

**New Castle Town Council Meeting
Wednesday, January 2, 2013, 6:00 p.m., Town Hall**

Call to Order

Mayor Breslin called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Roll Call

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

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Human Resources Director Mike Edgar, Finance Director Lyle Layton, Consultant Engineer Jeff Simonson and Consultant Attorney David McConaughy.

Meeting Notice

Clerk Harrison verified that her office gave notice of the meeting in accordance with Resolution TC-2012-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney - Consultant Attorney David McConaughy told the council that the land gift from Warrior Golf had closed on Monday, December 31, 2012 at 4:30 in the afternoon.

Consultant Planner - not present

Consultant Engineer - not present

Items for Consideration

Executive Session

MOTION: Mayor Breslin made a motion at 6:04 p.m. to go into executive session for the purpose of discussion of a personnel matter under C.R.S. Section 24-6-402 (f) (I) regarding employee evaluations and a personnel discussion, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or 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 Gordon seconded the motion and it passed unanimously.

Executive session concluded 7:45 p.m.

At the end of the executive session, Mayor Breslin made the following statement.

"The time is now 7:45 p.m. and the executive session has been concluded. The participants in the executive session were: Administrator Baker, Clerk Harrison, Finance Director Layton, Consultant Attorney McConaughy, Councilors Russi, Riddile, Metzger, Mayor Breslin, Councilors Gordon, Leland and Stuckey. 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."

There were no concerns stated.

Consultant Engineer Jeff Simonson arrived and Mayor Breslin welcomed him and asked if he had a report for the council.

Consultant Engineer Simonson - Engineer Simonson told the council that the pedestrian bridge geotechnical review was underway with the CDOT Geotechnical Board, and that a packet would be sent the following week to Union Pacific Railroad for their review.

Councilor Russi asked when an answer from DOLA could be expected and Engineer Simonson said the interview process would begin at the end of February, and if the Town is selected the next step would be to ask the Board of County Commissioners to move up the appropriation of the second half of funds from 2014 to 2013.

The council was hopeful that construction on the pedestrian bridge would begin in the spring of 2013.

Councilor Leland suggested information about the pedestrian bridge be put in the third quarter town newsletter so the citizens were aware of the project.

Consider Acceptance of Filing 10, Castle Valley Ranch

Consultant Engineer Simonson told the council that the three-inch raw water line at the south end of North Wildhorse Drive had been completed, along with seventeen raw water taps to the lots located there. Revegetation was the last item to be completed, and Engineer Simonson suggested that the council hold \$1,500.00 from the security for this purpose.

Councilor Leland asked if the acceptance needed to be done by resolution, and Attorney McConaughy said it did. Two more steps were needed; a resolution accepting the filing 10 public improvements and a bill of sale for the water line CVR installed. Attorney McConaughy asked the council if they agreed to consider this final acceptance and to begin the warranty period, or if they wished to wait until spring once the revegetation was complete. He felt that waiting would not be necessary. The council agreed. Administrator Baker told the council the resolution would be on the next council agenda.

Consider Authorizing the Mayor to Sign the 2013 Senior Programs MOU

Councilor Gordon thought the council should approve the MOU. Attorney McConaughy said he had reviewed the MOU and it was essentially the same as in previous years.

MOTION: Councilor Gordon made a motion to authorize the mayor to sign the 2013 Senior Programs MOU. Councilor Riddile seconded the motion and it passed unanimously.

Consider Ordinance 2012-6 - An Ordinance of the New Castle Town Council Amending the Municipal Code Concerning the Operation of the Highland Cemetery. (second reading)

MOTION: Councilor Riddile made a motion to approve Ordinance 2012-6 - An Ordinance of the New Castle Town Council Amending the Municipal Code Concerning the Operation of the Highland Cemetery on second reading. Councilor Metzger the motion and it passed on a roll call vote: Mayor Breslin: yes; Councilor Metzger: yes; Councilor Riddile: yes; Councilor Leland: yes; Councilor Stuckey: yes; Councilor Russi: yes; and Councilor Gordon: yes.

Discussion on New Legislation Regarding Marijuana

Councilor Gordon asked if Attorney McConaughy was suggesting the council begin determining their position on the retail sales of marijuana within town limits. Attorney McConaughy said yes, and the basic question was whether the council wanted to ban retail sales or not. If they chose not to ban retail sales of marijuana, a process would need to begin with staff and the Planning and Zoning Commission to determine how retail sales would be handled; if it would be addressed similarly to liquor stores or some other process. A separate issue is the personal possession and growing of marijuana because regardless of a ban on retail sales, there will be people who set up grow operations in town. This presents a possible fire issue and enforcement issues. Attorney McConaughy said a number of cities in Colorado were writing code to limit grow operations, but there did not seem to be any real answers about enforcement.

The council briefly discussed the new state legislation regarding the legalization of marijuana and the town's current ban on medical marijuana sales. Because the state health department is required to determine specific regulations and or requirements on marijuana use by July 1, 2013, the council agreed to consider an ordinance imposing a moratorium through December 31, 2013 on the retail sale of marijuana within town, specifying that no license applications will be accepted until the moratorium is lifted. The council also agreed they will consider the state regulations when they are set in July, and to have ongoing discussions to determine the appropriate direction for the town regarding retail sales. Councilor Leland asked Attorney McConaughy if a special excise tax on marijuana sales would have to go to the voters, and he said it did.

Discussion Regarding a Special Meeting on February 2, 2013

The council reviewed the information provided by Administrator Baker regarding the special anniversary meeting on February 2, 2013. Mayor Breslin thought the council should dress in period clothing for the meeting.

MOTION: Councilor Gordon made a motion to appropriate \$500.00 to purchase a time capsule as suggested by Councilor Leland. Councilor Riddile seconded the motion and it passed unanimously.

MOTION: Councilor Leland made a motion to hold a special council meeting on Saturday February 2, 2013, at a time and place to be determined by the Town Administrator. Councilor Gordon seconded the motion and it passed unanimously.

Consent Agenda

Minutes of the December 18, 2012 council meeting

December Bills of \$318,160.92

Resolution 2013-1 - Regarding Posting Places

Administrator Baker asked the council to add Clerk Harrison's proposed raise to the consent agenda. The council agreed.

MOTION: Councilor Russi made a motion to approve the consent agenda with the suggested corrections to the minutes. Councilor Gordon 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 – nothing to report

Staff Reports

Town Administrator – Administrator Baker told the council he had looked into the town's options regarding a long term lease of water rights on the Connelly Ditch. He said the information would come back to the council at the February 5th council meeting.

Staff and council briefly discussed the upcoming meeting with the Board of County Commissioners and the concerns about County Road 335.

Town Clerk – Clerk Harrison told the council she had gotten a quote on the littering stickers the council wanted ordered, and they were very expensive from the host company. The council directed Clerk Harrison to research other options for having the stickers printed.

Public Works Director – not present

Town Planner – not present

Council Comments

Councilor Russi told the council the snowpack was up to 71% in the Upper Colorado River Basin, which looked good considering the snow months were yet to come.

Councilor Riddile asked the council how they felt about putting together a customer service survey for the police department. The council liked the idea. Administrator Baker said he thought a police department survey would be a good tool for him to use to guide the department. The council also thought a broader customer service survey would be a good idea.

Mayor Breslin said that he had been told trash was being dumped into the waterway south of Shibui. The woman he spoke with said she would volunteer to organize a clean-up of the waterway. Administrator Baker said he would have staff look into the issue.

Councilor Gordon said he felt the police department should be relocated to the basement of the public works building. Councilor Stuckey said he has spoken to Chief Sadler who told him the reasons he did not want the space, but Councilor Stuckey felt the issues could all be resolved.

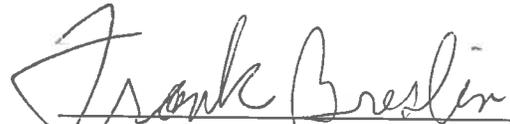
Councilor Metzger mentioned the Christmas day water leak at Three Elk Run, and asked if it had been determined who was responsible for the maintenance and repairs to that line. Administrator Baker said he had been on vacation and did not have an answer, but that

staff was looking into it. Councilor Metzger said town staff that repaired the leak were wonderful. They kept the resident informed and were polite and helpful. Councilor Leland said Julie Bjurstrom no longer worked for RREDC, and that Dana Graham stepped up to run the office but that she was only part time. At the next RREDC meeting they would decide what the hiring process would be.

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

The meeting adjourned at 9:15 p.m.

Respectfully Submitted,



Mayor Frank Breslin



Town Clerk Melody Harrison

