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2
3 **New Castle Town Council Meeting**
4 **Tuesday, August 6, 2013, 6:30 p.m., Town Hall**

5 **Call to Order**

6 Mayor Breslin called the meeting to order at 6:55 p.m.

7
8 **Pledge of Allegiance**

9
10 **Roll Call**

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

18
19 Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody
20 Harrison, Town Finance Director Lyle Layton, Town Attorney David McConaughy, and
21 members of the public.

22
23 **Meeting Notice**

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

26
27 **Conflicts of Interest**

28 There were no conflicts of interest.

29
30 **Agenda Changes**

31 Administrator Tom Baker told the council he would like to discuss the Council Retreat date
32 at the end of the meeting. The council agreed.

33
34 **Citizen Comments on Items Not on the Agenda**

35 There were no citizen comments.

36
37 **Items for Consideration**

38
39 **Cutler and Associates 2012 Town of New Castle Audit Results**

40 Mr. John Cutler, of Cutler and Associates, greeted the council.

41 Mr. Cutler summarized the audit for the council.

42
43 **MOTION: Councilor Gordon made a motion to accept the 2012 Audit results.**
44 **Councilor Stuckey seconded the motion and it passed unanimously.**

45
46 **Consultant Reports**

47 Town Attorney – Town Attorney David McConaughy told the council that there had been a
48 July 1, 2013 deadline for Warrior Golf to post security for the road repairs. Plans for the
49 repairs had been submitted and Town Engineer Jeff Simonson was working on cost

1 estimates to determine the amount of the security needed. Because the town staff was
2 still working on numbers, Warrior was not in breach of any agreement despite the
3 deadline. He said the deadline for completing the work was in the summer of 2014, and
4 the hope was they would be able to begin work before the asphalt plants closed this year.
5 Consultant Planner – not present
6 Consultant Engineer – not present
7

8 9 **Items for Consideration**

10
11 Recess Council, convene as Local Liquor Authority
12

13 **MOTION: Mayor Breslin made a motion to recess council and convene as the**
14 **local liquor authority. Councilor Riddile seconded the motion and it passed**
15 **unanimously.**
16

17 **Consider Special Event Liquor License for the Chamber of Commerce for Burning** 18 **Mountain Festival and the Chili Cook-Off**

19 Council greeted Anne Guettler and Susan Alexander. The council reviewed the application,
20 and agree with the staff recommendation for the times alcohol would be served.
21 Additionally they granted the Chamber's request to waive the application fees for both
22 Burning Mountain Festival and the Chili Cook-Off.

23 **MOTION: Councilor Gordon made a motion to approve the Chamber of**
24 **Commerce's Special Event Liquor License Application for Burning Mountain**
25 **Festival and the Chili Cook-Off. Councilor Metzger seconded the motion and it**
26 **passed unanimously.**
27

28 Adjourn Local Liquor Authority, reconvene Council
29

30 **Mayor Breslin adjourned the Liquor Authority.**
31

32 **Citizen Comments on Items Not on the Agenda**

33 Larry Borgard spoke to the council regarding barking dogs. He said he had a petition from
34 some of the residents of senior housing complaining about persistent barking dogs that
35 prevent residents from opening their windows. He asked if they could please look into it.
36 Administrator Baker said he would have Code Administrator Tim Cain address the issue.
37
38

39 **Consider Planning & Zoning Commission Recommendation Regarding Zoning and** 40 **Land Use Regulations Relating to Marijuana Cultivation Facilities, Marijuana** 41 **Products Manufacturers, and Marijuana Testing Facilities**

42 Town Attorney David McConaughy
43

44 **MOTION: Councilor Metzger made a motion to not accept the Planning & Zoning**
45 **Recommendation Regarding Zoning and Land Use Regulations Relating to**
46 **Marijuana Cultivation Facilities, Marijuana Products Manufacturers, and Marijuana**
47 **Testing Facilities. Councilor Gordon seconded the motion and it failed on a roll**
48 **call vote: Mayor Breslin: no; Councilor Stuckey: no; Councilor Russi: no; Councilor**
49 **Metzger: yes; Councilor Riddile: yes; Councilor Gordon: yes.**

1
2 Mayor Breslin said that marijuana was legalized commerce and that they should take public
3 comment whether it was an appropriate commerce for the town, rather than retail sales.
4 Councilor Riddile asked if a moratorium could be done. Attorney McConaughy said it could.
5

6 **MOTION: Councilor Riddile made a motion to direct staff to write an ordinance to**
7 **place a moratorium on marijuana cultivation facilities, marijuana products**
8 **manufacturers and marijuana testing facilities, with an expiration date reflective**
9 **of the one-year review period for the retail sales ordinance passed in June.**
10 **Councilor Metzger seconded the motion and it passed on a roll call vote: Councilor**
11 **Russi: yes; Councilor Gordon: yes; Mayor Breslin: yes; Councilor Riddile: yes;**
12 **Councilor Metzger: yes; Councilor Stuckey: yes.**
13

14 **Policy Discussion: Dogs in Burning Mountain Park**

15 Administrator Baker explained to the council that the attitude towards dogs has changed,
16 and hotels and other public venues now allow pets. He said that people who are walking
17 their dogs like to stop in at the Community Market and the post office, and other places.
18 He thought it might be time to reconsider the policy on dogs in Burning Mountain Park. He
19 suggested that the sign prohibiting dogs be removed, and the special event application be
20 changed to allow applicants to decide if they will allow dogs at their event. This would
21 place the responsibility for regulating dogs at the event on the event coordinator.
22

23 **MOTION: Councilor Gordon made a motion to allow dogs in Burning Mountain**
24 **Park and give special event applicants the opportunity to ban dogs for the**
25 **duration of their event. Enforcement of this ban will fall to the event organizers**
26 **and be the task of event volunteers or security persons. Councilor Riddile**
27 **seconded the motion and it passed unanimously.**
28

29 **Cub Scout Request: Bus Stop Shelter at 6th & Main Streets**

30 Administrator Baker explained to the council that John Harcourt, the local Cub Scout
31 Master, had an opportunity to obtain some repurposed glass and metal bus stop shelters
32 from RFTA and wanted to install one on the north side of the street at 6th and Main. The
33 council discussed the benefits of an additional shelter for residents, the needs of the
34 community and the council's desire to improve the downtown area. They agreed that the
35 glass and metal shelter should be temporary until there were funds to build a shelter out
36 of wood or some other material that was in keeping with the historic look of the
37 downtown.

38 **MOTION: Mayor Breslin made a motion to allow a temporary use at the town**
39 **property on 6th and Main Street which includes a four foot by ten foot concrete**
40 **pad and a repurposed metal and glass bus shelter that the local cub scout pack**
41 **will install. Councilor Metzger seconded the motion and it passed unanimously.**
42

43 The council agreed to allow staff to investigate the availability of irrigation water on the
44 property. They asked Administrator Baker to have Parks Foreman Mike Callas draw up
45 some landscaping plans for plantings in the landscape strip and a corner garden area to
46 beautify the bust stop and empty lot. Administrator Baker asked if they would allow Mike
47 Callas come to a Downtown Group meeting and they agreed.

1 Mayor Breslin said that Sam Garcia was getting ready to open his restaurant and may
2 need to maximize his parking. He suggested that the Garden Club plantings on Sam's
3 empty lot could be moved to the 6th Street lot.

4
5 **Downtown Group Funding Request: Trees and Trash Cans**

6 Administrator Baker said that the group would like to see more garbage cans in the
7 downtown area so there is less litter on the streets. He said the cans cost approximately
8 \$500 each. Mayor Breslin said there were six or more on the downtown area already.
9 Administrator Baker said funds for more cans could be added to the spring FMLD grant for
10 streetscape. The council also agreed that to make the lot more attractive, trees could be
11 planted.

12
13 **Garfield County Idling Policy Discussion**

14 The council briefly discussed the idling policy set forth by Garfield County.

15 **MOTION: Councilor Riddile made a motion to adopt the Garfield County Idling**
16 **Policy. Councilor Gordon seconded the motion and it passed unanimously.**

17
18 **Consent Agenda**

19 Minutes of the July 16, 2013 council meeting

20 July Bills of \$950,626.25

21 New Castle Diner Liquor License Renewal

22 **MOTION: Mayor Breslin made a motion to approve the consent agenda. Councilor**
23 **Riddile seconded the motion and it passed unanimously.**

24
25 **Committee Reports**

26 Planning & Zoning - nothing to report

27 Climate Action Advisory Committee - nothing to report

28 Historic Preservation - nothing to report

29 POSTR - nothing to report

30
31 **Staff Reports**

32 Town Administrator – Administrator Baker said he met with Bob Gibson and Walter Bolen
33 of Warrior Golf and they would like to break ground on the new clubhouse this year. A lot
34 will depend on Warrior making decisions about the cart barn, and getting the necessary
35 documents and applications submitted. Staff targeted some specific dates for them for
36 public hearings for the required conditional use permit, and is now waiting for Warrior to do
37 their part. Administrator Baker asked the council about the September 14 retreat date. After
38 a brief discussion, they decided to leave the retreat on September 14, 2013. Last,
39 Administrator Baker asked the council their thoughts on Rosie Ferrin's garden. He recalled
40 there had been an idea that if Rosie would remove the beer cans, the town may be able to
41 help with water. He said she had tentatively made the request so he needed council's
42 direction. Mayor Breslin said the two ideas they had were to install a meter on her irrigation
43 and to provide two separate bills so she can track her use, and the other was to have the
44 town take over care of the garden and install a smartscape garden there. Mayor Breslin
45 thought the tow could install a second meter for Rosie because the garden had a direct
46 impact on the look of the downtown. The council agreed. They also felt that any person who
47 wanted a second meter could install one if they wished.

48 Town Clerk – Clerk Harrison told the council that Deputy Clerk Wendy Mead had resigned
49 her position and she had decided to open the position internally. She said the position

1 responsibilities may be rearranged based on who was hired and what their skillset was.
2 Clerk Harrison also told the council that financial reports from agencies that had received
3 grants from the town were in a folder in the DropBox for their review.
4 Public Works Director - not present
5 Town Planner - not present
6

7 **Council Comments**

8 Councilor Metzger asked who would run the meeting on August 7 for the Lakota Sports
9 Park. Councilor Russi said the Parks, Open Space, trails and Recreation committee was
10 holding the meeting in preparation for a grant application.

11 Councilor Metzger asked if anyone knew what was happening with senior housing. Councilor
12 Gordon said there would be a charette in October for the project. He said that after the
13 meeting there would be more information. Councilor Riddile said there was an article in the
14 newspaper regarding a meeting with the aerospace industry on Thursday that he thought
15 someone from the town should go. He said he would go but could not get away from work.
16 Administrator Baker said he would have Finance Director Layton go.

17 Councilor Riddile said he had gone to Silt Hey Day the previous weekend. He said the Silt
18 Police Department had a booth at the event and were interacting with the public in a positive
19 way. He said there was also a dunk tank where people could dunk the police chief, which
20 proved to be very popular. He thought the New Castle Police should consider having a booth
21 at Burning Mountain Festival.

22 Mayor Breslin said he had received a letter from the State Historic Preservation Office
23 regarding the education requirements for the Historic Preservation Committee to maintain
24 the Town's Certified Local Government status. Clerk Harrison said that Deputy Town Clerk
25 Mindy Andis was working on meeting that requirement.

26 Mayor Breslin said he had also received a letter from the Department of the Interior in
27 response to the letter council sent them. He offered it for the council to read.

28 Councilor Metzger said there was a vehicle parked at the east end of town that did not have
29 license plates.

30 Mayor Breslin said that the latest issue of Colorado Municipalities magazine was all about
31 downtowns, and he thought it might be some good information since New Castle was trying
32 to improve the downtown area.

33 Councilor Gordon said he had noticed in the audit that there was some accumulation of sick
34 and vacation pay by the employees and thought that it might be a good idea to put a cap
35 on it.

36 Councilor Stuckey said he thought it would be a good idea to consider creating a community
37 garden for the residents of New Castle.

38 Mayor Breslin said he thought that the water from the spring on C Avenue might be able to
39 be diverted at B Avenue and run along the alley fence where ivy or some other vine could
40 be planted.

41 Clerk Harrison said she was working on a water claim for that spring. Mayor Breslin thought
42 the cost for the claim may be as much as three or four thousand dollars. Councilor Russi
43 asked if there was enough water running there for such a use. Councilor Gordon said it
44 needed to be tested. Clerk Harrison said public works was running those tests, and for the
45 claim, it was necessary to indicate what the water would be used for and how many acre
46 feet were needed. She said because the water flow was so low, they would actually be doing
47 the calculations in reverse and claim only the acre feet that existed.
48

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2013-17**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL SUPPORTING
THE APPLICATION FOR A GRANT FROM THE GREAT OUTDOORS COLORADO AND
THE COMPLETION OF COMMUNITY SPORTS PARK PROJECT**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by Great Outdoors Colorado (“GOCO”); and

WHEREAS, the Town of New Castle has submitted a Grant Application for the Community Sports Park requesting a total award of \$350,000; and

WHEREAS, the Town of New Castle supports the completion of the Community Sports Park Project if a grant is awarded by the GOCO.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

- Section 1: The Town of New Castle strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.
- Section 2: If the grant is awarded, the Town of New Castle strongly supports the completion of the project.
- Section 3: The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: The project site will be under the control of the Town of New Castle for the next 25 years.
- Section 5: The Town of New Castle will continue to maintain the Community Sports Park in a high quality condition and will appropriate funds for maintenance in its annual budget.
- Section 6: If the grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign the grant agreement with Great Outdoors Colorado.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on August 20, 2013.

TOWN OF NEW CASTLE

ATTEST:

Frank Breslin, Mayor

Melody L Harrison, Town Clerk

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2013-18**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL SUPPORTING
THE APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL
MINERAL LEASE DISTRICT AND THE COMPLETION OF COMMUNITY SPORTS
PARK PROJECT**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District ("GCFMLD"); and

WHEREAS, the Town of New Castle has submitted a Grant Application for the Community Sports Park requesting a total award of \$_____; and

WHEREAS, the Town of New Castle supports the completion of the Community Sports Park Project if a grant is awarded by the GCFMLD.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

- Section 1: The Town of New Castle strongly supports the application and has appropriated matching funds for a grant with Garfield County Federal Mineral Lease District.
- Section 2: If the grant is awarded, the Town of New Castle strongly supports the completion of the project.
- Section 3: The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: The project site will be under the control of the Town of New Castle for the next 25 years.
- Section 5: The Town of New Castle will continue to maintain the Community Sports Park in a high quality condition and will appropriate funds for maintenance in its annual budget.
- Section 6: If the grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign the grant agreement with Garfield County Federal Mineral Lease District.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on August 20, 2013.

TOWN OF NEW CASTLE

ATTEST:

Frank Breslin, Mayor

Melody L Harrison, Town Clerk

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2013-18**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL SUPPORTING
THE APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL
MINERAL LEASE DISTRICT AND THE COMPLETION OF A TRAILS PLANNING AND
SURVEYING PROJECT**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District ("GCFMLD"); and

WHEREAS, the Town of New Castle has submitted a Grant Application for the Community Sports Park requesting a total award of \$25,000; and

WHEREAS, the Town of New Castle supports the completion of the Community Sports Park Project if a grant is awarded by the GCFMLD.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

- Section 1: The Town of New Castle strongly supports the application and has appropriated matching funds for a grant with Garfield County Federal Mineral Lease District.
- Section 2: If the grant is awarded, the Town of New Castle strongly supports the completion of the project.
- Section 3: The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: The project site will be under the control of the Town of New Castle for the next 25 years.
- Section 5: The Town of New Castle will continue to maintain the Community Sports Park in a high quality condition and will appropriate funds for maintenance in its annual budget.
- Section 6: If the grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign the grant agreement with Garfield County Federal Mineral Lease District.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on August 20, 2013.

TOWN OF NEW CASTLE

ATTEST:

Frank Breslin, Mayor

Melody L Harrison, Town Clerk