



Town Council Meeting Minutes - Final

Mayor Jason Gray
Mayor Pro Tem Kevin Bracken
Councilmember Ryan Hollingshead
Councilmember Laura Cavey
Councilmember Desiree LaFleur
Councilmember Max Brooks
Councilmember Tim Dietz

Tuesday, June 6, 2023

6:00 PM

Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 2491 698 5171
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 2491 698 5171 (if prompted for a password enter "June6Council"). 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. June 6, 2023, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Donald Haymon II, Calvary Church of Denver

CALL TO ORDER / ROLL CALL

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Dietz noted that today is D-Day and to not forget their sacrifice. Dietz asked the attorney to discuss where we stand on the jurisdiction at the Events center.

Dietz motioned, Cavey seconded to send a letter to the Commissioners to set an age limit for the show at the Pride event.

Bracken would like staff input.

Gray would like to talk to the Commissioners first.

Dietz asked to vote on a motion to keep the show at the pride event 18 or 21 and over.

Hollingshead does not want to vote on a letter he has not seen.

Brooks stated it may be better to direct staff to get more information so we know what we want to put in a letter.

Hyman stated the issue is what Douglas County gets to do with its property. This is within the purview of the County and it is difficult to enforce a discriminatory direction without a need to have an age restriction on this event. Sexually oriented businesses have age restrictions.

The motion failed with Hollingshead, Bracken, Gray, LaFleur, and Brooks voting no and Cavey and Dietz voting yes.

Dietz motioned, Brooks seconded to continue the conversation and discuss it again on June 20.

Bracken feels the second motion is appropriate.

LaFleur feels this is a violation of constitutional rights on anyone in our community and doesn't feel it is right to infringe on anyone's rights.

Hollingshead acknowledged there was an issue last year but does not feel we should single out a group.

Brooks is in favor of the motion.

The motion failed with Hollingshead, LaFluer, Bracken and Gray voting no and Cavey, Brooks and Dietz voting yes.

Gray does not agree with banning the event and encouraged people to reach out.

Brooks reminded property owners to look at their property tax assessment and to protest the increase. June 8 is the last day to protest. He said to pay attention to your taxes and to pay attention to your metro district taxes. He recommends going to the next metro district meeting and ask them why they aren't adjusting their mill levy.

Hollingshead commented on Parks and Rec's grand reopening of Butterfield Park.

Cavey thanked Parks and Rec for the memorial benches for two teens that died last year. She commented that Councilmember LaFleur passed on an opportunity to her to spend the afternoon at the Humane Society. It was a fabulous afternoon and reminded everyone that we have the Buddy Center to give homes to dogs vs. buying a dog. There is also an equine rescue outside of town at Harmony, and urges people to spend time there, donate, volunteer or adopt.

Bracken noted there is a MS 150 bike tour fundraiser with funds donated to a football coach at Castle View High School. If you are interested, you can call him at 720-467-2688.

[APPT](#)
[2023-004](#)**Appointments: Castle Rock Water Commission, Design Review Board and Downtown Development Authority Board**

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Cavey, to Approve Appointment APPT 2023-004 as presented. The motion passed by a vote of:

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

UNSCHEDULED PUBLIC APPEARANCES

Della Ingranado requests to amend 17.56 in the code definitions regarding adult performances and to set age limits on adult shows to 18 and over.

Ray spent over 30 years serving this country and feels we need to protect children from what is wrong.

Charles Evans is a new resident a month ago from England and feels we should protect children from adult entertainment.

Rachel Graham feels we should protect children and not expose them to sexual content and asks to strengthen the code to define adult performance and it should be 18 and over.

Tona Gonzales is a new resident and feels we should treat others the way you want to be treated.

Jim Johnson likes strong moral values and supports Dietz's motion for protection of children's hearts and minds and asks to strengthen the code to protect children from adult entertainment. We don't hate people, but we need to protect the children.

Rory Hotsen feels we need to protect the children and we need clarification around these events.

David Love feels there is a false narrative that we want to cancel the Pride event. That is not why we are here. We are about the sexual code and what is adult entertainment. Love contacted Brooks on the 24th and sent the language and why we want to revise it and he said he was going to talk with the attorneys. No one is here to cancel the Pride event or hate the people that go to the Pride event and stated that they owe them an apology. He stated they are here because they don't want children in front of adult entertainment. He does not want the event canceled and will ensure it isn't; he believes in freedom of speech but some things shouldn't be done in front of children.

Bracken stated they have to make a judgment and follow the process in place.

Love added that it was not Dietz that gathered everyone.

Clint Gould stated the fairgrounds are within the Town jurisdiction, and protecting the children is the primary motive. He requests to put the age limit on the books and strengthen the code to define adult performances.

James Polmeroy is a resident for 30 years. The agenda is not to cancel any events but to define what is adult entertainment and protect our children from it. He stated it is not unconstitutional to put age limits to protect our children like movies, etc. as parents sometimes make wrong decisions.

Mike Dixon said he is concerned as a father and grandfather on the safety and well being of our kids. There are effective policies in place already protecting children from sexually oriented businesses. He served in the US Army for 28 years and served overseas, and it is not right to use the banner of freedom to conduct these activities. Kids deserve to be kids and asks Council to take action to protect kids.

Sean Huduck is a dentist and follower of Jesus Christ, husband of 53 years, with children and grandchildren. We must be able to trust that our children are protected by the community led by Council. He asks to amend the Code to provide clear guidance to include specifying adult performance in the code to include all actions that deal with sexually oriented business and to address minimum age requirements.

Chad Mathis is a resident for 17 years, married, and two children. The critics are not anti-gay and it is not about sexual orientation but calling out grooming aspects that are part of this show. He quoted a famous drag queen that stated if they saw a child they would walk out and recognized it is inappropriate in front of kids. He asked to support an amendment to our code.

Dan O'Brien asked to protect children from exposure of body parts or actions. Films are rated to protect children and feels Council is a guardian for our children and we already protected children from sexually oriented businesses.

Angela Thomas feels parents are responsible for what their children do and stated that a judge stated it was unconstitutional to ban a drag queen event.

Chris Pruitt was exposed to pornography when he was young and it corrupted how he viewed love, relationships and himself. The innocence of children is a precious and fragile thing. It takes one exposure to have irreparable harm done. He asked to amend the code to adequately protect children and called out Chief Cauley and Sheriff Weekly to enforce the law. We have laws on the books now.

Mayor Gray thanked everyone for coming and no one wants to have any harm come to our children. That is on Douglas County but it is not our event and we cannot vote on it. If you have issues with that event, take those comments to the County. We have been told that we don't have jurisdiction on someone else's property. Fighting this would take money away from public safety and our staff.

Bracken stated that one of Commissioners stated their contract prohibits nudity and cabaret shows specifically and if violated they could get their event canceled or be arrested.

LaFleur feels you have the right to take your children to a movie and that this event is at the fairgrounds, and not in a public place like festival park. If you don't like it don't go. She feels it is taking our freedoms away.

Dietz thanked everyone for coming and reminded them there is 30 minutes to speak at the end of the meeting.

[ID 2023-067](#) **Unscheduled Public Appearances: June 6, 2023**

TOWN MANAGER'S REPORT

ID 2023-062 Update: First Quarter Financial Review, Period Ending March 31, 2023

[ID 2023-063](#) **Update: Calendar Reminders**

[ID 2023-064](#) **Planning Commission Study Sessions**

Vargish provided info on upcoming sessions.

[ID 2023-065](#) **Update: Quasi-Judicial Projects**

[ID 2023-066](#) **Development Services Project Updates**

Vargish updated pre-applications received.

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Brooks, to Approve the Agenda as presented. The motion passed by a vote of:

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

CONSENT CALENDAR

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Cavey, to Approve the Consent Calendar as presented. The motion passed by a vote of:

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

[PROC 2023-008](#) **Proclamation: Smart Irrigation Month - July 2023** *[For Council Action - Presentation on June 20, 2023]*

[RES 2023-076](#) **Resolution Approving an Equipment and Goods Purchase Agreement with Environtech Services, Inc.** *[Ice Slicer for Town's Snow and Ice Control Program]*

[RES 2023-077](#) **Resolution Approving the First Amendment to the Intergovernmental Agreement Between the Town of Castle Rock, the South Metro Wise Authority, Dominion Water and Sanitation**

**District, and Parker Water and Sanitation District Regarding the
Wise Pump Station and Infrastructure Design *[Rueiter-Hess Reservoir
Water Purification Facility, Parker Water and Sanitation District, Parker, CO]***

[MIN 2023-013](#) **Minutes: May 16, 2023 Town Council Meeting**

QUASI JUDICIAL HEARINGS

No Council voiced a conflict of interest. Anderson confirmed they have been advertised as appropriate.

[ORD 2023-010](#) **Ordinance Annexing to The Town of Castle Rock, Colorado, 5.000 Acres of Land Located West of Ridge Road, South of Fifth Street, And North of Plum Creek Parkway Pursuant to An Annexation Petition Submitted by Barbara J. Lincoln (First Reading) *(Memmen Parcel Annexation)***

Cavey inquired about the zoning. Vargish addressed Cavey's question and that all tests will be done and the state did not indicate any issues with the zoning. Cavey is also concerned about traffic and why are we allowing this when traffic intersections are failing. Sailer explained how they rate the intersections.

The applicant gave a presentation.

The traffic engineer for the applicant addressed Cavey's questions.

Citizens that addressed Council:

A gentleman sees significant issues and feels they should offer a site visit to Council, Planning Commission and affected parties.

Sherry Lindeman has lived 25 years in her home and is below the development and does not feel the Town has resources to handle the growth. She requests a set back from the ridgeline and has a concern with wildfire mitigation.

Stan Peterson has concerns with the skyline ridgeline no build ordinance and feels it is hazardous and there has already been a death from someone climbing. He would like them to leave one lot open to allow emergency vehicle access.

Caryn Johnson is a Castlewood Ranch resident and questioned the application of our code and plans.

Jim Cagle is a resident of Gordon Drive. He is concerned about the geology, the Gordon drive access, and feels it should be dealt with prior to approval.

Cavey has concerns of traffic, blasting and rock fall. She doesn't feel the annexation benefits us and feels the developer should contribute toward a park.

Gray stated they are here for our citizens and also for the landowners. He doesn't have a problem with the annexation or the down zoning but feels like there is work to be done.

Moved by Councilmember LaFleur, seconded by Mayor Gray, to Approve Quasi-Judicial Ordinance ORD 2023-010 with the conditions addressed on first reading. The motion passed by a vote of:

Yes: 5 - Gray, Bracken, Hollingshead, LaFleur, Brooks

No: 2 - Cavey, Dietz

ORD 2023-011 Ordinance Approving the Initial Zoning for 5.000 Acres of Land Located West of Ridge Road, South of Fifth Street, and North of Plum Creek Parkway Pursuant to a Zoning Application Submitted By Barbara J. Lincoln; And Amending the Existing Planned Development Plan and Zoning Regulations for the 175.500-Acre Memmen Young Planned Development Pursuant to a Zoning Application Submitted By Macor LLC and Highline C.M., Inc., Which Amendment Shall, Among Other Things, Incorporate Said 5.000-Acre Parcel of Land (First Reading) [Memmen Young Planned Development]

Moved by Councilmember Brooks, seconded by Mayor Gray, to Approve Quasi-Judicial Ordinance ORD 2023-011 as presented on first reading. The motion passed by a vote of:

Yes: 5 - Bracken, Hollingshead, Gray, LaFleur, Brooks

No: 2 - Dietz, Cavey

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

RES 2023-078 Resolution Approving an Intergovernmental Agreement with the Board of County Commissioners of the County of Douglas, State of Colorado for the Crowfoot Valley Road Widening Project

Sailer gave the presentation.

Cavey moved, Dietz seconded to extend the meeting to 10pm. Unanimously approved.

No public comment.

Moved by Councilmember Brooks, seconded by Councilmember Dietz, to Approve Resolution RES 2023-078 as presented. The motion passed by a vote of:

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

RES 2023-079 Resolution Approving a Services Agreement with Alfred Benesch & Company [Crowfoot Valley Road Widening Project Design]

Moved by Councilmember Cavey, seconded by Councilmember Dietz, to Approve Resolution RES 2023-079 as presented. The motion passed by a vote of:

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

Not Present: 1 - Brooks

RES 2023-080 **Resolution Approving an Agreement for Services with Olsson, Inc.**
[Downtown Pedestrian Lighting Project]

Sailer presented the item.

Citizens that addressed Council:

Caryn Johnson inquired if the lights had shields on them. Sailer stated they do.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Approve Resolution RES 2023-080 as presented. The motion passed by a vote of:

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

DIR 2023-020 **Discussion/Direction: Neighborhood Parking Permit Program**

Sailer and Gohl presented the item.

Bracken asked how they define boundaries.

Dietz and Cavey inquired about how to handle family or friend gatherings. Sailer stated they would come to the Town to obtain guest permits. 75% of residents must agree to be in the program.

No public comment.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Brooks, to direct staff to bring back an Ordinance. The motion passed by a vote of:

Yes: 4 - Gray, Bracken, Hollingshead, Brooks

No: 3 - LaFleur, Cavey, Dietz

DIR 2023-021 **Discussion/Direction: Multi-family Parking Requirements**

Vargish presented the item.

Brooks moved, LaFleur seconded to extend meeting to 10:30pm. Unanimously approved.

No public comment.

Cavey noted that this only increases multi-family by 7 spaces and asked that it be increased so that it will increase it to 30.

Moved by Councilmember Dietz, seconded by Councilmember Brooks, to direct staff to bring back an Ordinance. The motion passed by a vote of:

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

[ORD 2023-012](#) **Ordinance Amending Chapters 10.16 and 10.20 of the Castle Rock Municipal Code Regarding Large Vehicle Parking and the Definition of Abandoned Vehicle (First Reading)**

Gohl presented the item.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Approve Ordinance ORD 2023-012 as presented on first reading. The motion passed by a vote of:

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

[ORD 2023-013](#) **Ordinance Amending Chapter 12.12 of the Town of Castle Rock Municipal Code Pertaining to Camping and Waste Within Public Storm Drainage Systems, Stream Riparian Zones, and Floodplains, and Providing Penalties for the Violation Thereof (First Reading)**

[Entire Town of Castle Rock]

Marlowe presented the item.

Brooks asked if the County does this, will we be able to use their resources. Cauley stated they have a full time officer that works with this population.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Approve Ordinance ORD 2023-013 as presented on first reading. The motion passed by a vote of:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

The meeting was extended to 11pm by a unanimous vote of Council.

There were numerous individuals that spoke at the end of the meeting that supported drag queen shows and those that asked for an amendment to the code to implement age restrictions on sexually explicit shows.

ADJOURN