

1
2 **New Castle Town Council Meeting**
3 **Tuesday, November 19, 2013, 7:00 p.m.**
4

5 **Call to Order**

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

8 **Pledge of Allegiance**
9

10 Mayor Breslin explained to the audience that he would not be running for mayor in
11 the April 2014 election, and that he had decided to allow each council member to
12 have an opportunity to manage a council meeting. At the last meeting Councilor
13 Metzger facilitated, and he asked her to pass the gavel on to another councilor for
14 the evening. Councilor Metzger passed the gavel to Councilor Russi.
15

16 **Roll Call**

17 Present	Councilor Russi
18	Councilor Riddile
19	Councilor Metzger
20	Mayor Breslin
21	Councilor Gordon
22	Councilor Leland
23	Councilor Stuckey
24 Absent	None

25

26 Also present at the meeting were Town Administrator Tom Baker, Town Clerk
27 Melody Harrison, Town Attorney David McConaughy and members of the public.
28

29 **Meeting Notice**

30 Clerk Harrison verified that her office gave notice of the meeting in accordance with
31 Resolution TC-2013-1.
32

33 **Conflicts of Interest**

34 There were no conflicts of interest.
35

36 **Agenda Changes**

37 There were no agenda changes.
38

39 **Citizen Comments on Item not on the Agenda**
40

41 **Consultant Reports**

42 Consultant Attorney - present for agenda items
43 Consultant Planner - not present
44 Consultant Engineer - not present
45

46
47 **Items for Consideration**
48

1 **Consider Letter of Interest from Merle Means for Appointment to**
2 **Planning & Zoning Commission Seat**

3 The council greeted Mr. Merle Means and spoke briefly with him.

4 **MOTION: Mayor Breslin made a motion to appoint Mr. Merle Means to the**
5 **Planning & Zoning Commission. Councilor Metzger seconded the motion**
6 **and it passed unanimously.**

7
8 **Riverside Middle School 21st Century Project**

9 Emily, Jessica, Santana, Riverside Middle School Students, introduced themselves
10 to the council. They described the project they were working on to make the Town
11 of New Castle a better place to live and play, and their role in helping reach that
12 goal. They had suggestions for businesses that would attract young people, such as
13 a movie theater, an arcade, and an ice cream/candy shop. They also suggested
14 implementing a downtown beautification program that would include tidying up the
15 area, and painting the existing buildings more interesting colors. The council
16 provided some contact information to Emily, Jessica and Santana for the Downtown
17 Beautification Group, the River Center and the local Boy Scouts as resources for
18 fundraising and volunteer projects similar to theirs with whom they could
19 coordinate. The council complimented them on their project presentation and their
20 professionalism. Council offered some guidance on how to move forward with
21 choosing a specific goal from their list, and asked if they will provide the council
22 with a report on their results. Emily, Jessica and Santana agreed they would keep
23 in contact with the town on their progress.

24
25 **Tap Fee Discussion**

26 Administrator Baker told the council that since he had written the memo for the
27 packet, he had received new information regarding the meter pit on the property,
28 and that the associated tap and been transferred to the unit that the Black Dog
29 Saloon was in, rendering the conversation moot. Instead, Administrator Baker told
30 the council he would like to approach Sam Garcia with two different options and
31 wanted the council's input. Option 1 would be to structure a five-year payment
32 schedule; and option 2 would be a five-year payment schedule with a lower
33 monthly payment and a balloon payment at the end. He asked if council had other
34 suggestions. The council and Administrator Baker discussed several methods by
35 which the additional taps could be purchased and stay within the code limitation of
36 five years. Attorney McConaughy confirmed that the town code limited tap fee
37 payment agreements to a five year period, but that council could consider
38 amending the code to make tap fee payment agreements financially easier for all
39 downtown businesses. He cautioned that the enterprise fund needed to remain
40 whole. Administrator Baker said staff will draft some payment options for Mr.
41 Garcia.

42
43 **Consider Request from CLEER for Additional Funding**

44 Councilor Russi clarified that the funding request was actually from Garfield Clean
45 Energy (GCE), not CLEER. Administrator Baker agreed. He said information about
46 other municipalities funding was part of the information provided as the council
47 requested. Councilor Gordon noted that no other municipality besides Carbondale
48 had increased their contributions. Councilor Russi said the majority of Carbondale's
49 contributions were earmarked for specific programs for Carbondale residents only.

1 The council agreed that the contributions made to GCE were valuable, and that GCE
2 always provided services to the town in kind. After a lengthy discussion about all
3 that GCE has done for the residents of Garfield County in the years they have
4 existed, there was consensus on the council to provide additional funding to GCE in
5 the amount of \$2,500.00.

6 7 **Discussion: Castle Valley Ranch Tap Fee Agreement**

8 Attorney McConaughy explained to the council the history of the CVR tap fee
9 guaranty agreement. Because of the ongoing poor economy, it appears as though
10 tap fee revenues will dip below \$90k, which will trigger the CVR guaranty
11 agreement. The agreement says that the developer has to pay the town up to \$45k
12 to bring the town up to the \$90k level. Subsequently, if the town exceeds the \$90k
13 mark in the following year, monies will be refunded back to them. Essentially, it is
14 an interest-free loan. Attorney McConaughy said that the three entities involved,
15 Castle Valley Ranch Investors, Williams Family Investments, and CTS Investments
16 have all recently signed the extended Vested Rights Agreement, acknowledging
17 they are all responsible to all other prior agreements, including the tap fee guaranty
18 agreement. Based on projections from the town finance director, it appears the
19 town will be \$42k short of the target \$90k. The question is whether the council
20 would like staff to send letters to the three entities requesting payment of the \$42k
21 for an interest-free loan that may be paid back next year, or in ten years. Attorney
22 McConaughy met with Administrator Baker and Finance Director Lyle Layton and
23 they determined that the town had been able to meet their debt obligations, so it
24 would not be necessary to request the payment. Alternatively, Attorney
25 McConaughy said he could send a letter to the developers informing them that
26 although the agreement was in place and the town would fall short of the 90k, that
27 the council had decided to refrain from calling in the payment, but that in no way
28 relieved them of the contractual agreement in the future. There was consensus on
29 council to waive their right to demand payment for this year, and directed Attorney
30 McConaughy to draft a letter to the developers.

31 32 33 **Executive Session**

34 **MOTION: Mayor Breslin made a motion at 8:15 p.m. to go into executive**
35 **session for a conference with the Town Attorney for the purpose of**
36 **receiving legal advice on specific legal questions under C.R.S. Section 24-**
37 **6-402(4)(b) concerning pending or threatened litigation. Councilor Riddle**
38 **seconded the motion and it passed unanimously.**

39 Executive Session concluded, 8:30 p.m.

40 41 **Executive Session**

42 **MOTION: Councilor Leland made a motion to go into executive session at**
43 **8:32 p.m. (1) for conference with Town Attorney for purpose of receiving**
44 **legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);**
45 **and (2) for purpose of determining positions relative to matters that may be**
46 **subject to negotiations, developing strategy for negotiations, and/or**
47 **instructing negotiators, under C.R.S. Section 24-6-402(4)(e) concerning**
48 **real estate. Councilor Stuckey seconded the motion and it passed**
49 **unanimously.**

1 Executive session concluded, 9:05 p.m.

2
3 At the end of the executive session, Councilor Russi, Presiding Officer, made the
4 following statement:

5
6 The time is now 9:05 p.m. and the executive sessions have been concluded.
7 The participants in the executive sessions were Councilors Russi, Riddile and
8 Metzger, Mayor Breslin, Councilors Gordon, Leland and Stuckey;
9 Administrator Baker, Clerk Harrison, Attorney McConaughy and Human
10 Resources Manager Edgar.

11 For the record, if any person who participated in the executive session
12 believes that any substantial discussion of any matters not included in the
13 motion to go into the executive session occurred during the executive
14 session, or that any improper action occurred during the executive session in
15 violation of the Open Meetings Law, I would ask that you state your concerns
16 for the record.

17
18 There were no concerns stated.

19
20
21 **Consent Agenda**

22 Minutes of the November 5, 2013 council meeting
23 Kum & Go Liquor License Renewal
24 Mayor Breslin offered one correction to the minutes.

25 **MOTION: Mayor Breslin made a motion to approve the consent agenda with**
26 **corrections. Councilor Leland seconded the motion and it passed**
27 **unanimously.**

28
29
30 **Staff Reports**

31 Town Administrator - Administrator Baker told the council he and staff had been
32 taking a flexible position regarding the sign code, specifically the sandwich boards
33 placed at the Castle Valley Blvd. & Highway 6 intersection. A complaint had been
34 received by the town, so staff will speak with the businesses to let them know
35 sandwich boards could no longer be placed there. He reminded the council that a
36 citizen had taken a fall and filed a claim with the town. Payment on those medical
37 and dental bills will be in upcoming accounts payable reports. He said the bills will
38 also be submitted to CIRSA for consideration. Administrator Baker reminded council
39 that the Lions Club Thanksgiving dinner was on Saturday at 5:00 p.m., and on
40 Monday was the Senior Housing Charette at 5:00 p.m.

41 Town Clerk - Clerk Harrison told the council that Leah Feeley, the new hire in the
42 Administrative Office, was working out quite well. The Clerk's Office was working on
43 end of the year projects and preparing for 2014. The election calendar for the April
44 election was complete and will be in the DropBox the next day, and an abbreviated
45 version would be published in the town newsletter for the citizens. Last, she said
46 staff has talked with Sam Garcia and he has agreed to host the party in his
47 restaurant. Staff was proposing the Employee Christmas Party for December 17,
48 which is the date of the last regularly scheduled council meeting of the year. That
49 date was chosen because there was nothing yet on the agenda, and since council

1 already had the time scheduled, they would be able to attend the party. She
2 suggested any motion to change the December 17 meeting could be made at the
3 December 3 meeting.
4 Town Planner - not present
5 Public Works Director - not present
6

7 **Council Comments**

8 Councilor Metzger clarified that the senior housing charette was at the Lakota
9 Recreation Center. Administrator Baker agreed.
10 Councilor Metzger asked if a letter had been sent to the Lakota residents regarding
11 the sports complex. Councilor Russi said that neither of the grants the town applied
12 for were funded, and there were two more grants the town would apply for in early
13 2014. Administrator Baker said he had not told anyone the GoCo grant was denied
14 because the town had not received the official word yet. Councilor Leland said he
15 was writing an article for the town newsletter to let people know the sports complex
16 construction was dependent upon outside funding and that the town was continuing
17 to seek that funding, and will keep the public informed. He said the council agreed
18 the article in the newsletter was how the council had previously decided to inform
19 the public of the progress.
20 Councilor Metzger said at the HPC meeting the evening before, the minutes
21 reflected a cost of \$4,500.00 for the Cultural Heritage Tourism sign, and that she
22 had not heard that figure before. Her concern was that it was an extraordinary cost.
23 Administrator Baker said the figure was written into the budget that the council had
24 yet to approve, but that they would have that opportunity at the next meeting. He
25 also said Councilor Leland was looking into it further. Councilor Metzger said there
26 was no place for the sign in the same way there was no place for a community
27 kiosk. Councilor Stuckey said that the council would have to carefully consider it
28 because there were limited opportunities for placement. Councilor Leland said grant
29 funds had supplied the rack cards and part of the cost of the signs. Sixteen
30 municipalities will all have the same sign. Mayor Breslin suggested locating it near
31 the park-and-ride. Councilor Leland suggested near the town hall.
32 Mayor Breslin gave each councilor a copy of a document that listed the ranking
33 motions for council meetings as compiled by the Colorado Municipal League. He
34 also said the on Monday was the meeting for AGNC, and he asked for comments
35 regarding the Sage Grouse issue. He said that Colorado has implemented a Sage
36 Grouse Restoration project five years earlier, and he felt that Colorado did not
37 want the federal government to tell Colorado what to do.
38 Mayor Breslin said that RFTA had agreed to put in a mid-day route to Rifle. The
39 route will run until April 2014, and then limit the mid-day route New Castle only.
40 He thanked Councilor Leland for his work on the EQR article for the town
41 newsletter.
42 Councilor Gordon said he had attended a Power-Up Colorado meeting and that it
43 was a great meeting. He felt that reducing energy use was a mind-set and required
44 some new thinking. He thought perhaps GCE could assist with a cost/benefit
45 analysis. He also felt that if people could save some money, they were likely to
46 spend that money, so it could be good for economic development. He said he would
47 work on organizing the information for the council, and bring it back to them.
48 Councilor Stuckey asked about the warranty work in Lakota. Administrator Baker
49 said that Town Engineer Jeff Simonson had it.

1 Councilor Metzger asked if local contractors would be used for the senior housing
2 project. Administrator Baker and Councilor Gordon said that the idea was to use
3 local contractors, but the company would make that call.
4 Councilor Metzger asked if the council had authorized the Boy Scouts to place a bus
5 shelter in town, and Administrator Baker said they had, but when John Harcourt
6 had gone to get the shelter, they were all gone.
7 Councilor Russi told the council that KJAX was still interested in extending service
8 into New Castle, and they were wondering if the town had put funds into the
9 budget, which he did not think was a core town function. He said that some of the
10 local seniors were working on a fundraising program, and that KJAX was
11 considering just doing it. There should be more on it very soon.

12

13 **MOTION: Councilor Metzger made a motion to adjourn. Mayor Breslin**
14 **seconded the motion and it passed unanimously.**

15

16 The meeting adjourned at 9:46 p.m.

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19 Respectfully submitted,

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Mayor Frank Breslin

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Town Clerk Melody Harrison

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1
2 **New Castle Town Council Meeting**
3 **Tuesday, December 3, 2013, 7:00 p.m.**
4

5 **Call to Order**

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

8 **Pledge of Allegiance**
9

10 **Roll Call**

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

18
19 Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody
20 Harrison, Human Resources Manager Mike Edgar, Finance Director Lyle Layton and
21 Town Attorney David McConaughy.
22

23 **Meeting Notice**

24 Clerk Harrison verified that her office gave notice of the meeting in accordance with
25 Resolution TC-2013-1.
26

27 **Conflicts of Interest**

28 There were no conflicts of interest.
29

30 **Agenda Changes**

31 Town Administrator Tom Baker told the council that he would like to add a
32 proclamation for Arbor Day to the consent agenda. The council agreed.
33

34 **Citizen Comments on Item not on the Agenda**

35 There were no citizen comments.
36

37 **Consultant Reports**

38 Consultant Attorney – nothing to report
39 Consultant Planner – not present
40 Consultant Engineer – not present
41
42

43 **Items for Consideration**

44
45 **Consider Ordinance TC-2013-8, An Ordinance of the Town of New Castle,**
46 **Colorado summarizing additional expenditures for the General Fund and**
47 **adopting a supplemental budget for the Town of New Castle, Colorado, for the**

1 calendar year beginning on the first day of January, 2013 and ending on the
2 last day of December, 2013. (first reading)

3
4 **MOTION: Councilor Gordon made a motion to approve Ordinance TC-2013-8,**
5 **An Ordinance of the Town of New Castle, Colorado summarizing additional**
6 **expenditures for the General Fund and adopting a supplemental budget for**
7 **the Town of New Castle, Colorado, for the calendar year beginning on the first**
8 **day of January, 2013 and ending on the last day of December, 2013 on first**
9 **reading.**

10 Discussion: Councilor Leland asked if the council would meet December 17 for second
11 reading, and Administrator Baker said staff had a proposal for the next meeting and
12 there would be a meeting for second reading.

13 **Councilor Stuckey seconded the motion and it passed on a roll call vote:**

14 **Councilor Gordon: yes; Councilor Riddile: yes; Councilor Stuckey: yes;**

15 **Councilor Leland: yes; Councilor Russi: yes; Mayor Breslin: yes.**

16
17
18 **Consider Resolution TC-2013-24, A Resolution of the Town Council of the**
19 **Town of New Castle Adopting a Budget for the Town of New Castle, Colorado,**
20 **for the Fiscal Year Beginning on January 1, 2014 and Ending on December 31,**
21 **2014, Appropriating the Amounts Specified in the Budget as Expenditures**
22 **from the Funds Indicated, Levying the Property Tax Proposed in the Budget,**
23 **and Reserving and Designating Certain Amounts in Each Fund. (7:25 p.m.)**

24
25 **MOTION: Mayor Breslin made a motion to approve Resolution TC 2013-24, A**
26 **Resolution of the Town Council of the Town of New Castle Adopting a Budget**
27 **for the Town of New Castle, Colorado, for the Fiscal Year Beginning on**
28 **January 1, 2014 and Ending on December 31, 2014, Appropriating the**
29 **Amounts Specified in the Budget as Expenditures from the Funds Indicated,**
30 **Levying the Property Tax Proposed in the Budget, and Reserving and**
31 **Designating Certain Amounts in Each Fund. Councilor Gordon seconded the**
32 **motion.**

33
34 Discussion: Councilor Russi noted that during the finance committee meeting council
35 had agreed that they would allocate more funds to a capital project and he wanted to
36 amend the resolution to reflect that decision.

37 **MOTION: Councilor Russi made a motion to amend resolution TC-2013-24 to**
38 **increase the general ledger account #10-5090-560 by \$95,000.00 to**
39 **\$505,000.00. Councilor Leland seconded the motion.**

40
41 Attorney McConaughy told the council they needed to vote on the amendment first,
42 then open the public hearing for the budget resolution, then vote on the amended
43 resolution.

44
45 **The amendment to resolution 2013-24 proposed by Councilor Russi passed**
46 **unanimously.**

47
48 **Mayor Pro Tem Riddile opened the public hearing at 7:11 p.m.**

49 There were no public comments.

50 **Mayor Pro Tem Riddile closed public hearing at 7:13 p.m.**

1
2 **Amended Resolution TC-2013-24 passed unanimously.**
3
4

5 **Parkland Development Follow-Up Discussion**

6 Administrator Baker reviewed his memo for the council. He told them that after some
7 consideration, staff had decided that perhaps a fee comparison would be done
8 amongst the other municipalities in Garfield County, and then the recreation fee could
9 be reconsidered when the fee schedule was brought back to the council in January.

10 The council agreed.

11 Second, he said that the parkland dedication fee calculation the town currently used
12 was close to a recent property appraisal done for the town, and he recommended
13 leaving that fee as it is for the time being. The council agreed.

14 Last, he said that the amendment to the comprehensive plan to require a minimum
15 10% parkland dedication was scheduled for a public hearing with the Planning &
16 Zoning Commission on December 11, 2013.

17
18 **2014 Grant Strategy Discussion**

19 Administrator Baker told the council he was looking to council for their thoughts on
20 grant strategy for 2014. Referencing the packet memo, he told council that the police
21 department had been successful in obtaining two vehicles from the sheriff's office, and
22 that public works wanted to work on a mini-grant for sidewalks and a traditional grant
23 for downtown streets. He noted that downtown streetscape was not shown on the
24 grant strategy proposal because of the reduced revenue stream for the FMLD. He felt
25 that a more traditional infrastructure grant application may be more successful.

26 Councilor Leland asked about fitting antique street lamps into the grant strategy, if it
27 would be effective and Administrator Baker said he would research it. The council
28 agreed the strategy memo was a good guide for staff to use, and also agreed it could
29 change.

30
31
32 **Reaffirm that the Pedestrian Bridge is Council's Top Priority for Capital
33 Construction**

34 Councilor Russi asked the council if the pedestrian bridge was still a top priority. The
35 council agreed it was.
36
37

38 **Executive Session**

39
40 **MOTION: Mayor Pro Tem Riddile made a motion at 7:52 p.m. to go into
41 Executive Session for a conference with the Town Attorney for the purpose of
42 receiving legal advice on specific legal questions under C.R.S. Section 24-6-
43 402(4)(b)); and (2) for purpose of determining positions relative to matters
44 that may be subject to negotiations, developing strategy for negotiations,
45 and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e)
46 concerning real estate. Councilor Leland seconded the motion and it passed
47 unanimously.**
48
49

50 Executive Session Concluded, 8:27 p.m.

1
2 "The time is now 8:27 p.m. and the executive session has been concluded. The
3 participants in the executive session were Councilors Russi and Riddile, Mayor Breslin,
4 Councilors Gordon, Leland and Stuckey, Town Administrator Tom Baker, Town Clerk
5 Melody Clerk Harrison, Consultant Attorney David McConaughy, Finance Director Lyle
6 Layton and Human Resources Manager Mike Edgar. For the record, if any person who
7 participated in the executive session believes that any substantial discussion of any
8 matters not included in the motion to go into the executive session occurred during the
9 executive session, or that any improper action occurred during the executive session in
10 violation of the Open Meetings Law, I would ask that you state your concerns for the
11 record."

12 There were no concerns stated.

13

14 **Consider Appointing Council Member to Senior Advisory Board**

15 Administrator Baker told the council that Councilor Metzger wished to stay as the
16 Council Member to the Senior Advisory Board.

17 **MOTION: Councilor Russi made a motion to elect Councilor Metzger as the**
18 **council member to the Senior Advisory Board. Councilor Riddile seconded the**
19 **motion and it passed unanimously.**

20

21 **Consent Agenda**

22 November Bills of \$360,937.37
23 Stop N Save Liquor License Renewal
24 Resolution TC-2013-23 - Credit Cards
25 2013 Arbor Day Proclamation

26 **MOTION: Councilor Russi made a motion to approve the consent agenda.**
27 **Councilor Leland seconded the motion and it passed unanimously.**

28

29 **Staff Reports**

30 Town Administrator – Administrator Baker told the council that the meeting scheduled
31 for Wednesday, December 4 in regard to website design had been rescheduled for
32 December 11 due to the severe weather forecast. He told the council that for the
33 December 17 council meeting, staff suggested a start time of 4:00 p.m.. The only item
34 on the agenda was the second reading of Ordinance 2013-8 for supplemental budget
35 and the meeting would be over in fifteen minutes. The employee party will begin at
36 4:00, and after the meeting the council could walk to the party. The council agreed
37 they could have a quorum at four.

38 **MOTION: Councilor Leland made a motion to start the December 17, 2013**
39 **council meeting at 4:00 p.m. Councilor Gordon seconded the motion and it**
40 **passed unanimously.**

41

42 Town Clerk – nothing to report
43 Town Planner – not present
44 Public Works Director – not present

45

46 **Council Comments**

1 Councilor Russi told the council he would not be running for a council seat in April
2 2014. He offered to continue working on the pedestrian bridge project as a citizen
3 volunteer.
4 Mayor Breslin said that the community development block grant submittal date had
5 been extended to February.
6 Councilor Leland told council that the walking tour maps were done and were available
7 in town hall and the library. He also said that there would be a meeting tomorrow with
8 the State Overseers at the Hotel Colorado regarding the local designations for the
9 Affordable Care Act if anyone was interested in attending.
10 Councilor Stuckey told the council that he was chair of the finance committee and he
11 was concerned about a possible conflict of interest since his wife was currently
12 contracted with the town. He offered his resignation as the chair. He also asked to be
13 the alternate for RFTA. Councilor Stuckey nominated Councilor Gordon as chair of the
14 finance committee. The council agreed to make Councilor Gordon the chair.

15
16 **MOTION: Mayor Breslin made a motion to adjourn. Mayor Pro Tem Riddile**
17 **seconded the motion and it passed unanimously.**

18
19 The meeting adjourned at 8:43 p.m.

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21
22 Respectfully submitted,

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25
26
27 _____
28 Mayor Frank Breslin

29
30
31 _____
32 Town Clerk Melody Harrison
33