



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, January 18, 2022

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 2496 266 2673
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 2496 266 2673 (if prompted for a password enter "Jan18Council"). 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. January 18, 2022, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Wayne Hanson, Summit Church of Douglas County

CALL TO ORDER / ROLL CALL

Councilmember Cavey attended remotely.

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Mayor Gray stated they are seeing some divisiveness and asks for kindness and to turn the other cheek. There are a lot of people in a lot of pain right now.

Councilmember Hollingshead thanked the Castle Rock Museum for their program to learn about the history of Castle Rock stating it was great time and highly encourages people to attend.

Councilmember Dietz thanked Council and everyone in attendance. We still have a need to fully fund Police and Fire in the future. As we grow, how do we keep and attract great police and fire personnel to protect our community. There is an

increase in homelessness, and we should partner with developers and the Town to keep up with demands or we will face consequences. Dietz gave an update on the homelessness issue. They went to the Springs mission. They always have available beds and that is why they can enforce a camping rule.

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, extended his thoughts and prayers to the man that operates our audio visual who has some medical issues.

Douglas County Library reached out to us regarding the Gazebo currently in their parking lot. Staff has looked at it. We cannot recommend relocating the current Gazebo, it would be costly and may not be possible, and may be better to rebuild a new one. With their permission,, we could take the plaques and some of the parts off of it and talk to Castle Rock Band if there are things we can do to help them with their performances. It is a volunteer band and we would like to talk to them and see if it would be to build another gazebo or band stand, etc. and then Council can decide what to do. It could then be programmed with other Town needs. We don't own the gazebo, and it was not historical as it was built in 2004 as a community project. Staff can put it on a future agenda.

Councilmember LaFleur asked if the County is interested on recreating it on any of their property. Corliss stated that is a good idea to do. Corliss suggests talking to the Castle Rock Band and ask what they think they need, and then provide Council with some ideas and how we can help them. LaFleur stated since it is currently on County property that the County may be interested in it. Corliss asked if any Councilmembers are interested and have them part of those conversations. Councilmembers LaFleur and Johnson have expressed interest.

[ID 2022-006](#)

Update: Calendar Reminders

[ID 2022-007](#)

Neighboring Communities Council Meetings Summary

[ID 2022-008](#)

Update: Monthly Department Reports

[ID 2022-009](#)

Development Services Project Updates

[ID 2022-010](#)

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

[ORD 2022-002](#) Ordinance Amending Chapter 9.22 of the Castle Rock Municipal Code Raising the Minimum Age for the Sale and Possession of Tobacco Products (Second Reading - Approved on First Reading on January 4, 2022, by a vote 7-0)

[ORD 2022-004](#) Ordinance Amending Section 2.01.100 of the Castle Rock Municipal Code Regarding the Authority of the Castle Rock Election Commission (Second Reading - Approved on First Reading on January 4, 2022, by a vote 7-0)

[MIN 2022-002](#) January 4, 2022 Draft Town Council Minutes

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

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2022-001](#) Ordinance Authorizing the Issuance and Sale of Water and Sewer Enterprise Revenue Bonds, Series 2022, Payable Solely Out of the Net Pledged Revenues to Be Derived from the Operation of the Town's Water and Sewer Enterprise; Providing Other Details Concerning the Bonds, Including, Without Limitation, Covenants and Agreements in Connection Therewith; Providing Other Matters Relating Thereto; and Providing for its Emergency Adoption on Second and Final Reading (Second Reading - Approved on First Reading on January 4, 2022, by a vote 7-0) *[Entire Town Service Area]*

Mark Marlowe, Director of Castle Rock Water, presented the second reading. They are asking for emergency adoption so they can go straight to market to capture good interest rates. There has been some volatility in the market recently. This is a \$30M project fund with an estimated 2.5% interest rate for three key projects: Parker Midsection Pipeline, Castle Rock Reservoir 2, Newlin Gulch Pipeline and Pump Station and a backup project for the Plum Creek Water Purification plant. They estimate closing on February 10. Water Commission and staff recommend approval.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Ordinance 2022-001 be Approved on An Emergency Basis as presented. The motion passed by the following vote:

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

QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script into the record. No members of Town Council voiced any conflict of interest. Lisa Anderson, Town Clerk, confirmed that the item was properly noticed.

[RES 2022-006](#) **Resolution Approving a Use by Special Review Application for an Accessory Dwelling Unit at 5069 Bear Paw Drive**

Tara Vargish, Director of Development Services, provided an overview of the property and the project. An Accessory Dwelling Unit can be within the home, attached to an existing home, or can be a new structure on the property. This project complies with the zoning and use by special review regulations. They are proposing to enclose the corner of their home that exists under a deck for a kitchen. They determined that it matches the rest of their home, it does not exceed 50% of their primary home, is under 800 square feet, and that there is only one entrance visible from the front of the home. Planning Commission recommends approval. They have had two neighborhood meetings with support for the project. The applicants are online if Council has any questions for them.

No public comment.

Mayor Pro Tem Bracken confirmed that 800 square feet is the maximum or 50% of the home. Vargish clarified that if they build on, they cannot construct more than 800 square feet on the outside of the house. If it is within the home, they cannot exceed 50% of the space.

Moved by Councilmember Hollingshead, seconded by Councilmember LaFleur, that Quasi-Judicial Resolution 2022-006 be Approved as presented. The motion passed by the following vote:

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

OTHER ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2022-003](#) **Ordinance Amending Various Sections of the Castle Rock Municipal Code Regarding Board and Commission Membership, Term Limits and Bylaws and Adding Chapter 2.18 Concerning the Oath of Office (First Reading) - Continued from January 4, 2022**

Lisa Anderson, Town Clerk, provided an overview of the item and pointed out that an outline of the Model Bylaws were included in the packet and summarized in the presentation.

No public comment.

Mayor Pro Tem Bracken wanted to further discuss the Town residency requirement. He feels that the procedure followed to amend and provide the direction to staff appeared to be confusing. Corliss stated staff would confirm what Council is voting on prior to the roll call vote. Corliss stated we had a change in staff that brought this item forward. Previously the residency requirement did not apply to the Design Review Board, Historic Preservation Board and the Public

Art Commission. Bracken feels the residency requirement would put the DDA membership in a quagmire because they don't have a requirement to put residents on their board because they can be property or business owners as well. If their board only had downtown property or business owners, they may not have anyone that would qualify to be on the Design Review Board.

David Corliss wants to emphasize that the DDA membership is set by state law. We are not altering that. The DRB membership is set by Council. The two spots from the DDA on the DRB are recommended by the DDA for Council to approve. Bracken asked if the DDA could appoint a liaison on behalf of the DDA that is a resident. Mike Hyman stated that the Code states the only people they can nominate at this time are DDA board members. Corliss stated if the DDA cannot recommend someone from their board to the DRB because they are not a resident, they can come to Council and ask to consider a non-resident then Council could appoint them and staff would present an ordinance to do so.

Councilmember Johnson stated that the DDA membership is in the statute, and has members which some are residents who do not have to be a property owner or business lessee.

Councilmember LaFleur is concerned because although we have 75,000 residents, that number is cut in half at least because of minors. She is concerned for the future of the businesses. Business or property owners technically have a Castle Rock address and noted that the stakeholders pay a tremendous amount of property taxes. They have invested their lives downtown for 20 plus years and have aided in our economic development in Castle Rock. She feels we are dwindling our fishbowl of possible applicants. LaFleur noted that we only had 10 people run for Town Council, and we don't have that many willing to serve. Corliss stated we had 30-50 applicants for boards and commissions and agreed we technically don't have 75,000 eligible residents.

Councilmember Hollingshead has a good relationship with the DDA. We are creating another hoop from them to jump through when they appoint members to their DDA. Previously it was a priority to residents and it didn't create an ordinance step. He would like to think about the wording that residents are preferred.

Councilmember Johnson feels the intent is that Council would recommend and appoint Castle Rock residents for boards and commissions. She was not sure if it requires another step, but the application process could include non-residents, and if we are unable to find residents to fill those vacancies, then we have the pool of non-residents we could go to and interview. She feels we may need to go to a two-day interview process with the number of interviews we do now to enable Council to attend more interviews.

Shannon Eklund, Executive Assistant, was online and stated we have an average of applicants in the high 60's.

Councilmember Johnson would like to include the non-residents without making a lot of extra work. Corliss stated we can work either way Council provides direction on the process. Corliss reminded Council that DRB, HP and Public Art are currently excluded due to expertise or professional background.

Mayor Pro Tem Bracken stated the DDA has a statute that doesn't prevent them from being a non-resident. Bracken wanted to be clear on the process if Council wants to appoint a non-resident to any board or commission. Corliss stated they can appoint any non-resident to any board or commission by ordinance.

Councilmember LaFleur is concerned for the DRB. The Town has worked hard to create the DDA and the DRB. That board is looking at applicants among their fellow peers and fellow business owners. Residents mostly do not own businesses.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, to Allow non-residents to be appointed to the Public Art Commission, Design Review Boards, and the Historic Preservation Board. The motion failed by the following vote:

Yes: 3 - Hollingshead, LaFleur, Bracken

No: 4 - Cavey, Johnson, Dietz, Gray

Mayor Gray confirmed that this is how the Code is now.

Councilmember Johnson stated it sounds like the concern is about holding companies in California and other states, and do we want property owners in other states making decisions in Castle Rock.

Councilmember Dietz is feeling back to the other way and is not supportive of out-of-state members. Dietz feels we should have residents on the board.

Councilmember Hollingshead stated that we are the county seat and a lot of that knowledge lives in the surrounding County. These non-residents have served on these boards for years and years.

Councilmember Johnson said they can remote in now so it wouldn't preclude them for participating.

Councilmember LaFleur is concerned about the message we are sending to our stakeholders. They contribute to the tax base and this sends the wrong message to the business community and the stakeholders.

Mayor Pro Tem Bracken noted if you look at the make up of the DDA and the DRB, these are long-term business owners. To have a resident that moves into the Riverwalk to have the same voting preference to someone that owns a downtown business - there are two different concepts. The criteria is own a business downtown or you are a resident, and we are now adding that requirement.

Councilmember Johnson stated the DDA members can be a property owner within the DDA district, lessee in the DDA district, or a resident in downtown. Both have an equal vote and are a representation of our community. She feels it is healthy that we don't see things the same all the time. She noted that the DDA posted a notice for an opening on the DDA board which said they needed to be a downtown property owner. She asked why the vacancy was only for a downtown property owner. Corliss stated they would correct it.

Councilmember LaFleur asks at what point do we have opinions on all the HOAs in Town and should we have other input.

Councilmember Johnson stated an HOA member requires that you are a resident in the HOA. You cannot have input unless you own property in the HOA. The DRB should be representative of our entire Town for two downtown property owners, two downtown business owners, one Planning Commission member, and 2 Historic Preservation Board members. The majority is downtown representation on the DRB. She feels an HOA is nothing like a DRB and are created differently.

Corliss stated we have a creating ordinance that designated 7 members - 4 downtown property or business owners, 2 downtown property or business owners or downtown residents, and a Council member.

Councilmember Hollingshead stated that there are 3 or 4 people that may be non-residents on all of our boards and commissions.

Mayor Gray feels we should get Town citizens on boards first. We want input from people outside of Town, but thinks all Town boards should be Town residents, or we can change by Ordinance.

Councilmember Cavey feels we have enough people to fill these boards and commissions. She feels the entire Town doesn't go into Terrain to eat, so downtown is different.

Councilmember LaFleur clarified if we will accept applications of non-residents. Corliss requested direction for Council. We advertise vacancies in April with interviews in May.

Councilmember Hollingshead feels the top of the application should spell out that residency is required, but non-residents will be entertained if they cannot be filled by a resident by Ordinance.

Consensus by Council to include that statement.

Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Ordinance 2022-003 be Approved as presented. The motion passed by the following vote:

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

[ORD 2022-005](#) Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Four Corners Intersection Improvement Project (First Reading) [Founders Parkway, SH-86, Fifth Street and Ridge Road]

Mike Hyman, Town Attorney, stated this item is to exercise eminent domain if we cannot successfully negotiate with the land owner. This intersection has about 30,000 vehicles per day and they predict 48,000 by 2040. It has a high crash rate and lacks connections and safe accommodations for bicycles and pedestrians.

This is authorized under the United States and Colorado Constitution and our Town Charter. We are required to engage in good faith negotiations and ensure the land owner receives just compensation. This allows us to proceed with needed projects. Hyman showed previous acquisitions in the past, and only filing 5 cases of 233 targeted parcels. If approved, they complete the appraisal, then review and revise if necessary. A notice informing the owner of their statutory rights is sent including that they can obtain their own appraisal we pay for. We then make an offer and engage in negotiation if needed. If an agreement is reached we would proceed. If not staff would ask Council if they wished to authorize eminent domain.

No public comment.

Mayor Gray stated they never do this lightly.

Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Ordinance 2022-005 be Approved on First Reading as presented. The motion passed by the following vote:

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

[RES 2022-007](#)

Resolution Approving and Adopting the Town of Castle Rock Fire and Rescue Department 2022 Community Wildfire Protection Plan

Norris Croom, Fire Chief, presented the Wildfire Protection Plan. They cover the 34 square miles of the Town and 32 square miles in the County. This only addresses the Town of Castle Rock. They have a consultant that provides an analysis. This is a collaborative effort with Douglas County and Colorado State Forest Service. The Fire district is covered under an additional plan with the County. It includes goals, assessments of risks and recommendations, examples of best practices, and is a living document that continues to evolve. Goals are to enhance life safety, mitigate fire effects to property, infrastructure, natural areas, etc. It is focused on residential and included commercial and open space. It includes recommendations for homeowners to strengthen them against wildfire by removing fuels, may change materials around the property, and ignition resistant construction and defensible landscaping in future development. If adopted, they would begin plan implementation. They will seek out funding for mitigation costs, public education, and apply for state and federal funds. If we are going to be successful, everyone has to participate with the Town, residents and other entities. This will not eliminate the risk, it will only reduce it. They have done some work to mitigate areas and already implemented Code Red and integrated warning system with the county that blasts out an alert to anyone in that area. It is not an opt in process.

Councilmember Johnson inquired about linking spaces, Norris stated the key is linking spaces to improve the chances of it being effective. Croom stated they are working on public outreach for HOAs and residents to link the areas to make blocks of defensible space. Johnson stated her railings are wood but the deck and steps are composite. Croom stated they have worked over time to change construction agency policies to use more fire resistant materials. Mowing and appropriate landscaping are ways to mitigate. Johnson asked about astro-turf. Norris stated that astro-turf will melt and won't carry fire like grass will. Johnson

inquired about rock and more fire resistant plants. Norris stated rock doesn't burn or melt, so it is recommended along with fire resistant plants. Johnson asked about non-combustible mesh and soffits. Croom stated most eaves and soffits don't have openings to them. The recommendation is if you have any openings that would allow sparks to enter, mesh is recommended in those openings. Johnson asked about evacuation and resistent buildings identified as a shelter in place option. Croom stated those are usually commercial block buildings with a metal roof like the event center or the MAC. Croom stated evacuation routes are determined based on where the fire is and how they can get resources in. Croom stated people may also be recommended to shelter in place.

Councilmember Dietz stated there are a lot of people contacting Town Council, so recommends putting this on the front page.

Councilmember LaFleur thanked Croom and his team. What happened in Boulder exasperated the need. Croom stated they will use social media to get the message out. There are a number of local grant funds and there is a county meeting in February. Douglas County as a whole has taken great strides to take care of wildland fire. We send the closest units to the fire and put as many resources on it as quickly as we can to keep it as small as possible. They are working with the office of emergency management and the sheriff hand crew. The Commissioners have a contract with a helicopter to assist and ensure we have all we need.

Councilmember Cavey asked if the fact that the ballot measure didn't pass to expand fire the way we wanted, if it was difficult to implement the plan. Croom stated there are challenges with police and fire without ballot measure passing, but they have been working on and it is a matter of re-prioritizing and balancing. They will adjust accordingly.

No public comment.

Mayor Gray thanked Croom for all their work.

Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Resolution 2022-007 be Approved as presented. The motion passed by the following vote:

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

[RES 2022-008](#)

Resolution Approving a Construction Contract with 53 Corporation, LLC for the Omni Tributary - Prairie Hawk Drive to Red Hawk Drive Project [1662 Marsh Hawk Drive and 1551 Prairie Hawk Drive]

Mark Marlowe, Director of Castle Rock Water, presented the item to continue the work on their stormwater system. This is part of the legacy projects that they got the loan for. This is a critical project with significant erosion eating towards private property and the fence line. It is threatening public infrastructure and private property and impacts water quality. It is located between Red Hawk and Prairie Hawk. They will bring in fill and riff raff to stabilize the banks and install a culvert. The bid came in below the estimate and construction will be from February to September 2022. They did not take it to Castle Rock Water Commission, but

have sent it to them and had no questions. They will be briefed with the project at their next meeting.

Councilmember Johnson stated this is from the 2011 plan and they have seen different proposals from the properties that abut that. She asked if those projects would make any changes to the work done on these. Marlowe stated that this is north of the industrial tributary from Millers Landing. The design has been updated to what is needed.

No public comment.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, that Resolution 2022-008 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 LaFleur, seconded by Councilmember Johnson, to Adjourn. The motion passed by the following vote:

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

Meeting Adjourned at 8:21 pm.

Submitted by:

Lisa Anderson, Town Clerk