

**New Castle Town Council Meeting
Tuesday, June 21, 2011, 7:00 p.m., Town Hall**

Call to Order

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

Pledge of Allegiance

Roll Call

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

Also present at the meeting were Administrator Andy Barton, Town Clerk Melody Harrison, Public Works Director John Wenzel, and Consultant Attorney David Smith

Meeting Notice

Clerk Harrison verified that her office gave notice of the 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

Consultant Attorney –David Smith provided an update on Castle Valley Ranch Filing 9 lawsuit. He told council that there would be a mediation meeting and that his office would not be attending that meeting.

Consultant Planner – not present

Consultant Engineer – not present

Executive Session, 7:05 p.m.

MOTION: Councilor Leland made a motion to go into Executive session pursuant to C.R.S. 24-6-402(4)(a) concerning the potential acquisition of an interest in land; C.R.S. 24-6-402(4) for the purpose of conferencing with an attorney concerning legal advice; and C.R.S. 24-6-402(4)(e) to instruct negotiators, all concerning a proposed agreement with Elk Creek Campground. Mayor Breslin seconded the motion and it passed unanimously.

Executive Session Concluded, 7:28 p.m.

At the end of the executive session, Mayor Breslin made the following statement: "The date is June 21, 2011, the time is 7:28 and the executive session has been concluded. The participants in the executive session were: Councilors Russi, Riddile, Metzger, Mayor

Breslin, Councilors Bunn, Leland, and Stuckey; Town Clerk Harrison, Public Works Director Wenzel, Assistant Town Attorney Smith and Town Administrator Barton. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Ordinance 2011- 6 (First Reading) Changes to the land use code concerning plat certificates and deadlines.

Attorney Smith explained that the purpose of the ordinance was to clean up the existing code sections. The council made two minor grammatical corrections.

MOTION: Councilor Riddile made a motion to approve on first reading, Ordinance 2011-6, an Ordinance of the New Castle Town Council Amending the Municipal Code Concerning Application Deadlines and Plat Certificates, with corrections as noted. Councilor Bunn Seconded the motion and it passed on a roll call vote: Mayor Breslin: yes; Councilor Bunn: yes; Councilor Metzger: yes; Councilor Stuckey: yes; Councilor Russi: yes; Councilor Riddile: yes and Councilor Leland: yes.

Attorney Smith told council that they could also consider adding a provision to the code that required the developer to provide evidence they were in compliance with all contracts and agreements they had with the Town, as a condition of approval for a pending application. He said that the Planning & Zoning Commission felt it would be heavy-handed and was not eager to add it to the code. Essentially the language would be that they could not be in default of any other provision or agreement. Council agreed that it might be too harsh.

Discussion/consideration of Building Code enforcement policy

Attorney Smith told the council that the goal with the policy was to provide the building code enforcement officer guidelines on how and when to enforce building code issues or complaints. The council agreed that the building official needed the policy for support. Attorney Smith clarified item 'F' in the policy to mean that the building official could be the second complaining witness. He agreed that the policy had some practical difficulties but it was still a very workable policy. He also stated that the code administrator, Tim Cain, was working on a similar policy.

MOTION: Councilor Russi made a motion to approve the building code enforcement policy. Councilor Riddile seconded the motion and it passed unanimously.

Staff Reports

Public Works Director – John Wenzel - Director Wenzel told council his department was taking an aggressive approach to weed management in Town. They were 95% complete with the first applications and a second cycle would begin soon. He also informed council that a business had been found which would lease the Town's recently acquired Ware and Hines Ditch rights. Sunshine Farms would be willing to pay all maintenance and shareholder fees as well as a yearly lease fee.

Councilor Stuckey asked about weeds on Clubhouse Drive, above the golf course clubhouse which were sprouting up between the curb and street. He was concerned

about the integrity of the concrete should the weeds not be removed. Director Wenzel agreed to treat them.

Councilor Russi asked about the VIX Park shade structures. Director Wenzel stated that he would confer with the POSTR committee and be moving forward with shade structures, picnic tables and concrete pads. Councilor Bunn asked if Kim Ryder was back to work because the downtown planters did not look well, and the roses in Mattivi Plaza were going back to wild. Councilor Metzger stated that she had seen Ms. Ryder working very hard near her house. Director Wenzel stated that Ms. Ryder was back to work, and in fact, had been working after hours during the time she had been on jury duty. He also stated that his department had asked the downtown businesses to adopt some of the planters, and everyone had a different idea on what to plant and how it should be cared for. He noted that public works did check on the planters periodically to make sure they were all right.

Director Wenzel also told the council that there was an opportunity to convert the kitchen in the community center to a commercial kitchen. Mayor Breslin thought perhaps the EAC would consider developing a soup kitchen service in the community center, and that he had recently heard of some inexpensive commercial equipment that was available.

Director Wenzel said they were working on a disk golf tournament at the course in Coal Ridge Park. and that they were hoping to do the tournament the weekend of Burning Mountain Festival.

Presentation and Discussion Regarding Garfield Clean Energy, Overall Results and Longer Term Structure

Mr. Tom Baker, a Carbondale resident, introduced himself and thanked the council for their time. He told council that he was working with Garfield Clean Energy (GCE) on specific projects, primarily long-term structure and funding. Mr. Baker invited the council to provide comments or questions regarding the GCE summary results.

Mr. Baker reviewed the long-term structure portion of the report with the council. He said that GCE would be back to council in fall with a draft IGA for the various partners of GCE, and that the IGA would not be something that was renewed yearly. In contrast, funding would be asked for yearly, and the board was working on an equitable cost-sharing schedule.

Mayor Breslin commented that new commercial buildings in New Castle were not required to abide by the 2009 International Energy Conservation Code (IECC) because the standards were not economically feasible. He stated that he liked that commercial energy savings could be accomplished through simple, inexpensive means, and asked that GCE provide a focus on removing cost-prohibitive barriers for prospective new businesses. Mayor Breslin also asked about the need for specialized rare earth metals, and felt GCE could advocate to help permit other sources for them. He said that most of the metals come from third-world countries, primarily China, and imports from China would be restricted in 2012. He also stated that a stand should be taken on human rights in the mining of the metals, because most of them came from extremely oppressive countries. Councilor Russi gave a brief history of GCE, their funding and purpose. He said that many larger, wealthier municipalities had sustainability managers and teams, which is something small towns could not afford; thus GCE is the agency providing the sustainability guidelines under the partnership.

Councilor Leland asked where GCE was looking to expand the number of partners. Mr. Baker said the principle near-future partner they were looking at was Colorado Mountain College, as well as the Bureau of Land Management and the Forest Service. Mr. Baker also said that the advisory board had maintained the option in the IGA to invite members of the private sector to be partners. Councilor Leland thought that the larger businesses

might be interested in donating funds or in-kind services, and Mr. Baker stated that the model, as it was structured, would always allow for a service agreement contract to be entered into by GCE. He said there were nine current GCE partners. There was consensus on the council that they generally agreed with the GCE report.

Consent Agenda

Minutes of the May 17, 2011 Council Meeting

Minutes of the May 24, 2011 Council Meeting

MOTION: Councilor Stuckey made a motion to move the May 17 council minutes off the consent agenda. Councilor Leland seconded the motion and it passed unanimously.

The council suggested several corrections to the minutes.

MOTION: Councilor Leland made a motion to approve the minutes of the May 17, 2011 council meeting as corrected. Councilor Stuckey seconded the motion and it passed unanimously.

Councilor Russi made a motion to approve the remaining consent agenda. Councilor Leland seconded the motion and it passed unanimously.

Council Comments

Mayor Breslin asked if the staff would be creating park maps that could be used by applicants interested in reserving them. Clerk Harrison told council that the Public Works department was working on that project.

Councilor Bunn commented that there was no parking within Town limits for semi trucks to park should they wish to utilize the local businesses, and felt the Town should consider semi parking as part of their economic development efforts. Mayor Breslin stated he considered it a zoning issue that should be reviewed by the P&Z.

The council discussed abandoned sign for Castle Valley Ranch and asked if staff could remove it.

Councilor Leland said that the Economic Advisory Council had a Facebook page and encouraged everyone to visit it.

Councilor Russi stated that he had gone to Denver and attended the Colorado Reapportionment Commission meeting. He said there were no difficulties in the senate, but the house district had been more controversial, and that there was consideration given to realignment of District 61.

Councilor Metzger suggested that the Town find someone to write newspaper articles about New Castle like Kay Vasilikas had done. She thought perhaps Volunteer New Castle could do it. She further stated that Mr. Mike Reiger had liked the council and did not feel they had been antagonistic towards him, as an audience member had suggested.

Mayor Breslin told the council that the recent Colorado Municipal League newsletter was informative and encouraged everyone to read it.

Town Clerk - Clerk Harrison Told council that a meeting had been scheduled with the New Castle Chamber of Commerce, Krista DeHerrera, Town Staff and Council, to discuss Burning Mountain Festival. The meeting would be at 9:30 a.m. on June 30, and she invited them to attend if they could. She also said that Sam Garcia's accountant had backed out of writing the business plan, so she downloaded several business plan workbooks for Mr. Garcia from the Roaring Fork Business Resource web page. Mr. Garcia had been rescheduled for the July 5 council agenda. Last, she told council she would be on vacation for the July 5 meeting and that deputy clerk Wendy Mead would attend the meeting.

Town Administrator – Administrator Barton stated that he had spoken with Fire Chief Brit McLin regarding the potential consolidation of the local fire districts. The consultant hired to review the possible consolidation was interested in speaking with elected officials of the affected towns the next day. He said he would let them know the meeting time as soon as he found out, and asked if any of the council would like to attend with him. Administrator Barton said the first staff furlough day would be July 1. Last, he informed council that the clerk's office would be handling the building department responsibilities beginning July 1. Mayor Breslin asked if any basic training would be provided for Clerk Harrison, and Administrator Barton told him that she had worked in planning and building at her previous job and had worked with Bruce Stolbach. Councilor Metzger suggested that e-mail be sent to P&Z and council applicants after the meetings to clarify for them what their next steps would be. Mayor Breslin briefed the council on BOCC meeting regarding sales tax.

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

Adjourn, 9:50 p.m.

Respectfully submitted,


Town Clerk Melody Harrison




Mayor Frank Breslin