



## **Town Council Meeting Minutes - Final**

Mayor Jason Gray  
Mayor Pro Tem Jason Bower  
Councilmember James Townsend  
Councilmember Kevin Bracken  
Councilmember Caryn Johnson  
Councilmember George Teal

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**Tuesday, November 17, 2020**

**6:00 PM**

**Council Chambers  
100 N. Wilcox Street  
Castle Rock, CO 80104  
Phone in: (720) 650-7664  
Meeting Code: 146 002 9635  
[www.CRgov.com/Nov17Council](http://www.CRgov.com/Nov17Council)**

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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/Nov17Council](http://www.CRgov.com/Nov17Council), or phone in by calling (720) 650-7664, meeting code 146 002 9635 (if prompted for a password enter "Nov17Council"). All Town Council Meetings are also streamed online in real time at [www.CRgov.com/WatchCouncil](http://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](http://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. November 17, 2020, to be included in the public record.

### **COUNCIL DINNER & INFORMAL DISCUSSION**

### **INVOCATION - Pastor Mark Marble, CRPD Chaplain**

### **CALL TO ORDER / ROLL CALL**

Councilmember Johnson attended remotely. Councilmember Townsend joined the meeting remotely prior to Acceptance of the Agenda.

**Present:** 5 - Mayor Pro Tem Bracken, Councilmember Johnson, Mayor Gray, Councilmember Teal, Councilmember Bower

**Not Present:** 1 - Councilmember Townsend

### **PLEDGE OF ALLEGIANCE**

### **COUNCIL COMMENTS**

Councilmember Teal relayed the Governor's comments today that there will be further restrictions. Teal noted that Weld County is still in a yellow status with COVID numbers higher than ours and is a smaller county. He stated his top priority when he becomes commissioner is that he wants to become a home rule county to allow more control and asked for Council and public support.

Councilmember Johnson relayed that she has been attending the NLC City Summit virtual conference this week as part of the energy committee and will be

putting together information for staff and Council regarding those meetings.

Mayor Gray stated it was just announced that the County is going to the Red level effective Friday at 5pm. He reminded citizens to buy local to support our Castle Rock businesses.

## UNSCHEDULED PUBLIC APPEARANCES

### *Public that addressed Council:*

Donna Scott, on behalf of the Douglas County Community association, promoted the Colorado Gives Day that enables non-profits to have the resources they need to assist citizens. She presented a video and provided a powerpoint that summarized previous contributions and where those funds went. Donations begin November 1.

Kevin Tilson, Director of Castle Rock Downtown Alliance, thanked Councilmembers Teal, Townsend and Mayor Pro Tem Jason Bower who was their Council liaison. He said it was a pleasure working with them and wished them well in the future.

Frank Gray, President and CEO of Castle Rock EDC, thanked departing Councilmembers for their support and presented a check for \$150k that was part of the reserve initially deposited at the bank to secure the small business loans and can be deposited back into the Economic Development Fund. Additionally he gave the Castle Rock Fire department and the Police department \$3k each from the repayment of the KIVA loans. Gray thanked them for their service.

[ID 2020-121](#)

## TOWN MANAGER'S REPORT

David Corliss, Town Manager, recognized Frank and Kevin's work and appreciated the gesture to donate funds to Fire and Police. He reminded Council that the December 1 meeting will have Council at the dias and finish up some old business. Proclamations will then be presented to departing Councilmembers followed by new Councilmembers being sworn in. Corliss also announced that the County moved to the red level and that the Town will continue to operate. Council is able to attend the Council meeting remotely if they choose. The group photo of the new Council will be scheduled at a later time.

[ID 2020-117](#)

**Update: Monthly Department Reports**

[ID 2020-118](#)

**Update: Quasi-Judicial Projects**

[ID 2020-119](#)

**Development Services Project Updates**

## TOWN ATTORNEY'S REPORT

Mike Hyman, Town Attorney, extended his congratulations to Bower, Teal and Townsend and thanked them for their service to the Town.

## ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bower, seconded by Councilmember Teal, to Accept the Agenda s presented. The motion passed by the following vote:

Yes: 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

## CONSENT CALENDAR

[PROC  
2020-016](#)

**Proclamation of Commendation to Councilmember James Townsend**

[PROC  
2020-017](#)

**Proclamation of Commendation to Mayor Pro Tem Jason Bower**

[PROC  
2020-018](#)

**Proclamation of Commendation to Councilmember George Teal**

[MIN 2020-020](#)

**Minutes: November 3, 2020 Town Council Meeting**

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

Yes: 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

## QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script into the record and asked members of Town Council to voice any conflict of interest.

Lisa Anderson, Town Clerk, confirmed that the items were published in accordance with law.

[RES 2020-111](#)

**Resolution Approving Lot 2A & 2B, Block 1, The Meadows Filing No. 11, Parcel 8 and Parcel 9 Site Development Plan (The Learning Experience Daycare) [*Located Southwest of Meadows Boulevard and Painthorse Drive*]**

Tara Vargish, Director of Development Services, gave an overview of the project. Staff has determined that it meets the criteria and the Planning Commission recommends approval.

Councilmember Johnson asked what type of trees are being planted.

The Learning Experience applicant stated it is a mix of spruce and evergreen trees based on input from the neighbors. They also increased the height of the trees from 6-8 feet with full irrigation for all the landscaping. This is a national company with 6 or 7 locations in Colorado. 75% of the children are under the age of 3. They capped the building at 25 feet.

Councilmember Teal spoke in favor of the item and feels it is a good plan.

**Moved by Councilmember Teal, seconded by Mayor Pro Tem Bower, that Quasi-Judicial Resolution 2020-111 be Approved as presented. The motion passed by the following vote:**

**Yes:** 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

**RES 2020-112 Resolution Approving a Site Development Plan for a Portion of Lot 1, Seller's Landing (Greystone Villas Townhomes SDP20-0015) [located west of the intersection of S. Gilbert Street and Baldwin Ranch Road]**

Tara Vargish, Director of Development Services, presented an overview of the project. Staff determined it meets all criteria, and the Planning Commission recommends approval.

Councilmember Johnson referenced the Storm Water Master Plan and questioned the impact on the floodplain. Mark Marlowe, Director of Castle Rock Water, stated that the master plan components were installed that were needed. Additional improvements are not planned for some time because it is in good shape right now.

The applicant from Norris Design, provided a presentation. They had three neighborhood meetings throughout the SDP submittals.

***No public comment.***

Councilmember Teal spoke in favor of the project and feels it is a good match for the neighborhood.

**Moved by Councilmember Teal, seconded by Mayor Pro Tem Bower, that Quasi-Judicial Resolution 2020-112 be Approved as presented. The motion passed by the following vote:**

**Yes:** 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

**RES 2020-113 Resolution Approving a Use By Special Review For Lot 3 Block 4 Young's Addition to Castle Rock For An Accessory Dwelling Unit [10 Circle Drive]**

Mayor Gray announced that he would be recusing as he responded to an email that the applicant sent to the neighborhood without realizing he violated the code. Mayor Gray then left the meeting.

Tara Vargish, Director of Development Services, provided an overview of the item. No opposition was expressed for the project. The Town does not regulate short or long term rentals, however, one of the homes must be occupied by the owner. Staff determined that it meets the requirements and the Planning Commission recommends approval.

***No public comment.***

Councilmember Teal spoke in favor of the motion. His policy has been that his

constituents can call and talk to him at any time about anything, however he remains silent on his opinion. He is a fan of the accessory dwelling units and feels this is a good example.

Councilmember Townsend reminded citizens that it is important for them to come to the meeting to have their voice heard.

Mayor Pro Tem Bower spoke in favor of the item.

**Moved by Councilmember Teal, seconded by Councilmember Bracken, that Quasi-Judicial Resolution 2020-113 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Townsend, Bracken, Johnson, Teal, Bower

**Recuse:** 1 - Gray

## **ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**

Mayor Gray rejoined the meeting at 7:20 pm.

### [RES 2020-115](#) **Resolution of the Town Council of Castle Rock Adopting a Downtown Historic Preservation Grant Policy**

Tara Vargish, Director of Development Services, stated staff has been working on the grant policy. The goal is to maintain the historic character of downtown. Approval of the policy is needed to implement the program. The building must be at least 50 years old and doesn't need to be landmarked. Priority is given to the downtown core area. Grants are maximum of \$25,000 matching funds per year for exterior work, roof or mechanical repair and is reimbursed after the project is complete and open. The property would be encumbered by the historic preservation grant, must be maintained and cannot be demolished. Staff recommends approval.

Councilmember Townsend asked if it runs with the property and what the effect is if the building needs extensive work in the future. Vargish stated they are looking at the language; but as part of that easement, the Town will have to have remedies in place if the property is not maintained.

Councilmember Teal asked if we have surveyed the rest of the Town to determine if there are other historic properties that would fill the criteria. Vargish stated this program focuses specifically on downtown.

Councilmember Johnson thanked staff for their work to preserve historic buildings downtown.

Councilmember Bracken asked if there are other towns utilizing this program. David Corliss, Town Manager, stated he is familiar with other towns that have elements of this type of program who value and want to preserve their historic downtown. Mike Hyman, Town Attorney, agreed that they are very common. Bracken clarified with Corliss that there are historic standards that set out how architects are to approach specific issues. Bracken gave the example of the City Hotel. Corliss stated that if a use for that building came up, it would be Council's

discretion to approve it.

Mayor Pro Tem Bower referenced the Hammar House in his neighborhood and how difficult it is to use authentic materials to retain their landmark status.

Councilmember Johnson asked if there is staff available to assist businesses that are interested in the grant program. Vargish stated Julie Kirkpatrick is the contact and can guide them to other funding sources as well.

***No public comment.***

Councilmember Townsend voiced his concern that it is tying up the property without any exit strategy that allows them to get out of the requirement by possibly repaying the grant.

David Corliss stated it is a contract with the property owner; and both parties would have to agree to amend it in the future.

Councilmember Teal spoke in favor of the item. He noted that the grant could also be used for repairs on the roof or mechanical system.

**Moved by Councilmember Johnson, seconded by Mayor Pro Tem Bower, that Resolution 2020-115 be Approved as presented. The motion passed by the following vote:**

**Yes:** 5 - Bracken, Johnson, Gray, Teal, Bower

**No:** 1 - Townsend

[DIR 2020-044](#)

**Discussion/Direction: COVID-19 Small Business Support Grant Appeals**

Kristin Read, Assistant Town Manager, provided information based on Council direction. Staff reviewed the 23 appeals for businesses denied in the previous awards; and the grant committee used the same criteria and recommend 5 awards. These were instances where their license lapsed or they had to correct information on their original application.

Read stated staff is now asking if Council is interested in a third round of grants to utilize funds still available before the deadline of December 30. Staff is requesting direction from Council if they wish to change the criteria by opening it up to businesses that were previously denied like professional services, regional businesses that have more than five locations in Colorado, businesses that haven't been in business for a year, awards based on the sales tax they generate, and to collect information regarding the impact on their business. She stated they do have a deadline of December 30 and recommend opening the application period this week. They believe they can offer a budget of at least \$500,000. Staff would also like direction on what the maximum amount of each grant should be. They have awarded grants to approximately 150 businesses.

Mayor Gray proposed to vote on the first item to vote on the appeals grants.

***No public comment.***

**Moved by Councilmember Johnson, seconded by Mayor Pro Tem Bower, to Direct staff to award additional grants (for appeals) as recommended. The motion passed by the following vote:**

**Yes:** 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

Mayor Gray asked if the check the EDC presented to Council would be used in addition to the \$500,000. Corliss stated those funds will go back to the EDC fund. The funds from the CARES Act is also for reimbursable expenses which include business interruption expenses to businesses. Reimbursement requests go to the County and are approved by DOLA. The Town has not exhausted all of those funds. Town expenses have increased, but staff is comfortable that at least an additional \$500,000 would be available for grants. We would use Town funds to award those grants and then apply to DOLA through the County to be reimbursed.

Mayor Pro Tem Bower asked about some businesses that received multiple grants. Read stated they did not prohibit that, and approximately 20 businesses have received multiple grants. Bower feels businesses may not know they could apply for multiple grants and that restaurants are being hit the hardest especially since they do cannot have indoor dining and it is cold out. He would like priority given to local restaurants as they help support the other retail establishments.

Councilmember Johnson stated there were a few businesses that should be considered that were not previously considered because they were not in business for a year. She wondered if that criteria could be changed.

Councilmember Teal is in favor of lessening the time requirement to consider those that were excluded the last time. He remembers when there was concern that we may not make our revenues, but that is not yet the case. He also concurs with Mayor Pro Tem's comments.

***No public comment.***

Mayor Pro Tem Bower stated from a business owner perspective, no one has a business plan to deal with this situation, and again asked to give priority to restaurants. All of the deferred mortgages and rents are now due, and payments on the loans are now due. It is more difficult now that it is cold outside when they can only do outdoor dining, and citizens are also exhausted with COVID. People are stretched thin financially and emotionally. He is good with opening it up to personal services, with a priority to restaurants because the restrictions hit them the hardest. Losing our one-of-a kind restaurants will hurt us. We also need to ensure they know they can apply more than once.

Mayor Gray stated most of his friends own a business, and it is frustrating that the government shuts us down and then gives us a loan at 3% we now have to pay back, so grants are important. He stated many businesses are trying to hang on and wondering at what point they have to close their doors. He likes the idea of awards to personal services. Gray feels if we have money in the CARES funds, we should use it.

Councilmember Bracken agreed the more we can give the better.

Councilmember Johnson agrees to support local small business owners in downtown and possibly higher amounts to restaurants that will be struggling if they aren't already, and one-of-a-kind small businesses that we would like to keep in our downtown.

Mayor Gray asked for staff to come back with different tiers and different options.

Read stated the first round priority was given to restaurants, store front retail and personal care like spas and salons. Council could provide direction to give priority to just to restaurants, emphasize that businesses are eligible multiple times, and adjusting the time they are in business requirement.

Mayor Pro Tem Bower also stated bars should also be given priority, and that we clarify that businesses can apply multiple times.

Councilmember Bracken asked if we could assist restaurants to purchase tents for them to use. Corliss stated that the County has a program using their CARES funds to purchase those items for businesses, so we refer them to the County. Mayor Gray stated he has 5 heaters, and he submitted his receipts to the County for reimbursement. Councilmember Bracken feels it will help.

Mayor Pro Tem Bower doesn't want to exclude anyone if we have enough funds, but feels the committee should prioritize local businesses and that we use all the funds available.

Corliss wants to ensure we capture Council's direction.

Councilmember Teal doesn't have strong disagreement about anything he has heard.

Councilmember Johnson stated she hasn't heard anything that is of issue. She inquired about the difference between personal and professional services and believes the first round decisions were based on the criteria from the state for those types of businesses that had to be physically closed. Read stated the professional services are like chiropractors, dentists, and financial services; but not all can operate through telework or could only operate on an emergency basis. They are currently not restricted. Personal services like salons and spas were closed in the spring. Personal service businesses are now restricted to 25% capacity, and if moved to the purple level they would be fully closed. Child care was not closed and can remain open no matter what level but they did receive small grants in the past.

Councilmember Johnson continued that some personal training/fitness facilities were awarded before and they may now be affected by restrictions so she doesn't want to exclude them. Read said they have awarded gyms, but they were not given priority in the first round so Council could give direction to give them priority. Gyms are now restricted to 10%. Johnson doesn't know if gyms' priority is as high as restaurants and bars, but doesn't want to exclude them.

Mayor Pro Tem Bower said the state has done a better job defining the levels indicating what is allowed to stay open under the Red level at a reduced capacity.



He feels restaurants should have priority over professional services, communicate they can apply for multiple grants, and priority to those that haven't received awards previously.

Corliss suggested that Read summarize the items, and if Council agrees they can propose a motion or amend it if they want.

***Read summarized the Council direction given for Council to make that motion:***

Communicate to businesses they are eligible to apply for multiple grants, priority to restaurants and bars that are independently owned businesses, and lessen the time requirement to be open to 6 months. Staff still needs direction on the maximum amount to award.

Mayor Pro Tem Bower recalls that we have not awarded more than a \$5,000 grant, and feels it should be capped at \$10,000 total; and for those that apply that received a previous award to grant the same amount.

Mayor Gray is fine with a \$10,000 total, but doesn't want to leave money on the table. Corliss said they can start with an aggregate cap of \$10,000 but if we see we aren't going to exhaust the funds, staff can offer options.

Mayor Pro Tem Bower stated that if we have more businesses apply, we can input the amount they received last time into the spreadsheet then we can guess how much would be going out.

Councilmember Johnson inquired if the sales tax remittance should be submitted. Mayor Pro Tem Bower doesn't feel it is necessary as there are businesses that don't collect sales tax that are hurting, and is not tied to the same amounts.

Councilmember Bracken was fine with that approach.

***Concurrence of Council to add to the motion:***

Lower priority to businesses that received two grants previously or received the full \$10,000. Options could then be presented to increase amounts to exhaust the available funds.

Mayor Pro Tem Bower emphasized priority should be given to restaurants and locally owned businesses.

**Moved by Councilmember Townsend, seconded by Bracken to Award additional grants as recommended with the additional criteria as listed by Kristin (Communicate to businesses that they are eligible to apply for multiple grants, Priority to restaurants and bars that are independently owned businesses, Lessen the time requirement to be open to 6 months, and have an Aggregate cap of \$10,000 to a business. If funds are remaining, options will be presented to Council to increase grants with lower priority to businesses that received two grants previously or received the full \$10,000). Mayor Pro Tem Bower added to give priority to restaurants and locally owned businesses. The motion passed by the following**

**vote:**

**Yes:** 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

**[ORD 2020-024](#) Ordinance Approving a Franchise Agreement Between the Town of Castle Rock, Colorado, and Intermountain Rural Electric Association (Second Reading - Approved on First Reading on November 3, 2020 by a vote of 6-0)**

Kristin Read, Assistant Town Manager, stated the only change from the previous agreement was to improve service response specifically in relation to traffic signals.

***No public comment.***

**Moved by Councilmember Teal, seconded by Councilmember Bower, that Ordinance 2020-024 be Approved on Second Reading as presented. The motion passed by the following vote:**

**Yes:** 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

**[ID 2020-120](#) Presentation of the Metropolitan District Summary for the year ending December 31, 2019**

Trish Muller, Director of Finance, presented the summary.

Councilmember Teal stated we have had one metro district that refinanced this year. He asked if we should reach out to them to take advantage of refinancing. Muller stated they could consider that and noted that some do not have the ability to refinance their debt, specifically the Meadows and Founders which have the largest share of that debt.

**[RES 2020-114](#) Resolution Approving the Amendment to the ASR and Downhole Pumping Equipment for Wells CR-232 and CR-233 Contract with Hydro Resources - Rocky Mountain Inc. for the Downhole Power Generation Pilot Agreement**

Mark Marlowe, Director of Castle Rock Water, presented this item outlining the changes to the agreement.

Councilmember Johnson confirmed it went to the Castle Rock Water Commission and that they recommend approval.

***No public comment.***

**Moved by Councilmember Teal, seconded by Councilmember Johnson, that Resolution 2020-114 be Approved as presented. The motion passed by the following vote:**

**Yes:** 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

**ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

***No public comment.***

## ADJOURN

**Moved by Councilmember Bower, seconded by Councilmember Teal, to Adjourn.  
The motion passed by the following vote:**

**Yes:** 6 - Townsend, Bracken, Johnson, Gray, Teal, Bower

***Adjourned at 9:12 pm.***

Submitted by:

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Lisa Anderson, Town Clerk