



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, November 16, 2021

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 146 942 0538
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 146 942 0538 (if prompted for a password enter "Nov16Council"). 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. November 16, 2021, to be included in the public record.

COUNCIL PHOTOS, DINNER & INFORMAL DISCUSSION - 5:00 PM

INVOCATION - 6:00 PM

Mayor Gray provided the invocation.

CALL TO ORDER / ROLL CALL

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Cavey shared her disappointment that 2A did not pass and feels the Home Builders Association and the Gazette did not come out to support it to keep our community safe. We will need to go back to figure out how we are going to build two new fire stations and fund our police and fire.

Councilmember LaFleur received a letter from a boards and commissions member that she felt blurred the lines of conflict of interest.

Councilmember LaFleur moved to remove Anne Marie Englehart from the Historic Preservation Board, seconded by Councilmember Hollingshead.

Mayor Pro Tem Bracken commented that she represented herself as a board member and her district at a neighborhood meeting, and should not tell developers how their project should be run.

Councilmember Johnson saw that she stated that she was the appointed member of the Historic Preservation Board on the Design Review Board. Johnson inquired if boards and commissions members go through training to understand they cannot represent themselves as speaking for a board or commission.

Councilmember Dietz noted that Garo on the Design Review Board spoke against a Councilmember and never got reprimanded.

Councilmember LaFleur feels this is a different situation. A board member is telling a developer that their property is not in the district and this was not the first occurrence. There was a transparency issue with the View project and feels it is problematic.

Councilmember Johnson feels we should reprimand both of them and not remove either one of them. Johnson suggests the Town Attorney and staff should work with them on the delineation of their roles. All of our boards and commissions should receive training. It is our responsibility to do a better job training our boards and commissions members.

Councilmember Hollingshead feels this individual didn't get the backing of her board and sent a developer site development plans with her recommendations.

Councilmember LaFleur stated there is a difference between Garo because his comments were not in writing and he was merely asking legal what to do with a liaison that doesn't support the board and wants to disband it.

Councilmember Cavey quoted his comments verbatim, "How do I bring legal action against a sitting Councilmember".

Mayor Pro Tem Bracken stated this is about an email that was sent. He has read the email, the apology, the clarification from the Development Services department, and how the developer felt she was representing herself as a position with the Town. Bracken stated he is on board with removing her.

Councilmember Johnson has seen members of boards and commissions state a lot of things on social media that she feels is inappropriate. She feels we are being really rash and taking action without enough evidence.

Mayor Gray asked Mike Hyman, Town Attorney, for a point of reference. Hyman confirmed that the Municipal Code states that all boards and commissions serve at the pleasure of Town Council. Any member of a board or commission may be removed by a vote of 4 or more Town Council members. There is no review or hearing right except the Downtown Development Authority which is governed by Statute.

Councilmember Johnson read the email where she stated she was a resident and a member of the board and expressed her concerns. She expressed herself as a

concerned resident and she doesn't see the difference.

David Corliss, Town Manager, stated he asked her to send an email and at the end she states she is a member of HP and DRB in District 4. Including her title at the end interprets that she is speaking on behalf of the board. Then she sent an email apologizing for the confusion that she spoke as a resident, not on behalf of the boards.

Councilmember Johnson feels she clearly apologized, and Garo did not apologize to Councilmember Cavey. She feels she was being forthright and admitted that the way she wrote the email may have come across like she was speaking on behalf of the boards. This is something you learn over time in how you represent yourself and feels we should give some grace.

Councilmember Cavey confirmed Garo never apologized, but he received an apology from Town Council and feels it should be applied evenly across all the boards.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to Remove a Member from the Historic Preservation Board. The motion passed by the following vote:

Yes: 4 - Hollingshead, LaFleur, Bracken, Gray

No: 3 - Cavey, Johnson, Dietz

Councilmember Dietz shared his thoughts on the election that two of the four measures passed and it is a great start. Police and Fire departments can begin to add staff to their departments and we can put money towards the interchange. Our election is done in the light, but our downtown development is done in the shadows that is backed by various groups with their own interest in mind. The Design Review Board is to review projects, not approve them. He does not like the status quo, and that the rest of the Town has a different standard. The same property rights should be given to all parts of Castle Rock. It is easy to be a developer in downtown, and outside of downtown is scrutinized.

Councilmember Dietz would like to discuss the homeless encampments on a future agenda so it is not all put on the backs of Fire and Police.

Mayor Pro Tem Bracken would like guidance from Mike Hyman, Town Attorney, on what the guidelines are and what we should be focusing on. What can and can't be done so we don't misstep. Hyman stated they are currently looking into those issues.

Mayor Gray has not seen any community handle it very well. We want to protect vulnerable people but also our citizens.

Councilmember Johnson would like to hear more about the discussion they have had at the Metro Mayors meetings. She has expressed interest in working on homeless encampments as well.

Councilmember LaFleur discussed the homelessness issue along Plum Creek with a Commissioner and that it is also a county issue.

Mayor Pro Tem Bracken feels there has been more activity in town because the county program offers vouchers to our motels for them to receive counseling and services.

Councilmember Dietz feels a lot of people want to help; but the challenge is to get to those that have real needs.

Councilmember Johnson stated her church helped with voucher programs and helped manage the program the county provides for people in need.

Councilmember Cavey asked if it would be appropriate for Police to be part of that conversation. Corliss stated this impacts a number of different departments. Police, Parks, Fire and Rescue. Police is one of the first agencies that respond to issues. There are challenges to where individuals can establish a camping site and what is the appropriate response. Cavey asked if we know details if they are veterans, if they have been homeless for numerous years, if they have Covid, and what the demographics are. Corliss stated they will provide a report that is as comprehensive as possible.

Mayor Pro Tem Bracken appreciates the effort to keep students from speeding and is happy that the residents that have been requesting traffic calming will have it installed soon.

Mayor Gray stated the Starlighting event is on Saturday and we expect about 25,000 people this year. It is a great kick-off for the season that all of our citizens can be part of. Thanksgiving is coming up and we don't have a meeting until afterwards. There are people that don't have enough, so he encouraged people to donate to Catholic Charities, various churches, etc. It is important that we treat those that don't have enough better. Giving your time, money or food would be fantastic.

Moved by Councilmember Dietz, seconded by Councilmember Cavey, to place a discussion item on a future agenda regarding the Homelessness issue. The motion passed by the following vote:

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

[PROC
2021-011](#)

Proclamation Supporting Small Business Saturday [For Presentation - Approved on November 2, 2021 by a vote 6-0]

Mayor Gray read the proclamation into the record to recognize Small Business Saturday.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Pam Ridler, CEO of the Castle Rock Chamber of Commerce and resident announced they are bringing Starlighting back to downtown. In 1936 was the first time the star was lit. The Fire department has been taking care of the star, Police officers help plan for the event, and Public Works helps figure out where we can have the downtown event. The event starts at 2pm and goes to about 7pm. Gary

Shapiro and Corrie Rose emcee the event. Santa will be there to flip the switch around 5pm and then the fireworks will go off. They expect about 25,000 people, and they have increased the buses to pick up people from Douglas County High School, the hospital, and the Fairgrounds. Ridler thanked the Town and Town staff for all their work to make this event happen.

TOWN MANAGER'S REPORT

[ID 2021-122](#)

Update of the Third Quarter Financial Review, Period Ending Sept. 30, 2021

David Corliss, Town Manager, provided a summary of the Third Quarter Financial Review and reported they will be able to move forward with some additional Police and Fire staff. Revenues are above budget and the department heads are doing a good job managing expenditures.

[ID 2021-123](#)

Holiday Card Art Contest

Melissa Hoelting, Community Relations Manager, reported they developed the middle school and high school student holiday card art contest that was shared at schools and on social media. The Public Art Commission selected the winner that was created by Reese Harris, a freshman at the early colleges at Castle Rock and will be displayed at the Miller Activity Complex. Reese was presented with a gift card and a set of the cards.

[ID 2021-124](#)

Update: Calendar Reminders

David Corliss, Town Manager, referenced upcoming Council meetings, holidays, events, and neighborhood meetings.

[ID 2021-125](#)

Update: Monthly Department Reports

[ID 2021-126](#)

Development Services Project Updates

[ID 2021-127](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Johnson, 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](#) [2021-012](#)

Proclamation Recognizing the Painting Positivity Campaign [For Council Action - Presentation on December 7, 2021]

[RES 2021-100](#) **Resolution Approving the 2021 Spot Water Lease Agreement Between the Town of Castle Rock and Chatfield East Property Owners Association (*Chatfield Reservoir, Douglas County*)**

[MIN 2021-020](#) **Minutes: November 2, 2021 Town Council Meeting**

Moved by Councilmember Johnson, seconded by Councilmember Hollingshead 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

[ORD 2021-030](#) **Ordinance Approving the Third Amendment to the Town of Castle Rock 2021 Budget by Making Supplemental Appropriations for Fiscal Year 2021, and Providing for the Emergency Adoption of this Ordinance on Second and Final Reading (First Reading)**

Trish Muller, Finance Director, presented the first reading of the Third Amendment to the 2021 budget. They wish to adopt the ordinance on an emergency basis on the second reading to enable use of the funds in 2021. Water, Transportation, Police parking lot and some funds for special event expenditures that are offset by revenues and golf equipment maintenance moved from the 2022 budget are the three main items requiring the amendment.

Councilmember Dietz commended staff for the work on Plum Creek.

No public comment.

Mayor Pro Tem Bracken asked about the increase in co-pays. Muller stated we are self-insured for medical. Many things feed into that. Some people may have put off procedures in 2020.

Mayor Gray noted that we are adopting it as an emergency on second reading because otherwise there is a 30 day waiting period that would take us into 2022.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Ordinance 2021-030 be Approved on First Reading as presented. The motion passed by the following vote:

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

Downtown Development Authority (DDA) Items

[RES 2021-101](#) **Resolution Approving the Proposed 2022 Fiscal Year Budget for the Castle Rock Downtown Development Authority**

Pete Mangers introduced Kevin Tilson, Director of the Castle Rock Downtown Alliance (DMA and DDA partnership), to present the 2022 DDA Budget that was introduced to the DDA in September. They are estimating a mill levy revenue increase, personnel increased by \$5k and downtown facade and improvements

for \$20,000 to increase beautification projects. They will continue the streetscape project, flower box and patio program that is in need of repairs and maintenance. Historically they had a separate fund for the Ice Rink. DDA no longer is the Ice Rink budget. The land was purchased, and the private sector that purchased it, purchased their equipment and wishes to continue operating it.

David Corliss, Town Manager, stated this is the DDA operating budget. The Town approves the mill levy, and we match the mill levy which provides the operating budget for the DDA. Separate from the operating fund, is the DDA special fund. That receives the tax increment that the DDA is allowed to keep for property taxes. The Town's sales tax increment increase goes to the special fund and is used for incentives for downtown projects. We want to take some from the special fund for operating costs of the new parking garage. The mill levy item is what downtown property owners voted on to impose upon themselves that the Town approves.

Councilmember Cavey asked if the money spent in the special fund has to be approved by the DDA and the Town Council.

Councilmember Johnson asked if personnel expenses could be paid out of the special fund. Corliss stated there are restrictions on the use of the funds. Hyman stated the tax increment funding is to secure obligations of the DDA which is typically capital. Festival Park was one of those. Tilson stated operating costs are for personnel and office expenses, etc., but the special fund is a tool to bring new infrastructure. Special Fund is from property tax and sales tax increment. Operating Fund is the matching mill levy from the Town. Corliss stated they will provide Council with a more comprehensive summary of what goes into these funds and what they can be used for. Johnson asked if the match could come from the special fund vs. our Economic Development Fund. Corliss confirmed that the Economic Development Fund is from the building sales use tax.

Mayor Gray noted that there are certain funds that can only be spent on certain things.

No public comment.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, that Resolution 2021-101 be Approved as presented. The motion passed by the following vote:

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

No: 1 - Dietz

[ORD 2021-031](#) Ordinance Levying General Property Taxes on Behalf of the Castle Rock Downtown Development Authority for the Year 2021, To Be Collected in 2022, and Providing for the Emergency Adoption of This Ordinance on Second and Final Reading (First Reading)

Pete Managers presented the 2021 DDA Mill Levy Certification. The 3 mills assessed resulted in approximately \$195,000 in property tax revenue.

Councilmember Cavey confirmed it has been 3 mills since it was implemented

and this is to approve their mill levy. Corliss stated we will do a second reading of the Town's mill levy and the second reading of the DDA mill levy. This is about the property tax that downtown property owners who pay an additional 3 mills.

Councilmember Johnson stated the motion does not provide for the emergency adoption. Corliss noted that it is an error. We want all of the budget and mill levy ordinances effective prior to 2022.

Citizens that addressed Council:

Kevin Tilson, Director of the DDA, wanted to clarify that in 2008 when the Council approved the DDA, the downtown business property owners voted to tax themselves 3 mills. Every year there has never been a vote to change those mills. This is a matter of process and formality, but we must go through the process to approve them.

Mayor Pro Tem Bracken explained this is the 3 mills that are paid by the downtown business owners into the operating fund. In order to get the mills passed, Council agreed to match the mills.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, that Ordinance 2021-031 be Approved on First Reading as presented. The motion passed by the following vote:

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

No: 1 - Dietz

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

**RECESS TO CASTLE ROCK URBAN RENEWAL AUTHORITY BOARD MEETING, AND
FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT MEETING**

Moved by Councilmember Hollingshead, seconded by Councilmember LaFleur, to Recess to the Castle Rock Urban Renewal Authority Board Meeting. The motion passed by the following vote:

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

Recessed at 7:45 pm.

Miller's Landing Business Improvement District (BID) Item

CASTLE ROCK URBAN RENEWAL AUTHORITY BOARD MEETING

Call to Order and Roll Call

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

Action Items:

[URA MIN
2021-001](#)

Minutes: Approval of October 6, 2020 Minutes

Moved by Vice Chair Bracken, seconded by Commissioner LaFleur, that Minutes be Approved as presented. The motion passed by the following vote:

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

**[URA RESO
2021-001](#)**

Resolution of the Castle Rock Urban Renewal Authority Adopting the 2022 Castle Rock Urban Renewal Authority Budget

Pete Managers presented the 2022 URA budget.

No public comment.

Moved by Commissioner Hollingshead, seconded by Vice Chair Bracken, that URA Resolution 2021-001 be Approved as presented. The motion passed by the following vote:

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

ADJOURN TO THE FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT MEETING

Adjourned at 7:50 pm.

FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT MEETING [Parking Garage Adjacent to Encore]

Call to Order and Roll Call

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

Action Items:

**[GID MIN
2021-001](#)**

Minutes: Approval of the October 6, 2020 Minutes

Moved by Vice Chair Bracken, seconded by Board Member LaFleur, that the Minutes be Approved as presented. The motion passed by the following vote:

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

**[GID RESO
2021-001](#)**

Resolution Adopting the 2022 Fiscal Year Budget for the Town of Castle Rock Festival Park Commons General Improvement District

Pete Mangers presented the 2022 Festival Park Commons General Improvement District Budget to pay the debt on the parking garage.

Board Member Cavey asked if the 44 mills are just paid by them. David Corliss, Town Manager, stated this as part of the Town's purchase of the 308 public parking spaces. Encore pays for the Town's cost of those spaces. Property and Sales Tax goes to Encore and some to the Town. All tax from Encore goes towards the obligation for the spaces. The PIF is an additional sales tax on all sales on the commercial buildings below. The General Improvement property tax is on the private property in Encore until we pay off the debt. If we don't approve that, we still have to pay that obligation and take it from somewhere else.

No public comment.

Board Member Johnson confirmed this is to pay back the debt for the public parking spaces and that she will support it.

Moved by Vice Chair Bracken, seconded by Board Member Hollingshead, that GID Resolution 2021-001 be Approved as presented. The motion passed by the following vote:

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

[GID RESO
2021-002](#)

Resolution Levying General Property Taxes for the Town of Castle Rock Festival Park Commons General Improvement District for the Year 2021, to be Collected in 2022

Pete Managers presented the 2022 proposed GID budget.

No public comment.

Moved by Board Member Johnson, seconded by Board Member Cavey, that GID Resolution 2021-002 be Approved as presented. The motion passed by the following vote:

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

ADJOURN TO TOWN COUNCIL MEETING

Moved by Vice Chair Bracken, seconded by Board Member LaFleur, to Adjourn. The motion passed by the following vote:

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

Adjourned at 7:58 pm.

RECONVENE TOWN COUNCIL MEETING - ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

Reconvened Council meeting at 7:59 pm.

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

[RES 2021-103](#)

Resolution Ratifying the 2022 Fiscal Year Budget and Mill Levy for the Town of Castle Rock Festival Park Commons General Improvement District [Parking Garage Adjacent to Encore]

Pete Managers presented the item to Council to ratify the GID 2022 proposed budget.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Hollingshead, that Resolution 2021-103 be Approved as presented. The motion passed by the following vote:

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

[RES 2021-104](#) **Resolution Approving the Intergovernmental Agreement Between the Douglas County School District and the Town of Castle Rock Regarding the District's Compliance with the Town's MS4 Stormwater Discharge Permit Requirements *[Item applies to current and future Douglas County School District facilities within the Town boundaries]***

Mark Marlowe, Director of Castle Rock Water, provided an overview of the IGA with the Douglas County School District for services we have provided them for years. We have a federal permit that governs construction and post construction activities that impact the stormwater. The school district also has a non-standard MS4 permit they manage. They are required to do all the same things we do. The school district is not set up to manage the construction and post construction aspects that we have done for them over the years for the sites that are within the Town. All other aspects are done by the Town and the DCSD separately. This formalizes that arrangement and ensures the DCSD is required to follow our requirements for the construction and post-construction. They already pay development fees and pay stormwater charges for schools in Town. It still makes sure the school is responsible for maintenance for these features, but if they don't perform that maintenance, the Town can do it and charge them 125% of the cost to do that and documents the compliance for the DCSD so they can report out to the state. Water Commission and staff recommend approval.

Councilmember Cavey asked if any of this costs the Town money. Marlowe stated it doesn't cost us money.

Councilmember Johnson inquired if the resolution covered Cherry Creek basin as well as Plum Creek. Marlowe stated it covers the Cherry Creek side and one permit that covers the rest of the Town. If the school district develops on the Cherry Creek side they would comply with those requirements.

Councilmember Cavey asked why CDPHE has anything to do with an MS4 permit. Marlowe stated that the state enforces and manages the permit for the MS4 CDPHE permits us for compliance with the municipal sewer system permit. They also permit the school district to maintain stormwater quality, erosion control, and detention ponds for stormwater that goes back to the stream in the same way prior to development.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember LaFleur, that Resolution 2021-104 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 Councilmember Johnson, seconded by Councilmember LaFleur, to Adjourn. The motion passed by the following vote:

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

Meeting adjourned at 8:14 pm.

Submitted by:

Lisa Anderson, Town Clerk