

Posted: _____

Remove: _____



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting

Tuesday, August 20, 2019, 7:00 PM

Starting times on the agenda are approximate and intended as a guide for Council.
The starting times are subject to change by Council, as is the order of items on the agenda.

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney
Consultant Engineer

Items for Consideration

A. Update: Public Works Director John Wenzel (7:05 p.m.)

B. Consider a Special Events Liquor License Application from the Town of New Castle for Burning Mountain Festival and the Chili Cook-Off (7:15 p.m.)

C. Consider A special Events Liquor License Application from the Town of New Castle for the Cornhole Tournament (7:20 p.m.)

D. Consider Grants to Outside Agencies (7:25 p.m.)

E. Discussion: Potential Ballot Language (7:40 p.m.)

F. Executive Session (1) 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); and (2) 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 concerning town-owned property (8:00 p.m.)

G. Consider a Resolution TC 2019-16 - Approving a Contract to Buy and Sell Real Estate Owned by the Town (8:30 p.m.)

H. Consider Ordinance TC 2019-6 - Authorizing the Sale of Real Property Owned by the Town (8:40 p.m.)

I. Consider Approval of a Settlement Agreement with Lakota Ridge Senior Housing, LLP (8:45 p.m.)

J. Review of Outgoing Letters to Residents (8:45 p.m.)

Consent Agenda

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

[Resolution](#) TC 2019-12 - Supporting an FMLD Mini Grant Application for Police Equipment

[Resolution](#) TC 2019-13 - Supporting an FMLD Traditional Grant Application for The Construction of a Bulk Water Station

[Resolution](#) TC 2019-14 - Authorizing the November 5, 2019 Coordinated Election

[Resolution](#) TC 2019-15 - Supporting a Joint FMLD Grant Application for the LoVa Trail

Staff Reports

Town Administrator

Town Clerk

Town Planner

Public Works Director

Commission Reports

Planning & Zoning Commission

Historic Preservation Commission

Climate Action Advisory Committee

Senior Program

RFTA

AGNC

GCE
EAB

Council Comments

Adjourn

Item Attachment Documents:

B. Consider a Special Events Liquor License Application from the Town of New Castle for Burning Mountain Festival and the Chili Cook-Off (7:15 p.m.)

Memo

To: Local Liquor Authority

From: Melody Harrison, Town Clerk

Date: 8/20/2019

Re: Town of New Castle Special Event Liquor Permit for the September 6 & 7, 2019 Burning Mountain Festival

Request: The Special Event Staff of the Town of New Castle requests a special events liquor license for Burning Mountain Festival, on September 6 & 7, 2019, and the Chili Cook-Off on December 6, 2019, both events located in Burning Mountain Park at 157 W. Main Street.

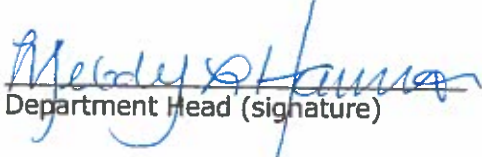
Recommendation: If Council's consensus is to approve the attached application for a special event liquor permit for the Town of New Castle, the Clerk's Office staff recommends that Council consider the following condition(s):

That although the application requests a permit time until 10:00 p.m. on September 6 & 7, 2019 (Burning Mountain Festival), staff recommends alcohol be served until 9:30 p.m., and alcohol be allowed on premises until 10:00 p.m.

That although the application requests a permit time until 9:00 p.m. on December 6, 2019 (Chili Cook-Off), staff recommends that alcohol be served until 8:30 p.m. and be allowed on premises until 9:00 p.m.

Policy Implications: The policy implication of Council's approval of this special event license is that the town shall have the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at Burning Mountain Festival on Friday September 6, 2019 from 5:00 p.m. to 9:30 p.m., and Saturday, September 7, 2019, from 1:00 p.m. to 9:30 p.m.; and at the Chili Cook-Off on December 6, 2019 from 6:00 p.m. to 8:30 p.m.

Budget Implications: Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on beer garden sales.


Department Head (signature)

Background: The Town of New Castle Special Event Coordinator filed the application on August 5, 2019. The public hearing has been properly noticed. The application is properly completed.

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be Nonprofit and One of the Following (See back for details.)

- | | | |
|------------------------------------|--|--|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge Or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> Of A National Organization Or Society | <input type="checkbox"/> Municipality Owning Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | <input checked="" type="checkbox"/> GOVERNMENT |

LIAB Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate TOWN OF NEW CASTLE	State Sales Tax Number (Required)
---	-----------------------------------

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) P.O. Box 90 NEWCASTLE, CO 81647	3. Address of Place to Have Special Event (include street, city/town and ZIP) BURNING MOUNTAIN PARK 157 W. MAIN STREET NEWCASTLE CO 81647
---	---

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Sec'y of Org or Political Candidate DEBBIE NICHOLS	7.29.55	1169 CR 250, SILT CO 81652	720 427-3678

5. Event Manager SAME	
---------------------------------	--

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? _____	7. Is premises now licensed under state liquor or beer code? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
---	--

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? <input type="checkbox"/> Yes <input type="checkbox"/> No				
List Below the Exact Date(s) for Which Application is Being Made for Permit				
Date 9.6.19	Date 9.7.19	Date 12.6.19	Date	Date
Hours From 5:00 P.m.	Hours From 1:00 P.m.	Hours From 6:00 P.m.	Hours From	Hours From
To 10:00 A.m.	To 10:00 P.m.	To 01:00 P.m.	To	To

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature Debbie Nichols	Title SPECIAL EVENT COORDINATOR	Date AUG. 5, 2019
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Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
Signature	Title	Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$

Application Information and Checklist

The following supporting documents must be attached to this application for a permit to be issued:

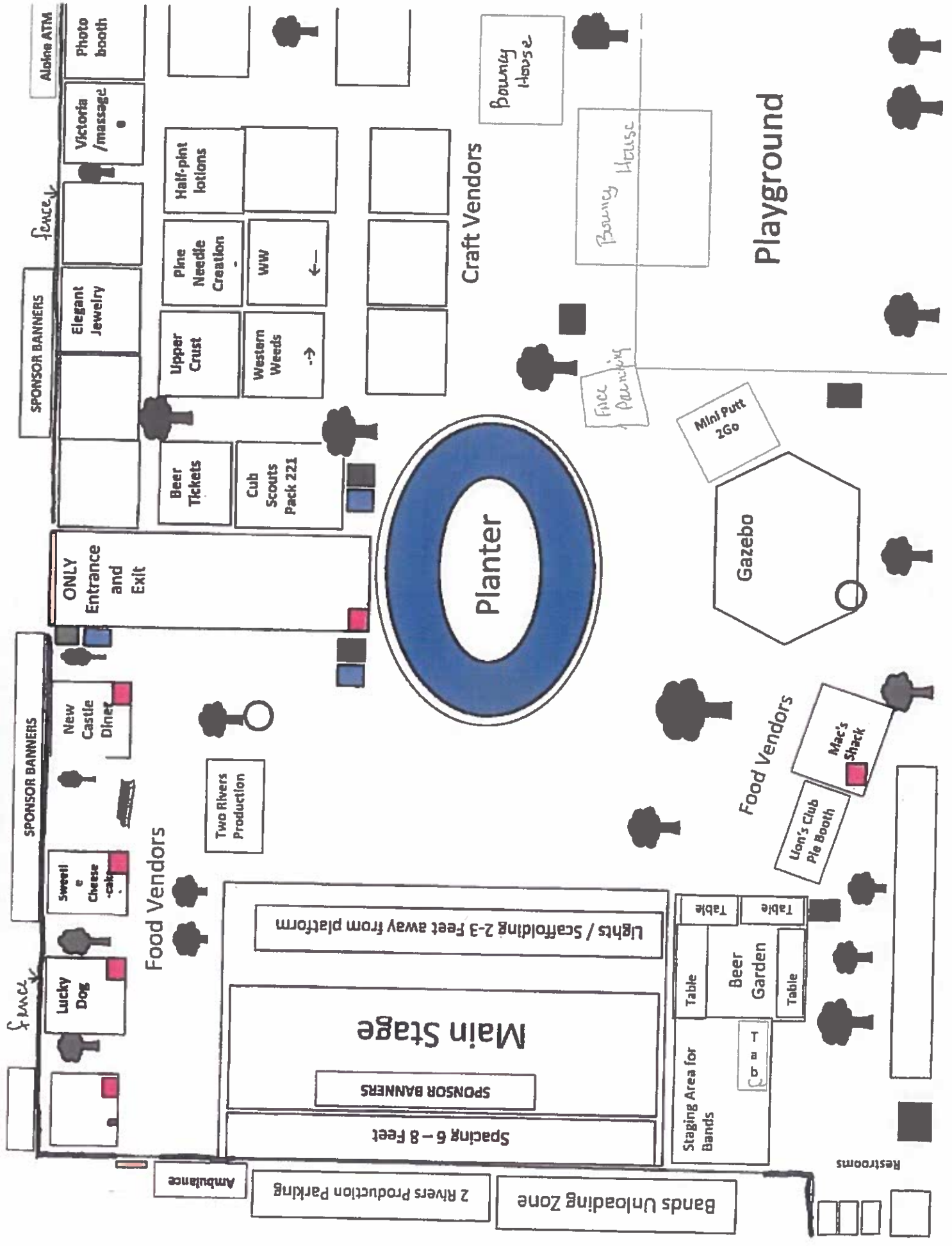
- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; or
- If not incorporated, a NONPROFIT charter; or
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- Application must first be submitted to the local licensing authority (city or county) at least thirty (30) days prior to the event.
- The premises to be licensed must be posted at least ten (10) days before a hearing can be held. (44-5-106 C.R.S.)
- An approved application must be received by the liquor enforcement division at least ten (10) days prior to the event.
- Check payable to the Colorado Department Of Revenue

(44-5-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 4 and 3 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.



fence

SPONSOR BANNERS

SPONSOR BANNERS

fence

Lucky Dog

Sweet & Cheese Cakes

New Castle Diner

ONLY Entrance and Exit

Elegant Jewelry

Victoria /massage

Photo booth

Food Vendors

Two Rivers Production

Spacing 6 - 8 Feet

SPONSOR BANNERS

Main Stage

Lights / Scaffolding 2-3 Feet away from platform

SPONSOR BANNERS

Beer Tickets

Upper Crust

Pine Needle Creation

Half-pint lotions

Cub Scouts Pack 221

Western Weeds

WW

Craft Vendors

Planter

Bouncy House

Face Painting

Bouncy House

Staging Area for Bands

Table

Beer Garden

Table

Table

Food Vendors

Lion's Club Pie Booth

Mac's Shack

Mini Putt 2Go

Gazebo

Playground

Restrooms

Bands Unloading Zone

2 Rivers Production Parking

Ambulance

Item Attachment Documents:

C. Consider A special Events Liquor License Application from the Town of New Castle for the Cornhole Tournament (7:20 p.m.)

Memo

To: Local Liquor Authority

From: Melody Harrison, Town Clerk

Date: 8/20/2019

Re: Town of New Castle Special Event Liquor Permit for the September 7, 2019 Cornhole Tournament


Request: The Special Event Staff of the Town of New Castle requests a special events liquor license for a Cornhole Tournament during Burning Mountain Festival on Saturday, September 7, 2019 located on 5th Street, between Main Street and the Alley, immediately adjacent to Hogback Pizza. Town Staff has partnered with Hogback Pizza in sponsoring a Special Event Liquor License for the tournament because there was not sufficient time to modify Hogback's existing Beer & Wine License for the event. Administrative Assistant Bart Mendoza has volunteered to be the on-site staff member for the tournament.

Recommendation: If Council's consensus is to approve the attached application for a special event liquor permit for the Town of New Castle, the Clerk's Office staff recommends that Council consider the following condition(s):

That although the application requests a permit time until 7:00 p.m. on August 7, 2019 staff recommends that alcohol be served until 6:30 p.m. and be allowed on premises until 7:00 p.m. In addition, Staff recommends that a 100% ID check be conducted and that a hand stamp or some other identifying mark/wristband be provided to eligible persons age 21 or older.

Policy Implications: The policy implication of Council's approval of this special event license is that the town shall have the authority to serve, sell or distribute malt and vinous liquors for on-premises consumption at the Hogback Pizza Cornhole Tournament during Burning Mountain Festival on Saturday, September 7, 2019, from 1:00 p.m. to 6:30 p.m.

Budget Implications: Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on alcohol sales.


Department Head (signature)

Background: The Town of New Castle Special Event Coordinator filed the application on August 5, 2019. The public hearing has been properly noticed. The application is properly completed.

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be Nonprofit and One of the Following (See back for details.)

- | | | |
|------------------------------------|--|--|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge Or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> Of A National Organization Or Society | <input type="checkbox"/> Municipality Owning Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | <input checked="" type="checkbox"/> GOVERNMENT |

LIAB Type of Special Event Applicant is Applying for:

2110 Malt, Vinous And Spirituous Liquor \$25.00 Per Day

2170 Fermented Malt Beverage \$10.00 Per Day

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate: **TOWN OF NEW CASTLE** State Sales Tax Number (Required)

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP)
**P.O. Box 90
 NEWCASTLE, CO 81647**

3. Address of Place to Have Special Event (include street, city/town and ZIP)
**5TH STREET, SOUTH OF MAIN
 BETWEEN MAIN STREET AND
 THE ALLEY**

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Secy of Org. or Political Candidate DEBBIE NICHOLS	7.29.55	1169 CR 250, SILT CO 81652	720 427-3678
5. Event Manager BART MENDOZA	12.22.84	361 CR 311 SILT CO 81652	970 306 8940

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?
 NO YES HOW MANY DAYS? _____

7. Is premises now licensed under state liquor or beer code?
 NO YES TO WHOM? _____

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
9.7.19 From 1130 a.m. To 7.00 p.m.				

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature: **Debbie Nichols** Title: **SPECIAL EVENTS COORDINATOR** Date: **AUG. 5, 2019**

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County) City County Telephone Number of City/County Clerk

Signature _____ Title _____ Date _____

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	\$

Application Information and Checklist

The following supporting documents must be attached to this application for a permit to be issued:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; or
- If not incorporated, a NONPROFIT charter; or
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- Application must first be submitted to the local licensing authority (city or county) at least thirty (30) days prior to the event.
- The premises to be licensed must be posted at least ten (10) days before a hearing can be held. (44-5-106 C.R.S.)
- An approved application must be received by the liquor enforcement division at least ten (10) days prior to the event.
- Check payable to the Colorado Department Of Revenue

(44-5-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 4 and 3 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

5th St

Main St



Main St

Main St



Main St

W

Side walk

Side walk

Side walk

Vandeventer Ave

Livery feed truck

New Castle Garage



Hogback Pizza

New Castle Recreation Department

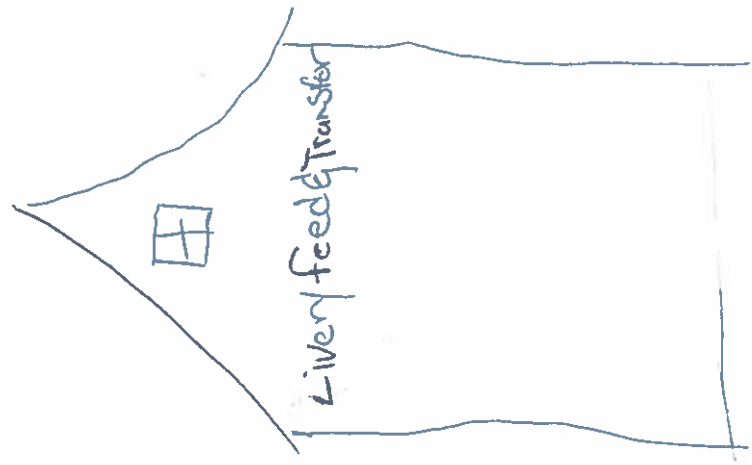


10124 Main St

Side walk

Side walk

Side walk



VANDEVENDER ST.



Alleyway

Alleyway

Alleyway

Item Attachment Documents:

D. Consider Grants to Outside Agencies (7:25 p.m.)



Town of New Castle
450 W. Main Street
PO Box

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds & Debbie Nichols
Subject: Agenda Item – Outgoing Grants
Date: August 20, 2018

Purpose:

The purpose of this agenda item is to inform Council regarding applications to the Town for outgoing grants and to have Council decide on how outgoing grant funds may be distributed.

Background:

Each year the Town of New Castle distributes Town funds to local organizations for the purpose of providing opportunities to enhance services, programs, and support to the residents of New Castle.

New Castle has established two outgoing grant cycles for the budget year 2019. The first grant cycle awarded \$14,350 to 13 different agencies throughout the area. With a 2019 budget of \$22,000 the Town has \$7,650 in remaining funds to distribute during this second grant cycle.

In studying the grant applications that were received we looked at how the funds would directly meet the needs of the community. While all of the applicants may provide a much-needed service, staff and Council must work to determine the best use of Town funds in order to maximize the benefits to New Castle residents.

In total, for this second 2019 outgoing grant cycle, staff is recommending expenditures of \$5,750. This will leave a balance of \$1,900 for any additional expenditures that might arise between now and the end of the year.

List of Potential Grant Awards:

Alpine Legal Services

The mission of Alpine Legal Services is to ensure access to the justice system by providing and coordinating quality legal services that protect fundamental legal rights. Our goals are to strengthen the civic health of our community by informing the public of fundamental legal rights, from Aspen to Parachute, and ensure justice

for all.

It is critical to receive support from towns where we are providing services, to show that local communities value and support the work we do to promote justice locally. For example, thus far this year we have provided legal advice to 104 individuals through our Ask a Lawyer program, and have served 13 individuals at the New Castle library.

Funding from New Castle will provide general operating support for the following programs which are available to the public, including residents and employees of New Castle:

Ask a Lawyer – 5 p.m. - 7 p.m. at the New Castle library every second Wednesday of each month. We offer this program every month at all 8 library branch locations from Aspen to Parachute.

Senior Law Day -- 9 a.m. – 4 p.m. on Tuesday, October 29, 2019 at the Rifle CMC campus.

Family Law Day -- 9 a.m. – 3 p.m. in the spring and fall of each year at the Garfield County Courthouse.

Grant Request: \$2,000

Staff Recommendation: \$500

CASA of the Ninth

CASA of the Ninth's (Court Appointed Special Advocate) mission is to provide well-trained, court-appointed volunteer advocates to abused and neglected children in Colorado's 9th Judicial District. Our vision is to support a safe, permanent, nurturing home for every child we serve. CASA of the Ninth's primary goal is to find safe and permanent homes as soon as possible for all children who have been abused and neglected and to have a trained CASA volunteer appointed to them by the court in Colorado's Pitkin, Garfield, and Rio Blanco counties. CASA of the Ninth has three ongoing objectives for our program:

- 1) To increase the number of children served from 40 in 2018 to 55 by the end of 2019
- 2) To increase the number of Court Appointed Special Advocate volunteers from 22 in 2018 to 35 by the end of 2019.
- 3) To advocate for the adherence of Colorado Children's Code timelines to minimize the length of time children spend in the Dependency & Neglect court system and establish permanency sooner. The purpose of these requested funds is to advertise for volunteer recruitment sessions.

Grant Request: \$800

Staff Recommendation: \$500

Lift-Up

LIFT-UP is able to strengthen our communities several ways. We pride ourselves in the ability to provide food to those in need throughout the year. We also help with other basic needs such as medical prescription cost, clothing, furniture and transportation. Our belief is that by aiding to stabilize some of these basic needs, local families are able to stay in their existing housing, get into new housing, stay employed or gain employment and children are able to concentrate in school enabling them to have bright futures. This all leads to better education for kids, strengthened economy by helping our workforce stay in the area even with the cost of living they face and provides a common place for people to come together.

Grant Request: \$800

Staff recommendation: \$750

Literacy Outreach

Literacy Outreach's mission is to teach essential literacy skills. Literacy Outreach's primary goal is to give all adults in Garfield County a chance to become functionally literate. Literacy Outreach would use to funds requested for the purchase of core text books, to assist with the current 14 students in New Castle.

Grant Request: \$980

Staff recommendation: \$500

TEI

Freedom Celebration

Talbott Enterprises, Inc. have been hosting the Freedom Celebration for 43 years. The purpose of this event is to provide a family friendly, safe, inexpensive way to celebrate this country, its freedom and community. This grant request is for offsetting the cost of the 2019 fireworks display (47% of the cost of fireworks).

Grant Request: \$3,000

Staff recommendation: \$3,000

Western Slope Veterans Coalition

The Western Slope Veterans Coalition provides a hub of information, action, programs and activities that support, honor and connect veterans in the Roaring Fork and Eagle Valleys. They are requesting funds to support continued operations at the Jesse Beckius/Casey Owens Veterans Resource Center in Glenwood Springs.

Grant Request: \$5,000

Staff recommendation: \$500

- ❖ More detailed information, along with complete grant applications can be found in *"The Grant Notebook"* which is available in Melody's office for review.

Memo

To: Town Council
From: Debbie Nichols
Date: August 12, 2019
Re: 2019 Outgoing grants update from Round 1

Access AfterSchool

Awarded: \$300

The \$300 grant from the Town of New Castle in February 2019 supported Access' SecondShift program, which provides opportunities for students to develop academic, social and physical skills in a safe and healthy environment. Specifically, the \$300 funded supplies for classes held at Riverside Middle School, including Mosaic Stained Glass, Automotive 101, Digital Photography and Unicycle Club. In the 2018-19 school year, 148 total students participated in 21 classes at Riverside Middle School, which represents a student increase of 44% when compared to the previous school year. In total, SecondShift served 1,022 students in 128 classes held at six schools from Rifle to Basalt in the 2018-19 school year. The 21 classes held at Riverside included those mentioned above, as well as Choose Your Own Artistic Adventure, Cookie Madness, Running Club, Math Academy and many more.

Advocate Safehouse Project

Awarded: \$250

ASP provided services to a total of 286 survivors of domestic and/or sexual violence from January 1, 2019 – June 30, 2019. Of these victims, at least 13 are residents of New Castle.

ASP used the 2019 New Castle funds for payroll expenses. The total payroll expenses for ASP from January 1, 2019 – June 30, 2019 was \$223,944. At least 13 residents of New Castle received individualized services from ASP for the time period of January 1, 2019 – June 30, 2019. Additionally, residents of New Castle who attended the Coal Ridge High School Health Fair had an opportunity to receive information at the ASP booth

Community Counts

Awarded: \$150

This is Community Counts follow-up report for the \$150.00 Grant that we received from you. As you know it was not directed to a specific event but to continually helping provide a multitude of information to inform the community on industry activity which includes providing information on road closures and road delays, operator's high traffic activity; rig moves; information on events in a community for operators or contractors to be aware of, BLM, USFS and Garfield PIO information sent out to Garfield county along with information sent out that is pertinent to each of the areas we operate in Garfield, Mesa and Rio Blanco counties. Reporting was also given to the Garfield Board of County Commissioners, the Energy Advisory Board and Community Counts Board meetings that are open to the public. We also report at Northwest Oil & Gas although their meeting was canceled this spring. Community Counts also handled several issues that were in Garfield County but mainly in the Battlement Mesa/Parachute area. Community Counts Executive Director works 24/7, 365 days a year seeing that the community and industry is informed on pertinent information as quickly as possible along with being available to handle any issues in any of the counties. New Castle currently doesn't have a lot of industry activity in the area but we try to make sure your citizens are made aware of what is going on throughout the area. The main industry work is around Parachute/Battlement Mesa, Rifle area and the Piceance Creek area in Rio Blanco County. Mesa County still has activity although Laramie is drilling in Garfield County currently. Community Counts remains the positive organization to help the community and energy/extractive industries have open communication and help promote good relations throughout our three county operations during the chaotic times our state is going through. We are seeing a decline in contractor membership again with the gas prices being so low, the operators asking for even more cutbacks and the negativity towards the energy industry, but we are working with them to maintain membership. We appreciate the Grant support you gave us and look forward to working with you

High Country RSVP

Awarded: \$200

Thank you for generously supporting High Country RSVP (Retired Senior Volunteer Program) this past year. Our organization provides vital programs and direct services to individuals age 55+ in Garfield County that help improve quality of life and enable seniors to remain in their homes longer. We could not do that without your support. The \$200 contribution was used to support the following programs with advertising, promotional materials, volunteer insurance, office supplies and postage.

- New Castle Volunteer Placement: 21 volunteers from New Castle serving 1,700 hours.
- Medicare/SHIP Counseling: 56 clients from New Castle were served.
- Tax Assistance Program: 71 clients from New Castle out of the 470 served countywide.
- Helping Hands Handyman Program: 5 individuals from New Castle.

Looking Forward

We are spending the summer evaluating our entire program. We want to make sure that we are meeting the needs of seniors in Garfield County. To that end, we will be putting together a survey of what seniors really want/need to ensure our programs are meeting those needs. We appreciate your support as we do

our best to meet the needs of our ever-increasing senior population in Garfield County. Thank you again for your support.

River Bridge Regional Center

Awarded: \$250

During this reporting period RBRC served nine (9) New Castle resident children and fourteen (14) New Castle resident non-offending family members. In addition, MWSA has served one adult patient for New Castle Police Department.

RBRC served a total of 54 Garfield County resident children and 81 Garfield County non-offending family members. Of the children served from January 1 – June 30, 2019, 48% are from Garfield County. MWSA served 9 patients from Garfield County or 56% of the total.

The RBRC program benefits the community by improving understanding and knowledge regarding child abuse prevention, treatment and mandatory reporting laws. The educational campaign provides a focus on the effective Child Advocacy Center (CAC) model in order to treat child abuse and prosecute offenders effectively. RBRC staff is trained in the CAC model as well as the NCA's multidisciplinary approach. RBRC staff ensures that medical personnel, law enforcement, child protections services, victim advocates and mental health professionals all work together. This multidisciplinary and child centered approach generates an efficient, comprehensive, and effective method of service delivery where the needs of the child always come first. The community's child abuse victims have a lifelong mental health and support benefit, more abusers will be prosecuted, and ultimately the community will see a decreased cost for child abuse investigations.

Mountain West SANE Alliance (MWSA) is the only SANE program in the 9th Judicial District. Our area hospitals do not conduct these exams and without the MWSA program, patients must travel to Frisco or Grand Junction.

River Center

Awarded: \$11,000

In 2018, our volunteer base donated 2,483 hours equaling \$57,282.81 in value. To date in 2019 we have had 902 hours logged equaling \$20,809.14 in value.

Your gift for 2019 was allocated to our general fund, which supports our various programs:

- Life Assistance – 54 families with a total of \$23,482.80 in financial assistance. They are continuing to offer Community Enrichment Classes.
- Community Garden – 406 lbs of fresh produce was given to River Center and Lift-Up.
- Angel Tree – Provided 177 kids with a gift at Christmas time and strated to be the fiscal agent for the Glenwood Springs Angel Tree.
- Back to School Drive – Providing \$3,624.08 worth of school supplies on top of what was donated. We are changing the way this program is working, to each school will be given a gift card to purchase what teachers need.
- Totes of Hope – In the 2018-2019 school year we had 122 students signed up. Also getting food out during the summer months.
- Meal Monkey – 88 bags are going out on Friday lunchtime.

West Elk Trails, Inc.

Awarded: \$200

The 2018-19 winter was a banner year for both snow and user participation days. The trails had over 1000 cross-country skiers and snowshoe recreationists enjoy the trails! People used the trails well after our season closed in April.

The West Elk trails are the only groomed trails in the immediate area, with Grand Mesa and Spring Gulch trails much further away. The trails we maintain will continue to be free to the public for snowshoeing and cross-country skiing.

No Follow-Up Report from:

Family Visitor

Middle Colorado Watershed Council

YouthZone

Item Attachment Documents:

E. Discussion: Potential Ballot Language (7:40 p.m.)



Town of New Castle
Administration Department
450 W. Main Street
PO Box 90
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Draft November Ballot Language
Date: August 20, 2018

Purpose:

The purpose of this agenda item is to review possible ballot language which will be used on this November's Coordinated Election.

During the Council meeting held on August 6th Town Council reviewed the findings of a *Community Survey* which was designed to give Council an understanding of resident's opinions concerning items which may be considered as important to the community and possible action items for the future. Based on the results of the survey, Council asked staff to research draft ballot language for possible use in the future, items for research included: 1. The possible extension of an existing Mill Levy, 2. Placing a tax on all tobacco and vaping products sold in Town while also raising the legal age to purchase these products from 18 to 21.

Staff has worked with neighboring communities over the past two weeks to determine how best to approach the question of a Tax on Tobacco Products while also trying to create consistency throughout the Valley area related to this topic. Staff will present Council with a draft of ballot language which may be used as a starting point for consideration in developing final ballot language on this subject.

Staff will continue to research outstanding questions concerning any possibility of additional ballot questions and report their findings to Council during the Sept. 3rd Council Meeting.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO,
SUBMITTING TO THE ELECTORATE OF THE TOWN OF NEW CASTLE, A QUESTION
SEEKING AUTHORITY TO INCREASE TAXES ON THE SALE OF CIGARETTES AND OTHER
TOBACCO AND NICOTINE PRODUCTS

Town of New Castle, Colorado
Resolution No. [11]
Series of 2019

WHEREAS, the Town of New Castle, Colorado (the “Town”), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and its Home Rule Charter (the “Charter”);

WHEREAS, the members of the Town Council of the Town of New Castle (the “Council”) have been duly elected and qualified;

WHEREAS, the Council hereby finds that tobacco and nicotine addiction is a leading cause of preventable death, that people should be deterred from starting the use of tobacco and nicotine products and encouraged to quit the use of tobacco and nicotine products, and that taxes on the sale of tobacco and nicotine products are effective at preventing and reducing tobacco and nicotine use;

WHEREAS, the Council hereby designates that revenues collected through this tax would be placed in the General Fund [1] with the specific purpose of financing tobacco related [2] community health, wellness and youth programs.

WHEREAS, Article XI of the Charter authorizes the Town to levy and collect taxes, including sales taxes, for municipal purposes;

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any increase in taxes;

WHEREAS, pursuant to Article II of the Charter, the Town elections are governed by the Colorado municipal election laws except as otherwise provided in the Town Charter or by ordinance; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electorate on limited election days before action can be taken on such ballot issues;

WHEREAS, November 5, 2019, is one of the election dates at which ballot issues may be submitted to the electorate of the Town pursuant to TABOR;

WHEREAS, the Council hereby determines that it is in the interests of the Town and its residents to submit to the electorate of the Town, the question of authorizing a tax increase on the sale of tobacco and nicotine products at its regular municipal election to be held on November 5, 2019; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, THAT:

Section 1. All action heretofore taken (not inconsistent with the provision of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Municipal Election Code, C.R.S. Title 31, Articles 10 and 11.

Section 3. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the electorate of the Town and shall appear on the ballot of the Town at the regular municipal election of November 5, 2019, with the following ballot title which is set pursuant to C.R.S. 31-11-111.

Tax Increase on the Sale of Tobacco and Nicotine Products.

BALLOT TITLE AND TEXT:

SHALL ~~TOWN TAXES BE INCREASED UP TO \$50,000~~ ^[3]IN 2020 AND BY SUCH ~~AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER~~ ^[4]BY THE IMPOSITION OF NEW TAXES AS FOLLOWS:

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW TAX OF SIXTEEN CENTS PER CIGARETTE OR THREE DOLLARS AND TWENTY CENTS PER PACK OF TWENTY CIGARETTES SOLD PROVIDED THAT SUCH TAX SHALL INCREASE BY AN EQUAL AMOUNT ANNUALLY THEREAFTER FOR EIGHT YEARS UNTIL THE TAX IS TWENTY CENTS PER CIGARETTE OR FOUR DOLLARS PER PACK OF TWENTY CIGARETTES;

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW SALES TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO AND NICOTINE PRODCUTS, INCLUDING NICOTINE DELIVERY PRODUCTS;

THE TERMS 'CIGARETTE', 'TOBACCO PRODUCTS', OR 'NICOTINE PRODUCTS', HAVE THE SAME MEANINGS AS IN SECTION 18-13-121(5)(A) OF THE COLORADO REVISED STATUTES, AS AMENDED;

THE TAX REVENUES SHALL BE USED FOR THE SPECIFIC PURPOSES OF FINANCING TOBACCO RELATED COMMUNITY HEALTH, WELLNESS AND YOUTH PROGRAMS;

AND THAT THE TOWN MAY COLLECT, RETAIN AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND THE EARNING THEREON, NOTWITHSTANDING THE LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 5. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provision of this resolution.

Section 7. All resolution or parts of resolution inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 8. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, READ AND ADOPTED at a Regular Meeting of the Town Council of New Castle, Colorado, on August 20, 2019.

Mayor

ATTEST:

Town Clerk

Town Attorney

STATE OF COLORADO)
)
 COUNTY OF GARFIELD)
)
 TOWN OF NEW CASTLE)

I, the Town Clerk for the Town of New Castle (the “Town”), do hereby certify:

1. The foregoing pages are true and correct copies of the Resolution (the “Resolution”) passed and adopted by the Town Council of the Town (the “Council”) on August 20, 2019 (the “Regular Meeting”).

2. The Resolution was duly introduced, moved, seconded and passed on and at the Regular Meeting by an affirmative vote of a majority of the members of the Council as follows:

Name	“Yes”	“No”	“Absent”
Art Riddle, Mayor			
Grady Hazelton, Mayor Pro Tem			
Bruce Leland			
Crystal Mariscal			
Graham Riddle			
Scott Owens			
Brandy Copeland			

3. The members of the Council were present at the meeting and voted on the passage of the Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council that would prohibit the adoption of the Resolution.

6. Notice of the regular meeting of the Council of August 20, 2019 was posted, in the form attached hereto as Exhibit A, at the New Castle Town Hall not less than twenty four (24) prior to the meeting in accordance with law.

 Town Clerk

EXHIBIT A

Item Attachment Documents:

G. Consider a Resolution TC 2019-16 - Approving a Contract to Buy and Sell Real Estate Owned by the Town (8:30 p.m.)

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2019-16**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL
APPROVING A CONTRACT TO BUY AND SELL REAL ESTATE
OWNED BY THE TOWN.**

WHEREAS, the Town of New Castle (“Town”) is the owner of that certain real property described as Windridge Condos Unit 112, also known as 200 S E Avenue, #112, New Castle, Colorado (the “Property”); and

WHEREAS, the Town has received a an offer from _____ (“Buyer”) to Purchase the Property pursuant to the Contract to Buy and Sell Real Estate (Residential) dated August ___, 2019 (the “Contract”) which is attached as Exhibit A; and

WHEREAS, the Property is not being used or held for any municipal or governmental purpose; and

WHEREAS, the Town Council now desires to approve the Contract and authorize the sale of the Property pursuant to the terms thereof.

NOW, THEREFORE, BE IT RESOLVED THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Town Council.
2. Contract Approval. The Town Council hereby approves the Contract, authorizes the sale of the Property pursuant to the terms set forth in the Contract, and authorizes the Mayor or Town Administrator to sign and execute the Contract on behalf of the Town.
3. Delegation of Authority. The Town Council hereby delegates authority to the Town Administrator to approve amendments to the Contract changing deadlines set forth therein. All other amendments to the Contract must be approved or ratified by Town Council. The Town Administrator is also authorized to negotiate and resolve any title or inspection objections raised by the Buyer under the Contract.

INTRODUCED, PASSED, AND ADOPTED at a regular meeting of the New Castle Town Council on the 20th day of August, 2019.

TOWN OF NEW CASTLE,
COLORADO TOWN COUNCIL

Art Riddile, Mayor

ATTEST:

Mindy Andis, Deputy Town Clerk

EXHIBIT A

Contract to Buy and Sell Real Estate (Residential)

Item Attachment Documents:

H. Consider Ordinance TC 2019-6 - Authorizing the Sale of Real Property Owned by the Town (8:40 p.m.)

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2019-6**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AUTHORIZING
THE SALE OF REAL PROPERTY OWNED BY THE TOWN.

WHEREAS, the Town of New Castle (“Town”) is the owner of that certain real property described as Windridge Condos Unit 112, also known as 200 S E Avenue, #112, New Castle, Colorado (the “Property”); and

WHEREAS, the Town has entered into a contract to sell the Property to _____ (“Buyer”) dated August ____, 2019; and

WHEREAS, Article IV, Section 4.1 of the Town Charter requires an ordinance for the disposition of municipally-owned real estate; and

WHEREAS, the Property is not being used or held for any municipal or governmental purpose; and

WHEREAS, the Town Council desires to authorize the sale of the Property pursuant to the contract with Buyer.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Town Council.
2. Sale Authorization. The Town Council hereby authorizes the sale of the Property pursuant to the terms set forth in the contract with the Buyer, as may be amended from time to time. The Mayor and/or Town Administrator are authorized to execute the deed and such other and further documents as may be necessary to effectuate the sale of the Property pursuant to the contract and any amendments separately approved by the Town Council.

INTRODUCED on August 20, 2019, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on September 3, 2019, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

NEW CASTLE TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk

Item Attachment Documents:

I. Consider Approval of a Settlement Agreement with Lakota Ridge Senior Housing, LLP (8:45 p.m.)

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into this 20th day of August, 2019 (“Effective Date”), by and between THE TOWN OF NEW CASTLE, COLORADO, a Colorado home rule municipality with an address of P.O. Box 90, New Castle, CO 81647 (“Town”) and LAKOTA RIDGE SENIOR APARTMENTS, LLLP with an address of 7305 Lowell Blvd., Suite 200, Westminster, Colorado 80030 (“Lakota Ridge”).”

WITNESSETH:

1. WHEREAS, Lakota Ridge is the owner of certain real property legally described as Lot 2A, Amended Final Plat, Lot 2 Lakota Canyon Ranch Phase 7, according to the plat recorded July 30, 2010, as Reception No. 789213 (the “Property”).

WHEREAS, Lakota Ridge is developing a 50-unit senior housing facility on the Property pursuant to a Final PUD Development Plan approved by the Town pursuant to Ordinance No. TC 2016-04; and

WHEREAS, As part of the PUD approval, the Town and Lakota Ridge entered into that certain Development Agreement for Lakota Ridge Senior Apartments (“Development Agreement”);

WHEREAS, Pursuant to Section 7 of the Development Agreement, Lakota Ridge was to complete the Public Improvements, as that term is defined in the Development Agreement, no later than June 30, 2018;

WHEREAS, as of the date hereof, Lakota Ridge has not completed the Public Improvements and the same have not been dedicated to and accepted by the Town; and

WHEREAS, the most recent temporary certificate of occupancy for the buildings constructed on the Property expired by its terms on August 1, 2019; and

WHEREAS, said temporary certificate of occupancy only allowed up to 34 units on the property to be occupied; and

WHEREAS, Lakota Ridge does not currently have a certificate of occupancy for any building or unit located on the Property;

WHEREAS, On August 1, 2019, Lakota began allowing new tenants to move into and occupy available units on the Property;

WHEREAS, the Town initiated a lawsuit against Lakota Ridge on August 2, 2019, in Garfield County District Court styled as case no. 2019CV14 (the “Lawsuit”) to enjoin Lakota Ridge from allowing more than 34 units to be occupied and to recover damages under the Development Agreement; and

WHEREAS, the district court issued a temporary restraining order against Lakota Ridge on August 2, 2019, which, by stipulation of the parties, will expire on August 30, 2019; and

WHEREAS, the parties desire to resolve the Lawsuit according to the terms and conditions of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The preceding recitals are incorporated by reference herein as affirmative and material representations and acknowledgments of the parties.

2. Preliminary Injunction. No later than August 23, 2019, the parties will file a Stipulation for Preliminary Injunction and Extension of Time to File Responsive Pleading (“Stipulation”) in the form attached as Exhibit A.

3. Occupancy of Units. Until a final certificate of occupancy (“C.O.”) is issued by the Town for all buildings on the Property, no more than 34 units on the Property (including the caretaker unit) may be occupied by a resident. If more than 34 units are occupied as of the Effective Date, Lakota Ridge shall cause the number of occupied units to be reduced to 34 by the later of August 27, 2019, or three business days from the date the preliminary injunction is entered. The caretaker unit shall be among the units vacated.

4. Tenant Belongings. Tenant belongings may remain in the units being vacated, but tenants will not be permitted to access their units or the items therein except in the event of a health or other emergency.

5. Payment to the Town. Prior to filing the Stipulation, Lakota Ridge shall pay the Town, in good, sufficient, and immediately available funds, (a) \$2,500 for each unit above 34 that will contain the belongings of tenants temporarily relocated from their unit in order to comply with Section 3, above; and (b) the Town’s costs and attorneys’ fees incurred as a result of and in connection with the Litigation through and including the Effective Date.

6. Certificate of Occupancy. Lakota Ridge shall obtain a final certificate of occupancy for all buildings on the Property no later than September 17, 2019.

7. Public Improvements. All Public Improvements must be completed and dedicated to and accepted by the Town no later than September 17, 2019.

8. Dismissal of Lawsuit. If the requirements of Sections 2 and 5-7, above, are satisfied, the Town will dismiss the Lawsuit without prejudice no later than September 20, 2019.

9. Failure of Conditions. If the requirements of Sections 2 and 5-7, above, are not satisfied, the Lawsuit will continue until a decision on the merits has been rendered or it is otherwise settled by the parties.

10. Full Agreement. This Agreement constitutes the entire understanding and agreement between the parties with regard to the matters set forth herein and supersedes any other agreements or understandings; except that nothing herein shall be interpreted to amend, replace or supersede the terms of the Development Agreement or any other contract currently in place between the parties; provided. Any amendment to this Agreement shall be effective only if in writing signed by all parties.

11. Severability. In the event that any provision of this Agreement is declared invalid or unenforceable, all other provisions shall remain in effect and shall be construed to effectuate the original intentions of the Parties based on the entire Agreement, including the invalidated provision.

12. Governing Law. This Agreement shall be interpreted in accordance with the laws of the State of Colorado. In the event of any dispute arising under this Agreement the exclusive venue shall be the District or County Court of Garfield County, Colorado, and the prevailing party shall be entitled to recover its costs and attorneys' fees.

SO AGREED as of the Effective Date.

TOWN:

Art Riddile, Mayor

LAKOTA RIDGE:

By:
Title:

Exhibit A

DISTRICT COURT, GARFIELD COUNTY, COLORADO 109 8th Street, Ste. 104 Glenwood Springs, Colorado 81601 Telephone: (970) 928-3065	<div style="text-align: center;"> <input type="checkbox"/> COURT USE ONLY <input type="checkbox"/> </div> <hr/> <div style="text-align: center;"> Case Number: 2019 CV 14 Div. ____ </div>
<p>Plaintiffs:</p> <p>TOWN OF NEW CASTLE, COLORADO, a Colorado home rule municipality</p> <p>v.</p> <p>Defendants:</p> <p>LAKOTA RIDGE SENIOR APARTMENTS, LLLP, a Colorado limited liability limited partnership</p>	
<p><i>Attorneys for Plaintiffs:</i></p> <p>David H. McConaughy, A.R. #26165 Haley M. Carmer, A.R. #47876 GARFIELD & HECHT, P.C. 901 Grand Avenue, Suite 201 Glenwood Springs, Colorado 81601 Telephone: (970) 947-1936 Facsimile: (970) 947-1937 E-mail: dmcconaughey@garfieldhecht.com E-mail: hcarmer@garfieldhecht.com</p>	
<p>STIPULATION FOR PRELIMINARY INJUNCTION AND EXTENSION OF TIME TO FILE RESPONSIVE PLEADING</p>	

Plaintiff Town of New Castle (“Town”) and Defendant Lakota Ridge Senior Apartments, LLLP (“Lakota Ridge”), by and through their respective undersigned legal counsel, hereby submit this Stipulation for Preliminary Injunction and Extension of Time to File Responsive Pleading (“Stipulation”), agreeing as follows:

**STIPULATION FOR PRELIMINARY INJUNCTION AND EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING**

Page 2 of 4

1. On August 2, 2019, the Town filed its Verified Complaint to initiate this civil action along with a Motion for Temporary Restraining Order (“TRO Motion”). Through their TRO Motion, the Town sought to enjoin Lakota Ridge from allowing or causing more than 34 units on the property located at 705 Castle Valley Boulevard, New Castle, Colorado (“Property”) to be occupied until the Town of New Castle issues a final certificate of occupancy for the buildings located on the Property.

2. The Court granted the TRO Motion on August 2, 2019, and entered a 14-day Temporary Restraining Order (“TRO”) against Senior Housing as requested in the TRO Motion. Pursuant to C.R.C.P. 65(c), o bond was required.

3. The TRO also required that a hearing on Plaintiffs’ forthcoming Motion for Preliminary Injunction be set within 14 days of the issuance of the TRO.

4. Lakota Ridge was served with the Summons, Complaint, and TRO materials on August 5, 2019.

5. Lakota Ridge has not yet filed a responsive pleading.

6. To avoid the time, expense, and judicial resources associated with a hearing and motions practice, the parties stipulate to the entry of a preliminary injunction against Lakota Ridge on the following terms:

- a. Until a final certificate of occupancy is issued by the Town, this case is dismissed, a trial is held in this matter, or a decision on the merits is otherwise rendered, Lakota Ridge is enjoined from allowing or causing more than 34 units on the Property to be occupied by any person. For the purposes of the preliminary injunction, “units” includes the caretaker unit on the Property.

**STIPULATION FOR PRELIMINARY INJUNCTION AND EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING**

Page 3 of 4

- b. If more than 34 units are currently occupied, by the later of August 27, 2019, or three business days from the date the preliminary injunction is entered, Lakota Ridge shall cause the number of occupied units to be reduced to 34. The caretaker unit shall be among the units vacated.
 - c. Tenant belongings may remain in the units being vacated, but tenants will not be permitted to access their units or the items therein except in the event of a health or other emergency.
7. If the Court approves the preliminary injunction stipulation, the parties agree to extend the deadline for Lakota Ridge to file a responsive pleading to October 1, 2019.
8. Both parties reserve all rights and defenses regarding this lawsuit.

WHEREFORE, the parties respectfully request that the Court enter the proposed Order submitted herewith approving this Stipulation.

DATED August __, 2019.

Respectfully submitted,

GARFIELD & HECHT, P.C.

David H. McConaughy, #26165
Haley M. Carmer, A.R. #47876
Attorneys for Plaintiffs

LAW OFFICE OF MARK BERRY

Mark S. Berry, #25687
Attorney for Defendant

**STIPULATION FOR PRELIMINARY INJUNCTION AND EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING**

Page 4 of 4

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on August __, 2019, a true and correct copy of the foregoing **STIPULATION FOR PRELIMINARY INJUNCTION AND EXTENSION OF TIME TO FILE RESPONSIVE PLEADING** was filed *via* CCS and served upon the following via e-mail:

Mark S. Berry
Law Office of Mark Berry
1 Wren
Littleton, Colorado 80127

Kathy Thissen

Item Attachment Documents:

- J. Review of Outgoing Letters to Residents (8:45 p.m.)**



Town of New Castle
450 W. Main
Street
PO Box
90

Administration Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Letter to Town Residents
Date: August 20, 2018

Purpose:

The purpose of this agenda item is to review a letter which may be sent to Town residents as a follow-up to the recent Community Survey.

Based on the recent Town Survey, we have learned that many residents may not be fully aware of various Town concerns which may include budget items, priority issues, underage vaping, potential tax questions, etc.

Staff has worked with our consultant Bill Ray to develop an informative letter which may act to inform residents of the Town's fiscal responsiveness and movement to minimizing Town debt. Staff wishes to review this approach with Council and gain direction in moving forward.

DRAFT – New Castle Update letter

Earlier this summer, the Town of New Castle sent a community update and survey about the Town's budget. We would like to thank the many community members who responded to the survey and provided their thoughts on our Town government and priorities for New Castle. Council recently reviewed those results and are moving forward to strengthen our Town's budget. [We could add a link to an online PDF of the survey results.]

As we noted in that mailer, New Castle is facing budget challenges. As our community has grown, essential services—such as police; roads, sidewalks and trails; parks and recreation; and public utilities—have become more expensive. Town revenues from oil and gas in Garfield County have decreased by about \$425,000 over the past 5 years, which represents approximately 15 percent of our General Fund.

Council remains committed to ensuring that our community is safe, has a high quality of life and that essential services are provided, with the goal of operating with a transparent and balanced budget. As noted in the community mailer, Council is considering several options to address funding that will require voter approval since they impact local taxes. One such opportunity is asking voters to approve the extension of an existing property tax and reprioritizing those funds to accelerate the repayment of the Town's debt on the VIX Park.

In 2008, New Castle voters approved a 1.645 mill levy (property tax) to pay bonds for the Town's water-treatment plant. This mill levy is set to expire since the Town is working to complete repayment this fiscal year to retire this debt ahead of schedule. This project has been a success—and was completed on time and on budget. New Castle residents now have improved drinking water and a treatment and distribution system that conserves the Town's water—possibly one of the most valuable resources for any Colorado community.

Because of strong fiscal management of the water-treatment project, Council would like to ask voters to extend the mill levy and direct the property tax exclusively to another Town priority—the VIX Park. The park—which includes a picnic pavilion, soccer fields, BMX pump track, and walking and biking trails—is certainly a valued community asset. VIX hosts private parties and celebrations and many Town events such as Rides and Reggae, Cyclocross Bike Tour and Dirty Hog Dash.

In 2008, the Town borrowed \$810,000 for the park, and then refinanced the loan in 2011 to receive better terms. The loan is set to be paid off in 2028, but by applying the property tax to its repayment, the Town can retire the VIX loan three years ahead of schedule—saving New Castle substantial interest payments.

As Council discusses this further, we believe it's important to let our taxpayers know why this question might be on a future ballot. Council firmly believes that asking voters for this authorization represents good fiscal management and an appropriate use of property tax funds. It's part of keeping New Castle headed in the right direction as a community.

Thank you for your consideration and engagement on the Town's budget. If you have any further questions about this issue or any Town concerns, please contact Dave Reynolds, Town Administrator, at (970) 984-2311 Ext. 100 or dreynolds@newcastlecolorado.org.

Sincerely,

Item Attachment Documents:

Resolution TC 2019-12 - Supporting an FMLD Mini Grant Application for Police Equipment

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2019-12**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL
SUPPORTING THE APPLICATION FOR A GRANT FROM THE GARFIELD
COUNTY FEDERAL MINERAL LEASE DISTRICT FOR PUBLIC SAFETY
EQUIPMENT**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District ("GCFMLD"); and

WHEREAS, the Town of New Castle has submitted a Grant Application for the Public Safety equipment / X2 Tasers & Portable breath testing units / requesting a total award of \$25,000.00; and

WHEREAS, the Town of New Castle supports the completion of the purchase of Public Safety Equipment if a grant is awarded by the GCFMLD.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle THAT:

1. The above recitals are hereby incorporated as findings by the Town of New Castle.
2. The Town of New Castle strongly supports the Grant Application.
3. If the grant is awarded, the Town of New Castle strongly supports the completion of the Public Safety equipment purchase.
4. The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the GCFMLD.
5. The Public Safety Equipment will be issued to Town of New Castle Employees and will be owned by The Town of New Castle for its foreseeable, useful life. The Town of New Castle will continue to maintain the Public Safety Equipment in a high quality condition and will appropriate funds for maintenance annually. The estimated annual maintenance cost of the equipment addition is 850.00 annually.
6. If a grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign a Grant Agreement with the GCFMLD.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on August 20, 2019.

TOWN OF NEW CASTLE

ATTEST:

Mayor Art Riddile

Town Clerk Melody L Harrison, CMC

Item Attachment Documents:

Resolution TC 2019-13 - Supporting an FMLD Traditional Grant Application for The Construction of a Bulk Water Station

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2019 - 13**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL SUPPORTING
THE APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL
MINERAL LEASE DISTRICT FOR THE CONSTRUCTION OF A BULK WATER
STATION**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District (“GCFMLD”); and

WHEREAS, the Town of New Castle has submitted a Grant Application for the Construction and Maintenance of Public Facilities: Bulk Water Station requesting a total award of \$81,722.60; and

WHEREAS, the Town of New Castle supports the construction of a bulk water station if a grant is awarded by the GCFMLD.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

1. The above recitals are hereby incorporated as findings by the Town of New Castle.
2. The Town of New Castle strongly supports the Grant Application.
3. If the grant is awarded, the Town of New Castle strongly supports the construction of a bulk water station.
4. The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the GCFMLD.
5. The project property is owned by the Town of New Castle and will be owned by The Town of New Castle for its foreseeable, useful life. The Town of New Castle will continue to maintain the properties in a high quality condition and will appropriate funds for maintenance annually. The estimated annual maintenance cost of the bulk water station is \$2,500.00 annually.
6. If a grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign a Grant Agreement with the GCFMLD.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on August 20, 2019.

TOWN OF NEW CASTLE

ATTEST:

Mayor Art Riddile

Deputy Town Clerk Mindy Andis, CMC

Item Attachment Documents:

Resolution TC 2019-14 - Authorizing the November 5, 2019 Coordinated Election

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2019-14

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL AUTHORIZING THE
COORDINATION OF THE NOVEMBER 5, 2019 ELECTION WITH GARFIELD COUNTY,
APPROVING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE SAME,
AND SETTING FORTH OTHER DETAILS RELATING THERETO.

WHEREAS, the Town of New Castle (the “Town”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter; and

WHEREAS, the members of the Town Council of the Town (the “Council”) have been duly elected and qualified; and

WHEREAS, Article II, Section 2.1 and 2.6 of the Town Charter provides that Town elections shall be governed by the Colorado municipal election law; and

WHEREAS, Section 31-10-102.7, C.R.S., of the Colorado Municipal Election Code provides that a municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992; and

WHEREAS, the County Clerk and Recorder (the “County Clerk”) in Garfield County (the “County”) will conduct the election on November 5, 2019, as a coordinated election (the “Election”); and

WHEREAS, the Council is considering whether to submit certain ballot questions to the registered electors of the Town and will make a decision and adopt the language for any such ballot questions prior to the deadline of September 6, 2019; and

WHEREAS, the Town Council wishes to hold a mail ballot election regarding said candidates and questions on November 5, 2019, in conjunction with the Election being conducted by the County; and

WHEREAS, pursuant to the Colorado Constitution Article XIV, Section 18(2)(a), and C.R.S. §§ 29-1-203 and 1-7-116(2), as amended, the Town and the County Clerk are required to enter into an agreement to conduct a coordinated election; and

WHEREAS, the Intergovernmental Agreement attached hereto as Exhibit A (“IGA”) regarding the conduct of the coordinated election has been received from the Clerk; and

WHEREAS, Section 14.4 of the Town Charter requires that all intergovernmental agreements be approved by ordinance or resolution; and

WHEREAS, pursuant to C.R.S 1-7-116(2), as amended, the agreement shall be signed no later than seventy (70) days prior to the scheduled election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof directed towards the Election and the objects and purposes herein stated are ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in Section 1-1-104, C.R.S.

Section 2. The Election shall be conducted as a coordinated election pursuant to the Uniform Election Code of 1992, as amended, specifically including the mail ballot procedures set forth in Article 7.5 of Title 1 of the Colorado Revised Statutes. The Election shall also be conducted in accordance with the provisions of the IGA that is hereby approved. The County Clerk shall be the Coordinated Election Official and shall conduct the election on behalf of the Town.

Section 3. The Council hereby appoints the Town clerk as its Designated Election Official for the purposes of the IGA, the Election, and the Uniform Election Code. The Town clerk or any other officer of the Town is hereby authorized to enter into the IGA or any other agreement with the Clerk pursuant to Section 1-7-116, C.R.S. Any intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 4. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 5. The clerk, officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 6. If any portion of this resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution. The Town Council hereby declares that it would have passed this resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. All other resolutions or portions thereof inconsistent or conflicting

with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, APPROVED AND ADOPTED at a regular meeting of the Town Council of the Town of New Castle, Colorado on August 20, 2019.

TOWN OF NEW CASTLE TOWN
COUNCIL

Art Riddile, Mayor

ATTEST:

Deputy Town Clerk Mindy Andis, CMC

STATE OF COLORADO)
)
 COUNTY OF GARFIELD) SS.
)
 TOWN OF NEW CASTLE)

I, Melody Harrison, the Town Clerk of the Town of New Castle, Colorado, do hereby certify:

1. That the foregoing pages are a true, perfect, and complete copy of the resolution (the “Resolution”) adopted by the Town Council, constituting the governing board of the Town of New Castle (the “Town Council”), by vote had and taken at an open, regular meeting of the Town Council held at the Town Hall on August 20, 2019, as recorded in the regular book of official records of the proceedings of said Town of New Castle kept in my office.

2. That the Resolution was read by title, duly moved and seconded and the Resolution was approved by a majority of the members of the Town Council present at the regular meeting of the Town Council held at the Town Hall, on August 20, 2019, as follows:

Name	“Yes”	“No”	Absent
Art Riddile, Mayor			
Bruce Leland, Mayor Pro Tem			
Mary Metzger			
Graham Riddile			
Grady Hazelton			
Scott Owens			
Greg Russi			

3. There are no bylaws, rules or regulations of the Town Council which might prohibit the adoption of said Resolution.

4 Attached hereto as Exhibit A is a copy of the notice of the meeting on August 20, 2019, which notice was posted in at least one place within the Town at least 24 hours before the meeting.

WITNESS my hand and the seal of said Town affixed this August 20, 2019.

 Town Clerk

(SEAL)

EXHIBIT A

(Notice of the Meeting of August 20, 2019)

**INTERGOVERNMENTAL AGREEMENT CONCERNING ELECTION SERVICES FOR THE 2019
Coordinated Election**

THIS INTERGOVERNMENTAL AGREEMENT (“**IGA**” or “**Agreement**”) is made effective this ____ day of August, 2019, between the Garfield County Clerk and Recorder (“**Clerk**”) and the Town of New Castle, a Colorado home rule municipality (“**Town**”):

The Town desires to conduct an election pursuant to its statutory authority (“**Election**”). The election will occur on November 5, 2019.

An agreement concerning the preparation, conduct and actual cost of a coordinated election is required. This agreement will be signed no later than August 27, 2019. C.R.S. §1-7-116(2)

The Clerk has agreed to perform the following election services in consideration of the performance by the Town of its obligations and payment of costs and fees.

The Clerk has designated Pam Bunn, Election Supervisor, whose telephone number is (970) 384-3700 x 1770 as the “Contact Officer” to act as the primary liaison between the Clerk and the Town for the purposes of the Election. The Contact Officer shall act under the authority of the Clerk.

The Town has designated Melody Harrison, Town Clerk whose phone number is 970-984-2311(ext. 101) as its Designated Election Official (“**DEO**”). The DEO shall act as the primary liaison between the Town and the Clerk. C.R.S. §1-1-104(8)

NOW, THEREFORE, in consideration of their mutual promises contained herein, the parties agree as follows:

I. Duties of the Clerk

The Clerk agrees to perform the following duties, or such other duties as may be mutually agreed upon by the parties in writing, in connection with the Election:

A. Preparation for the Election

1. Provide the Town a street locator file, which lists the street addresses located in the boundaries of the Town within the Clerk’s voter registration system.
2. Assist and inform the Town on any matter that should ensure the efficient preparation and conduct of the Election. The Clerk shall not provide legal advice.
3. Manage all voter records and correspondence in accordance with Title 1 of the Colorado Revised Statutes and the Colorado Secretary of State Election Rules for the relevant year of the Election.
4. Supply, deliver and set up all necessary items for the conduct and preparation of the Election.
5. Certify the election judges and determine their compensation. Provide a list of election judges upon request by the Town. Train election judges prior to the election, including specific instruction in the secure operation of the election equipment. C.R.S. §1-6-101(6), C.R.S. §1-6-104, C.R.S. §1-6-115
6. Provide, no later than twenty days before the Election, notice by publication of a coordinated election. Such notice shall satisfy the publication requirement for all political subdivisions participating in the Election. C.R.S. §1-5-205(1), C.R.S. §1-5-205(1.4)
7. Conduct all required tests and audits of the voting system prior to and after the Election C.R.S. §1-7-509(1), Secretary of State Election Rules.

8. Establish backup procedures and a backup site for the counting of the Election, should the counting equipment or location become unavailable during the count. Secretary of State Election Rules
9. Negotiate an agreement for the printing of the official ballots. After receipt from the Town of the certified ballot content (per Section II.A.8 of this Agreement), the Clerk shall provide a copy of the ballot layout for proofreading before authorization to begin printing of all ballots.

B. Conduct of the Election

1. Coordinate the proper number and location of Voter Service & Polling Centers. All Voter Service & Polling Centers will be accessible to electors with disabilities. Voter Service & Polling Centers and ballot drop off locations for the election are published on our website at: www.garfield-county.com. C.R.S. §1-5-101, C.R.S. §1-5-102.9 C.R.S. §1-5-703
2. Provide for the security and processing of all mail-in ballots. Provide for the verification of signatures on the self-affirmation section on the return envelopes. C.R.S. §1-7.5-107.2, C.R.S. §1-7.5-107.3, C.R.S. §1-7.5-107.5
3. Facilitate special accommodations for all registered military and overseas citizens as provided by the Uniform Military and Overseas Voter Act. Section 8.3 of Title 1 of the Colorado Revised Statutes
4. Provide provisional ballots to electors who qualify. Provide a telephone number that provisional voters may call to inquire if their provisional ballot counted. C.R.S. §1-8.5-101, C.R.S., C.R.S. §1-8.5-104(6)
5. Provide properly trained personnel for the preparation and conduct of the Election. Provide personnel at the tabulation center on Election Day/Night to release unofficial results.
6. Preserve all Election records for at least twenty-five months after the election. C.R.S. §1-7-802, Clerk and Recorder Record Retention Policy
7. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount or if a recount is requested by an interested party. Section 10.5 of Title 1 of the Colorado Revised Statutes
8. Conduct a Canvass and Risk-Limiting Audit of the election to process, accept and tabulate the eligible military, cured, and provisional ballots. Verify the votes were accurate and voting equipment was working properly by conducting a risk-limiting audit of election results and through the Canvass Board. C.R.S. § 1-10-101, *et seq.*, C.R.S. § 1-10-201, *et seq.*, Secretary of State Election Rules.
9. Provide, maintain and operate the County's ballot marking devices and vote-counting equipment.

C. Election Costs

1. Keep an accurate account of all Election costs including, but not limited to, supplies, printing costs, legal notices, labor, postage and other expenses attributable to the Clerk's administration of the Election for the Town.
2. Charge the Town for its portion of the costs of the Election incurred by the Clerk for that Town up to and including the date of cancellation of the Election or any additional costs related to removing Town from ballot programming or publications.
3. Submit to the Town an invoice for all expenses incurred under this Agreement within 60 days of the Election.
4. The cost of any recount(s) will be charged to the Town, or if more than one public entity is involved in the recount, the cost will be prorated among the participating political subdivisions.

D. TABOR Notice

1. Prepare the TABOR Notice, if relevant. Article X Section 20 of the Colorado Constitution, Secretary of State Election Rules
2. Charge the Town for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses shall be prorated among all political subdivisions participating in the TABOR notice. Such proration to be based, in part, upon the space used by each Town in the notice.
3. Mail to each elector within Garfield County who may be affected by certain TABOR ballot issues the TABOR notice not less than thirty days prior to the election. The Clerk shall determine the least cost method for mailing the TABOR notice and address the TABOR notice to "All Registered Voters" at each address where one or more active registered voters of the Town reside. Nothing herein shall preclude the Clerk from sending the TABOR Notice of the Town to persons other than electors of the Town if such sending arises from the Clerk's efforts to mail the TABOR Notice at least cost.
4. Execute a separate IGA with the Town- Attachment 1 for Production of the Ballot Notice referred to as the TABOR Notice.

II. Duties of the Town

The Town shall perform the following duties in connection with the Election:

A. Preparation for the Election

1. Post and/or publish any other legal notices required pursuant to relevant provisions of the Uniform Election Code of 1992 (C.R.S. Articles 1-13 of Title 1) or the Colorado Municipal Code of 1965, §31-10-101, *et seq.*, C.R.S., or Title 32, as amended, except as otherwise stated by this agreement.
2. Gather all necessary petitions, if applicable.
3. Be solely responsible for determining whether a ballot issue, question or candidate is properly placed before the voters.
4. Review the information contained in the street locator file and certify its accuracy, as well as any changes, additions or deletions to the file. The certification of the street locator file shall be made no later than September 3, 2019 at 5:00 p.m. to the Clerk. If the certification is not provided by the date specified herein, the Clerk cannot guarantee accurate ballot styles nor be responsible for additional charges associated with address library errors resulting in incorrect ballot styles. .
5. Provide the Clerk with a written notice that the Town will participate in the Election in accordance with the terms and conditions of this Agreement.
6. Provide a certified copy of the ballot content, submitted as an email attachment to eplace@garfield-county.com in electronic media format, in the format requested below, at the earliest possible time and in any event no later than sixty days before the election, September 6, 2019 at 5:00 p.m. Ballot content (candidates, issues and questions) to be exactly in the order in which it is to appear and be printed on the ballot pages and sample ballots. The certified list of candidates, ballot issues and/or ballot questions shall be final and the Clerk will not be responsible for making any changes after the certification. C.R.S. §1-5-203(3)(a)

- Candidates/ ballot issues and/or ballot questions must be submitted electronically in Microsoft Word format.
- Contact Edna Place at 970-384-3700 x 1804 with any questions about submission format. New voting system for this election so you don't have to submit in notepad.
- Provide audio pronunciation of all candidates names.

7. Proofread and approve the Town's ballot content for printing preferably the same day of receipt from the Clerk. The Town shall provide an e-mail address and designate a person to be available for proofing and approving ballot content for printing and audio files of pronunciation of candidates' names. Due to limited printing availability and time constraints, the Town should provide contact information for someone who may be available from 8:00 a.m. to 5:00 p.m. from September 09 until September 13, 2019 or until final approval of printing of ballots has been reached. If no one representing the Town is available and the printing timeline requires it, the ballot will go to print without Town approval. The Clerk shall not be responsible for any errors or omissions as a result of the Town's failure to proofread the ballot. The Town has designated _____ whose phone is _____ and e-mail is _____ to be available for ballot proofing.

8. May provide person(s) to participate in ballot counting, recount and testing/auditing of voting equipment used in the Election. The Town personnel may participate in various boards with personnel from the Clerk's office to ensure Town's participation in each of the electronic vote tabulating procedures that shall be used.
9. May assign a representative to witness the canvass board's certification of the election. The canvass board and risk limiting audit board will be made up by representatives appointed by each major political party.
10. Notify the Clerk if the Town has provided by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to the Election. A copy of said ordinance or resolution will be provided to the Clerk.
11. Notify the clerk in the event that the Town resolves not to participate in the Election prior to the submission of ballot certification. After ballot certification day, the Town which withdraws from participating in the election shall be liable for accrued election costs. The Town shall provide notice by publication of the cancellation of the Election and a copy of the notice shall be posted in the office of the Clerk and in the office of the Designated Election Official (as defined in the Code). . The Town shall not cancel the election after the twenty-fifth day prior to the election, October 11, 2019. C.R.S. §1-5-208(2).

B. Conduct of the election

1. Immediately notify the Clerk of any Election contest that is initiated by the Town and keep the Clerk apprised of the need to retain Election records for use in such a contest.

C. TABOR Notice

1. Be responsible for the additional costs associated with such TABOR Notice if notice is required on behalf of the Town. (See also Section I.D.2 of this Agreement).
2. Collect and compile the TABOR Notice content in compliance with Article X Section 20 of the Colorado Constitution and any pertinent Rules. Article X Section 20 (3)(b)(v), C.R.S. §1-7-901, *et seq.*
3. Provide all content for the TABOR Notice to the Clerk 43 days before the day of the election. C.R.S. §1-7-904.

III. Election Costs

The minimum fee for election services is \$500.00.

1. Proportional share of costs are based on County expenditures relative to the Election, the number of electors per entity and/or space used on the ballot.
2. The Town avers that it has sufficient funds available in its approved budget to pay its prorated Election expenses.
3. If it is determined that counting must be moved to an established backup site, all related costs shall be paid by the Town (shared with any other Town whose ballots are being counted during the Election in the timeframe using the backup procedures and site).
4. Upon receipt of the invoice, pay to the Clerk within thirty days the prorated fee. Contact Officer can be contacted for an estimated cost of participating in this coordinated election.
5. Town will be responsible for any additional or unique election costs resulting from Town delays and/or special preparations or cancellations relating to the Town's participation in the Election.

IV. Additional Provisions

1. No portion of this Agreement shall be deemed to create a cause of action with respect to anyone not a party to this Agreement, nor is this Agreement intended to waive any privileges and/or immunities to the parties or of which their officers or employees may possess, except as expressly stated in this Agreement.
2. Time is of the essence under this Agreement. The statutory time frames or requirements of the Code, TABOR, and the Rules shall apply to the completion of any duties or tasks required under this Agreement. Failure to comply with the terms of this Agreement, statutory requirements, or Secretary of State Rules may result in consequences up to and including termination of this Agreement.
3. Expected Timeline:

August 5, 2019	Street Locator File Given to Town
August 27, 2019	Last Day For IGA To Be Signed & Returned
September 3, 2019	Street Locator File Returned
September 6, 2019	Certified Ballot Content Due to Clerk
September 10-13, 2019	Ballot Proofing
September 17 or 18, 2019	Logic & Accuracy Test
September 20, 2019	TABOR Notice Content Due
October 4, 2019	TABOR Notice Mailed; First Day County Must Issue Mail Ballot to Voter Who Requests One
October 15-18, 2019	Ballots Mailed (22 nd day is Columbus Day Holiday)

October 28, 2019	Voter Service & Polling Centers open for early voting
October 28, 2019	Begin signature verification and ballot processing
November 2, 2019	VSPC Saturday hours 10 am to 2 pm
November 5, 2019	Election Day
November 14 2019	Risk limiting audit –round one
November 18-20, 2019	Canvass completed if possible

5. Allocation of Cost of the Election is at the Clerk's determination and shall be final.
6. The Clerk may enter into other substantially similar agreements with other political subdivisions for the conduct of other elections simultaneously, and such political subdivisions shall be included in the calculation of the Town's proportionate share of Election costs pursuant to Section II(C)(2) and Section III herein.
7. Venue for any dispute hereunder shall be in the District Court of Garfield County, Colorado.
9. Notices. Any and all notices required to be given by this Agreement are deemed to have been received and to be effective: (1) three days after they have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a fax/email was received; to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To Clerk: Garfield County Clerk & Recorder
 Drop Off: 109 8th St., Suite 200 Glenwood Springs, CO 81601
 Mail: same as above
 Fax: 970-947-1078
 Email: pbunn@garfield-county.com

To Town of New Castle Clerk and Recorded, Melody Harrison _____

Drop Off: 450 West Main Street, New Castle, Colorado 81647
 Mail: PO Box 90, New Castle, Colorado 81647
 Fax: 970-984-2716
 Email: mharrison@newcastlecolorado.org

10. Term of IGA. The term of this IGA shall continue until all statutory requirements concerning the conduct of

the election and the creation, printing, and distribution of the TABOR Notice, if needed, are fulfilled.

11. Amendments. This IGA may be amended only in writing, and following the same formality as the execution of the initial IGA.
12. In any event that any provision in this IGA conflicts with the Code or other statute, this IGA shall be modified to conform to such law. No resolution of either party to this Agreement shall impair the rights of the Clerk or the Town hereunder without the consent of the other party to this Agreement.
13. The Parties hereto understand and agree that the County, its commissioners, officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of the Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act (the CGIA), §24-10-101 to 120, C.R.S., or otherwise available to the County or the Town: To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the County and the Town agree that they will remain liable for their independent obligations under the CGIA, and neither party shall be the agent of the other or liable for the obligations of the other.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon the date first above written.

GARFIELD COUNTY CLERK AND RECORDER

Date: _____

Jean M. Alberico

TOWN OF NEW CASTLE

Date: _____

By: _____

Town phone number

Title of Authorized Representative

Item Attachment Documents:

Resolution TC 2019-15 - Supporting a Joint FMLD Grant Application for the LoVa Trail

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2019 - 15**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL SUPPORTING
THE JOINT GRANT APPLICATION FROM THE GARFIELD COUNTY FEDERAL
MINERAL LEASE DISTRICT FOR FUNDING TOWARD THE CONSTRUCTION OF
THE LOWER VALLEY TRAIL (LoVa)**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District (“GCFMLD”); and

WHEREAS, the Town of New Castle has submitted a Joint Grant Application, partnering with the City of Glenwood Springs, the Roaring Folk Transportation Authority (RFTA), and the Lower Valley Trail Association for the purpose of obtaining grant funding to be used toward the construction phase of the LoVa Trail, or which may be used as match funding toward a Federal Lands Access Program; and

WHEREAS, the Town of New Castle supports the Lower Valley Trail Project which will create non-motorized trail connectivity between the Town of New Castle and the City of Glenwood Springs if a joint grant is awarded by the GCFMLD.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

1. The above recitals are hereby incorporated as findings by the Town of New Castle.
2. The Town of New Castle strongly supports this Joint Grant Application.
3. If the grant is awarded, the Town of New Castle strongly supports the continued Lower Valley Trail effort to complete the trail connection between New Castle and Glenwood Springs.
4. The Town of New Castle authorizes the expenditure of funds as described in the grant application and as may be necessary to meet the terms and obligations of any grant awarded pursuant to a Joint Grant Agreement with the GCFMLD.
5. If a grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign a Joint Grant Agreement with the GCFMLD.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on August 20, 2019.

TOWN OF NEW CASTLE

ATTEST:

Mayor Art Riddile

Deputy Town Clerk Mindy Andis, CMC