Agenda
New Castle Town Council Meeting
Tuesday, May 3, 2016, 7:00 p.m.

Call to Order
Mayor Pro Tem Bruce Leland called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Present	Councilor Mary Metzger
	Councilor Art Riddile
	Councilor Grady Hazelton
	Mayor Pro Tem Bruce Leland
	Councilor Frank Breslin
	Councilor Graham Riddile
Absent	None

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Town Finance Director Lyle Layton, Public Works Director John Wenzel and members of the public.

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 said that Lee Price had intended to be present, but had not arrived. He asked the council to suspend the proclamation until he arrived. The council agreed.
Clerk Harrison asked to add the Xcel Energy LED Light Program Option A to the consent agenda. The council agreed.

Items for Consideration

Consider Letter of Interest from David Slack for Appointment to Seat on Planning & Zoning Commission
Clerk Harrison apologized to the council and told them that at the last meeting she was in error believing Mr. Slack had not submitted a letter of interest for reappointment to a seat on the Planning & Zoning Commission.

MOTION: Councilor A. Riddile made a motion to appoint David Slack to the Planning & Zoning Commission. Councilor Metzger seconded the motion and it passed unanimously.

Recess Town Council meeting and Convene Local Liquor Licensing Authority

MOTION: Councilor Frank Breslin made a motion to recess the town council meeting and convene as the local liquor licensing authority. Councilor A. Riddile seconded the motion and it passed unanimously.

Consider Request from New Castle Liquors for a Tastings Permit
Mayor Pro Tem Leland told the council that at the last meeting there had been a discussion regarding a sampling garden at the Community Market. The item for consideration was a tastings permit on the premises of New Castle Liquors, and was separate from the prior discussion.
Mandy Gauldin of New Castle Liquors told the council that they were interested in holding tastings at the store to bring in new customers. She said there was not a set schedule yet, but that they would properly notify the town and police department in writing as required. Tastings will be held in the store during the hours allowed by code. No more than four samples would be allowed per person, and either her husband, Scott or herself would be present or the tastings. Ms. Gauldin said that all the store's employees had been Serv Safe certified. She asked the council to consider approving their request for a tastings permit.

Clerk Harrison told the council that the tastings permit would be an additional permit to the existing retail liquor store license the Gauldins owned. If approved, the tastings permit would span the same term as the retail liquor license, and in subsequent years they would reapply for the tasting permit at the same time they applied for the renewal of the retail liquor store license. Clerk Harrison said that the tasting permit application met the submittal requirements for the town and the state of Colorado, and that staff recommended approval.
Mayor Pro Tem Leland said that the code allowed one-hundred and four wine tastings per year, which was a lot of wine given away. Ms. Gauldin said they obviously would not exceed that, and in fact did not know when they would begin the tastings. Mr. Scott Gauldin said they considered a weekly tasting, but probably not year-round. Tuesday was their slowest day of the week, so they were considering eventually starting it on Tuesdays.
MOTION: Councilor Breslin made a motion to approve the tasting permit application for New Castle Liquors. Councilor Metzger seconded the motion.
Discussion: Councilor A. Riddile said that tastings permits were common and that many liquor stores in the area had them.
The motion passed unanimously.

Adjourn Local Liquor Licensing Authority, Reconvene Town Council meeting

MOTION: Mayor Pro Tem Leland made a motion to adjourn the local liquor licensing authority and reconvene the town council meeting. Councilor Breslin seconded the motion and it passed unanimously.

Mayor Pro Tem Leland noted that he had inadvertently skipped Citizen Comments.

Citizen Comments on Items not on the Agenda

Michael Watts, 419 CR 250, Silt. Mr. Watts greeted the council and said that he had been administrating the ever-evolving building codes for more than twenty years with the Town of New Castle. He showed the council the 1994 building code book, which was about the size of a dictionary. He said that the current code books were voluminous. He felt that the 1994 code was 95% the same as the current code – foundations, wall structures, roofs, were all the same. He felt that special interests had collaborated with insurance agencies and with respect to the building code, they made 100% of their money testing inspectors and selling new text. He said they conducted seminars across the nation on how to do it. Every three years they publish new codes. Each year it was more restrictive and more expensive.

Mr. Watts said when he was the town's building inspector, he used the same code book for twelve years. During the height of New Castle's building boom, a man showed up and said he was from ISO (Insurance Service Organization.) After learning what code the town was on, he told Mr. Watts the town was out of compliance. The man had Mr. Watts fill out a questionnaire regarding his schooling and certifications and the way the town administered the code. Mr. Watts said he received a rating of 47 out of 100. ISO told the council that new codes should be adopted, and after the town did that, Mr. Watts received a rating of 97. Fifty points out of 100 was nothing more than what code the town was administering, creating a pass or fail with that one item.

Mr. Watts said that New Castle was one of two jurisdictions in the region who had adopted the International Energy Conservation Code. He said that he had heard from contractors that it cost contractors between $4500 and $6500, hard costs, to comply with the energy code. The town has to hire a special inspector to certify new homes to the energy code. That inspector said that if the town adopted the 2012 energy code, the hard cost to contractors would double. The hard cost then translates to tens of thousands of dollars to the buyer. Mr. Watts said he felt that building to the energy code should be demand-driven, not required. Energy efficiency was good, a selling point, but if it was mandatory, the cost excluded small families and first-time buyers from the market. Mr. Watts felt that affordable housing and the energy code did not blend. One cost money and the other tried to save money.

Councilor Hazelton said that thinking about the older houses in New Castle, none would comply with the energy code, and further, it could be that no one would be interested in rebuilding.

Mayor Pro Tem Leland said he recalled the conversation about the energy code, and at the time the council felt that energy efficiency in a new home would be a big selling point, and he asked if the opposite was now true.

Mr. Watts said that building to the energy code did save on energy costs, but that the payback was potentially as long as the mortgage that would go on the home. He gave two examples of code changes that were now more costly: one was a change in the riser height of stairs that caused three additional stairs to be required, taking up an additional nine square feet in the upper floor. That space previously had been a bathroom or closet, but was now unusable. Another was a change in the requirements for tape used on ducting, that caused two products to

be needed as well as banding. The changes took place due to complaints or products that were certified by the Code Council.
Councilor Breslin asked for Mr. Watt's suggestions.
Mr. Watts asked that the council think carefully before adopting the newest codes. He felt that it was difficult to give a comprehensive view of the codes because they were tens of thousands of pages long and no one could possibly be an expert on them. He said that when he did inspections, he inspected footers, foundation, framing, roof, windows, appliances, heat and air. He did not have time to determine if every product in the building was certified by the building code. It would take a month to do that.
Mayor Pro Tem Leland said that he would have Administrator Baker, Planner Tim Cain and Inspector Bruce Stolbach review the codes, and perhaps do some research with other communities on why they had not adopted the energy codes. Mayor Pro Tem Leland said the discussion could be put on a future agenda.
Councilor Breslin asked Mr. Watts to put his thoughts and concerns in writing for the record. He agreed to do so. Councilor Metzger asked if the energy code could be a reason that New Castle did not have as many homes built as preferred. Mr. Watts said he knew it was an issue, because contractors researched prior to bidding jobs.

Consultant Reports
Consultant Attorney – nothing to report.
Consultant Engineer – not present.

Consider Ordinance TC 2016-1, An Ordinance of the New Castle Town Council Amending Publication Requirements Throughout the New Castle Municipal Code (second reading)

MOTION: Councilor A. Riddile made a motion to approve Ordinance TC-2016-1, An Ordinance of the New Castle Town Council Amending Publication Requirements Throughout the New Castle Municipal Code on second reading. Councilor Metzger seconded the motion.
Discussion: Ryan Hoffman, 111 E. 3rd Street, Rifle. Mr. Hoffman asked that the council vote no. He felt that the town would lose an aspect of accountability by passing the ordinance. He asked that the council consider using the newspaper as their legal notice forum. Mayor Pro Tem Leland asked if Mr. Hoffman, being an employee of the local newspaper, found that there was a significant number of people that utilized the newspaper more often that online resources. Mr. Hoffman said he thought there was a significant number or readers that would not use a computer. He noted that Parachute had recently had an issue regarding the same issue. Mayor Pro Tem Leland told Mr. Hoffman that the New Castle Town Charter had been changed to allow for online publishing, and that the ordinance in question was merely cleaning up the municipal code sections that were not in compliance with the charter. Mr. Hoffman said he thought he had recently seen legal notices from the Town of New Castle in the newspaper. Clerk Harrison said that there were certain items that were required to be noticed in the newspaper. The town voluntarily noticed other items in the newspaper, such as liquor license hearings. Land use items were noticed to adjoining property owners by certified letter. Clerk Harrison said that staff also utilized posting boards and the town website as well as

legal notices in the paper, regardless of the voter-approved charter amendment for online publication. Mayor Pro Tem Leland asked if meeting notices were published in the newspaper. Clerk Harrison said they were not. Assistant Town Attorney Haley Carmer said that the fact that certified mailings were sent for land use applications ensured that people were aware. Attorney Carmer explained that the code change left legal requirements for newspaper public notice in place. Open meetings laws left it up to the municipality to determine how they want to notice meetings. Clerk Harrison said the voters had changed the charter to allow online publication, and Attorney Carmer agreed, saying that it was a difficult election process to change the charter.
Mayor Pro Tem Leland said he recommended approval of the ordinance on second reading because the code needed to be in line with the charter as approved by the voters. He also asked that staff consider what items could be voluntarily noticed in the newspaper for the good of the community.
Attorney Carmer said the posting places resolution could be expanded to include another posting place if the council felt it was necessary. Clerk Harrison said staff posted in the three adopted posting places as well as at River Park Condominiums.
The motion passed on a roll call vote: Councilor G. Riddile: yes; Councilor Hazelton: yes; Councilor A. Riddile: yes; Councilor Breslin: yes; Mayor Pro Tem Leland: yes and Councilor Metzger: yes.

Mr. Hoffman told the council that he was unaware that the voters had approved the charter.

Request From New Castle Trails to Extend Jolley Trail Network on Public Land
Administrator Baker told the council that New Castle Trails was always looking to add soft trails to the area. He said that he and Councilor Graham Riddile would make the presentation because other members of the group were unable to attend.
Councilor G. Riddile told the council that the New Castle Trails Group developed out of a desire to legitimize trails in the BLM that are social, illegal trails. New Castle's trails were being noticed, and Roaring Fork Outdoor Volunteers (RFOV) was interested in bringing their Crew Leader Training to work on 150 feet of trail in New Castle. Because they cannot work on the BLM trails, so they thought an extension of the Jolley Trail to an overlook point on the hill above McDonalds. Maintenance of the trail would be managed through a volunteer network that they were developing.
Administrator Baker said there seemed to be some economic stimulation from the interest in soft trails, and he did not feel there was any downside to the project. He clarified that RFMBA would work on the first 150 feet, but that they were seeking to complete the trail to the overlook over time.
The council discussed the trail configuration and the aspects of the one-way in and one-way out trail.
Mayor Pro Tem Leland asked if a motion was necessary, and Administrator Baker said yes, that he would like a motion.
Mayor Pro Tem Leland said he had encouraged the HPC some years ago to come up with names for the three hills east of Mt. Medaris, but nothing had been done. He felt that now there was a trail on the easternmost hill, they may want to consider it again.

MOTION: Councilor A. Riddile made a motion to approve the extension of the Jolley Trail Network on public land. Councilor Breslin seconded the motion and it passed unanimously.

Consider Appointment to Vacant Mayor Seat

Mayor Pro Tem Leland explained that the council had three options.

1. They could appoint someone from the council. That person would give up their council seat. The appointment will last until November 2016 at which time they would need to run for election to the seat again.
2. The vacancy could be announced to the public and application accepted.
3. The council could choose to hold a special election to fill the mayor seat.

He said the appointment would be made by motion.

Clerk Harrison passed out a letter of interest from Councilor Breslin, which the council accepted as a self-nomination.

Mayor Pro Tem Leland asked for other nominations.

Councilor Metzger nominated Councilor A. Riddile, and he accepted the nomination.

There were no other nominations.

The council had no questions for the nominees.

The nominees had no statements to make.

Councilor Breslin and Councilor A. Riddile recused themselves from the vote because the mayor position was paid more than a councilor and they could not vote for something that would provide them a financial gain. Councilor A. Riddile and Councilor Breslin left council chambers.

Mayor Pro Tem Leland said that the town attorney had advised that Councilor G. Riddile was obligated to vote regardless of the relationship to one of the nominees because Councilor G. Riddile was not financially dependent on the nominee. That left four councilors to vote.

The council agreed on a paper ballot. Clerk Harrison passed out ballots to each councilor with their name on it. The council cast their ballots.

Clerk Harrison read the results aloud: Four votes for Councilor Art Riddile.

Councilor A Riddile and Councilor Breslin returned to council chambers.

MOTION: Mayor Pro Tem Leland made a motion to appoint Councilor Art Riddile as Mayor to serve until the next general election. Councilor Breslin seconded the motion and it passed unanimously with Councilor A. Riddile Recused from the vote.

Clerk Harrison swore in Art Riddile as Mayor.

Mayor A. Riddile offered Mayor Pro Tem Leland the gavel for the remainder of the meeting. He also asked Mayor Pro Tem Leland to continue in the capacity of Pro Tem. He agreed.

Consider Appointment to Possible Vacant Council Seat

Mayor Pro Tem Leland said there was now a vacant council seat, and there were again three options:

1. The council could select the candidate from the recent election that had the next highest number of votes.

2. The council could announce the vacancy, ask for letters of interest, conduct interviews and make a selection.
3. The council could choose to hold an election.

Mayor A. Riddile suggested that the seat be advertised to the public for a period of time and then interviews conducted. The council agreed.
Mayor Pro Tem Leland felt it might be a good idea to wait to interview candidates and make a selection until the June 7, 2016 council meeting, and at the May 17 meeting the council could discuss the procedure for selection process. The council felt this was appropriate. The council directed Clerk Harrison to advertise the vacant seat on the town website, in the newspaper and on the town posting boards, soliciting letters of interest. Letters of interest would be accepted until June 1, 2016.
MOTION: Mayor A. Riddile made a motion to fill the vacant council seat via letters of interest submitted no later than June 1, 2016 for a June 7, 2016 interview. Councilor Metzger seconded the motion and it passed unanimously.

Update: Kuersten Property
Administrator Baker told the council that the deadline for proposals was April 22, 2016. One proposal was submitted and that proposal was an offer of consultation, not an equity partner. He said it was difficult to know why there was no interest, but it appeared it was not the correct time to pursue the project.
He said he wanted to come back to the council on May 17, 2016 with potential next steps. He said that one of the next steps may be to allow the contract to lapse. Administrator Baker said there may be other ideas for the property that Attorney McConaughy or Engineer Simonson have, and those will be brought to the council for consideration before the August 6, 2016 deadline when the second $15k of earnest money was due on the property. Mayor A. Riddile said that the assisted living facility in Glenwood Springs had broken ground. Administrator Baker felt that new facility was one of the primary reasons why the demand in New Castle was so limited.
Regardless, any development of the Kuersten property would require water and sewer from the town, which would keep the town in the game.

Proclamation Honoring Lee Price
The proclamation was tabled pending Mr. Price's attendance.

BOCC Letter for Vehicles & Equipment
Administrator Baker said that the Garfield County Federal Mineral Lease District (GFMLD) had been very generous to the town in recent years awarding significant funds for town projects such as the police station and streets maintenance as well as many others. In 2016, the town had not been awarded the traditional grant that staff had submitted an application for, which would have been for capital purchase of vehicles and equipment. Administrator Baker felt that it was critical to replace several of the police vehicles. County Commissioner John Martin was aware of the town's need for vehicles, and he spoke to Administrator Baker and Finance Director Lyle Layton during the Oil and Gas Symposium and asked that the town send a letter to the commissioners explaining what the town was trying to accomplish. The

letter under consideration asked for approximately $215k for two police vehicles, two public works vehicles and some equipment for public works.
MOTION: Councilor Breslin made a motion to authorize the Mayor Pro Tem to sign the letter to the Board of County Commissioners. Mayor A. Riddile seconded the motion and it passed unanimously.

Recess Town Council meeting, Convene as Sanitation Enterprise
MOTION: Mayor Pro Tem Leland made a motion to recess the town council meeting and to convene as the Sanitation Enterprise. Councilor Hazelton seconded the motion and it passed unanimously.

Consider Extension of Waste & Recycling Contract
Mayor Pro Tem Leland said the item was an extension of the existing waste and recycling contract, which had expired. The extension was to maintain services until a new contract was awarded.
Town Planner Tim Cain explained that the extension was for ninety (90) days, with an option for an additional thirty (30) days if necessary. He asked the council for direction regarding the award of the contract. Administrator Baker suggested the council consider the May 17 meeting to award the contract, because the June 7 meeting would be the council seat interviews. It would provide the council time to review the contract. He said that Planner Cain will write a recommendation memo, and the council could interview the waste companies as well.
Administrator Baker asked for approval of the extension, and direction to conduct interviews of the waste companies on May 17, 2016.
Mayor A Riddile asked for clarification of the recent company mergers.
Administrator Baker said the Innermountain Waste & Recycling had purchased MRI, and the company was now called Mountain Waste.
Mr. Mike Hinckley, District Manager for Mountain Waste & Recycling, introduced himself to the council. He described the merger as necessary to sustain services in the valley. He said they had retained many of the MRI employees, and had hired Herman Aardsma as Operation Manager.
MOTION: Councilor G Riddile made a motion to approve the contract extension. Councilor Metzger seconded the motion and it passed unanimously.

Adjourn Sanitation Enterprise, Reconvene Town Council meeting
MOTION: Mayor Pro Tem Leland made a motion to adjourn the Sanitation Enterprise and reconvene the town council meeting. Mayor A. Riddile seconded the motion and it passed unanimously.

Consent Agenda
Minutes of the April 19, 2016 council meeting
April Bills of $435,465.13
GFMLD Thank You Letter
Jacob Morgan Congratulations Letter
Warrior Development Agreement Amendment
Xcel Energy LED Light Program, Option A

Administrator Baker clarified the changes in the Warrior Development Agreement Amendment.
MOTION: Councilor A. Riddile 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 that staff would be appearing before the LiveWell Board of Directors the following day to describe to them how important LiveWell Garfield County was to the community. LiveWell was revamping its funding, and not everyone would be funded at the same level. The Town of New Castle had benefited greatly from LiveWell grants, including crosswalks, the community garden and others. It has been a way for New Castle to enhance civic engagement and build the social capital that the town was known for. Administrator Baker said he would emphasize the impact it makes in small towns like New Castle. Mayor Pro Tem Leland suggested he tell them how New Castle involvement with LiveWell had helped in the success with the Sports Park Grant.

Administrator Baker said he would be facilitating the Garfield Clean Energy Retreat on May 13. He said that he and Public Works Director John Wenzel would be making a presentation to GFMLD regarding the town's strategic plan. GFMLD is trying to understand if the grant applications were opportunistic or if the jurisdictions were applying for funds as part of their strategic plan. New Castle can demonstrate long-term planning and regular updates to the plan. They will see that our grant applications are tied to our strategic plan. Administrator Baker said that on May 13, the Friends of the Library would have a fundraiser for flowers for the planters. There will be coffee and desserts. On May 14 at St. Johns, the historic society will have their annual potluck dinner fundraiser. Also on May 14 is the Garfield County Sheriff Special Olympics Torch Run in which the police department participates. May 21 will be the town-wide garage sale put on by the chamber.
Town Clerk – Clerk Harrison asked the council when a good time would be for Administrative Assistant Debbie Nichols to take photographs of the council for the webpage. They agreed that before a council meeting would be good. Clerk Harrison said her office was busy closing out the recent election, and training a new employee.
Town Planner – Planner Cain explained that building activity was up, and that there were 14 homes being built compared to 6 at the same time last year. He also said that Inspector Bruce Stolbach was contemplating adoption of the 2015 international building codes. Planner Cain said that contractors would be invited to the meeting when the new codes were considered. He also said he had been participating in the monthly HPC meetings. The HPC was interested in doing a historical survey of residential buildings, and they were working on defining an era so they could begin a grant process for funding the survey. Administrator Baker told the council that Planner Cain had been very active in the Downtown Group and it was much appreciated. Planner Cain said the Downtown Group would be organizing their annual downtown clean-up, focusing on Roderick Lane. Councilor Breslin complimented Planner Cain on his ability to work with people. Mayor Pro Tem

Leland complimented Public Works Director John Wenzel and everyone else who worked on the Sports Park Grant.
Public Works Director – not present

Commission Reports
Planning & Zoning Commission – Councilor Metzger reported that the meeting had been well-attended and the proposed senior housing development looked marvelous.
Historic Preservation Commission – nothing to report.
Climate Action Advisory Committee – nothing to report.
Senior Program – Councilor Metzger said that the council had not nominated an alternate to Senior Programs and probably should. Mayor Pro Tem Leland said he thought they should wait until after the vacant council seat was appointed.
RFTA – nothing to report.
AGNC – Councilor Breslin said that the legislative season was coming to a close.
GCE – nothing to report.

Council Comments
Councilor G Riddile said he had been speaking with Administrator Baker regarding the Park and Ride, and working with RFTA to get the southern ramp upgraded to pavement and ADA compliance. Administrator Baker told the council that staff will work with RFTA to get it complete. If RFTA could not include it in their construction budget, he said the town could use funds from the streets budget.
Councilor Breslin said he and been getting e-mails from a website called Eventbrite that the town could possibly use to assist in coordinating our events with other events in the area.
Councilor Hazelton congratulated Art Riddile for his appointment as mayor. He also thanked Councilor Breslin for always stepping up to the plate to help the town out.
Mayor A Riddile said there was an organization called "Girls on the Run", and they run through town on occasion. Earlier in the day, the police department was assisting with traffic control for the "Girls on the Run" event. He wanted to thank them for their assistance.
Mayor A Riddile told the council that Town Engineer Simonson's father had passed away, and he had asked Clerk Harrison to send flowers. Clerk Harrison said flowers had been sent.
Mayor A Riddile asked about the Lakota clubhouse. Administrator Baker said there were workers on site, and that some activity was taking place.
Councilor Metzger asked to discuss the two downtown lots the town owned. Administrator Baker said a discussion could be put on the next meeting agenda.
Councilor Metzger said that Thursday, May 5 was a national day of prayer, and that Lee Price would be leading a hiking group up Mt. Maderis at 6:30 p.m. to pray over the town.
Mayor Pro Tem Leland wanted to put on record that on May 23, 2016 at noon there would be a roundtable discussion on water issues at the Glenwood Springs community center.
Mayor A Riddile thanked the council for their confidence in appointing him mayor. He encouraged everyone to be involved as much as possible in the town events. It was a good opportunity to be seen and make contact with the citizens.

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

The meeting adjourned at 9:03 p.m.

Respectfully submitted,

Mayor Art Riddile

Town Clerk Melody Harrison, CMC

TOWN OF NEW CASTLE
GARFIELD
SEAL
COUNTY
COLORADO