#)**Executive Session Report: September 7, 2021 - Town Manager and Town Attorney Annual Performance Evaluations**

Mayor Gray reported that Town Council met to provide a performance evaluation on the Town Manager and wished to award him a 3.6% pay increase effective June 1, 2021.

Moved by Mayor Gray, seconded by Councilmember Hollingshead, to Award the Town Manager a 3.6% increase following his annual review effective June 1, 2021. The motion passed by the following vote:

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

Mayor Gray reported that Town Council met to provide a performance evaluation on the Town Attorney and wished to award him a 3.5% pay increase.

Moved by Mayor Gray, seconded by Councilmember Hollingshead, to Award the Town Attorney a 3.5% pay increase following his performance review. The motion passed by the following vote:

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

[APPT](#)
[2021-007](#)**Appointment: Board of Adjustment**

Moved by Councilmember Dietz, seconded by Councilmember LaFleur, to Appoint David Miles to the Board of Adjustment for a Partial term ending May 31, 2022. The motion passed by the following vote:

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

Councilmember Cavey commented on how unelected bureaucrats have hijacked the Executive, Legislative and Judicial branches which were developed to ensure there were checks and balances, and that no one branch can be more powerful than the other. Only the Legislative branch can create laws, but now unelected officials are part of the Executive branch and violate that power. This is the same for unelected boards that can make decisions like elected boards but with no recourse. Tri County unilaterally removed the opt out option and has now mandated masks for 2-18 year olds until December 31st with no science to support that decision. We have no one under age 18 that is hospitalized with only 1 death in the entire 20 months that had severe co-morbidities. In addition, Tri County polled all three counties; and 65% of Douglas County did not support masks. They ignored science and wishes of the community and removed the ability to opt out after Douglas and Adams County did. Cavey commended Commissioners Layden, Teal and Thomas for standing up to Tri County. Cavey stated this is why we should not support unelected bureaucrats. If we don't support Tri County in their overreach how do we continue to support the Design Review Board. Cavey quoted Reagan, "As government expands, liberty contracts" and ended that the power belongs to the people.

Councilmember LaFleur commented on yield signs on the roundabouts in Jackson Hole she recently visited. She reminded citizens to yield, take turns, and be nice.

Councilmember Dietz thanked Councilmember Cavey for her comments and stated that our main focus should be on police and fire keeping it up to date, and fully funded for the future. The ballot issues are critical and he recommends all four ballot issues. He encouraged citizens to contact him and thanked Commissioners Teal, Thomas and Layden for taking on the tough job of putting the Health Department Board together.

Mayor Pro Tem Bracken replied to Cavey's comments about the DRB board citing that Council appoints the DRB, they are unpaid volunteers, and are making decisions as business owners on behalf of the businesses downtown. By definition that is less government rather than bringing items to Council for a vote. Bracken announced that he was voted on to the Tri County Health Department Board of Directors on Monday at 8am and was in the meeting and voted at 4pm against the removal of the ability to opt out. Bracken then voted against the 2-11 year old mask mandate based on the actual data. Bracken further noted that Tri County did not post the video of the meeting until three days later and that most of the comments from the Douglas County members were fast forwarded through. Since then they have published the full video after 6 days and an investigation. If the video was edited it would be highly illegal. He thanked the County Commissioners for their vote of confidence to place him on the board.

Mayor Gray stated we have the Chamber ArtFest this weekend, then Oktoberfest the following week. Gray asked citizens to be kind. Compassion is free.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Gary Colley, a representative of the Community Accountability Committee for the Douglas County School District, commented on the Invocation and on Councilmember Cavey's comments. He noted that the Mayor represents everyone, and Councilmembers represent their Districts. He passed out EXHIBIT 1. and feels that sometimes business owners have a stronger voice than the residents; and that Council has a commitment to the full community. He feels Council should gather input from their districts, make that documentation available for public review to support their position on issues brought before them, and should vote the will of their district.

[ID 2021-097](#)

Unscheduled Public Appearances - Handout, Written Comments

TOWN MANAGER'S REPORT

David Corliss, Town Manager, reminded Council of calendared items. There are several open houses and neighborhood meetings through mid October in addition to the regular Council meetings.

[ID 2021-093](#)

Update: Calendar Reminders

Councilmember Cavey asked how we will notify the public that her open house date was moved. Corliss stated they have sent out postcards and changed it on the published calendar. The water newsletter and the variable message boards

will also advertise that.

[ID 2021-094](#)

Update: Undeveloped Property Inquiries (through August 23, 2021)

Staff has identified previously entitled property that is currently vacant.

[ID 2021-095](#)

Development Services Project Updates

[ID 2021-096](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

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

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

CONSENT CALENDAR

[PROC
2021-009](#)

Proclamation in Recognition of the Contributions Made by the Dads of Castle Rock *(For Council Action - Presentation on September 21, 2021)*

[ORD 2021-019](#)

Ordinance Approving an Agreement Between Douglas County Development Corporation, Dawson Ridge Metropolitan District No. 1, Dawson Trails LLC and the Town of Castle Rock which provides for the Town's Acquisition of Necessary Right of Way for Construction of the Crystal Valley Parkway Interchange West Frontage Road in Exchange for the Town's Divestiture of Certain Property Interests (Second Reading - Approved on First Reading on August 17, 2021 by a vote of 6-0) *[Dawson Ridge is located at the southwest portion of Town, along and west of I-25, south of Territorial Road to the Town's southern boundary just north of Tomah Road]*

[ORD 2021-020](#)

Ordinance Vacating Designated Roadway Right of Way Located Within the Dawson Ridge Planned Unit Development and Providing Certain Conditions to Such Vacation (Second Reading - Approved on First Reading on August 17, 2021 by a vote of 6-0) *[Dawson Ridge is located at the southwest portion of Town, along and west of I-25, south of Territorial Road to the Town's southern boundary just north of Tomah Road]*

[RES 2021-080](#)

Resolution Approving a Construction Contract with Chato's Concrete, LLC, for the 2021 Miscellaneous Concrete Replacement Project

[MIN 2021-015](#)**Minutes: August 17, 2021 Town Council Meeting, and August 24, 2021 Special 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 - Hollingshead, Cavey, LaFleur, Johnson, Dietz, Bracken, Gray

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS[DIR 2021-019](#)**Discussion/Direction: Introduction of the 2022 Proposed Budget**

David Corliss, Town Manager, presented the recommended 2022 Budget. He recognized staff members that deserve special recognition from the Finance department and the department heads. This budget serves as our operating manual for the Town for the entire year. Funding is focused on the budget priorities: ensure outstanding public safety, enhance our roads, secure our water future, maintain strong parks and recreation, support economic development, manage town finances conservatively, and preserve our community character.

Town Staff is diligent and analyzes line items to look for opportunities to reduce expenditures, successfully conducts an annual audit, shows that we compare favorably to peer communities that are not full service, use innovations and technology to make us more efficient, obtain grants, use volunteers effectively in different departments, receive funds from the Philip S. Miller Trust, and have been beneficiaries of the Metzler Open Space property. The Town may not deficit spend and must have a balanced budget. Property tax may only increase 5.5% per year which will reduce the Town's mill levy. The Town anticipates a slight decrease in water rates and fees, increase in growth-related water system development fees, inflationary increases for development impact fees, and strong residential growth.

The proposed Town-wide budget is \$303.8M with expected revenues of \$271.6M and \$32.2M in capital reserves. The five year plan for added positions in fire and police are based on the scenario that the ballot issues pass to maintain service levels as the population increases. In 2022 adding 8 positions in fire, 2023 adding 8 positions in fire, 2024 adding 1 position, and in 2025 adding 24 positions for when we open a new fire station and a medic unit to Station 155. Police would add 6 positions in 2022, 8 positions in 2023, 9 positions in 2024, 6 in 2025 and 6 in 2026 for a total of 34 in police and 41 in fire.

Maintaining Parks and Recreation Services proposes adding 1 position in 2022, 2023 adding 2 positions, replacing trees, working on irrigation, electric for lights, etc.

Open space tax fund projects to be \$269,650 budgeted annually for maintenance needs.

Mark Marlowe, Director of Castle Rock Water, stated they do a rates and fees study every year and bring a recommendation to the Town Manager and then to Town Council.

No public comment.

Mayor Gray thanked staff for their work.

Councilmember Johnson asked if Mr. Corliss is willing to walk through the budget with citizens if they desired. Corliss stated he is available for citizen inquiries.

DIR 2021-020

Discussion/Direction of Applications for the 2021 Third Quarter Council Community Grant Program, Three Applications

Trish Muller, Director of Finance, presented the third quarter Community Grant applications. The average is \$500 per grant awarded. A Precious Child is a new applicant that requested \$5,000 to serve Castle Rock Youth, Clothes to Kids Denver is requesting \$500 to purchase clothing and shoes, and the Castle Rock Band is requesting \$500 for rehearsal space. Staff is recommending a \$500 grant to each of the applicants.

Councilmember Cavey is requesting more information on A Precious Child, and inquired if Clothes to Kids Denver benefits Castle Rock residents. Muller stated that A Precious Child is from Broomfield, but will bring a mobile unit here for Castle Rock residents to provide necessities. Dietz feels we should split up the \$2,000 between the three organizations.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember LaFleur, to Direct Staff to split \$2,000 available three ways between the applicants. The motion passed by the following vote:

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

RES 2021-081

Resolution Approving the Federal Build Grant Agreement for Pre-Construction Activities and Right-Of-Way Acquisition Associated with the Construction of the Crystal Valley Parkway Interchange

Dan Sailer, Director of Public Works, reported they are looking for approval of an Intergovernmental Agreement with CDOT.

Councilmember Johnson confirmed that we are not expecting County funding for preconstruction activities and asked if we have asked the County. Corliss stated their focus has been on the County to contribute the maximum amount for construction. The County will be briefed on a number of transportation projects throughout Douglas County. We would like to increase their contribution as costs have increased. Corliss wants to first ensure the ballot issues pass and that we can receive and retain the County funds, then confirm the ability to have the project fully designed so we can begin construction earlier. Staff will begin solidifying the dollar amount later next year; however it is in their capital improvement plan. They are also looking to see if there will be any changes to the uses for the rescue plan funding. Sailer stated they are always looking for active partnerships for funding.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember Hollingshead, that Resolution 2021-081 be Approved as presented. The motion passed by the following vote:

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

[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 (First Reading)

Mike Hyman, Town Attorney, thanked Tiffany Ramaekers for her assistance in their real property projects. This is the first step of the acquisition of property and authorizes the powers of eminent domain if need be. It begins the negotiations. We must demonstrate the necessity of the property, engage in good faith negotiations with the landowner, assure the landowner receives just compensation, and assure capital projects can proceed. Hyman summarized acquisitions since 2008. The Town has only had three cases filed involving the 88 parcels involved in the North Meadows extension out of 229 parcels obtained since 2008. The owner may have the Town pay for them to obtain their own appraisal and then they negotiate. This ordinance makes the statutory findings needed to construct the widening of Plum creek, authorizes the process to start, authorizes retention of special Counsel, directs the Town Manager to determine a fair value for the property based on the appraisals. If there is an impasse, the Council will decide if a condemnation petition should be filed with District Court.

Councilmember Johnson inquired about the notation on the prior acquisitions that Council unanimously approved the ordinances supporting these acquisitions.

No public comment.

Mayor Gray appreciates the explanation and wants to ensure our residents are not taken advantage of.

Moved by Councilmember Johnson, seconded by Councilmember Hollingshead, that Ordinance 2021-021 be Approved as presented. The motion passed by the following vote:

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

[RES 2021-082](#) Resolution Authorizing the Acquisition and Immediate Possession of Certain Real Property Through the Statutory Condemnation Process in Furtherance of the Construction of the Crystal Valley Parkway Interchange Project

Mike Hyman, Town Attorney, stated they reached an impasse with the Boone Family Trust that is a property that is critical for the Crystal Valley Interchange. The owner's counteroffer was not supported by the facts about this piece of property. The owner has the opportunity to address Council and then Council can make the decision to authorize the petition in condemnation. Ordinance 2019-008 states that Council authorized the acquisition of the property. The Town is \$755,100 apart in their final offer. The Town disagrees with the fair market value of

the property. The Condemnation Petition will allow the Court-appointed commission to determine fair market value of the property.

The Town wishes to proceed with eminent domain on the property to file a petition in condemnation with the District Court and request immediate possession.

Mayor Gray asked if we should be discussing the dollar amount in public. Hyman stated they disagree on a fundamental fact concerning the availability of Town water. The owners assert that the Town is obligated to extend water to the property at our cost which we disagree with which accounts for the significant difference. \$1.850M was their request and we offered just under \$1M. We then offered \$1,096,000 which was not accepted.

Mayor Gray noted that the owners were not present and have not requested to speak.

Councilmember Cavey is in favor of less government not more, and takes this very seriously. She feels that we gave a very fair offer and want people to understand that she and other Council take this very seriously.

Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Resolution 2021-082 be Approved 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 members of Town Council voiced any conflict of interest and Lisa Anderson, Town Clerk, confirmed the items were published appropriately.

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) (First Reading)
[located south of the State Highway 85 and Liggett Road intersection]

Mayor Gray read Ordinance 2021-022 and Ordinance 2021-023 into the record to be presented and obtain public comment together.

Tara Vargish, Director of Development Services, stated this item is to determine if the property should be annexed. At second reading they will bring the Development Agreement. There are four separate parcels. It is currently zoned general industrial for 2 parcels and 2 zoned as agricultural 1. The surrounding zoning is industrial in nature and use. The property consists of 5.34 acres. The zoning requested by the applicant is I-2 that allows less restrictive industrial development including self-storage and RV storage. This property is fully developed and does not have any land that we would want for open space and is not required for that zoning. Public land dedication is different than open space

that is used to build Town facilities. There is not enough acreage to dedicate to us so it will be cash in lieu amounting to just under \$4,000. The site traffic is projected to increase by 13 vehicles, and the five existing access points will be consolidated to two.

The development agreement will come to Council with the second reading of the annexation ordinance and obligates the developer to include Liggett Road improvements, right-of-way dedication, Highway 85/Liggett Intersection control contribution, public land cash-in-lieu and water dedication.

Staff determined that this provides a logical infill, benefits the Town as a step toward filling in pockets of unincorporated areas, reduces the number of access points, requires improvements to Liggett Road, and upgrades it to a modern storage facility. The project complies with our Code for water dedication, annexations, zoning process, industrial district and annexation. Planning Commission reviewed and recommends approval of the annexation and the zoning unanimously.

Mayor Pro Tem Bracken asked if I-2 zoning is a county zoning. Vargish stated that the County zoning is General Industrial which is similar to our I-2 zoning.

Councilmember Cavey asked if there were any cons to the annexation. Vargish stated we are committing to provide water and sewer, but they are not a heavy water user. David Corliss, Town Manager, stated the benefits outweigh the costs and that it allows the Town to dictate its use and any future uses.

Councilmember Johnson's concern is not having the development agreement in front of them. We are approving the zoning and annexation without seeing the development agreement. She feels it is substantial information that we would not have until the second reading. Vargish stated many times they will bring some of the basic elements of the development agreement to the first reading of the annexation ordinance. The development agreement is approved by resolution which only requires one reading. Corliss stated in the future they can show the draft development agreement

Councilmember Deitz asked to explain the dedication. Vargish stated they will dedicate the land needed for width of the right-of-way. The intersection control pro rata share contribution amounts to \$6k. The public land dedication cash in lieu is based on what they are zoning to. Industrial use zoning and the size of their property has formulas contained in the code. It is such a small amount of land that it is not useable, so they turn the acreage into a dollar amount which calculates to just under \$4k.

The applicant with StorQuest stated their company is based in Santa Monica, CA and he is based in the Tech Center. They have 205 facilities with 29 facilities in Denver and another project in Castle Rock under the SQX brand. They have been around since 1994. Their facilities are climate-controlled Class A storage facilities which is unlike the other facilities in the area. They feel they will be serving an under-served market with the projected growth. He provided some displays of some of their current facilities.

Councilmember Johnson asked where they would be accessing the property. The applicant stated the primary access will be off of Kellogg.

Citizens that addressed Council:

Kimberly Barrett with KGB industries which consists of the Barrett family. They have been beautifying that property for the last 8 years, but they don't have the financial resources to revitalize this property so they made a decision that they would sell the property. Several people have expressed interest but this group had a redevelopment plan for the entire 5 acres and agreed to work with the small business owners to leave the property when they could and compensated the renter. The plan they propose takes care of people and it enhances the property for the neighbors and the Council.

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

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

ORD 2021-023 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) (First Reading) *[located south of the State Highway 85 and Liggett Road intersection]*

Mayor Gray feels it speaks volumes they the property owner and the proposed owner and developer have a good relationship.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, that Quasi-Judicial Ordinance 2021-023 be Approved on First Reading 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 Johnson, seconded by Councilmember LaFleur, to Adjourn the meeting. The motion passed by the following vote:

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

Mayor Gray adjourned meeting at 9:27 pm.

Submitted by:

Lisa Anderson, Town Clerk

