

**New Castle Town Council Meeting
Tuesday, October 4, 2016, 7:00 p.m.**

Call to Order

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

Pledge of Allegiance

Roll Call

| | |
|---------|---------------------|
| Present | Councilor Metzger |
| | Councilor Owens |
| | Councilor Hazelton |
| | Mayor A Riddile |
| | Councilor Russi |
| | Councilor Leland |
| | Councilor G Riddile |

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison,

Meeting Notice

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC-2016-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Town Administrator Tom Baker told the council that he would like to add a discussion regarding the county budget. The council agreed. Clerk Harrison asked the remove the Mueller Contract from the consent agenda to the beginning of the regular agenda. The council agreed.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – Town Attorney David McConaughy told the council he had been in contact with the town's judge and prosecutor about the statutory changes for municipal courts to provide a public defender. He had also reviewed SGM's construction contracts and updated them to comply with the statutes, including the Mueller contract that was on the agenda.

Consultant Engineer – not present.

Items for Consideration

Consider Letter of Interest from Brandy Copeland for Seat on P&Z

Clerk Harrison told the council that she and Administrator Baker advised the applicant that it was not necessary to attend the council meeting since she had very recently been interviewed by the council for another open seat. Councilor Metzger said Ms. Copeland had attended the last Planning & Zoning meeting.

MOTION: Councilor Leland made a motion to appoint Brandy Copeland to a seat on the Planning & Zoning Commission. Councilor Russi seconded the motion and it passed unanimously.

Consider Ordinance TC-2016-7 - An Ordinance of the New Castle Town Council Amending Chapter 10.20 of the New Castle Municipal Code Regarding Abandoned Vehicles (second reading)

Councilor Russi asked if the model traffic code required that officers make a 'finding' that a vehicle met the requirements of 'abandoned' as listed in the municipal code, or if a citizen could call and complain to begin the process. Police Chief Tony Pagni explained that abandoned vehicle issues were addressed by citizen complaint, or an officer would initiate the action. In either case, vehicles must be observed to have not moved in 72 hours, or to be unregistered or inoperable. He said that the issue with the existing code required an order by the judge to remove the abandoned vehicle, and the ordinance was to create a more efficient process for the police.

MOTION: Councilor Leland made a motion to approve ordinance TC-2016-7, An Ordinance of the New Castle Town Council Amending Chapter 10.20 of the New Castle Municipal Code Regarding Abandoned Vehicles on second reading. Councilor Owens seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor Hazelton: yes; Councilor Metzger: yes; Councilor Russi: yes; Councilor Owens: yes; Mayor A Riddile: yes; Councilor G Riddile: yes.

Consider Amendment to Waste & Recycling Contract with Mountain Waste

Administrator Baker explained that the pumping of the town-owned vault toilets had not been part of the contract negotiated earlier in the year and that the amendment was to add that service. Doug Goldsmith with Mountain Waste told the council that the pumping would cost no more than \$400 per vault, per year if done once per year. Finance Assistant Debbie Guccini said there were four vault toilets that needed to be pumped, and the request was for them to be pumped once in the spring and once in the fall. The total cost per year would be \$3,200.00.

The council asked why it cost so much, and Mr. Goldsmith said it was expensive to take the waste materials to the landfill. The council discussed whether the town's wastewater treatment plant could be utilized for disposal, and Mr. Goldsmith said they would be glad to deliver the waste anywhere the town wanted. Mike Hinkley with Mountain Waste told the council that the trucks used to pump the vault toilets were used to pump other facilities and the trucks could contain some residual chemicals that could be problematic for the wastewater plant. He agreed to send some MSDS sheets that the utilities department could review. The council agreed to table the item until further research could be done regarding disposal.

MOTION: Councilor Leland made a motion to table the contract amendment until the next council meeting. Mayor A Riddile seconded the motion and it passed unanimously.

Downtown Group Report

Ms. Sue Ruggles greeted the council. She told them that she was requesting that the council allow a sculpture be placed in Ritter Plaza. The piece was a sphere created by an artist in Carbondale. The piece would be changed every year, and if the sculpture sold, the town would receive 20 percent of the proceeds. Ms. Ruggles felt that the art would bring energy to Ritter Plaza, and would complement Liberty Park. She said she had a copy of the proposed contract so the town attorney could review it. The artist, Joe Burleigh, would deliver and place the sphere for \$200.00. A 30' x30' concrete pad would need to be poured in Ritter Plaza for the statue to be set on. The council asked if there was funds available and Administrator Baker said there was. Ms. Ruggles offered that the council could choose pieces in the future. The council felt that the Downtown Group might be ones to select the art in the future.

MOTION: Councilor Russi made a motion to approve a \$200 appropriation for delivery and installation fee for the Street Sculpture Project. Councilor G Riddile seconded the motion.

Discussion: Councilor Owens asked if the set-up and delivery fee would be the same every time a new sculpture was installed. Ms. Ruggles said the fee would be different for each piece.

The motion passed unanimously.

Jerry Touslee, Downtown Group member. Mr. Touslee greeted the council. He described the Museum on the Street project, and the collaborative team that put together the information for Museum on the Street.

Mr. Touslee showed the council a power point presentation in which the council could see the photographs and text for each of the ten signs.

He described the map & guide sign and asked the council to consider a location for it. After a brief discussion, the council thought that the sign could be placed in Ritter Plaza, along with the art piece.

Request from Jay Harrington for Letter to County

Administrator Baker told the council that the county was considering shifting the remaining 1.5 road and bridge mil levy to the general fund. This will have an impact on the towns in Garfield County in terms of streets maintenance. The Town Manager for Carbondale, Jay Harrington, sent the letter asking each of the town councils to consider signing it. He said he was uncertain how he felt about it. The county taking the entire mil levy would mean the town would lose an additional \$35k from the streets maintenance budget.

Administrator Baker said he felt it was awkward to complain at the county when they had done many things for the town that were discretionary on their part. The county felt they now needed to have the mil levy for their budget. Once the funds went to the general fund, it was not required to be distributed.

Councilor Leland said that he felt that if the letter was sent to the county, all the municipalities should either sign the letter or not sign the letter. They should present a unified opinion because it would be more effective.

The council discussed the condition of the town's streets, the streets budgets and upcoming needs. They agreed to wait to make a decision about signing the letter until they knew the position of the other towns.

Mueller Construction Contract

Town Attorney David McConaughy asked the council to ratify the Mueller Construction Contract and to authorize the Mayor to add a sentence stating the town represents that the full amount of the contract had been budgeted and appropriated.

MOTION: Mayor A Riddile made a motion to approve the Mueller Construction Contract and to authorize the Mayor to add a sentence stating that the Town represented that the full amount of the contract had been budgeted and appropriated. Councilor Russi seconded the motion and it passed unanimously.

Councilor Leland made a motion at 8:14 p.m. to go into Executive Session (1) for the 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); and (2) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest under C.R.S. Section 24-6-402(4)(a) concerning town-owned property. Councilor Owens seconded the motion and it passed unanimously

Executive session concluded.

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

"The time is now 8:47 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Metzger, Owens and Hazelton; Mayor A Riddile; Councilors Russi, Leland and G Riddile; Town Administrator Baker, Town Clerk Harrison and Town Attorney McConaughy. 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.

MOTION: Councilor Russi made a motion that the council approve a committee of two council members: councilor Owens and Councilor Metzger; to work with Attorney McConaughy and Administrator Baker to move forward with a proposal from One Speed LLC. Councilor Leland seconded the motion.

Discussion: Councilor Hazelton asked if the committee was for the one proposal and nothing else. Councilor Leland said a new committee would be formed if there were additional proposal.

The motion passed unanimously.

Administrator Baker said he would contact One Speed LLC and set up some meetings.

~~**Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) concerning town-owned property (8:20 p.m.)**~~

Removed from agenda.

Discussion: Property Clean-Up

Administrator Baker said he had spoken with Planner Cain and Chief Pagni about the issues with junk collecting at the building and property owned by Rosie Ferrin. He explained that the staff wished to be deliberate and careful the process of getting the property cleaned up. He told the council that a certified letter will be sent, and once the return receipt was received back, the thirty day compliance period will begin. Chief Pagni warned that people often do not pick up certified letters, so the notice would have to be served. If Ms. Ferrin made a good effort to clean up, the thirty days could be extended. If she choose not to comply, it would go to court. Ms. Ferrin could plead innocence, and it could go to either a jury or a bench trail. The court remedies were fines, jail or an injunction saying to fix it, or all three. The town remedies were for the town to clean the property up and then lien the property. Administrator Baker said he would call Ms. Ferrin to let her know that the compliance letter would be coming to her. Councilor Russi said it may be a good idea to have the notice of compliance prepared before he made the call so she understood the seriousness of the situation. He also felt the notice should be very detailed. Attorney McConaughy said he felt it was better to give the property owner the opportunity to comply rather than the town taking on the responsibility for the clean-up.

Administrator Baker said he would keep the council posted on the progress of the situation.

Consent Agenda

Minutes of the September 6, 2016 meeting

Minutes of the September 20, 2016 meeting

September Bills of \$459,660.25

Kum & Go 3.2% Beer Liquor License Renewal

MOTION: Councilor Russi made a motion to approve the consent agenda. Councilor Hazelton seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Baker told the council about a recent situation in Silt where a water main break flooded a resident’s home, and Silt’s insurer cited governmental immunity and would not pay for the damages. The situation brought

into question what New Castle would do in a similar situation. Several years earlier, there had been a sewer main back up where damage was done to several homes on Rodreick Lane, and the town's insurance carrier, CIRSA, denied the claims under governmental immunity. In response, the council adopted a Good Neighbor Policy that would pay an owner for damages. CIRSA helped with that, and acted as an intermediary, and they hired an appraiser to document the damages. The council discussed the situation briefly, and Administrator Baker said any time there was the potential for the policy to be utilized, it would come to the council for consideration. Administrator Baker told the council that the Fall Clean-Up would be October 14 and 15 at the public works facility.

Administrator Baker told the council that the LiveWell Retreat will be October 12 and 13, so he would not be able to attend the Xcel Partnership meeting.

Town Clerk – Clerk Harrison said that at the prior council meeting Kim Rider had taken photographs of the council, and they did not turn out as well as she had hoped, and she felt the photos should be taken again. Councilor Metzger asked that everyone wear a nice, long-sleeved shirt. Clerk Harrison said she would send the photos to the council members and they could decide whether they liked them or not. Clerk Harrison said that at the beginning of every year, the council readopted the town fee schedule as a matter of housekeeping. She said she would be talking with every department to make certain that the fees listed in the schedule were still appropriate. Clerk Harrison said that she had received the sample ballots from the county, and they were available in her office for those who wanted to look at them. She told the council that Administrative Assistant Darlene Harrison would be attending the Caselle Conference the following week in Las Vegas, and her department had been working on the budget.

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – Councilor Metzger said that the comprehensive plan discussion was not as productive as she thought it could have been. The next meeting would be on October 12.

Historic Preservation Commission – nothing to report.

Climate Action Advisory Committee – Mayor A Riddile told the council that Dave Schroeder had resigned from CAAC.

Senior Program – Councilor Metzger said the meeting had been interesting because there was some confusion about who was paying for food and transportation. New Castle was a member of RFTA which paid for the Traveler, and the fees the town paid to senior programs paid for the nutrition program.

RFTA – Mayor A Riddile said there was a RFTA meeting on October 13 that he could not attend. Councilor Russi said he could go to that meeting.

AGNC – Councilor Hazelton said he would attend the AGNC meetings.

GCE – Councilor Leland said that GCE would receive a visit from OEDIT, but did not expect much from it.

Council Comments

Councilor Leland told the council that Larry Dragon had announced that Jeanne Golay would be his replacement on the LoVa Trail Group, and he thought she would be quite good.

Councilor Hazelton felt the trail on the North side of Burning Mountain needed some attention because there was a lot of trash and animal waste on it. He asked if a dog waste station and garbage can could be placed.

Councilor Owens thought the graffiti under the train bridge should be cleaned up. Councilor Owens said the conference he had attended in Cherry Hills was great because Peyton Manning had made a special appearance.

Councilor Metzger said that there were not many vehicles parked in the Park and Ride parking lot.

Councilor Metzger said she thought that Councilor Owens would benefit from being placed in the rotation for Planning & Zoning Commission. Councilor Owens said he would look at his schedule and see what rotation worked best.

Councilor Metzger asked if there was any way the La Roca property could be cleaned up. Mayor A Riddile said someone could call them to find out what they planned to do with the property.

Councilor Metzger asked what was happening with duplexes at east end of town. Administrator Baker said there was work being done a few weeks ago, and the work has to lapse for six months before the permit was void.

Councilor Metzger asked what family would be honored for Founders Day, and Councilor Leland said it was the Ganley family. The family who owned the first house as you come into town from the east. Mrs. Ganley was the first bride of New Castle. He said he had quite a bit of information from Virginia Erickson.

Councilor Metzger said she was still working with Steve Craven, and she had put him and Kathy Story from Hilltop in contact with one another. She also said that Mr. Craven had met with a builder.

Mayor A Riddile had attended the Mayor's Summit in Denver and it was a fabulous. Mayor A Riddile asked if everyone had received the e-mail from the Clerk about CoPRIG, and asked if anyone could attend the press conference.

Mayor A Riddile said he heard that Greg McInnis was wondering about a survey through his property. Councilor Russi said he would contact Mr. McInnis because he believed it was about the LoVa Trail.

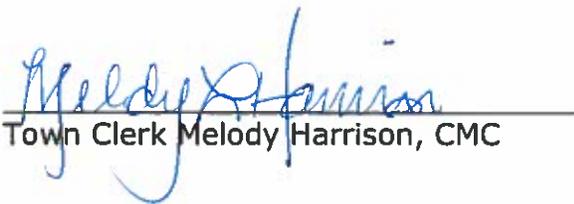
MOTION: Councilor A Riddile made a motion to adjourn. Councilor Metzger seconded the motion and it passed unanimously.

The meeting adjourned at 9:49

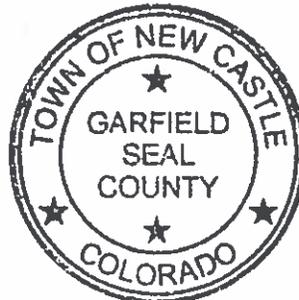
Respectfully submitted,



Mayor Pro Tem Bruce Leland



Town Clerk Melody Harrison, CMC



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Tuesday, October 4, 2016