

**New Castle Town Council Meeting
Tuesday, June 17, 2014, 7:00 p.m.**

Call to Order

Mayor Gordon called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Present	Councilor Means Councilor Riddile Mayor Gordon Councilor Breslin Councilor Leland Councilor Stuckey Councilor Metzger arrived at 7:24 p.m.
Absent	None

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Human Resources Manager Mike Edgar, Town Attorney David McConaughy, Town Planner Tim Cain and members of the public.

Meeting Notice

Clerk Harrison verified that her office gave notice of the meeting in accordance with Resolution TC-2014-1.

Conflicts of Interest

Councilor Stuckey said he had a conflict with the Warrior item because Warrior was a client of his.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – Attorney McConaughy told the council that Assistant Town Attorney Dave Smith has decided to quit practicing law and will become an educator. Attorney Smith intends to stay affiliated with Garfield & Hecht as Of Counsel, and although Attorney McConaughy was disappointed to lose him, he said he was proud that Dave would change careers to follow his passion. The council asked Clerk Harrison to arrange a thank-you for Dave Smith.

Consultant Planner – not present

Consultant Engineer – not present

Items for Consideration

Garfield Clean Energy Update

Shelley Kaup, Clean Energy Economy for the Region. Ms. Kaup greeted the council and thanked them for being part of Garfield Clean Energy. Ms. Kaup passed out hard copies of the packet information for the council to review. She explained that Clean Energy Economy for the Region (CLEER) is a non-profit that manages the programs and services provided by Garfield Clean Energy Collaborative (GCE). She went over the goals of GCE, and then reviewed New Castle's results. The council thanked Ms. Kaup for keeping the council updated on GCE's progress towards energy efficiency in Garfield County.

Discussion: Warrior Acquisitions: Lakota Warranty Work

Councilor Stuckey asked to be recused. The council agreed and Councilor Stuckey left council chambers at 7:28 p.m.

Attorney McConaughy explained the communications he had with Warrior Acquisitions. He told the council they needed to decide if they would exercise their remedies as stated in their letter notifying Warrior.

Bob Gibson, representatives for Warrior, told the council that Warrior was prepared to give the town \$100k by the end of the week, and the remaining security would come once they had a contract with a contractor.

Councilor Metzger asked Mr. Gibson why Warrior had not responded. Mr. Gibson said they had run into some issues, but that Warrior was prepared to respond now. Councilor Metzger said she felt that if Warrior did not have funds to the town Friday, then she felt a stop work order should be implemented Monday morning at 8:00 am. Councilor Means thought that if Warrior provided the \$100k by Friday that would show good faith.

Councilor Riddile asked where the funds should go and Attorney McConaughy said there were several ways the town could receive the funds. Councilor Riddile said he would be willing to accept the \$100k as an initial payment of the security no later than Friday, understanding that a contract would be signed soon, and that the remaining security would be submitted to the town. He agreed that the remedies be implemented on Monday should Warrior fail to pay the \$100k. Councilor Breslin agreed with Councilor Riddile.

MOTION: Councilor Riddile made a motion to direct staff to effect remedies as listed in the notice of breach if the Town does not receive \$100k good faith payment by the close of business on Friday, June 6, 2014. The remedies will take place on Monday at 8:00 a.m. Councilor Means seconded the motion.

Discussion:

Councilor Leland asked if there needed to be something in the motion regarding the construction contract that Warrior was working on. Attorney McConaughy said he did not know, but he expected it would be documents brought to the next meeting.

Public Comments:

John Gracey, 122 Whitetail Ct. Mr. Gracey said that he thought the problem with the roads in Lakota was from a lack of proper compaction, and he asked if the responsibility lay with the original contractor.

Another citizen said he thought the Warrior item was supposed to begin at 8:00, so he missed the beginning of the discussion and was rather lost in the conversation. Mayor Gordon told him that the council had agreed to place a deadline on the submittal of a portion of the security needed otherwise building permits and sales of lots would be stopped. The man said he understood that there had already been deadlines that Warrior ignored. Attorney McConaughy answered, saying that the previous developer had not

repaired the road because he went bankrupt. A new deadline was set for Warrior to complete road repairs, and that deadline was September 1, 2014. He said that the deadline that council was discussing was the deadline for Warrior to post security for the work. The security money is supposed to be the same amount as the cost of the road work, and the town would draw on those funds to complete the work if the developer fails to.

Mayor Gordon said that the council had made a motion to implement the default remedies on Monday morning if Warrior did not submit the \$100k. Councilor Leland said that at the next meeting the council should have the documentation on the contractor and estimated costs of the work, and Warrior will be required to put the remaining funds into escrow to the town.

Charles Reed, resident of Lakota, Faas Ranch Road. Mr. Reed said he has been a resident since 2005, and he saw the previous developer procrastinate the repair work. He said Faas Ranch Road is terrible, with dips, ruts, and manholes that stick up so far they will tear the oil pan off your vehicle. He said he wanted the council to get serious with Warrior, because they have promised many things, and nothing has been done. One of the items they have not done is the clubhouse, and he asked if the road issue is affecting the build of the clubhouse. Bob Gibson, Warrior representative, told Mr. Reed that Warrior was ready to begin the clubhouse, and have submitted the application for the permit. Warrior has delayed the clubhouse permit to so they can dedicate their efforts to the road repair items.

Mayor Gordon told the audience that New Castle had not accepted the roads in Lakota because of their condition and that the council had taken some strict measures to ensure the work is completed.

Another resident asked who was liable for accidents due to the poor road conditions, and Mayor Gordon reiterated that the town did not own the roads in Lakota, Warrior did. Jean Heyser asked that the remaining security required be documented by the town, and that there be specific dates associated with their submittal. Councilor Leland said that was exactly what the council was requiring and that Warrior would bring a contract and the remaining security to the next council meeting on July 1, 2014. Ms. Heyser felt that it was inexcusable that paperwork was not properly submitted by Warrior. Councilor Leland explained that the town had worked with the previous developer, and just when everything was worked out, the developer declared bankruptcy and everything stopped. When Warrior bought the property, they agreed to take responsibility for the road repair, and had until September 1, 2014 to complete the work.

Councilor Breslin told the audience that the town has always had remedies, but that those remedies were on hold while the property went through foreclosure and bankruptcy. Although there is evidence of negligence on the part of the original contractor, they cannot be held liable at this point. He offered that sometimes during bad economic times, the town chooses to be a bit lenient when money is tight, but legal remedies are always available to the town.

The motion passed unanimously.

Councilor Leland explained to the audience that the reason the Warrior item was discussed early was because the person presenting previous agenda item had not shown up, and that the council moved on. He noted that the times in the agenda were guidelines, and are subject to change. He voiced his appreciation of everyone who came, as did the rest of the council.

Councilor Stuckey returned to chambers at 8:05 p.m.

Executive Session (1) for a conference with the Town Attorney and Town Prosecutor for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) concerning the Police Department (7:35 p.m.) 8:13 p.m.

Motion: Councilor Leland made a motion at 8:13 p.m. to go into Executive Session (1) for a conference with the Town Attorney and Town Prosecutor for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) concerning the Police Department. Councilor Stuckey seconded the motion and it passed unanimously.

Executive session concluded

At the end of the executive session, Mayor Gordon made the following statement:

The time is now 8:58 p.m. and the executive session has been concluded. The participants in the executive session were: Town Prosecutor Angela Roff, Town Administrator Baker, Town Attorney McConaughy, Human Resource Manager Edgar, Town Clerk Harrison, Councilor Means, Councilor Riddile, Councilor Metzger, Councilor Breslin, Councilor Leland and Councilor 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. None stated.

Consider Ordinance TC 2014-2 - An Ordinance of the New Castle Town Council Prohibiting All Types of Retail Marijuana Establishments (first reading)

Attorney McConaughy described the ordinance. He told the council that there were still some unanswered issues related to marijuana such as clubs and co-ops, but that they were being addressed in the Denver area. He said the ordinance as proposed was effective to ban all retail uses as previously discussed. He did clarify that individuals still had the state constitutional right to use marijuana in a private residential setting.

MOTION: Councilor Riddile made a motion to approve Ordinance TC-2014-2, An Ordinance of the New Castle Town Council Prohibiting All Types of Retail Marijuana Establishments on first reading. Councilor Metzger seconded the motion and it passed on a roll call vote: Councilor Riddile: yes; Councilor Breslin: yes; Councilor Metzger: yes; Councilor Leland: yes; Councilor Stuckey: yes; Mayor Gordon: yes; and Councilor Means: yes.

Consent Agenda

Minutes of the May 20, 2014 council meeting
Minutes of the June 3, 2014 council meeting
Resolution TC-2014-19 - amending the fee schedule

Elk Creek Mining Co. Liquor License Renewal

Clerk Harrison told the council that she had found an error in the June 3 minutes regarding the discussion about marijuana, and told the council she had made the correction.

MOTION: Councilor Breslin made a motion to approve the consent agenda with the amendment. Councilor Means seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Baker told the council that the Chamber of Commerce would be unable to plan Burning Mountain Festival, and that staff will look into finding an organizer. He said Ann Guettler gave staff permission to access the chamber office to retrieve information from last year's event, and that he thought perhaps Leah Feeley in the Clerk's office could help determine where to begin. He also said staff will attempt to locate someone to organize the event. Administrator Baker reminded council that Community Days would be on Friday and Sunday. Friday night was the barn dance, and the girls from 4-H will provide food. Sunday there would be vintage baseball, a concert, and a community worship services. He said two workdays were scheduled to complete the community garden, and anyone who wished to be involved was welcome to help.

Human Resources - Manager Mike Edgar told the council he would be at the July 1 meeting to present information on the Colorado Employee Benefit Trust (CEBT) medical clinic.

Town Clerk - Clerk Harrison reminded the council about the July 6th event at Two Rivers Park honoring the Storm King Firefighters. She said that her Deputy, Mindy Andis, was on vacation all week, and will be out July 6 through 11 for municipal clerk's school. Clerk Harrison said that she would be on vacation July 10 through 21, and will miss the second meeting in July, but that Deputy Andis will attend the council meeting.

Town Planner - not present

Public Works Director - not present

Commission Reports

Planning & Zoning Commission - nothing to report

Historic Preservation Commission - nothing to report

Economic Advisory Committee - nothing to report

Senior Programs - nothing to report

RFTA - nothing to report

Council Comments

Councilor Metzger asked if something could be put on the town's website so residents would have access to information on how to prepare for wildfire season. Councilor Leland said the new town website had a link to that information

Mayor Gordon said that he had been speaking with Councilor Breslin about organizing a command center to assist with emergencies.

Councilor Breslin said he had been looking into the Citizens Emergency Response Team program, which would give New Castle an opportunity to offer credentialing for volunteers.

Councilor Means asked if the boulders that blocked the access from North Wildhorse Drive to VIX park could be removed. Administrator Baker said he would look into it.

Councilor Leland said that the "Taste of New Castle" event was an amazing success, and that the downtown area was packed with people. He said many were disappointed they

could not get tickets to the Taste. He asked what everyone thought would be an good thanks to the Friends of the Library.

Councilor Leland said that at the website workshop before the council meeting, they viewed a tour of the wastewater treatment plant that began with a picture of a toilet. He found it funny and interesting.

Councilor Breslin said that he felt the library community room needed a piano. He said he will work on finding a piano. He also mentioned that LaRue Wentz is a certified piano tuner.

Councilor Breslin asked if anyone had complaints or concerns regarding noxious weeds that he could take to the county weed advisory meeting. There were none.

Councilor Breslin said he thought the town might consider taking a community event to River Park, to bring them into the social culture of New Castle. Councilor Metzger suggested that Burning Mountain Festival be held in River Park.

Councilor Breslin said there had been an article in the newspaper about corporate wellness, and felt strongly that the town should have a wellness plan for employees. Last, Councilor Breslin said that he thought the town could provide overflow space for the July 6th event honoring the storm kind firefighters, and asked if anyone on council was willing to contact RE-2 to see if the school property could be used for overflow camping for the July 6 event, if the town parks could not be used. He also asked who would be interested in being on a committee to organize some hospitality and market the Town of New Castle. Councilor Leland suggested that Councilor Breslin contact Wendy Kraemer, the Colorado River Fire & Rescue Resource Coordinator, to offer the town's assistance. Administrator Baker said he would find out what parks may be available for use and what the town liability would be.

MOTION: Mayor Gordon made a motion to confirm that the town council wished to assist the Bureau of Land Management by providing overflow camping space in the Town of New Castle should the space be needed. Councilor Leland seconded the motion and it passed unanimously.

Councilor Metzger said that someone had dumped dead trees/tree branches in VIX Park. She asked if there was still a burn pile available at the wastewater plant for the public to use. Councilor Breslin said that the town no longer burned down by the wastewater plant because the highway patrol said it caused a driving hazard on interstate 70. Mayor Gordon said many of the trees from the clean-up day were chipped. Administrator Baker said that if everyone in town brought dead trees to wastewater for chipping, that would be an extraordinary amount of work for staff.

Mayor Gordon said vegetation can be taken to the landfill, or MRI would pick it up if it was cut and bundled. Clerk Harrison said the South Canyon Landfill used to take vegetation for free at their composting area.

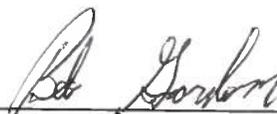
Councilor Metzger said that the schools in town had mowed just two days after council met with the school board.

Mayor Gordon said he was happy with the way the council handled the situation with Warrior. He said that the senior housing committee met with county commissioner John Martin, and are on track with senior housing project. He thanked the council for their work.

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

The meeting adjourned at 9:45 p.m.

Respectfully submitted,



Mayor Bob Gordon



Town Clerk Melody Harrison, CMC

