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Agenda
New Castle Town Council Meeting
Tuesday, April 7, 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

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Police Chief Tony Pagni, Public Works Director John Wenzel and Town Attorney David McConaughy.

Meeting Notice

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

Conflicts of Interest

Councilor Stuckey stated that he had a conflict with the Warrior item and would recuse himself from the discussion. The council agreed.

Agenda Changes

Clerk Harrison told the council that staff wanted to remove the liquor license renewal application from the consent agenda. The council agreed.

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

1 Recess Town Council meeting, Convene Local Liquor Licensing Authority

2

3 **MOTION: Councilor Leland made a motion to recess council and convene the**
4 **local liquor licensing authority. Councilor Metzger seconded the motion and**
5 **it passed unanimously.**

6

7 **Show-Cause Hearing and Potential Action on Alleged Liquor Code Violations**
8 **- Silver Club Saloon**

9

10 Town Attorney David McConaughy advised the council as to the procedure for the
11 show cause hearing. He clarified that his position was only to advise the liquor
12 authority and that he would not argue for or against any decision. He also stated that
13 he was not a prosecutor in the case.

14 Clerk Harrison read the list of eight exhibits, which were as follows.

15

- 16 1. Excerpt from the October 2, 2012 council minutes, the initial liquor license
17 hearing when the tavern license for Silver Club Saloon was considered.
- 18 2. Letter from Former Chief of Police Chris Sadler that included a list of seven
19 items that the applicant, Seth Graby had agreed to during the liquor
20 hearing.
- 21 3. Resolution TC 2012-17, approving a tavern liquor license for the Silver Club
22 Saloon.
- 23 4. The Current Town Liquor License.
- 24 5. Notice of Hearing and Order to Show Cause
- 25 6. Proof of Service: Notice of Hearing and Order to Show Cause
- 26 7. Copy of New Castle Police Department Citation
- 27 8. E-mail complaint against Silver Club Saloon

28

29 Clerk Harrison provided a packet of the exhibits to each authority member and Town
30 Administrator Baker. She noted that the license holder, Mr. Seth Graby, was not in
31 attendance. Mr. Jarrad Pierce introduced himself as the manager of the Silver Club
32 Saloon, and said he was present on behalf of Seth Graby. Clerk Harrison gave a copy
33 of the exhibits to Mr. Pierce.

34

35 Clerk Harrison read the three charges to the authority.

36

- 37 1. Violation of Colorado Liquor Regulation Section 47-900 – permitting
38 disorderly conduct, rowdiness, and offensive activities by patrons fighting
39 and patrons throwing beer bottles and cigarette butts on neighboring
40 property, all causing disturbances to neighboring residences (March 14-16,
41 2015);
- 42
- 43 2. Violation of New Castle Municipal Code Section 9.24.070 – failure to report
44 disorderly conduct by patrons fighting and patrons throwing beer bottles
45 and cigarette butts on neighboring property (March 14-16, 2015); and
- 46
- 47 3. Violation of New Castle Municipal Code Section 8.08.030(A) – designated
48 public nuisance – patrons fighting and patrons throwing beer bottles and
49 cigarette butts on neighboring property (March 14-16, 2015).

50

1 Police Chief Tony Pagni told the authority that criminal charges had been filed on the
2 two municipal code sections.
3
4 Attorney McConaughy explained to the authority that they were not making any
5 decisions on the criminal charges because those would be handled by the municipal
6 court at a later date. He further explained that in municipal court the burden of proof
7 is beyond a reasonable doubt for a crime. For the liquor hearing, the burden of proof
8 is a preponderance of the evidence, which means "more likely than not." Whatever
9 decision made by the liquor authority will not be binding on the municipal court,
10 because they are different standards.
11
12 Clerk Harrison directed the authority to exhibit 8, an e-mail from Jeff Ellis, New
13 Castle business owner and resident, who was present as a witness.
14
15 Mr. Jeff Ellis stated he lived at 316 W. Main Street, next door to the Silver Club
16 Saloon. Mr. Ellis said he purchased a home next door to a bar, and said he was a
17 realist and understood there would be bar activities. Mr. Ellis said he enjoyed going
18 to bars, and felt they were a vital part of downtown business. When his home and
19 family did not feel safe, he felt it was time to voice his concerns. Mr. Ellis said he
20 found burning cigarette butts in the area where he stored firewood, and a beer bottle
21 in his yard. On the weekend in question, there was a fight that he felt was
22 intentionally moving onto his property, causing him to feel defensive and to have to
23 be ready to do something. Mr. Ellis said he was unwilling to live that way.
24
25 Administrator Baker asked Mr. Ellis how unsafe or threatened he felt when the fight
26 was taking place. Mr. Ellis said he felt threatened by the out-of-control nature of the
27 fight: two guys without shirts, a girl in the middle who was actually being struck by
28 punches. He said it seemed they would fall into his entry gate because it was pretty
29 out of control, so he grabbed a bat in preparation.
30 Administrator Baker asked if there was evidence that lit cigarettes were thrown and
31 Mr. Ellis said that when a lit cigarette goes out it leaves a hot trail. In one instance, a
32 cigarette burned a hole through a tarp.
33 Administrator Baker asked about a van that was parked all night on the street and
34 what was found the following day. Mr. Ellis said he was not certain, but there was a
35 Gatorade bottle in the gutter filled with something yellow. The van was for the band
36 that had played at the Silver Club.
37 Administrator Baker asked if this was the first time there were incidents related to
38 the bar. Mr. Ellis said there was the usual mayhem of the crazy bar scene. Although
39 there had not been much recently, it was common for the police or ambulance to be
40 there on the weekend.
41
42 Attorney McConaughy asked if the licensee had questions for Mr. Ellis. Silver Club
43 Saloon Manager, Mr. Jarrad Pierce, declined.
44
45 Public hearing, 7:19 p.m.
46
47 Jerad Zelenka. Mr. Zelenka stated that he did not actually live in New Castle, but he
48 was a patron of the Silver Club Saloon. He said he was there quite a bit, and the only
49 time he ever saw police officers in the bar was when they do their walk-throughs,
50 they were friendly and polite to everyone. Mr. said he had also never seen anyone

1 throwing trash over the wall. He said there were good people that go to the Silver
2 Club, but sometimes people do stupid things when they are drunk. Mr. Zelenka said
3 he liked the people who work at the Club, as well as the customers, but said he
4 understood where Mr. Ellis was coming from.

5
6 Ben Allen, 542 W. Main Street. Mr. Allen said he lived down the street, and felt that
7 the patrons of Silver Club were generally a good group. He agreed with Mr. Zelenka
8 that it was a rare occurrence to see a fight. He also agreed that trash being thrown
9 over the wall is unacceptable.

10
11 Jarrad Pierce, Silver Club Saloon Manager, 38 Silver Queen Circle, Parachute. Mr.
12 Pierce looked at Mr. Ellis and apologized. He agreed that it was not acceptable. He
13 asked that Mr. Ellis come speak with him if there are more problems.
14 Mr. Pierce said that the bar has had a bad reputation, and in the past it had been a
15 pretty low place. He felt that it was improving. He pointed out they supported local
16 musicians, and brought art to the community through live entertainment. He said
17 they are trying to change the stigma the bar has. Mr. Pierce said his patrons were
18 locals, veterans, and the people who built New Castle. He said his patrons are
19 people who visit the restaurants and parks with their families. Many come in daily
20 and he had built relationships with them. He asked that everyone bear with them as
21 they work to change the stigma the bar has.

22
23 Mayor Gordon told Mr. Pierce that the town valued his business, and would do
24 everything they could to help his business, but that the behavior was unacceptable.
25 He said they also valued all the other businesses in town very much. The
26 unacceptable behaviors made him feel he had been lied to, and they showed no
27 consideration for themselves or their neighbors. Mayor Gordon said it had to change.

28
29 Councilor Means asked Mr. Ellis if there were other occasions where bottles were
30 thrown over the fence. Mr. Ellis said this was the only occasion.

31
32 Councilor Riddile asked for clarification of the steps Mr. Pierce was taking to remedy
33 the issues. Mr. Pierce said there were clearly marked containers on the patio for
34 cigarette butts. He said they were working on changing the back gate to be a fire exit
35 only, to control the flow of patrons through the area.

36 Mr. Pierce said the indecent in question was not brought to the attention of the
37 saloon staff until 40 minutes later. He said the behavior was not condoned by the
38 establishment. He felt that his patrons knew what proper behavior was.

39 Councilor Riddile asked if the persons involved in the fighting were intoxicated. Mr.
40 Pierce felt they had not shown signs of intoxication, but he also said he could not
41 control how much a person drinks prior to entering his establishment. He said he did
42 not know there was a situation until Officer Burrows informed him. He reiterated that
43 the rear gate would be reconfigured as a fire exit only with an alarm that will sound if
44 opened.

45 Councilor Metzger asked Mr. Ellis about his vehicle being stolen. Mr. Ellis said his
46 vehicle had been stolen over the holidays, and it was only speculation that the theft
47 was related to the bar. He described a stalled/abandoned vehicle situation on Main
48 Street where the suspect apparently ran away, subsequently stealing his wife's car,
49 driving it down the alley and totaling it.

1 Councilor Metzger wanted to know why the owner of the bar was not present. Mr.
2 Pierce said that Seth Graby is a veteran of the Iraq and Afghanistan wars and suffers
3 from severe anxiety. Mr. Graby is being treated at the VA for post traumatic stress
4 disorder and did not feel he could control his anxiety at the hearing.
5 Councilor Breslin asked Mr. Ellis if the people fighting in the alley appeared to be
6 intoxicated, stumbling, etc. Mr. Ellis said that he was not able to tell if a person is
7 drunk or stoned, but that the two who were fighting were stumbling and barely able
8 to hit one another. They were swinging at each other but hitting the girl. Councilor
9 Breslin said he was concerned about intoxicated people being over-served.
10 Councilor Leland said that during the original liquor hearing, he had asked Mr. Graby
11 how he would handle difficult customers, since the bar had a reputation for having
12 difficult customers and some trouble there. Mr. Graby said he intended to meet with
13 Chief Sadler, and Councilor Leland asked if either Chief Pagni or Mr. Pierce knew if
14 that meeting had taken place. Mr. Pierce said he did not know if Mr. Graby had met
15 with the former chief. Chief Pagni said Mr. Graby had met with Former Chief Sadler
16 and himself. The staff did get their TIPS certification. Chief Pagni said that in the past
17 three years, the police department had 142 directed bar foot patrols. This is standard
18 protocol and not more than any other liquor establishment in town. No one
19 establishment is singled out.
20 Councilor Leland asked what the procedure was when there was a situation with a
21 difficult patron. Mr. Pierce said they cease alcohol service to that patron, and offer
22 them soda or water. They make contact with other patrons to see if there is someone
23 who can get them home safely. If someone becomes unruly, they are asked to leave
24 or are escorted out. If they refuse, the police are called.
25 Councilor Leland asked if Mr. Pierce as manager was a paid position. Mr. Pierce said
26 yes, he was paid. Councilor Leland asked if the bartenders still worked for tips only.
27 Mr. Pierce said yes, they worked for tips. Councilor Leland asked if this could be a
28 conflict because they bartenders work for tips yet they are supposed to stop service
29 to intoxicated persons. Mr. Pierce said he saw the point being made, but noted that is
30 a bartender is found guilty of overserving a patron, they received the ticket directly.
31 Chief Pagni said both the establishment and the bartender would receive tickets.
32 Mr. Pierce felt the possible penalties kept the bartenders from over-serving.
33 Councilor Stuckey clarified that Mr. Pierce was completely unaware of the fight in the
34 alley because the patio area and alley is not visible from the main bar area. Mr.
35 Pierce agreed, and reiterated that the gate exiting the patio into the alley would be
36 changed to a fire exit only, but the patio would still be available for patrons to use.
37 Councilor Riddile stated that there would still be opportunity for the bar patrons to
38 toss bottles and cigarettes over the wall. Mr. Pierce said yes, but that it was highly
39 frowned upon and he would make corrections.
40 Councilor Riddile asked how many times the police department had been called to the
41 establishment to quell problems. Chief Pagni said that in the past three years, the
42 police had been called to the establishment for criminal and non-criminal issues
43 sixty-two times. Seven of those calls resulted in citations and arrests.
44 Councilor Stuckey asked how that compared to the other liquor establishments in
45 town. Chief Pagni said all other establishments combined there were eight calls.
46 Councilor Means asked Mr. Pierce what his function was at the bar. Mr. Pierce said he
47 tended bar during the day; he was responsible for inventory and ordering. He was
48 also responsible for safety and security within the building. Councilor Means asked if
49 he was there at night, and Mr. Pierce said he was. He said protocol was that the
50 bartenders all checked ID, he said he was TIPS certified, and that he had eight years'

1 experience as a bouncer. He was usually the person that handled problem patrons.
2 Councilor Means asked if he was able to check the patio on a regular basis, and Mr.
3 Pierce said yes, at night he was able to do that.

4
5 Close public hearing 7:41 p.m.

6
7 Attorney McConaughy told the council that they should now consider each of the
8 three charges, and based on the evidence provided, determine if violations of each
9 charge occurred or did not occur. He suggested that there should be three separate
10 motions, one for each charge.

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13
14 1. Violation of Colorado Liquor Regulation Section 47-900 – permitting disorderly
15 conduct, rowdiness, and offensive activities by patrons fighting and patrons
16 throwing beer bottles and cigarette butts on neighboring property, all causing
17 disturbances to neighboring residences (March 14-16, 2015);

18
19 Councilor Leland asked if Attorney McConaughy could please site the code sections
20 because the authority did not have them to review. Clerk Harrison read the Colorado
21 Liquor Regulation Section 47-900 aloud to the authority.

22
23 **MOTION: Councilor Metzger made a motion to find the Silver Club Saloon in**
24 **violation of 47-900 – permitting disorderly conduct, rowdiness, and**
25 **offensive activities by patrons fighting and patrons throwing beer bottles**
26 **and cigarette butts on neighboring property, all causing disturbances to**
27 **neighboring residences had occurred. Councilor Leland seconded the motion.**

28 Discussion: Councilor Riddile said that all three charges seemed similar and appeared
29 to be redundant. Attorney McConaughy said the three charges were based on the
30 same underlying facts, but were in fact, three separate violations. He said they were
31 not yet at the penalty stage and could find violations of all three charges but find that
32 no penalty was appropriate. Councilor Breslin said he thought they should look at the
33 active words in each charge, and in number 1 it says "permitting disorderly conduct
34" He thought the patio had a camera and the area was being observed. He did not
35 necessarily think the conduct was permitted as much as it was area was neglected.
36 In charge two, it says "failure to report", and in three it says a "designated public
37 nuisance." Attorney McConaughy said the code sections will be read for the other two
38 charges, and that they were only considering number one for now.

39 Councilor Leland said the establishment had indicated the patio would be monitored
40 in some manner. Councilor Leland said that Mr. Pierce's promise that something will
41 be done now was very important. People entering through the back gate was bad,
42 and by not securing it, there was permitting.

43 **The motion passed with Councilors Riddile, Metzger, Leland, Stuckey and**
44 **Mayor Gordon voting yes, and Councilors Means and Breslin voting no.**

- 45
46 2. Violation of New Castle Municipal Code Section 9.24.070 – failure to report
47 disorderly conduct by patrons fighting and patrons throwing beer bottles and
48 cigarette butts on neighboring property

1 Attorney McConaughy read New Castle Municipal Code Section 9.24.070 to the
2 authority.

3
4 **MOTION: Councilor Leland made a motion to find the Silver Club Saloon in**
5 **violation of New Castle Municipal Code Section 9.24.070 – failure to report**
6 **disorderly conduct by patrons fighting and patrons throwing beer bottles**
7 **and cigarette butts on neighboring property. Councilor Metzger seconded**
8 **the motion.**

9 Discussion: Councilor Leland was not comfortable with the charge, and felt that the
10 bar had obviously reported problems. Councilor Stuckey agreed. Councilor Breslin
11 said he could not support finding them guilty of failing to report. Councilor Riddile
12 agreed with Councilors Breslin and Leland.

13 **The motion failed with Mayor Gordon voting yes and Councilors Means,**
14 **Riddile, Metzger, Breslin and Stuckey voting no.**

15
16 3. Violation of New Castle Municipal Code Section 8.08.030(A) – designated
17 public nuisance – patrons fighting and patrons throwing beer bottles and
18 cigarette butts on neighboring property

19
20 Attorney McConaughy read New Castle Municipal Code Section 8.08.030(A) to the
21 authority.

22
23 **MOTION: Councilor Leland made a motion to find the Silver Club Saloon in**
24 **violation of New Castle Municipal Code Section 8.08.030(A) - designated**
25 **public nuisance – patrons fighting and patrons throwing beer bottles and**
26 **cigarette butts on neighboring property. Councilor Means seconded the**
27 **motion.**

28 Discussion: Councilor Stuckey felt the key word was “encourage” and did not feel
29 there was any evidence the establishment encouraged poor behavior. Councilor
30 Leland said in the past complaints about establishments had come up at the time of
31 renewal and did not allow the authority the opportunity to do anything about the
32 problems. He felt that discussing the unacceptable behavior on the record will
33 provide evidence for future renewal. Councilor Breslin did not feel declaring a public
34 nuisance was correct, particularly because the behavior at that location was actually
35 better than it had been in the past. He said he had seen bad behavior and bad
36 management there, but defining the establishment as a nuisance he could not do.
37 Councilor Metzger agreed with Councilor Leland and felt the establishment was a
38 nuisance. Councilor Means said that he felt that because there seems to be no
39 monitoring of the patio area, no way for the management to observe behavior on the
40 patio, it encourages problems there. Because it is not properly supervised, it
41 encourages the poor behavior. Councilor Leland said Councilor Breslin was seeing the
42 language as declaring the bar a nuisance. He read it as declaring a nuisance had
43 occurred. Attorney McConaughy said if they found a violation had occurred the town
44 would not take any action to abate a nuisance. Councilor Stuckey did not feel the last
45 charge three was not appropriate. Councilor Breslin agreed, but agreed that
46 Councilor Means was correct in saying that failure to monitor the area encouraged
47 the behavior.

48 **The motion passed with Mayor Gordon and Councilors Metzger, Leland, and**
49 **Means voting yes, and Councilors Stuckey, Riddile and Breslin voting no.**

50

1
2 Attorney McConaughy told the authority that they could chose to impose penalties for
3 the two violations found. It could be suspension of the license for a few days, weeks
4 or revocation. Whatever they felt was appropriate. They could impose a single
5 penalty for both, or make two motions for penalties, one motion for each violation.
6 The council felt that a single penalty for both violation was more appropriate.
7 **MOTION: Councilor Breslin made a motion suspend license for 10 (ten) days.**
8 **Councilor Stuckey seconded the motion.**
9 Discussion: Councilor Riddile agreed with the suspension, but felt that ten days was
10 too long. He felt seven days was more appropriate. Councilor Means agreed with ten
11 days because it would go through two weekends which is a good statement.
12 Councilor Leland thought ten days was too long as well. He wanted to send a strong
13 message, but did not want to cause severe hardship to a business the town has tried
14 to work with, and he would vote against the ten days
15 **The motion failed with Mayor Gordon and Councilors Means and Breslin**
16 **voting yes, and Councilors Riddile, Stuckey, Leland and Metzger voting no.**
17 Discussion: The authority briefly discussed options for a more suitable time frame.
18 **MOTION: Councilor Riddile made a motion to suspend the Silver Club Saloon**
19 **liquor license for seven days. Councilor Means seconded the motion.**
20 Discussion: Councilor Leland asked if he was the only one who thought seven days
21 was too long.
22 **The motion passed unanimously.**
23
24 Attorney McConaughy said his office would notice the licensee of the suspension, and
25 that the suspension would take place after the statutory thirty-five day appeal period
26 was over.
27
28 Councilor Leland said he would be encouraged if applicant could demonstrate the
29 noted corrections.
30
31 Adjourn Local Liquor Licensing Authority, reconvene Town Council Meeting
32
33 **MOTION: Councilor Breslin Made a motion to adjourn the local liquor**
34 **licensing authority and reconvene council. Councilor means seconded the**
35 **motion and it passed unanimously.**
36
37 **Community Resource Housing Development Corporation Update**
38 Carly Johansson, Director of Real Estate Development for Community Resources
39 Housing Development Corporation (CRHDC). Ms. Johansson told the council that
40 CRHDC had fully committee themselves to the project, and was moving forward with
41 the 9-percent tax credit program application. She said they appreciated the support
42 of the Town of New Castle, the Garfield County Housing Authority and the Colorado
43 Division of Housing.
44 CRHDC met with Town Planner Tim Cain as a first step in the PUD land use process.
45 Ms. Johansson said that CRHDC now had a tax consultant, legal counsel,
46 environmental engineer, surveyor, architect, and construction manager/general
47 contractor on board with the project. The application for the tax credit program is
48 due May 1, 2015. Part of the application is the land price in the lease-purchase
49 agreement that will be finalized once the appraisals were completed.

1 Administrator Baker told the council that there were two items Ms. Johansson needed
2 from the council. One was a certification of consistency with the comprehensive plan,
3 which Planner Cain could do. The other was a letter of support from the town. He
4 asked the council to make a motion to authorize the Mayor to sign the letter of
5 support. The two documents will be needed for the tax credit application.
6 Ms. Johansson, staff and the council clarified some details of the support documents
7 briefly.

8 **Motion: Councilor Leland made a motion to authorize the Mayor to sign the**
9 **letter of support. Councilor Means seconded the motion and it passed**
10 **unanimously.**

11
12 Attorney McConaughy told the council that the initial appraisal came in at \$145K, and
13 the second appraisal came in at \$250K. The average of the two is \$197.5K, which will
14 be the purchase price for the land.

15 **Warrior/Lakota Canyon Ranch Warranty Work Discussion**

16 Councilor Stuckey left the council chambers at 8:37 p.m.

17 Administrator Baker told the council that Walter Bolen with Warrior had asked that
18 the town complete the warranty road work in Lakota Canyon Ranch. Currently the
19 town held \$250k in letters of credit, and the estimate for the remaining work was
20 about \$207k. There would also be project management fees that staff felt was more
21 than the town responsibility. The agreement would not include any cost figures until
22 there was a solid bid for the project, and this would protect the town from cost
23 overruns. Administrator Baker said staff would do a good job completing the work if
24 the council wanted to take the project over. He suggested that SGM manage the
25 warranty work because Public Works had many other projects to handle.

26 Attorney McConaughy told the council that much of the work that Warrior had
27 completed had been accepted by the town, and that any future work would be
28 inspected, signed off and accepted by the town. The letter of credit (LOC) would
29 likely have to be extended. He recommended that no portion of the LOC be released
30 until after the end of the project and the lien waiver process is complete. In addition,
31 he suggested that the amount of the LOC be determined by Engineer Simonson,
32 based on the project bids received, and the LOC amount to 125% of the bid amount.
33 Attorney McConaughy felt that the town would not be responsible for any currently
34 unpaid bills related to work done last year by Warrior because it was not a town
35 contract/project, and the contractor does not have any lien rights.

36 Mayor Gordon asked what the remedies were if the town did not take over the
37 project and Warrior did not complete it. Attorney McConaughy said the current
38 contract states that a violation of the contract is a violation of all other contracts, and
39 the remedies could include things such as holding building permits or down-zoning.

40 The next step is to come to an acceptable agreement that protects the town, or
41 Warrior is stuck with the existing agreement that says they must complete the work.
42 The council agreed that Attorney McConaughy should move forward negotiating an
43 agreement with Warrior for the town to take over the warranty road work.
44

45
46 Councilor Stuckey returned to council chambers at 8:54 p.m.

47 **Consider Request for Funding for POSTR**

48 Public Works Director John Wenzel told the council that the Parks, Open Space, &
49 Trails (POSTR) committee decided it would be a good investment to purchase some
50

1 new signs for the disk golf course at Coal Ridge Park. They are requesting \$913.00
2 from the Conservation Trust Fund to purchase new vinyl signs.

3 **MOTION: Councilor Riddile made a motion to give POSTR to give POSTR**
4 **913\$\$ from the Conservation Trust Fund for the purchase of new signs for**
5 **the disk golf course. Councilor Breslin seconded the motion.**

6 Discussion: Councilor Metzger asked how long the existing signs lasted. Director
7 Wenzel said the existing signs only lasts a single season, but they were made in-
8 house on the new plotter. Unfortunately, they did not have the proper weather and
9 UV resistant ink. The signs new signs will last five-plus years. Councilor Breslin said
10 the course was an important asset to town, and is more popular than expected.
11 Director Wenzel said the course was very popular because of its location, length and
12 topography. The council felt more information about the course should be published.

13 **The motion passed unanimously.**

14

15 **Consider Request for Funding – Community Market**

16 Clerk Harrison told the council that Administrative Assistant Debbie Nichols wanted to
17 start a lemonade stand at the Community Market to raise money to help fund a
18 program for people who are on the supplemental nutrition assistance program
19 (SNAP) program to shop at the market.

20 **MOTION: Councilor Metzger a motion to approve \$100.00 for the lemonade**
21 **stand. Councilor Riddile seconded the motion and it passed unanimously.**

22

23 **Water Treatment Plant Update**

24 Administrator Baker told the council that staff had submitted a DOLA grant
25 application for improvements to the water treatment plant. It is a one-to-one match.
26 He explained some of the improvements that would happen with the
27 improvement/expansion, to include correction of an issue with chlorine. Engineer
28 Simonson explained the improvements in detail.

29

30 **Motion: councilor Leland made a motion to go into Executive Session at 9:16**
31 **p.m. (1) for a conference with the Town Attorney for the purpose of**
32 **receiving legal advice on specific legal questions under C.R.S. Section 24-6-**
33 **402(4)(b); and**
34 **(2) for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I)**
35 **and not involving: any specific employees who have requested discussion of**
36 **the matter in open session; any member of this body of any elected official;**
37 **the appointment of any person to fill an office of this body or of an elected**
38 **official; or personnel policies that do not require the discussion of matters**
39 **personal to particular employees. Councilor Metzger seconded the motion**
40 **and it passed unanimously.**

41

42

43 Executive session concluded

44

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

46

47 "The time is now 9:26 p.m. and the executive session has been concluded. The
48 participants in the executive session were: Councilors Means, Riddile and Metzger;
49 Mayor Gordon; Councilors Breslin, Leland and Stuckey; Town Administrator Baker,
50 Human Resources Manager Edgar, Police Chief Pagni, Town Attorney McConaughy and

1 Town Clerk Harrison. For the record, if any person who participated in the executive
2 session believes that any substantial discussion of any matters not included in the
3 motion to go into the executive session occurred during the executive session, or that
4 any improper action occurred during the executive session in violation of the Open
5 Meetings Law, I would ask that you state your concerns for the record."
6

7 No concerns were stated.
8
9
10
11

12 **Consent Agenda**

13 Minutes of the March 17, 2015 meeting

14 March Bills of \$ 353,533.24

15 2015 Mosquito Control IGA

16 ~~Hongs Garden Liquor License Renewal~~ removed from consent agenda

17 **MOTION: Councilor Leland made a motion to approve the consent agenda,**
18 **excluding the Hongs Garden Liquor license renewal. Councilor Stuckey**
19 **seconded the motion and it passed unanimously.**
20

21 **Staff Reports**

22 Town Administrator – nothing to report

23 Town Clerk – nothing to report

24 Human Resources Manager – Manager Edgar told the council that he would be
25 moving to Fruit and moving there in May. The council wished him well and said they
26 would miss him.

27 Town Planner – present for agenda items

28 Public Works Director – present for agenda items
29

30 **Commission Reports**

31 Planning & Zoning Commission – nothing to report

32 Historic Preservation Commission – nothing to report

33 Economic Advisory Committee – nothing to report

34 Senior Program – Councilor Metzger said there had been an excess of funds in the
35 2014 budget for Senior Programs and it had been decided that the excess funds
36 would be distributed back to the cities.

37 RFTA – nothing to report
38

39 **Council Comments**

40 Mayor Gordon said that Councilor Metzger had shared information about the branding
41 process the city of Bayfield was going through and the information was very helpful.

42 Councilor Riddle asked if there would be an open house for the public when the new
43 police department opened. Chief Pagni said there would be an open house, plus –
44 they would invite the council and board of county commissioners and others involved
45 in the grant process.

46 Councilor Means asked about the lights for the bridges. Administrator Baker said staff
47 was waiting to hear from the FMLD on the grant, because the bridge lighting was part
48 of the streetscape grant application.

49 Councilor Breslin said that at the last retreat there had been a discussion about
50 assigning a project to P&Z to investigate a commercial zone in south alley, and

1 perhaps the north alley as well. Particularly in south alley, it would improve the look
2 of New Castle from the interstate. Administrator Baker said he had not followed up
3 on it, but would.

4 Councilor Breslin said there had been a large school basketball tournament in town
5 that the town did not know about. He felt that if the town had known, it would have
6 been good for economic development, and that it was a missed opportunity.

7 Councilor Leland said that one thing the Downtown Group had been looking at was
8 the potential problems if the empty lot owned by Michael Watts became a pocket
9 park.

10 Councilor Leland said that Steve Rippy had finished a project he had begun while he
11 was the town manager. The project was creating a list of everyone who had served
12 on the town council. He said the list had been framed and was in Clerk Harrison's
13 office. He felt the council should decide where to place it, and should unveil it at a
14 council meeting so the acceptance was on the record. Clerk Harrison said that
15 administration would be commencing some minor work to the council chambers in
16 June, and the list could be hung then.

17 Councilor Metzger said she had walked by the area where the solar garden had been
18 proposed and someone had been dumping dirt there. She felt that the town should
19 consider developing that park space because it was unattractive. Administrator Baker
20 said he would follow up with public works to find out if they had been placing the dirt.
21 He also said that improving the area would be a capital project and the council would
22 have to budget for it. The council agreed that it could be considered at the retreat.

23 Councilor Metzger said the article about the Dubois Memorial came from the CU
24 Boulder alumni magazine.

25 Councilor Metzger asked if there had been any work from the hospice people. Mayor
26 Gordon said the chair was away on a mission so they would not hear back for a few
27 weeks.

28 Councilor Metzger said the council had never really discussed how the new website
29 should be used for marketing. Administrator Baker said there was now a budget for
30 planning it, thanks to Councilor Breslin and the AGNC grant the town received

31

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

34

35 The meeting adjourned at 9:50 p.m.

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37

38 Respectfully Submitted,

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47 _____
Town Clerk Melody Harrison, CMC

48

49

50

Mayor Bob Gordon

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	227.50

ELMER SUDS LIQUOR MART
 820 CASTLE VALLEY BLVD STE 104
 NEW CASTLE CO 81647-9453

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 ELMER SUDS LTD		DBA ELMER SUDS LIQUOR MART		
Liquor License # 23962680000	License Type Liquor Store (city)	Sales Tax License # 23962680000	Expiration Date 6/18/2015	Due Date 5/4/2015
Street Address 820 CASTLE VALLEY BLVD 104 NEW CASTLE CO 81647-9441				Phone Number (970) 984 3707
Mailing Address 820 CASTLE VALLEY BLVD STE 104 NEW CASTLE CO 81647-9453				
Operating Manager Douglas Lyons	Date of Birth 8-6-48	Home Address 2160 County Rd. 25, Silt, CO 81652		Phone Number 970-876-5803

- 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 11-30-16
- 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.
- 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
- 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
- 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
- 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 Susan G. Lyons	Title owner/secretary-Treasurer
Signature 	Date 4-8-15

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

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

HONG'S GARDEN CHINESE RESTAURANT
 635 S FEDERAL BLVD
 DENVER CO 80219-2933

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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 HONG NHI A		DBA HONG'S GARDEN CHINESE RESTAURANT		
Liquor License # 26404180000	License Type Hotel & Restaurant (city)	Sales Tax License # 26404180000	Expiration Date 4/17/2015	Due Date 3/3/2015
Street Address 820 CASTLE VALLEY BLVD STE 106 NEW CASTLE CO 81647-9480				Phone Number (970) 984 3298
Mailing Address 635 S FEDERAL BLVD DENVER CO 80219-2933				
Operating Manager NHI HONG	Date of Birth 8-25-1978	Home Address 220 Castle Valley Blvd #106 New Castle Co 81647		Phone Number (970) 984-3298

- 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 2020
- 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.
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- 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
- 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
- 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 NHI HONG	Title Owner
Signature <i>[Handwritten Signature]</i>	Date 1/9/15

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