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5 **New Castle Special Town Council Meeting**  
6 **Friday, April 24, 2015, 5:45 p.m.**  
7  
8

9 **Call to Order**

10 Mayor Pro-Tem Bruce Leland called the meeting to order at 5:46 p.m.

11  
12 **Pledge of Allegiance**

13  
14 **Roll Call**

15 Present Councilor Riddile  
16 Councilor Metzger  
17 Mayor Gordon (arrived at 6:00 p.m.)  
18 Mayor Pro Tem Leland  
19 Councilor Stuckey  
20 Absent Councilor Means  
21 Councilor Breslin

22 Also present at the meeting were Administrative Assistant Ryan Muse and Town  
23 Attorney David McConaughy.  
24

25 **Meeting Notice**

26 Administrative Assistant Ryan Muse verified that the Clerk's Office gave notice of  
27 the meeting in accordance with Resolution TC-2015-1.  
28

29 **Conflicts of Interest**

30 There were no conflicts of interest.  
31

32 **Agenda Changes**

33 There were no agenda changes.  
34

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

36 Ryan Hoffman, new Editor for the Rifle Citizen Telegram, and reporter for the Post  
37 Independent covering New Castle, Silt and Parachute. Mr. Hoffman introduced  
38 himself the council, and said he would be at as many council meetings as he could.  
39

40  
41 **Items for Consideration**

42  
43 **Consideration of Community Resource Housing Development Corporation**  
44 **Items:**

- 45 • **Second Amendment of Lease-Purchase Option Agreement**  
46 • **Letter of Support**  
47 • **Letter Requesting Waiver of Fees**

Special Town Council Meeting  
Friday, April 24, 2015

1  
2 Attorney McConaughy said that the second amendment to the Lease-Purchase  
3 Option Agreement allowed assignment of the existing contract to a single-purpose  
4 entity called Lakota Ridge Senior Apartments LLC. The amendment accomplishes  
5 the assignment and obligates the LLC to perform everything in the contract and  
6 also reflected the option price of \$197,500k. Attorney McConaughy said it was not  
7 controversial and felt a simple motion was sufficient.

8 **MOTION: Councilor Stuckey made a motion to approve the second**  
9 **amendment to the lease and option to purchase agreement. Councilor**  
10 **Riddile seconded the motion and it passed unanimously.**

11  
12 Attorney McConaughy said the proposed letter of support was also non-  
13 controversial. Either the Mayor or Town Administrator could sign the letter. The  
14 letter says there is a need for the type of housing and state the town's support of a  
15 tax credit application.

16 **MOTION: Mayor Pro Tem Leland made a motion to authorize the Mayor or**  
17 **Town Administrator to sign the letter of support for CRHDC's tax credit**  
18 **application. Councilor Riddile seconded the motion and it passed**  
19 **unanimously.**

20  
21 Attorney McConaughy said that from the beginning of the senior housing project,  
22 CRHDC had been asking the town to consider certain concessions to assist them  
23 with the project. The town had already made one concession in a way by accepting  
24 an average of the two appraisals. He said there was a memo in the packet  
25 identifying some fees that could potentially be reduced or waived. Due to an  
26 agreement with Castle Valley Ranch, water and sewer taps cannot be discounted or  
27 reduced.

28  
29 Mayor Gordon arrived at 5:53 p.m. Attorney McConaughy briefed the Mayor on  
30 what had already been discussed.

31  
32 Attorney McConaughy said that the Lakota Traffic Impact Fee, which is \$1475 per  
33 unit, the town was banking for future improvements at the Highway 6&24 and  
34 Castle Valley Boulevard intersection. The Senior Housing project will benefit from  
35 the intersection improvements, and the town is contractually obligated to build it  
36 when needed.

37 The other fees considerations were the Plan Review Fee, which is a hard cost for  
38 the town, but there could be general fund monies to cover part of the cost.  
39 There is the \$500 per unit Recreation Facilities Development Fee. The agreement  
40 with Lakota says that the town would not adjust or increase that fee unless it is  
41 done town-wide, but it does not say the fee cannot be waived for a specific  
42 instance. He reminded the council that the recreation fee goes to pay for items such  
43 as the tennis courts, and there is agreement that says those funds would be used  
44 for such items.

45 The last fee consideration is the water rights dedication fee, which was originally at  
46 \$1000 per EQR, and in 2007 increased to \$6000. The reason it was raised was to  
47 better reflect the cost to the town to acquire water rights up Elk Creek. Attorney

1 McConaughy said he thought the Fire Station was the only entity that had actually  
2 paid a water rights dedication fee since the rate was raised.  
3 Mayor Gordon asked how many EQRs CRHDC would own. Town Planner Tim Cain  
4 said that the water and sewer taps would be \$384k for 32 taps for the project.  
5 Attorney McConaughy said most developers are required to bring water rights to  
6 the town, but Lakota had used all their water rights on the golf course. Because the  
7 town's existing municipal right had not been maxed out, so essentially the town  
8 sold Lakota all the remaining water rights they owned from the original 1888  
9 purchase. The \$6000 fee is meant to be banked in the event the town needs to  
10 purchase more Elk Creek water. If the council decided to provide some reduction of  
11 the fee, it would not come out of the town's accounts, but instead it would reduce  
12 the amount of funds banked for future water acquisition.

13 Mayor Gordon and Attorney McConaughy felt reducing the fee back the original  
14 \$1000 should be acceptable, but Attorney McConaughy cautioned that it would be  
15 setting a precedent from someone else to ask for the same. Councilor Riddile and  
16 Leland felt that reducing it back to \$1000 per EQR was acceptable.  
17 Councilor Metzger said she agreed with the reduction of the water rights dedication  
18 fee, but did not agree with reducing the other fees and felt CRHDC was asking for a  
19 lot. Councilor Leland was concerned about reducing the recreation fee.

20 **MOTION: Councilor Leland made a motion to waive the plan review fee for**  
21 **CRHDC for development of the senior housing project. Mayor Gordon**  
22 **seconded the motion and it passed unanimously.**

23  
24 Councilor Riddile suggested that the recreation fee be reduced to \$250 per unit  
25 because the developer was a non-profit.

26 **MOTION: Councilor Riddile made a motion to approve a reduction of the**  
27 **public recreation fee for the CRHDC senior housing project to \$250 per**  
28 **unit. Mayor Gordon seconded the motion and it passed unanimously.**

29  
30 **MOTION: Councilor Gordon made a motion to approve reducing the water**  
31 **rights dedication fee to \$1000 per EQR. Councilor Riddile seconded the**  
32 **motion.**

33 Discussion: Councilor Leland asked that the \$6000 water rights dedication fee come  
34 back to the council on a future agenda for their consideration.

35 **The motion passed unanimously.**

36  
37 Councilor Metzger asked what the total would be. Planner Cain asked for a short  
38 conference with Attorney McConaughy because he was not clear what the total  
39 would be. Attorney McConaughy said that would be unknown right now, but for  
40 purposed of the letter, it could say the water rights dedication fee would be \$1000  
41 per EQR. The town would need to see plans to determine actual EQRs and a total  
42 cost.

43  
44 Councilor Stuckey said he was concerned as a citizen, resident of Lakota Canyon  
45 Ranch and member of the Lakota HOA design review board. CRHDC had sent a  
46 letter indicating that they were not required to go through review with the design  
47 review board, and that they would do their best to uphold the design criteria, but

1 they had no responsibility to go through design review. Attorney McConaughy said  
2 that CRHDC brought up the subject during their meeting. He said that the overall  
3 PUD agreement said that as things are platted and subdivided they would be  
4 brought in to the HOA. There are supplemental declarations to the covenants for  
5 each plat. The Lot where the senior housing project will be located does not have a  
6 plat, and Attorney McConaughy said he had not had time to do a title search and  
7 determine if they are part of the HOA and subject to covenants. They are subject to  
8 the agreements with the town that said the Lakota property will be part of the HOA.  
9 He said they strongly encouraged then to make sure the design review committee  
10 would be supportive of their designs or it could complicate their public hearing.  
11 Councilor Leland recalled that at the charrette they discussed the need to meet the  
12 design criteria, and that discussion is part of the record.  
13 Councilor Stuckey said he also understood that CRHDC was notified that the  
14 number of senior units would subtract from the number of units that could be built  
15 in Lakota. Attorney McConaughy said that was correct, and the total number of  
16 units was also broken down by phase. Councilor Stuckey said CRHDC was not  
17 happy about it and it needed to be discussed.  
18 Councilor Stuckey said that he felt that if the senior units were going to count  
19 against the entire Lakota subdivision for total number of units, he felt they should  
20 be part of the HOA. Attorney McConaughy said part of the approval process could  
21 be a requirement to join the HOA and be subject to the covenants.  
22 Planner Cain said that his position with CRHDC has always been that they are  
23 subject to the design review committee.  
24 Councilor Leland pointed out that a second concession given to CRHDC was the low  
25 lease on the property, in addition to the three concessions voted on earlier.  
26

27 **MOTION: Councilor Stuckey made a motion to adjourn. Councilor Metzger**  
28 **seconded the motion and it passed unanimously.**  
29

30 The meeting adjourned at 6:22 p.m.

31  
32 Respectfully Submitted,  
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37 \_\_\_\_\_  
38 Mayor Bob Gordon  
39

40 \_\_\_\_\_  
41 Administrative Assistant Ryan Muse

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4 **Agenda**  
5 **New Castle Town Council Meeting**  
6 **Tuesday, May 5, 2015, 7:00 p.m.**  
7

8 **Call to Order**

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

10  
11 **Pledge of Allegiance**  
12

13 **Roll Call**

14 Present	Councilor Means
	Councilor Metzger
	Mayor Gordon
	Mayor Breslin
	Councilor Stuckey
19 Absent	Councilor Riddile
	Councilor Leland

21  
22 Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody  
23 Harrison, Town Planner Tim Cain, Town Engineer Jeff Simonson, and Town Attorney  
24 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-2015-1.  
29

30 **Conflicts of Interest**

31 There were no conflicts of interest.  
32

33 **Agenda Changes**

34 There were no agenda changes.  
35

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

37 There were no citizen comments.  
38

39 **Consultant Reports**

40 Consultant Attorney – present for agenda items  
41 Consultant Planner – present for agenda items  
42 Consultant Engineer – present for agenda items  
43  
44

45 **Items for Consideration**  
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49 **Downtown Group Project Idea: Street Art on Town-Owned Lot at 6<sup>th</sup> & Main**

1 Town Administrator Tom Baker told the council that at the last Downtown Group  
2 meeting, Susan Reynolds brought some art work she had created. She was proposing  
3 it be placed in the corner of the town-owned property at 6<sup>th</sup> Street and Main Street.  
4 Administrator Baker said Ms. Reynolds and her husband had moved to New Castle  
5 about a year ago, and were very involved in the community. The art pieces had been  
6 created by Ms. Reynolds, her daughter, granddaughter and son-in-law.  
7 Ms. Reynolds told the council that the empty lot looks a bit sad, and because there  
8 was no water on the lot for landscaping, she thought the flower and birdhouse art  
9 would brighten up the area. Ms. Reynolds said if the town approved it, the library  
10 would be interested in having children paint the flower petals as part of the project.  
11 She said she was not asking for funding, but donations would be welcome. Ms.  
12 Reynolds asked if Public Works would be willing to dig the holes and place concrete to  
13 set the flower and birdhouse posts. Public Works Director John Wenzel said they  
14 could pour concrete for the posts. Council and staff discussed how the posts could be  
15 set or secured.

16  
17 **Downtown Group Project Idea: Painting Wooden Picnic Tables in the**  
18 **Downtown During the June 1, 2015 Clean Up Day**

19 Administrator Baker told the council that the second part of the Downtown Group  
20 discussion was painting the wooden picnic tables in the downtown area. He felt that  
21 there were only one or two wooden tables, and did not know how they would need to  
22 be prepped to take paint. Administrator Baker asked the council authorize the street  
23 art, and allow him to speak with Patty Ringer about prepping the wooden table for  
24 paint. Mayor Gordon said Councilor Leland had voiced some concern about the colors  
25 that would be used, that they should not be too whimsical. Administrator Baker said  
26 he and Councilor Leland could review the colors together.

27 Councilor Stuckey agreed that the colors should reflect New Castle's heritage.

28 **MOTION: Mayor Gordon made a motion to allow Administrator Baker and**  
29 **Councilor Leland to look at the tables and choose colors, as well as**  
30 **authorizing the street art. Councilor Metzger seconded the motion and it**  
31 **passed unanimously.**

32  
33 Councilor Metzger asked when the new bus shelters would be installed. Administrator  
34 Baker said it depended on the work schedule, and the actual work that needed to be  
35 done to install the shelters. Councilor Metzger felt that the street art shouldn't be  
36 installed until the shelters were in place.

37  
38 ~~**Consider an Agreement with Warrior Acquisitions Regarding the Road**~~  
39 ~~**Warranty Work Tabled Per Warrior Request**~~

40  
41 **Discussion: Walters Lane/Castle Valley Boulevard Intersection**

42 Administrator Baker said that he and Councilor Metzger had discussed the  
43 intersection, and agreed that it was tedious, particularly during high-traffic times.  
44 Engineer Simonson and SGM had done a study in 2012 and developed a list of  
45 potential remedies. Since that time, a radar speed sign had been installed and  
46 crosswalks painted on the roadway. Some lane striping had also been done and flop-  
47 down pedestrian signs installed. He said there have not been any accidents in the  
48 intersection since the radar speed signs were installed.

1 Administrator Baker asked for some discussion from the council on how to proceed,  
2 keeping in mind that everything will change once the roundabout is built. Councilor  
3 Metzger asked if a date was set for the roundabout.  
4 Administrator Baker said that CDOT had provided the town with a report in regard to  
5 roundabout funding that could come to the town should devolution take place. The  
6 devolution area is from Elk Creek to Bruce Road, and the funds will be a little more  
7 than one million dollars. The roundabout project will be two million dollars.  
8 Administrator Baker said the funds from CDOT could be spent on the roundabout, but  
9 the town would also need to purchase an additional plow truck and perhaps staffing  
10 for the maintenance of the road.  
11 Councilor Metzger asked what determined the need for a roundabout. Engineer  
12 Simonson said that there needed to be accidents that warranted change. One of the  
13 reasons that is was difficult to get funding from CDOT for the pedestrian bridge was  
14 because there were no warrants or accidents. He said it seemed counter-productive  
15 because we were trying to prevent accidents with the project. Attorney McConaughy  
16 said that the Castle Valley and Lakota development agreements refer to a trigger,  
17 Traffic Level of Service D, which Engineer Simonson said was much worse than was  
18 likely to happen in New Castle. He agreed that there were traffic issues with cars  
19 backing up on the interstate off-ramp, and that will trigger a warrant within two to  
20 five years.  
21 Councilor Metzger asked how likely it was that there could be a crosswalk at the  
22 Highway 6 and Castle Valley Boulevard intersection. Administrator Baker said he  
23 contacted the regional district manager, Dave Eller, and asked for an update on the  
24 discussions from February. He said Mr. Eller had not yet responded. Engineer  
25 Simonson said he spoke with Zane Znamenacek, the Region III Traffic Engineer, and  
26 he identified the need to provide ADA compliant curbing for the crosswalks. The town  
27 would need to budget for the improvements, and Engineer Simonson said it could be  
28 as much as \$15k.  
29 Administrator Baker said that Engineer Simonson had some ideas that were probably  
30 financially manageable for the town, and he suggested that staff could bring the topic  
31 back to the council with some cost estimates.  
32 Councilor Breslin suggested they speak with Rue Balcomb, who heads up the HOA for  
33 the shopping center, and see if the HOA would agree to limiting traffic in and out of  
34 the shopping center. They could make the west driveway an entrance only, and the  
35 east driveway an exit only.  
36 Engineer Simonson said that the improvements that the town had already done  
37 made things much better and there had not been an accident in two years.  
38 Administrator Baker said staff would bring it back to the council with a budget for the  
39 various components.

40  
41 **Mayor Gordon made a motion at 7:39 p.m. to go into Executive Session (1)**  
42 **for a conference with the Town Attorney for the purpose of receiving legal**  
43 **advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);**  
44 **regarding property acquisition. Councilor Breslin seconded the motion and it**  
45 **passed unanimously.**

46  
47 Executive Session concluded.

48  
49 At the end of the executive session mayor Gordon made the following statement:  
50

1 "The time is now 8:29 p.m. and the executive session has been concluded. The  
2 participants in the executive session were: Councilors Means and Metzger; Mayor  
3 Gordon; Councilors Breslin and Stuckey; Town Administrator Baker, Town Engineer  
4 Simonson, Town Attorney McConaughy and Town Clerk Harrison. For the record, if any  
5 person who participated in the executive session believes that any substantial  
6 discussion of any matters not included in the motion to go into the executive session  
7 occurred during the executive session, or that any improper action occurred during the  
8 executive session in violation of the Open Meetings Law, I would ask that you state  
9 your concerns for the record."

10

11 No concerns were stated.

12

### 13 **Consent Agenda**

14 Minutes of the April 21, 2015 meeting

15 April Bills of \$510,839.42

16 **MOTION: Councilor Breslin made a motion to approve the Consent Agenda.**  
17 **Councilor Means seconded the motion and it passed unanimously.**

18

### 19 **Staff Reports**

20 Town Administrator – Administrator Baker told the council that Councilor Leland was  
21 absent because he has the flu, but he wanted to thank everyone for the flowers for  
22 his father. Administrator Baker said that Councilor Metzger had been able to obtain a  
23 copy of the letter Walter Bolen sent to the Lakota HOA members. He said that the  
24 critical paragraph had to do with the building of the clubhouse. Councilor Metzger had  
25 asked that Warrior send the letter to the town, but they were reluctant to do so.  
26 Councilor Stuckey said he received a copy, and stated that he resented the fact that  
27 the letter had been made public because it was for the Lakota HOA members only.  
28 Administrator Baker said that on May 7, the Colorado Public Health Department will  
29 do a compliance evaluation inspection of the wastewater treatment plant. The  
30 inspection is standard practice when the operator in charge changes. Staff was  
31 prepared for the inspection.

32 Administrator Baker said Deputy Clerk Mindy Andis provided an update on Xpress Bill  
33 Pay. In the first two weeks, twenty-five people had signed up for online bill pay, and  
34 twenty-four of those had gone paperless, and he felt it was a good response. Clerk  
35 Harrison said staff was happy with the response, particularly because the online  
36 payment option had yet to be advertised to the citizens, and that the response came  
37 only from speaking to customers on the phone.

38 Administrator Baker said several staff members had attended the oil and gas  
39 symposium. One of the interesting topics was how to budget for the severance  
40 payments each year. They were told to expect a sixty-one percent decrease in  
41 severance tax funds, and a four percent decrease in the mineral leasing funds. The  
42 council had budgeted \$225k for 2015 mineral lease and severance payments, so it  
43 should be comfortable for the town this year. Increases were projected for 2016 and  
44 2017. Administrator Baker said that the town had signed a lease on East Elk Creek  
45 water from the Atkinsons. Aaron Atkinson was reluctant to sign a lease in 2015 with  
46 the town because he was upset regarding the \$13k cost they incurred to clean up  
47 their property in CVR, which affected their triplex project.

48 Town Clerk – Clerk Harrison told the council that she and Administrator Baker met  
49 weekly with Terri Knob about the Chamber of Commerce, and she had given an  
50 update. Thus far, there are 40 members; the Chamber has been providing welcome

1 totes to new residents; The Craft/Trade show had over 500 attendees and Mr. T's did  
2 great business and wants to host the event in future years. The Garage Sale had  
3 gone well and there were a lot of people who came to New Castle because of the ad  
4 in the newspaper. Ms. Knob said they would do the garage sale event again next  
5 year. Last, the Chamber will put a newsletter in the monthly utility bill highlighting  
6 various chamber members.

7 Town Planner – not present

8 Public Works Director – not present

9

### 10 **Commission Reports**

11 Planning & Zoning Commission – nothing to report

12 Historic Preservation Commission – nothing to report

13 Economic Advisory Committee – nothing to report

14 Senior Program – nothing to report

15 RFTA – nothing to report

16 AGNC – Councilor Breslin said the AGNC was still following up on their protest of the  
17 state legislature taking over three hundred million dollars from the severance tax  
18 fund to balance the state budget. He said that the bills for contractor liability and  
19 now tires were both killed.

20

### 21 **Council Comments**

22 Councilor Means said that in regard to the special council meeting held on April 24,  
23 2015, he had not attended that meeting because he recused himself so there would  
24 be no question about appropriateness.

25 Councilor Metzger said she had participated in the town-wide garage sale and it was  
26 phenomenal. She said there were lots of people about and it was fun.

27 Councilor Metzger apologized to Councilor Stuckey said it was fine they called, but he  
28 considered the HOA a private organization and he did not feel the letter should have  
29 been publicized. Councilor Metzger said the golf course was the town's biggest asset.  
30 Councilor Stuckey agreed, but said again that the letter had been addressed to the  
31 HOA, not the public.

32 Councilor Metzger said she wanted to discuss the Committee Calendar at the next  
33 council meeting, because she felt it was confusing. Clerk Harrison agreed to place the  
34 discussion on the next council meeting.

35 Councilor Metzger asked what was happening with the roads in Lakota. Administrator  
36 Baker said that Warrior had declined to pursue the town's offer. He said he knew  
37 they were soliciting bids for the project.

38 Councilor Breslin asked if the town should consider notifying businesses of town  
39 events so that the businesses were prepared for the visitors in town. He also thought  
40 the Chamber could offer coupons, and everyone could benefit.

41 Councilor Breslin suggested that the town consider placing rest areas on the town  
42 trails.

43 Councilor Breslin said that many fire stations had visitor hours and community  
44 outreach, and he felt that Colorado River Fire did not have much in the way of an  
45 outreach program. He asked if the council would be okay with him contacting the Fire  
46 Chief Mike Morgan to discuss it. The council agreed.

47 Mayor Gordon said that the Lions Club will be placing a picnic area on the Jolley Trail  
48 in the summer.

1 Councilor Stuckey said that Town Arborist Lisa DiNardo had visited with him about  
2 his Aspen trees, and she was wonderful. He wanted to acknowledge her and her  
3 abilities.

4 Mayor Gordon told the council that he was very happy with the way the council  
5 worked together.

6 Mayor Gordon said the oil and gas symposium was very good, and there were many  
7 topics discussed. He said there was a lot of information and he wished everyone  
8 could have attended. Administrator Baker commented on the global thought  
9 processes involved and the impressive people who spoke. Mayor Gordon said that the  
10 CEO of Grand River Hospital spoke about culture, teamwork and collaboration.  
11 Administrator Baker said that the town staff was making great effort and strides to  
12 improve customer service, and all the department heads have invested in the idea.  
13 The council agreed that the staff was doing a great job. Mayor Gordon said there  
14 were a couple films shown that they could get from the county if the council was  
15 interested. Administrator Baker said he would find them.

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

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19 The meeting adjourned at 9:14 p.m.

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22 Respectfully Submitted,

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Mayor Bob Gordon

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Town Clerk Melody Harrison, CMC