

**New Castle Town Council and Board of County  
Commissioners Special Meeting  
Tuesday, October 25, 2011, 6:00 p.m., Public Works  
Facility**

**Call to Order**

Mayor Breslin called the meeting to order at 6:00 pm.

**Pledge of Allegiance**

**Roll Call**

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

Also present was Town Administrator Andy Barton, Town Clerk Melody Harrison, Public Works Director John Wenzel, Finance Director Lyle Layton, Police Chief Chris Sadler and Finance Assistant Kyra Markiecki.

**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.

**New Castle Town Council, BOCC Joint Meeting Items for Consideration**

**New Castle Pedestrian Bridge  
County Road 335 Maintenance**

Consultant Engineer Simonson described the council and staff concern regarding pedestrians walking over the bridges that span the Colorado River, Interstate 70 and the railroad tracks. He noted that the bridges were narrow and without a shoulder or sidewalk, and not designed to allow pedestrians. He reviewed several pedestrian bridge designs his office had prepared and indicated how they would tie into a future revision of the highway 6 / Castle Valley Boulevard intersection. Councilor Russi stated the Town was looking

for funding opportunities with CDOT traffic enhancement and safety enhancement grants, and that New Castle wanted to be ready for the 2012 grant cycle. He noted that with Highway 6, Castle Valley Boulevard, Walters Lane, the City Market parking lot exit, the I-70 interchange and CR 335, there was a traffic safety corridor that needed to be addressed, and that the Town was looking for a partner in the project. Mayor Breslin stated that an informal agreement had been made years ago regarding the maintenance of CR 335, and he asked the commissioners what their knowledge was of that agreement. Commissioner Martin stated there was not a formal agreement for maintenance of CR 335, and he did not believe transfer of ownership to the Town had taken place of the section of CR 335 between the Xcel Energy substation and River Park condominiums, and that the road was a county responsibility. Mayor Breslin stated that the road was in bad shape and that the Town did not have the funds to maintain it, and thanked the commissioners for their assistance. Commissioner Jankovsky said the Town of New Castle had been reticent in asking the county for any assistance at all, and felt the county should partner with the Town. He also stated that New Castle was entitled to help from the county like every other town, and asked the Town to consider how much help was needed. Commissioner Samson agreed, but asked that the Town seek more partnerships than just the county, perhaps the energy companies. Commissioner Martin asked if the bridge project had been to the local Transportation Planning Region, and Engineer Simonson said it had not. Commissioner Martin emphasized that the Town should sit down with the county as well as the oil and gas industry to discuss the project and possible partnerships. Mayor Breslin asked the Commissioners for some coaching on how to set up such a meeting, and asked the Commissioners if they would be agreeable to New Castle coming to the county at a future Board of County Commissioners meeting. The Commissioners agreed.

### **Elk Creek Campground**

Commissioner Sampson said the Elk Creek Campground application with the BOCC met with significant opposition from the adjoining property owners and neighbors. He stated that the Commission did not feel the fifteen percent grade on the driveway was appropriate for winter conditions and they asked that the vegetation near the driveway be cleared for purposes of visibility. Commissioner Martin said that on Coffee Pot Road, there was a warning light that activated when there was traffic on the road and thought that perhaps the same type of warning light might work for the campground. Mayor Breslin said that some of the statements made at the BOCC meeting by the campground owner, Briston Petersen, were inaccurate and that he had clarified them to Commissioner Samson. In particular, Mr. Petersen claimed that New Castle staff drove trucks and heavy equipment across the bridge numerous times per day, when in fact the town staff drove a pickup truck across the bridge once a day. No heavy equipment had ever been driven across by town staff. Mayor Breslin told the BOCC that the truck which

caused the bridge to fail had been hired by Mr. Petersen. As a result, Mr. Petersen rebuilt the bridge and was asking the Town of New Castle for two thousand dollars per year as a maintenance fee. Staff felt the amount he was asking for was exorbitant considering that over the life of the bridge, the Town would have paid almost three times its cost. Commissioner Martin asked if New Castle had a contract with Mr. Petersen for continued access to the Town's water source, and if not, he suggested the Town consult with an attorney and pursue a use agreement since it is a critical access. He asked if the business was doing well. Mayor Breslin and Councilor Bunn both thought it was. Commissioner Sampson said that Mr. Petersen was required to come back to the BOCC with a statement for the campground SDS system not being over capacity. Mayor Breslin stated that the Town felt the campground was an important business to maintain.

### **East Elk Creek Road**

Mayor Breslin told the commissioners that the Town was pleased with the outcome of the East Elk Creek negotiations. County Attorney Drew Gorgey explained that negotiations were still taking place between the forest service and the county regarding the cooperative road maintenance agreement which had not been updated in a number of years. He also said that the county was still working towards establishing county jurisdiction within forest service lands, under the forest service travel plan. Commissioner Martin stated that the ownership of the roads was important for funding and maintenance purposes.

### **Comprehensive Plan Cooperation**

Mayor Breslin told the commissioners that the Town of New Castle revised their comprehensive plan the year before, and felt that the Town had a good working relationship with the county. He said he was pleased that New Castle had the opportunity to comment on projects such as The Rapids. He asked what the opportunity was that the Town could receive referrals earlier in the application process. Councilor Riddile told the commissioners that what prompted the Council's concern was the new Division of Wildlife (DOW) building being built at Canyon Creek. He would have liked to have had the opportunity for New Castle to offer commercial land within town limits for the DOW building, which would have been beneficial to the Town. Commissioner Martin said that the DOW was a government agency the same as the school district, and had not gone through a county process. In fact, they did not obtain a building permit either. He said the county was unaware of the project until they began building. Commissioner Jankovsky asked what the procedure was for notifying the Towns, and Commissioner Martin said once there was a complete and valid application, the adjoining Towns were notified via referrals. Mayor Breslin thought the referral process was appropriate and timely for the Towns to comment on projects. Councilor Russi said that the Town of New Castle had an inventory of available land and would like to have businesses and organizations come into town. One of the elements of the

County Comprehensive Plan the council appreciated was placing new development in already developed municipal areas.

### **Economic Development**

Councilor Stuckey thanked the commissioners for the opportunity to bring a marble manufacturing company to New Castle. Commissioner Martin said that unfortunately the marble business had chosen property in Delta County, where there are no codes. Councilor Stuckey spoke of the opportunities available through the Rifle Regional Economic Development Corporation (RREDC) and the commission's support of that organization as well. He said there was a possible commercial development opportunity east of the bowling alley. Councilor Russi said that Councilor Leland could not attend, but would thank the commission for their support of RREDC. Commissioner Martin said RREDC was one of three economic development agencies in the area, and they were glad to be part, because if the towns prosper, the county prospers.

### **Commissioner Comments**

Commissioner Jankovsky said that the Town of Silt really needed to join the RREDC, and asked that if the Council or Staff had an opportunity to encourage their membership, to please do so. Councilor Russi said that Silt's Mayor Moore was on the Garfield Clean Energy board but was only minimally involved. Councilor Stuckey said the Silt Chamber was an active member of the RREDC, but the Town Board was not. Commissioner Martin said the annual planning meeting was coming up soon, and he felt they could get the Silt Town Manager, Pam Woods, involved.

Commissioner Jankovsky asked the council to give serious consideration to being part of creating a federal mineral leasing district. He described what a mineral district was, and how they functioned. He also described how mineral funds were distributed under a district, and how it would benefit Garfield County and the Towns within the county. He explained how Vernal County, Utah, was a mineral district, and that their federal lease payments were approximately 30 million dollars. Since the initial legislation had been passed by the state to allow districts, the task would be to create a separate political subdivision. He thought the Colorado Municipal League would become involved.

Mayor Breslin stated that the Town of New Castle council and staff would like to work with businesses in creating public-private partnerships, however, the proposal was not well-received by other entities such as Roaring Fork Transportation district (RFTA). Mayor Breslin hoped to work with the county to build trust and enthusiasm for public-private partnerships because it is a good way for government to operate as well as a way to save taxpayer money. Commissioner Martin offered that a model that could be used as an example is the cooperative used at the airport which is a government, private and energy company cooperative. Attorney Gorgey noted that there were some constitutional limitations on spending of public funds and offered

to send the information to Mayor Breslin. Commissioner Martin thought the Towns had more opportunity than they thought.

## **New Castle Town Council Items for Consideration**

### **Antero Resources Comprehensive Drilling Plan**

Engineer Simonson describe the proposal from Antero. He referred to the maps included in the application to show where the new drilling sites would be.

The council and staff discussed their concerns about the proposal, which included roads, traffic, water, ground and air quality, and the general impact of the large number of proposed wells to the neighboring communities. Engineer Simonson and Administrator Barton will submit a letter outlining the Town's concerns the following day. Councilor Russi stated he would also submit the letter to the county oil and gas liaison.

### **Consider Approving Attorney Sawyer to send support letter regarding the Draft Environmental Assessment**

Town Clerk Melody Harrison explained to the council that Attorney Sawyer asked that this letter be added to the agenda so he could respond to the draft environmental assessment in a timely fashion. The council discussed whether the concerns stated were about water rights or native species protection. Councilor Stuckey felt it was about protecting endangered species, but also to supplement water flows. Councilor Bunn was in favor of protecting species native to Colorado.

**MOTION: Mayor Breslin made a motion to approve the draft environmental assessment and Attorney Sawyer's letter in support of it. Councilor Russi seconded the motion.**

Discussion: Councilor Riddle asked where the issue originated from and whether it was necessary for our attorney to review, especially since the council was attempting to reduce expenditures. Administrator Barton assured the council that Attorney Sawyer was not frivolous. Councilor Russi stated that Denver wanted Reudi Water, and he thought perhaps this was an effort to protect local water rights.

**The motion passed unanimously**

Administrator Barton asked the council to consider starting the November 1 and 15 council meetings at 6:00 p.m. so they might conduct prosecutor interviews. Interviews would be between 6 and 7:30 and the meeting could begin late at 7:30. The council agreed

### **Budget Discussion**

Administrator Barton reviewed the highlights of the 2012 budget for the council. He gave them an analysis of local towns and if they would be providing funds for employee raises. He also noted that staff was proposing an increase of water and sewer rates in the amount of \$8.00 per month. He also summarized some of the wants and needs of the staff, and he listed

some of those items and why they would benefit the staff. Provisions were made for Town Hall security, and he provided some details on that as well. He stated that if the mineral lease funds were not what were expected, the budget could be modified.

Finance Director Lyle Layton stated that the proposed utility increase was not shown in the budget, nor was the proposed purchase of a GIS system. Councilor Russi asked if cuts were expected, and how close to those cuts the Town was. Administrator Barton said no cuts were expected, and that he felt the Town was nowhere near considering any, but a contingency plan could be considered.

Public Works Director John Wenzel handed out information relating to his budget. He provided an overview. He compared the New Castle water and sewer rates to other municipalities indicating that New Castle's rates were much lower, and he stated the need for the rates to increase to keep the utility fund where it should be. Mayor Breslin asked about providing bulk water sales, and Director Wenzel said it would cost the Town approximately \$30,000 for the hardware and installation. Director Wenzel also reviewed the budgets for recreation, parks and streets.

Police Chief Sadler greeted the council and reviewed his 2012 proposed budget for them. He talked about the difficulty in replacing people on the PD staff, and the importance of maintaining the existing staff, providing training and equipment and competitive pay and benefits. Mayor Breslin asked if there was any issue with employees and comp time. Chief Sadler said not any longer. Director Wenzel said when he started with the Town, there was a comp time issue, but that has been addressed. Chief Sadler said he had managed over the years to reduce spending, but there were always the unpredictable items such as attorney fees.

Town Clerk Harrison reviewed her budget for the council noting that reduction had been done everywhere possible. She said that many of the items in her budget were difficult to manage, such as attorney fees, or other items, such as membership fees that were set and could not be lowered. Otherwise, the administrative staff was happy with the budget as it stood. She noted that one of her department's challenges was having the building department added to their responsibilities, as it was more work than expected. Administrator Barton stated that administration was investigating electronic packets options and would have more information in the coming weeks. Councilor Bunn asked about the election budget for 2012, and thought perhaps it may need to be increased since there would be an election in 2012. Clerk Harrison agreed to review it.

Administrator Barton noted for the council that the only cut in hours that had taken place was Human Resources Director Mike Edgar, who voluntarily reduced his hours.

Councilor Metzger asked about the budget for the New Castle Chamber, and if the council would consider adding the River Center as a line item in the budget as well. The council liked the idea and thought it should be on the next council agenda for consideration.

**MOTION: Mayor Breslin made a motion to allow the meeting to go past 10:00 p.m. Councilor Metzger seconded the motion and it passed unanimously**

Administrator Barton again reviewed the analysis of local municipalities who were considering cost of living increases for their employees, and told council he thought they had give direction to provide a 2 percent raise in the budget. The council discussed the item briefly.

**MOTION: Councilor Riddile made a motion to designate \$29,000.00 to provide a cost of living increase for all the Town Staff. Councilor Bunn seconded the motion and it passed with Mayor Breslin abstaining from the vote.**

Finance Director Layton asked the council for a vote to add the utility rate increase to the budget.

**MOTION: Mayor Breslin made a motion to include a sewer rate increase of \$6.50 per month and a water rate increase of \$1.50 per month to budget. Councilor Riddile seconded the motion and it passed unanimously.**

**Consent Agenda**

Minutes of the October 4, 2011 Council Meeting  
The council offered corrections to the minutes.

**MOTION: Councilor Stuckey made a motion to approve the minutes as corrected. Councilor Russi seconded the motion and it passed unanimously.**

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

**Adjourn, 10:05 p.m.**

Respectfully Submitted,

  
Town Clerk Melody Harrison



  
Mayor Frank Breslin