

Agenda
New Castle Town Council Meeting
Tuesday, June 16, 2015, 7:00 p.m.

Call to Order

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

Pledge of Allegiance

Roll Call

Present	Councilor Means Councilor Riddile Councilor Metzger Mayor Gordon Councilor Breslin Councilor Leland Councilor Stuckey
Absent	None

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Police Chief Tony Pagni, Town Engineer Jeff Simonson and Town Attorney David McConaughy.

Meeting Notice

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

Conflicts of Interest

Councilor Stuckey asked to be recused from the discussion regarding Lakota Canyon Ranch Golf Course Clubhouse. The council agreed.

Agenda Changes

Administrator Baker said he wanted to add a water plant update and a funding request. The council agreed.

Mayor Gordon said one of the women who had attended the earlier workshop thanked Councilor Riddile for his clarification of the clubhouse issues. Mayor Gordon said that Councilor Riddile demonstrated what he felt was the council's job, and thanked him.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – Attorney McConaughy said his office was working on an ordinance to update the model traffic code and it should come to council soon.

Attorney McConaughy said he was going to the CML Conference and anticipated learning valuable information.

Consultant Planner – Planner Cain said that the Historic Preservation Commission had met the previous night and had considered colors for livery. The Commission chose a paler shade of gold for the building.

Consultant Engineer – Town Engineer Jeff Simonson updated the council on the various projects in town. Johnson Construction had been working on a few areas where the fill had settled on the Talbot Trail. Asphalt will be done at the same time as another town project. Engineer Simonson said that Gould Construction would be completing some abutment work on the Flattops Bridge as well.

Items for Consideration

Consider Authorizing the Mayor to sign a Letter of Support for the Northwest Enterprise Zone Re-Designation

Planner Cain explained the AGNC's Enterprise Zone re-designation application and the need for the support letter from the town.

MOTION: Councilor Riddile Made a motion to authorize the Mayor to sign a letter of support for the Northwest Enterprise Zone Re-Designation.

Councilor Stuckey seconded the motion.

Discussion: Councilor Leland asked when decision on the re-designation would be made. Planner Cain said he did not know but he would find out.

The motion passed unanimously.

Update & Discussion Regarding Devolution Process

Town Administrator Baker told the council that staff has been considering devolution on Main Street so that the town could provide angled parking in the downtown area. Staff had requested that CDOT provide analysis of two scenarios. The first would be to devolve from Bruce Road to Elk Creek. The second scenario was Elk Creek to just past E Avenue. CDOT has yet to respond to the second scenario.

Administrator Baker said staff was considering various options to maximize parking, including angled parking in the middle of the street, or angled parking on both the north and south sides of the street. The various options for parking will be reviewed and approved by SGM.

The next step is to get CDOT to provide the analysis of devolution from E Avenue to Elk Creek, and then the council could look at the benefits of each option. The maintenance payment for the larger devolution would be just over one million dollars. Based on that, it appears the shorter devolution may be in the \$600k range. There is some question about how devolving to Bruce Road would affect any state funding for the roundabout project.

Councilor Leland said consideration should be given to how devolution may affect the LoVa Trail.

Councilor Metzger thought the LoVa Trail could go over the pedestrian bridge and continue on the south side of the river.

Councilor Means asked how angled parking would affect deliveries to the businesses. Administrator Baker said it may create some difficulties, but he felt they could mitigate it.

The council agreed that they wanted to see the analysis for the shorter devolution.

Councilor Stuckey left council chambers at 7:31 p.m.

Discussion regarding the Lakota Canyon Ranch Clubhouse

Attorney McConaughy told the council that the clubhouse was a private facility and the town did not have any security that could be used to require them to build it. However, in the existing golf course special use permit there is a detailed plan for the clubhouse that does not exist. Technically, this is a violation of the special use permit. The remedies could be a fine for a zoning violation or revocation of the special use permit that would shut down the golf course. The council did not feel this was a solution at this time.

The council discussed the warranty work that had begun, and agreed to review progress at the July 21, 2015 council meeting so they could decide if the letters of credit needed to be extended.

Councilor Stuckey returned to council chambers at 7:36 p.m.

Coryell Irrigation Ditch Discussion

Administrator Baker laid out a map and told the council that the discussion was a continuation of a prior discussion. The discussion was whether the Coryell Ditch could be used as access to public lands for hikers. Councilor Breslin located the ditch on a map and indicated the access point.

Attorney McConaughy said there was a narrow piece of land that was owned by the Faas family that was between Lakota and BLM lands specifically to prevent access. He suggested the town approach the Fass family about allowing access, and felt that if they were still intent to prevent access to public lands, that the council could consider condemnation of the land. The section was small, unbuildable, and inaccessible. After a brief discussion the council agreed that it was worth investigating, and directed Attorney McConaughy to conduct some research.

Water Treatment Funding

Administrator Baker told the council that staff had met with Elyse Ackerman from DOLA in regard to the town's grant application for upgrades to the water treatment plant. Ms. Ackerman will present the town's grant application to the grant committee. She asked that the town get engineering drawings in process with the Colorado Department of Public Health & Environment (CDPHE). Administrator Baker said he and Engineer Simonson had discussed the need for shop drawings for the new water treatment units. The drawings will be used to prepare for the installation of the new treatment plant. If the town does not get the DOLA grant, then the cost for the drawings will be \$30k, and that amount cannot be counted in the next grant request cycle. There will be some risk to the town in that the one-to-one match causes the town to lose \$15k. The town's chances of being awarded the grant are better having the shop drawings and being construction-ready. Staff felt the \$15k risk was worth taking. The council agreed.

MOTION: Mayor Gordon made a motion to authorize funding to purchase the shop drawings so that the town is construction-ready when the DOLA grant awards are announced. Councilor Leland seconded the motion and it passed unanimously.

Consider a Request for Funding: Apple Tree July 4th Celebration

Administrator Baker told the council that he and Mayor Gordon had spoken to the Talbott family on several issues, and part of that discussion was the 4th of July. Mayor Gordon said that the Talbott family had always been helpful and supportive for the Town and town events, and he asked them what the town could do for them. The town will be assisting with organizing volunteers and loaning some game equipment and organizing trash containers from MRI. Mayor Gordon said he learned that the cost of the fireworks is approximately \$7k, and he asked if the council would be willing to assist with the cost of the fireworks. After a brief discussion the council agreed to fund \$3000.00.

MOTION: Councilor Leland made a motion to approve spending \$3,000.00 from the budgeted events fund for the Apple Tree July 4 Freedom Celebration. Councilor Metzger seconded the motion and it passed unanimously.

Discussion: County Road 335 Speed Limit

Mayor Gordon told the council that the Talbotts were upset with the town because the speed limit change on CR 335 was never discussed with them. Mayor Gordon said he thought that the speed reduction would be helpful, and it had not occurred to him that the people on CR 335 may not agree with it. He said the Talbotts claim that the area residents wanted to see the 45 mph speed limit restored between Mr. T's and the curve to the west. That section of road is not adjacent to the trail and it would not pose a safety issue. Attorney McConaughy reminded the council the town did not own CR 335. Mayor Gordon said if the council agreed with restoring the 45 mph, he would go to the county and ask for the change.

Councilor Riddile felt there was a safety issue because the trail rejoined the roadway near Apple Tree, and because anyone attempting to get onto CR 335 had to navigate cars traveling in both directions at speeds well over 45 mph.

Councilor Breslin said he felt the speed should stay 35 mph like every other county road.

Councilor Means felt that 45 mph was a safety issue and it should stay as 35 mph.

Councilor Leland agreed that the key was that no one asked the Talbotts or anyone else how they felt about the speed reduction.

After a brief discussion, the council agreed that the Talbotts should not have to speak to the county because the town initiated the speed reduction.

~~Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); regarding property acquisition~~

The executive session was cancelled.

Mayor Gordon asked the council if the executive session for acquisition of property was necessary. Councilor Leland said he had some questions, and asked if he should ask them in open session. Attorney McConaughy said the question should be asked, and he would determine if he could answer.

Councilor Leland asked how a certificate of participation would work for the purchase of certain property. Attorney McConaughy told the council that a certificate of participation was a creative financing tool that was not technically considered a loan or debt under TABOR. It was similar to a bond but without the absolute security of a bond.

The council discussed the various financial possibilities for development.

MOTION: Councilor Leland made a motion at 8:48 p.m. to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body of any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Councilor Riddile seconded the motion and it passed unanimously.

Executive session concluded.

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

"The time is now 9:19 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Means, Riddile and Metzger; Mayor Gordon; Councilors Breslin, Leland and Stuckey and Attorney McConaughy. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Consent Agenda

Minutes of the June 2, 2015 meeting

MOTION: Councilor Breslin made a motion to approve the consent agenda. Councilor Leland seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Baker said that the week prior, there were two teams from Rocky Mountain Youth Corps working on the Jolley Trail. Administrative Assistant Debbie Nichols took care of the group, providing water and snacks, and the crew sent her a very nice Thank You poster.

Administrator Baker said Terri Knobb had been creating a one-page Chamber newsletter. He said it was apparent that having the newsletter in color made a difference to the public. The council had authorized around \$1,200.00 to put the Chamber newsletters in the utility bills, but that using color was much more expensive, closer to \$2,700.00. He said the council had approved \$4,000.00 in the budget for the Chamber, and said they had some flexibility regarding the support the town could give. He asked if they were comfortable paying for the color newsletters, or if he should ask the Chamber to partner in the cost. The council agreed that they would pay half the cost increase, and the Chamber would pay the other half.

Administrator Baker said he had received a letter from the neighborhood group who had requested the crosswalk at Castle Valley Boulevard and N. Wildhorse. The group felt the traffic speed was still too high and presented a dangerous crossing for walkers. The group was suggesting a speed hump as well as a speed reduction to 20-mph. The council discussed the request and concluded that the first step was to have the police department monitor the area and make friendly contact with drivers that were driving too fast, and that information and education was the key to improving safety.

Administrator Baker said he would meet with public works and the police department on the issue.

Town Clerk – Clerk Harrison told the council that she had sent flowers on behalf of the council to Lisa Pierce, Principle of Elk Creek Elementary, because her husband had passed unexpectedly. Clerk Harrison said that she and Deputy Clerk Mindy Andis would attend two days of election training in July so they could learn the new election rules passed by the 2015 legislature. She said they were also looking for training for liquor licensing.

Regarding liquor licensing, the council would soon be hearing the liquor application for Burning Mountain Festival and the Chili Cook-Off, and this year there would be a proposal for an alternate location for the chili cook-off in the event there was bad weather. Clerk Harrison said it had been a recent discussion on the clerk's network that special event liquor licenses could not be changed last-minute, so to prevent cancellation of any event where alcohol was being served, it was important to include alternate dates or locations.

Clerk Harrison said she had been working on the new phone system for the town which had been more difficult than expected. She also said she sat on the oral board for the police department and it had been very interesting and fun.

Councilor Breslin said that a few years earlier, Clerk Harrison had mentioned an entertainment district for liquor licensing. Clerk Harrison said upon further research, she discovered that entertainment districts were much more complicated than she realized, and it still would not allow for alcohol consumption on public rights of way. She said that the reason it had been a consideration was because of the "Taste of New Castle" event last year where patrons were walking around downtown from restaurant to restaurant. Even in an entertainment district, they would not have been allowed to carry a glass of wine from one location to another across the state highway, where alcohol is not allowed. Clerk Harrison said it did not seem valuable to pursue at the time. She said if the council wanted her to pursue an entertainment district, she would be glad to do so. The council felt it was not necessary at this time.

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – nothing to report

Historic Preservation Commission – Councilor Metzger said that HPC had discussed the colors for the Livery Building, and they chose a paler color gold. She felt the discussion needed to go back to the Downtown Group and to the owner for approval.

Economic Advisory Committee – nothing to report

Senior Program – Councilor Leland said Senior Programs had hosted the town at a BBQ on Monday. Mayor Gordon said the food was great.

RFTA – Councilor Stuckey said RFTA had their annual retreat. He said he tried to encourage them to move forward with the New Castle park and ride. He said he also encouraged them to get involved in the down-valley trail system.

AGNC – Councilor Breslin said the AGNC had met in Craig and he was unable to attend, but he knew the meeting was a brain-storming session about the assault against coal. Mayor Gordon said the North Fork mine in Paonia had closed down.

GCE – nothing to report

Council Comments

Councilor Leland said he would be out of town the following week.

Councilor Breslin said he was going to Wyoming and would be leaving the next day.

Councilor Metzger told the council that the physical therapy office was not leaving New Castle.

Councilor Metzger said that InterMountain Waste & Recycling had bought Mountain Roll-Offs Inc.

Councilor Riddile said that several weeks earlier he and Administrator Baker had met with John Lee and John Pelland and a sculptor. They looked at the miner's memorial, and looked at River Park for a location for the Dubois memorial. John Lee was going to try to speak with Ham and Donna Dubois for their input.

Councilor Means said that the disk golf course was partially under water because the river was so high.

Councilor Means said that Community Resource Housing & Development Corporation should know about the CHFA tax credit application by now, but the applicants for the tax credit program were now required to give a presentation in mid-July.

Mayor Gordon said he felt the council was the finest, and he complimented them on their decision-making.

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

The meeting adjourned at 9:56 p.m.

Respectfully Submitted,



Mayor Bob Gordon



Town Clerk Melody Harrison, CMC

