

**New Castle Town Council Regular Virtual Meeting
Tuesday, March 02, 2021, 7:00 PM**

Due to concerns related to COVID-19, this meeting was open to the public as a virtual meeting only.

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

**If you prefer 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 Hazelton Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile
Absent	Councilor Owens

Also present at the meeting were Town Administrator Dave Reynolds, Deputy Town Clerk Mindy Andis, Public Works Director John Wenzel, Parks Manager Charlie Moore and Town Attorney David McConaughy.

MOTION: Mayor A Riddile made a motion to approve Councilor Owen's absence. Councilor Mariscal seconded the motion and it passed unanimously.

Meeting Notice

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2021-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Tow Administrator Dave Reynolds said that staff wished to move the Arbor Day proclamation to the front of the agenda. 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.

Items for Consideration

Arbor Day Proclamation

Public Works Director John Wenzel said that the Arbor Day Proclamation was something done every year as part of the Tree City USA application process.

He also said that he wanted to introduce the new Parks Manager, Charlie Moore, to the council.

Parks Manager Charlie Moore greeted the council.

Manager Moore said that he was born and raised in Colorado and had moved to the western slope in 1994 to attend college at the Spring Valley campus of CMC and fell in love with the area. He said he came to the town with a great deal of experience in commercial and residential landscape maintenance in the Roaring Fork Valley.

Manager Moore said that local scout leader, John Harcourt, had contacted him about planting a tree for Arbor Day. He said he felt it was a great opportunity to help kids understand the importance of trees and taking care of their community. In addition, the proclamation was part of the application process for Tree City USA, a designation the town has had for 17 years.

Manager Moore said that several trees would be planted on the south side of Alder Pond. He said they wanted to plant Autumn Blaze Maple, but it would depend on what was available. Manager Moore said that the Parks Department would prep the holes and do a little tree-planting education for the scouts.

Councilor Leland said that he would like to invite Manager Moore to a Climate and Environment Commission meeting to talk about Arbor Day because it would be of interest to them.

Mayor A Riddile read the Arbor Day proclamation into the record.

Consider Ordinance TC 2021-1 - an Ordinance of the New Castle Town Council Adding Sections 1.16.050 to 1.16.070 to Chapter 1.16 to Title 1 of the New Castle Municipal Code Pertaining to Elections (1st reading)

Town Attorney David McConaughy told the council that years ago the Colorado Secretary of State's (SOS) office decided that they did not want to handle campaign election complaints involving municipalities. Therefore, they adopted an internal rule effectuating that. Subsequently, the City of Grand Junction received a campaign complaint and then sued the SOS office, and the internal rule was declared invalid and an abdication of their

responsibility. Attorney McConaughy said that the SOS then got the legislature to pass a law that said the same thing the internal rule did, putting the responsibility on municipal clerks, notwithstanding the fact that the Colorado Constitution clearly states that it was the SOS's job to handle campaign election complaints. He said that no lawsuits had been filed against the SOS to challenge that and point out that it was unconstitutional, and he did not think that New Castle wanted to be the first.

Attorney McConaughy said that municipalities across the state were adopting procedures so that if a clerk received a complaint regarding campaign finance violation related to a municipal election, they would know what to do.

Attorney McConaughy said that the ordinance, without conceding the constitutional issue, would put some procedures in place for the Town Clerk to require registration for candidates and to have a process to deal with complaints. He said that meant receiving the complaint and then consult the town attorneys to determine if the complaint was of substance.

Attorney McConaughy said that the ordinance was modeled after a similar ordinance for Avon but did not include and substantive requirements other than what state law already had in place.

Attorney McConaughy and the council briefly discussed whether complaints went to municipal court and if Attorney McConaughy would represent the Town against a council member in the event of a campaign complaint. Attorney McConaughy said that he would not; it would then go to special counsel.

MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2021-1 - an Ordinance of the New Castle Town Council Adding Sections 1.16.050 to 1.16.070 to Chapter 1.16 to Title 1 of the New Castle Municipal Code Pertaining to Elections on 1st reading. Councilor Hazelton seconded the motion and it passed on a roll-call vote: Councilor Hazelton: yes; Mayor A Riddile: yes; Councilor Leland: yes; Councilor Copeland: yes; Councilor G Riddile: yes; Councilor Mariscal: yes.

MOTION: Councilor Leland made a motion at 7:25 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) regarding a town-owned property lease. Mayor A Riddile 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 7:34 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Mariscal and Hazelton; Mayor A Riddile; Councilors Copeland, Leland and G Riddile; Town Administrator Dave Reynolds, Town Attorney David McConaughy, and Deputy Town Clerk Mindy Andis. 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.

Consider Resolution TC 2021-08, a Resolution of the Town Council of the Town of New Castle, Colorado, Authorizing Participation in the Rural Jump-Start Program

Administrator Reynolds told the council that the Associated Governments of Northwest Colorado (AGNC) had announced that Western Garfield County would soon be eligible to apply for a Rural JumpStart Program. He explained that Rural JumpStart Programs started in rural upstate New York as a way to entice new, unique businesses to move into rural New York by offering tax incentives and other benefits. He said that Colorado got involved in the program about six years ago, but Garfield County was not eligible until recently. Administrator Reynolds said that the program eligibility for counties was based on income and other measurement metrics. He said that recently there was a business in rural Routt County that wanted to utilize the program but was not eligible until the zones were reimagined excluding the city of Steamboat Springs. The same was being proposed in Garfield County where the zone would be created beginning at New Castle and towards the west, effectively excluding Glenwood Springs and Carbondale. The municipalities had the option to pass a resolution to be part of the eligible zone, and that was the purpose of the resolution.

Administrator Reynolds showed a power point presentation that described the Rural JumpStart Program in detail.

MOTION: Mayor A Riddile made a motion to approve Resolution TC 2021-8, a Resolution of the Town Council of the Town of New Castle, Colorado, Authorizing Participation in the Rural Jump-Start Program. Councilor G Riddile seconded the motion and it passed unanimously.

Consent Agenda

February 16, 2021 minutes

February 26, 2021 minutes

February Bills of \$404,741.92

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

Staff Reports

Town Administrator – Administrator Reynolds said that Town Engineer Jeff Simonson had completed the planning work for the Canyon Creek to South Canyon section of the LoVa Trail. He said there were two grants involved in the planning work, and they were both in the process of being closed out. Additionally, Jeanne Golay had approached the town to begin a conversation about the LoVa Trail between New Castle and Silt. He said that the county commissioners might have some interest in the trail, and he and the town manager of Silt, Jeff Layman, and Jeanne Golay had been able to meet and discuss it as

well. He said that Ms. Golay wanted to come to the next council meeting and provide an update. Administrator Reynolds said that Ms. Golay felt that it would be appropriate for the county to take the lead on the LoVa section between New Castle and Silt since that section was about 99% on county land. Administrator Reynolds told the council that the local DOLA representative, Kimberly Dolan, had left DOLA and was now the Public Works Manager for Fruita. He said that DOLA was going through some serious budget issues and he thought there might be more staff changes. He also said that DOLA had not filled the position and it was unclear when there might be another local representative.

Administrator Reynolds said that he and Planner Smith had been helping as much as they could with the negotiations between the owners of the old schoolhouse building and the Skylark School. He said that the Skylark School was very motivated, but a final deal had yet to be reached.

Administrator Reynolds said that the 2021 Snowman Building Contest had concluded, although there had been very little snow. He said there had been only six entries and that everyone would receive a participation award. Administrator Reynolds said that he would be out March 18 and 19. Administrator Reynolds said that Town Clerk Melody Harrison was out sick, which was why Deputy Clerk Andis was in attendance at council.

Administrator Reynolds said that newest staff member Beth Elswick, who was working for finance and planning, was doing very well and a great fit to the team. Administrator Reynolds described the new audio/video equipment in council chambers that allowed the council to be socially distanced in chambers in a hybrid in-person/virtual meeting. The device was called a Meeting Owl and it provided a 360-degree microphone and camera system that focused on the speaker. Administrator Reynolds said that staff was experimenting with the Owl and was considering mounting a television in chambers in the future once meetings were back to normal.

Town Clerk – noting to report.

Town Treasurer – not present.

Town Planner – not present.

Public Works Director – not present.

Commission Reports

Planning & Zoning Commission – Deputy Clerk Andis said that there would be a P&Z meeting on April 14, but there was nothing on any agenda until then.

Historic Preservation Commission – nothing to report.

Climate and Environment Commission – Councilor Leland said that the CEC heard from Garfield Clean Energy about the Solarize program. The program began March 1 and would go on for three months. They would compile a list of people interested in installing solar and then purchase the equipment for everyone utilizing large-scale buying discounts. Installers would come in and do subsequent installations for efficiency. GCE would also assist in obtaining solar rebates for everyone as well. Councilor Leland said that CEC would help publicize the program and there would be a webinar about the program Thursday at 5:30 for anyone who was interested.

Senior Program – nothing to report.

RFTA – nothing to report.

AGNC – Councilor Hazelton said that they were following the Colorado Legislature and more than 200 bills had been introduced in the first 24 hours of the session. He also said that Andy Mueller of the Colorado River District was the guest speaker. He said that they

had discussed concerns with runoff and the lack of precipitation. He said they also spoke about some grant programs that might be available for the town's raw water system.
GCE – nothing to report.
EAB – nothing to report.

Council Comments

Councilor Mariscal said that the City of Grand Junction had put a specific communications item in their budget. The funds would provide communications with Spanish-speaking residents in the case of emergencies. She felt that might be something for the town to consider. Mayor A Riddile said that several town employees spoke Spanish. Councilor Mariscal agreed, but said that there was a distinct difference between speaking Spanish and translating. She said she could speak Spanish and could help interpret something, but that she was not a translator. Councilor Mariscal said she could bring more information to the council.

Councilor G Riddile said that he had been thinking about the vehicle use tax and recalled that the public survey done in 2019 clearly indicated that residents felt a vehicle use tax should not be taken to the voters. He also recalled political consultant Bill Ray said that it would probably be necessary to educate people and he did not feel that had been done. Councilor G Riddile said that the town's budget was in great shape and was likely sustainable for roads for the time-being. He felt that the town may not be able to deliver on the two park designs that were in process because FMLD grant funds were disappearing and if they were still available for funding, the town had other priorities. Councilor G Riddile said that when the town learned that the spring FMLD traditional grant had been eliminated, they took the money that was budgeted for parks and put it into streets. He asked the council if they thought they should focus on parks and what survey-takers might say. Councilor G Riddile said he had spoken to Administrator Reynolds who had discussed it with Mr. Ray.

Administrator Reynolds told the council that staff had been working with Mr. Ray to determine what the survey might look like with the idea that it would be focused on a vehicle use tax and those funds going towards streets. After speaking with Councilor G Riddile, Administrator Reynolds spoke with Mr. Ray who was open to the idea of expanding the survey to include parks. He reminded the council that the previous survey was longer than Mr. Ray preferred, but it gave the town information on three items: the mill levy, tobacco tax and the vehicle use tax. Regarding the current survey, Mr. Ray thought that it was not a bad idea to expand the survey to include parks to help the town understand whether it was time to put the use tax on the ballot.

Councilor Leland said that he could put an article in the newsletter regarding the issue as well.

Administrator Reynolds said that Mr. Ray had written an article for the newsletter and the idea was that the newsletter would go out and shortly thereafter residents would receive the survey.

Councilor Leland said that he had read in the minutes about the FMLD grant for the South Alley Fence project, and he thought perhaps the Downtown Group or some other interested parties could sponsor a South Alley Clean-Up. It could be advertised along with the building of a new fence. He said that he had noticed that when someone in the downtown started working on their home and cleaning up their yard, others did too, and the downtown looked better than it did a few years ago.

Councilor Leland said that Defiance Cycle was now open in the Trimble Building and there was a Fly-Fishing shop coming within a month.

Mayor A Riddile said that Councilor Hazelton's son, Brian, was featured on the front page of the Citizen Telegram in an article about the Gifted and Talented program in the Garfield RE-2 school district.

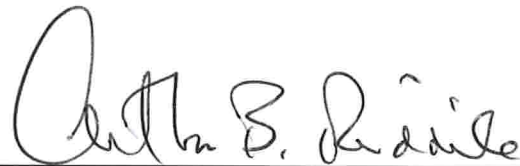
Mayor A Riddile said that he wanted to thank the staff for all the set-up and tear-down of the meetings in the Community Center and hoped that the new equipment would make meeting easier.

Mayor A Riddile told the council that his second son, JJ, had gotten married the day before in China. He said that they were excited, and that JJ's wife was a native of China and was working on her PhD.

MOTION: Councilor Hazelton made a motion to adjourn. Councilor Mariscal seconded the motion and it passed unanimously.

The meeting adjourned at 8:26 p.m.

Respectfully submitted,



Mayor A Riddile



Town Clerk Melody Harrison, CMC

