

**New Castle Town Council Meeting
Tuesday, October 18, 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	Councilor Stuckey
	Councilor Leland
	Councilor Bunn
	Mayor Breslin
	Councilor Metzger
	Councilor Riddile
	Councilor Russi

Also present were Town Administrator Andy Barton, Town Clerk Melody Harrison, Public Works Director John Wenzel, Police Chief Chris Sadler, and Consultant Attorney David Smith.

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

Agenda Changes

There were no agenda changes

Citizen Comments on Items NOT on Agenda

Michael Watts, representing the New Castle Chamber of Commerce, provided council with the chamber's year-to-date budget so council had financial information for the 2012 budget consideration. Council told Mr. Watts that the chamber had agreed to provide financial reports on a quarterly basis as stipulated with prior contributions. Mr. Watts apologized on behalf of the chamber, and indicated the chamber board would be more communicative in the future. Mayor Breslin also told Mr. Watts that the council was waiting to hear from the chamber regarding the 2011 Burning Mountain Festival, and asked if a report on that would be forthcoming. Mr. Watts agreed that it would. Councilor Leland stated that the chamber had two seats on the Economic Advisory Committee they should utilize, and Mr. Watts agreed it would be to the chamber's benefit.

Consultant Reports

Consultant Attorney – Attorney David Smith told council that CVR Filing 9, Letter of Credit litigation was essentially complete. The judge had issued an order to disburse funds pursuant to the settlement agreement reached by the parties, and that the subcontractors would be paid.

Consultant Planner – not present

Consultant Engineer – not present

Items for Consideration

Model Traffic Code Discussion

Attorney Smith referenced the memo in packet from Ed Sands from his office, noting that the memo had been prepared for many municipalities represented by Garfield & Hecht. He stated that the changes in the 2010 Model Traffic Code (MTC) were extensive and long overdue. He told council that he and Police Chief Sadler were looking to council for direction on how to proceed with amendments and adoption of the new code. Attorney Smith said that many other municipalities had already adopted the new code, and much of the time-consuming work had been completed. He felt the difficult part would be the Chief's in reviewing the code and writing amendments specific to New Castle's needs. Last, he stated that the adoption could wait until early 2012.

Chief Sadler told council that he felt that personal mobility vehicles would be one of the complicated issues in the future. Vehicles such as segways and electric scooters used on sidewalks or in the public rights of way would be difficult to manage, and he would be studying other municipalities' codes, assessing the future needs of the Town and determining necessary amendments to the MTC. Chief Sadler provided council printed information indicating various types of personal mobility vehicles. The council discussed the potential problems with those vehicles. Councilor Russi suggested that the Town could promote the use of smaller electric vehicles, fitted with appropriate lights and turn signals, for in-town use. Attorney Smith said that Chief Sadler would need to review the MTC and advise his office about the amendments for town adoption along with the MTC. He also suggested the council could do a blanket ordinance adopting the MTC without amendments, although he stated it would not be wise. Mayor Breslin offered to provide a copy of RFTA's code sections regarding definitions of ADA vehicles, which seems to be a complication to the MTC. It would also give council a starting place, towards understanding what they would be required to allow under the federal ADA laws. Chief Sadler also felt that "neighborhood electric vehicle" needed to be defined. Councilor Metzger asked Attorney Smith how much it would cost the Town to complete the adoption. Attorney Smith thought it would take several hours complete the ordinance, so in the neighborhood of \$500.00. Mayor Breslin felt item 28 in the memo needed to be reconsidered as the charge would be too subjective. The council agreed to allow Chief Sadler to move forward with adoption of the MTC.

Request from CVR Investors for Extension of time to file Final Plat for CVR Filing 10.

Attorney Smith introduced Tom Hartert of CVR Investors, who requested additional time to complete all items required for the final plat for filing 10 and to have it recorded.

Motion: Councilor Leland made a motion to approve the extension of the final plat until December 31, 2011. Councilor Russi seconded the motion and it passed unanimously.

Discussion of status of Jerkunica Improvements

Attorney Smith stated that Anthony Jerkunica had contacted him several times to update him on progress of the project. Mr. Jerkunica stated that most bids were in and that they were higher than anticipated, which would delay the project completion. He asked Attorney Smith if council would consider allowing him more time to complete the agreed-upon improvements. Attorney Smith suggested that council consider the request and said they could make a decision at the November 1, 2011 council meeting. At that point they could find Mr. Jerkunica in default of his agreement with the Town. They could also have

the Town do the work, or extend the deadline for completion. They would also have the ability to deny any draw requests from Mr. Jerkunica from the escrow funds the Town held. Mayor Breslin asked Public Works Director John Wenzel if it would still be possible to get the work done this late in the season. Director Wenzel said yes, but it would be costly to keep the ground heated so concrete could be poured. Additionally, the asphalt plants would be closing soon, and it was unlikely the Town would secure a contractor in time for any asphalt work to be done. Councilor Leland asked that the bids be provided to Director Wenzel so he could review them. Attorney Smith agreed to do that, and again said council could hold off making any decision until the November 1 council meeting.

Creekside Preservation - Susie Romig

Susie Romig asked the council to consider adopting code provisions that protected an area on both banks of Elk Creek to prevent destruction of the riparian zone in the future. She noted the denuding that had happened along Elk Creek the previous spring, and said it had caused an ecological disruption. Ms. Romig provided photos of the trail before and after for council to review. She also provided an example in the packet of ordinance language from Garfield County's code protecting creek areas. She suggested an area thirty-five feet wide on either side of the creek. Mayor Breslin asked if the Army Corps of Engineers had reviewed the protection ordinance, and Ms. Romig did not know. Attorney Smith thought the Town would need to have a property study/survey completed to determine if the thirty-five feet would create non-conforming lots. He stated he had seen ordinances that specified a "real" channel, which caused a practical difficulty in administering. Councilor Russi thought perhaps the Town would need to re-vegetate the slope where the trees had been removed, though it would be expensive. Council and staff felt the item should be discussed with Town Planner Tim Cain, and research be done prior to any decision regarding an ordinance. Ms. Romig suggested Gale Carmoney of Garfield County and Clark Anderson with the Sonoran Institute as good resources. She also asked if council would set some future dates to have creekside protection back on the agenda. Council agreed to place the item on the November 15, 2011 council agenda. Mayor Breslin said he would contact Mr. Carmoney and Mr. Anderson.

Consider Request from Garfield County Health Department to waive permitting fees for installation of EPA compliant wood stoves.

Paul Reaser greeted council and briefed them on the county's wood stove installation program. It provides EPA-compliant wood burning stoves, replacing old, inefficient and unsafe stoves for low-income households. He asked council to please consider waiving permitting fees to assist their program. Mayor Breslin asked if the Town required permits for installation of wood stoves, and Clerk Harrison said yes. Council felt it was a good program.

MOTION: Mayor Breslin made a motion to approve the waiver of permitting fees in conjunction with the Garfield County Health Department wood stove program. Councilor Metzger seconded the motion and it passed unanimously.

Councilor Russi asked Mr. Reaser if he knew of other towns that had passed ordinances regarding semi-trucks that park and idle, sometimes overnight. Mr. Reaser was unaware of any such ordinances, but he stated there would be funds from CDOT for idle reduction and he would be working with the Climate Action Advisory Committee to reduce idling as well. He said Encana would also participate in promoting idle reduction. Councilor Russi said he would be interested in any ordinance from anywhere that addressed idling.

Ordinance TC-2011-8, An Ordinance of the Town Council of the Town of New Castle, Colorado, Amending Title 12, Chapter 20, Parks and Public Places, of the Municipal Code of the Town of New Castle. (first reading)

Mayor Breslin asked if the new sign code addressed the items in the ordinance. Police Chief Chris Sadler explained that the Town code did not allow citations to be issued for abandoned, temporary signs, and he felt it would help to meet the council's desire to reduce litter and eliminate signs in the right of way. The council discussed where citizens would be allowed to place temporary signs, and felt that although the proposed ordinance was appropriate, it should be considered at a future time when the Town has a community kiosk in place.

The ordinance was tabled.

Antero Comprehensive Drilling Plan

Administrator Barton explained that Antero Resources had proposed to drill on the south side of Highway 6, between Silt and Rifle, and that they had asked for comments from the Town of New Castle. Consultant Engineer Jeff Simonson has written a letter in response, but was unavailable to attend the council meeting. Administrator Barton asked council if the discussion regarding Antero could be postponed until the October 25 Special Meeting and the council agreed.

Consent Agenda

White River Bar & Grill Liquor License Renewal

Kum & Go Liquor License Renewal

Resolution TC-2011-14 - Correcting Numbering Error

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

Council Comments

Mayor Breslin stated that he and Public Works Director John Wenzel had attended the Schmueser Gordon Meyer Fall Forum, and one of the topics had been branding of utilities. Mayor Breslin stated that the concept is that utilities are an investment in the future, and he felt the concept had been lost. He wanted to promote the Town's branding as a means of marketing the Town, and felt that it would encourage the citizens to be involved in the future investment as well. He asked that it be in the next town newsletter. Mayor Breslin also stated that New Castle had the best water in the county, and the Town should advertise it as such. Councilor Metzger agreed that promoting the Town's water was a necessity. Mayor Breslin liked all the council's ideas on how to promote the Town's water and branding, and asked them to write them down and provide them to Administrative Assistant Sharon Rather for the next newsletter.

Councilor Leland said he would not attend the October 25th Special Meeting as he would be out of town. He also said that two employees of the Office of Economic Development and International Trade (OEDIT) had been laid off and that the agency would be reorganizing. In his conversation with the head of the agency, he learned that the OEDIT was something of a catch-all for the state, with miscellaneous state programs falling to its responsibility. Unfortunately, those programs had little or nothing to do with one another and the department had no overriding mission. In effort to create a mission / justification for the agency's existence, some programs will be moved. Councilor Leland felt the EDC should begin studying the state economic blueprint, which will be the basis of the mission statement for the reorganized OEDIT. He also said that the DOLA representatives would have expanded responsibilities, and that the scope of the regional small business centers

would be expanded as well. New Castle falls within the region of the Grand Junction Small Business Incubator, which is the regional state office. Councilor Leland said he would take all the information to the EAC the following day. The EAC has a new brochure whose final design was done by the RREDC, and printing costs were covered by Alpine Bank. He provided copies for everyone. He said the EAC will be visiting with all the licensed business in Town, and they would provide them with a brochure, and a short questionnaire. The EAC will provide feedback on the visits to council once the visits are done. He said one discussion at the RREDC business retention meeting was about regulations being obstacles to business. He proposed some methods and communication strategies that could be used by town officials to encourage compliance in a positive manner.

Councilor Russi complimented the new brochure. He also referenced an article in the Post Independent written by James Kellogg which made a number of incorrect statements about CLEER and Garfield Clean Energy's missions, and how taxpayer funds were spent. Councilor Russi intended to write a rebuttal, clarifying CLEER and GCE's missions and financial goals.

Councilor Russi also asked if there was a draft agenda for the meeting with the Board of County Commissioners on October 25th. Clerk Harrison gave the council copies of the draft agenda, and the council discussed it at length. They adjusted the agenda, and asked that Clerk Harrison provide them with a finalized copy the following day. Clerk Harrison asked council to make a motion to set the meeting date and time for the October 25 Special Meeting.

MOTION: Councilor Leland made a motion to hold a Special Meeting with the Board of County Commissioners on Tuesday, October 25, at 6:00 p.m. at the New Castle Public Works Building. Councilor Stuckey seconded the motion and it passed unanimously.

Councilor Stuckey noted for council that google maps had updated the New Castle maps online.

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

Councilor Bunn said she had researched the firehouse property and learned that the Town of New Castle had quit claimed the property to the fire department in 1978. The council discussed how they would approach the fire department about obtaining the property back from them, and hoped that the Burning Mountains Fire Protection District board would consider simply giving it back. Mayor Breslin said the Fire District Board would meet on November 4th, and they should submit their letter before the meeting.

Staff Reports

Public Works Director - present for other items.

Town Clerk - Clerk Harrison provided Councilor Leland with a newspaper article about a New Castle college student who made the honors list, so that he could write a congratulatory resolution. She also reviewed the pending business list for council.

Town Administrator - Administrator Barton stated that the bid period for prosecutorial services had closed, and that five bids had been received. He proposed that staff develop a list of interview questions for the council to use, since the position was a council appointment. He also said he would be meeting with County Public Works Director Betsy Suerth regarding CR 335 and the pedestrian bridge project, and would report back to council the outcome of that meeting. Last, he proposed a neighborhood council meeting to be held in Lakota Canyon Ranch some time in 2012, so that the council could address

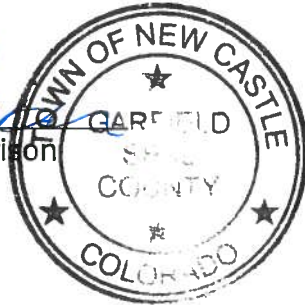
the foreclosure / bankruptcy issues for the residents there.
Town Planner – not present.

Councilor Bunn made a motion to adjourn. Councilor Riddile seconded the motion and it passed unanimously.

Adjourn, 10:10 p.m.

Respectfully Submitted,


Town Clerk Melody Harrison




Mayor Frank Breslin