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2
3 **New Castle Town Council Meeting**
4 **Wednesday, January 2, 2013, 6:00 p.m., Town Hall**
5

6 **Call to Order**

7 Mayor Breslin called the meeting to order at 6:00 p.m.
8

9 **Pledge of Allegiance**

10
11 **Roll Call**

12 Present Councilor Russi
13 Councilor Riddile
14 Councilor Metzger
15 Mayor Breslin
16 Councilor Gordon
17 Councilor Leland
18 Councilor Stuckey
19

20 Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody
21 Harrison, Human Resources Director Mike Edgar, Finance Director Lyle Layton, Consultant
22 Engineer Jeff Simonson and Consultant Attorney David McConaughy.
23

24 **Meeting Notice**

25 Clerk Harrison verified that her office gave notice of the meeting in accordance with
26 Resolution TC-2012-1.
27

28 **Conflicts of Interest**

29 There were no conflicts of interest.
30

31 **Citizen Comments on Items NOT on Agenda**

32 There were no citizen comments.
33

34 **Consultant Reports**

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

38 Consultant Planner - not present

39 Consultant Engineer - not present
40

41 **Items for Consideration**
42

43 **Executive Session**
44

45 **MOTION: Mayor Breslin made a motion at 6:04 p.m. to go into executive session**
46 **for the purpose of discussion of a personnel matter under C.R.S. Section 24-6-402**
47 **(f) (I) regarding employee evaluations and a personnel discussion, and not**
48 **involving: any specific employees who have requested discussion of the matter in**
49 **open session; any member of this body or any elected official; the appointment of**
50 **any person to fill an office of this body or of an elected official; or personnel**

1 **policies that do not require the discussion of matters personal to particular**
2 **employees. Councilor Gordon seconded the motion and it passed unanimously.**
3

4 **Executive session concluded 7:45 p.m.**
5

6 At the end of the executive session, Mayor Breslin made the following statement.
7

8 "The time is now 7:45 p.m. and the executive session has been concluded. The participants
9 in the executive session were: Administrator Baker, Clerk Harrison, Finance Director
10 Layton, Consultant Attorney McConaughy, Councilors Russi, Riddile, Metzger, Mayor Breslin,
11 Councilors Gordon, Leland and Stuckey. For the record, if any person who participated in
12 the executive session believes that any substantial discussion of any matters not included in
13 the motion to go into the executive session occurred during the executive session, or that
14 any improper action occurred during the executive session in violation of the Open Meetings
15 Law, I would ask that you state your concerns for the record."
16

17 There were no concerns stated.

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

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

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

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

29 Councilor Leland suggested information about the pedestrian bridge be put in the third
30 quarter town newsletter so the citizens were aware of the project.
31

32 **Consider Acceptance of Filing 10, Castle Valley Ranch**

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

38 Councilor Leland asked if the acceptance needed to be done by resolution, and Attorney
39 McConaughy said it did. Two more steps were needed; a resolution accepting the filing 10
40 public improvements and a bill of sale for the water line CVR installed. Attorney
41 McConaughy asked the council if they agreed to consider this final acceptance and to begin
42 the warranty period, or if they wished to wait until spring once the revegetation was
43 complete. He felt that waiting would not be necessary. The council agreed. Administrator
44 Baker told the council the resolution would be on the next council agenda.
45

46 **Consider Authorizing the Mayor to Sign the 2013 Senior Programs MOU**

47 Councilor Gordon thought the council should approve the MOU. Attorney McConaughy said
48 he had reviewed the MOU and it was essentially the same as in previous years.
49

1 **MOTION: Councilor Gordon made a motion to authorize the mayor to sign the**
2 **2013 Senior Programs MOU. Councilor Riddile seconded the motion and it passed**

3
4 **Consider Ordinance 2012-6 - An Ordinance of the New Castle Town Council**
5 **Amending the Municipal Code Concerning the Operation of the Highland Cemetery.**
6 **(second reading)**

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

15 **Discussion on New Legislation Regarding Marijuana**

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

27 The council briefly discussed the new state legislation regarding the legalization of
28 marijuana and the town's current ban on medical marijuana sales. Because the state health
29 department was required to determine specific regulations and or requirements on
30 marijuana use by July 1, 2013, the council agreed to consider an ordinance imposing a
31 moratorium through December 31, 2013 on the retail sale of marijuana within town,
32 specifying that no license applications will be accepted until the moratorium is lifted. The
33 council also agreed they will consider the state regulations when they are set in July, and to
34 have ongoing discussions to determine the appropriate direction for the town regarding
35 retail sales.

36 Councilor Leland asked Attorney McConaughy if a special excise tax on marijuana sales
37 would have to go to the voters, and he said it did.

39 **Discussion Regarding a Special Meeting on February 2, 2013**

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

43
44 **MOTION: Councilor Gordon made a motion to appropriate \$500.00 to purchase a**
45 **time capsule as suggested by Councilor Leland. Councilor Riddile seconded the**
46 **motion and it passed unanimously.**

47
48 **MOTION: Councilor Leland made a motion to hold a special council meeting on**
49 **Saturday February 2, 2013, at a time and place to be determined by the Town**
50 **Administrator. Councilor Gordon seconded the motion and it passed unanimously.**

1
2 **Consent Agenda**

3 Minutes of the December 18, 2012 council meeting

4 December Bills of \$318,160.92

5 Resolution 2013-1 - Regarding Posting Places

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

8 **MOTION: Councilor Russi made a motion to approve the consent agenda with the**
9 **suggested corrections to the minutes. Councilor Gordon seconded the motion and**
10 **it passed unanimously.**

11
12
13 **Committee Reports**

14 Planning & Zoning – nothing to report

15 Climate Action Advisory Committee – nothing to report

16 Historic Preservation – nothing to report

17 POSTR – nothing to report

18
19 **Staff Reports**

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

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

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

28 Public Works Director – not present

29 Town Planner – not present

30
31
32 **Council Comments**

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

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

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

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

47 Councilor Metzger mentioned the Christmas day water leak at Three Elk Run, and asked if it
48 had been determined who was responsible for the maintenance and repairs to that line.

49 Administrator Baker said he had been on vacation and did not have an answer, but that

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

6
7 **MOTION: Councilor Metzger made a motion to adjourn. Councilor Gordon seconded**
8 **the motion and it passed unanimously.**

9
10 The meeting adjourned at 9:15 p.m.

11
12
13 Respectfully Submitted,

14
15
16
17
18 _____
19 Mayor Frank Breslin

20
21
22 _____
23 Town Clerk Melody Harrison
24
25

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2013-2

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL ACCEPTING
THE PUBLIC IMPROVEMENTS FOR FILING 10 OF CASTLE VALLEY
RANCH.

WHEREAS, the Town and CVR Investors, Inc. (“Developer”) have previously entered into a Subdivision Improvements Agreement dated December 28, 2011, a copy of which is attached as an exhibit to Town of New Castle Ordinance No. 2010-08 and recorded as reception No. 812499 and as amended by Resolution TC 2012-18 (collectively the “SIA”) regarding the development of Filing 10 of the Castle Valley Ranch Planned Unit Development (the “Project”); and

WHEREAS, the SIA required the Developer to build, construct and otherwise install certain public improvements (the “Public Improvements”) on the Project for the benefit of the residents of the subdivision and the Town; and

WHEREAS, the construction of the Public Improvements was secured by a deposit agreement; and

WHEREAS, one hundred percent (100%) of all Public Improvements required by the SIA have been certified complete by the Developer’s engineer and have been accepted by the Town Engineer; and

WHEREAS, the Town has received as-built drawings, a summary of actual construction costs for this Filing, and a bill of sale for all personal property required to be installed by the SIA.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Town Council.
2. Final Acceptance of Improvements. The Public Improvements required by the Subdivision Improvements Agreement are hereby deemed accepted. The effective date of this Resolution shall constitute the “Final Acceptance Date” for purposes of the SIA.
3. Warranty. The two (2) year warranty period outlined in paragraph 9 of the SIA commences on the effective date of this Resolution.
4. Security. Pursuant to the SIA and Town Code § 16.32.020 the Town will retain one thousand five hundred dollars and no cents (\$1,500.00) as security for ongoing revegetation requirements and to address any warranty concerns. This security may be held for a period of up to thirty months from the effective date of this resolution. The Town Administrator is authorized

to release the retained security at any time without further Council action upon the recommendation of the Town Planner and Town Engineer. The balance of the security held under the Deposit Agreement may be immediately released to the Developer.

5. Effective Date. This Resolution shall be effective immediately upon passage.

THIS RESOLUTION was adopted by the New Castle Town Council by a vote of _____ to _____ on the 15th day of January, 2013.

NEW CASTLE TOWN COUNCIL

Frank Breslin, Mayor

ATTEST:

Melody Harrison, Town Clerk

BILL OF SALE

KNOW ALL PERSONS BY THESE PRESENTS, that CVR Investors, Inc. ("Seller") for good and valuable consideration and pursuant to that certain Subdivision Improvements Agreement (the "SIA") entered into with the Town of New Castle ("Buyer") has bargained and sold, and by these presents does grant, bargain, sell, convey and confirm, unto the Buyer the following property, goods, and chattels, to wit:

All right, title, and interest of Sellers to the following improvements located in the County of Garfield, State of Colorado:

All raw and potable water lines, water facilities, sewer lines, sewer facilities, hydrants, water or sewer distribution facilities, drainage structures, gas lines, electrical facilities, cable T.V., telephone lines, utility systems, public streets, bicycle and pedestrian paths, and other personal property required to be installed by Ordinance No. 2010-8 and the SIA attached thereto, recorded in the real property records of Garfield County as reception number 812499, or shown on the approved construction plans (the "Public Improvements") within the development of Filing 10 of the Castle Valley Ranch Planned Unit Development as shown on the plat thereof.

TO HAVE AND TO HOLD the same unto the said Buyer, its trustees, personal representatives, successors and assigns, forever. Seller covenants and agrees to **WARRANT AND DEFEND** the sale of said property, goods and chattels unto the Buyer, its trustees, personal representatives, successors and assigns, against all and every person or persons whomever. When used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Seller has executed this Bill of Sale this 9th day of January, 2013.

SELLER:
CVR INVESTORS, INC.

By: *J. Aaron Atkinson*
S. AARON ATKINSON (name)
PRESIDENT (title)

Memorandum

To: Mayor and Council

From: Tom Baker, Town Administrator

Date: January 15, 2013

Re: Funding Request for 125 Celebrate New Castle Event Feb 2nd

I spoke with Russell Talbott and have worked out a partnership for the fireworks show for February 2nd. The Town can fund the fireworks and the Talbotts will fund the cost of the 5-person crew need to undertake the fireworks show. The total cost of the performance is approximately \$3,500. I am requesting authorization to spend \$1,500 from the Council's 125 Anniversary budget line item for fireworks.