

Agenda
New Castle Town Council Meeting
Tuesday, June 2, 2015, 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, Town Planner Tim Cain and Town Attorney David McConaughy.

Meeting Notice

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC-2015-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

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

Items for Consideration

Consider Adjustment to Water Billing for Colorado River Fire Rescue

Clerk Harrison explained that Fire Chief Mike Morgan had contacted the town and said that the CRFR board was concerned about the monthly billing for the Lakota Fire

Station. The CRFR board felt the monthly bill was rather high in comparison to how the City of Rifle and the Town of Silt billed the stations in those towns.

Clerk Harrison explained that at the time the Lakota station was built, staff calculated that 7.5 EQRs were required, based on the EQR table in the town code. CRFR paid \$90k for the 7.5 EQRs. The monthly billing for the 7.5 EQRs was well over \$500, but the station had used less than one EQR of water each month for the past three years. She explained that there were two water meters for the station. One in the truck bay and one in the building. The truck bay meter had exceeded 12,000 gallons (one EQR) of water use only once, and the building meter had never gone over.

Clerk Harrison said that the City of Rifle billed the fire department for actual water used, and Silt did not bill the department at all, but would be reconsidering it.

Clerk Harrison said she reviewed the building plans for the firehouse and estimated there was approximately 7000 square feet of habitable space in the building, not including storage and garage areas. Based on the town EQR table for residences, 7000sf equaled 2.33 EQRs.

Staff recommended three options for the council to consider.

1. Continue to bill them at the 7.5 EQRs.
2. Consider billing them for 2.5 EQRs, based on the square footage of the building.
3. Consider billing them for actual water used (or no less than 1 EQR).

Clerk Harrison said that the staff was in support of reducing the monthly billing to the 2.5 EQRs.

The council discussed the issue with Chief Morgan, staff and Attorney McConaughy.

Mayor Gordon said that CRFR was unlike anyone else who has asked for a reduction in the water bill in that the fire department is a partner with the town. They assist any time the town needs help or involvement.

Attorney McConaughy said there had been one other request like this one from the medical offices in town, and said that for commercial uses such as these, tap fees are calculated by a fixture count, unlike residential, which is done by square footage. The calculations make sense from a tap fee sense, because tap fees pay for expansion and maintenance of the plants. Service fees are different because those are covering the daily operation and maintenance, and if there is less water used, there is less cost in operation and maintenance. With the medical office, the town had agreed to reduce the billing to something lower, and then monitor the use. Mayor Gordon said he felt that lowering the bill to the 2.5 EQRs would be great. Councilor Means pointed out that CRFR was a non-profit organization. Attorney McConaughy said that could be part of the motion. Councilor Leland asked Chief Morgan how often they washed the fire engines.

Mike Morgan, Chief of Colorado River Fire & Rescue. Chief Morgan introduced Matt Weisberg, CRFR Board of Directors. He said that recently they had not been washing the trucks much, but once mud season begins, it would be more often. He felt that with three years billing history available for review, they had a good sense of the water use at the Lakota station. He said that the staffing there was four people, 24 hours per day, 365 days per year, plus 2 peak responders 12 hours per day. This staffing will be normal for the building for the near future. Chief Morgan said he did not see the fire station as a commercial occupancy, and although they live there, he said they were not a residential occupancy either. He felt that they were different from the medical office in that they were a government, title 32 special district and like the town, they are a service and serve the same constituency as the town. He said they did not want special treatment, only what was fair. When the department is busy, they fill their trucks off hydrants, not from the station. Councilor Leland said

that whether CRFR fills truck from hydrants or the building, the water is not being used for landscaping, but for public protection, which is a public service. The EQRs charged for tap fees made sense in regard expansion and maintenance of the water system, but not for the monthly billing. Attorney McConaughy agreed, saying that the town would not charge for water used during a fire, and the developers paid to provide oversized water tanks for fire flow. Contractually the town could not discount the tap fees, which have already been paid, but could make adjustments to the monthly billing.

Councilor Breslin suggested that the fire department consider isolating the station's use of water for irrigation and filling trucks to one meter so that their sewer use is not affected. Mayor Gordon agreed this would be a good idea.

Councilor Breslin said he agreed that the fire department was a service to the community and he honored their professionalism. He encouraged CRFR to continue to expand their community involvement, and had a few ideas how that might be done. He said they might consider providing the public more access to the station, perhaps allowing walkers the opportunity to come in and take a break and use the restroom. Councilor Breslin also felt it would be helpful to offer blood-pressure screening for people who need to be monitored. Last he wanted CRFR to consider allowing the town to regain title to the property on Main Street that the town had given to the fire department many years ago. Councilor Means did not feel these items had anything to do with the water billing request.

There was consensus on the council for option 2.

MOTION: Councilor Riddile made a motion to reduce the water billing for CRFR, a local government entity, from 7.5 to 2.5 EQRs. Councilor Means seconded the motion and it passed unanimously.

Discussion Regarding Council Committees

Clerk Harrison explained that there had been a question regarding the committees that the council sat on, why there were formed and the required attendance for those committees. She said that committees had been in existence in New Castle for almost the entire time the town had been incorporated, and councilors were regularly assigned to sit on them. At the first organizational meeting after each election, those assignments were considered and adopted by motion. In recent years staff had developed those assignments and made a recommendations to the council.

Clerk Harrison described the origins of each committee based on her research of town records. She said there was not much information since agendas and minutes were not maintained for committees.

The question for the council was whether there should be a calendar for the committees since the calendar was not being followed, and whether all the council should attend committee meetings.

Councilor Riddile said that when he was first elected to council nine years earlier, there were no committee meetings, and the council felt they had lost some control of what was happening with the town. They organized a strict schedule of committee meetings. There are specific persons appointed to each committee, but all the councilors show up to all the committee meetings on a volunteer basis. Councilor Riddile felt apprehensive about moving away from a schedule of committee meetings because he felt it showed accountability.

Clerk Harrison said that in the past year and a half, they had not adhered to a strict schedule of committee meetings because there had been so many things to deal with such as personnel issues, grants, capital projects, and staff had been shifting the

committee schedule, and sometimes doubling up the committees, to accommodate the town's needs. Staff had been careful make certain that each committee had been before council so that council and staff could communicate and provide that accountability.

Administrator Baker said staff had been careful to make sure all the committees met, but he would be sure of it. He asked if the council would allow some flexibility to reschedule if the need arose. Mayor Gordon felt that allowing staff flexibility was fine. Councilor Metzger said she felt the calendar was not indicative of what was thought happening. She felt that everyone should attend committee meetings, she understood mandatory attendance required a code change. Attorney McConaughy said that it was partially a question of labels. If more than three council members attend any meeting, it needs to be notices, and the committee meetings are noticed. The concept of a committee was to delegate to a smaller group a specific topic for further research that the whole council does not have time to do. Another version would be a council workshop, which allows for required attendance, but no formal action can be taken and no minutes are taken.

Councilor Metzger said she felt that the committees that never met such as tree, cable TV and affordable housing could be taken off the calendar and could be called to convene when needed by Administrator Baker. The other committees, Finance, Public Works, Public Safety and Personnel, should have required attendance because it was important that everyone on council knew what was going on.

Councilor Riddile said he did not like that staff was making recommendations on committee assignments. He thought the council should handle those assignments at the organizational meeting. The council agreed.

The council discussed the need for the various committees.

Councilor Breslin said that council candidates should be aware of the scope of their responsibilities as a councilor.

Councilor Leland wanted the information put in the candidate handbook.

Councilor Stuckey said he liked the calendar and the structure it provided while allowing Administrator Baker the flexibility to make some decisions without the council micro-managing staff.

Administrator Baker clarified the council discussion:

After the next election, the staff will not make recommendations on assignments or rotation to committees. The staff will add an information piece to the council candidate packet regarding committee responsibilities, and that the council gave him discretion to determine what committee meetings were needed. The council agreed. There was consensus on the council to leave the committees calendar as it is.

Policy Discussion: Code Interpretation/Amendment – Historic Structures

Planner Cain explained that the Downtown Group was proposing some paint colors for structures in the downtown, and that the code was very specific in that the color changes needed to be submitted to the Historic Preservation Commission for approval, and any appeal of their decision would come to the council. The council asked how a building owner would know they have to go to HPC for approval of paint colors because paint is not governed by the building code. A suggestion was to send a letter to each building owner to inform them of the process. Councilor Breslin said that New Castle began as a blue-collar mining town. The function of painting a wood building back in the mining days was to preserve the wood. Typically, the paint was made from locally occurring pigments. He felt the colors should be authentic to the mining era, because that is what New Castle was. He felt there should be a statement

in the code that said colors that would be funded or approved by the town need to have respect for the authenticity of New Castle's history. Mayor Gordon agreed that locally occurring pigments should be used, but he did not know what those were. Attorney McConaughy said the code would be more enforceable if there was a color palette in it. He agreed that the owners could be provided with information about the process.

Administrator Baker said he felt HPC should be invited to make a recommendation on a text amendment to the code. The council agreed.

MOTION: Councilor Leland made a motion to direct HPC to review the code sections and to make a recommendation to the Planning & Zoning Commission and Town Council for a text amendment to the language regarding colors. Councilor Breslin seconded the motion and it passed unanimously.

Councilor Stuckey made a motion at 8:20 p.m. to go into executive session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); regarding property acquisition. Councilor Means seconded the motion and it passed unanimously.

Executive session concluded.

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

"The time is now 8:53 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Means, Riddile and Metzger; Mayor Gordon; Councilors Leland, Breslin and Stuckey; Town Administrator Baker, Town Clerk Harrison and Town Attorney McConaughy. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Councilor Metzger asked Attorney McConaughy what was happening with the roads in Lakota. Neither Attorney McConaughy nor Administrator Baker knew, but they would find out.

Councilor Breslin asked if the council could place a discussion on a future agenda regarding public access and water rights on the Boiler Ditch. The council agreed and asked him to bring a map. Attorney McConaughy agreed to do some research on it.

Consent Agenda

Minutes of the May 19, 2015 meeting

May Bills of \$355,806.52

Elk Creek Mining Co. Liquor License Renewal

MOTION: Councilor Leland made a motion to approve the consent agenda without the minutes of the May 19 council meeting. Councilor Riddile seconded the motion and it passed unanimously.

MOTION: Councilor Leland made a motion to approve the minutes of the May 19, 2015 council minutes as amended. Councilor Riddile seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Baker said he and Public Works Director John Wenzel met with Xcel Energy regarding a franchise agreement renewal that is coming up in November.

Town Clerk – Clerk Harrison gave the council an update regarding the success of the online bill pay. She also said she would participate in police department oral boards on June 13.

Town Planner – present for agenda items.

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 Program – Councilor Metzger said the best part of the senior programs meeting was that Administrative Assistant Debbie Nichols cooked breakfast and it was wonderful. Mayor Gordon said he knew Admin. Asst. Nichols liked to cook, but that he also would like the local restaurants to cater breakfast for senior programs to showcase our restaurants.

RFTA – Mayor Gordon said RFTA agreed to get an opinion from a different railroad attorney. Councilor Means asked if New Castle was still going to get the park and ride, and Administrator Baker said yes.

AGNC – Councilor Breslin said the enterprise zone designation was up for consideration again. He said they are a powerful organization and it was a benefit for the town. Mayor Gordon said he was very glad Councilor Breslin was attending AGNC.

Council Comments

Councilor Means asked about the LaRoca property. Administrator Baker said the Town would have to move the building and that would be expensive. He did not feel LaRoca would have the ability to pay the town back. He said he knew there had been some discussion with a buyer on developing the property. Councilor Means asked if they could at least move the box truck. Administrator Baker said he would look into getting the truck moved.

Councilor Means asked if there was any progress on the devolution process.

Administrator Baker said town had asked a second time for costs from E Avenue to Elk Creek, and they had not received it yet. Councilor Means said parking downtown in the evenings was really becoming a challenge because of the success of the new restaurants.

Councilor Means said he really appreciated the radar sign on 7th Street.

Councilor Riddile said he and Administrator Baker were going to meet with John Lee at Innermountain Distributing and would speak with a sculptor about the Dubois memorial. He said he would bring fundraising information back to the council later.

Councilor Riddile said he had seen kids traversing the outside of the river section of the pedestrian bridge and asked if there was anything that could be done to prevent such activities. Administrator Baker said the river section is an arch and did not lend itself well to containment with chain link, but that he would speak with Town Engineer Jeff Simonson about options.

Councilor Riddile asked if there was any information about the Lakota Clubhouse. Administrator Baker said he did not know. Councilor Riddile said he thought the town should hold all future building permits until they start clubhouse project.

Administrator Baker said he would ask Attorney McConaughy. Mayor Gordon suggested that the town could restrict golf carts on the town roads.

Councilor Metzger asked what their obligation was to attend the FEMA classes.

Administrator Baker said they had no obligation, but he suggested they attend the first morning to understand the outline of the class.

Councilor Metzger said that the town website had both town manager and town administrator used, and it should be corrected.

Councilor Metzger asked what was happening with Watts's property. Administrator Baker said the Downtown Group was building a case to present to the town to show that the project was worth completing. The town will take no action on it without community commitment.

Councilor Metzger asked about the senior housing project. Administrator Baker said they were moving forward with the project. The application for the tax credit had been submitted and they should know mid-month if they are approved.

Councilor Metzger told the council that Kim Rider and John Wenzel had done a great job with the cleanup. Administrator Baker said that Jerry Touslee had complimented Councilor Metzger on her organization of the cleanup, because her hard work made it great. The council agreed that the Mayor should sign a thank you letter to Camp Christian for the assistance of their youth for the clean-up day.

Councilor Breslin showed the council some photographs of an apricot tree in the back of Ritter Plaza. The tree is probably as old as 140 years old, and it likely to be the oldest introduced tree in New Castle. In front of the tree is a piece of stone from the midland railroad bridge. Councilor Breslin felt the stone and tree should be made into a treasure spot in New Castle and the town could promote its history. Councilor Breslin also shared a photograph of the hundreds of old railroad ties stacked up in the rail yard, and thought it might be a funny spoof story on New Castle's solution to reduce highway noise in town.

Councilor Leland told the council that there had finally been progress on the Northwest Colorado Cultural Heritage Tourism sign. There are two photographs proposed for the sign that need to be replaced, and he said he had sent four other options for replacement. He felt that once they replaced the pictures, the sign should be ready sometime this summer

Councilor Stuckey told the council that there was a promotional sign placed at the clubhouse site indicating that the clubhouse would be coming soon. Councilor Stuckey thought it might be a good idea for staff to contact Bob Gibson to find out the plans. – Mayor Gordon told the council that he wanted them to be careful how the council represented themselves as council members, and that it was important to make sure what they said was factual.

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

The meeting adjourned at 9:44 p.m.

Respectfully Submitted,



Mayor Bob Gordon



Town Clerk Melody Harrison, CMC

