

**New Castle Town Council Meeting
Tuesday, June 4, 2019, 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 Mariscal Councilor Owens Councilor Hazelton Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile
Absent	None

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Public Works Director John Wenzel, Town Treasurer Loni Burk, 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 2019-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Clerk Harrison told the council that there was an accident on Highway 82 that had delayed Mike Hinkley of Mountain Waste and Recycling, and she asked that the LoVa item be heard first. The council agreed.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – Assistant Town Attorney Haley Carmer told the council that her office had received an order from the court allowing Rosie Ferrin’s family to enter the building. Attorney Carmer said that it was anticipated that an estate may be opened to deal with Ms. Ferrin’s belongings, and her office would substitute the estate for Rosie Ferrin since she had passed away. She said that her office would wait a few weeks so that the family could take care of necessary business.

Attorney Carmer also noted that Mountain Waste and Recycling was on the evening’s agenda and that her firm represented them on other, unrelated matters. She further stated that Mountain Waste had waived any conflict.

Consultant Engineer – not present.

Items for Consideration

Update: LoVa Trail Project

Town Administrator Dave Reynolds told the council he wanted to bring them up to date on the LoVa Trail project. Clerk Harrison handed out maps to each council member as well as projecting the map on a screen.

Referring to the map, Administrator Reynolds indicated the three different planning sections. He described them in detail. He also explained that partnerships were being built between the City of Glenwood Springs, Roaring Fork Transportation Authority (RFTA), the Colorado Department of Transportation (CDOT) and others. In regard to those partnerships, the City of Glenwood Springs had taken the lead and will be applying for an eleven-million dollar Federal Lands Access Project (FLAP) grant. Administrator Reynolds said that the Town of New Castle did not have a large financial piece of the match requirement for the FLAP grant because the town had done extensive work in obtaining planning grants which will serve as the town's contribution to the match requirements. Administrator Reynolds said that the grant application would be submitted very soon but would not be awarded until 2020. He said that the town had received a grant for \$650k for construction of a 1.65-mile portion of the trail.

Administrator Reynolds said that citizen and former council member Greg Russi, along with Jeanne Golay, had been instrumental in getting the project to the point it was currently at. He said that Ms. Golay was present if the council had any questions.

Councilor Leland asked if the pedestrian bridge could be considered part of New Castle's portion of the match, and Ms. Golay said she did not know how far back they could go for qualified projects but she would look into it. Ms. Golay also said that they would be submitting a concept paper as a proposal for the full grant application, and then they would work with the Federal Lands Management Office to hone the scope of the project. Ms. Golay told the council that the LoVa Trail project had changed because of access issues and the need for an overpass over the railroad, so a complete connection from New Castle to Canyon Creek would not be accomplished by the end of 2019 as originally anticipated. Ms. Golay said that she was working towards a partnership for an FMLD grant in the fall to fund the overpass.

Ms. Golay said that if they received the grants they were applying for, the project could possibly be complete within three years. She said that the FLAP grant opportunity came every three years, so if they needed to apply for that grant a second time, the project will take at least six years.

The council thanked Ms. Golay.

Discussion: Mountain Waste & Recycling Rate Increase

Administrator Reynolds introduced Mike Hinkley and Doug Goldsmith of Mountain Waste and Recycling (MWR). He said they were present to discuss the status of trash and recycling. He noted that rates were going up due to complications in the industry.

Mr. Goldsmith told the council that there would be a trash and recycling conference in Pueblo if anyone was interested in attending. Mr. Hinkley said that unfortunately, the conference would only address issues in the mountain region in a small breakout session, and the rest of the conference was related to the Front Range.

Mr. Hinkley began by telling the council that on March 25, 2019 the South Canyon Landfill notified MWR that the rates would increase by twenty percent, effective April 1, 2019. Mr.

Hinkley described the issues that had caused the price of recycling to increase significantly. He said that in June of 2018 it cost \$17 per ton to put recycling on the floor of All Together Recycling in Denver. That did not include the costs of staff wages, curbside collection, hauling the materials to Denver or contamination fees. The expectation is that the cost just to put recycling on floor would increase to \$35 per ton in July 2019, excluding all other costs.

Administrator Reynolds said that he, Mr. Hinkley and Town Treasurer Loni Burk had met several times and discussed options for trash and recycling services and costs. They reviewed their ideas with the council, which included numerous options such as eliminating recycling all together, collecting recycling every other week or once per month and building a central recycling area on town property where residents could take their recyclables. They also considered that residents could recycle on their own by taking their recyclables to South Canyon or elsewhere.

The council and staff also talked extensively about what other municipalities and counties were doing regarding trash and recycling services and costs. They also discussed options for contract renewal.

Mr. Hinkley suggested that it might be a good idea to survey the residents to educate them and understand what they wanted regarding recycling services.

The council thanked Mr. Hinkley and Mr. Goldsmith.

Consider a Request for an Extension of the Temporary Certificate of Occupancy for Lakota Ridge Senior Housing

Consider Declaration of Breach of Lakota Ridge Senior Housing Escrow Agreement and Enforcement Remedies

Arturo Alvarado, Executive Director of Community Resource & Housing Development Corporation (CRHDC). Director Alvarado greeted the council. He said that he had been with CRHDC since the beginning of the year.

Director Alvarado said he was present to ask the council for an extension of the temporary certificate of occupancy (TCO).

Administrator Reynolds said that CRHDC had been issued a TCO for the senior housing property in the beginning of April that had expired on May 31, 2019. CRHDC felt at the time they would only need five weeks to complete the necessary items but staff had lengthened the TCO to the end of May so CRHDC would have plenty of time to complete finish work on the buildings, landscaping, clean-up of the neighboring property, dedication of the road and other items. Administrator Reynolds said that it had become evident that the project would not be complete, so staff had approached CRHDC and asked the status of the project. CRHDC then submitted a written request for an extension of the TCO. Administrator Reynolds said that the TCO was now expired and the project was not complete.

Assistant Town Attorney Haley Carmer said that the TCO had expired, but that the escrow agreement had a provision for a one-time extension of the TCO in the event CRHDC was unable to complete the project in the initial two-month TCO period. The escrow agreement required that any extension request should be submitted 14 days before the deadline, and the request had come in 7 days late. Attorney Carmer also said that the work that was the subject of the escrow agreement was not complete, and that the primary remedy the town had was to call the security and use the money to complete the project. That would put the town in the position of general contractor for the project. Attorney Carmer said that staff recommended that the council find CRHDC in breach of the escrow agreement. She further recommended that council give staff the discretion to seek enforcement

remedies as appropriate. She noted that if construction was progressing and CRHDC was providing the necessary updates and contractors were being paid, there was no reason for the town to call the money and complete the project. She explained that the council needed to decide whether CRHDC was in breach of the escrow agreement.

Administrator Reynolds reviewed the staff report with the council.

Councilor Hazelton said that he understood that some of the contractors were not being properly paid and he asked Director Alvarado what was being done to remedy the situation. Director Alvarado said that it was out of his control that Taylor Kohrs had not paid the sub-contractors. He further stated that CRHDC was holding a \$600k construction retainer they could not pay to Taylor Kohrs until the TCO punch-list items were complete. Councilor Hazelton said that the sub-contractors had completed their work and should be paid, and he felt it was CRHDC's responsibility. Director Alvarado said that he had heard that Taylor Kohrs was not paying the sub-contractors and that some had issued letters of intent to lien, but he reiterated that CRHDC was still unable to control how Taylor Kohrs conducted business.

After a detailed discussion, the council agreed on the following conditions for the extension of the TCO:

1. A revised TCO shall limit the number of units which may be occupied during the TCO period to 34 total units.
2. Staff is to receive weekly progress reports from CRHDC which document the progress for all outstanding work and the number of units occupied.
3. CRHDC shall provide updated estimates from all contractors which shall document that the remaining escrow balance is sufficient to cover the remaining work. If the remaining escrow balance does not show to be sufficient based on contractor estimates, CRHDC shall increase the amount of funds in the escrow account in order to be in balance with the value of the current estimates.
4. All outstanding warrantee work between CRHDC and the general contractor shall be completed prior to issuance of a final Certificate of Occupancy. Examples of this work include but may not be limited to: Water leaks at the bridge between buildings #2 & #3 and water leaks at the staircase between buildings #5 & #6.
5. All Public Improvements shall be fully completed and dedicated to the Town prior to issuance of a final Certificate of Occupancy.
6. CRHDC shall reimburse the Town for all legal and consultant fees associated with this request for an extension of the TCO.
7. CRHDC shall not be entitled to the return of the original TCO deposit and shall pay a new TCO deposit for any new or revised TCO.
8. CRHDC will provide a list of outstanding bills due to local contractors.
9. CRHDC will submit a sub-contractor schedule that provides timelines for each trade as well as a weekly update on progress that included explanation of any missed deadline and rescheduling for the work.

MOTION: Mayor A Riddile made a motion to declare a breach of the Lakota Ridge Senior Housing escrow agreement and to delegate enforcement remedies to staff. Councilor Hazelton seconded the motion.

Discussion: Councilor Owens said he looked forward to the ribbon cutting on August 1, 2019. Councilor Mariscal asked if there was any way to limit the number of extensions that could be provided on a TCO. Administrator Reynolds said that the municipal code had provisions limiting the amount of time on a TCO as well as the number of extensions. Clerk Harrison confirmed that the code allowed for only one extension, and any additional

extensions would be by council approval. Councilor Owens asked if the number of units allowed on item #1 would be changed to 34 and Administrator Reynolds said that it would.

Presentation: Crosswalk Lighting

Public Works Director John Wenzel greeted the council and told them that he had been asked to research crosswalk warning systems. He described several different types of systems that were available, what he felt were most effective, met CDOT standards and were not cost-prohibitive. After a brief discussion, the council agreed that they liked the lighting systems, and felt that Director Wenzel should pursue a grant to fund crosswalk lighting.

Consider Ordinance TC 2019-3, An Ordinance of the New Castle Town Council Authorizing the Sale of Real Property (second reading)

MOTION: Councilor Leland made a motion to approve Ordinance TC 2019-3, An Ordinance the New Castle Town Council Authorizing the Sale of Real Property on second reading. Councilor Owens seconded the motion and it passed on a roll-call vote: Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Owens: yes; Councilor Copeland: yes; Councilor Leland: yes; Councilor Mariscal: yes; Mayor A Riddile: yes.

Consider a Motion to Ratify the May 21, 2019 Council Decision to Extend the Closing Date for the Town-Owned Property Located at 200 S E Avenue, #115, Windridge Condominiums

MOTION: Councilor Hazelton made a motion to ratify the council decision to extend the closing date for the town-owned property located at 200 S E Avenue, #115 Windridge Condominiums. Councilor Riddile seconded the motion and it passed unanimously.

Consider Proposal from Bill Ray of WR Communications, Inc.

MOTION: Councilor G Riddile made a motion to accept the proposal from Bill Ray of WR Communications, Inc. Councilor Mariscal seconded the motion and it passed unanimously.

Consent Agenda

April 16, 2019 council minutes

April 30, 2019 council minutes

May 7, 2019 council minutes

May Bills of \$525,446.20

EAT Bistro Hotel & Restaurant Liquor License Renewal

MOTION: Councilor Owens made a motion to approve the consent agenda.

Councilor G Riddile seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds told the council that some time ago staff had discussed donating some bridge sections to the Forest Service for a trail. He asked if they council was still amenable to the donation. They agreed they were. Administrator

Reynolds told the council that on June 18 council agenda there would be a land use application from Jim Columbo for the Eagle's Ridge PUD. Administrator Reynolds said he had been speaking with Councilor Copeland about how the council and staff could obtain more input from the community through things such as Survey Monkey. They also thought that more attendance and visibility at the Community Market or other events may encourage people could share their thoughts about things going on in town.

Town Clerk – Clerk Harrison said that her department had been preparing display boards for the open house for golf carts on town streets. She said that she and Deputy Town Clerk Mindy Andis had attended several trainings about the new agenda/meeting/minutes management software, as well as working with MuniCodeWeb on the website migration. Clerk Harrison said that the current town website had some issues in that updates staff was doing to the site were visible in the edit platform, but not on the user side and she had the website techs working to correct that with GoDaddy. Clerk Harrison said that the transition to the new IT company, ProVelocity, had begun the day before and they had been in to meet the staff.

Town Planner – not present.

Public Works Director – present for agenda items.

Town Treasurer – nothing to report.

Commission Reports

Planning & Zoning Commission – nothing to report.

Historic Preservation Commission – nothing to report.

Climate Action Advisory Committee – nothing to report.

Senior Program – Councilor Mariscal told the council that the annual Senior BBQ would be held on Monday, June 10 and that invitation should have been sent to everyone.

RFTA – nothing to report.

AGNC – nothing to report.

GCE – Councilor Leland said that summer intern from 2018 will come back in 2019 and will have a booth at the Community Market on July 18 and 25.

EAB – nothing to report.

Council Comments

Councilor G Riddile said that he felt the town was very lucky to have Jared Stueber on staff. He said he had seen Jared working on a Saturday repairing sprinkler heads and he appreciated Jared's dedication.

Councilor Leland said that he had put the council agenda on the town Facebook page.

Councilor Copeland asked who on council would be willing to attend the community market. Mayor A Riddile said that most council members attended. Councilor Owens said that the council members could work the town lemonade stand and there would be a schedule.

Councilor Mariscal said that some communities have someone in parks with surveys, and they offer people City Market cards as an incentive for people to complete the survey.

Councilor Mariscal said she would be out of town the next three weeks but will be available by phone.

Councilor Owens thanked Clerk Harrison and Administrator Reynolds and the staff for all the time and effort putting together the presentation about OHVs on town streets.

Administrator Reynolds said that the Lakota Golf Course would have two golf carts at the open house.

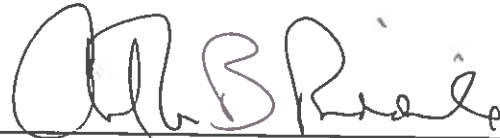
Councilor Hazelton said that the Rifle Animal Shelter will be going to the Board of County Commissioners to ask for funding and asked council if it was okay that he represented the town. The council agreed.

Mayor A Riddile said that July 6 would be the 25th anniversary of Storm King and thought a proclamation or something might be in order. Mayor A Riddile said that there was an effort to memorialize the 25th anniversary by bringing the families of the lost firefighters to Storm King. Councilor Leland said there was a memorial hike every year. Councilor Copeland said they were looking for donations and Mayor A Riddile perhaps the town could donate a few hundred dollars. Councilor Leland said he would work on a proclamation.


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

The meeting adjourned at 9:16 p.m.

Respectively submitted,



Mayor Art Riddile


Town Clerk Melody Harrison, CMC