



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 15, 2022

6:00 PM

Town Hall Council Chambers

100 North Wilcox Street

Castle Rock, CO 80104

Phone in: 720-650-7664

Meeting code: 2482 912 9175

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 2482 912 9175 (if prompted for a password enter "Nov15Council"). 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 15, 2022, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Mark Marble, Castle Rock Police Chaplain

CALL TO ORDER / ROLL CALL

Present: 8 - Mayor Gray, Mayor Pro Tem Bracken, Councilmember Cavey, Councilmember Hollingshead, Councilmember LaFleur, Councilmember Johnson, Councilmember Johnson, Councilmember Dietz

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Mayor Gray noted that Starlighting is this Saturday. He thanked Parks and Rec and Public Works for getting downtown ready and getting the lights up. The Denver Business Journal did an article and referenced that other municipalities are taking cues from the success of Castle Rock's Downtown.

Councilmember Johnson stated that it has been an honor and a privilege to serve the residents of Castle Rock and to be their voice. She felt she held staff accountable, supported long-term fiscal responsibilities and she wanted the people to know and understand our government process by asking questions. She reflected that the last two years has been extremely difficult and feels we all deserve to be treated with kindness and respect. She referenced hatred and angst from some on the Council. Johnson felt there was favoritism and

preferential treatment that contributed to ill will, personal attacks and shutting down only certain Councilmembers. Johnson feels the Mayor is responsible for maintaining decorum and it is his job to manage our meetings. She asked the Mayor to take his duties seriously and treat all with fairness, kindness and respect. She also referenced that there should be no campaigning on the dais and that Council is non-partisan with no room for political party agendas.

Councilmember Johnson made a motion to propose an Ordinance.

Mayor Pro Tem Bracken replied that he was only defending attacks from a fellow Councilmember.

Councilmember Hollingshead stated we want to have more positive interactions; and feels we are not discussing Republican or Democrat issues, we are discussing Town issues.

Mayor Pro Tem Bracken suggested fellow Councilmembers should not be repeating campaign claims from a sitting Council candidate's opponent during Council meetings.

Mayor Gray stated that he will try to do a better job; however, he consulted with the Town Manager and Town Attorney to ensure that campaigning from the dais is not illegal.

Mayor Pro Tem Bracken is not in favor of this Ordinance and feels it is not necessary; and further feels you should be allowed to defend yourself from your seat.

Councilmember Dietz accused Mayor Pro Tem Bracken of lying about Dietz' support of a homeless shelter in Castle Rock.

Mayor Pro Tem Bracken pointed to the May 12 Homeless Initiative that was recorded and is on the County page. He encouraged people to go to 1:54 of the meeting to hear what Councilmember Dietz said for themselves.

Mayor Pro Tem Bracken thanked Caryn for her summary and that he appreciates her time.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Direct Staff to put an Ordinance on the December 6, 2022 Agenda to not allow political rhetoric, partisan issues, or campaigning from the dais. The motion failed by the following vote:

Yes: 3 - Cavey, Johnson, Dietz

No: 4 - Gray, Bracken, Hollingshead, LaFleur

[PROC
2022-010](#)

Proclamation Supporting Small Business Saturday [For Presentation - Approved on November 1, 2022, by a vote 7-0]

Mayor Gray read the Proclamation into the record proclaiming November 26, 2022 as Small Business Saturday.

[APPT](#)
[2022-009](#)

Appointment: Board of Building Appeals

Moved by Councilmember Hollingshead, seconded by Councilmember LaFleur, to Appoint Daniel Steixner to fill a vacancy on the Board of Building Appeals for a term ending May 31, 2024. The motion passed by the following vote:

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

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Michael Beermann, Jeff Douglas, and Chris Visaya came to speak regarding traffic issues where they live along North Meadows Drive. The road is three miles in length and has eleven driveways - three which are theirs. They have had a number of serious accidents, there are a lot of kids and dogs, and there is a connection to a walking trail posing a lot of risk in the area. They will do their part and look for instruction from the Town on how they can support an effort to increase safety along the road. The current speed limit of 15 mph is not being adhered to and there are speeds up to 40-50 mph. Douglas and Visaya yielded their time to Beermann to continue speaking.

Mayor Gray asked staff to follow up with them. David Corliss, Town Manager, stated they will have the Director, Dan Sailer, follow up with them regarding our current Traffic Calming Program that includes review by police and fire and ensure neighbors are notified.

Mayor Pro Tem Bracken stated they are currently reviewing the program and thanked them for their time.

Councilmember LaFleur added that they are getting a lot of complaints all over Town and appreciates them coming forward.

Bruce Johnson, Councilmember Johnson's husband, thanked the Town and the citizens of District 5 who gave Caryn the opportunity to advocate for them, and thanked Council for listening to her, specifically Councilmembers Dietz and Cavey and the Town Manager. He acknowledged that Council acts and feels they do things right. He noted that Caryn sacrificed productive years to serve the Town, averaging 40 hours a week reviewing, researching and participating in various meetings. He feels some ridiculed and disrespected her; but she purely wanted to do what was right and be a model for her children. Her original slogan was responsible growth which he stated her opponent then adopted. Johnson noted her opponent's mailer that contained untruths and misrepresentations of her. Johnson noted some of her actions like donating her salary to local businesses during COVID and reading and questioning traffic studies. Johnson expressed how proud he was of what she accomplished in four years and that she still deeply cares for our community.

TOWN MANAGER'S REPORT

[ID 2022-119](#)**Update: Calendar Reminders**

David Corliss, Town Manager, provided an overview of upcoming events, open houses, holiday closures, Council meetings, and neighborhood meetings on proposed development projects, and a reminder that group and individual photos will be taken on December 6 at 5pm. Corliss noted that safety concerns regarding cell service resides with our state legislators.

Councilmember Cavey wanted to confirm the information about the right-of-way on Crowfoot. Corliss stated that we own a right-of-way on Crowfoot but we want to annex it into the Town so that we can enforce our laws when we widen Crowfoot.

[ID 2022-120](#)**Update: Monthly Department Reports**[ID 2022-121](#)**Update: Third Quarter Financial Review, Period Ending September 30, 2022**

David Corliss, Town Manager, thanked the Finance department for their work. We are seeing a slowdown in building permits, so will receive less in system development impact fees. Our sales tax revenue continues to be strong. He emphasized that we have money in the bank before we do a road project so some projects may have to be re-prioritized and/or wait. Because of Council's fiscal stewardship, we have the opportunity to do special projects when they arise.

[ID 2022-122](#)**Development Services Project Updates**[ID 2022-123](#)**Update: Quasi-Judicial Projects****TOWN ATTORNEY'S REPORT**[ID 2022-124](#)**Dawson Ridge Metropolitan District No. 1 - Review of Proposed Bond Issuance**

Mike Hyman, Town Attorney, stated that our Code requires metro districts submit proposed financing and demonstrate it is in compliance with the district service plan. They propose to issue Limited Tax General Obligation Bonds for \$85M at 7.5% for a 30 year term and will fund public improvements along with \$50M for the Crystal Valley interchange project. Staff has reviewed it and concurs that it complies with the service plan and recommend that they can move forward.

No public comment.

ACCEPTANCE OF AGENDA

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Accept the Agenda as presented. The motion passed by the following vote:

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

CONSENT CALENDAR

[ORD 2022-029](#) **Ordinance Amending Ordinance No. 2019-008 Regarding the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Crystal Valley Interchange Project (Second Reading - Approved on First Reading on November 1, 2022, by a vote 7-0) (*Hyperian Fund, L.P. Property*)**

[RES 2022-129](#) **Resolution Approving a Purchase Agreement with McCandless Truck Center for (1) 2022 HV507 International Dump/Snow Removal Truck**

[RES 2022-130](#) **Resolution Waiving Formal Written Bidding Requirements on the Basis of a Sole Source with Calgon Carbon for the Plum Creek Water Purification Facility Granulated Activated Carbon Filter Media Replacement [*Plum Creek Water Purification Facility in Castle Rock, CO*]**

[MIN 2022-019](#) **Minutes: November 1, 2022 Town Council Meeting**

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

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2022-030](#) **Ordinance Approving the Fourth Amendment to the 2022 Fiscal Year Budget by Making Supplemental Appropriations for the 2022 Fiscal Year, and Providing for the Emergency Adoption of this Ordinance On First and Final Reading**

Pete Mangers, Assistant Director of Budget and Revenue presented the 4th Quarter Amendment that consists of Water, Public Safety, and Town-Wide expenditures including the purchase of the historic Cantril building.

No public comment.

Councilmember Cavey is excited about the purchase of the Cantril building for its historical significance and the ability to have programs and hold events there.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, that Ordinance 2022-030 be Approved on An Emergency Basis as presented. The motion passed by the following vote:

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

[RES 2022-131](#) **Resolution Approving a Contract to Buy and Sell Real Estate Between the Town of Castle Rock and Douglas County School District Re-1 (312 Cantril Street)**

David Corliss, Town Manager, credited Town Council with conservative policies that allows us to acquire and preserve this historic building. The building was built in 1887, used as a school, then used for training and offices for the school district who has kept it in good shape with on-site parking and a working bell. The

building is on the national register of historic places and is a signature icon in the community. The purchase is for the entire block and was part of the original Town site for the dedication of the Craig and Gould neighborhood that dedicated it for public use as a school site. The school district recently identified the building as surplus and wishes to sell it. The Town is interested in obtaining this historic building for public use and prevent private multi-family development. The Town has hired an architect to help identify various uses in addition to engaging the community along with uses the Town may identify. Our independent appraisal is lower than their asking price; and the land is more valuable than the building because it could be used for residential. The school board also has this on their agenda to approve the contract tonight. The school is asking to lease the building back to them the first part of next year and will pay the utilities. The Resolution approves a contract giving us 60 days of due diligence.

The Town plans to hold a community open house on November 30, 5-6:30 pm in the auditorium and will notify the neighborhood and will obtain feedback online at CRgov.com/CantrilSchool. The Town plans to set aside \$500,000 for capital and operating costs.

Councilmember Cavey asked if it would be useful to put on social media for feedback. Corliss stated the open house will be noticed on social media with a link to our website. Cavey confirmed that it is currently zoned for single family and multi-family and inquired if we will rezone it. Corliss stated they plan to do that.

No public comment.

Councilmember Johnson appreciates staff's work to submit the bid for this building and looks forward to seeing what the Town will do with the building for the community.

Mayor Gray recalls hearing about this possibility in 2001/2002 and is glad to see it is now happening.

Moved by Councilmember LaFleur, seconded by Councilmember Johnson, that Resolution 2022-131 be Approved as presented. The motion passed by the following vote:

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

[DIR 2022-020](#)

Discussion/Direction of the Public Safety Commission's Recommendations for the 2023 Philip S. Miller Resource Grant Program, Six Applications

Pete Managers, Assistant Finance Director of Budget and Revenue provided the policy overview of the grant program. The annual budget has been increased to \$45,000.

Steve Thayer from the Public Safety Commission stated they received six applications asking for a total of \$85,000. The Commission recommends \$5,000 to the American Legion Post 1187, \$17,500 to the Crisis Center, \$17,500 to Help and Hope, \$5,000 to New Hope Presbyterian Church.

No public comment.

Councilmember Cavey, liaison to the Public Safety Commission, stated they spent a lot of time deciding where the money would do the most good. New Hope requested a grant for the first time and they are all volunteers to do the work on their own time. The other three have received grants every year that focus primarily on Castle Rock and doing things for the Castle Rock community. Cavey noted that many of the current needs are for food.

Councilmember Dietz thanked the Commission, staff and Councilmember Cavey for their work.

Moved by Councilmember Dietz, seconded by Councilmember Cavey, to Direct staff to proceed with the Public Safety Commission's recommendations for the 2023 Philip S. Miller Resource Grant Program. The motion passed by the following vote:

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

[ORD 2022-031](#) Ordinance Approving an Agricultural Lease Agreement Between the Town of Castle Rock and Ruppel Farms, LLC (First Reading) [*Weld County, Colorado*]

Mark Marlowe, Director of Castle Rock Water, stated that this lease has to do with the Box Elder project and is part of the long-term water plan up in Weld County. They purchased this 850 acres as part of Box Elder project that was farmed by the Ruppel family since 2011 and who continue to farm it since we purchased it in 2017. They keep an eye on the property, maintain the property, and farm it paying us to lease it which generates over \$14,000 in annual lease income. Water Commission and staff recommend approval.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Hollingshead, that Ordinance 2022-031 be Approved on First Reading as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

RECESS TO EXECUTIVE SESSION

Mike Hyman, Town Attorney, explained the purpose of Executive Sessions is to discuss sensitive or private issues. State Statute allows Executive Sessions for things such as negotiations for real estate or water rights, legal advice protected by Attorney-Client privilege, personnel matters to protect rights to privacy to name a few. No decisions are made in an executive session. It is for discussion or legal advice only. Decisions must be made by a public vote in a public meeting.

Meeting recessed at 7:23 pm.

Moved by Mayor Gray, seconded by Councilmember LaFleur, to Adjourn to Executive Session. The motion passed by the following vote:

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

[EXEC
2022-005](#)

Executive Session: Town Manager and Town Attorney Annual Performance Evaluations

Meeting went into Recess

Meeting Reconvened

RECONVENE - EXECUTIVE SESSION REPORT

Meeting reconvened at 9:10 pm.

[EXEC
2022-006](#)

Executive Session Report: November 15, 2022 - Town Manager and Town Attorney Annual Performance Evaluations

Mayor Gray reported on the Executive Session. No one stated any concerns with the Executive Session.

[DIR 2022-021](#)

Moved by Mayor Gray, seconded by Councilmember LaFleur, to place a Resolution on the December 6, 2022 Consent Calendar to approve the contracts for the Town Manager and Town Attorney that include amendments to the vacation accrual and legally required amendments. In addition, Council approves awarding a 5% increase for the Town Manager effective June 1, 2022; and a 4.5% increase to the Town Attorney effective June 2, 2022. The motion passed by the following vote:

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

ADJOURN

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, to Adjourn. The motion passed by the following vote:

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

Meeting adjourned at 9:11 pm.

Lisa Anderson, Town Clerk