

1  
2  
4 **New Castle Town Council Meeting**  
5 **Tuesday, June 4, 2013, 7:00 p.m., Town Hall**  
6  
7

8 **Call to Order**

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

10  
11 **Pledge of Allegiance**

12  
13 **Roll Call**

14 Present	Councilor Russi
15	Councilor Riddile
16	Councilor Metzger
17	Mayor Breslin
18	Councilor Gordon
19	Councilor Leland
20	Councilor Stuckey
21 Absent	None

22  
23 Also present at the meeting were Human Resources Manager Mike Edgar, Town Clerk  
24 Melody Harrison, Town Planner Tim Cain, Consultant Attorney David McConaughy  
25

26 **Meeting Notice**

27 Town Clerk Melody Harrison verified that her office gave notice of the meeting in  
28 accordance with Resolution TC-2013-1.  
29

30 **Conflicts of Interest**

31 There were no conflicts of interest.  
32

33 **Citizen Comments on Items NOT on Agenda**

34 There were no citizen comments.  
35

36 **Agenda Changes**

37 **MOTION: Councilor Russi made a motion to move the executive session after**  
38 **items B, C and D on the agenda. Councilor Riddile seconded the motion and it**  
39 **passed unanimously.**  
40

41 **Consultant Reports**

42 Consultant Attorney – present for agenda items  
43 Consultant Planner – not present  
44 Consultant Engineer – not present  
45

46 **Items for Consideration**

47  
48 **Consider Ordinance 2013-4 – An Ordinance of the New Castle Town Council**  
49 **Approving an Amendment to Portions of Chapters 17.36 and 17.76 of the New**

1 **Castle Municipal Code Concerning the Requirements of Off-Street Parking and**  
2 **Conditional and Non-Permitted Uses in the C-1 Commercial Zone District (first**  
3 **reading)**

4 Mayor Breslin clarified that the ordinance was for cash-in-lieu for parking and a language  
5 change that made all uses conditional except for those uses specifically prohibited.  
6 Attorney McConaughy agreed. The council discussed it briefly.

7 **MOTION: Mayor Breslin made a motion to approve Ordinance 2013-4, an**  
8 **ordinance of the New Castle Town Council approving an amendment to portions**  
9 **of Chapters 17.36 and 17.76 of the New Castle Municipal Code concerning the**  
10 **requirements of off-street parking and conditional and non-permitted uses in the**  
11 **C-1 Commercial Zone District on first reading. Councilor Stuckey seconded the**  
12 **motion.**

13 Discussion: Councilor Russi questioned the reduction in cost for the cash-in-lieu, saying  
14 that at the time the original fee was set, the study done indicated the value of a parking  
15 space was approximately \$9,000.00. He was concerned that the proposed \$3,000.00 fee  
16 was unrealistically low because the value of parking spaces had probably not dropped so  
17 significantly. Planner Cain said the \$3,000.00 figure is one he had evaluated with  
18 somewhat different parameters than the original study. Mayor Breslin recalled that the  
19 council had previously discussed the parking fee-in-lieu and had done nothing to remedy  
20 the issue. A reduction of the fee would provide an incentive for downtown development.  
21 Attorney McConaughy said that evidence in the record supported the \$9,000.00 fee from  
22 2004. Because the proposal was to reduce the fee he did not think further study was  
23 necessary, but if they had been proposing an increase in the fee, he would suggest a  
24 formal appraisal to support an increase. He said that the council had the opportunity to  
25 change the proposed fee if they wished.

26 **The motion passed on a roll-call vote: Councilor Metzger: no; Mayor Breslin: yes,**  
27 **Councilor Leland: yes; Councilor Stuckey: yes; Councilor Riddile: yes; Councilor**  
28 **Russi: no; and Councilor Gordon: yes.**

31 **Consider Ordinance 2013-3 - An Ordinance of the New Castle Town Council**  
32 **Amending the Municipal Code Regarding Contempt of Court and Failure to**  
33 **Appear (second reading)**

34 Attorney McConaughy explained that the ordinance was to provide the municipal judge  
35 with the ability to fine people who failed to appear in court or were in contempt. Although  
36 the issue appeared to be self-evident, the municipal code did not currently have the  
37 provision.

38 **MOTION: Councilor Russi made a motion to approve Ordinance 2013-3, an**  
39 **ordinance of the New Castle Town Council amending the Municipal Code**  
40 **regarding contempt of court and failure to appear with the following changes: on**  
41 **second reading. Councilor Riddile seconded the motion and it passed on a roll**  
42 **call vote: Councilor Gordon: yes; Councilor Metzger: yes; Councilor Stuckey: yes;**  
43 **Councilor Leland: yes; Councilor Riddile: yes; Councilor Russi: yes and Mayor**  
44 **Breslin: yes.**

46 **Policy Discussion: Parkland Development**

47 Attorney McConaughy told the council that the Parks, Open Space, Trails and Recreation  
48 committee had been discussing park development, and ways the town could provide  
49 incentives to developers to actually develop the park or open space they are required to  
50 dedicate to the town. He said there was not much developable space in town, so a new

1 policy would likely apply to new development or annexations. The council discussed  
2 whether there should be a limitation on what types of dedicated land would be acceptable,  
3 perhaps a maximum slope or determined usefulness. Councilor Stuckey suggested that  
4 any land could be accepted as a dedication, but that it may not count towards the  
5 dedication percentage required by the code. The council agreed that the town wanted built  
6 parks, not to have to build them ourselves.

7 After an extensive discussion, Attorney McConaughy asked the council if they wanted staff  
8 to pursue an ordinance to update the park development portion of the municipal code.  
9 The council directed staff to move forward with an ordinance.

### 10 **Executive Session**

11 **MOTION: Councilor Leland made a motion at 8:01 p.m. to go into executive**  
12 **session(1) for conference with Town Attorney for purpose of receiving legal**  
13 **advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2)**  
14 **for purpose of determining positions relative to matters that may be subject to**  
15 **negotiations, developing strategy for negotiations, and/or instructing**  
16 **negotiators, under C.R.S. Section 24-6-402(4)(e) concerning City Market and**  
17 **New Hope Church. Councilor Gordon seconded the motion.**

18 Discussion: John Colson asked what the town had to do with City Market and the church.  
19 Councilor Leland said the town was inviting City Market to expand and it was being  
20 negotiated. Regarding the church, Councilor Leland told the council he would have to  
21 explain it in the executive session because negotiations were in progress.

22 **The motion passed unanimously.**

23 Executive Session concluded, 8:36 p.m.

24 At the end of the executive session, Mayor Breslin made the following statement:

25 "The time is now 8:36 p.m. and the executive session has been concluded. The  
26 participants in the executive session were: Councilors Russi, Riddle and Metzger, Mayor  
27 Breslin, Councilors Gordon, Leland and Stuckey, Town Clerk Melody Clerk Harrison,  
28 Consultant Attorney David McConaughy, Human Resources Manager Mike Edgar, Town  
29 Planner Tim Cain and Finance Director Lyle Layton. For the record, if any person who  
30 participated in the executive session believes that any substantial discussion of any  
31 matters not included in the motion to go into the executive session occurred during the  
32 executive session, or that any improper action occurred during the executive session in  
33 violation of the Open Meetings Law, I would ask that you state your concerns for the  
34 record."

35 There were no concerns stated.

36 Councilor Metzger asked Attorney McConaughy what the opportunity was to reestablish  
37 the Home Owners Association in Burning Mountain PUD. He said that although it was  
38 possible, it would require the residents to voluntarily subject themselves to potential suit  
39 by their neighbors. He did not think they would allow that.

### 40 **Update: Enterprise Zone Eligibility**

41 Mayor Breslin told the council there was a link on the Associated Governments of  
42 Northwest Colorado website to the state tax credit program. He felt that the other

1 councilors should look at the site and find ways to utilize the tax benefits for the town and  
2 citizens.

### 3 4 **Consent Agenda**

5 Minutes of the May 21, 2013 council meeting

6 May Bills of \$ 353,797.51

7 Hogback Pizza Liquor License Renewal

8 **MOTION: Councilor Russi made a motion to approve the consent agenda.**  
9 **Councilor Gordon seconded the motion and it passed unanimously.**

10 Councilor Stuckey noted that he had returned to the May 21<sup>st</sup> meeting after the  
11 advertising services item and his return should be added to the minutes. Clerk Harrison  
12 said she would.

### 13 14 **Committee Reports**

15 Planning & Zoning – nothing to report

16 Climate Action Advisory Committee – nothing to report

17 Historic Preservation – Councilor Leland asked if everyone had seen the new cemetery  
18 map, and he passed out copies to those who had not.

19 POSTR – nothing to report

### 20 21 **Staff Reports**

22 Town Administrator – Human Resources Director Mike Edgar asked the council who would  
23 volunteer to discuss possible compensation for the homeowners whose homes were  
24 damaged by the sewer back up. Councilors Gordon and Russi volunteered.

25 Town Clerk – Clerk Harrison asked the council if they would consider giving the Historical  
26 Society a donation of \$100.00 for the purchase of some electronic equipment that would  
27 allow them to convert their audio records from tapes to compact disks.

28 **MOTION: Councilor Metzger made a motion to approve donating \$100.00 to the**  
29 **historical society. Councilor Riddile seconded the motion and it passed**  
30 **unanimously.**

31 Clerk Harrison told the council that the contracts for the streets maintenance work were  
32 available for the mayor to sign, and that the public works department was moving forward  
33 completing the proposed work.

34 Clerk Harrison said that the ordinance for adoption of the 2009 International Building  
35 Codes was under review by the town attorneys and should be coming to the council for  
36 their consideration during the summer.

37 Clerk Harrison asked the council if they would consider a date for the council retreat, and  
38 suggested dates after the first of September. The council tentatively chose September 14,  
39 2013.

40 Public Works Director – not present.

41 Town Planner – Town Planner Tim Cain told the council that CVR Investors had applied for  
42 an extension of vested rights as allowed by an ordinance passed in 2012. He said the  
43 council had the opportunity to decide whether the application should go on the council  
44 agenda as a noticed public hearing or at a regular meeting, and that staff suggested a  
45 regular meeting. The council agreed.

### 46 47 **Council Comments**

48 Councilor Russi offered praise to Consultant Engineer Jeff Simonson for his efforts on the  
49 RAMP Grants, saying the town has passed the pre-qualification stage of the process.

1 Mayor Breslin told the council the Michael Wertz, who sits on the library board, asked for a  
2 letter of support to nominate Amelia Shelley for the prestigious award of Librarian of the  
3 Year.

4 **MOTION: Councilor Russi made a motion to approve a letter of support for**  
5 **nomination of Amelia Shelley for Librarian of the Year. Councilor Gordon**  
6 **seconded the motion and it passed with Councilor Stuckey voting no.**

7 Councilor Metzger told the council the clean-up day had gone very well and she felt Kathy  
8 Kopf who headed up the Downtown Group deserved recognition for her efforts.

9 Councilor Gordon felt Councilor Metzger also deserved recognition.

10 Councilor Metzger said Kim Rider from Public Works was a terrific help as well as Jim  
11 Shrull and Mike Miller. The youth group that volunteered was also a great help.

12 Mayor Breslin said the downtown looked great.

13 Mayor Breslin said that the landscaping and flowers downtown were beautiful and Kim  
14 Rider should be thanked for her hard work.

15 Councilor Leland reminded the council that the next 125<sup>th</sup> anniversary celebration events  
16 will be on June 14, 15 and 16. He also said that the joint P&Z and Council meeting  
17 regarding marijuana use will be on June 26<sup>th</sup>. Last he said that there would be an  
18 introductory program on July 25, 2013 put on by DOLA regarding the Main Street  
19 Program.

20 Councilor Stuckey asked what the work on Castle Valley Boulevard was. Councilor Riddile  
21 said that Centurylink was installing fiber optics. He also mentioned that there was a table  
22 soccer tournament at the Lakota Canyon Ranch Recreation Center over the weekend.

23  
24 **MOTION: Councilor Russi made a motion to adjourn. Councilor Metzger**  
25 **seconded the motion and it passed unanimously.**

26  
27  
28 The meeting adjourned at 9:23 p.m.

29  
30 Respectfully Submitted,

31  
32  
33  
34  
35 \_\_\_\_\_  
36 Mayor Frank Breslin  
37  
38  
39

40 \_\_\_\_\_  
41 Town Clerk Melody Harrison

# Memo

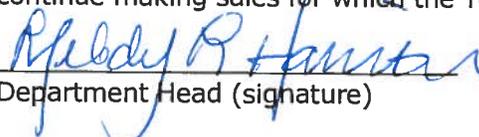
**To:** Tom Baker  
**From:** Melody Harrison, Town Clerk  
**Date:** 6/11/2013  
**Re:** Liquor License Renewal – Elk Creek Mining Company

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**Recommendation:** I recommend that Council approve the attached application to renew the hotel and restaurant license submitted by Elk Creek Mining Company.

**Policy Implications:** The policy implication of Council's approving this license renewal application is that this business will continue to have the authority to sell malt, vinous and spirituous liquors for on-premises consumption

**Budget Implications:** Renewing this hotel and restaurant license will allow this licensee to continue making sales for which the Town receives sales tax.

  
Department Head (signature)

\_\_\_\_\_  
Finance Director (signature)

\_\_\_\_\_  
Town Administrator (signature)

\_\_\_\_\_ No \_\_\_\_\_  
Consultant needed at Council Meeting? Whom? Estimated meeting time cost, if known.

**Background:** Elk Creek Mining Company's license expires July 21, 2013. The licensee filed the renewal application with the Town Clerk's office on May 29, 2013 before the filing deadline of 45 days prior to expiration. The application is properly completed and appropriate fees have been paid to the Town and the State.

The was an issue on September 18, 2012, where the licensee sold an alcoholic beverage to an under age person during an operation conducted by Liquor Enforcement. Chief Sadler wrote a report on the incident, which is attached. Deputy Town Clerk spoke with Chief Sadler and he stated there have been no further incidents and he was impressed with the way the staff at Elk Creek Mining Company handled the incident.

Please see Police Chief Sadler's report attached.

## LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
<b>Amount Due/Paid</b>	

RECEIVED

MAY 20 2013

Town of \_\_\_\_\_

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name Elk Creek Mining LLC		DBA Elk Creek Mining Co.		
Liquor License # 26-26577	License Type Hotel and Restaurant	Sales Tax License # 26-26577	Expiration Date 7/21/2013	Due Date 6/6/2013
Street Address 502 West Main Street, New Castle, CO 81647				Phone Number 970-984-0828
Mailing Address PO Box 589				
Operating Manager John Webber	Date of Birth 3/17/1970	Home Address 66 Esther Ct., Silt, CO 81652		Phone Number 970-618-6213

1. Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease \_\_\_\_\_
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO *De! Howard 08-88573*
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

**AFFIRMATION & CONSENT**

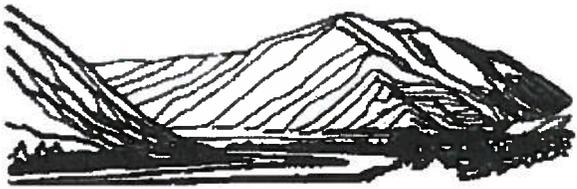
*I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.*

Type or Print Name of Applicant/Authorized Agent of Business John Webber	Title Manager
Signature 	Date 5-29-13

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest



"Burning Mountain" - 1888

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**New Castle Police Department**  
450 West Main - Post Office Box 90  
New Castle, Colorado 81647  
(970) 984-2302

06/12/13

To: Wendy Mead  
Deputy Town Clerk  
From: Chief Chris Sadler  
NCPD 601  
Re: Elk Creek Mining Company Liquor License

Dear Wendy,

I have no additional information subsequent to the memo dated 03/12/13 which would aid council in their consideration of the applicant's liquor license renewal request. Prior to the incident of 03/12/13, the applicant had been doing an excellent job in regard to responsible alcohol service. Since that time there have been no incidents and the applicant appears to have returned to their previous high standard. I appreciate their efforts in this and my hope is they will continue to be diligent and maintain the standard to be emulated by all establishments within the town.

Respectfully submitted,

Chief Chris Sadler



NEW CASTLE POLICE DEPARTMENT

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Telephone (970) 984-2302

Box 90, New Castle, Colorado 81647

"Burning Mountain"  
1888

03/12/13

To: Wendy Mead  
Deputy Town Clerk  
From: Chief Chris Sadler  
NCPD 601  
Re: Elk Creek Mining Company, Information relevant to liquor license

Dear Wendy,

On September 18<sup>th</sup> 2012 the Elk Creek Mining Company sold an alcoholic beverage to an underage person during an operation conducted by the Colorado Liquor Enforcement Division. Based on this incident John Webber, the Licensee, subsequently agreed to administrative sanctions imposed by the Liquor Enforcement Division which amounted to a fifteen day suspension: five days of active suspension from January 13<sup>th</sup> 2013 through January 17<sup>th</sup>, and the posting of signs indicating the fact. Ten days of the suspension were to be held in abeyance for a period of one year pending no further violations occurred. The Licensee ultimately requested he be allowed to pay a fine in lieu of the active suspension, and this was accepted.

Stemming from the same incident, the Licensee was charged with providing alcohol to a minor and ultimately received a deferred sentence. The Licensee performed community service during this period doing an excellent job removing trash and debris from public lands.

This information is submitted for Council's advisement and continued consideration.

Respectfully submitted,

Chief Chris Sadler

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE

STATE OF COLORADO

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STIPULATION, AGREEMENT, AND ORDER  
SA 12-137

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IN THE MATTER OF:

**ELK CREEK MINING LLC  
D/B/A ELK CREEK MINING CO  
502 WEST MAIN  
NEW CASTLE, COLORADO 81647**

**Hotel & Restaurant License No. 26-26577-0000**

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The State of Colorado, Liquor Enforcement Division ("Division") and Elk Creek Mining LLC, d/b/a Elk Creek Mining CO, 502 West Main, New Castle, Colorado 81647 ("Licensee") hereby stipulate and agree as follows:

1. Licensee has been the subject of an investigation conducted by the Division. Agents of the Division allege violations of the Colorado Liquor Code, Section 12-47-901(1)(a.5)(I), C.R.S.

IT IS ALLEGED THAT:

- A. On September 18, 2012, the Licensee, by and through its licensee, John Webber II, permitted the selling, serving, giving, or procuring of an alcohol beverage (Bud Light brand malt liquor) to 12-WF-19376, a nineteen-year-old Liquor Enforcement Division underage purchaser.
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation, by entering into this Stipulation, Agreement, and Order ("Order").
3. The Division and Licensee have discussed the merits of the investigation and allegations, and they have come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations in lieu of proceeding to the issuance by the State Licensing Authority of an Order to Show Cause and conducting a hearing to determine the merits of such allegations. The terms and conditions of this Order are subject to approval by the State Licensing Authority.
4. Licensee admits the violations as alleged above in paragraph 1.

5. Licensee agrees, in lieu of the issuance of an Order to Show Cause, and subsequent proceedings, to submit to the following sanctions:
  - A. A **fifteen (15) day** suspension of Licensee's **hotel & restaurant license** to take place as follows:
    - i. License to be actively suspended for **five (5) days** from 12:01 a.m. on **January 13, 2013** until 11:59 p.m. on **January 17, 2013**.
    - ii. During any period of active license suspension, Licensee will post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2.
    - iii. **Ten (10) days** of the suspension to be held in abeyance for a period of one (1) year, from the date of approval of this agreement by the state licensing authority, pending no further violations of the Colorado Liquor Code during this period.
6. The Licensee has filed a written petition to the Division in accordance with 12-47-601(3), C.R.S. requesting that the Licensee be allowed to pay a fine in lieu of active suspension. The Division finds that the petition supports the following:
  - A. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; and
  - B. That the books and records of the Licensee are kept in such a manner that loss of sales of alcohol beverages which the Licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
  - C. That the Licensee has not had its license or permit suspended or revoked, nor had any suspension stayed by the payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in this stipulation and agreement.
7. The parties agree that the fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross revenues from the sales of alcohol beverages during a period of five (5) days, except that the fine shall not be less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00). The parties agree that the average days' sales for the month of **September 2012** shall be the appropriate measure of said

estimated gross revenues. Based upon these records, the amount of the fine has been determined to be \$394.48.

- A. Payment of the fine pursuant to the provisions of this agreement shall be in the form of a **certified check or a cashier's check** made payable to the Colorado Department of Revenue. Said fine shall be paid to the Department of Revenue on or before **December 19, 2012**.
  - B. Upon the timely payment of the fine agreed upon in this paragraph, Licensee's five (5) day suspension as set forth in paragraph 5 of this stipulation and agreement shall be deemed automatically permanently stayed.
  - C. If the Licensee fails to make payment in a timely manner as detailed in this paragraph, the full five (5) day suspension shall be served as detailed in paragraph 5.
8. This Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying complaint or investigation that formed the basis for action against Licensee (and any defenses that Licensee may have to such complaint and investigation) shall specifically not be at issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are proven, or Licensee enters into a stipulation in lieu of hearing in which it admits such allegations, the State Licensing authority shall, in addition to any other penalty imposed, order Licensee to serve all or any days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are unproven, then the Division shall take no further action and this Order shall remain operative and in full force and effect.
  9. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 12-47-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in §§12-47-103(9) (b) and 12-47-601, C.R.S.
  10. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel,

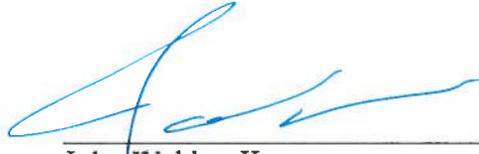
Licensee affirms that Licensee has read this Order and fully understands its nature, meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.

11. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
12. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives the following rights:
  - a. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Order and the right to require the State Licensing Authority to meet its burden of proof in a formal hearing;
  - b. The right to cross-examine all witnesses against Licensee at a formal hearing;
  - c. The right to subpoena witnesses, present evidence and to testify on Licensee's own behalf at a formal hearing;
  - d. The right to be represented by counsel of Licensee's own choosing and at Licensee's expense at any stage of this proceeding;
  - e. The right to engage in pre-hearing discovery of the State Licensing Authority's evidence; and
  - f. The right to appeal this Order.
13. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the Division.
14. This Order shall be effective on the date approved and ordered by the Executive Director of the Department of Revenue, as the State Licensing Authority. Should the State Licensing Authority reject the terms hereof, Respondent's admissions herein shall be withdrawn, and the matter scheduled for a hearing after issuance of an Order to Show Cause.

15. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the record, and shall be open to public inspection and published pursuant to the Division's standard policies and procedures or applicable law.

  
\_\_\_\_\_  
Don Burmania  
Director  
Liquor Enforcement Division

12/4/12  
Date

  
\_\_\_\_\_  
John Webber II  
Elk Creek Mining LLC

11/24/12  
Date

APPROVED and ORDERED this 10<sup>th</sup> day of December 2012.

  
\_\_\_\_\_  
Barbara J. Brohl  
Executive Director  
Department of Revenue  
State Licensing Authority

**TOWN OF NEW CASTLE, COLORADA  
RESOLUTION NO. TC 2013-13**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL  
SUPPORTING THE APPLICATION OF A RESPONSIBLE ACCELERATION  
OF MAINTENANCE AND PARTNERSHIP (RAMP) GRANT FROM THE  
COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR THE  
COMPLETION OF THE TOWN OF NEW CASTLE PEDESTRIAN SAFETY  
ENHANCEMENTS AT THE I-70 EXIT 105 (PEDESTRIAN BRIDGE)**

**WHEREAS**, the I-70 exit 105 bridge spans I-70, the Colorado River and the Union Pacific Railroad;

**WHEREAS**, the I-70 exit 105 bridge was constructed in 1971 with the intention of providing vehicle access to and from I-70 to ranchers, residents and businesses in the New Castle/Garfield County area;

**WHEREAS**, 42 years ago, when the bridge was designed and constructed, a bridge that allowed for two lanes of vehicle traffic seemed adequate for an area with modest travel needs;

**WHEREAS**, in 2013 the New Castle area population is now 10 times greater and residential settlement patterns, as well as commerce and industry exist on both the north and south sides of the interstate, railroad, river corridor;

**WHEREAS**, in 2013 with high energy prices, the need for multi-modal travel options, including pedestrian and bicycle, is essential for a community to have adequate connectivity, safe travel options and adequate quality of life;

**WHEREAS**, the exit 105 bridge is 25 – 27 feet in width, which is adequate for two vehicle traffic lanes but provides no shoulder for safe pedestrian and bicycle travel;

**WHEREAS**, the exit 105 bridge is the only bridge across the river, railroad and I-70 within four miles of New Castle;

**WHEREAS**, the New Castle Town Council has rated the pedestrian bridge a top priority in the 2011, 2012, and 2013 Strategic Plans;

**WHEREAS**, the Town of New Castle, DOLA and Garfield Federal Mineral Leasing District have invested over \$370,000 in project scoping, planning and design for the pedestrian bridge;

**WHEREAS**, the Town of New Castle, Garfield County and Garfield Federal Mineral Leasing District have committed over \$1.2M for construction of the pedestrian bridge;

**WHEREAS**, the New Castle area has many residents that due to age, access to automobile or income must travel by foot or bike to reach shopping, transit, employment, home or school;

**WHEREAS**, the Town recently conducted a mail survey of the residents on the north side of the I-70, river, railroad corridor: of the 18% who responded to the survey 63% would use a pedestrian bridge frequently or often and 30% would use the pedestrian bridge periodically. Respondents stated that the purpose of their trips on the pedestrian bridge would be as follows: 78% shopping, 89% recreation, and 26% work.

Additionally, written comments on the returned survey speak to the danger and near miss

events that pedestrians have already experienced while walking across the existing bridge;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF NEW CASTLE, COLORADO THAT:**

**Section 1:** The Town Council supports the construction of the pedestrian bridge adjacent to the I-70 exit 105 bridge to eliminate very dangerous conditions for pedestrians and bicyclists;

**Section 2:** The Town Council estimates that the pedestrian bridge construction will cost \$2,031,000.

**Section 3:** The Town Council and Garfield County commit \$1,231,000 to the construction of the pedestrian bridge project, which is a match of 61% of project construction cost.

**Section 4:** The Town Council authorizes the submission of the RAMP grant with a request for \$800,000 of funding for the pedestrian bridge.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on June 18, 2013.

TOWN OF NEW CASTLE

ATTEST:

\_\_\_\_\_  
Frank Breslin, Mayor

\_\_\_\_\_  
Melody L Harrison, Town Clerk

**TOWN OF NEW CASTLE, COLORADA  
RESOLUTION NO. TC 2013-14**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL  
SUPPORTING THE APPLICATION OF A RESPONSIBLE ACCELERATION  
OF MAINTENANCE AND PARTNERSHIP (RAMP) GRANT FROM THE  
COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR THE  
COMPLETION OF THE TOWN OF NEW CASTLE TRAFFIC SAFETY  
ENHANCEMENTS AT THE I-70 EXIT 105 (ROUNDBOUT AT STATE  
HIGHWAY 6 AND EXIT 105)**

**WHEREAS**, the I-70 exit 105 bridge spans I-70, the Colorado River and the Union Pacific Railroad;

**WHEREAS**, the primary roadway intersection for traffic going to and from I-70 in the New Castle area is the intersection of exit 105 and SH 6;

**WHEREAS**, the 105/SH 6 intersection is controlled by a four-way stop signs;

**WHEREAS**, during PM traffic peak, traffic volume on the south leg of this intersection is so heavy and congested that traffic backs-up on the 105 bridge past the west bound off-ramp and causes traffic on the off-ramp to backup down the off-ramp and on to the interstate;

**WHEREAS**, the Town Council has reviewed two traffic control options for improvements at this intersection: traffic signal and roundabout and concluded that the roundabout is the preferred solution for New Castle;

**WHEREAS**, a corridor study has recently been completed and reviewed by CDOT Region 3 Engineers. Design work is being completed and an access permit is anticipated in January, 2014;

**WHEREAS**, Town Council has committed \$378,000 from the Town Transportation Fund to construct the roundabout at the SH 6/105 intersection and will pursue DOLA and FMLD grants for another \$235,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF  
NEW CASTLE, COLORADO THAT:**

**Section 1:** The Town Council supports the construction of the roundabout at the SH 6/105 intersection to eliminate congestion and a dangerous traffic safety situation.

**Section 2:** The Town Council estimates that the roundabout construction will be \$2,450,000.

**Section 3:** The Town Council commits \$378,000 to the construction of the roundabout project and to secure another \$235,000 of other grant funds, which is a match of 25% of project construction cost.

**Section 4:** The Town Council authorizes the submission of the RAMP grant with a request for \$1,837,000 of funding for the pedestrian bridge.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on June 18, 2013.

TOWN OF NEW CASTLE

ATTEST:

\_\_\_\_\_  
Frank Breslin, Mayor

\_\_\_\_\_  
Melody L Harrison, Town Clerk

June 4, 2013

Via E-mail: [jwenzel@newcastlecolorado.org](mailto:jwenzel@newcastlecolorado.org)

Mr. John Wenzel  
Public Works Director  
New Castle, CO

**RE: New Castle – GIS Mapping**

Dear John:

The purpose of this letter is to provide a revised cost proposal for GIS mapping services for the Town of New Castle. The Town would like to break up the GIS basemap construction efforts into two budget cycles; 2013 and 2014. Based on this approach, SGM offers the following scope of work based on the Town's priorities for 2013.

SGM proposes to develop a GIS map using existing AutoCAD files. The files SGM possess are a mixture of as-built and construction drawings. The following is a scope of work for SGM to build a GIS basemap for the Town.

Scope of Work:

1. Clean up all ACAD drawings and convert to GIS shape files.
2. Geo-reference shape files and create/determine coordinate system.
3. Survey Town monuments if required.
4. Develop editable layers with attribute data dictionary.
5. Infrastructure to be included is water and wastewater.
6. Install GIS map on Town's computers.
7. Publish GIS map to cloud for ArcGIS Online use.

The cost to provide the above listed services will be a not to exceed fixed cost of \$5,000 but will be billed on a time and materials basis. SGM will not exceed the approved budget without prior authorization.

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Work not included in proposal:

1. Staff training – this can be provided additionally on a time and materials basis
2. GPS locating – Any required GPS locating of missing infrastructure will be provided with approval on a time and materials basis at a discounted rate with our summer intern.
3. *esri* licensing costs – All GIS licensing costs for the Town's benefit are not included in proposal i.e. desktop and ArcGIS Online.
4. Trails, parks, cemetery, irrigation, storm water

Please review this proposal and call if you have any questions.

Sincerely,

**SGM**



Chris Lehrman, PE  
Project Manager

Cc e-mail: Jeff Simonson, Rusty Jones, Steve Kirk