

**New Castle Town Council Meeting
Tuesday, August 1, 2017, 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
Absent	None

Also present at the meeting were Public Works Director John Wenzel, Town Clerk Melody Harrison, Town Planner Tim Cain, Town Attorney David McConaughy 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-2017-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Clerk Harrison told the council that because the Garden Club members were present, Councilor Leland had requested that the proclamation be moved to the front of the agenda. Clerk Harrison said that Chief Pagni was present to provide the council an update, and she asked that his update be added to consultant reports. The council agreed.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – present for agenda items
Consultant Engineer – not present

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Police Chief – Police Chief Tony Pagni gave the council information related to the recent issues with graffiti in town, saying that he believed that the perpetrators were young, and the police department intended to advertise a \$100 reward for information about the crime. Chief Pagni said he had the money in his department budget, and felt it would likely inspire someone to come forward.

Items for Consideration

Proclamation Naming a Town Flower

Mayor A Riddile said that the New Castle Garden Club had presented to the council at the last meeting and had suggested naming Cosmos as the town flower. Mayor A Riddile read the proclamation into the record. The council thanked the Garden Club members for their beautiful work around town.

Consider a Motion to Accept the 2016 Audit as Presented by J. Cutler & Associates

MOTION: Councilor Russi made a motion to accept the 2016 Audit as presented by J. Cutler and Associates. Councilor Leland seconded the motion and it passed unanimously.

Consider Request for Temporary Certificate of Occupancy from Warrior Acquisitions/Lakota Canyon Ranch Clubhouse

Mayor A Riddile thanked Inspector David Reynolds for the memo and detailed report that was in the packet. Councilor Metzger told the council that Inspector Reynolds had passed his residential inspector tests, and offered congratulations.

Inspector Reynolds told the council that Warrior Golf had approached the town and indicated their desire to obtain a temporary certificate of occupancy (TCO) for the clubhouse. He noted that at the time he wrote the memo, there had been a number of outstanding issues. Inspector Reynolds said that he had been working with Warrior representatives and they had been able to complete many of the listed items. They had also paid the outstanding fees that were owed to the town. He also felt that Warrior had shown good faith by sending a representative to New Castle to address problems. Inspector Reynolds said that the TCO would likely be issued within a week, once the life-safety issues had been addressed. The TCO would be for sixty days, which should be adequate time to complete the items required for a permanent certificate of occupancy on both the clubhouse and cart barn.

Inspector Reynolds introduced Pearl Waiyawaytar, Brian Pemberton and Steven Donnell of Warrior Golf.

The council discussed details of the conditions of the TCO with Inspector Reynolds and the Warrior representatives. Mayor A Riddile asked the Warrior representatives what the plans were to open the restaurant and clubhouse if they received the TCO. Mr. Donnell said there were several events booked for August, starting with a cocktail reception for Western Rockies Credit Union August 17, the Coal Ridge High School fundraiser golf tournament on the August 19, and a retirement party as well. Mr. Donnell said he was more concerned about being able to host the events than he was about the restaurant being open, and that the purpose for them to obtain the TCO

was so they could honor the guests who had booked events at the clubhouse. The restaurant will later.

Councilor Russi asked if the council was supposed to approve the TCO. Inspector Reynolds and Town Attorney David McConaughy said that the Building Official was the authority to approve the TCO and the council did not need to, and the discussion was to keep the council informed.

The council and staff discussed their concerns regarding the ongoing gas leaks and other life-safety issues at length, and Inspector Reynolds assured them that he would not approve a TCO until he was certain that all the life-safety items had been corrected. Mr. Pemberton told the council that he spoke for Warrior in saying that they did not want the facility open if it was not safe. Mr. Donnell agreed, saying that he did not to work in an unsafe building nor would he want his staff to work in an unsafe building. He also said that he knew it was Inspector Reynold's decision whether the building passed inspection and whether it was ok to occupy, and they would leave it up to Inspector Reynolds to make the decision.

The council thanked Inspector Reynolds, Ms. Waiyawaytar, Mr. Pemberton and Mr. Donnell.

Consider Authorizing the Town Attorney to Proceed with the Annexation Proceedings for County Road 335

Attorney McConaughy told the council that discussions about annexing CR 335 had been taking place for years, and one the concerns for the town was that the road may be on top of a burning mine shaft. Recently Garfield County had completed a lot of work on County Road 335, and the agreement was that the town would take over the road. The board of county commissioners (BOCC) will have the annexation on their August 7 agenda to authorize, or to get an update and then authorize at their next meeting. Attorney McConaughy said he would attend the BOCC meeting.

Indicating a map, he described the portions of the road that are annexed and those that are not. He also described the ownerships of those properties, and the processes necessary to get everything annexed into the town.

Attorney McConaughy asked that the council make a motion authorizing him to proceed with the annexation.

Councilor Leland noted that when the road is annexed, it would no longer be a county road, it would be a town road and will need to be re-named. Attorney McConaughy agreed.

MOTION: Councilor Russi made a motion to authorize the Town Attorney to proceed with the annexation proceedings for County Road 335, and such ancillary actions as are necessary to complete consolidation of title.

Councilor Metzger seconded the motion.

Discussion: Councilor Russi verified with Attorney McConaughy that his motion was appropriate.

The motion passed unanimously.

Garfield Clean Energy Update and Funding Request

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Erica Sparhawk greeted the council. She explained that GCE had been working with Xcel Energy and they had created a program called Partners in Energy. Xcel has the "Home Energy Squad" that comes to homes and for a low cost does some quick fixes such as LED bulbs to reduce home energy costs. They were hoping for a lot of interest in the program. In addition, they had a program for energy upgrades for multifamily buildings such as apartments and condominium complexes.

GCE is also applying to participate in the National Renewable Energy Lab (NREL) Solar Energy Innovation Network that would provide technical assistance and

potentially some funding for developing detailed solar action plans to get community solar in place.

Ms. Sparhawk reviewed the screenshots in the packet that showed energy use in the town buildings. She said that New Castle was the first entity to request that Xcel Energy aggregate meters, allowing excess solar energy produced at the public works facility to be used at the wastewater plant. She said that Town Inspector Dave Reynolds had done a lot of great work on the item, and it was very exciting to see how the request would work out.

Ms. Sparhawk said that the last items she wanted to mention was an electric vehicle bulk purchase program that had been successfully implemented. The goal was the sale of fifty electric vehicles at participating car dealerships. The dealerships had agreed to lower the vehicle price if GCE took care of the marketing for the program. It resulted in the sale of 42 electric vehicles.

Ms. Sparhawk and the council had a short discussion about the use of electric bikes, particularly during the bridge closure in Glenwood Springs, but Ms. Sparhawk stated that GCE did not have an official position on the issue of e-bikes on the Rio Grande Trail. GCE does have a 'Ride Garfield County' program that encourages citizens to reduce energy use by riding their bikes rather than driving.

Councilor Russi encouraged the council to continue to support GCE because they were a true asset to the community. Mayor A Riddile said that the council would consider GCEs funding request the during budget discussions.

Solar Garden Discussion

Councilor Russi asked for the discussion to be tabled because there had not been enough opportunity to gather needed information. He said that he and Administrator Baker had spoken to a company called Oak Leaf LLC about a community solar garden subscription and they had done an analysis of the energy use of the town-owned buildings. Councilor Russi felt that the savings was not enough to propose the program to the council yet. He asked that the item be tabled until a future meeting. The council agreed.

Discussion: Vacation Rental By Owner

Clerk Harrison told the council that she had received a business license application from a resident who owned property on Main Street. The applicant intended to open an Air BnB room in her home. Clerk Harrison said that if her office issued the business license, the applicant would be required to collect sales tax as well as the town lodging tax. The complication was that staff was aware that there are numerous Air

BnB type rooms in New Castle, several in areas where either zoning or covenants prohibited the room-rental use. Clerk Harrison said that her question to the town attorney was how to go about issuing one business license without requiring the others to obtain a business license as well. In her research, Clerk Harrison said that at least on the Air BnB website, they were collecting state, county and New Castle sales taxes that were being remitted to the town, but not the New Castle lodging tax. There apparently was an opportunity for the town to sign an agreement with Air BnB so they would collect the New Castle lodging tax, and Clerk Harrison said that Attorney McConaughy was looking into it.

Attorney McConaughy said that Carbondale had been very aggressive about collecting their lodging tax from the room rentals, and they were one of the cities that had an agreement with Air BnB. He felt that New Castles lodging tax certainly applied to room rentals, and the town code required it and the code should not be ignored. He said the code could be changed, perhaps to exempt the Air BnB type rentals, or it could be enforced.

Attorney McConaughy said that one of the concerns of some resort towns was that short-term or vacation rental rooms had eliminated worker housing for seasonal resort employees. The council agreed that worker housing could be an issue, but was not currently a problem in New Castle.

Clerk Harrison said that when issuing business licenses, home occupations were reviewed by the town planner for zoning compliance prior to a license being issued. Additionally, staff looked at covenants, and although the town had no enforcement responsibility regarding covenants, staff would likely advise an applicant if their proposed home-occupation business violated covenants. She said the situation had yet to occur, but with the trend of Air BnB-type rentals it appeared that vacation room rentals might violate covenants in both Castle Valley and Lakota.

The council did not feel that it was appropriate to address any HOA covenants because those covenants were a private contract. The council did feel that the business license application could have an advisement statement on it notifying an applicant that they were responsible to know their covenants, and that issuance of the license could be in violation of them.

The council agreed that Attorney McConaughy should pursue an agreement with Air BnB for collection of lodging tax, and that staff should issue business licenses for short-term room rental businesses.

Mayor A Riddile told Attorney McConaughy that CDOT was interested in advertising public parking on the Kamm lot. Attorney McConaughy said that if town-owned property was used or held for municipal purposes, then the property could not be sold without voter approval, and a Parking Lot would be a municipal use. He felt that it would be better for CDOT to lease the property, and then the town was not designating a use.

Attorney McConaughy said that on the consent agenda was a fourth amendment to the lease and option to purchase the senior housing property. The reason was to extend the real estate contract because the closing deadline was the prior Wednesday, but the closing did not happen until Friday.

Consent Agenda

Minutes of the July 18, 2017 council meeting

July Bills of \$914,573.55

Lakota Ridge Senior Apartments Fourth Amendment to Lease-Option

MOTION: Councilor Leland made a motion to remove the July 18, 2017 minutes from the consent agenda. Councilor G Riddile seconded the motion and it passed unanimously.

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

Councilor Leland felt that there should be two substantive changes to the minutes. The council agreed.

MOTION: Councilor Russi made a motion to approve the minutes as amended. Councilor G Riddile seconded the motion and it passed unanimously.

MOTION: Councilor G Riddile made a motion to authorize the mayor to sign a lease with CDOT for the Kamm Lot, which would be ratified at the August 15, 2017 council meeting. Councilor Hazelton seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – not present.

Public Works Director - Public Works Director John Wenzel gave the council an update on the progress of the Lakota Sports Park. He also told the council that the crosswalks at Highway 6 and Castle Valley Boulevard were being installed, and that CDOT had graciously offered their equipment and crew to perform the grinding work necessary to prep the roadway for the thermoplastic. Director Wenzel said that the asphalt trail from the CR 335 intersection to River View condominiums was complete, and delineators would be installed to protect the surface from vehicle traffic. Director Wenzel said that the water plant project was essentially complete. He said there were a few items that needed to be done after the water demand dropped in the fall. Director Wenzel said that the 5th Street project would likely be delayed until the spring of 2018. He felt that the cost of the project would be less if it went out to bid then. Last, Director Wenzel explained to the council the ongoing problems with water line breaks on Mountain View Drive. He said that it would be necessary to find a solution and budget it into the long-range capital improvements plan. He drew a map for the council and explained the looped line that he felt would be a good solution.

Town Clerk – Clerk Harrison told the council that an RFP for the Kamm lot had been received. Previously, the council had assigned two people to sit on a sub-committee to consider the RFP, and she asked if the council would like to assign council members to a committee for the new RFP.

MOTION: Councilor Leland made a motion to appoint Councilor Greg Russi and Councilor Graham Riddile to sit on the subcommittee representing the council in consultation with the applicants of the RFP. Mayor A Riddile seconded the motion and it passed unanimously.

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Councilor G Riddile said he felt an executive session at the next council meeting would be appropriate so he and Councilor Russi understood the councils' position or attitude on negotiation points.

Clerk Harrison told the council that the Name the Park contest for the sports park would be on the next council agenda for their consideration.

Clerk Harrison told the council that the AGNC had e-mailed staff an invitation to a Small Business Development Center meeting on August 18, 2017. She said that Administrative Assistant Debbie Nichols would attend, and if the council wanted to attend to please let her know.

Clerk Harrison told the council that there was a seat available on the Colorado Municipal League Policy Committee. The committee would consider issues that CML could initiate to the state legislature. She said the meetings were in Denver on October 13, December 15 and February 16. She asked if any council member was

interested in sitting on the committee. The council asked that the discussion be brought back to the next council meeting.

Clerk Harrison told the council that their retreat on September 22, 2017 will be held at New Hope Church.

Clerk Harrison said she had sent an e-mail with upcoming event dates.

Clerk Harrison said that at the last council meeting, there was a discussion with Judith Hayward about the Historic Garfield County tax initiative that would be on the November ballot. She said that the council could write a letter or resolution in support or against the tax issue if they were interested. The council agreed that a resolution of support should be placed on the August 15, 2017 council agenda for them to consider. Clerk Harrison told the council that at the previous council meeting, Administrator Baker mentioned that there would be a memorial service for Larry Borgard, and the council had agreed to partner with the Lions Club in purchasing a memorial bench or tree in Larry's name. Clerk Harrison said that she had been asked to obtain clarification from the council on how much staff could spend. The council agreed that \$500.00 was fine.

Clerk Harrison said she and Deputy Town Clerk Mindy Andis will attend an elections class on Friday, August 11 which was the Friday before the next council meeting, so the council packet would be out on Thursday.

Clerk Harrison told the council that she would not attend the August 15 council meeting because she was moving her son to college.

Last, Clerk Harrison said that she had been working with Daniel Becker and John Wenzel on interrogatory responses related to a pending lawsuit.

Town Planner – not present

Commission Reports (9:15 p.m.)

Planning & Zoning Commission – nothing to report

Historic Preservation Commission – nothing to report

Climate Action Advisory Committee – nothing to report

Senior Program – nothing to report

RFTA – nothing to report

AGNC – Mayor A Riddile said they had discussed the Northwest Loan Fund and he gave the information to the women who owned Burning Mountain Bakery. They also discussed off-road vehicles and transportation funding.

GCE – nothing to report

BEWG – nothing to report

Council Comments

Councilor Leland said that the town will apply for a GFMLD mini grant to add to the grant funds from the AGNC for improvements to the community center. There will be a revised remodel plan because the original one will not work. The GFMLD grant application is due at the end of August.

Councilor Leland said he had been studying the new RFTA bus schedules and he will compose something that could be available in the town hall for the residents to use.

Councilor Russi asked who was responsible for cutting weeds along the pedestrian bridges and the overpass because they were looking messy. Director Wenzel said that the town took care of them, but he believed CDOT also took care of the area.

Councilor Russi said that if it was possible, perhaps the areas could be landscaped in 2018 to match the landscaping that had been done adjacent to the trail.

Councilor Metzger said that she and Councilor Russi had met with the president of Symphony in the Valley and got everything set up for the symphony to perform at New Hope on October 14 at 7:00 p.m. She said it was a big deal to have the symphony in New Castle, and she wanted to make sure the town promoted it.

Councilor Russi thanked Councilor Metzger for the effort she made to bring the symphony to New Castle and felt it was going to be a great thing for everyone involved.

Councilor Metzger said that the new manager of City Market was supposed to start soon. She also said that the market needed employees.

Councilor Metzger said there would be new signs for the park and ride.

Councilor Owens said that crossing Main Street near Walters Lane to access the trail on the south side of Main was dangerous. Mayor A Riddile said that crosswalk would be installed, and that should make it better.

Councilor Hazelton suggested that the information about the symphony could be distributed at the last few Community Markets.

Councilor Hazelton agreed that the concerns about speeding in town was probably getting worse instead of better, particularly on 7th Street.

Councilor Russi said that the subject of subsidized housing, employee housing and affordable housing had come up in years prior and nothing happened with it. Then the economy downturned and nothing could be done. He felt that there seemed to be a cycle that prevented pursuit of affordable housing. Councilor Russi asked that the council make affordable housing one of their goals.

Mayor A Riddile read a nice thank you card from Sara Malloy.

Mayor A Riddile said there will be a motorcycle event that will be stopping at the Pyro Memorial the following day. The event will raise money for the Pyro Scholarship Fund.

Mayor A Riddile said that on Thursday, August 3 at 5:00 p.m. would be the bike rack presentation to the city of Glenwood Springs. The location had changed and it will be held at Summit Canyon Mountaineering. He encouraged all the council to attend.

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

The meeting adjourned at 9:36 p.m.

Respectfully submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC

