

**New Castle Town Council Meeting
Tuesday, March 4, 2014, 7:00 p.m.**

Call to Order

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

Pledge of Allegiance

Mayor Breslin said that he would not be seeking reelection as mayor, but would run for a council seat instead. He said he had been offering each councilor the opportunity to manage a council meeting. He gave the gavel to Councilor Leland so he could manage the meeting.

Roll Call

Present	Councilor Russi
	Councilor Riddile
	Councilor Metzger
	Mayor Breslin
	Councilor Gordon
	Councilor Leland
	Councilor Stuckey
Absent	None

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Public Works Director John Wenzel and Accounting Technician Debbie Nichols.

Meeting Notice

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

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

Jean Huyser, 954 Clubhouse Drive. Ms. Huyser told the council that she was there to find out more information about the alleged poisoning case in Castle Valley Ranch. She said she was the administrator of an informal citizens group on Facebook called Lakota News and Notes from the Neighborhood. Ms. Huyser said she had heard about the possible poisoning and felt it would be good to inform the public but did not want to cause a panic. She said she had posted some information about it on the Facebook page and had some responses from Castle Valley residents as well as a call from the Post Independent. She said it was rumored that the poisons were potentially from tainted chicken or turkey bones as well as tainted cream cheese. Ms. Huyser said that a number

1 of people felt it would have been nice if there was a way that the community could have
2 been notified of a possible problem. She said there was community concern for pets, but
3 also for children, and some community anger that no one was aware of the issue. Police
4 Chief Chris Sadler said the issue had been reported on February 24, and that it seemed
5 to be geographically constrained and did not rise to a level that warranted public
6 notification. The department felt that notification early on would have created undue
7 panic. Chief Sadler said that it was currently undetermined how the pets became ill, and
8 there were numerous scenarios by which a pet could consume a toxic substance and
9 become ill or die, and not necessarily by a malicious human act. He said that because of
10 the Facebook posting, he had received many phone calls from citizens, and had done the
11 press release in response. He also said that it is an open investigation and he couldn't
12 release any more information.

13 14 15 16 17 **Items for Consideration**

18 19 **Northwest Colorado Cultural Heritage Tourism Sign Project - Nancy Kramer**

20 Councilor Leland introduced Nancy Kramer, Program Coordinator of the Northwest
21 Colorado Cultural Heritage Tourism program (NWCCHT), and explained that they were
22 the group responsible for the maps and rack cards the town had in the lobby.

23 Ms. Kramer greeted the council and explained that the rack cards and maps were phases
24 one and two of the project. Phase three of the project will be the community gateway
25 signs in each of the NWCCHT towns. She said they were fortunate to have received a
26 grant from the state historical fund for the signs, and they would be installing them
27 soon. Ms. Kramer said this was the first publically funded project that engaged both
28 residents and tourists in the history and legacy of the towns. Garfield County had been
29 very generous, providing \$27,500.00 in grant funds for the sign project, which equaled
30 \$4,500.00 for each of the six communities in the county. The grant funds required a
31 match, and MS. Kramer said she was present to discuss the project and to request
32 \$4,500.00 from the town in matching funds. Each sign cost \$9,000.00 for design,
33 fabrication and installation. Information on the sign, and the location of it would be
34 decided by the members of the community.

35 Ms. Kramer said that NWCCHT had begun design for the sign, and she provided
36 drawings for the council to review.

37 Ms. Kramer described the size and materials the sign will be made of, saying they were
38 expected to last twenty to twenty-five years. The town informational panel can be
39 altered or changed for less than \$1,000.00. The regional panel will likely stay the same.
40 Councilor Leland described what information would be included on the town panel.
41 Councilor Metzger asked where funds would come from. Administrator Baker said they
42 will come from the economic development line item. Councilor Metzger asked if it could
43 be discussed at the retreat. Administrator Baker said it could, and that council just
44 needed to say when they wanted it to be calendared.

45 Mayor Breslin asked if NWCCHT had a team travel through the towns to help determine
46 good locations for the signs. Ms. Kramer said they did, and that New Castle was proving
47 to be a difficult, although it was up to the community to decide the best location

48 **MOTION: Mayor Breslin made a motion to fund the project. Councilor Russi**
49 **seconded the motion.**

1 Discussion: Councilor Russi said he thought the council could go ahead and discuss the
2 funding, and give Ms. Kramer some idea if the council was supportive or not. Councilor
3 Metzger disagreed, saying she thought the council needed further discussion, primarily
4 because there was no proper location for the sign and that was why she was against it
5 at this time.

6 Ms. Kramer agreed that it was a financial investment. She pointed out that the grant
7 funding they had already received for the project, NWCCHT was a funding partner.
8 Councilor Gordon said that the sign could be placed, and subsequently moved it
9 necessary. Councilor Leland said there were three potential locations and that they
10 needed to determine which was best. Additionally, the town was already a beneficiary of
11 NWCCHT based on the funding they had already provided for the whole project.
12 Councilor Stuckey said he liked the sign, that it was a great idea and a great design, but
13 felt that council needed more time to discuss it. Councilor Russi said that Councilor
14 Leland had been involved with NWCCHT for a long time and there had been many
15 discussions about the project. Mayor Breslin said the benefits of the sign are exponential
16 because there are communities in five counties that are all part of the project. Councilor
17 Russi agreed.

18 **The motion passed with Councilors Stuckey and Metzger voting no.**

19

20 **Consider Ordinance TC-2014-1 - An Ordinance of the New Castle Town Council**
21 **Adopting the Colorado Floodplain Damage Prevention Ordinance (second**
22 **reading)**

23 **MOTION: Councilor Breslin made a motion to approve Ordinance TC-2014-1 -**
24 **An Ordinance of the New Castle Town Council Adopting the Colorado Floodplain**
25 **Damage Prevention Ordinance on second reading. Councilor Gordon seconded**
26 **the motion and it passed on a roll call vote: Councilor Metzger: yes; Mayor**
27 **Breslin: yes; Councilor Gordon: yes; Councilor Stuckey: (absent from**
28 **chambers); Councilor Russi: yes; Councilor Riddile: yes; Councilor Leland: yes.**

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32 **Roaring Fork Business Resource Center Sponsorship Request**

33 Administrator Baker started to explain the request but said he had once sat on the board
34 of the organization and felt uncomfortable advocating for them. Councilor Russi
35 explained that the Roaring Fork Business Resource Center (RFBRC) had done a lot of
36 work in the community and county-wide. He said that the County Commissioners had
37 funded both the RFBRC and the rifle Regional Economic Development Corporation
38 (RREDC). He felt that given the town's status with the RREDC, funding Roaring Fork and
39 continuing to partner with them may be appropriate. Councilor Russi said that the CEO
40 for Roaring Fork was Randi Lowenthal, who has done a lot of work for the Town of New
41 Castle and knows the town well. He felt her experience and sound advice to businesses,
42 and the training and support she provided was impressive. He felt the town should fund
43 the request.

44 Councilor Metzger asked about the textile company. Administrator Baker said originally,
45 there was an idea about local textile manufacturing. He said that he understood that
46 idea was labor-intensive, and that the business plan had changed to textile purchase,
47 and value-added sewing done locally. The town asked if Ms. Lowenthal could suggest
48 New Castle as a location, and they were open to it. It is still being explored.

1 Councilor Leland felt that Ms. Lowenthal provided a professional, hands-on service that
2 the RREDC could not do. He felt that without the RREDC, it was appropriate to fund the
3 Roaring Fork Business Resource Center.

4 **MOTION: Councilor Russi made a motion to approve the request. Councilor
5 Riddile seconded the motion.**

6 Discussion: Councilor Russi said that he would not mind funding RFBRC at \$1000.00
7 even though they were not requesting that amount. After a brief discussion, the council
8 decided to stay with the specific request of \$500.00

9 **The motion passed unanimously.**

12 **IGA Regarding New Castle Pedestrian Trail**

13 Attorney McConaughy said he created a draft of the IGA, but had not received it back
14 from the county attorney. He said had been in contact with them, and hoped to have the
15 document back to the council in two weeks.

17 **Executive Session**

19 **MOTION: Councilor Russi made a motion at 8:05 p.m. to go into executive
20 session for a conference with the Town Attorney for the purpose of receiving
21 legal advice on specific legal questions under CRS 24-6-402(4)(b) and for the
22 purpose of determining positions that may be subject to negotiations,
23 developing strategy for negotiations, and/or instructing negotiators, under CRS
24 24-6-402(4)(e). Councilor Riddile seconded the motion and it passed
25 unanimously.**

27 Executive Session concluded, 8:21 p.m.

29 At the end of the executive session, Councilor Leland made the following statement:

31 "The time is now 8:21 p.m. and the executive session has been concluded. The
32 participants in the executive session were: Councilors Russi, Riddile, Metzger; Mayor
33 Breslin; Councilors Gordon, Leland and Stuckey, Town Administrator Tom Baker, Police
34 Chief Chris Sadler, Town Attorney David McConaughy and Town Clerk Melody Harrison.
35 For the record, if any person who participated in the executive session believes that any
36 substantial discussion of any matters not included in the motion to go into the executive
37 session occurred during the executive session, or that any improper action occurred during
38 the executive session in violation of the Open Meetings Law, I would ask that you state
39 your concerns for the record."

41 No concerns were stated.

44 **Consent Agenda**

1 Minutes of the February 4, 2014 Council Meeting
 2 Minutes of the February 18, 2014 Council Meeting
 3 Minutes of the February 25, 2014 Special Council Meeting
 4 February Bills of \$341,474.68
 5 Resolution TC-2014-10 - Supporting a GOCO Grant Application
 6 Councilor Leland asked to remove the February 18 minutes from the consent agenda.
 7 **MOTION: Councilor Russi made a motion to approve the remaining consent**
 8 **agenda. Councilor Riddile seconded the motion and it passed unanimously.**
 9 Councilor Leland sad that he and Clerk Harrison had reviewed the minutes and needed
 10 direction on one sentence in the minutes. Attorney McConaughy suggested a correction
 11 and the council agreed.
 12 **MOTION: Councilor Russi made a motion to approve the minutes of February**
 13 **18, 2014. Councilor Leland seconded the motion and it passed with Mayor**
 14 **Breslin abstaining.**

15 **Consultant Reports**

16 Consultant Attorney - Attorney McConaughy told the council that Warrior Acquisition
 17 submitted a proposal regarding the Lakota road warranty work that he was reviewing,
 18 and would bring back to the council at a future date.
 19 Consultant Planner - not present
 20 Consultant Engineer - not present
 21

22 **Staff Reports**

23 Town Administrator - nothing to report.
 24 Town Clerk - Clerk Harrison told the council that Maud's On Main had finally gotten their
 25 liquor license approval from the State, and that they planned to open April 17. She said
 26 in the information folder in the Dropbox there were several thank you letters from
 27 agencies the town had given grant funds to, as well as a newsletter from Garfield RE-2
 28 that had statistics regarding graduation and drop-out rates, and state funding. Clerk
 29 Harrison said that Warrior Acquisitions had received a certificate of occupancy for the
 30 first spec house they built in Lakota, and that she and Planner Cain had a pre-application
 31 meeting with Bob Gibson and his contractor regarding the clubhouse. Last, Clerk
 32 Harrison said that she had begun transitioning the building department to Planning, and
 33 hat Planner Cain had been doing well taking over the department.
 34 Councilor Leland asked if the election would be cancelled at next meeting if there were
 35 no write-in candidates. Clerk Harrison said that was correct, the election would be
 36 cancelled.
 37 Town Planner - not present
 38 Public Works Director - not present

39 40 **Council Comments**

41 Councilor Riddile said he had been reading the Ethical Conduct in Local Government
 42 book and in chapter six he found an item that he had to share with the council. It said:
 43 "In addition, ethics regulations should prohibit: *engaging in contractual relationships
 44 for the personal benefit of the public official and/or the official's relatives. Councilor
 45 Riddile said that he understood that the award process conducted for two recent

1 contracts was legal, but he felt they were not appropriate, and he wanted to be on the
2 record in stating his opinion.

3 Councilor Gordon asked what contracts he was referring to, and Councilor Riddile said
4 the one for the design of the public works building remodel and the contract for
5 marketing and website design.

6 Councilor Metzger said she heard there had been a town Facebook post about robberies
7 in Castle Valley Ranch. Chief Sadler said he was unfamiliar with Facebook and could not
8 comment on that, but said there had been a couple break-ins; burglaries, not robberies.

9 Attorney McConaughy said that there was a policy about staff representing the town on
10 Facebook. Clerk Harrison said the town did not have an active Facebook account either.

11 Councilor Russi asked if his term of office would end on April 15, and Clerk Harrison said
12 that was correct. Councilor Russi said there was a planning session scheduled on April 9
13 for Garfield Clean Energy and he wanted to be able to represent the town at that. He
14 invited other councilors to attend if they wished.

15 Councilor Gordon said a survey had been done of the area around the public works
16 building, and it turns out that the basement level is only three and a half feet lower than
17 the parking lot. Because of that, the retaining wall could be removed and a walkout
18 created, which eliminates the need for an elevator.

19 Councilor Leland said that he and Administrator Baker had seen a preview of the new
20 town website, and it was stunning. They were waiting for additional content to complete
21 it. He also said they were having some difficulty obtaining good, quality photographs of
22 things in town. He asked for any help people could offer.

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

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28 The meeting adjourned at 9:25 p.m.

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31 Respectfully Submitted,

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36 _____
37 Mayor Frank Breslin

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40 _____
41 Town Clerk Melody Harrison

**TOWN OF NEW CASTLE
RESOLUTION NO. 2014-11**

**A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL PROVIDING
FOR THE CANCELLATION OF THE APRIL 8, 2014 REGULAR MUNICIPAL
ELECTION IN ACCORDANCE WITH SECTION 1.16.040 OF THE
TOWN OF NEW CASTLE MUNICIPAL CODE**

WHEREAS, Section 2.1 of Article II of the Town of New Castle Home Rule Charter provides that "Town elections shall be governed by the Colorado Municipal Election Code of 1965, as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance;" and

WHEREAS, there is currently scheduled on April 8, 2014, a regular election to elect a mayor and three council members; and

WHEREAS, the Colorado Municipal Election Code provides in C.R.S. § 31-10-507 that if a municipality has adopted an ordinance addressing cancellation of elections, it may cancel an election where there are not more candidates than offices to be filled; and

WHEREAS, Section 1.16.040 of the Town of New Castle Municipal Code provides: "If the only matter before the voters in a municipal election is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent pursuant to Section 1.16.020 or 1.16.030 of this chapter, the Town Clerk, if instructed by resolution of the Town Council either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such declaration the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the town, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.;" and

WHEREAS, the New Castle Town Council adopted Resolution TC-2014-4 on February 4, 2014, authorizing a mail ballot election; and

WHEREAS, the nineteenth day before the regular mail ballot municipal election to be held on April 8, 2014, is March 21, 2014; and

WHEREAS, the deadline for filing nomination petitions was February 27, 2014; and

WHEREAS, the deadline for filing affidavits of intent for write-in candidates was March 7, 2014; and

WHEREAS, there are currently no more than one (1) candidate for each seat to be filled based upon those filing nomination petitions and affidavits of intent to be write-in candidates, and the council desires to cancel the election and declare the candidates elected, as provided by C.R.S. § 31-10-507; and

WHEREAS, the only matter before the voters is the election of candidates to office.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of New Castle, Colorado that:

Section 1. Effective at the close of business on March 7, 2014, there was not more than one candidate per seat to be filled, including candidates filing affidavits of intent to be write-in candidates and the Town Clerk is hereby directed to cancel the April 8, 2014, regular election for the Town of New Castle.

Section 2. When the Town Clerk cancels the election as set forth in Section 1, the candidates are hereby deemed elected. The Town Clerk shall adopt a subsequent Resolution acknowledging the named individuals elected.

Section 3. Section 3.7 of the Town of New Castle Home Rule Charter provides that an organizational meeting shall be held at the first regular council meeting following each general Town election. The organizational meeting shall be held on April 15, 2014, at which time the oaths of office shall be administered.

Section 4. The Town Clerk shall publish notice of such cancellation and shall post notice of such cancellation at each polling place as well as on the public notice posting boards pursuant to Resolution TC 2014-01 of the New Castle Town Council.

THIS RESOLUTION was read and adopted by the Town Council of the Town of New Castle, Colorado, at its regular meeting on March 18, 2014 by a vote of to .

Frank Breslin, Mayor

ATTEST:

Melody L Harrison, Town Clerk