

**New Castle Town Council Meeting
Tuesday, June 7, 2011, 7:00 p.m., Town Hall**

Call to Order

Mayor Breslin called the meeting to order at 7:02 p.m.

Pledge of Allegiance

Roll Call

Present	Mayor Breslin Councilor Russi Councilor Riddile Councilor Metzger Councilor Leland Councilor Stuckey
Absent	Councilor Bunn

Also present were consultant Attorney David Smith, Town Administrator Andy Barton, Town Clerk Melody Harrison, Public Works Director John Wenzel and Human Resources Director Mike Edgar.

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

There were no citizen comments

Consultant Reports

Public Works Director - Director John Wenzel updated council on his department's efforts to prepare for high water on the Colorado River and Elk Creek. Areas of concern were Grand River Park and the water head gate on Elk Creek, as well as debris on both the creek and river causing jams and erosion. He noted that real-time flow conditions of the Colorado could be found at the U.S. Geological Survey website.

Consultant Attorney - David Smith informed council that Elk Creek Campground had gone before the Board of County Commissioners (BOCC). The campground received conditional approval to be open for seven or eight months of the year and were granted ten additional campsites. Mr. Briston Petersen, the campground owner, stated he would have to review the list of conditions and his finances and determine if it was feasible to meet those conditions. Regarding the proposed agreement with the Town, Mr. Petersen was interested in the Town providing some ongoing maintenance and perhaps contribute to the cost of the bridge. Attorney Smith stated the agreement would be negotiated by his office, and brought back to council for approval.

Consultant Planner – not present
Consultant Engineer – not present

Public Hearings

Consider Approval of Liquor License Transfer for Lakota Canyon Golf Course Clubhouse (continue public hearing to July 5, 2011)

Mayor Breslin opened the public hearing at 7:20 p.m.

There were no public comments.

MOTION: Councilor Leland made a motion to continue the Lakota Canyon Golf Course Liquor License Transfer hearing to the July 5, 2011 council meeting. Councilor Stuckey seconded the motion and it passed unanimously.

Consider Approval of Liquor License Transfer for Lakota Canyon Recreation Center (continue public hearing to July 5, 2011)

Mayor Breslin opened the public hearing at 7:21 p.m.

There were no public comments.

MOTION: Councilor Leland made a motion to continue the Lakota Canyon Recreation Center Liquor License Transfer hearing to the July 5, 2011 council meeting. Councilor Stuckey seconded the motion and it passed unanimously.

Items for Consideration

Consider Approving Garfield County Library District CUP Agreement 7:21

Attorney Smith briefed the council on the purpose for the application, clarifying the policy questions that he needed council to answer:

- The Library District asked for the third-party security or letter of credit requirement for public improvements to be lifted; and
- They requested the warranty period for the re-vegetation to be reduced from two years to one; and
- They requested that they be given six additional months to submit as-built drawings typically due prior to the Town accepting the public improvements.

Attorney Smith stated that the situation regarding the security was unique in that the developer is the library district, another governmental entity, which was bonded for the project. He said that their request to reduce the re-vegetation warranty time would allow only one growing season, and that allowing the as-builts to be submitted after the public improvements acceptance would not hold up the completion of the project. Attorney Smith did not feel that allowing the as-builts to be submitted later was a problem.

Councilor Riddile asked when the library thought the re-vegetation would be complete. Ms. Amelia Shelley, Library District Director, stated that the project should be complete in March 2012, and that the warranty would be effective until March 2013. She said they were asking for a shorter warranty period due to the fact that the landscaping areas were not owned by the library, and they had no control over the watering and care of the landscaping. Councilor Metzger noted that on the landscaping plan, mountain maple trees were specified, and that her research indicated that mountain maples did not grow well in this area. She felt they should be changed to another tree species that was more appropriate for western Colorado. Ms. Shelley agreed they could be changed. Councilor Russi asked when as-builts were normally required, and Attorney Smith said they would be needed in the event something failed once the project was complete. Ms. Shelley stated that a set of construction drawings could be provided to the Town until the as-builts were ready. Councilor Leland noted a wording conflict in the first paragraph of the agreement and Ms. Shelley said that would be corrected. Councilor Russi stated he understood the letter of credit request, and the Town had granted such requests in the

past, but he was uncomfortable with the reduced warranty period request. Councilor Stuckey agreed. It was suggested that perhaps fifteen months would be more appropriate. Councilor Leland asked if the re-vegetation would be the last thing done, and Ms. Shelley said she thought it would be done at the same time as the final concrete, although she would ask the contractor at their meeting the next day. Attorney Smith suggested a specific date: perhaps October 1, 2013. Council agreed they wanted two years on the re-vegetation warranty. Mayor Breslin asked the council how they felt about the security request. Councilor Leland stated that the council knew the library was not going away as taxes made certain of that. Ms. Shelley assured the council that funds had been budgeted specifically for the project. Mayor Breslin asked that the caliper of the trees be specified on the landscaping plans. Councilor Stuckey asked that the size of the shrubs be specified as well.

MOTION: Councilor Leland made a motion to approve the agreement with the following amendments:

- **That the second 'whereas' naming the library as the owner be struck; and**
- **That the re-vegetation warranty period be changed from one to two years; and**
- **That the landscape plan be revised to indicate specific sizes of the trees and shrubs, as well as a change of the tree variety.**

Councilor Riddile seconded the motion and it passed unanimously.

Ms. Shelley asked about the irrigation to the planters near the library. Councilor Leland reminded the council that they had previously asked for a hose bib on the library building for the planters. The Council agreed they would ask the public works department about the irrigation and whether lines could be installed prior to concrete being poured.

Consider approving Resolution TC-2011-7, A Resolution of the New Castle Town Council Declining to Act as a Reviewing Entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects Under Colorado House Bill 90-1033 (C.R.S. §39-22-514, as amended)

Councilor Leland stated that he agreed with the HPC that council should decline to act as a review agency because council did not have the expertise regarding historical designations, and the council agreed.

MOTION: Councilor Riddile made a motion to approve Resolution TC-2011-7, A Resolution of the New Castle Town Council Declining to Act as a Reviewing Entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects Under Colorado House Bill 90-1033 (C.R.S. §39-22-514, as amended) Councilor Russi seconded the motion and it passed unanimously.

Consent Agenda

Liquor License Renewal - Elk Creek Mining Company

May Bills of \$ 312,322.53

Minutes of the May 3, 2011 Council Meeting

MOTION: Councilor Russi made a motion to approve the consent agenda. Councilor Riddile seconded the motion and it passed unanimously.

Council Comments

Councilor Russi invited council to attend the grand opening of the nation's largest community-owned solar farm the following week in Rifle.

Mayor Breslin noted that the sweet clover at Grand River Park had been sprayed with weed-killer and he had watched geese eat the clover. He felt it was more important to spray the white-top about town as opposed to the clover, which is not on the noxious weed list.

Councilor Stuckey asked if the cheat grass on Clubhouse Drive could be sprayed and Director Wenzel said he would look into it.

Councilor Metzger asked what staff had done regarding the littering ordinance, and Clerk Harrison said she and Planner Tim Cain were to have researched and written the ordinance but that Planner Cain had been out six weeks on jury duty.

Councilor Metzger asked about the sidewalk agreement with Anthony Jerkunica. Administrator Barton told council that unfortunately, Mr. Jerkunica had defaulted on his agreement, that the escrow monies set aside had been transferred to the Town and the public works department would be completing the curb, gutter and sidewalk.

Councilor Metzger also asked about the request from Sam Garcia for a tap fee agreement. Administrator Barton explained that Clerk Harrison had asked Mr. Garcia for a business plan. Mr. Garcia's accountant had never done a business plan before, so Clerk Harrison directed him to Google as well as the Roaring Fork Business Resource Center for help. The item is scheduled for the June 21 council meeting.

Mayor Breslin noted that results from the Garfield RE-2 Coal Ridge energy study had been in the newspaper.

Councilor Metzger asked why Michael Lauderbach was not on the evening's agenda for the Whitehorse Village PUD amendment application, when it had been approved by P&Z. Administrator Barton apologized, saying that the clerk's office had not received any staff report on it and was unaware it needed to be scheduled for council. He assured the council it would be in the June 21 agenda.

Councilor Russi stated that Great Outdoors Colorado lottery proceeds did not fund the grant request for VIX Park. Nonetheless, the Town still had the \$25,000.00 in mineral severance funds, and that the Parks, Open Space, Trails and Recreation committee would be working on plans for VIX Park over the summer.

Councilor Leland stated that the New Castle Chamber planned to hold the Coal Country Feud the second weekend in July when Burning Mountain Festival was normally held. He said he would not be available that weekend and asked that the council put together a team for the feud. He said RREDC president Michael Langhorn had set up a meeting with RFTA planner David Johnson, Tim Cain and Jeff Simonson on how to write the RFTA RFP. The meeting was cancelled as RFTA had decided to hire a consultant to advise them on the process so that it could be a model for other entities.

Councilor Leland also stated that RREDC had a member that was a developer and knew someone in the market to purchase golf courses. He said that the Lakota receiver and Attorney Mike Sawyer would be advised of this information.

Councilor Stuckey stated his concern with the number of garage sale signs at the intersection of Hwy 6 and Castle Valley Boulevard. He felt that it was unattractive. Mayor Breslin stated that yard sales were a means for people to make some money, but that perhaps the Town could consider providing a kiosk for the citizens to use.

Councilor Riddile said he read in the paper that the BOCC had given Rifle Economic Development \$20,000.00 after their consultant advised them to work with the economic development agencies that existed.

Mayor Breslin said he had met with the Town attorneys, and that Attorney Smith said he was personally offended when people like John Elmore stated that New Castle was anti-business. He felt the Town should make regular statements in support of the business

community. Councilor Leland added that an audience member at Mike Reiger's conditional use permit hearing felt the council seemed antagonistic. Councilor Leland said that the council needed to be thorough in questioning applicants, but felt they had been friendly, and thought it merely a matter of perception. Mayor Breslin said the questions needed to be asked and answered for the historical record for the benefit and protection of everyone. He further stated that a culture of positive statements needed to be created. Councilor Metzger thought the Town might ask for a volunteer to provide New Castle news stories to the local newspapers, perhaps a high school or college journalism student. Mayor Breslin felt that at the employee picnic the Town's culture of safety should be recognized.

Staff Reports

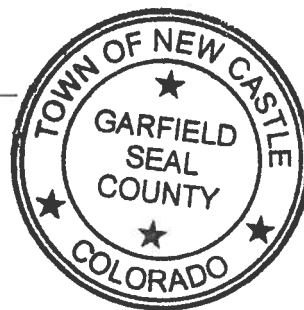
Town Clerk - Clerk Harrison informed council that the website committee would be meeting the following day at 1:00 p.m., to discuss the new web page that I-Gov would design at no cost. Also, she had walked Burning Mountain Park with Chief Sadler and the chamber to review the proposed set-up of this year's festival. The events coordinator would be submitting the special events application by the end of the week. She also said that staff had discussed creating maps of the town parks for special events applicants to use. Clerk Harrison directed the council to the county map included in the packet books. Town Administrator - Administrator Barton stated that he was unsure if council approval was needed for the proposed furlough days and salary adjustments, and that the item would be placed on the June 21 council agenda should budget amendment be needed. Clerk Harrison said she would check with counsel on it. Administrator Barton stated he would be on vacation the following week but would be available by phone should council need him.

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

Adjourn, 8:30 p.m.

Respectfully Submitted,


Town Clerk Melody Harrison




Mayor Frank Breslin