

**New Castle Town Council Meeting
Tuesday, November 1, 2011, 6:00 p.m., Town Hall**

The Town Council conducted interviews for prosecutorial services. Mayor Breslin and Councilors Riddile, Metzger, Leland and Stuckey attended. The following applicants were interviewed:

Edward Sands - Garfield & Hecht
Deborah Quinn
Damien Zumbrennen / Jeffrey Conklin - Karp.Neu.Hanlon

Call to Order

Mayor Breslin called the meeting to order at 7:35 p.m.

Pledge of Allegiance

Roll Call

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

Absent Councilor Bunn

Also present were Town Administrator Andy Barton, Town Clerk Melody Harrison, Police Chief Chris Sadler, 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.

Introduction: Larry McDonald, Recreation Director

The council welcomed Mr. Larry McDonald as the new recreation director for the town. Mr. McDonald gave the council a brief background of his experience and stated he was pleased to be back in Colorado and to have the opportunity to work for the town. The council told Mr. McDonald that one of their goals was to provide activities for kids, to help give them focus and build character, and they felt recreation was the method to provide that. Mr. McDonald agreed and said he looked forward to working with the citizens and council to create a good recreation program.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items NOT on Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – nothing to report

Consultant Planner – not present

Consultant Engineer – not present

Action Items

Burning Mountains Festival Update

Bucky Moser, former Chamber of Commerce President, introduced Ms. Anne Guettler, the newly elected President. Ms. Guettler provided the council with a financial sheet for the 2011 Burning Mountain Festival. Mr. Moser reviewed the financials with the council, noting a loss of \$833.00 for the 2011 festival, which was an improvement from prior years in which the losses were greater. He felt the event had gone well. He said that the coordinator, Krista DeHerrera of Valley Events, Inc. would not be coordinating the 2012 festival because of other obligations. Councilor Leland asked if the event would be held in September in the future, and how the citizens felt about that date change. Sondra Smith, Chamber Board member, said that they received feedback that people enjoyed the September date because the weather was cooler and they were back from vacations and could attend. The complaints were few. Mr. Moser also stated that Patti Reich's Ghost Walk had been a great success and he hoped that she would make the walk a part of the festival in the future.

Mayor Breslin asked if there was a chamber update. Sondra Smith told the council that their whole board was new, and that they had many ideas regarding the chamber. She said they had lost too many members and intended to make contact with businesses, members and former members to solicit feedback on what they could do better to increase membership and provide better service. She said they did have some feedback that indicated local businesses felt the chamber did not care about them. Mayor Breslin said the town had agreed several years earlier to fund the chamber's office space and that the objective was that the chamber would become more of an advocate for business. Councilor Leland told the chamber members that they had two seats on the Economic Advisory Committee (EAC) and wanted them to appoint their two members as soon as possible. He clarified that it was not necessarily required that the persons be chamber board members, thus they could appoint Bucky Moser to the EAC if they wished. Additionally, he told them that the contribution the town made to them would not be indefinite, and that the chamber should consider alternate funding sources for the future. Councilor Riddile added that as part of the contribution agreement, the council asked that the chamber provide quarterly reports to the council, and those reports had not been done. Ms. Guettler stated that they would make sure to report to the council regularly.

Consider New Castle Chamber of Commerce Application for a Special Events Liquor License for the Chili Cook Off

Councilor Metzger asked if the chamber had completed all the required applications for the chili cook-off. Susan Alexander, chamber board member, stated that she had sent in the applications, and that the clerk's office had requested a revised park map, which she subsequently submitted. Councilor Metzger asked if the submittals were sufficient, and Clerk Harrison stated that a special event application had been submitted for the liquor license, but the park use application had not been done. Ms. Alexander held up the state liquor application and asked if it was the proper form for both. Clerk Harrison said there

were two separate applications, and offered to meet with the chamber the next day and assist in completing the town application.

Ms. Alexander told the council the event would be serving beer and that it was intended to be a tasting event, not a full-fledged beer garden. The chamber would be charging only an entry fee and not selling alcohol. The samples would be limited per customer.

MOTION: Councilor Riddile made a motion to approve the New Castle Chamber of Commerce's' application for a special events liquor license. Councilor Russi seconded the motion and it passed unanimously.

Executive Session

Councilor Russi made a motion to go into an executive session at 8:13 p.m. 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) concerning:

Utility Accounts

Councilor Riddile seconded the motion and it passed unanimously.

At the end of the executive session, Mayor Breslin made the following statement:

"The date is November 1, 2011, the time is 8:34 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Russi, Riddile Metzger, Leland, Stuckey; Mayor Breslin; Clerk Harrison, Public Works Director John Wenzel, Attorney Smith, Administrator Barton, Police Chief Sadler and Officer Mayfield. 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.

Items for Consideration

Consider filing Default on Jerkunica Improvements Agreement

Consultant Attorney David Smith explained to the council the options for filing default against Mr. Jerkunica. He told them that Mr. Jerkunica had been diligent in communicating with him, and that Mr. Jerkunica stated he had bids available for the council and staff to review. Attorney Smith said that asphalt plants would be closing before long, and because of weather it would soon be too late to pour concrete, so the council would have to decide how they wished proceed. He noted there was approximately \$19,000.00 available in escrow to complete the curb, gutter and sidewalk project. Unfortunately, the project would cost between \$28,000.00 and \$32,000.00. There were also outstanding attorney fees that needed to be paid from the escrow balance. Attorney Smith said the council could choose to give Mr. Jerkunica more time by extending the project deadline and holding the escrow funds, or they could declare a default. If they declared a default, they could still require Mr. Jerkunica to complete the project. Attorney Smith recommended the latter. He said the council could make it a town project and use the escrow funds towards completion. Director Wenzel thought the project would have to wait until the spring to be done. He also stated that the cost estimates for the project did not include the D Street valley pan. Councilor Leland clarified that filing an affidavit of default would be against the deed of the property, and Attorney Smith agreed.

MOTION: Councilor Leland made a motion to declare default of the public improvements agreement with Anthony Jerkunica, and direct Attorney Smith to file an affidavit of default against the subject properties. If the Town chooses to exercise its remedies and use escrow funds, it will do so at the Town's discretion. Councilor Riddile seconded the motion and it passed unanimously.

Consider Request to extend the Conditional Use Permit for the Lakota Canyon Golf Course Temporary Clubhouse

Clerk Harrison told the council she spoke with Mr. Staheli the previous week, and advised him that it would be unnecessary to drive over from Denver for this item. Attorney Smith thought that historically the council has passed a resolution approving the extension of the CUP extension. Clerk Harrison said she would draft the resolution and put it on the consent agenda next council meeting.

Motion: Councilor Leland made a motion to extend the Conditional Use Permit for the golf course temporary clubhouse, and that a resolution be placed on the next consent agenda and that the council urges prompt completion of a permanent clubhouse. Councilor Russi seconded the motion and it passed unanimously.

Consent Agenda

Minutes of the October 18, 2011 meeting

October bills of \$334,120.15

Release of BMFPD Public Improvements Funds

Patti's Main Street Coffee House and Bill's Cowboy Steakhouse, Inc.

Pending Business List

MOTION: Councilor Leland made a motion to remove the minutes from the consent agenda. Councilor Metzger seconded the motion and it passed unanimously.

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

The council offered corrections to the minutes.

MOTION: Mayor Breslin made a motion to approve the minutes of the October 18, 2011 Council meeting. Councilor Stuckey seconded the motion and it passed unanimously.

Council Comments

Councilor Riddile asked about a recent rash of vehicle break-ins he had heard about. Police Chief Sadler stated it was an open case and no information regarding the case could be discussed.

Councilor Metzger asked if the police department information, such as contact numbers, was posted on the front doors. She felt it would be a benefit to the citizens.

Councilor Stuckey told the council there had been an incident in Lakota where a contractor was caught loading some concrete piping onto a flatbed truck. It appeared the

contractor did not own the pipe.

Councilor Leland asked about the town property adjacent to the La Roca Church property, and whether the council would be interested in being proactive in preparing to sell the piece of property in the event there was an interested buyer. He wanted to consider it for the April ballot for voter approval to sell. The council agreed. Clerk Harrison said she would find out from the attorneys what the requirements would be. Councilor Leland also asked the council what they felt the guidelines should be regarding congratulatory resolutions for citizens so that they were not inundated with requests for recognition and risk missing something else. Mayor Breslin thought that perhaps the council should make a statement about what the parameters should be. Administrator Barton stated that a former employer of his adopted a policy regarding proclamations and resolutions, and he would gladly come back to council with a suggested policy. Council agreed.

Councilor Leland asked the council for their assistance in developing a ten-second statement that would be used to encourage someone to come to New Castle with their business. In the economic development world, it is called an 'elevator talk' and he would like New Castle to have a ready response should someone indicate a desire to find a location for their business. RREDC would also use the statement when speaking with business prospects.

Councilor Leland said the prosecutor interviewees impressed him because they all were interested in consulting with the town council. Administrator Barton felt it might be a good idea to meet with the prosecutor one or two times per year just so they could be updated on what was happening in municipal court. Council felt a report might be nice so they could see the trends in town.

Last, Councilor Leland stated that in the CML newsletter there was an webinar listed for electronic council meetings. Administrator Barton and Clerk Harrison agreed to attend the webinar.

Mayor Breslin asked if the council thought the condominiums should be sold. Councilor Russi felt they should be reserved for employee housing. Councilor Stuckey wondered if it was a good time to sell. Mayor Breslin thought a cost/benefit analysis should be done to see if they were worth keeping. Administrator Barton agreed to bring the cost/benefit analysis back to council at a future date.

Councilor Russi reminded staff also that he had asked for a cost for full time equivalent for the police department, and he thought council should have it before the end of December.

Councilor Metzger asked what the status for the Lakota Receivership was. Administrator Barton said he had not heard anything in a while, but would ask.

Mayor Breslin said he had spoken with Bucky Moser about a temporary public kiosk on the Alpine Bank property, and he thought he might be able to get that approved. Mr. Moser also said there was a hearing regarding the Lakota Receivership on December 6, 2011. The bank believes there will be a decision to allow liquidation of the assets.

Councilor Riddile asked the council for their approval to present a letter of council concerns at the Antero meeting later in the week. The council agreed.

Staff Reports

Public Works Director – Director Wenzel told the council that CLEER had selected the Town of New Castle to receive funds for energy efficiency. They would be replacing old light fixtures and bulbs with new high-efficiency fixtures. They will also look at the town hall heating and cooling systems to correct the deficiencies in that as well. CLEER is also considering electric heaters at the public works facility, as the solar array on the building is producing excess electricity, and the new heaters would utilize that excess.

Councilor Metzger asked Director Wenzel if he had done a water quality comparison with El Dorado Springs, and Director Wenzel said he had not had time to get it done. Councilor Metzger stated that the Town of New Castle should bottle and sell their water.

Town Clerk – Clerk Harrison updated the council on the building department activity.

Town Administrator – Administrator Barton told council that he would be doing a "Coffee with the Town Administrator" twice per month to invite citizens to come and speak with him about town issues. He stated he was looking into a 311 system, where citizens dial 311 and are connected directly to the town hall. He mentioned a smart phone application where a citizen could photograph pothole, send the photo to the town and a software program would generate a repair work order. Last, he told the council he had been making contact with businesses in town. Councilor Leland said the EAC was doing the same thing.

Mayor Breslin asked who would like to write letter to editor regarding the CLEER project to upgrade the town hall, to help correct the erroneous information being published about CLEER and their efforts. Councilor Russi said he would be honored if Mayor Breslin would write the letter.

Councilor Russi stated that he liked the meeting with the BOCC being in the public works building.

Councilor Metzger asked when the tour of VIX Park would be. Administrator Barton said it would be on November 19, 2011 at 9:00 a.m.

Mayor Breslin told Administrator Barton that he felt a contingency budget for 2012 would be appropriate. Administrator Barton said he would have to council for their consideration.

Town Planner – not present

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

Adjourn, 9:44 p.m.

Respectfully Submitted,


Town Clerk Melody Harrison




Mayor Frank Breslin