

**New Castle Town Council Meeting  
Tuesday, June 3, 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 Riddile Councilor Metzger Mayor Gordon Councilor Breslin Councilor Leland Councilor Stuckey
Absent	None

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Human Resource Manager Mike Edgar, Town Attorney David McConaughy 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 stated that he had a conflict with the Warrior Acquisition item.

**Agenda Changes**

Clerk Harrison said that the proclamation for the Fire Department and in honor of firefighters lost in the Storm King Fire would be moved to the front of the meeting. The council agreed.

**Remembrance of Storm King**

Mayor Gordon asked the Colorado River Fire & Rescue members to introduce themselves to the council and members of the public. Present were Operations Division Chief Sean Mello, Battalion Chief Kevin Alvey, Lieutenant Jake Oldright and Firefighter-Paramedic Greg Garwood. Mayor Gordon read the proclamation aloud and presented a framed copy to the fire fighters. The council and audience applauded and thanked them for their service to the community.

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

The Coal Ridge High School Destination Imagination Team Coordinator Karen Valenteen introduced the team members to the council: Garrett, James, Ruger, Sarah, India and Jorge. The team thanked the council for their support and gave an update on their success at finals, at which they placed 10th out of 69 in their category. The council congratulated them and thanked them for their hard work for the town.

### **Consultant Reports**

Consultant Attorney - Attorney McConaughy told the council that the town code required subdividers to pay a water rights dedication fee if they do not have water rights to donate. He explained some history of New Castle development and water rights, and how the \$6000.00 dedication fee came to be. He said he felt the amount was probably still a fair market price, and asked the council if they wanted his office to do some research and analysis to determine if the fee needed to be adjusted. After a brief discussion, Attorney McConaughy said he would find out from the town engineers of the fee seemed appropriate, and bring the item back to council for further discussion.

Consultant Planner – not present

Consultant Engineer – not present

### **Items for Consideration**

#### **Consider Direction to Staff Regarding Marijuana Businesses**

Attorney McConaughy explained the three ordinances the town had in place regarding medical marijuana, retail marijuana stores and other marijuana businesses. He said the moratorium expired August 1, 2014 and that if the council was considering approval of marijuana businesses, staff needed to begin work to accomplish it before the expiration date.

The council discussed it briefly. Councilors Metzger and Riddile felt the town would be a better place not allowing marijuana businesses. Councilor Means said that although he felt rather neutral on the subject of marijuana, he thought the tax benefits may be something to consider. Councilor Breslin was not for or against marijuana, but felt that it would be appropriate to allow more time to pass before making a decision. Councilor Leland agreed with the staff report that said there was not enough time passed to determine the full impact of marijuana businesses. Although he felt some of the potential marijuana businesses, such as testing facilities, might be acceptable in town, he agreed that more time was needed to analyze the impact. He felt a ban on retail shops was appropriate. Councilor Stuckey felt that there was not enough information on any of the marijuana issues to make a proper decision.

Mr. David Reynolds, New Castle resident, introduced himself to the council. Mr. Reynolds said he had not come to the meeting to talk about marijuana, but asked to share his thoughts. Mr. Reynolds encouraged the council to ban marijuana businesses. He said that New Castle was "Authentically Colorado", a place that, in the future, could be proud they had the fortitude to say no, and were not tempted by the rush on marijuana. He felt that in five or ten years, if the town needed the tax income, they could consider legalizing the use then. The council thanked Mr. Reynolds for his input.

After a brief discussion, council agreed to direct staff to write an ordinance banning all retail marijuana businesses.

Staff said they would bring the ordinance back at the next council meeting.

### **Warrior Acquisitions Discussion Regarding Warranty Work**

Councilor Stuckey asked to be recused. The council agreed and Councilor Stuckey left council chambers at 7:51 p.m.

Attorney McConaughy gave the council a brief history of the issues in Lakota, and explained that although staff was aware that Warrior had gone out to bid on the warranty work project, they had not posted a performance bond by July 1, 2013, as required. Warrior had offered alternative types of security such as facilities and property, but those things, although valuable, were not liquid assets and could not be used to pay for the work should the developer fail to perform the work.

David Reynolds, HOA representative for Lakota Canyon Ranch and resident of Lakota, spoke to the council and indicated there was concern and dissatisfaction amongst the Lakota residents because Warrior has failed to complete the warranty work. He said that when he first looked at moving to Lakota, he spoke with Bob Gibson who told him that there was a list of nine items that were deficient in the subdivision, and were required to be corrected before any building permits would be issued. Mr. Reynolds said he has lived in Lakota for more than a year and none of the deficiencies have been corrected, yet Warrior has pulled numerous building permits. Although he did not feel it was necessary to 'go to war' with Warrior, he did feel that it was necessary to make certain the work was done. He said he wanted to be able to report to the Lakota residents and the HOA that the work would be completed. Mr. Reynolds said that he and the residents would like to see Lakota become the neighborhood it should be, the neighborhood the town agreed it would be.

He asked the council if the items listed in the default liens that Warrior inherited when they bought the property at auction had been negotiated away or if they still existed. He said that in his limited experience with Warrior Golf (not Bob Gibson) that they were very hard to do business with and very difficult to get money from. He encouraged the council require Warrior to complete the agreed-upon work because it was important to the residents, it was the cost of development and it would bring more people in. He asked the council to consider the residents and to keep the HOA involved.

Councilor Breslin said that none of the default items were negotiated away. Attorney McConaughy said that the only items the town released were the tap fee warranty and a debt amount of \$65k.

After a brief discussion, the council agreed that Warrior should be put on some kind of notice. Attorney McConaughy said the options were to hold up building permits; to hold certificates of occupancy; to record a document that would stop the sale of lots; a lawsuit for breach of contract; or revocation of vested rights. He recommended that council give Warrior notice that if the issue was not resolved by the next council meeting, that council would be voting to prevent lots sales and revoke building permits. That would give Warrior two weeks to present a solution. The council agreed.

Mr. Reynolds told the council that there were piles of discarded asphalt and concrete sections left in Lakota that should be removed. Councilor Riddile said that there was also piles of rubbish on Eric Williams' property off Castle Valley Boulevard. Mayor Gordon said that the town could not provide enforcement on one developer and not the other. Attorney McConaughy agreed, saying that Tim Cain, the town's code enforcement officer, should make contact with the property owners and require removal according to the town's code. The council directed Administrator Baker to have Tim Cain implement the rubbish abatement procedure.

Councilor Stuckey returned to chambers at 8:33 p.m.

### **Presentation: Conceptual Idea for RV Park**

Robert Chatmis and Jim Wentzel introduced themselves to the council. They gave documents to the council members that outlined their conceptual plan for an RV park. The park is proposed to be located at the east corner of CR 335 and the I-70 Interchange/Colorado River Bridge, adjacent to River Park Condominiums. They will allow only self-contained recreational vehicles, no tents, as the park will not have bathrooms or shower facilities. Each proposed lot will be a gravel surface and each will have electricity, water and sewer hook-ups. A campground host will be on site for the season. The Park will have video surveillance system. The RV Park use could be in place as long as ten years, or until the economy would support a hotel. Mr. Chatmis and Mr. Wentzel both stated that a hotel/motel was the long-term goal for the location. They said they had not made an offer on the property yet, pending the discussion with the Town Council to determine if their proposal would be received favorably or not. The council discussed the proposal with Mr. Wentzel and Mr. Chatmis and felt that the use may be a good use for the space, provided the applicants were serious about putting a permanent business there in the future. The council suggested that they could place time limits on the rv park use, and said that the applicants would be required to notify the neighboring residents of the proposal, and to seriously consider the impact of an RV Park on the neighboring residential use.

Mr. Chatmis and Mr. Wentzel agreed that the proposed RV Park should not interfere with the residential use next door, and said that the cost of the land was extraordinary for an RV Park, but not extraordinary for a hotel, and that the highest and best use would be a hotel. They told the council that as soon as they purchase the land, they would immediately begin the conditional use permit process.

The council thanked Mr. Chatmis and Mr. Wentzel.

### **VIX Park Improvements as Recommended by the POSTR Committee**

Public Works Director John Wenzel told the council that the public works department was seeking approval from the council to make improvements to the ball field at VIX Park.

There is a group of volunteers willing to take on the labor and materials expense needed to enlarge the field. The field is small and only accommodates baseball for the youngest age group because the bases are only fifty feet. The volunteer group intends to increase the bases to seventy feet; to remove the infield grass; to install a backstop and dugouts and to remove the pitching mound. The improvements will make the field useable for older age groups, and will not interfere with soccer. There will be some expense to the parks department. The hard expenses may be as much as \$500, but the majority will be soft expenses: staff labor and equipment. The Parks, Open Space, Trails and Recreation Committee was in favor of the project.

The council was in favor of the project.

### **Consider Topics for School District Meeting**

The council discussed the various topics they wished to discuss at the school board workshop. They also agreed to carpool to the meeting, and would meet at the town hall at 5:30 on June 11.

## **Consent Agenda**

May Bills of \$432,064.17

Elmer Suds Liquor License Renewal

**MOTION: Councilor Breslin made a motion to approve the consent agenda. Councilor Riddile seconded the motion and it passed unanimously.**

## **Staff Reports**

Town Administrator – nothing to report

Town Clerk – nothing to report

Town Planner – not present

Public Works Director – Director Wenzel told council all the projects that public works has in progress such as the Downtown Clean Up day; the floral baskets are installed on the light poles in the downtown; the community garden has been started; a contractor was hired to complete repairs to the water line in Elk Run; there is concrete demo work being done for sidewalk repairs and planning for the community days event.

Director Wenzel explained that the problem with the pipe in Elk Run was that there was a section made of ductile iron that failed because of the soils. The public works crew fixed the leak, and subsequently had three more leaks, so a company was hired to replace the length of ductile iron pipe with class 900 PVC.

Councilor Metzger said she received a call from Kathy Kopf, who lives in Elk Run, who complained that they had been without water for three days. Councilor Metzger said she thought the town should put those residents up in a motel since they would be without services for that long. She said she called Mike Edgar because she did not know who else to contact, and he was very helpful. Her concern was that she did not know who was in charge over the weekend, and she felt that if there were an emergency, it would have been a bigger problem. Councilor Breslin suggested she could have contacted the mayor or any other council member. Mayor Gordon said calling Mike Edgar was appropriate.

Administrator Baker said it was part of his job to take phone calls from the council.

Councilor Riddile told Director Wenzel that since a pedestrian trail will be installed along CR 335, it may be beneficial to install warning signs near the disc golf course, warning golfers of the pedestrians and the walkers of the flying discs.

## **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 Stuckey said he was pleased to note that there were some improvements being done on the golf course in Lakota.

Councilor Leland told the council that staff training for the new website would be on June 25. He also said that he received a phone call from a reporter from FT. Collins who was interested in doing a story on Burning Mountain. The council offered some resources for the story.

**MOTION: Councilor Leland made a motion to extend the meeting past 10:00 p.m. Councilor Breslin seconded the motion and it passed unanimously.**

Councilor Leland said he read an article about Denver, and they were advertising themselves as "park city" because they ranked 7th in the state for their parks per capita. He felt that New Castle should advertise themselves because New Castle had 11 parks for just 4500 residents.

Councilor Breslin said he and the mayor had attended the oil and gas symposium and none of the course materials promised were available, nor was there contact information or websites. He saw the importance of having up to date website information.

Councilor Breslin told the council that the governor had signed house bill 1275 allowing the Cameo power plant property to be used as the largest sports and shooting complex in the state. He felt was a great facility for Western Colorado. .

Councilor Breslin said Monk Dawson called and Mr. Dawson wanted to purchase the bridge decking material the town had obtained a few years ago. Director Wenzel said most of that deck material had been sold or used, and only enough remained for a couple projects his department was considering. Councilor Breslin said he would let Mr. Dawson know that the materials were not available.

Councilor Metzger asked if there would be a Burning Mountain Festival this year. Clerk Harrison said she had not heard from anyone regarding that event. Administrator Baker said he had spoken with Ann Guettler who said she felt that the chamber was not being dissolved. Administrator Baker offered Randi Lowenthal's services to help plan the event if the chamber was still interested in holding it.

Councilor Metzger asked about the senior housing project. Mayor Gordon said he had met with John Martin. A committee had been formed, and the organizational meeting will be on June 17.

Councilor Metzger ask about the plan with Walters Lane and the dangerous intersection, since the pedestrian bridge and roundabout were being planned. Administrator Baker said he would make sure the intersection was being considered in the plans.

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

The meeting adjourned at 10:12 p.m.

Respectfully Submitted,

  
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Mayor Bob Gordon

  
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Town Clerk Melody Harrison

