

**New Castle Town Council Meeting
Tuesday, July 19, 2016, 7:00 p.m.**

Call to Order

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

Pledge of Allegiance

Roll Call

Present	Councilor Metzger Councilor Owens Councilor Hazelton Mayor A Riddile Councilor Leland Councilor G Riddile
Absent	Councilor Breslin

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Town Planner Tim Cain, Town Attorney David McConaughy, Town Engineer Jeff Simonson and members of the public.

Meeting Notice

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC-2016-01.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Town Administrator Tom Baker asked the council to add the 2016 Mosquito Control IGA with Garfield County to the end of the agenda. In addition, he wanted to add a discussion item regarding a support letter for a LoVa Trail Planning Grant to CDOT.

Citizen Comments on Items not on the Agenda

Anne Guettler, Garfield RE-2 School Board Member. Ms. Guettler introduced Brent Curtice, the new Superintendent.

Mr. Curtice greeted the council and invited them to contact him any time. He said the next school board meeting would be on August 8, and he welcomed their attendance. Ms. Guettler said that in the past, the school board met annually with the council, and they wished to do that again. Mayor A Riddile said he and Councilor Leland had discussed that with Superintendent Curtice and looked forward to the opportunity.

Councilor Leland said that the town was working hard to obtain funding for the LoVa Trail and mentioned that it would add importance to the grant applications to have the district's support.

Mayor A Riddile gave Mr. Curtice and Ms. Guettler invitations to the Pyro Memorial Dedication ceremony in September. Councilor G Riddile invited them to the spaghetti dinner for the River Center.

Mr. Curtice thanked the council.

Consultant Reports

Consultant Attorney – present for agenda items.

Consultant Engineer – not present.

Items for Consideration

Consider Resolution TC-2016-13 – A Resolution of the New Castle Town Council Approving a Conditional Use permit for a Mobile Vending Cart or Stand on Town Property Located in the Commercial-1 Zone District

Town Planner Tim Cain said that the application for conditional use permit for a mobile vending cart had gone to the Planning & Zoning Commission. He said the P&Z had recommended approval to the council. There had been no public opposition to the application.

The application was for the use of Ritter Plaza, Thursday through Sunday, and would require an encroachment permit by the code. Planner Cain said that because of the limited hours of operation, he asked the council to consider waiving the \$150 annual fee.

The application included a 10'x10' tent, located in the NW corner of the plaza, a table and few chairs and the ice cream cart. In the first year, the applicant will sell water-based products and will consider adding dairy products later.

The applicants will be required to clean up every evening by 9:00 p.m., including mopping the area.

Bronwyn Rittner and Simon Rittner introduced themselves to the council. Ms. Rittner showed the council photographs of the cart and freezer. She said they would serve water-based items such as Bomb Pops, but wanted to graduate to ice cream and shaved ice in the future. The name of the business will be Simon's Cool Spot. Ms. Rittner felt it would encourage people to hang out in the downtown. She said they would be sensitive to the other businesses in the area.

Councilor Owens asked Simon if the cart was his idea, and he said it was both his mother and him.

Ms. Rittner said that if the application was approved, Simon would join the Chamber of Commerce, and could then be one of the youngest chamber members in the country.

Councilor Hazelton said he opened his first business on the same corner when he was fifteen. He opened a game room, and told Simon not to extend credit to his friends.

Councilor Leland said the council had one other request to use the Plaza in the past, and the concern was free access to the plaza. The tent was small, and free access would not be a problem.

Councilor Owens asked about bicycle parking in the plaza, and Simon said there were two bicycle racks in the front of the plaza, and one in the back, so bike parking would not be a problem.

MOTION: Mayor A Riddile made a motion to approve Resolution TC-2016-13 – A Resolution of the New Castle Town Council Approving a Conditional Use permit for a Mobile Vending Cart or Stand on Town Property Located in the Commercial-1 Zone District including a waiver of the encroachment fee. Councilor Metzger seconded the motion.

Discussion: Attorney McConaughy said that that the standard language in a resolution to approve a conditional use permit included a CUP agreement. He felt that a signature line on the resolution would suffice as the agreement for the application.

The motion passed unanimously.

Consider Ordinance TC-2016-05 – An Ordinance of the New Castle Town Council Vacating a Portion of the Right of Way for N 7th Street

Planner Cain explained that the property had been willed to Mr. and Mrs. Tacker. He said that in an attempt to clear up the title, Mr. Tacker had the property surveyed, and the surveyor found a plat from 1893 that showed an unnamed street. He showed a current plat to the council, and described the lot in question and the area involved in the ROW vacation.

Sam Phelps 826 1/2 Grand Avenue, Glenwood Springs. Mr. Phelps said the home was built in 1938. The property had never been conveyed until Mr. Tacker inherited it, therefor it had never been surveyed until Mr. Phelps was hired. He discovered that the home sat in the right of way of the 1893 plat. He said the situation was common throughout Coryell Town.

Councilor Owens asked if the easement would be permanent, and Mr. Phelps said it would.

MOTION: Mayor A Riddile made a motion to approve Ordinance TC-2016-5 - An Ordinance of the New Castle Town Council Vacating a Portion of the Right of Way for N 7th Street. Councilor Leland seconded the motion and it passed on a roll call vote: Councilor Hazelton: yes; Councilor Owens: yes; Councilor Metzger: yes; Mayor A Riddile: yes; Councilor G Riddile: yes and Councilor Leland: yes.

Consider Ordinance TC-2016-04 – An Ordinance of the New Castle Town Council Approving Lakota Ridge Senior Apartments LLC’s Final PUD Development Plan Application

Carly Johannsson, Director of Real Estate Development for Community Resources & Housing Development Corporation (CRHDC) introduced JV DeSousa, the project Architect, and Leslie Means, Property Manager of the existing Senior Housing. Ms. Johannsson told the council that CRHDC was a 501 C-3 non-profit housing developer. Ms. Johannsson described the various types services CRHDC provided, including employee, low-income housing and senior housing, as well as lending and real estate services.

Regarding the proposed Lakota Ridge Senior Apartments, Ms. Johannsson said that the financing CRHDC would utilize was funding through Colorado Housing Finance Authority (CHFA) in the form of a low-income tax credit fund. The funding was

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extremely competitive, and the Lakota project had previously been denied funding, but she said they were hopeful CHFA would grant the funding in August. Ms. Johannsson explained that all of the units in the project would be available to seniors who earned 60% of the area median income or below.

They would also institute an age-restriction of 55 and older.

Ms. Johannsson said that the property the project would be located on was a town-owned piece that CRHDC had a lease-purchase agreement on, and once funded, they would pay the town \$197k.

Indicating a map of the property in the power point presentation, Mr. JV DeSousa showed the council where the buildings would be placed on the property. He said that the buildings and parking would follow the topography, and that would create a series of level paths and parking areas, which was important for seniors. The project includes forty one-bedroom units and ten two-bedroom units for a total of fifty. In addition, the project included fifty parking spaces, which was double the code requirement.

The driveway into the project would also serve as access for the adjacent property when it developed.

Mr. DeSousa described the various features of the project on a series of slides. He said that part of the discussion would be regarding a trail/sidewalk access from the senior housing to the sidewalk on the fire station property. Mr. DeSousa said part of the problem for CRHDC was that the CHFA funding did not allow for off-site improvements. Administrator Baker felt that it could be late 2017 or 2018 before the senior housing project was complete, so sidewalk would not be needed until then. He felt that the town could find a way to complete the trail gap, likely using conservation trust funds.

Mr. DeSousa continued, saying said that they had met with the design review committee for Lakota Canyon Ranch and had made design changes in response to their comments, even though the project was not subject to the HOA rules. He also said they had done some reconfiguration in response to the fire department need for emergency response vehicle access.

Mr. DeSousa showed the council various slides depicting several elevations of the different buildings and views to give them an idea what the visual impact would be. He also showed them floor plans of the two different units as well as the on-site community center.

Ms. Johannsson said that the presentation to CHFA would be on August 18, and they should know by mid-September if the project would be funded. She felt the competition was steep, but she felt that the project was strong. Ms. Johannsson invited council members to join her at the CHFA presentation. She said that PUD approval and perhaps having some pre-qualified tenants would be very favorable at the presentation as well.

Mr. DeSousa said that the previous year CHFA emphasized that telling the story of New Castle was very important because it would carry a lot of weight with the CHFA board. Councilor Leland suggested they include information about the progress the town had made with trails, because that was essential to New Castle and had no age limits.

Ms. Johannsson said once the project was funded, construction could begin in April or May of 2017. In the meantime, CRHDC would secure a tax credit syndicator, a construction lender and close on the property. Mr. DeSousa and his team will

produce construction drawings and obtaining the building permits. Generally, the construction period would be about 11 months.

Ms. Johannsson explained the income limits for the 60% AMI, as well as the 50, 40 and 30%, and what the units would cost.

Ms. Johannsson said the facility would have a full-time staff member and a full-time maintenance person.

The council and applicant discussed several additional items such as building heights, regulations regarding the occupancy of the units, and the advantages of having the senior housing project in New Castle. Ms. Johannssen felt that the project construction would bring some great economic advantages to New Castle. Councilor Leland said he had read the soils report and did not necessarily understand it, but wanted to be certain that the foundations of the buildings would be engineered to the characteristically poor soils. He wanted to add a condition to the ordinance that the top soils would be removed before excavation, preserved and then replaced. Mr. DeSousa agreed that could be done, although it may present a challenge when storing the soils. Ms. Johannsson said that they would have more thorough soils analysis as funding allowed. She also said that a general contractor had been hired, and that general would reach out to local contractors for other look.

Councilor G Riddile asked if CRHDC would be willing to formalize a soft-surface trail through the property. Ms. Johannsson said she wanted to have discussion with management before committing to that.

Planner Cain told the council that there had been a public hearing before the Planning & Zoning Commission for preliminary and final PUD approval and there had been no opposition to the project. The proposed use was a use by right in the zone district. The number of units did exceed the allowable number of units, and that was something to keep in mind. Snow storage had been included in the layout of the project in response to concerns by Public Works Director John Wenzel.

Planner Cain pointed out that the conditions in the P&Z resolutions recommending approval were essentially the same, and they included that the applicant would provide construction drawings that were in compliance with requirements of the Public Works Director, John Wenzel; from the Town Engineer and from the Colorado River Fire & Rescue Fire Marshall, Orin Moon. In addition, Colorado Parks and Wildlife requested a buffer, and CRHDC would provide that. CRHDC should maintain a weed-free environment, and lighting should be downcast. At the time of building permit all tap fees and water rights dedication fees need to be paid.

Administrator Baker said that the council had made some decisions regarding fees in 2015, and that Planner Cain would show them an outline of actual costs, and the requested waivers.

Planner Cain reviewed the fees and waivers using a chart he had created. The total fee waivers were slightly more than \$314,000.00.

Regarding the tap fee calculations, Councilor Leland and Administrator Baker clarified that the code was structured so that a 600 square foot, less impactful unit could have a lower EQR. Although the proposed units were 700 square feet, they were deed-restricted senior units. Staff had made a finding that the units in fact, met the spirit of the code for a .6 EQR unit and would have less impact on the water and sewer treatment plants.

Attorney McConaughy said staff was still waiting for the letter from Warrior Acquisitions stating that the Senior Apartments would not be annexed into the HOA.

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He said Warrior had stated that to him, but that it would be good to have it in writing.

Attorney McConaughy reviewed the ordinance and the development agreement for the council, noting the missing exhibits that would have to be provided by the developer before second reading.

Ms. Johannsson said that CRHDC did not have any issues except that they typically provided a performance bond and payment bond equal to one-hundred percent of the cost estimates, rather than one-hundred ten percent. She asked if that would be acceptable.

Attorney McConaughy said that information would have to go to the town engineer, and if the figured included contingencies, perhaps. The letter of credit or performance bond was supposed to include a ten percent contingency. He also said that any other security besides a letter of credit was more difficult to call, and although the town had previously accepted other types of security, the preferred form was a letter of credit. He said it could be discussed between first and second reading. Attorney McConaughy said that staff was recommending approval on first reading, keeping in mind that there were some blanks that needed to be completed before second reading.

Councilor Leland made a motion to approve Ordinance TC-2016-04 – An Ordinance of the New Castle Town Council Approving Lakota Ridge Senior Apartments LLC’s Final PUD Development Plan Application on first reading. Mayor A Riddile seconded the motion and it passed on a roll-call vote: Councilor Metzger: yes; Councilor Hazelton: yes; Councilor Leland: yes; Mayor A Riddile: yes; Councilor Owens: yes and Councilor G Riddile: yes.

Consider Date for the 2016 Council Retreat

After a brief discussion, the council agreed to hold the retreat on September 17, 2016.

2016 Mosquito IGA

Administrator Baker told the council that the IGA was the standard agreement that the council signed every year.

MOTION: Councilor Leland made a motion to approve the 2016 Mosquito Control IGA with Garfield County. Councilor Metzger seconded the motion and it passed unanimously.

Support Letter for LoVa Trail Transportation Alternatives Program (TAP) Grant Application

Administrator Baker said that the council had previously passed a resolution in support of the TAP Grant for the LoVa Trail, but Greg Russi was asking for a letter of support as well. The letter was not yet drafted because there was an expectation that the remaining \$5k needed for the match would be approved by the City of Glenwood Springs in a few days. The letter would be drafted afterwards.

Administrator Baker said that the council could authorize the mayor and administrator to review the letter and authorize the mayor to sign the letter if they were satisfied. Alternatively, they could call a special meeting the following week.

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He did not feel it was a controversial issue because the council had already approved a support resolution.

MOTION: Councilor Metzger made a motion to authorize the Mayor to review and sign the LoVa Trail TAP Grant letter. Councilor Leland seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Baker said that on August 11, 2016, Garfield Clean Energy, in partnership with Xcel Energy, would hold their first stakeholders meeting from 11am to 3pm at the Community Center for a county-wide energy efficiency and clean energy plan. He encouraged the council to attend if they could. Councilor Leland said it was called the "Partners in Energy Program". Administrator Baker said on August 10 there was a joint meeting with the P&Z to discuss the comprehensive plan. Administrator Baker said that he, Roaring Fork Mountain Bike Association and the contractor selected to do the BLM Cultural Clearances had signed the contract, so that work would begin soon.

Town Clerk – Clerk Harrison told the council that the panic buttons had been repaired. She said that sampling garden at the community market had gone very well. Clerk Harrison said that she and Councilor Metzger had looked at chambers to decide how the Mayor's pictures should be rehung. She asked the council if they would be okay with the pictures being hung on the north wall of chambers because the wall was slightly larger, and there was less activity on that side of the room. The council felt that would be fine. Clerk Harrison said her deputy, Mindy Andis would be graduating from Clerk's school on Friday and she would be attending the graduation. Clerk Harrison thanked the council for giving her department the opportunity to attend school.

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – Councilor Metzger said all they had done was the ice cream stand application.

Historic Preservation Commission – nothing to report

Climate Action Advisory Committee – nothing to report.

Senior Program – nothing to report

RFTA – Mayor A Riddile said that they had talked extensively about an integrated transportation system plan, which was similar to a circulator bus.

AGNC – nothing to report.

GCE – Councilor Leland said that Heather McGregor will retire but will continue to serve as a consultant. Alice Laird and Erica Spearhawk will continue on with GCE. The Partners in Energy will hold the first of three meetings, and it will be a large project. The meetings will be in New Castle, which will be good for the town. GCE will also do a facility review in each town. Councilor Leland said it would be good to know that the town was doing what it could to remain energy efficient with the water treatment plant expansion. Administrator Baker said he believed the engineers had taken energy efficiency into consideration, but he would check with Engineer Simonson.

Council Comments

Councilor G Riddile gave the council tickets to the River Center spaghetti dinner. Councilor Leland said he received a call from Ms. Flenniken with Xcel Energy and knew other councilors had received calls as well. Administrator Baker said that he and the town attorneys met with Ms. Flenniken by phone. They discussed having another meeting with the council and were scheduled on the August 2 agenda. Xcel would not pursue the petition process, but instead wanted to look at the franchise agreement and consider changes that would make it more acceptable to the council to allow the 20-year franchise question to be placed on the November ballot. Staff consulted with Mr. Ken Feldman who specialized in franchise agreements, to make sure that the proposed franchise was thorough. Administrator Baker said that if there was no franchise agreement, the town would not receive the 3% franchise fee which was approximately \$100k annually. The town could create an occupancy fee that would be charged to Xcel, and it would not require voter approval. He said Xcel would insist that an occupancy fee was a TABOR issue that needed to go to the voters. So either way, it would go to the voters. Councilor G Riddile said that if the voters did not approve a twenty-year contract, then the issue would be at an impasse. Administrator Baker said he would get more information for the council. Mayor A Riddile said he had received a letter from a citizen regarding the need for a crosswalk at Faas Ranch Road, across Castle Valley Boulevard. Administrator Baker said he would get costs and bring the item back at the next council meeting. Mayor A Riddile asked about the gavel for Bob Gordon. Clerk Harrison said it was in her office/ Administrator Baker said he would contact the Gordons and find out when they could attend a council meeting.

Mayor A Riddile said that CRHDC had emphasized that someone should attend the presentation to CHFA. Administrator Baker said that Town Planner Tim Cain would be the logical person to attend. Councilor G Riddile said he would check his work schedule and see if he could go.

Councilor Hazelton thanked the council for excusing his absence. He said his family had taken a trip in their RV, and it made him think that the council could discuss RV accessibility in the town at a future meeting.

Councilor Metzger asked if anyone knew when the RFTA park and ride would be ready. Councilor G Riddile said he would look into it.

Councilor Metzger asked if the staff or council thought it was time to have an on-staff building inspector. Administrator Baker said staff had been reviewing the needs, and did not feel the town was quite ready, although they understood it would be important once the senior housing project began, and would consider a staff inspector.

Councilor Metzger said the Kamm lot looked great with the resurfacing, but felt that no one should be allowed to store vehicles on it

Councilor Metzger said that she thought the town-owned lots should be put on the market. Administrator Baker said staff had obtained an opinion of value, and the discussion will be at the August 16, 2016 council meeting.

Councilor Metzger asked what was being done to recruit another P&Z member. Administrator Baker said the seat had been advertised.

Councilor Metzger said that the electronic message board had old information on it and should be turned off. Administrator Baker said he would take care of it.

Councilor Metzger asked if Eagle Falls Drive would be paved, and Administrator Baker said that would be a developer responsibility.

Councilor Metzger said she had received a letter from a Mr. Williams regarding pedestrian access and asked if anyone had responded. Administrator Baker said he had not responded, but he would.

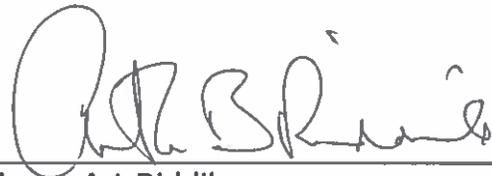
Councilor Hazelton clarified that if the meeting had gone until 10:00 p.m. a motion would have been needed to continue. Clerk Harrison said that the municipal code stated that council meetings were from 7:00 p.m. to 10:00 p.m., and a motion was needed to go past 10:00 p.m., and meetings could not go past 11:59 p.m. in any case. To begin a meeting earlier than 7:00 p.m., a motion was needed at the meeting prior.

Councilor Leland explained that meetings could not go past 11:59 p.m. because midnight began a new day, and the meeting was required to take place only on the date it was noticed for.

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

The meeting adjourned at 9:51 p.m.

Respectfully submitted,



Mayor Art Riddile


Town Clerk Melody Harrison, CMC