



Town Council Meeting Minutes - Final

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

Tuesday, May 4, 2021

5:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 187 417 8729
www.CRgov.com/CouncilMeeting**

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/CouncilMeeting, or phone in by calling 720-650-7664, meeting code 187 417 8729 (if prompted for a password enter "May4Council"). 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. May 4, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION

Mayor Gray gave the Invocation.

CALL TO ORDER / ROLL CALL

Councilmember Cavey attended the meeting remotely.

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

PLEDGE OF ALLEGIANCE

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2021-010](#) **Discussion/Direction: Results of 2021 Community Survey**

Kristin Read, Assistant Town Manager, provided an overview of the 2021

Community Survey.

Mayor Gray and Councilmember Johnson thanked staff for their work on the survey and that it is valuable information. Councilmember Johnson stated she would like to see more than two points of data to determine a trend.

Councilmember Cavey inquired if we asked the same questions in this survey as the last one. Read stated there is a chart that references the questions that changed with new priorities and projects. Reed noted they look at how to improve specific areas that will improve the overall view of the Town.

The survey reflected there was not a lot of support for a mill levy increase for public safety; and the sentiment was that citizens felt the Town should manage existing funds. The most common issues were related to growth, overcrowding and traffic congestion.

Councilmember Johnson referenced that surveys capture a point in time, but it is a span of time/trend when comparing to previous years. Read stated there are a few questions that are asked in regard to their thoughts over a period of time.

David Corliss, Town Manager, acknowledged their work. He encourages Council to study the data for areas we can improve, and it is an important indicator that we want to respond to. The Town continues to provide excellent services to the community and there are still concerns with growth-related issues. Corliss stated staff will use it to guide policy and budget.

COUNCIL COMMENTS

Councilmember Hollingshead recognized Animal Control and noted that citizens want to learn more about Water.

Councilmember Johnson stated the overwhelming response to growth reminded her of the comprehensive plan that we want quality development over quantity.

Councilmember Dietz emphasized the importance of decisions made at the elected official level, that they are responsible to the Castle Rock residents and feels the Town's people deserve to be represented. He feels there needs to be proper development and good business; and he feels the Design Review Board is not representative of the people. We need to ensure we have Police and Fire staff and new buildings.

Councilmember LaFleur thanked staff for their work and that people are eager for events coming up.

Mayor Gray noted that it is Mental Health Awareness Month, and this past year has impacted a lot of people. We can remain kind, have empathy and have sympathy for others.

[EXEC](#)
[2021-002](#)

Executive Session Report: April 20, 2021

Mayor Gray read the report of the Executive Session and asked for Council to

state any concerns. None stated.

[PROC
2021-003](#)

Proclamation: Peace Officers Memorial Day and Police Week (For Presentation - Approved on April 20, 2021 by a vote of 7-0)

Mayor Gray read the proclamation into the record.

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

[ID 2021-044](#)

Council Calendar: Request for Study Session on June 8, 2021, 5:00 to 7:00 p.m., for the purposes of discussing of Revenue Opportunities (Funding Police, Fire, Transportation, Parks & Open Space) and Strategic Priorities and Work Items

David Corliss, Town Manager, provided a list of calendared items; and proposes a two-hour study session on Town priorities and Town funding for Police, Fire, Roads and Parks and Open Space prior to the June 1 or June 15 Council meeting starting at 5pm.

Councilmember Johnson would prefer June 15 to allow time prior to the meeting to prepare since June 1 follows the Memorial Day holiday.

Councilmember Cavey asked why the Study Session has to be prior to a Council meeting. Corliss stated they propose a Tuesday as members of Council already have those dates reserved for Council meetings. Corliss stated they also have conflicts with other Board or Commission meetings on other days of the week.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, to Call A Study Session at 5pm on June 15 prior to the Town Council meeting. The motion passed by the following vote:

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

[ID 2021-045](#)

Update: Town Boards and Commissions Interviews on May 11, 2021

Shannon Eklund, Executive Assistant, provided a tentative schedule for the Boards and Commissions interviews on May 11; and Public Art Commission interviews to be held remotely on May 12.

Councilmember LaFleur thanked Shannon for her work.

Councilmember Cavey and Councilmember Johnson want to sit on multiple interview panels. Shannon will work with them and the panels to adjust the schedule.

Corliss stated the panels will advise Shannon on their preferences for candidates. Town Council will then vote on the appointments. The appointments from the other Boards to the Design Review Board will be done after those appointments are made.

[ID 2021-046](#)**Preliminary 2020 Unaudited Yearend Financial Review**

Chris Creighton, Budget Manager, provided an overview of the unaudited Year-End Financial Review. Town-wide revenue and sales tax exceeded the previous year and expenditures were under budget due to timing of some capital projects and some reductions and deferrals.

Councilmember Johnson noted that there are some positions in Development Services funded by the General Fund. David Corliss, Town Manager, stated there are a few positions that are not directly related to new building fees and are for the existing built environment (zoning, neighborhood liaison, etc.) and some management and administrative staff. Tara Vargish, Development Services Director, stated Development Services closely monitors their time. Johnson stated she is concerned that departments may not be able to keep up when we issue significantly more permits than what was planned. Corliss stated they budget on conservative numbers, but plan based on the Master Plan that predicts total community build out. Corliss stated if we receive more money than we budgeted, then we can accelerate project design sooner.

Mayor Gray feels the Town works together to make adjustments as needed and departments will voice concerns if demands are accelerated.

Councilmember Johnson inquired if Mitchell Gulch Park is still on the plan for improvements. Corliss stated it is being funded through the County Share Back along with Butterfield and the two parks in Plum Creek.

[ID 2021-047](#)**Update: Residential Unit Data (through March 31, 2021) with Potential Buildout Estimates**

Tara Vargish, Director of Development Services, noted that Council is provided quarterly updates on the residential unit counts. There are 130 planned developments staff looks at quarterly to determine the maximum number of residential units in each area and update the map with new annexations and any rezoning. There are no density caps downtown; but they look at maximum entitlements. Population is based on the Census for a projected maximum population. At this point, the total potential build-out range is 121,903-111,478.

David Corliss, Town Manager, noted additional annexations or rezoning can affect that number.

Councilmember Johnson wanted to confirm if the chart reflects the original zoning. Vargish replied that they started this project five years ago and used the current zoning in the books at that time.

Councilmember LaFleur thanked the staff for the valuable data and that without the growth, we would not have the hospital.

Vargish gave an update on three projects:

Dawson Trails (formerly referred to Dawson Ridge) is proposed to also include some of the Westfield area. They held a neighborhood meeting and plan another

one on May 24 at Townhall. It consists of 2,064 acres and they are proposing 5,800 residential units, 3.2M square feet of commercial/industrial, 38% open space, and 25 miles of trails.

Storquest is an infill annexation of about 5 acres located at I-25, Hwy 85 and Liggett road. It is currently storage units. They initially have a substantial compliance and eligibility hearing to determine if it meets all the state requirements. Planning Commission and then Town Council votes on whether to annex it looking at density and uses. They propose to remove what is on the property and build new units.

Canyons South will also be applying for an annexation for 415 acres. Staff is reviewing it and will schedule substantial compliance and eligibility hearings. The applicant is proposing about 475 single family lots, 60% open space and miles of trails and park development.

[ID 2021-048](#) **Update: Pending Development Property (through March 31, 2021)**

[ID 2021-049](#) **Development Services Project Updates**

[ID 2021-050](#) **Update: Quasi-Judicial Projects**

TOWN ATTORNEY'S REPORT

Mike Hyman, Town Attorney, introduced Senior Assistant Town Attorney, Elizabeth Allen, and recently hired Jenny Nelson, Assistant Town Attorney.

CONSENT CALENDAR

[PROC 2021-004](#) **Proclamation: Historic Preservation Month - May 2021** (For Council Action - Presentation on May 18, 2021)

[PROC 2021-005](#) **Proclamation: National Public Works Week** (For Council Action - Presentation on May 18, 2021)

[PROC 2021-006](#) **Proclamation: Ducky Derby Month - June 2021** (For Presentation - Approved on May 4, 2021 by a vote 7-0)

[ORD 2021-009](#) **Ordinance Approving the First Amendment to the 2021 Fiscal Year Budget by Making Supplemental Appropriations for the 2021 Fiscal Year (Second Reading - Approved on First Reading on April 20, 2021 by a vote of 7-0)**

[ORD 2021-010](#) **Ordinance Approving the Fifth Amendment to the Intergovernmental Agreement Between the Town of Castle Rock and Dominion Water & Sanitation District for the Option to Purchase and Right of First Refusal Regarding Ground Water Rights, Easements and Related Improvements (Second Reading - Approved on First Reading on April 20, 2021 by a vote of 7-0) [Cherokee Ranch, Douglas County, CO]**

- [RES 2021-043](#) **Resolution Approving a Construction Contract Between the Town of Castle Rock and RME Ltd., LLC d/b/a Elite Surface Infrastructure, for the Parkview Tributary and Fifth Street Trail Drainage Improvements Project [923-941 Oakwood Dr. and 924-938 Oakwood Ct.]**
- [RES 2021-044](#) **Resolution Approving a Construction Contract Between the Town of Castle Rock And T. Lowell Construction, Inc., for the Glovers Water Rehabilitation Project [East of S. Gilbert St., between Ash Ave. and Elm Ave.]**
- [RES 2021-045](#) **Resolution Approving the 2021 Spot Water Lease Agreement between the Town of Castle Rock and Centennial Water and Sanitation District [Chatfield Reservoir, Douglas County]**
- [RES 2021-046](#) **Resolution Approving the Water Lease Agreement between the Town of Castle Rock and Sublette, Inc. [Rothe/Sublette Recharge Project, Weld County, CO]**
- [RES 2021-047](#) **Resolution Approving the Water Lease Agreement between the Town of Castle Rock and Riverview Farms, LLC [Rothe/Sublette Recharge Project, Weld County, CO]**
- [MIN 2021-008](#) **Minutes: April 20, 2021 Town Council Meeting**

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

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

ADDITIONAL ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

- [DIR 2021-011](#) **Discussion/Direction: Public Meetings on Downtown Building Height Restrictions and Downtown Development Guiding Documents and Codes (Continued from April 6, 2021)**
- Tara Vargish, Director of Development Services, provided an extensive presentation on this item at a previous Council meeting and provided a summary. Current downtown zoning allows the following heights:
- Core District - 4 stories, 60 foot maximum, variance of 1 additional floor.
 - North and South Districts - 6 stories, no maximum height, variance up to 2 additional floors.
- Vargish provided a comparison to height restrictions in other commercial areas around Town for the Interchange Overlay, Meadows, Metzler Ranch, Milestone, and Promenade.
- Vargish then identified current building heights in the downtown area. The majority of buildings are under 35'. Staff recommends looking at the core area but exclude

the buildings southwest of 3rd and Wilcox that includes the County building and parking garage.

There are 8 planning documents that have been used for Downtown. Vargish went through the chronology of the documents, the Downtown Advisory Board, creation of the Downtown Development Authority and the Design Review Board. Vargish noted that there were no downtown parking requirements until 2018.

Citizens that addressed Council:

Chris Leever, resident, his family owns parcels in downtown on Wilcox and Perry, and he has lived here nearly 25 years. They purchased the property in 2017-2020 at a price to reflect the current heights. Leever feels it is imperative to have thoughtful, detailed involvement from all downtown property owners.

Kevin Tilson, Director of Castle Rock Downtown Alliance proposes working with Council and the Downtown Development Authority to evaluate any changes.

Jeremy Begley, resident of District 4 and serves on the Planning Commission and the Design Review Board. He recommends making modifications and enhancements to the Municipal Code that addresses color schemes, architecture and design. He also feels the current parking requirements are not adequate and should be increased so tax dollars are not subsidizing parking.

AnneMarie Englehard, District 4 resident and serves on the Historic Preservation board. She is a third generation Coloradan and has lived in places from Colorado Springs to Fort Collins. She researched our master plans before moving here and noted that some visions in the master plan are not enforceable and she would like Council to look at the Master Plans and what we can do with the Code to implement some of the visions.

Mario Wiggins, resident, is a downtown property owner and is a business partner of Chris Leever. Maintaining the historic feel of Castle Rock is a reason they chose Castle Rock. He knew it would grow, and noted that many of the buildings don't have historic significance. There can be improvement on some of the properties, more tax revenue and jobs, and multi-family without going over 5 floors. He feels it comes down to money and who is willing to invest in dilapidated buildings and revitalizing the area to maximize the use and potential for that property.

Councilmember Dietz asked if Council wants to state the foot limit.

Councilmember Johnson clarified that the downtown overlay allows for a variance up to 2 additional stories on top of 6 stories with no maximum height. David Corliss, Town Manager, stated his experience is that if height is an issue, that there should be a maximum height limit.

Councilmember Hollingshead likes the flexibility to approve the variance. Vargish stated the Design Review Board approves those variances not Council.

Mayor Pro Tem Bracken stated he is for property rights. He is not in favor of

making changes to it. Some definition could be applied to the stories, but he is not interested in hiring a consultant.

Councilmember LaFleur is not okay with making changes, but is okay with defining the height of a story. She feels that the downtown historic buildings are enhanced with new development.

Councilmember Cavey agrees Council should define height for the core and that we need to look at density and traffic. She feels it is wise to do because we have finite resources downtown and we need to look at long-term traffic and parking impacts so we know what we have. Cavey also feels we need to update the Downtown Master Plan to be more current and sit down with the DDA and DMA. Additionally she feels the current parking requirements are not adequate.

Mayor Pro Tem Bracken agrees to holding a Study Session with the DDA and DMA and feels that hiring a consultant to do a height review downtown is different than a parking and traffic study.

Councilmember Johnson asked how we should address the three year review outlined in the 2003 Design Guidelines and would like to work towards some balance. Vargish stated Council can direct staff to make changes and recommends that Council identify if there are specific guidelines that have not been codified.

Councilmember Hollingshead suggests having a study session with the DDA and Development Services to discuss what the vision is. He feels the goal is to define building heights, use staff expertise on traffic and parking, and look at design elements that we want to emphasize moving forward.

Councilmember LaFleur stated that the Downtown Master Plan replaced the 2003 Guidelines and feels they are not needed. Vargish recommends keeping them as staff does use them with initial conversations about projects. Newer documents have replaced some of the guidelines, but it could be edited. LaFleur concurred to give it an update.

Councilmember Dietz feels it does require more in-depth time.

Councilmember Cavey feels we should look at growth and what the parking and traffic impacts will be. She feels we should engage a consultant to get a better idea what we are dealing with in the downtown area. Additionally, she would like to see decisions on variances come to Council and agrees the plan should be updated.

Councilmember Johnson confirmed that the Code states the Design Review Board has authority for development in Downtown and they are to use the Downtown Master Plan and the Castle Rock Design Guidelines; and if either of those documents are removed, the Code would need to be updated.

Councilmember LaFleur asked the Town Attorney to provide guidance on how often an item can be brought forward for a vote, specifically the authority of the Design Review Board. Mike Hyman, Town Attorney, stated there are some

jurisdictions that have rules about how often items can be brought to Council; but the Town does not have anything like that in place.

David Corliss, Town Manager, stated that staff recommends seeking a consultant to modernize and harmonize the Downtown Master Plan and that Council can determine the scope of that work. Staff feels it is important that we update the plan and that there is value looking at density and traffic in the Downtown area given that it is a finite area hemmed in by a highway, railroad, residential area, and two main roads. At some point we will need to determine that limit to be fair to property owners and future property owners.

Mayor Pro Tem Bracken feels the DDA is a state regulatory body that are professionals and economic experts and are the perfect organization to guide this discussion and start collaborating.

Mayor Gray feels it is important what our downtown business and land owners want to see and agrees to engage with the DDA, DMA and landowners. They have been paying the taxes and should have input.

Councilmember LaFleur stated she wants the stakeholder input before any changes are made.

Mayor Pro Tem Bracken stated they are guidelines that can be amended and feels reviewing it is okay.

Councilmember Cavey stated that everyone lives here and pays tax dollars, and it cannot be just downtown property owners, DDA and DMA. It is a starting point, but we need to engage the entire community.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Direct Staff to schedule a study session with downtown stakeholders including the DDA, DMA, business and property owners, to begin the process of updating the 2008 Downtown Castle Rock Master Plan to review, reaffirm, and/or update the community's vision for Downtown Castle Rock which may include incorporating or updating any related design documents, as necessary to provide consistency and clarity to the community, and determine the scope for next steps. The motion passed by the following vote:

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

[RES 2021-048](#)

Resolution Approving and Adopting the Town of Castle Rock Fire and Rescue Department 2021-2025 Master Plan

Norris Croom, Fire Chief, provided an overview of the Fire and Rescue Department 2021-2025 Master Plan. They have been an internationally accredited department since 2012 and the Master Plan is one of the key documents. Croom presented current and future challenges that the department faces with continued growth for staffing and capital costs for new stations and equipment.

Councilmember Johnson confirmed that the fire protection district does not

contribute to capital costs and asked if we can require that. Croom stated they provide service to them under court order since the 1980's and will reevaluate the funding contributions in 2023. Any increase would have to be approved in court. Croom stated their previous contribution was \$50,000 which was renegotiated to a 5.5% contribution.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, that Resolution 2021-048 be Approved 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 Mayor Pro Tem Bracken, seconded by Councilmember Dietz, to Adjourn. The motion passed by the following vote:

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

Mayor adjourned the meeting at 9:13 pm.

Submitted by:

Lisa Anderson, Town Clerk