New Castle Town Council Regular VIRTUAL Meeting
Tuesday, June 2, 2020, 7:00 PM
Due to concerns related to COVID-19, this meeting was held as a virtual meeting only. The public was invited to attend.

To join by computer, smart phone or tablet:
https://us02web.zoom.us/j/7096588400

To telephone in:
Please call: 1-346-248-7799
Meeting ID: 709 658 8400

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

Pledge of Allegiance

Roll Call

Present
- Councilor Mariscal
- Councilor Owens
- Councilor Hazelton
- Mayor A Riddile
- Councilor Copeland
- Councilor Leland
- Councilor G Riddile (joined at 7:04 p.m.)

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, 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 2020-1.

Conflicts of Interest
There were no conflicts of interest.

Agenda Changes
Clerk Harrison said that Town Attorney David McConaughy had another meeting to attend, and asked if the council would move the recreational trails license and agreement to the beginning of the agenda. The council agreed.

Citizen Comments on Items not on the Agenda
There were no citizen comments.

Consultant Reports

Consultant Attorney – Attorney McConaughy he had been speaking to Town Administrator Dave Reynolds regarding 5G cell towers. He said that there had been some pushback from the industry and the federal government on any attempt by local government to regulate the towers. He said that there would be some opportunity to create limited design guidelines prior to 5G towers arriving, and he had provided Administrator Reynolds with an example from another jurisdiction that was quite comprehensive. Attorney McConaughy said that staff had been working on it and it would likely come to council soon.

Consultant Engineer – not present.

Items for Consideration

Consider Approval of a Recreational Trail License and Management Agreement with CTS Investments, LLC

Administrator Reynolds told the council that the trails license agreement had come to the council for consideration at two previous meetings. He said that the proposed license agreement was in line with state statutes. The statutes provide protections for private property owners whose property was adjacent to town property and being used by the public for trails, provided they signed an agreement with the town. Town Engineer Jeff Simonson had assisted and New Castle Trails had done the mapping.

Attorney McConaughy said that the purpose was to take advantage of the statute that gave protection to private property owners if they granted a license or easement to the town, and the town had to be the one that controlled when the trails opened and closed. In exchange, the landowner's liability was limited to essentially what they would have to a trespasser. Attorney McConaughy said that it was a mutual benefit. It was a revocable license, which meant that it was not permanent like an easement would be, but it would stay in place as long as the agreement stayed in place. It included provisions that the town had the responsibility to manage and maintain the trails as required by the statutes. There was also a list of what was included, primarily signage and trail closure to ensure that people did not leave the area of the license and trespass onto private property. There was also a map that indicated the trail alignment and limited usage to that which was on the approved map. There was a public education requirement so staff would publish trail rules in the town newsletter. Attorney McConaughy said that there was also a reference in the agreement that it would not interfere with future development rights because some of the area will be planned for future development. When that happened, the trails would be realigned to accommodate it.

Administrator Reynolds screen-shared the trails map and indicated the location of the existing park and the trails that the agreement pertained to. He also noted specifics of each of the trails including the location of dog waste stations, sign locations, one-way trails and trails that would be closed.

Steve Craven of CTS Investments, LLC said that he was happy that they had finally reached a point that a license agreement was being considered.

Attorney McConaughy said that an almost identical agreement had been prepared for the Atkinson's to consider. In addition, he had prepared one for Warrior to consider, but they were in the process of selling their property, so they did not want to encumber it prior to the sale. Attorney McConaughy said that he felt there was opportunity to propose trail agreements in a number of places around town.

Councilor Leland said that the first newsletter article regarding the trails agreement had been run in April and it announced what was coming. He said that once the signs were installed, the article would run again in the newsletter and he hoped they would be able to reach many residents.
MOTION: Mayor A Riddile made a motion to approve a Recreational Trail License and Management Agreement with CTS Investments, LLC. Councilor Leland seconded the motion and it passed on a roll-call vote: Councilor Owens: yes; Councilor G Riddile: yes; Councilor Leland: yes; Councilor Mariscal: yes; Councilor Hazelton: yes; Councilor Copeland: yes; Mayor A Riddile: yes.

Consider a Revocable License Agreement with Grove's Black Dog Saloon Inc. dba Black Dog Saloon
Clerk Harrison told the council that Governor Polis had issued an executive order that allowed for temporary modifications of liquor-licensed establishments to provide sidewalk and/or other area service of alcohol. This temporary modification was specifically called a COVID-19 Temporary Modification. The first step in approving a modification was a revocable license agreement between the Back Dog Saloon and the Town that would provide the Black Dog with legal possession as required by the state. Clerk Harrison said that once the temporary modification expired, the license agreement would give the Black Dog the opportunity to apply for a permanent modification of the liquor license for sidewalk service in the future.
Clerk Harrison said that the license agreement was essentially identical to the license agreements held by EAT Bistro and 88 Grill for their sidewalk service.
Councilor G Riddile asked if there was any way that the council could waive the requirement for physical boundaries for the service area, and to waive the fee.
Clerk Harrison said that the executive order for the COVID modification specifically required physical boundaries for the service area, and that the town was unable to reduce or waive any state license fee, but she agreed to look into it.
Regarding the boundary requirement, Clerk Harrison felt that the state was requiring them because the COVID modification allowed for alcohol service in areas that were not contiguous to the permanent license, which meant that servers could cross a public right of way to serve say in a park or parking lot. The boundaries would then define the specific service area where alcohol was allowed since it was detached. Permanent modifications were contiguous and did not require boundaries.
Councilor G Riddile asked if the permanent modification was more work for the applicant or staff. Clerk Harrison said they were about the same except that the COVID modification application could be paid for and submitted online and were prioritized in the review and approval process, whereas permanent modification applications were placed in a queue and reviewed in the order received along with all other liquor license applications in the state.
Mayor A Riddile said that the constantly changing COVID rules were daunting and confusing and he thanked Clerk Harrison for studying the new rules and explaining them to the council.
Ms. Fittanto, applicant, said that the boundary requirement was not prohibitive and that they had already made a plan for them.
Mayor A Riddile opened the public hearing at 7:26 p.m.

Clerk Harrison told the Mayor and Council Members that there were no guests. She said that the state had clarified the rules after the agenda had been published, and that a public hearing was not required. She apologized for the confusion.
MOTION: Councilor Owens made a motion to approve the revocable license agreement with Grove's Black Dog Saloon, Inc. dba Black Dog Saloon. Councilor Copeland seconded the motion and it passed on a roll-call vote: Councilor Hazelton: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor Owens: yes; Mayor A Riddile: yes; Councilor G Riddile: yes; Councilor Copeland: yes.

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority
MOTION: Councilor Leland made a motion to recess the town council meeting and to convene as the local liquor licensing authority. Councilor Owens seconded the motion and it passed unanimously.

Consider an Application for COVID-19 Temporary Modification of the Hotel & Restaurant Liquor License for Grove's Black Dog Saloon Inc. dba Black Dog Saloon.
Clerk Harrison said that the agenda item was the application from the Black Dog Saloon for the COVID-19 Temporary Modification of their Hotel & Restaurant liquor license as discussed. She offered to clarify anything more about the application as needed. Clerk Harrison said that the application was complete, and all fees would be paid online by the applicant. She said that the modification would be good for 120 days, or could be extended or expired by executive order depending on conditions related to the pandemic. Councilor Hazelton asked if the two proposed tables would be non-smoking areas because of their proximity to the door. Ms. Fittanto said that they had discussed it and they will place signs on the tables enforcing the 15-foot rule that had been in place for many years. She said that they had been asking people to move down the street to smoke.
MOTION: Councilor Owens made a motion to approve the Application for a COVID-19 temporary modification of premises for the Grove's Black Dog Saloon, Inc. dba Black Dog Saloon. Councilor Copeland seconded the motion and it passed on a roll-call vote: Councilor Mariscal: yes; Councilor Owens: yes; Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Copeland: yes; Councilor Leland: yes; Mayor A Riddile: yes.

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting
MOTION: Councilor Hazelton made a motion to adjourn the local liquor license authority and to reconvene the town council meeting. Councilor Owens seconded the motion and it passed unanimously.

Consider Business Assistance Grants for Air BnB/VRBO
Administrator Reynolds said that at the previous council meeting the council had approved grant funding for businesses. Unfortunately, staff has missed VRBO and Air BnB type businesses. Council asked staff to try to figure out how many legitimate, short-term rental businesses were in town and to make a determination regarding the impacts of the pandemic. Staff found that there were three legitimate businesses on Main Street: Steve

Kyle, Annette Parker and Emily Sampley. Administrator Reynolds said he had spoken to all three, and they lost all their bookings because of COVID.
Administrator Reynolds said that in the prior grant process, the council had awarded funding to the motel, The Lodge, and to the Ore House.
Mayor A Riddile said that the governor had announced that short-term rentals could begin booking again, but that would not make up for the losses they had incurred the past several months. He also said that he remembered that the council had agreed that funds from reserves could be used to assist the VRBO businesses.
Last, Mayor A Riddile asked Administrator Reynolds about the possibility of recouping the money put towards grants.
Administrator Reynolds said that Colorado would receive a fair amount of funds from the CARES Act, and Garfield County would receive just over 5 million dollars. Funds will be distributed through DOLA, and the town may be able to receive reimbursement through the program. Administrator Reynolds said that there were things that could not be reimbursed such as lost revenues or salaries for employees. The reimbursements would be for hard costs, and the business assistance grants appear to qualify.
After a brief discussion, the council decided that they wanted each of the VRBO businesses to apply for the assistance grant as other businesses had been required to do.
MOTION: Councilor Leland made a motion to authorize the Town Administrator to grant $1,000.00 to each of the Air B-n-B businesses that had not been included in the first round of business assistance grants provided each completed a grant application form. Mayor A Riddile seconded the motion and it passed on a roll-call vote: Councilor Owens: yes; Councilor Mariscal: yes; Councilor Leland : yes; Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Copeland: yes; Mayor A Riddile: yes.

Consider Ordinance TC 2020-1, An Ordinance of the New Castle Town Council Amending Sections 16.16.010 & 17.100.040 of the New Castle Municipal Code Concerning the Application Process for Subdivision and PUD Development Sketch Plans (2nd reading)
Administrator Reynolds said that this was the second reading on some changed to the sketch plan application process to update and streamline the process.
MOTION: Councilor Leland made a motion to approve Ordinance TC 2020-3, An Ordinance of the New Castle Town Council Amending Sections 16.16.010 & 17.100.040 of the New Castle Municipal Code Concerning the Application Process for Subdivision and PUD Development Sketch Plans on 2nd reading. Mayor A Riddile seconded the motion and it passed on a roll-call vote: Councilor Copeland: yes; Councilor Hazelton: yes Councilor Owens: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor G Riddile: yes; Mayor A Riddile: yes.

Consent Agenda
May 19, 2020 minutes
May Bills of $476,530.43
MOTION: Mayor A Riddile made a motion to approve the consent agenda. Councilor G Riddile seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds said that staff had been working with the Garfield County Health Department because the rules had become very confusing with the variances granted to Garfield County, and he and Recreation Director Hannah Bihr had been working hard to clarify and understand them. They had also been working on plans for recreation programs and submitting them to the county for approval. Administrator Reynolds said that the town hall had been opened for appointments only, but most business was still conducted via telephone. He said there was some push back on it because there were residents who felt that with businesses being allowed to open, the town hall still being closed was a unnecessary disparity. He said that the information being put out by the county and the state was changing constantly, and staff was carefully following everything, and taking it day-by-day. He did not feel that there were that many people bothered by the town hall being closed, and the clerk's office was a bit short-staffed since Bart Mendoza was working in the parks department, so unless there was significant pressure to open, staff did see a need to rush reopening. Administrator Reynolds said that the following week municipal court would be held, so the town hall would be open on a very controlled basis so people could attend court.

Administrator Reynolds said that there had been a buyer for the Lakota Golf Course, but that had fallen through, and it appeared that the courts had ordered the property to go to auction.

Administrator Reynolds said that the CARES Act funding program would open registration the next day for municipalities. He said he and Treasurer Burk were working on that.

Administrator Reynolds said that staff was working with the graduate students in the CU Architecture and Planning program who were redesigning Frank Breslin Park under the Technical Assistance Grant Program. He said that he and Public Works Director John Wenzel had a great meeting with the team, and they asked that the town put together a small steering committee. Administrator Reynolds asked if Councilor Hazelton would be interested since he had initiated the idea or anyone else was interested. Councilor Hazelton said he would be glad to be on the steering committee.

Mayor A Riddile said that he knew that Administrator Reynolds had attended many Zoom meetings and had been working many hours and he said that he and the council were grateful for Administrator Reynolds' efforts. Administrator Reynolds thanked the council.

Town Clerk – Clerk Harrison said she had nothing to report. Mayor A Riddile also thanked Clerk Harrison for all her hard work. He noted that all the staff was incredible.

Town Planner – not present.

Public Works Director – not present.

Commission Reports

Planning & Zoning Commission – Councilor G Riddile asked if the Atkinsons would be coming to council. Administrator Reynolds said that had not been decided yet. He said that because the application was a combined preliminary/final and the preliminary application had been denied, that application could go no further. However, Atkinson could ask that the council review the decision made by P&Z, although Mr. Atkinson had not yet decided if that was something he wished to do.

Councilor G Riddile said that at the last P&Z meeting, the Filing 11 preliminary/final application from the Atkinsons was denied 7 to 0.

Mayor A Riddile thanked Councilor G Riddile for his comments. He also reminded the council that they could not discuss or comment on the filing 11 applications except in a publically noticed meeting.

Councilor Leland asked how the meeting had gone with all the public attendance.
Councilor G Riddile said it had gone well for both P&Z meetings, and that staff had done a fabulous job managing the virtual platform. He said that the P&Z had all been in a single room, socially distanced, and had been able to hear all the public comments and then deliberate.
Historic Preservation Commission – nothing to report.
Climate Action Advisory Committee – Councilor Leland said that they had had another work session and will hold a regular meeting in July so they could take official action.
Councilor Leland said that one of the commission members, Jean Brown, had been on the commission when is had been active before, and she had begun creating a list of all the environmental-related things had accomplished since the inception of Climate Action Advisory Commission, and the list was quite impressive. He said that he would bring the completed list to the council when it was complete.
Senior Program – nothing to report.
RFTA – nothing to report.
AGNC – Councilor Hazelton said that the primary discussion was the economic development district, and he said that the AGNC would be in charge of the revolving loan program.
GCE – nothing to report.
EAB – nothing to report.

Council Comments

Councilor Leland said that the announcement had come out earlier in the day that the Rides & Reggae event had been cancelled. He said it was a disappointment, but it also meant there would be a little more money in the town budget.
Councilor Leland said that Noreen Nolan had expressed a lot of gratitude for the business assistance grant money from the town. She said it made a lot of difference for her.
Councilor Leland said that he had posted a note on the town Facebook page encouraging people to continue to wear face coverings to keep themselves and others safe. He said there was one mildly negative comment from a person who no longer lives in the area and seems to be something of a troll. He said he did not need to take any action on it because other people on Facebook jumped in and supported the idea of continuing to wear masks.
Mayor A Riddile thanked everyone for their concerns and kindness regarding his medical issue the prior week. He said he was doing well.
Mayor A Riddile said he had received some citizen concerns regarding those who were not wearing face coverings at City Market and in some of the restaurants. He said he responded by telling them that the town was following the policy of the state and Garfield County recommending face coverings, not mandating them. He said he tried to be very clear about that. He also said that the town would try to find other ways of education to the businesses and residents, which was why he asked Councilor Leland to put it on Facebook. He asked Administrator Reynolds if information would also be put on the electronic message board. Administrator Reynolds agreed that it would.
Mayor A Riddile asked if any council member could attend the Mayor's Meeting on Tuesday June 23 in his place because he will not be able to attend. He said it was a good meeting.

Councilor Leland said that he just looked at the town's Facebook page and there was some concerns about opening playgrounds, and he asked Administrator Reynolds if there were plans to open them.
Administrator Reynolds said that the rules for opening playgrounds was the staff would have to sterilized them every two hours, and New Castle did not have the resources to do that, so for the time being they would remain closed. The tennis courts, skate park and pump track were open.

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

The meeting adjourned at 8:14 p.m.

Respectfully submitted,

Mayor Pro Tem Grady Hazelton

Melody K Harrison CMC

Town Clerk Melody Harrison, CMC

TOWN OF NEW CASTLE
GARFIELD
SEAL
COUNTY
COLORADO