

**New Castle Town Council Meeting
Tuesday, October 4, 2011, 6:30 p.m., Town Hall**

Call to Order

Mayor Breslin called the meeting to order at 6:30 p.m.

Pledge of Allegiance

Roll Call

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

Also present was Town Administrator Andy Barton, Town Clerk Melody Harrison, Police Chief Chris Sadler, Finance Director Lyle Layton, Public Works Director John Wenzel, Town Planner Tim Cain, Consultant Attorney Mike Sawyer and Consultant Engineer Jeff Simonson.

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.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items NOT on Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – not present

Consultant Planner – not present

Consultant Engineer - Castle Valley Blvd / Hwy 6 / I-70 Exit Ramp Corridor Scoping. Engineer Simonson reviewed his scoping report for the council. He said that the purpose of the report was to identify the immediate needs of the Castle Valley Boulevard, Walters Lane and Highway 6 intersections. Additionally, the plan intended to identify the future needs of the railroad/I-70/Colorado River over passes, the I-70 exit and entrance ramps, pedestrian access and safety, and a roundabout or signal light at Castle Valley Boulevard and Highway 6. He reviewed the estimated costs of the various projects. He also reviewed the steps outlined in the report, saying that they gave council the opportunity to plan forward with studies, budgets, etcetera. There was, however, certain urgency in getting the Town into the 2012 grant rotation with CDOT. Engineer Simonson said there were

grant monies that the Town was eligible for now, and how far into the ten steps the Town was could affect where we sat on the priority list. That fact that no fatalities had occurred on the overpasses lowered the Town's priority standing.

Councilor Russi asked where the pedestrian bridge fell within the ten steps. Engineer Simonson said as early as step two. Councilor Russi emphasized that it was important the Town be prepared for the 2012 grant cycle. Council felt the report was encouraging and a positive move, and all agreed the Town should prepare for the CDOT grants.

Items for Consideration

Representative Roger Wilson

Representative Wilson spoke with the council and told them New Castle was included in the reapportionment mapping, and remained in district 61. He said he had been traveling throughout the district and had heard many concerns regarding the foreclosure rate, difficulties with unemployment benefits and the state health care system. He stated he would speak with the various agencies about those concerns. Representative Wilson also spoke of the upcoming legislative agenda, and a number of the items that would be on it, including licensing of all-terrain vehicles, construction site wastewater and property liens. He also said that the budget for the state was under pressure and that 500 million dollars would be cut. He asked to hear personally from the Town Council and staff with concerns. He said he was uncertain how severance tax would be handled in the coming years, but felt the state would not withhold the funds from municipalities. Representative Wilson felt transportation was vital to the towns, and asked that the council consider encouraging bicycle access. He also said he was involved in a compressed natural gas initiative. He said that the cost of oil and the refining of oil was high, the initiative explored natural gas use. Natural gas is not refined and offered a stable alternative to fossil fuels, and he felt natural gas-powered fleet vehicles to be an appropriate consideration for the future. Mayor Breslin asked to speak with Rep. Wilson later in the week regarding business proposal for New Castle. Councilor Russi asked that the JVC not take the severance funds, and Rep. Wilson said he would make statements to the legislature defending the funds for the municipalities, as many rely on them.

Consider Approval of Settlement Agreement in Pending Litigation Regarding Letter of Credit Funds for Castle Valley Ranch Filing 9

Administrator Barton explained the settlement documents to the council, reviewing briefly the history of the lawsuit.

MOTION: Mayor Breslin made a motion to approve the settlement agreement. Councilor Riddile seconded the motion and it passed unanimously.

Consultant Water Attorney Mike Sawyer briefly described the issue with the conservancy district and told council they could go into executive session if they wished to discuss it further.

Councilor Leland made a motion to go into an executive session at 7:32 p.m. (1) for conference with Town Attorney for purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2) for purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) for the purposes of consultation with attorney to review pending litigation regarding West Divide Water Conservancy District. Councilor Russi seconded the motion and it passed

unanimously.

At the end of the executive session mayor Breslin made the following statement:

"The date is October 4, 2011, the time is 7:51 and the executive session has been concluded. The participants in the executive session were: Mayor Breslin; Councilors Bunn, Stuckey, Leland, Metzger, Riddile, and Russi; Town Administrator Barton, Town Clerk Harrison, Consultant Attorney Sawyer, Town Planner Cain, Consultant Engineer Simonson, and Public Works Director Wenzel. 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."

MOTION: Mayor Breslin made a motion to approve the proposed stipulation of West Divide Water Conservancy District, Case #07CW229. Councilor Metzger seconded the motion and it passed with Councilor Russi voting no.

Liquor Hearings

Consider Application to Transfer Optional Premises Liquor License

Applicant: Cordes & Company as Receiver dba Lakota Canyon Golf Company
Transferor: Lakota Canyon Golf Company, LLC
Premises: 1000 Clubhouse Dr., New Castle, CO 81647
Resolution TC-2011-15

Mayor Breslin opened the public hearing 7:58 p.m.

Attorney Sawyer briefed the council regarding the two liquor licenses, the issues with the underlying licenses and the consequences of either approving the transfers or denying the transfer requests. Attorney Sawyer said that he and staff recommended approval of both licenses. Mr. Staheli, Receiver for Lakota, explained to the council his position as receiver, and said the licenses would actually be issued to Mr. Cordes of Cordes and Company, and thanked them for their consideration.

There were no public comments.

Mayor Breslin closed the public hearing at 7:59 p.m.

MOTION: Councilor Riddile made a motion to approve the transfer application for an optional premises liquor license to Cordes and Company, d/b/a Lakota Canyon Golf Company. Councilor Bunn seconded the motion and it passed unanimously.

Consider Application to Transfer Optional Premises Liquor License

Applicant: Cordes & Company as Receiver d/b/a Lakota Canyon Golf Company-Recreation Center
Transferor: Lakota Canyon Recreation Center, LLC
Premises: 1000 Clubhouse Dr., New Castle, CO 81647
Resolution TC-2011-16

MOTION: Councilor Riddile made a motion to approve the transfer application for an optional premises liquor license to Cordes and Company, d/b/a Lakota Canyon Golf Company Recreation Center. Councilor Metzger seconded the motion and it passed unanimously.

Attorney Sawyer asked council for a five minute break so the liquor license paperwork could be signed as Mr. Staheli would be returning to Denver immediately and would like to hand-deliver the application to the department of revenue.

Mayor Breslin called for a five-minute break.

Break 8:05

Reconvene 8:10

Preliminary Budget Discussion

Finance Director Lyle Layton noted for council that on the consent agenda were the bills for September, and the line for bank charges was blank because Alpine Bank agreed to stop charging the Town for payroll direct deposit transactions. Administrator Barton review highlights of 2012 budget. The proposed budget for 2012 was \$2,400,000. The 2012 budget projected a \$207,000.00 general fund deficit, and staff is proposing the use of \$200,000.00 mineral lease/severance funds to offset. He also said staff had included a proposed allocation list for the DOLA funds received as a starting point for a council discussion, but clarified that it was clearly council's decision how the funds were spent. He noted a seven percent increase in sales tax over the previous year, although revenues across the board were down. He said Sam Mamet, of CML, was optimistic about distribution of severance funds in 2012, although the Town budget did not factor that in. He felt adding debt would not be appropriate in this economic climate, and suggested postponing capital projects such as upgrades to the water plant. He also said the proposed budget did not include a two percent raise for employees, and said council would need to decide if they wanted to add that. Administrator Barton said he would not recommend any changes to staff, although Human Resources Director Mike Edgar voluntarily reduced his hours. He suggested the council consider a rate increase for utilities. He told council that the Town staff had greatly reduced spending, and offered to sell the vehicle he drove to further reduce costs. Administrator Barton reviewed the capital projects list as well.

Councilor Metzger stated that she did not recall a council discussion regarding a two percent raise for staff. Mayor Breslin complimented Public Works Director John Wenzel on the crack seal that had been done on town streets. Councilor Leland asked about the funds staff suggested to hold for improvements to the water plant. Finance Director Lyle Layton said that it would be for upgrades, and that staff intended to obtain DOLA grant monies to subsidize the project. Mayor Breslin asked if staff had determined how much of an increase would be needed for the utilities, and if a weather study had been completed. Director Layton said approximately \$15.00 per month, per utility account would be needed to support the utility fund, and Director Wenzel said his department had done an informal weather study. Councilor Leland felt that funds for staff raises should be included in the budget. Councilor Riddile said that if raises were given, furlough days in 2012 would defeat the purpose of the raises. Councilor Russi felt it was wide on the part of staff to budget in the property tax shortfall. He also asked if the RREDC was considered in the budget. Councilor Bunn asked if the Chamber of Commerce had ever presented to

financial report to the Town, which was requested when the Town gave them \$15,000.00. Councilor Russi suggested the council consider giving \$13,000 to Garfield Clean Energy, which would be approximately 75% of what they had targeted for the Town.

Consider Proposal from Today in America

Mayor Breslin said he had been in a conference call with an organization called Today in America, who was interested in producing a five-minute promotional piece on the Town of New Castle. Administrator Barton had done some research and thought that the fee for the piece, \$20,000.00, was too much, and recommended the council decline. Councilor Leland said the production the company had done for Fayetteville, Arkansas was very ordinary, and thought the money would be better spent elsewhere. The council agreed to decline.

Ordinance TC-2011-7 - Littering Fines (second reading)

MOTION: Councilor Bunn made a motion to approve Ordinance TC-2011-7, an Ordinance of the New Castle Town Council Amending the Municipal Code Concerning Littering on Public and Private Property. Councilor Riddile seconded the motion and it passed on a roll call vote: Councilor Riddile: Yes; Councilor Metzger: yes; Councilor Russi: yes; Councilor Stuckey: yes; Mayor Breslin: yes; Councilor Bunn: yes; Councilor Leland: yes.

Consider Purchase of Training Vehicle

Administrator Barton explained to the council that the police department owned a four-wheel drive vehicle, but it was very old, and Chief Sadler wished to replace it. The vehicle they propose to purchase was a newer four-wheel drive vehicle the department could use for training purposes. Chief Sadler also explained that because his department was understaffed, they had not been able to complete as much training as preferred, which left budgeted funds available. Chief Sadler proposed to purchase the vehicle with those funds.

The council agreed to allow the expenditure.

Consent Agenda

September Bills of \$314,975.53
Garfield County Sales Tax IGA
Designated Temporary Parking for Town Hall
Sept. 20, 2011 Council Minutes
Resolution TC-2011-17 - Thanking Bucky Moser

MOTION: Mayor Breslin made a motion to approve the consent agenda. Councilor Bunn seconded the motion and it passed unanimously.

Council Comments

Councilor Riddile commented that at the last P&Z meeting, there was discussion regarding the new Division of Wildlife building being built at Canyon Creek. He felt that the county should have given New Castle the opportunity to propose a building site within Town, similar to the BLM facility in the Town of Silt. He wanted to have the discussion with the BOCC when council met with them. Councilor Riddile also said he would be having heart catheterization Friday and would be laid up for a while, although he did not think he would miss any council meetings. Mayor Breslin mentioned that there was a manufacturer

interested in bringing their business to Town, and were looking at the La Roca church property adjacent to the public works facility. He said that they needed some more space, and asked if the Town and council would be willing to sell them the strip of land east of the church property. Mayor Breslin asked council if they would allow him to research the title on the fire department property, and they agreed. Last, Mayor Breslin mentioned the August edition of Colorado Municipalities which had a lot of articles on innovation and felt everyone should read it. Councilor Metzger mentioned that Human Resources Director Mike Edgar said he could help council develop a better evaluation form for them to use, and she said she would like his help. Councilor Russi felt the council could not properly evaluate three council employees because council was not involved in the day-to-day operations. He felt that the council should put together some guidelines for the following years' evaluations, so they could more appropriately assess employee performance, although he was struggling with what those guidelines were. He stated he was uncomfortable blindly evaluating three key employees. Finance Director Layton suggested using CML listserv for information what other municipalities were doing.

Staff Reports

Public Works Director – present for agenda items

Town Clerk – Clerk Harrison reviewed the items on the council pending business list.

Town Administrator – Administrator Barton said he had attended the CML conference the previous day in Meeker, and that CML was looking for a representative from each community for their policy committee which will assess the development of the legislative agenda. He said he would keep the council up to date as that develops. Sam Mamet of CML was consciously optimistic regarding mineral severance funds for coming years. One item of concern was new water regulations regarding nitrogen and phosphorus that may cost municipalities. The Mayor of Fruita said they had built forty-five new homes this year as well as a senior center and recreation center. John Heir of Rifle said they had a thirteen percent increase in sales tax. He said the Antero Comprehensive Drilling Plan would come back to council on October 18. Administrator Barton said staff had been considering the disposition of the Town condominium units at Wind Ridge, and felt that selling them was the best plan. It would have to go to a vote in April 2012.

MOTION: Councilor Riddile made a motion to extend meeting past 10:00 p.m. Councilor Leland seconded the motion and it passed unanimously.

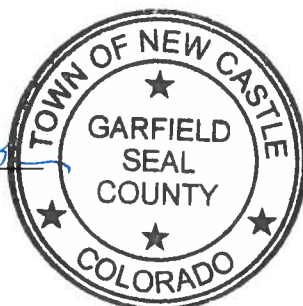
Town Planner – nothing to report

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

Adjourn, 10:01 p.m.

Respectfully Submitted,


Town Clerk Melody Harrison




Mayor Frank Breslin