

**New Castle Town Council Meeting  
Tuesday, July 1, 2014, 7:00 p.m.**

**Call to Order**

Mayor Gordon called the meeting to order at 7:00 p.m.

**Pledge of Allegiance**

**Roll Call**

Present	Councilor Means
	Councilor Riddle
	Councilor Metzger
	Mayor Gordon
	Councilor Breslin
	Councilor Leland
	Councilor Stuckey

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Human Resource Manager Mike Edgar, Public Works Director John Wenzel, Town Planner Tim Cain, Town Attorney David McConaughy, Town Engineer Jeff Simonson and members of the public.

**Meeting Notice**

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC-2014-1.

**Conflicts of Interest**

Councilor Stuckey told the council he had a conflict with the Warrior Acquisitions discussion.

**Agenda Changes**

Town Administrator Tom Baker asked if the Castle Valley Ranch and Lakota Canyon Ranch Clean Up discussion could be moved to immediately after the Warrior item since there were Lakota residents in the audience. The council agreed.

**Citizen Comments on Items not on the Agenda**

There were no citizen comments.

**Consultant Reports**

Consultant Attorney – present for agenda items only  
 Consultant Planner – not present  
 Consultant Engineer – present for agenda items only

**Items for Consideration**

**Discussion: Warrior Acquisitions: Lakota Warranty Work**

Councilor Stuckey asked to be recused. The council agreed. Councilor Stuckey left council chambers at 7:03 p.m.

Town Attorney David McConaughy told the council that Warrior had provided the town with the 100k security as discussed at the last council meeting. He said there had been ongoing discussions with Warrior and their legal counsel that resulted in the proposal in the packet. The original agreement said that the Town Attorney could approve the form of the agreement, and the amount of the security was to be determined by the Town Engineer. Engineer Simonson had come up with an estimate of \$722k as the security amount. This number contemplated all possible worst-case scenarios. What Warrior has proposed is to supplement the letter of credit so that the town has a total of \$250k in letters of credit. This amount is represented to be more than the signed construction contract with Dave Rippy Construction. In addition, they propose providing the town with a mortgage on a vacant parcel of land (parcel C-3). The wording of the mortgage provide collateral up to \$500k, which brings the total proposed security to \$750k. Attorney McConaughy said he was ok with the compliance with the agreement, provided that submit the documents as required.

Councilor Leland said there was a big difference between the bid of \$247k and the \$750k, and he asked Engineer Simonson if he had looked at the contract. Engineer Simonson said he had not seen the contract, but explained some of the items in his estimate that skewed the total number. Much of it was contemplation of sub-grade problems. The contract of \$247 did not appear to contemplate sub-grade problems, and there could be cost overruns if problems arise.

Councilor Metzger asked if there was a way to find out the amounts of the other bids. Bob Gibson said Warrior had narrowed it down to Dave Rippy Construction and Frontier Paving because they were the two most reputable companies. At the last minute, Frontier pulled out, which left them with only Dave Rippy.

Councilor Riddile asked Engineer Simonson if he was confident there were not any worst-case scenarios. Engineer Simonson said that the reason his estimate was so high was because at some point, the sub-grade did settle. Compaction testing and proof-rolling will be done on the sub-grade once the asphalt is pulled apart, and a decision made whether the material needs to come out. Some areas have expanded and could be road base problems rather than sub-grade problems, but nothing will really be known until they get into the project.

Mayor Gordon asked what would happen if there was not enough collateral to complete the project. Attorney McConaughy said the town had additional remedies, including withholding building permits, withholding certificates of occupancy, shutting down the sale of lots within the development, or filing a lawsuit to compel compliance with the contract. Walter Bolen, Warrior Acquisitions, said they had submitted the \$250k and wanted to begin work the following week. He said they were aware the work may get more expensive once it starts, and that Warrior was prepared for that. Mr. Bolen said Warrior would add additional cash to provide whatever is necessary to fulfill the requirements. Mayor Gordon said he read in the letter from Warrior's attorney that they intended to pay change orders on the project out of their pocket, and Mr. Bolen agreed that was the intent. Attorney McConaughy stated that there is acknowledgement in their attorney letter that there is a process to get releases from the letters of credit as the work is inspected and partially accepted by Engineer Simonson. The town could hold the letters of credit if

the cost of the project increases thereby ensuring there is adequate security throughout the project. Councilor Metzger asked how often inspections will be done. Engineer Simonson said it would be almost daily.

### **Public Comments**

Leo Williams, Lakota resident.

Mr. Williams asked if the roadwork was only Faas Ranch Road, or other roads as well. Attorney McConaughy said work will be done on Deer Valley Drive, Faas Ranch Road, Whitetail Court, Whitetail Drive, Spur Drive and Antler Loop. Engineer Simonson described the areas more specifically.

Richard Davis, Lakota resident. Mr. Davis asked if it was risky going into such a project with only one bid. Bob Gibson said Warrior was comfortable and happy with Dave Rippey Construction. Engineer Simonson said the work was bid on and will be performed to specific engineering standards and specifications set by Colorado River Engineering. Huddleston-Berry is the engineer doing the materials testing, and verifying compaction. The town's inspector will work alongside Huddleston-Berry to make sure work is being done to the specifications the town has already approved.

Diane Blasingame, Lakota resident. Ms. Blasingame asked if Warrior's contractor had the requirements necessary to repair the roads to the town standards. Mayor Gordon assured her that they did have the requirements.

Councilor Metzger said someone had asked two weeks ago if the clubhouse project was on hold. Mr. Bolen said Warrior wanted to complete the road work first, before they begin the clubhouse. He said it was a matter of money, and they felt it was more fiscally responsible to do the roads first, and then if there ended up being extraordinary expenses with the roads, they were better prepared not tying up funds in the clubhouse at the same time. He said if the road work fell within reasonable costs, they wanted to begin the clubhouse some time in September.

Walter Bolen asked who was in charge to notify neighborhoods about the roadwork, and how the notification should be accomplished. Engineer Simonson said that typically it would be the contractor, because they are the one in control of the work schedule.

Councilor Stuckey returned to council chambers at 7:29 p.m.

### **Update: Lakota Canyon Ranch and Castle Valley Ranch Clean-Up**

Town Planner Tim Cain told the council that Warrior was finishing the removal of the debris in Lakota Canyon Ranch. He asked if anyone had questions about it.

There were none.

Planner Cain said that work was being done on a triplex foundation in Castle Valley Ranch. As soon as the foundation work was complete, the contractor would begin removal of the debris south of Castle Valley Boulevard.

### **HEAL Cities and Towns Campaign**

Dana Wood, the LiveWell Garfield County Coordinator, greeted the council. Ms. Wood explained the LiveWell, HEAL Cities and Towns Campaign, and said she hoped the town would consider passing a resolution supporting the campaign and to become a HEAL Town. She said the goal was to promote Healthy Eating and Active Living in communities across the county.

Administrator Baker told the council he felt that the current town projects fit well with the HEAL Campaign goals. Those are the pedestrian trails on CR 335 and along Highway 6;

the Pedestrian Bridge project; the Community Garden project, and the Wellness Program being developed for the town staff. Additionally, the River Center was offering education courses on healthy eating.

Administrator Baker introduced Graham Riddile, who had an idea related to healthy living that he wanted to share with the town council.

Mr. Riddile told the council that he was working in an idea to have a bike rack design competition in New Castle. He said he had met with Patty Ringer and Administrator Baker, and although the bike rack project was in the preliminary stages, he felt it tied in well with the HEAL goals as well as the cycling community and arts community.

Greg Russi told the council that five years earlier the town council had identified organic farming as being the most prominent regional industry in New Castle, and because of the potential of tying the downtown into the organic farming industry, it fit well with the HEAL goals as well as aiding economic development.

Ms. Wood said that the first step was to pass a resolution, if the council wanted to become a HEAL town, and a sample resolution had been included in the packet.

Councilor Breslin thought perhaps community supported agriculture (CSA) was something the town could be involved in and asked if that fell within the HEAL goals, Ms. Wood agreed that it did. She offered to provide more in-depth information regarding policies the town could adopt.

Administrator Baker told the council the Ms. Wood was going to speak at the Senior Lunch about the community garden to following day.

Councilor Metzger asked Mr. Graham Riddile to attend the Downtown Development meeting to present his bike rack idea.

The council agreed to be involved in the HEAL Campaign. Mayor Gordon asked staff to draft a resolution.

### **Castle Valley Ranch Homeowners Association Request for Partnership with Town (ReMax)**

Mayor Gordon thanked the Castle Valley Ranch (CVR) Homeowners Association (HOA) for their letters and their concerns. He said appreciated their attendance at the meeting, and asked that each speaker identify themselves, and for everyone to remain courteous with one another.

Mayor Gordon reviewed the communication process that Megan Pelky had with Clerk Harrison so that staff could gather information about the concerns raised by the HOA, and prepare a response.

Administrator Baker reviewed the specific issues with the council.

1. Abandoned Vehicles. Administrator Baker said that regarding the complaint about abandoned vehicles, there were state a municipal laws that needed to be adhered to, and that the HOA could assist the police department by providing a list to the police on a regular basis.

2. Snowplowing. Administrator Baker explained that snowplows were blunt instruments, not precision tools. Plowing in CVR is often complicated by the fact that there are many vehicles parked on the road, and because there is no place to store snow, such as a landscape strip between the road and sidewalk. He agreed that there were always ways to improve services. One suggestion was snow routes. He said the staff would like to sit down with the HOA and create a snow route plan that would come back to the council for approval. Additionally, he asked that the

HOA assist in providing the CVR residents educational information about the routes, and about the complications created by residents shoveling their snow into the streets.

3. Weed Control. Administrator Baker said the staff had attended a weed conference the week prior with Steve Anthony, the Weed Manager for Garfield County, who has always been very complimentary to New Castle for their weed control efforts. He said the town Parks Foreman, Mike Callas, is often seen around town wearing a backpack spray unit, walking trails, etc., spraying weeds. Regarding the weedy area specified in Alder Park, this was on Mike's list of places that needed attention. Weeds such as thistles can grow as much as 24 inches in a week during the summer months, so although it may look as though weeds are being neglected, they are not. Administrator Baker said because the public works department had been busy with four street projects, the community garden project and the volunteer effort at VIX Park, weed management had been temporarily delayed. Brad Gates, 219 Buckthorn. Mr. Gates said that town personnel do not spray up to the backyard fences at Alder Park. Administrator Baker said staff would look into it. Councilor Breslin said he sits on the Weed Advisory Board, and felt that it would be good to provide information to the residents on what weeds are in the top tier for elimination, and what weeds are actually native plants and not targeted for elimination. For instance, although residents may not like dandelions, they are an herb, and indigenous to the area. Administrator Baker agreed and said that staff could provide some weed information to residents or the HOA.

Greg Russi, 271 Buckthorn. Mr. Russi reminded the council that some of the town parks were specifically left natural or native and he felt that it would be unreasonable to expect the areas to be manicured. Additionally, he said that there should be no expectation that all invasive weed species could be eradicated, because that would be impossible.

Councilor Leland verified that the parks plan identified native areas.

Mr. Gates said that it was not the intention to expect the town parks to look like a golf course.

Mayor Gordon said that there is park mapping information available at the town hall for anyone who wanted to see how the parks have been laid out and where the native areas are.

4. Dog Stations. Administrator Baker asked Public Works Director John Wenzel to explain the mapping of the existing and proposed dog stations in town. Director Wenzel reviewed the mapping for the council and the audience and explained why the locations were chosen. Although staff felt some of the proposed stations were perhaps redundant, Director Wenzel agreed that the locations proposed at the trailhead at Pyramid, the one paralleling the creek near S. Wildhorse, the one proposed near the mailboxes at the west end of S. Wildhorse, and at the Mt. Mederis trailhead were reasonable. He said the one proposed mid-trail on Mt. Mederis is not practicable for the purposes of maintenance. Councilor Leland suggested another station at the west end of the Colorow Trail at Mustang, and Director Wenzel agreed. He also agreed to relocation of a couple stations if it better served the residents. Administrator Baker said that staff spent six or more hours per week maintaining the stations, and adding too many additional stations would require additional resources, both personnel and financial, so the request would need to be managed carefully.

Megan Pelky, ReMax representative. Ms. Pelky offered that the HOA could perhaps help purchase the additional stations, and that two could be added this year, and two in the future.

Everyone agreed that some education for dog owners may be helpful.

5. Installation of Irrigation. Resolved.

6. Yard Waste at VIX. This item had been noted by staff and will be addressed as soon as staff has time.

7. Installation of additional landscaping. Administrator Baker said the town had a long history of working with the subdivisions, particularly CVR, for the various landscaping installation and maintenance.

8. Basketball and Tennis Courts at Alder Park. Administrator Baker said the town and residents could always benefit from additional amenities in the parks. He told the council and audience that a basketball court has previously been proposed in Alder Park, and the residents objected to it. He suggested the HOA survey the neighborhood to determine if attitudes had changed. He also asked that if the project moves forward, that existing playing fields not be compromised.

Dave Schroeder, 468 Silverhorn. Mr. Schroeder clarified that the HOA board had not yet approved the basketball/tennis court idea, so it may come back at a later date.

Mr. Russi recalled that the neighborhood had specifically rejected basketball courts in Alder Park because of the percussive noise. Instead, Hotshot Park was built in a more isolated area. Tennis Courts we proposed in a different part of town, and staff was working on a grant for those.

9. Fees waiver for monument sign. Administrator Baker said the HOA will be removing and rebuilding the monument sign at 7th Street and Castle Valley Boulevard, and had requested that the council consider waiving any building permit fees for the project.

Ms. Pelky said the HOA was looking forward to working with the town to achieve an overall better community.

Councilor Metzger complimented Ms. Pelky on her hard work.

Councilor Leland said he appreciated that they came to council as the HOA was very helpful.

Councilor Breslin said he did not have any quarrel with waiving plan review fees for the monument sign, but wanted to emphasize that the plan review was essential and had to be done, and that the fees could be waived to the HOA, but should be paid for out of the general fund.

Councilor Stuckey disagreed, saying if the town paid fees for the Castle Valley HOA, they would set a precedent to pay fees for other subdivisions. The HOA had a responsibility to pay the fees, and that the town should not pay them. If the council agreed to waive them, the expense for the review should be simply absorbed.

Councilor Metzger asked what type of sign would be installed. Ms. Pelky said one similar to the sign at the east entrance.

Administrator Baker summarized the items of concern for the council.

### **Pedestrian Bridge Update**

This update was provided during the committee meeting.

### **Consider Ordinance TC-2014-2 - An Ordinance of the New Castle Town Council Prohibiting All Types of Retail Marijuana Establishments (second reading)**

Councilor Stuckey told the council that he felt the council was shortsighted in passing a ban. He felt that regardless of the ban, there will still be users in the town, and there will still be problems with it in town. What will be banned is the opportunity for the town to take advantage of the tax dollars that would offset the expenses the police will incur anyhow. He felt the council should extend the moratorium. Councilor Stuckey said he did not vote for it to be legalized, but now that it is, the town should take advantage of it. Councilor Leland said that once there was more information on how other towns were handling marijuana, the council could pass another ordinance. Councilor Breslin said he agreed with Councilor Leland, but also with Councilor Stuckey in that the town could benefit financially. He said he did not have a moral barrier to the issue. He recalled Judge Maurer's statement that since the legalization of marijuana, there have been more marijuana-related juvenile cases. Councilor Breslin voiced concern that allowing retail marijuana in town would force staff to issue licenses against federal law, and he was uncomfortable with that.

Councilor Metzger said she agreed with Councilor Breslin.

Councilor Riddile said that he felt banning marijuana could make New Castle a more attractive place to live.

Councilor Means said agreed with everyone as they all had good comments. He said he was not personally for or against marijuana, but he felt they needed more time to see how it is handled in other towns and to make an informed decision.

**MOTION: Councilor Leland made a motion to approve move to approve Ordinance TC-2014-2 - An Ordinance of the New Castle Town Council Prohibiting All Types of Retail Marijuana Establishments on second reading. Mayor Gordon seconded the motion and it passed on a roll call vote: Councilor Breslin: yes; Councilor Means: yes; Councilor Leland: yes; Councilor Riddile: yes; Councilor Metzger: yes; Councilor Stuckey: no; and Mayor Gordon: yes.**

### **Consent Agenda**

Minutes of the June 17, 2014 council meeting

Hogback Pizza Liquor License Renewal

Lazy Bear Restaurant Liquor License Renewal

**MOTION: Councilor Breslin made a motion to approve the consent agenda. Mayor Gordon seconded the motion.**

Discussion: Councilor Means asked if it was imperative to have information in the minutes to be in the exact order in which they occurred. The information is there, just not exactly in the right order. Clerk Harrison explained that she wrote summary minutes, and sometimes information or discussions jump around. Writing the minutes in a manner that would make it easier for someone from the public to follow, she will slightly reorder comments to keep them more concise, rather than writing longer minutes. She said she would gladly write the minutes any way the council preferred.

**The motion passed unanimously.**

Mayor Gordon asked Engineer Simonson if he had a report. Engineer Simonson said he did not, but he gave the council some cost estimate information provided from Hudspeth and Associates.

### **Staff Reports**

Town Administrator - Administrator Baker said that at the last meeting there was

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discussion about overflow camping for the Storm King Memorial event taking place, and that Councilor Breslin has been able to secure space at Elk Creek Elementary for anyone who needed it. The town had placed a porta-pottie there. He said he would be out of town visiting his mother through July 8.

Town Clerk – Clerk Harrison said it had already been mentioned, but she was supposed to remind council about the memorial at Two Rivers Park on July 6, 5:00 p.m. for the Storm King Firefighters. She said Deputy Clerk Andis will be away at clerk's school the week of July 7th, and that she would be on vacation beginning July 10 and would not be at the July 15 council meeting.

Town Planner – nothing to report

Public Works Director – nothing to report

### **Commission Reports**

Planning & Zoning Commission - nothing to report

Historic Preservation Commission - nothing to report

Economic Advisory Committee - nothing to report

Senior Programs - nothing to report

RFTA - nothing to report

### **Council Comments**

Councilor Means complimented all the staff on the fantastic job they do, no matter how many tasks they are assigned.

Councilor Metzger asked what was happening with Senior Housing. Mayor Gordon and Administrator Baker explained that they had worked with Kate Gazunis, the Garfield County Housing Authority Director in reviewing the Pro-Forma and writing a letter to Community Resource and Housing Development Corporation asking them to reevaluate the costs.

Councilor Metzger asked what was happening with the people who wanted to develop an RV park. Councilor Leland said the 'for sale' sign had been placed back on the property, so he assumed they had not purchased the land.

Councilor Breslin said he wanted council to consider, maybe on a future council agenda, the idea of allowing golf carts and four wheelers on town streets.

He also felt that the River Park condominiums were somewhat separated from the town, and thought perhaps a town event in the park at River Park would include the area better. He also thought a posting board could be placed at their mailbox area.

Councilor Breslin said he felt an employee wellness program should be created for the staff.

Councilor Leland said the Community Market will begin July 10.

Councilor Leland also said he and Mayor Gordon has received information from a resident who was a regular on the Mt. Mederis Trail, and said that there are people who ride bikes and horses on the trail which is against the rules, and changing the conditions of the trail. The POSTR Committee will address it at their next meeting. Mayor Gordon said he had asked staff to reiterate the Mt. Mederis Trail rules in the town newsletter. Off-leash dogs are also a problem.

Councilor Breslin felt the CVR HOA could help the town by having CVR residents be eyes and ears and invite them to be involved in the solutions discussed earlier. He wondered if this would be an appropriate discussion at a POSTR meeting.

Councilor Stuckey thought it was time to ask La Roca to clean up their property at the west end of town. Both Castle Valley Ranch and Lakota cleaned up their properties. The council agreed.

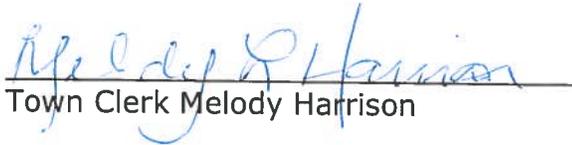
**MOTION: Mayor Gordon made a motion to adjourn. Councilor Metzger seconded the motion and it passed unanimously.**

The meeting adjourned at 9:15 p.m.

Respectfully Submitted,



\_\_\_\_\_  
Mayor Bob Gordon



\_\_\_\_\_  
Town Clerk Melody Harrison

