

**New Castle Town Council Regular Meeting
Tuesday, April 04, 2023, 7:00 PM**

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet:

<https://us02web.zoom.us/j/7096588400>

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on

The Council Packet is available online by scanning this code:
or by going to www.newcastlecolorado.org



Call to Order

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

Pledge of Allegiance

Roll Call

Present	Councilor Mariscal Councilor Carey Councilor Hazleton Mayor A Riddile Councilor Copeland Councilor Leland (virtual) Councilor G Riddile
Absent	None

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Byram, Town Treasurer Loni Burk, Assistant Town Treasurer Viktoriya Ehlers and members of the public.

Meeting Notice

Town Clerk Melody Byram verified that her office gave notice of the meeting in accordance with Resolution TC 2023-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no agenda changes.

Town Council Meeting
Tuesday, April 4, 2023

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney-not present.

Consultant Engineer-not present.

Items for Consideration

Parkinson's Awareness Proclamation

Mayor A Riddile read the proclamation into the record. He greeted the guests in the audience who were present for the proclamation and asked them to introduce themselves. Karen and Dave Langhorst. Mrs. Langhorst said that her husband had been a Parkinson's patient for 11 years. She thanked the council and Town for their support because there were too many who did not know there was support.

Mrs. Langhorst said there was a local support group that met every other month at the Baptist Church in New Castle, and they met in Glenwood Springs at the Lutheran Church the opposite months. Mrs. Langhorst said they were also trying to put together a Carbondale group as well. She said there were between 20 and 30 people that met each month. Mrs. Langhorst said that she will be at the City Market passing out information to raise awareness and to let people know there was support because there were many who did not know. In addition, there will be a Vitality Walk in Willits and a 5k run in Basalt to raise money and awareness for Parkinson's.

The council suggested that the group consider a booth at the community market during the summer, and that perhaps information could be added as a resource to the town website.

The council thanked Mrs. Langhorst and the other guests.

Arbor Day Proclamation

Mayor A Riddile read the proclamation into the record.

Discussion: Low-Speed Vehicles

Town Administrator Dave Reynolds reminded the council that former council member Scott Owens came to council asking to allow golf cart on public streets in Lakota Canyon Ranch. He said that council was split on their opinion that night so staff brought it back for further discussion.

Administrator Reynolds said that staff had done more research on it and noted that Mr. Owens' request may be moot. He said that the federal government some years ago legalized something called low-speed vehicles. This was in response to the oil embargo in the 1970s where people were trying to find new ways to get around town without using oil, and golf carts began showing up as well as mopeds and electric scooters. The federal highway administration decided to create a new category of low-speed vehicles (LSVs) that were distinguished from golf carts. This cleared the path for manufacturers to understand how to build a federally approved vehicle with a VIN number. He said that

Colorado legalized low-speed vehicles in 2009 which can be driven throughout Colorado on any road with a speed limit of 35mph or less. They must be registered and insured as any other vehicle would be. Drivers must have a valid driver's license and vehicle must have safety equipment, much like what Mr. Owens was proposing in adapting golf carts for street use. The safety equipment includes a solid windshield, headlights, taillights, seat belts, turn signals and a parking brake.

Administrator Reynolds said that the question was not whether to allow golf carts in Lakota because LSVs were already legal and had been legal in Colorado and New Castle for quite some time.

Administrator Reynolds said that New Castle could regulate LSVs only in limiting what roads they could be driven on. He said the only road currently that they could not be on was the small stretch of road on the east end of Main Street where the speed went to 45 mph, as well as the section of road heading out of town, east of the Castle Valley Boulevard and Highway 6 intersection.

Administrator Reynolds described the different versions of LSVs available.

Administrator Reynolds said that he was not sure it made sense to allow golf carts in Lakota, because LSVs were already allowed. He said the council could continue to consider golf carts, but they would have to implement all the same rules on golf carts that already apply to LSVs.

Mayor A Riddile said that he felt like the question was answered regarding golf carts.

Councilor Carey appreciated that staff had done the research on LSVs which she felt were better than golf carts, but she was still concerned about safety on Castle Valley Boulevard since it was the truck route through town.

The council agreed that until they saw issues related to LSVs there was likely nothing else for them to do at the moment, and that the LSV law satisfied the golf cart issue.

Consider Ordinance TC 2023-1, an Ordinance of the New Castle Town Council Amending Section 16.12.120 of the New Castle Municipal Code (2nd reading)

Administrator Reynolds told the council that staff had made one grammatical error and filled in the fines as discussed previously.

MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2023-1, an Ordinance of the New Castle Town Council Amending Section 16.12.120 of the New Castle Municipal Code on 2nd reading. Councilor G Riddile seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor G Riddile: yes; Councilor Mariscal: yes; Councilor Carey: yes; Councilor Copeland: yes; Councilor Hazelton: yes; Mayor A Riddile: yes.

Discussion: Lakota Canyon Ranch Recreation Center and Pool Use Policies

Administrator Reynolds said that the discussion was a requested item to answer some concerns regarding the pool policies at the Lakota Canyon Ranch recreation center. He introduced HOA president Mark McDonald, and HOA board members Loran Randles and Michael Brown.

Administrator Reynolds said that during a previous council meeting when there had been a discussion regarding golf carts in Lakota, the question was raised about the pool and why it had gone from private to public and back to private use. He said that the council

had received a letter from Mr. Randles that addressed it, but they were present to answer any unanswered questions that the council had.

Administrator Reynolds invited the HOA members to describe the history of the situation with the Lakota Recreation center and pool. Mr. McDonald said that he was not familiar with any other HOA communities whose pool was open to the public. Generally speaking, he said that was an amenity for the residents of the HOA. He said that Warrior bought the property and had a different way of running Lakota. He said they did what they could to pull money out of the subdivision and very little money was invested in the care of Lakota, particularly the golf course. Mr. McDonald said at the end they did not even have money for gas for the golf carts.

Mr. McDonald said that Warrior then forced the HOA to purchase the recreation center and pool, and it was not an option for the HOA. The covenants and declarations of Lakota said that the Board of Directors, which at the time was completely controlled by Warrior, could say they would purchase the property. Initially the price was 1.6 million dollars, but it was negotiated down substantially, and whether the HOA wanted to buy the property or not was not an option. Mr. McDonald said that once the HOA took the property over, they became aware of the disrepair the property was truly in. He said that the HOA had spent quite a bit of money replacing the boilers, tiles, furniture, even light bulbs. Mr. McDonald said that the homeowner dues went up about \$600.00 per year, and those funds were dedicated to maintaining the recreation center and pool. He said that there had been a discussion with the homeowners at the time about continuing using the pool as a 'cash cow' as Warrior called it and allowing it to be open to the public. He asked Mr. Randles to speak to it since he was not living in Lakota at the time.

Mr. Randles said that Warrior had opened the pool to everyone, not just the community that was paying for it. He felt that the difficulty was that any time something was taken away, there was resentment. He said that there were people using the pool that did not live in Lakota who were very responsible, and then there were others who were not so responsible. There was damage, trash and some rough days. He said that when the HOA bought the pool and rec center, HOA dues more than tripled, and the concern was that the residents needed to be guaranteed that they would have a place at the pool and in the gym since they owned it and were paying the mortgage on it. Mr. Randles said that he knew there had been some resentment about it and he felt concern for how it was viewed. Nonetheless, there were no other HOA communities that opened their pool to the public because it was not practical. Mr. McDonald added that there will be more residents coming with the Romero and Colombo properties being built. He said that the pool, because of its size, was almost functionally obsolete and he expected that the HOA will have to look at an expansion in the future.

Mr. McDonald said that they were not trying to be an exclusive environment in Lakota, rather they were trying to be a good part of the New Castle community, and he said that he worried that town council has a bit of a resentful attitude towards them because of the discussion that took place previously. He said he would like to move on past the pool issue, and he wanted the town council to embrace Lakota as an important part of the community, its growth. He said there was obviously a lot of volunteer support for New Castle from Lakota and it will likely be the town's biggest growth potential in the next decade.

Mr. Randles said that the letter that he sent explaining the pool issue was intended to arm the town council with information when someone complained to them about why they

could not use the pool. He said that they at least had information they could share. Mr. Randles said that many of the Lakota residents were supporters of the town and volunteered in the community and for the town. He said that Lakota residents were members of New Castle and he hoped that others would see and share that same view. Councilor Leland said that at the previous meeting he had mentioned the pool but he had not intended to suggest he or the council was resentful, rather, it was what the council members heard from non-Lakota residents, and it was a problem. Councilor Leland said that the HOA's rationale made perfect sense, but not everyone knew that, and he was not certain how to make them aware. He said there were a lot of misperceptions in town about a lot of things and said that if anyone had ideas about how the council could provide proper information to the residents, they welcomed the assistance. He further noted that he sat on council at the time Warrior did what they had done to the HOA, and he and the other seated council members at the time were very supportive of the HOA, but also were concerned about what it would mean for the residents. Mr. McDonald said that he felt it was not a great idea to publicize the issue again and reopen the wound. He said that he wanted the council to understand that Lakota was part of the community and contribute and wanted to be known as that. He said that the pool issue was what it was, and they did the best they could to allow people to visit the pool with their friends. He said that the HOA wanted to let the council know they were feeling a negative vibe after the last meeting, and he hoped there would be a way to repair that problem and then perhaps the council could understand and relay proper information to those people who were bringing it up.

Councilor Carey thanked Mr. McDonald and Mr. Randles for sharing the information and noted that it was likely a difficult decision. She said she was aware of HOAs who opened their pools to neighborhoods with residents in the thousands, so they did exist, just perhaps not in Colorado. Councilor Carey said that the golf cart issue and the LSV issue were in no way related to the pool. She said that she could see where the negative attitude came in and she was sorry it happened that way. Councilor Carey said that regardless of the difficult decision that had to be made, unintentional damage was still done, and she could not really see a value in broadcasting the issue again and aggravating something that was almost settled. Councilor Carey said that she felt that the attitude about Lakota may remain nonetheless, which was unfortunate.

Mr. Randles said that regarding the golf cart item, there was only one person that was pushing that issue, and he knew of no other Lakota residents that were even interested. Regarding the pool, Mr. Randles said that he did not believe the HOA could manage the pool if it was open to everyone.

Councilor Hazelton said that he did not feel resentful of the decision, but disagreed with it, and how it was handled. He felt the HOA could have explored more options to make it a community-accessible pool. Councilor Hazelton said that when he heard about the situation where the HOA would purchase the property, he thought it was a great opportunity for the town to be involved, for the community to be able to use the pool and to offset some of the costs for the HOA. Councilor Hazelton felt that they could have done more than they had done. Mr. Randles said that the pool at the time Councilor Hazelton was using it was not in great shape and the HOA had spent close to one million dollars bringing it up to standard. He also said that they did look at other options, and one was an annual pass, but that would have been about \$600 per year. He also said that the pool was obsolete for the community because it was small. Councilor Hazelton still felt that it

could have been more thoroughly vetted. Mayor A Riddile felt that the discussion was moot because the decisions regarding public use of the pool had been made. Councilor G Riddile said that he personally had no resentment about the pool being private although he could not speak for the residents. He felt that Lakota had been great members of the community and was sorry there seemed to be a public opinion that was negative. Administrator Reynolds noted that the town attorneys said that when Lakota was being built, the council had debated the issue. The council that approved it at the time agreed that the pool should be private, and the pool was approved through the PUD process as a private pool and was platted as a private pool. When Warrior acquired the property and subsequently listed for sale, Warrior approached the town and gave the town opportunity to purchase the property. The town passed on it. Other buyers negotiated on it all while the HOA tried to figure out what to do. Ultimately, the HOA negotiated the price down, and Warrior was removed from the Board. Administrator Reynolds said that another problem was insuring the pool. In the current situation the pool is being insured by the 'owners' of the pool. If the pool were open to the public, insurance rates are adjusted differently for the public liability. Funds received from public users would have to go a long way to cover the extra in insurance premiums to even break even. Mayor A Riddile thanked Mr. McDonald and Mr. Randles for coming speaking with the council.

Consent Agenda

March Bills of \$790,015.64

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

Staff Reports

Town Administrator – Administrator Reynolds told the council that the motel in town had been purchased by a franchise and was now the Wingate by Wyndham. He said that was a great thing when it came to quality monitoring and management, marketing and booking. He said that the changes were looking really good. Administrator Reynolds said that staff was looking into a CPW grant for bear management. He said they were in discussion with MWR to get rates on bear-resistive cans, and the target residents for the cans would be those without garages. Administrator Reynolds said that one year ago the council dedicated the Ukraine flag. He said it was tattered and needed to be replaced and he asked if a new one should be purchased. The council agreed. Administrator Reynolds said that the Chamber of Commerce had an event coming up called a "Block Party" where they will get together as many businesses as want to participate to show off what the businesses do. Administrator Reynolds said that there was a request that the town waive the event permit fee, which was not much. He said they also asked for a waiver of the liquor license fee, but the State mandated the fees that towns were allowed to charge, and waiving the fees wasn't an option. Administrator Reynolds said that he and Public Works Director John Wenzel were busy all week in meetings regarding the Broadband project and the carrier-neutral locations. He said it would be difficult figuring out service providers to work out of that carrier-neutral location and they were looking to see if there were any collaborative efforts in the valley. Administrator Reynolds said the location will

likely be built by the end of August. Administrator Reynolds said that staff were working with Columbine Moving and Storage to get them to understand how they were approved in an effort to get that business to come in. Administrator Reynolds said that staff were also working with Jim Columbo who may come to council to make a request about how he will pay for water dedication fees. Administrator Reynolds said staff were also working with the owners of Rippy property parcels who had been sent a notice of violation for not having a watershed permit. He said that Clerk Byram had received fourteen open records requests as a result. He said that they were searching for information as to whether the town had a valid position in asking for the necessary permits from those owners. Administrator Reynolds said that he and Councilor Mariscal had attended the Detox Center meeting. He said the latest price tag for it was \$1.8 million dollars. Mind Springs Health has signed the contract with a contractor and work on the center has begun. He said that although the committee felt the money was available, he thought they will ask for more funding in 2024. Administrator Reynolds said that the LoVa Trail was something that had been in progress for many years, and they had finally broken ground on the section in West Glenwood. He reminded the council that New Castle was the fiscal agent for an FMLD joint grant between RFTA and Glenwood Springs for that project. The town has made their first report for that grant as well as a first request for reimbursement. Administrator Reynolds said that the council had decided that funding from the Opioid Settlement that the town received would be diverted to the Detox Center. He said that he had been approached by the state because five more companies had been sued and there will be more opioid monies coming in. He said that if the town wanted more opioid funding for the Detox Center, he had until Friday to sign the necessary state documents if the council agreed. Administrator Reynolds said that he had a meeting the next morning with Recreation Director Hannah Bihr and the local pickleball ambassador to discuss rules and management of the courts. Administrator Reynolds said there was a grading permit for the trail up the mountain on Talbott property, Burning Mountain Trail. He said that the county had reached out to Roaring Fork Mountain Bike Association (RFMBA) asking for a grading permit for that work, which he said was appropriate particularly since the town was requiring similar permits from Rippy. He said that RFMBA and staff were coordinating with the Talbotts on it. Administrator Reynolds said they were still working with the attorney for the Roseman Ditch on an easement agreement to allow the trail to cross the ditch.

Town Clerk – Clerk Byram said that the week prior she had received sixteen CORA requests, fourteen of which were regarding the Rippy property. She said the requests asked for maintenance records on the watershed, emails to and from numerous staff, permits issued within the town watershed, activation/deactivation of the river intake and more. The other CORA requests were regarding the River Park sewer issue and that request had taken several days to fulfill. Clerk Byram said there had been a bid opening for streets maintenance projects and she had a CORA request for the bid information. Clerk Byram said she had ordered most of the computer equipment for the community center for meetings. Clerk Byram said that when she started with the town, her office was the one behind the council chambers, and there were around fifty boxes of miscellaneous paperwork in the office. She said it had taken many years, but she had finally finished putting all that paperwork in folders. She said she had learned a lot going through it all and it was a big job, but it had been fun. Clerk Byram said that her team would be meeting with utilities the next day regarding the possible rearrangement of meter

reading/utility billing. She said that the effort was to explore ways to reduce the number of man-hours put into reading meters as well as reducing exposure to weather, unsafe conditions and the like. It will reduce the hours put into utility billing as well. She said that will come to the council for discussion soon. Clerk Byram said that her next meeting with the Liquor Enforcement Committee will be the following week. Clerk Byram said that the on-site work session on the Romero property will be on Thursday at 5:30 p.m. Assistant Treasurer Viktoriya Ehlers – Asst. Treasurer Ehlers told the council that Treasurer Burk had been in Colorado the previous week and taught her how to do year-end closing and to prepare the budgets before the audit by completing adjusting entries. She said she would complete them and then Treasurer Burk would review them. Asst. Treasurer Ehlers said they were transitioning payroll to Finance Assistant Michele Mills. Next payroll Finance Asst. Mills will complete so that Asst. Treasurer can focus on Treasurer responsibilities.
Town Treasurer – not present.
Town Planner – not present.
Public Works Director – not present.

Commission Reports

Planning & Zoning Commission – nothing to report.

Historic Preservation Commission – nothing to report.

Climate and Environment Commission – Councilor Leland asked Clerk Byram if she had been able to make copies of the Earth Day flyer, and she confirmed that she had.

Councilor Leland said that Earth Day was CEC's focus. Councilor Leland said that they were also looking at asking that the terms for the members of CEC to be increased from two years to four.

Senior Programs – Clerk Byram said that Senior Programs met on the 24th in council chambers for a hybrid meeting. She said that they reviewed the previous month's statistics as usual. She also said they had an extensive conversation regarding a shortfall in the 2022 budget of approximately \$53k for the Traveler. Clerk Byram said they were calling it a 'True-Up' and rather than billing the municipalities who were not RFTA members for the gap, they decided to take the money out of reserves.

RFTA – nothing to report.

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

Councilor Mariscal said that she was part of the emergency communications board, and they just approved a new app that will translate everything into Spanish. She said there was also a device that could be attached to a phone that will translate into your language. Councilor Mariscal said she would send information to Clerk Byram about the device.

Councilor Mariscal said that regarding the detox center meeting, she did not like the tone, and she did not like that she was interrupted, everyone was interrupted when they asked questions. Councilor Mariscal said that she would also appreciate it if the meeting information was sent in advance so there were no surprises.

Councilor Mariscal said that she had been in a meeting the week prior with the State regarding the water in Apple Tree. She said she wanted Administrator Reynolds to be involved in those meetings, but they were being very private about it. She said there will be another meeting the following day.

Councilor Mariscal said that she had attended the Humanitarian Awards and it was the 23rd anniversary of that event.

Councilor Mariscal said that River Bridge had an event. She said that in 2022 they served 271 kids that had been assaulted. She asked if the council members had time, she would love for them to attend.

Councilor Mariscal offered to translate the Earth Day flyer into Spanish if Councilor Leland wanted.

Councilor Leland apologized for attending virtually, and assumed he would be able to attend the work session in person on Thursday.

Councilor Leland said that it was probably too early for the town to have seen anything from the bag fee, and he asked if there was any news. Administrator Reynolds said that the fees would be distributed on a quarterly basis, and the quarter just ended, so there should be more information soon.

Councilor Carey said that she would be interested in the language device information.

Councilor Carey also asked if Apple Tree had gotten any traction with the county yet.

Administrator Reynolds said that the county has spearheaded the situation and got the state involved. He said that one of the reasons that they were being particular about who was invited to the meetings was because the county had involved the State Department of Environmental Justice.

Councilor Carey said that she and Mayor A Riddile and Administrator Reynolds had gotten the train letter signed by the BOCC, and the language had been changed by one word to make it have more teeth.

Councilor Hazelton said that he was going to bring up the pool one last time, then he would put it to bed forever. He said he was disappointed in the pool discussion. Rather than a discussion, it was more an argument about whether there was or was not resentment. He felt the discussion was rushed and could have been better. He said they could have talked about options and brainstormed about it and maybe come up with something that may or may not have come about. Councilor Hazelton said that he has had many residents ask about it and he did not feel that any resolution was reached. He said the conversation was a waste of time. He also said that he understood and appreciated their position, but he felt that there could have been more exploring of options and he was disappointed that council rushed to the consent agenda. Administrator Reynolds said that when he invited the HOA to come to council it was with no other agenda except to discuss it. Councilor Hazelton said that he did not feel the topic was left feeling any better with them or the council and he did not want that. What he wanted was for them to understand that when he brought it up it was because of what he was hearing and because of what he saw as a resident, it was not how he felt as a council member. Councilor G Riddile said that he thought that his statement was a sweeping assumption, but he felt that the Lakota residents were okay with the pool being private. He felt it was the prerogative of the community there, and he thought that if the town wanted to partner with the HOA, the idea would have to come from the town. Councilor G Riddile

said that if the council had any ideas the needed to get ideas together and take it to them.

Mayor A Riddile gave a friendly reminder that the council members could not talk about development that is past sketch plan. There should be no conversation by council members with anybody about any development outside a public meeting. Specifically, he said Romero and Atkinson. Administrator Reynolds said that regarding the work session for Thursday, Attorney Carmer will have a list of dos and don'ts for that. Councilor G Riddile said that if anyone from the public showed up, they needed to be told right away that no testimony will be accepted.


Councilor Mariscal said that she had received an email from the Colorado Health Foundation asking her questions about the newspaper article. She said she told them there will be a meeting and a work session and she sent them a link to the agenda and that was all.

Administrator Reynolds said that everyone was scrambling over housing and New Castle seemed to be in the epicenter of that hot topic.

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

The meeting adjourned at 8:44 p.m.

Respectfully submitted,



Mayor A Riddile



Town Clerk Melody Byram, CMC



Town Council Meeting
Tuesday, April 4, 2023