New Castle Town Council
Tuesday, February 4, 2014, 7:00 p.m.

Call to Order
Mayor Breslin called the meeting to order at 7:06 p.m.
Mayor Breslin said that he would not be seeking reelection as mayor, but would run for a council seat instead. He said he had been offering each councilor the opportunity to manage a council meeting. He gave the gavel to Councilor Stuckey so he could manage the meeting.

Pledge of Allegiance

Roll Call

Present	Councilor Riddile
	Councilor Metzger
	Mayor Breslin
	Councilor Gordon
	Councilor Leland
	Councilor Stuckey
Absent	Councilor Russi

Also present at the meeting were Town Clerk Melody Harrison, Human Resources Manager Mike Edgar, Town Attorney David McConaughy, Town Planner Tim Cain, 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-2014-1.

Conflicts of Interest
Town Attorney David McConaughy said that although it was a minor administrative item, he felt it should be said that Councilor Stuckey may have a conflict with an item on the consent agenda. Councilor Stuckey agreed and said he would abstain from the vote.

Agenda Changes
Town Clerk Melody Harrison told the council that because Town Administrator Baker was unable to attend the meeting, he asked that Item F, the New Hope Park Follow-Up Discussion, be tabled until the February 18, 2014 council meeting. The council agreed.

Consultant Reports
Consultant Attorney – Attorney McConaughy told the council that several years earlier, the town had called a letter of credit from Village Homes to complete some improvements in Castle Valley Ranch. Several contractors who had not been paid by Village Homes laid a claim against the excess funds from the letter of credit, and the claims exceeded the available remaining funds. The excess funds were then paid into the court, and the

contractors and the courts negotiated how the excess funds would be distributed amongst the claimants. Recently, the court clerk contacted Garfield & Hecht and said there was approximately $350.00 in interest remaining, and the court order was silent as to the interest. Attorney McConaughy said he contacted all the interested parties, and they all agreed the interest could be returned to the town.
Consultant Planner – not present
Consultant Engineer – Town Engineer Jeff Simonson gave the council an update on the pedestrian bridge project, saying that they had received comments from CDOT as well as conditional approval from Union Pacific Railroad. He said they had addressed all of the concerns from CDOT and were working on the required special use permit, MOU and IGA. He also said that the soils report and environmental assessments were complete. He expected to go out to bid on the pedestrian bridge project in March, 2014, and said the goal was to begin construction in early May. For the roundabout, the operational and feasibility studies were complete, and they were working the final drawings, construction phasing and traffic control plans. Engineer Simonson said they anticipated having the roundabout plans complete in March.

Items for Consideration

Recess Council, convene as Local Liquor Licensing Authority
MOTION: Councilor Gordon made a motion to recess council and convene as the local liquor licensing authority. Councilor Riddile seconded the motion and it passed unanimously.

Continue Maud's On Main Liquor Hearing to the February 18, 2014 Council Meeting

MOTION: Councilor Leland made a motion to continue the Maud's On Main Liquor Hearing until the February 18, 2014 council meeting. Councilor Gordon seconded the motion and it passed unanimously.

Adjourn Local Liquor Authority, reconvene Council
MOTION: Councilor Leland made a motion to adjourn the local liquor licensing authority. Councilor Metzger seconded the motion and it passed unanimously.

Consider Resolution TC-2014-3 - A Resolution of the New Castle Town Council Adopting a Fee Schedule for the Town
Clerk Harrison explained the changes made to the fee schedule as directed by the town council. She noted that some of the liquor fees were set by the state of Colorado liquor code and could not be changed, but that she had changed the ones the town had authority over. Additionally, the business license fees had been eliminated as the council wished. She asked that the council provide some direction regarding that fee, since many businesses had already paid the license fees for 2014. The council felt all businesses that had already paid the license fee for 2014 were eligible for a refund, and that the town should put something in the next town newsletter informing citizens of the fee change.

MOTION: Councilor Riddile made a motion to approve Resolution TC2-2014-3, A Resolution of the New Castle Town Council Adopting a Fee Schedule for the Town. Councilor Gordon seconded the motion and it passed unanimously.

Consider Resolution TC-2014-4 - A Resolution of the New Castle Town Council Authorizing a Mail Ballot Election
MOTION: Councilor Gordon made a motion to approve Resolution TC-2014-04, A Resolution of the New Castle Town Council Authorizing a Mail Ballot Election. Councilor Riddile seconded the motion and it passed unanimously.

Consider Authorizing the Mayor to Sign an Intergovernmental Agreement with the Garfield County Clerk and Recorder Regarding the April 8, 2014 Mail Ballot Election
Clerk Harrison told the council that because of House Bill 13-1303, mail ballot election law had changed and provided some complications in conducting mail ballot elections for municipalities. The county clerk's office had the certifications required by HB13-1303 and the town staff did not, and the county clerk was willing to conduct the New Castle 2014 election. Clerk Harrison said that both the county clerk and town staff felt that providing the voters with a mail ballot election was appropriate to maintain the trust and confidence of the constituents who were comfortable and accustomed to elections being conducted in this manner. The IGA in the packet outlined the responsibilities of both the County Clerk and the Town Clerk, and an estimate on the additional cost.
MOTION: Councilor Gordon made a motion to approve the mayor signing an IGA with the Garfield County Clerk and Recorder Regarding the April 8, 2014 Mail Ballot Election. Councilor Riddile seconded the motion and it passed unanimously.

Consider Ordinance TC-2014-1 - An Ordinance of the New Castle Town Council Adopting the Colorado Floodplain Damage Prevention Ordinance (first reading)
Clerk Harrison passed a draft out to the council and explained that the draft had been modified to include code sections for the New Castle Municipal Code, but that it was all the exact same information as included in the model ordinance in the packet.
Attorney McConaughy told the council there was an optional penalty provision that the council needed to decide on. Mayor Breslin said he felt the penalty provision should be included in the ordinance. Councilor Gordon said he thought the ordinance should be tabled until the next meeting so the council could study the information provided, and asked if tabling it would cause any complications with the state. Engineer Simonson said as long as the town was working on the ordinance, they were abiding by the state request.

MOTION: Councilor Gordon made a motion to table ordinance TC-2014-1, An Ordinance of the New Castle Town Council Adopting the Colorado Floodplain Damage Prevention Ordinance, to the February 18, 2014 council meeting. Mayor Breslin seconded the motion and it passed unanimously.

New Hope Park Follow-Up Discussion (Tabled)

Consent Agenda
Minutes of the January 21, 2014 council meeting
January Bills of $629,991.05
Spirits Liquor License Renewal
Resolution TC-2014-5 - DOLA Grant Agreement
Senior Programs MOU
MOTION: Councilor Leland made a motion to approve the consent agenda. Councilor Riddile seconded the motion and it passed with Councilor Stuckey and Mayor Breslin abstaining

Staff Reports
Town Administrator - not present
Town Clerk - Clerk Harrison told the council that supplements for the municipal code books should be arriving soon, and asked the councilors to bring her their codebooks to her for updating. She also said that candidate nomination packets would be available to interested parties on Friday, February 7, 2014.
Town Planner – not present
Public Works Director - not present

Council Comments
Councilor Metzger asked how things were going with the Lakota roads. Engineer Simonson said that Bob Gibson with Warrior was looking into less expensive ways to complete the required work. Attorney McConaughy said he had not gotten any response to the letter he sent to Warrior, but he would follow up on the roads issue when he contacted them regarding the recently approved conditional use permit for operation of the golf course. Councilor Metzger said the Lakota residents were upset that the contractor building a spec house for Warrior was storing construction equipment on the vacant lots adjacent to the new home. She said she understood there were rules in Lakota that prohibited it. Engineer Simonson and Attorney McConaughy said that it could be a provision of the SIA. Councilor Stuckey said there were covenants prohibiting the storage of construction equipment outside the lot lines of the lot being built, but Warrior owned the adjacent lots. Attorney McConaughy said one of the Lakota SIAs spoke to equipment storage and he would look into it.
Councilor Metzger told the council that the Volunteer Picnic will be on Saturday, April 26 and invited everyone to attend.
Mayor Breslin said he had received a letter from a resident on Burning Mountain Avenue complaining about the snow pack on the street there. Clerk Harrison explained that Public Works had addressed the snowpack problem on Burning Mountain Avenue, but that she would follow up with John Wenzel.

Councilor Leland said he thought they should discuss who would attend the BOCC meeting in regard to the proposed trail along CR 335. They agreed that Administrator Baker, Attorney McConaughy, Mayor Breslin, Councilor Gordon and Engineer Simonson would go. Councilor Leland noted for everyone that he was dressed entirely in green because he had lost a super bowl bet with a former student.
Councilor Stuckey asked that Public Works look at curb and gutter on Clubhouse Drive, across from Spirit Way. He said that a private contractor had been plowing snow across Clubhouse and had hit the curb numerous times. He wanted public works to make sure the curbs were not damaged. Clerk Harrison said she would pass the information along to them.
Mayor Breslin told the council that John Colson had been let go from Post Independent and that Heidi Rice was writing for post again. He said she would write about New Castle eliminating the fee for business licenses, as well as the town's new website and efforts to increase economic development. Councilor Leland said there was a picture of New Castle in the daily paper, and Councilor Riddile said news about the trail and pedestrian bridge and the RFTA park and ride should be provided too.

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

The meeting adjourned at 7:51 p.m.

Respectfully Submitted,

Mayor Pro Tem Art Riddile

Town Clerk Melody Harrison

TOWN OF NEW CASTLE
GARFIELD
SEAL
COUNTY
COLORADO