

**New Castle Town Council Meeting  
Tuesday, January 15, 2013, 7:00 p.m., Town Hall**

**Call to Order**

Mayor Breslin called the meeting to order at 7:00 p.m. He asked the council if they would approve a reading of something worth quoting before each council meeting. He read the following:

"The Code of the West.

Live each day with courage. Take pride in your work. Always finish what you start. Do what has to be done. Be tough but fair. When you make a promise keep it. Ride for the brand. Talk less and say more. Remember that some things aren't for sale. Know where to draw the line."

**Pledge of Allegiance**

**Roll Call**

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

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Public Works Director John Wenzel, Town Planner Tim Cain, Police Chief Chris Sadler, Human Resources Manager Mike Edgar, Consultant Attorney David Smith and Consultant Engineer Jeff Simonson.

**Meeting Notice**

Clerk Harrison verified that her office gave notice of the meeting in accordance with Resolution TC-2013-1.

**Conflicts of Interest**

Councilor Stuckey said he had a potential conflict with the Lakota Golf Course Liquor license item.

**Citizen Comments on Items NOT on Agenda**

There were no citizen comments.

**Consultant Reports**

Consultant Attorney - nothing to report

Consultant Planner - not present.

Consultant Engineer - Consultant Engineer Jeff Simonson said he was working with CDOT to refine the level of third party inspections that needed to take place during the pedestrian bridge project. Councilor Russi asked what was happening with Union Pacific

Railroad. Engineer Simonson said they had not submitted the special use application to UPRR yet, but once they did it could be as long as a six-month approval process.

### **Items for Consideration**

Recess Council, Convene the Local Liquor Authority

**MOTION: Councilor Russi made a motion to recess the council meeting and to convene as the liquor authority. Councilor Riddile seconded the motion and it passed unanimously.**

### **Consider an Optional Premises Liquor License Application from Lakota Food and Beverage for Lakota Canyon Ranch Golf Club**

Councilor Stuckey recused himself from the discussion and left council chambers.

Councilor Riddile asked about a letter referenced in Chief Sadler's memo about 'illegal activity' at the Lakota Recreation Center that was not in the packet. Clerk Harrison said the letter was not included because it had to do with recreation center and not the Golf Course. Councilor Riddile asked what the activity was. Clerk Harrison said there had been accusations that someone who was underage served alcohol to patrons at the recreation center, and that patrons had also served themselves. She said the violations had been corrected. Councilor Leland asked Mr. Ryan Parr, the Lakota Canyon Ranch and Golf Club General Manager, to explain what their proposal was for serving alcohol in the temporary building.

He said that the existing temporary building was no longer being used and that all the alcohol had been moved to a secure storage area at the recreation center. He said Warrior was considering obtaining a smaller modular building to locate in the same parking area, and to modify the liquor license to include the new building. He was uncertain how long it would be before they got a new modular building, or if they would, or how long it might be before they obtained permits for the permanent clubhouse. Mr. Parr said after discussing it with Clerk Harrison, the optional premises license application was modified to show just the golf course as the licensed premises, to be serviced by a cart, and the alcohol to be stored at the recreation center.

Councilor Leland told the council that Mr. Parr appeared in a great promotional video for Lakota. Mr. Parr said the video was available at the Lakota Canyon Ranch web page.

**MOTION: Mayor Breslin made a motion to approve the Optional Premises Liquor License for Lakota Canyon Ranch Golf Course. Councilor Metzger seconded the motion and it passed unanimously.**

**MOTION: Councilor Russi made a motion to adjourn the liquor authority and reconvene the council meeting. Councilor Metzger seconded the motion and it passed unanimously.**

Adjourn Local Liquor Authority, Reconvene Council.

Councilor Stuckey returned to council chambers.

**Consider Ordinance 2013-1 - An Ordinance of the Town of New Castle Enacting a Temporary Moratorium on the Issuance of Permits Concerning the Sale or Public Use of Marijuana (first reading)**

Consultant Attorney David Smith told the council that the ordinance as it was presented indicated a moratorium end date of October 1, 2013 in accordance with the state amendment 64. He thought it not in the town's best interest to extend a moratorium past that date. Attorney Smith, Police Chief Sadler and the council discussed some of their concerns regarding how the state intended to regulate marijuana use, the potential zoning code, building code and enforcement problems.

**MOTION: Councilor Russi made a motion to approve ordinance 2013-1, An Ordinance of the Town of New Castle Enacting a Temporary Moratorium on the Issuance of Permits Concerning the Sale or Public Use of Marijuana on first reading. Councilor Riddile seconded the motion and it passed on a roll call vote: Councilor Leland: yes; Councilor Russi: yes; Councilor Stuckey: yes; Mayor Breslin: yes; Councilor Metzger: yes and Councilor Riddile: yes.**

**Recommendation on CR 335 Haul Route and Preparation for Feb 5th BOCC meeting**

Town Administrator Tom Baker told the council he and staff had met with Engineer Simonson the previous week to put together a memo to assist the council in putting together a policy position for the upcoming meeting with the BOCC. He pointed out that the county-designated haul routes only governed over-weight and over-width vehicles, and that all other oil and gas traffic was allowed on the roads. The county haul-route procedures require a \$500k bond from operators and sub-contractors are required to obtain a permit. Administrator Baker suggested that the council consider instituting the same bonding and permitting procedure. He also felt a cost-sharing program with the county for road improvements to CR 335 would be appropriate. Administrator Baker said he would summarize the council's discussion for the February 5th meeting. He also felt that if the council had three separate topics to discuss with the BOCC in a short one-hour meeting, the haul route significance might be diluted. Councilor Russi and Engineer Simonson had kept the commissioners updated on the roundabout and pedestrian bridge projects, and felt those topics could be removed from the agenda for the BOCC meeting. Consultant Attorney David Smith told the council that ownership of the road was another item to discuss because for years there has been no clear evidence of whether the town or county owned it. Staff and council discussed various other items of concern such as the mine shaft under the road, maintenance and repair responsibilities and the sources of traffic using the road.

**125<sup>th</sup> Anniversary Verbal Update**

Administrator Baker told the council that the focus was the February 2, 2013 meeting. Councilor Metzger and Steve Rippey were working on a photo display that will be put up in the community center. Councilor Metzger requested everyone's assistance in locating photos for the display, or any other help they could provide. Administrator Baker directed the council to the draft agenda for the meeting, and briefly reviewed it for them. They also reviewed the events scheduled for May and June. Administrator Baker said that many

people had stepped up and were handling individual items. Councilor Leland suggested that at the next committee meeting the event dates be set so that posters can be printed. Mayor Breslin said that Ag Day was on January 23 in the community center, and on January 25th the Silt Historical Society will be meeting. He felt these organizations should be invited to New Castle's events. Councilor Metzger agreed, and added that the BOCC and Mayors from across the county should be invited. Administrator Baker told the council that Town Planner Tim Cain was soliciting storytellers for the various events.

### **Consider Chamber of Commerce Request for Additional Funding**

Administrator Baker told the council that the Chamber has been very involved in the 125th planning meetings, and would be a vital part of the celebrations. He felt the additional funds requested by the chamber were appropriate as they had taken on much more responsibility and only had part time help and they could use the assistance. Mayor Breslin asked Chamber President Anne Guettler and Chamber Treasurer Susan Alexander how much extra they needed. President Guettler said they were requesting an additional \$4,000.00. She said they were not getting the sponsorships they had in the past because of the poor economy. She also said the Chamber felt they could be a great resource for the town in planning the 125th anniversary. She said Leah Feely who worked in the chamber office was very reliable and very good at her job.

Councilor Riddile asked what "one-time funding of \$19,000.00" meant. President Guettler said that historically, the town gave the chamber \$15,000.00 a year, and they were asking for an additional \$4,000.00 with the expectation that in 2014 it would go back to \$15,000.00.

Administrator Baker said the additional funds would come from the line item for the 125th anniversary.

Councilor Leland encouraged the Chamber to pursue getting a Hunter's Booth organized.

**MOTION: Councilor Riddile made a motion to approve the Chamber of Commerce's request for additional funding of \$4,000.00. Mayor Breslin seconded the motion and it passed unanimously.**

### **Consider a Waste and Recycling Request For Proposal (RFP)**

Town Planner Tim Cain explained the RFP to the council and detailed some of the specific items he was asking for such as community outreach and education, future use of alternative fuels and the opportunity to interview the day-to-day staff, not just the upper management. He asked the council to review the document and provide suggestions.

Councilor Russi suggested a specific goal statement be added to the RFP. Chamber Treasurer Alexander suggested that a recycle center be made available for citizens if curbside recycling is not available to them.

Councilor Stuckey asked about the "Pay as you throw" item in the RFP, and the possibility of an expanded program for yard waste. Planner Cain said that the pay as you throw item was something in the previous RFP that he left in, although he was not clear what it meant. Clerk Harrison said that in western Washington, trash and recycling service was twice as expensive if you did not recycle. Councilor Russi suggested that there could be some sort of economic incentive for recycling. Councilor Leland did not feel there should be an option in the RFP for a provider to pick up recycling every other week because the New Castle residents were used to weekly service.

The council felt it might be more comfortable if respondents to the RFP be interviewed individually as opposed to in a group as had been done previously.

Administrator Baker told the council that when they got closer to the actual interviews, they could let him know if they wished to be on the interview committee. The council complimented Planner Cain for a job well done.

### **Consent Agenda**

Minutes of the January 2, 2013 Council Meeting

Resolution TC-2013-2 - Accepting Public Improvements for CVR Filing 10

Funding Request from Ross Talbot - \$1,500.00

**MOTION: Mayor Breslin made a motion to approve the consent agenda with the Talbott funding request added. Councilor Riddile seconded the motion and it passed unanimously.**

### **Committee Reports**

Planning & Zoning - nothing to report

Climate Action Advisory Committee - nothing to report

Historic Preservation - nothing to report

POSTR - Councilor Russi said the POSTR Committee was meeting with Larry Dragon and LoVa outside the normal meeting schedule so they could discuss the LoVa Trail extension with adjacent land owners east of town.

### **Staff Reports**

Town Administrator - Administrator Baker said he had met with the local Parent Teacher Association (PTA) who had done some fundraising and were interested in installing fitness activities along the trail in VIX Park. He said they were looking for grant funding from Great Outdoors Colorado (GOCO) and the Colorado Health Foundation. Because only the Town could apply for GOCO funds, a request will come to the council on February 19 that the PTA be allowed to apply for the GOCO grant under the Town's name. No funding from the town would be required. Administrator Baker said the PTA and staff would work out the details and bring them to council. The council asked that the discussion be moved up to the February 5th meeting so that the PTA had plenty of time to write the grant for the March submittal deadline.

Administrator Baker said he had met with DOLA on the Tier 2 grant for the pedestrian bridge, and that interviews would be in late March. He said the DOLA representatives would assist staff in their presentation.

Administrator Baker told the council that the water line break at Senior Housing had been repaired. He learned that the heating systems in the units there were water-based, and a few of the units had no heat after the water service was restored. One resident had been put up in the local motel until the heat could be repaired. Staff had provided space heaters and bottled water to the residents to assist them.

Last, Administrator Baker said he had spoken to Councilor Gordon who was home with a broken shoulder. He said Councilor Gordon was doing ok, and the doctors were unsure whether surgery would be necessary or not.

Town Clerk - Clerk Harrison told the council that the 125th Anniversary mugs had arrived and were on sale at the front desk. She said there was a list of staff phone numbers available for council in the DropBox because it became apparent during the water line break at senior housing that staff phone numbers were not readily available to the council. Clerk Harrison said that her office had received a thank you letter from the citizen group that initiated the crosswalk and speed reduction on Castle Valley Boulevard. She also said

she had received a request from a citizen interested in being appointed to the Climate Action Advisory Committee, and that would be on the next council agenda. A new power point projector had been ordered for chambers and had arrived.

Public Works Director – present for agenda items

Town Planner – present for agenda items

### **Council Comments**

Councilor Riddile told the council that Alice McInnis, of New Castle, had won the women's downhill world cup competition. The Denver Post mistakenly stated she was a resident of Glenwood Springs, but the Post Independent noted she was a New Castle resident. Councilor Riddile asked the council if they thought a proclamation should be done to honor her. The council agreed.

Councilor Metzger said that Mayor Moore of Silt asked her who did the flowers in the downtown area, and after finding out it was the residents, he said the town should hire someone. Councilor Metzger felt perhaps it was something to consider for the town's 125th anniversary. Administrator Baker thought maybe the chamber could solicit businesses to sponsor a flower pot, and he would look into it.

Councilor Metzger said she had spoken to Denny Talbott who was one of the realtors for Lakota. She said the property tax bill for the parcel of land Warrior Golf gifted to the town had gone to Warrior. Administrator Baker said he did not know all the details, but Warrior owned the property until the end of December 2012, and staff has no authorization from the council to pay the tax bill. He said if it was an issue for Warrior it could be part of the ongoing negotiations. Administrator Baker said the portion of the tax bill that was the town's portion would be relatively little as the county billed the rest. Councilor Russi clarified that the town would not have sent the bill, it would have been the county, and the council did not have the authority to waive the taxes. Administrator Baker said at the closing on December 31, 2012 Warrior asked that the town pay the bill, and Garfield & Hecht did not council approval to pay the bill.

Councilor Metzger also said she understood that Warrior was not making the income they expected, and would be reducing the number of homes they would be building.

Councilor Metzger asked how the plans for the clubhouse were coming along. Councilor Stuckey said he would be meeting with Warrior later in the week, and that the plans were moving along quite well.

Councilor Stuckey said he did not come downtown in the evening very often, and this evening he saw the new tree lights and liked them very much. The rest of the council agreed.

Mayor Breslin asked the council if they liked the idea of reading something into the record at the beginning of every meeting, and the council did.

Mayor Breslin asked where the town was with the Comcast contract. Administrator Baker said the negotiations were scheduled for this year. Administrator Baker said recently the contract agreements had been shortened from ten or twenty years to five because technology was changing so quickly. Mayor Breslin thought there was more the town could ask for from Comcast, perhaps upgraded equipment and an additional access channel. Councilor Leland thought they should provide better software and service to the town.

Councilor Metzger asked what had happened about placing a radio tower on the Talbott property. Councilor Russi said Town Planner Cain had been speaking with Aspen Public Radio, but the discussions had faltered. The council felt the issue should be followed up on.

**Motion: Councilor Riddile made a motion to adjourn. Councilor Russi seconded the motion and it passed unanimously.**

The meeting adjourned at 9:53 p.m.

Respectfully Submitted,

  
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Mayor Frank Breslin

  
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Town Clerk Melody Harrison

