

**New Castle Town Council Regular Meeting
Tuesday, March 07, 2023, 7:00 PM**

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Call to Order

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

Pledge of Allegiance

Roll Call

Present	Councilor Carey Councilor Hazelton (virtual) Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile Councilor Mariscal (arrived at 7:22 p.m.)
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Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Byram, Town Treasurer Loni Burk, Assistant Treasurer Viktoriya Ehlers, Town Attorney David McConaughy, Police Chief Chuck Burrows, Town Planner Paul Smith 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

Town Council Meeting
Tuesday, March 7, 2023

Clerk Byram asked Attorney McConaughy if he wanted to combine the two executive sessions. Attorney McConaughy said that they could be combined in a single motion, and it will be helpful to the CIRSA attorney who will be joining.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – nothing to report.

Consultant Engineer – nothing to report.

Items for Consideration

Proclamation Honoring the Coal Ridge High School Coed Cheer Team

Mayor A Riddile greeted the Coal Ridge Coed Cheer Team and their Head Coach Alyssa Thurmon. He congratulated them on their fifth year in a row winning state competitions. Mayor A Riddile read the proclamation into the record. Mayor A Riddile asked each of the team members to introduce themselves and say what grade they were in and their goal for the future. Councilor Leland gave the team a framed photo of the cheer team of New Castle in 1925 which they thought was fun.

The council congratulated the team and thanked them for coming in.

Introduction: Jake Stanton, Colorado Parks & Wildlife

Town Administrator Dave Reynolds told the council that Colorado Parks and Wildlife Officer Jake Stanton was present to meet the council.

Councilor Carey told the council that there were two wildlife officers in the area, Jake Stanton who was north of the river and Travis Bybee who was south of the river.

Councilor Carey said they had done a wonderful job at the first bear meeting.

Jake Stanton, Colorado Parks and Wildlife. Officer Stanton greeted the council and said that he was brand new to the area, and so any time he had the opportunity to meet people, he appreciated it. Officer Stanton said that first and foremost, wildlife officers managed wildlife. In the summer, they do wildlife counts and, in the winter, they use airplanes and helicopters for the counts. They also work with the fisheries, and the job was often fun. He said there was human/wildlife conflict as well, and that was how the conversation with Councilor Carey began. Officer Stanton said they were doing education programs in the schools; during hunting season they were enforcing CPW laws. He said they were also peace officers for the State of Colorado, so they have to enforce every other law as well. He said it was a huge job, and any time they were able to partner with a municipality to get things done, it took something off their plate, and it made everything better.

Officer Stanton said that he appreciated being present and looked forward to working with the town.

Mayor A Riddile asked if Officer Stanton worked at the South Canyon location.

Councilor Carey said that the offices in South Canyon served the Roaring Fork Valley and the offices that served the New Castle area were out of Grand Junction. She also said that one of the things she had learned is that CPW officers were more than just law enforcement, they were all scientists because they had biology degrees.

Councilor G Riddile asked if there was anything the council could help Officer Stanton with. He said no, in fact, he suggested that they could probably tell him. Councilor Carey asked that he just keep in touch. Councilor G Riddile felt that CPW had been a great resource especially with the unusual bear activity the previous fall. Councilor G Riddile said that he was surprised to learn where the wolves will be sent, and it was close so he expected that there will be questions about that. The council and Officer Stanton discussed the wolf reintroduction briefly. Councilor Carey said that she had spoken to CPW Officer Kirk Oldham who agreed that if the formatting of the bear meetings went well, they may bring them back to discuss the wolf reintroduction plans before they are released in December 2023.

The council thanked Officer Stanton.

Review and Discussion of Barking Dog Ordinance

Administrator Reynolds told the council that recently he and Police Chief Chuck Burrows had a meeting with the CVR HOA, and they had heard from other neighbors. He said that situation was that the current municipal code section related to barking dogs required that in the case of a nuisance barking dog, there needed to be two complainants unrelated to one another that witness the barking dog and were willing to testify. He said that did not work well most times. Administrator Reynolds said that staff was studying it and other municipal code regulations did not require two complainants, and that staff was looking to amend the code to have more teeth in it.

Police Chief Burrows said that New Castle was the only place he was aware of that handled barking dogs with the two-complaint rule. He explained that two people from two separate households were not required in other places, and that warnings were issued at first complaint, and tickets after that if the issue persisted. He felt that once a complaint was established against someone and they had been warned by the police, he felt that they should be able to go out as law enforcement officers, see it, hear it and issue a ticket. Typically, there was a graduated fine schedule as well, and that got people's attention pretty quickly.

After a brief discussion between staff the council, they agreed that the two-person complaint rule could be removed from the code.

MOTION: Councilor Leland made a motion at 7:35 p.m. to go into Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the CVR Investors lawsuit and (2), for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Property on CR 335. Councilor Copeland seconded the motion and it passed unanimously.

Executive Session concluded.

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

"The time is now 8:25 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Mariscal, Carey and Hazelton; Mayor A Riddile; Councilors Copeland, Leland, and G Riddile; Town Treasurer Burk, Town Administrator Reynolds, Assistant Treasurer Ehlers and Town Clerk Byram, Public Works Director Wenzel, and Town Attorney McConaughy. 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.

Clerk's Office Update

Clerk Byram briefly reviewed the clerk's office report for the council. The report included information about meetings, training, schooling, projects, licensing, utility billing and court work accomplished since the beginning of the year.

The council asked about the 'magic mushroom' study. Clerk Byram explained that Proposition 122 was passed in the November 2022 general election. The proposition legalized the use of some natural medicines, and the rules for those medicines were still being developed. She also stated that local government controls were mostly non-existent, and the Colorado Municipal League was looking to propose some responsive legislation to implement local control. Clerk Byram said that staff will bring the subject to the next council meeting for further discussion.

The council also asked about the utility billing/meter reading project. Clerk Byram said that they were looking into possible ways to reduce the number of manpower/hours that were put into reading meters and accomplishing utility billing. Mayor A Riddile said that he understood many municipalities were reading meters electronically. Clerk Byram said that was true, however it turned out that was not as efficient as it may appear. Director Wenzel said that he implemented electronic meter reading in Basalt some years ago, and while it solved some problems, it created a lot of unexpected problems and they found themselves disappointed with the system.

Councilor Leland noted that he was disappointed in that there had only been 115 dog licenses issued. Clerk Byram said that her office kept a database of licenses issued, and renewals were mailed or e-mailed every year. She said that they do have the few that call at say they no longer live in town, or their dog had passed away, but getting people to license their pet was difficult. The council agreed that it was an enforcement issue.

Administrator Reynolds said that he felt the answer was to seriously consider getting a code enforcement officer, and the council agreed.

Clerk Byram said that if the council had time later, there was new carpet and paint in the clerk's office and the office spaces had been rearranged and it was quite lovely.

Consent Agenda

February Bills of \$529,174.89

Town Council Meeting
Tuesday, March 7, 2023

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

Staff Reports

Town Administrator – Administrator Reynolds told the council that the Know B4 training had been going pretty well, and a new round will come out soon. Administrator Reynolds said that the detox center project had hit some snags. Bids for the project had come in significantly over budget, and Mind Springs has offered to cover the difference, which did not sit well with the committee. He said the saga was continuing, and no work had been done on the facility yet. Administrator Reynolds said that he had been working with a local wildfire collaborative. He said there was a lot of grant money out there for pre and post wildfire mitigation and the collaborative had been working as a team to understand what that will look like. He said he expected an MOU will come to the town for their consideration in the near future. Administrator Reynolds met earlier in the day with a group called the River Valley Economic Development Partnership which was a partnership of the towns from New Castle to Parachute along with a few others. It was the project that Evan Zislis was speaking to the council about at the last meeting. They had met that same day and it looked like everyone was on board with the project and Mr. Zislis will pursue grant money to do a feasibility study. Administrator Reynolds said he had met with the Town of Silt Manager Jeff Layman to talk about the special recreation district. He said that the Silt Board of Trustees basically had the same opinion as New Castle in that the public would agree to the district until they were asked about the funding mechanisms. The Silt Trustees felt it was a worthy project and they wanted to do some further research. Administrator Reynolds said that staff will meet with the owners of a parcel of land near River Park Condos, between the interchange and the condos, on the river. The new owners were working on a development plan. Administrator Reynolds said that he and Administrative Assistant Rochelle Firth had met with representatives from Senator Hickenlooper's office regarding congressional direct spending. Initially he said they came away feeling that the raw water project was a good fit, but later they learned that ARPA funds could not be used as match money for congressional direct spending funds. Administrator Reynolds said that the broadband project for the carrier-neutral location near Shibui had also hit snags. The issue was the permit through CDOT to access the broadband fiber that runs up and down I-70. CDOT will require Parachute to access the fiber a mile or two away and run parallel fiber lines to get to the access vaults. The project calls for the connection to be near the interchanges. He said that the county commissioners have been upset by the issue and have written to the governor that saying that it was a governor mandate that broadband be provided in rural areas and now there were serious timeline snags in CDOT permitting. There will be a meeting the next day with CDOT. Administrator Reynolds told the council that there will be an upcoming council workshop on April 4 at 5:30 p.m. on the Romero site in Lakota and the corner of Faas Ranch Road and Castle Valley Boulevard. He said that P&Z will be invited as well, and they will witness the story pole that council had asked for that indicate the building heights. Administrator Reynolds said that he and Planner Smith and Director Wenzel had a preapplication meeting with the new owners of the Craven property which is the mixed-use property near the elementary school. He said that the presentation was a good one, and there was a lot of time and effort put into it by the new owner. Administrator Reynolds said that he will be out of the office on March 17 as well as March 23 and 24. Administrator Reynolds said that the property west of public works that had been

Town Council Meeting
Tuesday, March 7, 2023

approved for a conditional use permit the previous year had hit a few difficulties that staff was working on resolving. Administrator Reynolds said that the flooring project was 99% done, and thanks to the FMLD for that. Administrator Reynolds said that he will be attending an FMLD meeting the next morning to report on the LoVa Trail grant. He said that groundbreaking for the 800-foot section should begin soon. Administrator Reynolds said that there were several council members that wanted to attend the CML conference. He asked that registration be funneled through staff so that who attended which classes could be coordinated so that everything could be covered. Administrator Reynolds said that the bear meeting the previous week was excellent and he encouraged council members to attend. Administrator Reynolds said that the emergency evacuation plan had been sent to the county emergency team to review. It prompted the 2009 emergency plan to be reviewed as well.

Town Clerk – nothing to report.

Town Treasurer – Town Treasurer Loni Burk said that the representative for Colorado Retirement Association had held a lunch meeting for the staff and gave a presentation. It was well-attended. Treasurer Burk said the finance office was busy as usual. Training for Assistant Treasurer Viktoriya Ehlers and Finance Assistant Michelle Mills was ongoing in preparation for transition. Treasurer Burk said that she planned to be in Colorado at the end of March.

Assistant Treasurer – Assistant Treasurer Ehlers told the council that Finance Assistant Mills was doing well, and that was evidenced the previous week during the office move, which had gone well.

Town Planner – Planner Smith said that he had received the final application in for the Romero project that looked close to what the council had seen previously with some refinements. He said it should go to P&Z in April and council in May. Planner Smith said that his office had been working on adoption of the 2021 International codes as well as the Wildland-Urban Interface code. Planner Smith said that they had put energy incentives on the building department website. Planner Smith said that Assistant Planner Lauren Prentice was close to getting her certification as a building inspector. Planner Smith said they had some discussions over the past year and a half about the McInnis property. He said there were some obstacles to it but many people were interested. He said that staff had discussed in regard to updating the future land use.

Public Works Director – Director Wenzel said that they had selected a contractor for the dog park and construction will begin the second week of April. Director Wenzel said they had begun working on the security camera installation project for town facilities, and a contractor had been selected. That should begin in the next few weeks as well. Director Wenzel said that he had met with Town Engineer Jeff Simonson regarding final revisions of the digester blower building, trying to get that project finalized. Director Wenzel said they had been looking at the raw water expansion project with Engineer Simonson, trying to finalize that as well. Director Wenzel said he had just finished writing two FMLD grants, one streets capital maintenance and the other the dog park grant. Director Wenzel said that the parks department had defined a scope of work for the Red Rocks Ditch, piping part of that and lining the rest. Director Wenzel said that he was in the process of hiring for three positions: streets maintenance technician, public works coordinator and a water treatment plant operator. He said that Kim Rider had let him know that she will be retiring in September of 2024. Director Wenzel said that Utilities Supervisor Daniel Becker and his crew were exploring the addition of a surge tank at the River Park lift station to alleviate any potential overflows into those basements. Director Wenzel said they were monitoring

the flow levels in the south side interceptor. Engineer Simonson had put out a sonar device that determines the remaining capacity of that interceptor that will assist in the timing of reconstruction. Director Wenzel said he had completed the capital street maintenance scope and that will go out to bid shortly. Last, Director Wenzel said they will pick up two new vehicles the following day.

Commission Reports

Planning & Zoning Commission – nothing to report.

Historic Preservation Commission – nothing to report.

Climate and Environment Commission – nothing to report.

Senior Program – Clerk Byram said a few years ago some municipalities were questioning the Traveler expenses and wanted details on rides/uses. The Board made some changes to include more details on the types of rides the traveler provided for people, whether to school or work or the doctor or the salon. Clerk Byram said that detailing the types of rides was causing issues in that they were invading people’s privacy and perhaps HIPAA. She said they had a very lengthy conversation trying to redefine types of rides in ways that would still indicate uses without breaching user’s privacy.

RFTA – nothing to report.

AGNC – Councilor Hazelton said that they discussed the broadband issues, and they would appreciate letters of support. He said the AGNC was also watching some bills that were being introduced.

GCE – Councilor Leland said that Councilor G Riddile will be attending the meeting for him in March.

EAB – nothing to report.

Council Comments

Councilor Carey said that she had been watching some house and senate bills as they had been debated. She said there were some coming down that will impact affordable housing, rent control, language in leasing, and prohibition in fees in rents if they are approved.

Councilor Carey said that each time she watched a BOCC meeting, they were somehow talking about development in New Castle. She felt they were excited about it.

Councilor Carey said she had spoken to John Martin, and he asked if the town could put together a letter, asking for the BOCC’s help in getting the train speeds in New Castle reduced. She said that he preferred that all the council signed it.

Councilor Carey said that she and Administrator Reynolds had spoken after the bear meeting about code enforcement officers, but also, based on information they got from the CPW officers, it may be better to consider a wildlife ordinance rather than a trash ordinance.

Councilor Carey said that she had randomly run into Perry Will a few weekends ago and he had been a joy to get to know.


Councilor Copeland said that HPC had met and they allocated some budgeted money back to the museum for electrical work to be done.

Councilor Copeland thought it may be a good idea to ask the new owners of the Craven property to allow expansion of the dog park onto their property. Councilor Copeland thanked Director Wenzel and his team for their terrific snow plowing. Mayor A Riddile thanked Councilor Carey for the bear meeting. Mayor A Riddile said that the residents at senior housing were again contacting him with issues, primarily parking.

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

The meeting adjourned at 9:15 p.m.

Respectfully submitted,



Mayor A Riddile



Town Clerk Melody Byram, CMC

