

**New Castle Town Council Regular Meeting
Tuesday, October 15, 2024, 7:00 PM**

Call to Order

Mayor Art Riddile called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Councilor Carey
Councilor Mariscal
Councilor Hazelton
Councilor Copeland
Mayor A. Riddile
Councilor Leland
Councilor G Riddile

Absent None

Also present at the meeting were Assistant Town Attorney Haley Carmer, Town Clerk Mindy Andis, Administrator Dave Reynolds, Town Treasurer Viktoriya Ehlers, Administrative Assistant Rochelle Firth and members of the public.

Meeting Notice

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2024-1.

Conflicts of Interest

Councilor Hazelton state he had a conflict of interest with agenda item E.

Agenda Changes

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no Citizen Comments

Consultant Reports

Consultant Attorney –present for agenda items

Consultant Engineer – not present

Items for Consideration

Consider Grants to Outside Agencies Town Administrator Dave Reynolds and Administrative Assistant Rochelle Firth, reviewed staff recommendations with the council and explained the reasoning for the recommendations.

MOTION: Mayor A. Riddile made a motion to approve the staff recommendations for the grants to outside agencies. Councilor Mariscal seconded the motion and it passed unanimously.

Town Council Meeting
Tuesday, September 17, 2024

Update – New Castle Chamber

Administrator Reynolds introduced Chamber President Siobahn Millholm and Chamber Treasurer Cindy Stillman to the council. Administrator Reynolds said the New Castle Chamber will update the council of their activities in 2024 as well as goals for 2025. Ms. Millholm said 2024 has been an exciting year of growth for the Chamber. We now have 85 paid Members, well above our goal of 75 by year-end. Our events Bingo, Business After Hours and Summer Block Party are thriving, the Welcome Totes are now being delivered regularly, and we have a strong Ambassador Program in place. None of this would be possible without the support of the Town of New Castle! Our ability to support our members is a direct result of our partnership. The Ambassador Program has been successful. The Chamber has 8 ambassadors. The purpose of the ambassador program is to provide training to become a board member. Ms. Millholm said Ambassadors are the Welcome Committee, along with Board Members, at Business After Hours and they deliver New Resident Welcome Tote Bags every 60 days. The response from new residents is very positive. Ambassadors also help with Bingo, Community Market and the Summer Block Party. Ms. Millholm said the administrative position has grown as the number of members and events have increased. The membership dues will be increased from \$125.00 - \$175.00 per year. The administrator's responsibilities and duties have also increased. Ms. Millholm said BINGO has become popular with 60-70 attendees. She also said the Summer Block Party was again very successful. She said the chamber looks forward to having Town of New Castle to continue being a presenting sponsor for the Block Party. Ms. Millholm said the Business After Hours continues to gain momentum as well with an increased attendance of 20-40 attendees. Members are eager to sign up and put a lot of effort into the events. She said the events for 2025 will be similar to 2024 events.

Discussion - 2025 Budget.

Administrator Reynolds and Treasurer Viktoryia Ehlers reviewed the budget changes from October 1, 2024. The changes are as follows:

General Overview:

1. General Fund went from (\$54,116) to \$3,606
2. Utility Fund went from surplus of \$120,689 to \$113,521

Revenues

1. Increased estimate for Lodging Tax (10-4010-095) by \$4,000 based on the latest collections. 2025 budget assumes 2024 projected revenues.
2. Increased Specific Ownership (10-4010-020) by \$3,000 based on the latest collections. 2025 budget assumes 2024 projected revenues.
3. Increased Motor Vehicle Special Assessment (10-4010-320 Street Maintenance revenues) by \$2,000 based on the latest collections. 2025 budget assumes 2024 projected revenues.

Personnel

1. Added estimated cost of sick leave conversion for eligible staff - \$18,000

(GF-\$12,000, UF-\$6,000)

Administration

1. Decreased Other Professional Services from \$7,500 to \$2,000 (10-5040-220) by removing \$5,500 originally budgeted for Salary Survey.
2. Decreased Engineering & Survey from \$10,000 to \$7,000 (10-5040-480)
3. Decreased Historic Property Designation from \$2,500 to \$2,000 (10-5040-609)
4. Increased Dues, Subscription from \$11,000 to \$12,000 (10-5040-160) for HeyGov Clerks Minutes.

Health & Welfare

1. Decreased CMC Seniors Program from \$8,000 to \$6,500

Public Safety

1. Increased Dues, Subscriptions from \$34,000 to \$34,600 (10-5050-160) for Citizen Contact Services, up until recently it was a free service.

Streets

1. Decreased Sidewalk Maintenance from \$40,000 to \$30,000

Notes & other considerations:

Capital/Other Items

- Added Assigned Items:
 - a. Added \$2,000 for Electric Trimmer and Electric Blower from Streets Maintenance (10-5075-300) to Streets/Parks Equipment, now totaling \$33,500
 - b. Added \$113,103 to Future Capital Projects TBD in order to have "match money" for anticipated grants.

A. Discretionary expenditures included in the current version of the 2025 budget are:

General Fund

Donations to Special Interest Groups & Committees

- Rides & Reggae Event 10-5040-294 \$10,000 – decrease from \$20,000
- Historic Preservation 10-5040-609,610 \$3,500 – decreased from \$4,500
- New Castle Trails 10-5075-704 \$10,000 – decrease from \$30,000 and expense for Trails Maintenance was moved from GF to CTF.

Councilor G. Riddile said Rides and Reggae event may not be happening so the funds for the event could be moved to the New Castle Trails.

Utility Fund

Donations to Special Interest Groups & Committees

- Middle CO Watershed 20-6040,6080-220 \$ 2,500
- Garfield Clean Energy 20-6040,6080-220 \$17,300

Administrator Reynolds said the Garfield County Detox Center and town had entered into a MOU and committed \$10,000 per year with the understanding that council would review every year. The center is up and running and is full and going well. The town had committed to using the opioid funds towards the Detox center. Councilor Mariscal voiced some concerns regarding the handling of the funds. Councilor Carey asked if Administrator Reynolds has spoken to any other municipality. Administrator Reynolds said he has only spoken with the Town of Silt. Councilor Hazelton said he is not comfortable committing \$10,000.00 to Detox. The council agreed to have the Detox Center come to a council meeting and do a presentation before a decision is made.

Consider approval Resolution TC2024-21 – Accepting the Public Improvements Related to Eagles Ridge Ranch Phase 1, Lakota Canyon Ranch PUD

Attorney Carmer said Developer Jim Colombo has finished the public improvements for the first phase of Eagles Ridge Ranch. She said there was a questions about the drainage on the property. Town Public Works Direct John Wenzel and Town Engineer Jeff Simonson were comfortable with the drainage as it exists. Director Wenzel and Engineer Simonson have confirmed that all public improvements have been completed for Phase 1. The town can accept the improvements for Phase 1 with a caveat that the drainage is to be included moving into phase 2. The warranty of the improvements would be two years and the developer shall provide warranty security for the Phase 1 Improvements in the amount of 15% of the cost estimate in the SIA, less the cost of the Disputed Improvements, for total warranty security in the amount of \$75,977.42. The warranty security will remain in effect for the duration of the warranty period. Attorney Carmer outlines the conditions of the resolution.

MOTION: Mayor A. Riddile made a motion to approve Resolution TC2024-21 – Accepting the Public Improvements Related to Eagles Ridge Ranch Phase 1, Lakota Canyon Ranch PUD. Councilor Carey seconded the motion and passed unanimously.

Councilor Hazelton recused himself and left the room at 8:00pm.

Recess the Town Council Meeting, Convene as the Board of Zoning Adjustment

MOTION: Mayor A. Riddile made a motion to recess the Town Council meeting, Convene as the Board of Zoning Adjustment. Councilor Leland seconded the motion and passed unanimously.

Consider Inclusion of Self Storage as a Permitted Use in the Industrial Zone District

Administrator Reynolds said staff needs clarification from the Board of Zoning Adjustment on how to define businesses that involve outdoor storage of items like boats, campers, trailers, recreational vehicles, and similar wheeled items within the context of the Industrial Zoning District. The central issue is determining whether this type of business is classified as a permitted, nonpermitted, or conditional use under current zoning regulations.

Municipal Code Section 17.52 provides examples of both permitted and non-permitted uses regarding storage in the Industrial District. Permitted uses include the storage of petroleum and propane, while nonpermitted uses explicitly list the storage of automobiles, trucks, and concrete. Additionally, while self-storage facilities are listed as permitted, the code does not clarify whether this includes outdoor storage of the mentioned items or is limited to indoor facilities.

When ambiguities arise in the code—such as when a specific use is neither listed as permitted nor nonpermitted—town staff members generally advise applicants to pursue a Conditional Use Permit. This allows the Planning and Zoning Commission and Town Council to review a specific application, consider public comment and decide on the specific use.

Other options for when ambiguities arise are addresses in Chapter 17.12.020(C) of the Municipal Code which authorizes the Board of Adjustment to interpret unlisted uses or combinations of uses and apply them to a broader use group as outlined in other chapters of the Municipal Code. A recent example of this process occurred when the Board determined that a tattoo business should be categorized as a "Personal Service Establishment" under the C-1 Zoning District, placing it in the same category as barber and beauty shops. This type of decision-making will guide the Board in determining whether outdoor storage of wheeled items aligns with permitted uses or should be treated as a Conditional Use in the Industrial District.

The council discussed the options for outdoor self-storage. The council concluded with sending this to Planning and Zoning for their input and have a better detailed definition of self-storage and possible code change.

Adjourn the Board of Zoning Adjustment, Reconvene the Town Council Meeting

MOTION: Mayor A. Riddile made a motion to adjourn the Board of Zoning Adjustment, Reconvene the Town Council Meeting. Councilor Carey seconded the motion and passed unanimously.

Councilor Hazelton returned to the council meeting at 8:20pm.

Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) regarding pending CVR Investors, Inc. litigation.

Motion: Councilor Leland made a Motion at 8:21p.m. to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding litigation filed by Castle Valley Ranch Investors, Inc. litigation. Councilor G. Riddile seconded the motion and it passed unanimously.

Executive session concluded.

At the end of the executive session, Mayor Art Riddile made the following statement:

"The time is now 8:44p.m. and the executive session has been concluded. The participants in the executive sessions were: Mayor A. Riddile, Councilor Mariscal, Councilor Carey, Councilor Hazelton; Councilors Copeland, Councilor G Riddile, Councilor Leland, Town Administrator Reynolds, Town Clerk Andis and Assistant Town Attorney Haley. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Motion: Mayor A. Riddile made a motion to have a special council meeting on November 12, 2024 for Final PUD Development Plan and Phase 1 Final Subdivision Plat For Portion of PA17 & 19, Castle Valley Ranch PUD. Councilor Leland seconded the motion and it passed unanimously.

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.

October 1, 2024, minutes

MOTION: Mayor A. Riddile made a motion to approve the Consent Agenda. Councilor Mariscal seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Attorney Carmer said the City of Glenwood Springs has put together a mutual brief in regards to the Uinta Train Line. There are a few municipalities and counties that have already signed the brief. The purpose of the brief is to help the Supreme Court to analyze and understand some of the context and issues that is being cited in the lawsuit. After some discussion four to three councilors were in favor of not signing the brief until there is more information. Administrator Reynolds said Rides and Reggae has been billed. Administrator Reynolds handed out a "save the Date" for the staff Christmas Party December 20, 2024, at Lakata Canyon Ranch Clubhouse. The theme this year is Casino Night. Administrator Reynolds reminded council that at the next council meeting will be staff reviews. He said the annual tree lighting and chili cookoff is December 6, 2024, and if you are wanting to volunteer to please contact Kelley Cox. Administrator Reynolds reported the town was successfully awarded with three FMLD Grants. Two of the grants were for the town and third grant was a joint grant with KSE PTA for ADA playground equipment. Administrator Reynolds said Friday, October 18, 2024, town hall will be closed at noon for a town hall staff team building exercise.

Administrator Reynolds said he had attended a manager's meeting and the discussion was regarding budget and how other municipalities are handing their budgets. Administrator Reynolds said he and Assistant Rochelle Firth were invited to be guest speakers at a DOLA meeting next week. DOLA has taken notice of what the town is doing in the downtown such as the ice rink, Ritter Plaza and the work that has been with the Texaco.

Town Clerk – Clerk Andis reminded Councilor Carey that after October 31, 2024 she will no longer be on P&Z and Mayor A. Riddile will be on P&Z as the council rep. Councilor Hazelton will continue to serve on HPC as the council rep until May 1, 2025. Clerk Andis said the clerks office is preparing for 2025 business license, tobacco license and dog license renewal. Clerk Andis said she has also been working the utility rate increase for 2025 and preparing notice to go out in the utility bills.

Town Treasurer – not present

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – have not met

Historic Preservation Commission – have not met

Climate and Environment Commission – Councilor Leland said Saturday, October 12, 2024, there was a film "Elemental" shown at the New Castle Library. The film was about the Urban Wildland Interface issues. There was a small turnout and the film will be shown again later in the fall or winter. The commission will meet on Thursday, October 17, 2024, and will finalize the bag fees proposed. Councilor Leland requested an agenda item to discuss the bag fees.

Senior Program – Clerk Andis said there was discussion about how they could increase participation in their programs such as the Traveler. Clerk Andis asked if Councilor Copeland could attend the next meeting for her.

RFTA – Mayor A. Riddile said today was the ribbon cutting for the 27th street pedestrian underpass.

AGNC - have not met

GCE - have not met

EAB - have not met

Detox - have not met

Council Comments

Councilor Mariscal said she had the opportunity to be the MC for the Hispanic Heritage Celebration for the library district. She said she will not be able to attend the December 3, 2024, council meeting. Councilor Mariscal said she has resigned from different boards due to medical issues, however she is not going to resign from council.

Councilor Carey said she had a conversation with Garfield Re-2 School District Heather Grumley, Superintendent, Britton Fletchall, Board President and Chance Jenkins, Board Member, about School Resource Officers (SRO). They should be talking with Administrator Reynolds. She said the Town of Silt would like to meet with New Castle to discuss a letter of support for the SRO at the middle school. Councilor Carey said Silt would like to talk with New Castle about connectivity between Silt and New Castle for the high school

students. Councilor Carey asked if the west side Kamm Avenue crosswalk could be moved to the east side closer to Drifters.

Councilor Leland said since there will be funding for the trail's maintenance would like to form a committee to manage the trails. The committee should include RFMBA, RFOV, Parks Department and appoint a couple councilors to a subcommittee to oversee the spending of the money.

Mayor A. Riddile thanks staff for all the work done on the budget. Mayor A. Riddile said he had attended the RE-2 School Board meeting to bring up funding for an SRO considering the break-ins, vandalism and squatting happening at a couple of the schools. Mayor A. Riddile said the town would need the support from the school board in order to move forward.

Items for Future Council Agenda

There were no items for future agenda.

Adjourn

MOTION: Mayor A. Riddile made a motion to adjourn. Councilor Mariscal

The meeting adjourned at 9:27p.m.

Respectfully submitted,



Mindy Andis
Town Clerk Mindy Andis, CMC

Art B. Riddile
Mayor Art Riddile