

**New Castle Town Council Meeting
Tuesday, April 15, 2014, 7:00 p.m.**

Call to Order

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

Pledge of Allegiance

Roll Call

Present	Councilor Russi
	Councilor Riddile
	Councilor Metzger
	Mayor Breslin
	Councilor Gordon
	Councilor Leland
	Councilor Stuckey

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Human Resource Manager Mike Edgar, Town Attorney David McConaughy, Public Works Director John Wenzel, Assistant Public Works Director Dave Gray and Finance Director Lyle Layton.

Meeting Notice

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

Conflicts of Interest

Councilor Riddile told the council that he had a conflict with item D on the agenda regarding reappointment of members to the planning & zoning commission.

Agenda Changes

Councilor Leland asked that the Kelley Cox Proclamation on the consent agenda be placed on the regular agenda.

MOTION: Mayor Breslin made a motion to proceed with placing the Cox Proclamation on the regular agenda. Councilor Riddile seconded the motion and it passed unanimously.

Oaths of Office - Mayor Gordon, Councilor Breslin, Councilor Leland and Councilor Riddile

Town Clerk Melody Harrison swore in the newly elected members of the town council: Mayor Bob Gordon, Councilor Frank Breslin, Councilor Bruce Leland and Councilor Art Riddile.

Citizen Comments on Item not on the Agenda

Greg Russi, New Castle resident and former council member asked to speak to the council about a grant opportunity. He told the council that there was a resolution on the

consent agenda providing support for a LiveWell Colorado grant application. The deadline for submittal of the application would be before the next regular council meeting, which is why he was speaking to the council last-minute. Mr. Russi said that the town had been considering a community garden for several years, and that LiveWell had grant funds available that could be used to begin the community garden project. After considering several locations, the front yard area of the River Center had been chosen for the garden, which was in keeping with the Center's Core Mission. Additionally, it provided an opportunity for the community to become more involved with the River Center.

The grant application that will be submitted will ask for \$4,000.00 to build the necessary infrastructure for the garden, including timbers for approximately ten raised beds, deer/elk fencing and plumbing for irrigation. The town would need to provide 'in-kind' funding of approximately \$4,105.00, which included equipment and labor costs and a water meter. Mr. Russi asked the council to consider paying for the water provided to the garden in perpetuity. Mr. Russi said that the River Center would manage the garden. The council wanted it open and advertised for public use, and not be an exclusive use for the River Center. Councilor Metzger said she thought a specific person from the Garden Club should be assigned management of the garden.

MOTION: Councilor Breslin made a motion to approve support of the grant application to LiveWell Colorado and to approve the 'in-kind' contribution from the town for \$4,100.00. Councilor Riddile seconded the motion.

Discussion: Mr. Russi told the council that two drafts of the funding needs had been done and he had mistakenly given the council incorrect figures. He said that the in-kind contribution from the town would be closer to \$4,500.00. Public Works Director John Wenzel explained that much of the in-kind contribution would be soft expenses such as staff time, a water meter and top soils the town already owned. The hard expenses will be fertilizer and soil amendments.

The motion passed on a roll-call vote: Councilor Leland: yes; Councilor Stuckey: yes; Mayor Gordon: yes; Councilor Riddile: yes; Councilor Metzger: yes and Councilor Breslin: yes.

Mr. Russi told the council he would not be present for the consent agenda later in the meeting, and said he would be glad to answer any questions about the resolution supporting the grant application. He also asked if the council would pledge a small water budget for the separately metered garden. The council agreed provided that the users of the garden were water-conscious. Councilor Leland said the watering schedule and conservation item will be discussed and decided at a future community garden meeting, and guidelines will be in place. The council was comfortable with the plan.

Consultant Reports

Consultant Attorney - nothing to report

Consultant Planner - not present

Consultant Engineer - nothing to report

Items for Consideration

Consider Letters of Interest from Larry Dragon, Merle Means and David Reynolds for vacant council seat

Applicant Larry Dragon was not present at the meeting. The town council interviewed Mr. Merle Means and Mr. Dave Reynolds at length. Mayor Gordon asked the council if they wanted to vote and they did. Councilor Riddile suggested that the vote be done by written ballot. Attorney McConaughy clarified that the ballots are not secret. Each council member should write their name and their selected applicant on the paper. Once Clerk Harrison tallied the result, she will read them aloud. The council cast their ballots. Clerk Harrison read the results: For Larry Dragon, zero votes. For Dave Reynolds, two votes. For Merle Means, four votes.

Mayor Gordon asked for a motion to appoint Merle Means as councilor.

MOTION: Councilor Leland made a motion to appoint Merle Means to the remaining two years on the open council seat. Councilor Stuckey seconded the motion and it passed unanimously.

Clerk Harrison swore in the newly appointed council member Merle Means. Councilor Means took a seat at the dais.

Consider Staff Recommendation Regarding Municipal Judge Appointments

Clerk Harrison told the council that reappointment of the municipal judge and assistant municipal judge was done every two years per the municipal code. Staff had solicited letters of interest and received two. One from Amanda Maurer who is the currently seated municipal judge, and one from Anna Itenberg who is the currently seated assistant municipal judge. Clerk Harrison told the council that Ms. Itenberg was unable to attend because of a prior engagement. Ms. Maurer greeted the council. She described the changes she implemented to the New Castle municipal codes regarding court and court fees, and explained how these changes have caused some efficiencies in the court process. Judge Maurer requested her salary to be set at \$800 per diem, with the understanding the municipal court is expected to be scheduled for only 1 day per month under normal circumstances. Council agreed with the request. She also asked that the council consider providing a \$1,000.00 allowance for training so she could attend a conference. The council spoke with Ms. Maurer briefly, and asked her specifically about juvenile court, if there were more marijuana-related offenses, and if Ms. Maurer worked with Youth Zone and youth offenders. Ms. Maurer said there were more marijuana offenses since the legalization of marijuana, and that the court regularly worked with Youth Zone. Council asked staff if the proposed monthly rate was within the budget. Staff said that it was.

Attorney McConaughy said that he had known Ms. Maurer for several years and highly recommended her reappointment as Municipal Judge.

MOTION: Councilor Riddile made a motion to appoint Amanda Maurer as Municipal Judge, and Anna Itenberg as Assistant Municipal Judge. Councilor Breslin seconded the motion.

Discussion: Administrator Baker clarified that the monthly flat rate and training allowance proposed by Ms. Maurer was accepted. Councilor Means further clarified that the flat rate was for the judge, not for the assistant. Mayor Gordon said first the council would vote on reappointments of the judge and assistant judge, then they would vote on salaries.

The motion passed unanimously.

MOTION: Councilor Leland made a motion to set the salary for the municipal judge at a per diem rate of \$800.00 per month, and to allow a training expense

account of up to \$1,000.00. Councilor Means seconded the motion and it passed unanimously.

Community Resource Housing Development Pro Forma Presentation

Al Gold, Executive Director of Community Resource Housing Development (CRHD), introduced himself to the council. He also introduced Carly Johansson, Director of Real Estate Development for CRHD.

Mr. Gold Passed out promotional packets to each council member that described, in depth, the company and their senior and low-income housing developments throughout Colorado.

Ms. Johansson greeted the council. She explained to the council the need for senior housing in Garfield County, stating that there was on average a 24% waiting list for senior units in the county. The proposed project is a HUD 202 project. Some of the sources for funding are listed in the pro forma. Ms. Johansson said a design charette had been done in October 2013, but that the proposed design could be modified throughout the development process as needed. She said that CRHD wanted the town involved early on to ensure the project was going in the same direction as all development in the town. Ms. Johansson said the proposed site is on property owned by the town in the Lakota Canyon Ranch development. The designs reflect the look and feel of the Lakota subdivision, and the development will include a senior community center with a laundry, gathering area, library and computer space. There will be thirty-one (31) one-bedroom units, and six (6) two bedroom units. Outside there will be gardens and open space for tenants to gather. All the proposed units are accessible. CRHD was interested in making the units available to people age 55 and up.

Ms. Johansson described the various achievable sources of funding being considered for the project. She said CRHD's projected cost will be approximately \$7m. Based on the identified funding sources and development costs, it appeared the project will have a \$600k funding gap. Ms. Johansson did not feel the gap was insurmountable, and other professionals felt the gap was rather small.

Ms. Johansson said in effort to close the gap, CRHD was looking for a long-term lease of the land, and a few lease agreement examples were being reviewed. A longer term lease with longer buy-out option may be necessary, or a lease that was in alignment with tax periods. Also, she felt that FMLD funds would assist in closing the gap, and originally they were looking for \$500k. She said she understood that amount was unrealistic, and suggested that in late 2015, and FMLD application be made for a smaller amount, perhaps \$200k. She asked that council consider being on board with the lease and FMLD funds items so CRHD could move forward with the project.

Ms. Johansson said CRHD was ready to submit an application to Enterprise for \$50k in pre-development funding. CRHD has been awarded the funds in the past, and felt confident in being awarded funds again. CRHD was hesitant to apply for the funds without a clear understanding that the town of New Castle was interested in a partnership with CRHD to make the project happen.

Ms. Johansson reviewed the pro-forma in detail with the council.

Administrator Baker clarified with Ms. Johansson that they were looking for an answer regarding a long-term lease, if deferring some development fees was a possibility, or if FMLD funds could be used for the project. A town commitment to partner with CRHD would provide CRHD the impetus to apply for a grant for pre-development money. Ms. Johansson agreed with the statement. Administrator Baker advised the council that they would need to discuss the issues privately. Administrator Baker said the next council meeting was on May 6th, and asked if an answer after that would work. Ms. Johansson

said she did not know, but would let Administrator Baker know right away. She also said she would send over a draft of the long-term lease.

Administrator Baker told the council that based on the information in the presentation from CRHD it was unnecessary to have the executive session. The council agreed.

Consider Reappointment of Commission/Committee Members

Clerk Harrison explained to the council that the council was considering reappointing Chuck Apostolik and Graham Riddile to the Planning & Zoning Commission, and Virginia Erikson to the Historic Preservation Commission because their terms were up.

MOTION: Councilor Leland made a motion to reappoint Chuck Apostolik and Graham Riddile to the Planning & Zoning Commission, and Virginia Erikson to the Historic Preservation Commission. Councilor Stuckey seconded the motion and it passed with Councilor Riddile recused.

Consider Appointing Mayor Pro Tem

MOTION: Mayor Gordon made a motion to nominate Councilor Leland as Mayor Pro Tem. Councilor Breslin seconded the motion and it passed unanimously.

MOTION:

Consider Setting Terms for Council Members on Planning & Zoning Commission, Historic Preservation Commission, Economic Advisory Committee, Climate Action Advisory Commission, Public Works, Public Safety, Personnel and Finance Committees.

Funding Request - West Elk Multi-Use Club

After a brief discussion of the request the council approved the request for funding.

MOTION: Mayor Gordon made a motion to approve funding of \$300.00 to the West Elk Multi-Use Club. Councilor Leland seconded the motion.

Discussion: Councilor Means asked if they could be used as a resource on the town website. The council said they could.

The motion passed unanimously.

Consider Authorizing Mayor to Sign Letter to the Public Utilities Commission

Administrator Baker told the council that Garfield Clean Energy had recently discussed the same issue and they endorsed sending the letter to the Public Utilities Commission.

MOTION: Councilor Leland made a motion to authorize the mayor to sign the letter to the public utilities commission. Councilor Metzger seconded the motion and it passed unanimously.

~~**Executive Session (1) for conference with Town Attorney for purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2) for purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) concerning Community Resource Housing Development**~~

The executive session was not needed.

MOTION: Councilor Stuckey made a motion to allow the meeting to go past 10:00 p.m. Councilor Leland seconded the motion and it passed with Councilor Riddile voting no.

Kelley Cox Proclamation

Councilor Leland read the Kelley Cox Proclamation into the record.

Consent Agenda

Minutes of the April 1, 2014 council meeting
 Resolution TC- 2014-13 - amending the NCPD Employee Manual
 Maud's On Main ROW Lease Agreement
 Garfield County Trail IGA
 Arbor Day Proclamation

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

Staff Reports

Town Administrator - Administrator Baker told the council that there would be a meeting about the Community Garden on May 8 at 5:30 p.m. He also asked for a solid commitment for the Energy Symposium in May. After a brief discussion, he said he would reserve four seats. He said he would follow up with the specific dates and times. Last he said he would be going to visit his parents and would be out of town the 18th through 22nd.

Councilor Metzger said she had on her calendar that economic development was supposed to have been on the evening's agenda. Administrator Baker said that discussion will be at the retreat on May 6.

Town Clerk - nothing to report

Town Planner - not present

Public Works Director - not present

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 thanked the council for appointing him and said he was grateful to be there

Councilor Metzger asked what was happening with the roads in Lakota. Administrator Baker said he and David McConaughy had spoken to Bob Gibson who is trying to confirm with Brendan Flaherty when the work will be done. Several ways are being considered to secure the work, one of those being some acreage. The town has asked for either cash or a performance bond to secure the work, and they should be back in touch with the town by the end of the week.

Councilor Breslin wanted the wellness program for employees considered at the retreat. Councilor Leland told the council that large portions of the new website were complete and that Ann was working hard to get it complete. He said Ann Ramsey, a local writer,

had taken a video class and produced a four or five minute video of New Castle's history which she will allow the town to use on the website. He also said he was working on a collective advertising for the local restaurants.

Mayor Gordon told the council that he was at a play a few nights earlier, and he realized that his job and the council's job was to do the very best for the people. He said he had served with three excellent mayors during his time as a councilor, and he will do his very best as mayor.

Councilor Means asked if there was anything going on with the Walters property. Mayor Gordon said it had recently sold, but did not know if the new owners planned to do anything with it yet.

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

The meeting adjourned at 10:22 p.m.

Respectfully Submitted,



Mayor Bob Gordon



Town Clerk Melody Harrison

