

**New Castle Town Council Special and Regular Meeting  
Tuesday, February 15, 2011, 6:00 P.M.  
Riverside Middle School**

**Call to Order**

Mayor Breslin called the meeting to order at 6:07 P.M.

**Pledge of Allegiance**

**Roll Call**

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

Also present were Town Administrator Andy Barton, Town Clerk Melody Harrison, Town Finance Director Lyle Layton, Assistant Finance Director Gary Atkinson, Public Works Director John Wenzel, Recreation Director Bryan Vashus, Police Chief Chris Sadler, Human Resources Director Mike Edgar, and Consultant Engineer Jeff Simonson.

**Meeting Notice**

Town Clerk Melody Harrison verified that her office gave notice of tonight's meeting in accordance with Resolution TC-2011-1.

**Conflicts of Interest**

There were no conflicts of interest.

**Citizen Comments on Items NOT on Agenda**

Carmel Walden spoke to the council regarding the sign she is creating for the Town. She asked if the sign should say "downtown" or "old town." The council agreed on "old town." Ms. Walden suggested some action words for the sign such as "shop and dine" and after a brief discussion, the council agreed that depending on the space available on the sign, Ms. Walden could chose between "enjoy," "discover" or "visit" before "old town." Councilor Leland felt "visit" would work best with the train theme of the sign. Ms. Walden provided the councilors with her phone number in the event they thought of other ideas for the sign.

Mayor Breslin read the following e-mail comment from Dr. Richard Johnson into the public record:

*"It would seem to me that we need to do everything we can to make New Castle attractive to potential incoming residents; having lights on 9 of the 13 poles between Kathryn Senor and Buford Road either completely out or malfunctioning makes our town look shabby, in my humble opinion. Other lights along residential streets also need attention and should be inventoried.*

*If you don't wish to make verbal comments at the group, please forward this note to Mayor Breslin and Town Administrator Barton. I thank you. Dr. Richard Johnson"*

Mayor Breslin, Councilor Leland and Councilor Russi all recounted a council discussion from

approximately eight years ago in which the light fixtures on Castle Valley Blvd. were considered. The thought then was to require downcast light fixtures and to remove the bulb from one of every two fixtures to reduce light pollution. Council discussed the various streetlights that the Town is responsible for, what areas may require lighting and fixtures that may need repairs. The council felt that a public hearing would be appropriate so the citizens could provide their input. Council directed staff to repair any malfunctioning fixtures and to replace bulbs as necessary to ensure that at least one light on every pole worked on Castle Valley Boulevard. Mayor Breslin asked if it would be in the Town's interest to review how many lights the Town actually paid for service on, then consider removing some of those fixtures as opposed to leaving bulbs out, reducing the monthly service costs to the Town. Councilor Russi felt fixture removal might be expensive, but would provide obvious direction to the citizens that the Town was invested in safety and reducing costs by not paying for service on unused fixtures. Additionally, it would be an implementation of the "dark sky" ideal of the Town. Councilor Riddile felt it would be appropriate to have specific hours of lighting on the skate park. Mayor Breslin stated he would make contact with Mr. Johnson.

### **Consultant Reports**

Town Attorney - not present

Town Planner - not present

Town Engineer - Consultant Engineer Jeff Simonson provided the council with maps and cost estimates for a pedestrian bridge over the railroad, I-70 and river. He also had a map that indicated a possible roundabout at the intersection of Hwy 6 and Castle Valley Boulevard. Councilor Russi asked if he and Consultant Simonson had approval to continue to meet with RFTA and the county to encourage their partnership in the pedestrian bridge project. Council agreed.

### **Items for Consideration**

#### **Letter of Interest from John Newberry for open Planning & Zoning Commission Seat**

Mayor Breslin read the letter of interest from Mr. John Newberry, and asked him to tell the council more about himself. Mr. Newberry said he had relocated with his company to New Castle approximately one year ago, and cited his experience in real estate and his love for the area. Service on P&Z was one way he could give back to the community.

**Mayor Breslin made a motion to appoint Mr. John Newberry to the Planning & Zoning Commission. Councilor Metzger seconded the motion and it passed unanimously.**

#### **Bret Payne - Presentation on CPR Certification for Staff and Police Department**

Mr. Payne presented his personal goal to the council, which called for local businesses to provide community leadership by becoming certified in CPR and First Aid. The documents Mr. Payne provided to council in packet included information on certification classes he could provide for the town staff at a government rate. Mr. Payne felt the council and staff should be the first in town to be one hundred percent certified, thus indicating to the citizens their dedication to safety. Mayor Breslin thanked Mr. Payne for his ambition and noted that staff certification is a component of the Town's Emergency Response Plan.

### **Update on Staff Retreat and Council Goals**

#### **1. Activate Economic Development with an Emphasis on Business**

**Support, Retail Development and Tourist Development:** Tim Cain and Donna Stewart.

**2. Develop an Infrastructure Plan:** John Wenzel, Lyle Layton, Gary Atkinson and Jeff Simonson.

**3. Address Traffic and Parking Issues:** Chris Sadler, Tim Cain and John Wenzel.

**4. Lease versus Purchase Discussion:** Lyle Layton

Town Administrator Andy Barton asked council if the update on council goals could be postponed to a special meeting in March because of time constraints. The council agreed tentatively on March 29, 2011 for a special council meeting, and the item was tabled.

## **Public Hearings**

### **Comcast Franchise Negotiations**

Mayor Breslin opened the public hearing at 7:15 P.M.

Administrator Barton explained to council that the public hearing was necessary under the Cable Communications Policy Act of 1984. The Comcast Franchise in New Castle will be up for renegotiation in 2013, and the process of those negotiations had to begin in 2011. The required survey of New Castle residents regarding cable services had been sent, and Administrator Barton asked Town Clerk Melody Harrison to update the council on those survey results. Clerk Harrison informed council that 1538 surveys had been sent out, but only 81 had been returned. She directed them to review the survey results provided in council packet, and noted that comments were not included in the results. The primary comment was that cable was too expensive, followed by poor customer service, and a lack of ability for customers to build a custom cable package. Councilor Russi felt the public hearing should be continued to April 19, in order to receive advice from counsel as well as additional survey results. Mayor Breslin felt that there should be more available in local channels, and thought perhaps that could be a negotiating point.

### **Public Comments**

There were no public comments.

**MOTION: Councilor Russi made a motion to continue the Comcast Franchise Negotiations public hearing to the April 19, 2011 council meeting. Councilor Leland seconded the motion and it passed unanimously.**

### **Consider approving Ordinance 2011-2, an ordinance amending the municipal code concerning public care and maintenance of street trees (first reading).**

Mayor Breslin opened the public hearing at 7:24 P.M.

Councilor Russi told council that the POSTR Committee had reviewed the proposed ordinance, along with Public Works Director John Wenzel. Director Wenzel told the council that most municipalities in the county require that property owners maintain trees in the ROW, and have strong language to that effect in their codes. He felt the proposed code change was in line with other code sections that require property owners to maintain things such as sidewalks. Councilor Metzger was uncomfortable hearing the first reading of the ordinance without having provided a more thorough notice to the residents, since tree maintenance could potentially cost them a significant amount of time and money. After a detailed discussion about specific provisions of the ordinance, the council directed staff to rewrite the ordinance with a number of changes, and to provide additional forms of notice to the Town residents so that the citizens have an opportunity to address the proposed shift in responsibility for street trees.

### **Public Comments**

There were no public comments.

**MOTION: Councilor Leland made a motion to table the first reading of ordinance 2011-2 until the March 15, 2011 council meeting. Councilor Bunn seconded the motion and it passed unanimously.**

## **Items for Consideration**

### **Reconsideration of Lakota CUP Extension Vote**

Councilor Leland asked if someone from Lakota intended to be at the meeting and no one on council or staff knew whether Lakota would be represented at the meeting. Council discussed their renewed confidence in Mr. Elmore. Councilor Riddile felt that the previous vote to deny the CUP extension should be rescinded.

**MOTION: Councilor Riddile made a motion to approve extending the CUP for Lakota Canyon Golf Club for an additional one year, retroactive to November 1, 2010. Councilor Russi seconded the motion.**

Discussion: Councilor Russi noted that the warranties for Lakota expired on March 31, 2011, and that they would need to speak with attorney Mike Sawyer soon. Councilor Leland asked if the tolling agreement could be extended and the council thought it better to extend the warranty agreement. Ms. Patty Ringer asked why the council did not extend the CUP for a few months as opposed to the year, to try to get Mr. Elmore to be present at a meeting. Councilor Stuckey stated that a few months extension would put the golf course in the same position that they were currently in, being unable to accept golf course memberships not knowing if they would be operational for the golf season.

**After voice vote, the motion passed unanimously.**

### **Garfield Clean Energy (GCE, formerly G-NECI) IGA Renewal**

Councilor Russi stated that the IGA had not been put on the BOCC agenda for February 14 as he thought, so it was not ready for the council to consider. He said that it should be on the March 1, 2011 council agenda.

### **Grant Funding for Outside Agency - High Country RSVP**

Administrator Barton told council that RSVP had contacted the Town after grants had been considered and awarded, asking about their application and if they had been awarded funds. After researching, staff could not locate the application from them, and accepted it late. Administrator Barton asked council to consider awarding RSVP \$500.00 from the monies reserved in the outside agency grant fund. Council briefly discussed the program.

**MOTION: Councilor Riddile made a motion to approve awarding grant funds to RSVP for \$500.00. Mayor Breslin seconded the motion and it passed unanimously.**

### **Discussion regarding statement of support for the New Castle/RFTA Park and Ride and a possible Public/Private Partnership**

Mayor Breslin stated that RFTA was very much in favor of doing the New Castle Park and Ride engineering in 2011, but was apprehensive of a Private-Public Partnership (PP3). The RFTA chair stated that the RFTA planning department would do a study before they would consider a PP3. Mayor Breslin spoke of the unique qualities of a PP3 and the advantages for the Town. Councilor Leland offered to provide a contact person to RFTA regarding PP3 agreements, and would take the matter to the REDC meeting the following day. Mayor Breslin felt the council should have REDC involved, and should provide a copy of the Town's position statements to RFTA.

### **Consent Agenda**

Administrator Barton told council that the new tap fee agreement contract for Patti's Main Street Coffee House had been sent to Ms. Patti Reich. She had noted several corrections, and also that Mr. Sam Garcia was on the agreement and he had not received a copy of it. Administrator Barton stated that the agreement should be back on the consent agenda for the March 1, 2011 council meeting.

Minutes of the February 1, 2011 Council Meeting  
Resolution TC-2011-4, a resolution regarding Garfield County Grant Applications  
Main Street Coffee House Tap Fee Agreement

**MOTION: Councilor Leland made a motion to approve the 2-1-2011 minutes and Resolution TC-2011-4 on the consent agenda, and postpone the tap fee agreement to the next meeting. Councilor Bunn seconded the motion and it passed unanimously.**

**Council Comments**

Mayor Breslin noted that the water rates on the reverse of the utility statements are incorrect. Clerk Harrison said she would look into it.

Councilor Leland told council that he read an article about a municipality that solved its skate park problems by encouraging adults to learn to skateboard. He thought perhaps our recreation department could offer the same to mitigate some issues in the Town's skate park.

Councilor Metzger invited the council to attend a volunteer appreciation dinner hosted by Volunteer New Castle on April 14, 6:00 P.M. in the cafeteria at Riverside Middle School.

**Staff Reports**

Public Works Director - not present

Town Clerk - Clerk Harrison asked council to review the draft agenda for March 1, 2011, and offered suggestions to move agenda items to future meeting dates. Council agreed.

Town Administrator - Administrator Barton thanked Clerk Harrison and Administrative Assistant Sharon Rather for orchestrating the community meeting at the Middle School.

Mayor Breslin stated that Steve Rippy had met with the BOCC regarding the East Elk Creek MOU and said that the meeting went very well. The BOCC went to the site with Wyatt Keesbery of Garfield County and Joe Fazzi of the Forest Service. Mayor Breslin thought the issue was felt passionately on both sides and although testimony will be given, the decision was ultimately the Forest Service's.

Councilor Russi noted for council that Bill Wentzel had appeared to address the council for the Lakota CUP extension discussion, but he had arrived expecting the item to be heard at 8:45 as indicated on the published agenda. He stated that he told Mr. Wentzel that the extension had been approved.

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

The meeting adjourned at 8:45 P.M.

Respectively submitted,

  
Town Clerk Melody Harrison



  
Mayor Frank Breslin