

**New Castle Town Council Meeting  
Tuesday, August 2, 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	None

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Town Finance Director Lyle Layton, Accounting Assistant Debbie Guccini, Public Works Director John Wenzel, Assistant Town Attorney Haley Carmer 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-2016-1.

**Conflicts of Interest**

There were no conflicts of interest.

**Agenda Changes**

Clerk Harrison apologized to the council, and asked to remove the July 19, 2016 minutes 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 Engineer – not present.

**Items for Consideration**

**Consider a Motion to Accept the 2015 Audit as Presented by J. Cutler & Associates.**

Mayor A Riddile thanked Finance Director Lyle Layton and Accounting Technician Debbie Guccini for their good work. Councilor Leland thanked John Cutler and Associates.

**MOTION: Councilor Leland to accept the 2015 Audit as presented by J. Cutler and Associates. Mayor A Riddile seconded the motion and it passed unanimously.**

**Consider Resolution TC-2016-14 -Xcel Energy Franchise Ballot Question**

Assistant Town Attorney Haley Carmer reminded the council that at the July 5 meeting Xcel Energy presented a resolution requesting that the council refer the full franchise ordinance to the voters because voter approval was required for any franchise agreement over five years in length. Xcel was requesting a twenty-year franchise. The previous franchise agreement between the town and Xcel had been for twenty-five years and expired in November.

Attorney Carmer said she had done some research since the last meeting, and found that twenty-year franchise agreements were standard for Xcel. In addition, the agreement had been further negotiated since the last meeting. The resolution that was before council had been changed in that it asked if the council could approve a twenty-year franchise agreement. Attorney Carmer suggested a change in the ballot question language to ask for authorization to approve up to a twenty-year franchise term. Mayor A Riddile asked if the resolution was to authorize the council to negotiate the contract, and Attorney Carmer said no, that it was asking for authorization to negotiate the twenty-year term, not the contract.

Administrator Baker said that the council already had the ability to negotiate contracts, the question for the voters was whether the council would be authorized to negotiate the twenty-year franchise since the charter limited franchises to five years. Councilor Hazelton clarified that the authorization was limited to the Xcel franchise, and Attorney Carmer and Administrator Baker agreed.

Councilor Leland asked Attorney Carmer to read the full ballot language with her suggested changes. She read:

SHALL THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO BE AUTHORIZED TO GRANT A NON-EXCLUSIVE FRANCHISE TO PUBLIC SERVICE COMPANY OF COLORADO FOR A TERM OF UP TO TWENTY YEARS FOR USE OF TOWN STREETS AND OTHER PUBLIC PROPERTY AND EASEMENTS WITHIN THE TOWN TO FURNISH, SELL, TRANSMIT, TRANSPORT AND DISTRIBUTE ELECTRICITY AND NATURAL GAS TO THE TOWN AND TO ALL RESIDENTS OF THE TOWN

Kelly Flenniken, Xcel Energy Western Slope Area Manager. Ms. Flenniken introduced herself to the council and said she was very glad to be able to speak to the council again about the twenty-year franchise. She said she had spoken to several of the councilors about the issues, and had further negotiated the agreement with Attorney Carmer. She felt the process had gone well.

Councilor Leland said that the franchise agreement that was expiring was essentially the same as the proposed one, and that the issue currently was the charter limitation that had taken effect after that last franchise was signed. Ms. Flenniken said it was essentially the same.

Councilor Hazelton asked Ms. Flenniken to explain the ten and fifteen year reevaluation. Ms. Flenniken said that there was a statute that provided an opportunity for communities to reevaluate their relationship with the franchisee. Attorney Carmer said that the ten and fifteen year reevaluation was not to

renegotiate the franchise; it was only to terminate the franchise relationship. Councilor Owens asked if the town would have the opportunity to pursue another energy source were it available. Ms. Flenniken said the franchise was non-exclusive, and if there were another provider, the town could switch.

Joe Durango, Attorney representing Xcel Energy. He said that the town could switch to another provider if there were one, but at this time there was not another. Ms. Flenniken said that Xcel was working hard to provide other options and opportunities to their customers.

Ms. Flenniken said that if the council voted no, Xcel Energy would continue to provide gas and electric service to the town. Xcel would not run a citizen initiative on their own to place the question on the ballot. Without a franchise agreement, Xcel would not collect a franchise fee, and would not remit fees back to the town. Xcel would also not be allowed to collect the one-percent fund, which was a fund to underground overhead lines. The town would then have to adjust its budget to accommodate the lost revenue that averaged about \$99k per year.

Ms. Flenniken said they had been very successful when on the ballot in other jurisdictions and was confident.

Councilor Leland said if the council approved the resolution they would not be allowed to lobby for it. He asked Ms. Flenniken if Xcel would make sure to get information about the ballot question to the voters, and Ms., Flenniken assured the council they would do that.

Councilor Hazelton said that the cost of the ballot question would be borne by Xcel, and Ms. Flenniken agreed that it would.

**Mayor A Riddile made a motion to approve Resolution TC-2016-14 as amended by Attorney Carmer. Councilor Owens seconded the motion and it passed unanimously.**

### **Discussion: Crosswalks**

Administrator Baker said he had received letters from concerned citizens about crosswalks. The first concern was at the north end of the pedestrian bridge, and what staff understood was that RFTA would install that as part of the park and ride project.

The second concern was at N. Wildhorse. Public Works Director John Wenzel said there had been a crosswalk there, and it had been reinstalled.

A crosswalk will be installed a Faas Ranch Road, and lane definitions had been done creating a bike lane on the east side of Castle Valley Boulevard for those who chose to stay on that side of the road.

Another concern in the letter was the speed limits on Castle Valley Boulevard, and he said that reducing the speed on the uphill from 30mph to 20mph would only cause tension between the residents and the police. Director Wenzel added that the 30mph in that area was important in the winter because a lower speed could prevent vehicles from being able to go up the hill.

The letter also voiced concern about bikers who were rude to hikers on the trails, and Administrator Baker felt that education was key rather than limiting certain trails to hikers only.

Referring to a map of the town, Administrator Baker showed the council where there were crosswalks around town. He noted that there was a crosswalk needed at Castle Valley Boulevard and Highway 6&24. The cost would be approximately \$2,250.00.

Administrator Baker asked council to consider authorizing funds for crosswalk at Castle Valley Boulevard and Highway 6&24. Funds could come from several different budgets.

**MOTION: Councilor G Riddile made a motion to approve funding of \$2,250.00 for a crosswalk at Castle Valley Boulevard and Highway 6&24. Councilor Hazelton seconded the motion and it passed unanimously.**

**Consider Recommendation from Parks, Open Space, Trails & Recreation Committee (POSTR) To Award the Landscape Architect Contract for the Lakota Sports Park**

Director Wenzel explained to the council that he was looking for an approval from council to enter into a contract with Zerhren & Associates, Inc. for the landscape and architectural design for the Community Sports Park.

Director Wenzel said there had been more interest in the project than expected and they had done several site tours, and ultimately received three proposals. He said Zerhren & Assoc. was quite experienced in the field. POSTR had met to review the three finalists and determined that Zerhren had the most desirable proposal.

Director Wenzel said that regarding the budget implications, the proposed fee was \$24,990.00. He said the Conservation Trust fund currently had \$131k in it, \$99k that was already committed to the project in matching funds. This left a balance of \$32k. Conservation Trust fund was a restricted fund that could only be used for parks, open space and recreation type of purposes.

Director Wenzel said the project would have a spring 2017 start date.

**MOTION: Councilor Leland made a motion to approve awarding the landscape architect contract for the Lakota Sports Park to Zerhren & Associates, Inc. subject to attorney review before signing. Mayor A Riddile seconded the motion and it passed unanimously.**

**Consider Community Proposal for Pump Track**

Adam Cornely, 150 Little Bear Peak. Mr. Cornely, Chairman of New Castle Trails, told the council that the trails group existed to encourage people to get outside and enjoy New Castle. The group had built the Alder Park Trail reroute and the Prendergast Trail. To date the group had invested 275 volunteer hours, and had a core group of about 12 people.

Mr. Cornely said that with the help of the town, they had been able to coordinate the cultural surveys on the BLM land as well.

Mr. Cornely said that there were not a lot of trails in New Castle that were appropriate for younger riders, so New Castle Trails was suggesting the development of a pump track. He described it as being a track with small, rolling berms built of dirt that would give the younger riders a place to practice their skills. Mr. Cornely said New Castle Trails met with POSTR and the two groups had identified a piece of land at VIX Park that would be a good location for the proposed track. He suggested that the initial track be small and geared towards younger kids. Because the proposed location was approximately one acre, the track could be expanded if it were successful.

Mr. Cornely said they were not asking for money or assistance from the town, and if the council approved, they believed they could complete the track in 2016.

Mr. Cornely showed the council a power point presentation and video presentation of their pump track proposal. Public Works Director John Wenzel said that the piece of property had been improved at the time of the park construction, but there was nothing on the space where the pump track was being proposed.

Mr. Cornely and the council discussed the options for park rules, hours and helmet requirements. They also discussed who would design and construct the track.

Mayor A Riddile told Mr. Cornely that he was impressed with New Castle Trails and everything they were doing for the town. He asked Mr. Cornely how he envisioned the implementation of the pump track. Mr. Cornely said that since the group had completed the Prendergast Trail, they were ready to begin their next project. He felt that within the next three weeks they would have draft design that would go to POSTR for review. After that, they would locate the dirt needed and begin construction.

**MOTION: Mayor A Riddile made a motion to authorize New Castle Trails begin design and construction of a Pump Track east of the baseball field at VIX Park. Councilor Owens seconded the motion and it passed unanimously.**

The council had a brief discussion about trail and track etiquette and what they felt may be needed in the future. They agreed that education was key in helping maintain the trails systems for everyone's enjoyment.

**Consider Ordinance TC-2016-05 – An Ordinance of the New Castle Town Council Vacating a Portion of the Right of Way for N 7<sup>th</sup> Street (second reading)**

**MOTION: Councilor Leland 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 7<sup>th</sup> Street on second reading. Mayor A Riddile seconded the motion and it passed on a roll-call vote: Mayor A Riddile: yes; Councilor Owens: yes; Councilor Metzger: yes; Councilor Leland: yes; Councilor Hazelton: yes and Councilor G Riddile: 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 (second reading)**

Attorney Carmer explained that there was a change in paragraph 4 in which the council needed to decide whether they wanted to require or not require Community Resources & Housing Development Corporation (CRHDC) to construct a trail across the ROW on the Columbo property. Administrator Baker told the council that the funding from CHFA was not allowed to be utilized for off-site improvements. He felt that the town could figure out a way to finance the trail with a GFMLD mini grant and conservation trust funds. In addition, it would be one more way to show CRHDC that the town was partnering with them. The council agreed. Councilor Hazelton also said that it was important from a safety standpoint to provide the trail. The council agreed that paragraph 4 should say 'shall not'.

Attorney Carmer told the council that CHRDC was uncomfortable with the code requirement of 110% security, and wanted to provide only 100%. She said that the financial details would be determined once CRHDC had funding, and once the cost

estimate of the improvements had been determined. The council did not need to decide immediately, because the requirement for the 110% security was in the development agreement, which could be amended at a future date.

Planner Cain said that he had not received the letter from Warrior Acquisitions allowing Lakota Senior Apartments to opt-out of the master HOA. Attorney Carmer said that the opt-out of the HOA was really a matter between Warrior and Lakota Senior Apartments, and the town did not really have a stake in it, although if they were required to pay HOA dues, it could affect the affordability of the apartments. Attorney Carmer said the last change was in section 5-E-II of the ordinance – the date of the engineer's letter was updated to July 28, 2016.

Councilor Leland said that he had received a form to complete stating that the project was consistent with the comprehensive plan. He said he had completed it, and written a strong support letter as well. Councilor Leland said that he would not usually vote to approve a development application that had so many missing pieces, but he would vote for it for several reasons: Because the council had developed a good relationship with the developer; and because it was a project the council had encouraged from the beginning; and because CRHDC needed confirmation from the town for their funding.

**MOTION: Mayor A Riddile made a motion to approve Ordinance TC-2016-4 - An Ordinance of the New Castle Town Council Approving Lakota Ridge Senior Apartments LLC's Final PUD Development Plan Application with the amendment that the town 'shall not' require trail construction off-site and updating section 5-E-II date to July 28, 2016 on second reading. Councilor Metzger seconded the motion and it passed on a roll-call vote: Councilor Owens: yes; Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Metzger: yes; Councilor Leland: yes and Mayor A Riddile: yes.**

**Consider Motion to Begin the August 16, 2016 Council Meeting at 6:30 p.m.**

**MOTION: Mayor A Riddile made a motion to begin the August 16, 2016 council meeting at 6:30 p.m. Councilor Metzger seconded the motion and it passed unanimously.**

### **Consent Agenda**

Minutes of the July 5, 2016 council meeting

~~Minutes of the July 19, 2016 council meeting~~ Removed

July bills of \$1,275,702.91

Mountain Waste Contract

Resolution TC-2016-15 - Broadband Opt-Out Ballot Question

**MOTION: Mayor A Riddile made a motion to approve the consent agenda as presented. Councilor Leland seconded the motion and it passed unanimously.**

### **Staff Reports**

Town Administrator – Administrator Baker gave his report during the committee meeting.

Town Clerk – Clerk Harrison told the council that the Colorado Municipal League was looking for members for 2016. She also said that the council would see a special event liquor license for Burning Mountain Festival and for a modification of premises of Hogback Pizza’s liquor license at the next meeting. Clerk Harrison told the council that petitions would be available on August 9 for those persons interested in running for mayor.

Town Planner – nothing to report

Public Works Director – Director Wenzel updated council on the capital projects his department was working on. Streets improvements are complete, and they were closing out the grant with the FMLD. The streetscape project was nearly complete, only a few punch-list items remained. A pre-bid meeting was held the previous week for the water treatment plant improvements and it was well-attended. Bids for the project were due August 12.

Mayor A Riddile thanked Director Wenzel for all the hard work done by his department.

### **Commission Reports**

Planning & Zoning Commission – Councilor Metzger said P&Z had begun some work on the comprehensive plan. There would not be a joint council and P&Z meeting until October. Councilor Metzger said the P&Z still needed one more seat filled, and she asked if the seat was being advertised. Clerk Harrison offered to put the open seat in the newspaper, and Mayor A Riddile said that would be a good idea.

Historic Preservation Commission – nothing to report

Planner Cain said the building next door (the Oddfellow Building) had been bought by the people who had attended council some time back – the proposed changes to the building will have to go to HPC for approval.

Climate Action Advisory Committee – nothing to report

Senior Program – Councilor Metzger said there was nothing to report for Senior Programs, but there would be a meeting on Thursday with Hilltop Retirement Homes of Grand Junction, and they would be looking at some property in Castle Valley.

RFTA – Mayor A Riddile said that at the next meeting, Larry Dragon would go in front of the RFTA Board of Directors to make a presentation on the LoVa Trail, trying to get RFTA to buy into being the entity to manage maintenance and operation of the trail.

AGNC – nothing to report

GCE - Councilor Leland reminded the council that on August 11, at the new Castle Community Center from 11 to 3, there would be the first of three Partners in Energy meetings.

Downtown Group – Councilor Leland said that the Downtown Group would like to be ready for Museum on the Street signs to be installed. They will come to council to present on September 6.

### **Council Comments**

Councilor Leland said that Thursday, August 4, the three candidates for the Director of the Library will be at the New Castle Branch from 5-6 pm.

Councilor Leland said he would be out of town August 16-24.

Councilor Leland said that the schools taught local history in 4<sup>th</sup> grade. They wanted to present something at the Founders Day celebration, so they needed to know who the honored family would be. Administrator Baker said the women at the museum were interested in the selection process, so he should consider speaking to them. and he thought idea is to present at founders day – need to know family who will be honored.

Councilor Leland asked the town clerk for the municipal code sections related to parking or storing vehicles. Clerk Harrison said the section were lengthy and she would read them if the council wished, or said she would put the information in the DropBox for the council to review. The council agreed.

Councilor Leland said that Larry McDonald was retiring and he had done such a great job with the recreation department, he felt Larry should be honored. Administrator Baker agreed that Larry would be honored.

Councilor Leland has seen a little of what Administrator Baker and Mayor A Riddile had done since receiving the news about Frank the evening before, and he thanked them for their extraordinary effort.

Councilor Hazelton said he was concerned about speeding on town streets, particularly since school was starting soon. He thought the council could discuss it at the next meeting.

Councilor Owens agreed that speeding was a problem.

Councilor Metzger said that the clubhouse in Lakota was coming along slowly.

Councilor Metzger said the RFTA Park and Ride was looking great. **Administrator Baker** said there would be a ribbon cutting for the Park and Ride, and he would let the council know when that would be.

Mayor A Riddile read a thank you card from Larry McDonald's mother.


Mayor A Riddile showed the council the crystal gavel that had been ordered in honor of Bob Gordon.

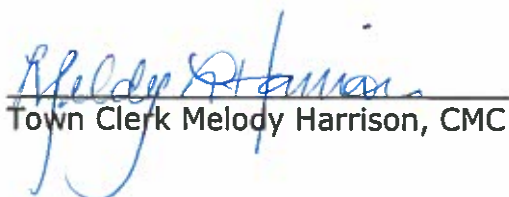
Mayor A Riddile said he wanted to do the same for Frank Breslin and give it to his children, Sarah and Tom. The council agreed.

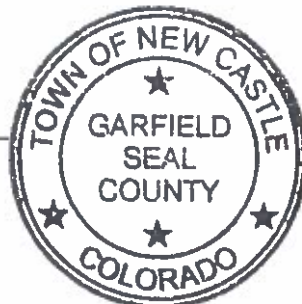
**MOTION: Mayor A Riddile made a motion to adjourn. Councilor Hazelton seconded the motion and it passed unanimously.**

The meeting adjourned at 8:56 p.m.

Respectfully submitted,

  
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Mayor Art Riddile

  
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Town Clerk Melody Harrison, CMC



Town Council Meeting  
Tuesday, August 2, 2016