

New Castle Town Council Regular Meeting
Tuesday, March 4, 2025, 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
Mayor A. Riddile
Councilor Copeland
Councilor Leland
Councilor G Riddile

Absent None

Also present at the meeting were Town Clerk Mindy Andis, Administrator Dave Reynolds, Town Planner Paul Smith, Administrative Assistant Michelle Huster, Public Works Director John Wenzel, Town Treasurer Viktoriya Ehlers, Town Attorney Mike Sawyer and members of the public.

Meeting Notice

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2025-1.

Conflicts of Interest

There were no conflicts of interest

Agenda Changes

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no citizen comments

Consultant Reports

Consultant Attorney – Attorney Sawyer said he was present for agenda items only.
Consultant Engineer – not present

Items for Consideration

Introduction to New Staff Member

Administrator Reynolds said the town has hired four new staff members and would like to have the department heads introduce their new staff to the council.

Public Works Director John Wenzel introduced Kacey Cox as a Utilities Operator and said Kacey has years of technical experience. Kacey Cox explained some of his background and experience to the council. The council welcomed Kacey Cox to the town.

Town Council Meeting
Tuesday, March 4, 2025

Town Treasurer Viktoryia Ehlers introduced Support Assistant to the Town Treasurer Charlienna Chancey to the council. Treasurer Ehlers said Assistant Chancey has experience in bookkeeping and finance. Assistant Chancey described herself and her experience with the council. The council welcomed Assistant Chaney to the town.

Police Chief Chuck Burrows introduced Officer Ellen Crouch to the council. Chief Burrows said Officer Crouch comes to us from Steamboat Springs and is currently working her way through our Field Training Program. Officer Crouch is eager to start solo patrols soon. Officer Crouch explained her background in law enforcement. The council welcomed Officer Crouch to the town.

Police Chief Chuck Burrows introduced Detective Sierra Weld to the council. Chief Burrows said Detective Weld will be splitting her time between instructing the Police Academy and helping to investigate New Castle crimes. Detective Weld explained her background in law enforcement. The council welcomed Detective Weld to the town.

Consider Ordinance TC 2025-1, A Ordinance of the New Castle Town Council Recommending Conditional Approval of a Final PUD Development Plan and a Final Subdivision Plat for Castle Valley Ranch PUD Filing 13 (9 N Wild Horse Dr) and Vested Rights for the same (2nd reading)

Planner Smith said the application is the development of 130 residential units (26 townhomes and 104 apartments, 80 of which are "live/work" residences in two two-story buildings and two three-story buildings and 24 of which are "empty nester" units in two two-story buildings) and open space areas as depicted on the Final Plat/Plan for the 9 North Wild Horse PUD Subdivision dated February 26, 2025 on a total of 31.92 acres.

Planner Smith said the vested rights is for a period of 10 years from the effective date of this Ordinance.

Planner Smith said there were some minor changes to the ordinance from the first reading to the second reading.

Planner Smith reviewed the amended conditions in the ordinance with the council as follows:

Condition A. *The maximum building height of Buildings B1, B2, B3, & B4 and Townhomes TH-B15 and TH-B16 shall not exceed the building elevations presented in the Final Plan.*

Condition F. Applicant will use all diligent efforts to obtain a temporary construction easement, generally conforming to that depicted in the Application, to accommodate construction vehicle circulation for the buildout of PA 8 & 9 (R2 Partners LLC) and PA 12 (TC Midwest LLC) until the completion of either PA 12 or PAs 8 & 9, whichever is first. The easement agreement shall require a semi-impervious surface, a track pad at the intersection with Castle Valley Blvd. and safety fencing along the length of the easement to prevent unauthorized entry into the easement area. Notwithstanding the Applicant's obtaining an easement or not, any damage to public infrastructure, including but not limited to, asphalt bike paths, landscape irrigation, underground utilities, and landscaping caused by the construction vehicles mentioned above shall be the responsibility of the Applicant. The design of the easement shall be approved by the Public Works Department and Town Engineer prior to permitting. Landscaping and grade of PA 12 shall be restored to its initial state once construction operations are completed. If the temporary construction easement is obtained, town staff has authority to accept the easement on behalf of the town.

Planner Smith said **Condition F** is not a condition if R2 doesn't get consent from TC Midwest for the easement that would not jeopardize R2 development.

Condition I. A subdivision improvements agreement ("SIA") containing an engineer's stamped cost estimate of public improvements, to the satisfaction of the Town Attorney. The form of the SIA shall be finalized before consideration of the Final Plat by the Town Council. Recordation of the SIA shall be accomplished at or before recording of the Final Plat.

Condition J. Provide a construction phasing plan for inclusion in a subdivision improvements agreement. Identify, at minimum, each of the following components:

- Buildout phases if necessary;
- Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
- Storage and staging areas for construction equipment and materials;
- Illustrate drainage and erosion control best management practices (BMP's);
- Conformance to all requirements and specifications approved by

the fire marshal concerning temporary access to the project;

- Measures to be taken to control fugitive dust during construction;*
- Provisions for the protection and preservation of all existing vegetation, including trees, shrubs, and native grasses that do not interfere with the construction of buildings, roads, or utility infrastructure.*

Condition P *The Applicant and Town Council reached final agreement on an affordable housing covenant that includes three (3) total restricted units (one 1-bedroom and two 2-bedroom units) offered at a rate of not more than seventy-five (75%) of the then-current free market rent. The affordable housing covenant shall designate the general housing type for each unit as necessary, without specifying the exact location of each affordable housing unit. The affordable housing covenant shall designate authority to the Town to choose qualified renters in accordance with the Town's housing regulations. If the property or any affordable housing unit were ever to be part of a further subdivision or if Lots 1, 2, and 3, as depicted on the Final Plat, are ever sold into separate ownership, the Town will apply its then-current affordable housing regulations and modify the affordable housing covenant accordingly. The affordable housing covenant shall be finalized before consideration of the Final Plat by the Town Council. Recordation of the affordable housing covenant shall be accomplished at or before recording of the Final Plat.*

Mayor A. Riddile asked if the rental could be floating. For example, one time it could be for town staff and the next time for the school district. Planner Smith said that it would be up to the town to come up with the criteria. R2 Partners Developer Barry Rosenberg said as long as the person clears the background check, it would be up to the town how they handle the rental units.

Condition Q. *Finalization of water rights dedication requirements for the project. Calculation of irrigated areas and finalization of EQR dedication requirements. A warranty deed conveying the required water rights in the Coryell Ditch shall be executed and recorded together with the Final Plat.*

Condition S. *Prior to issuance of a building permit, the Applicant shall present to the Town Council, for comment, on building architecture, materials, and colors to be used in construction of the project.*

Condition T. *The Town shall not issue a building permit until the finance director confirms the Applicant owes no outstanding invoices to the Town for a time period of 90 days or greater.*

R2 Attorney Chad Lee said the property is not yet subdivided and is currently one parcel and won't be subdivided until the plat is recorded. However, the ordinance needs to be signed now. The seller is retaining lot 4 and is not subject to any of the density limitations of the ordinance. Mr. Lee said R2 had made some minor changes to the ordinance to clarify lot 4 is not subject to the ordinance. Mr. Lee handed out a redline of their changes to the council. Attorney Sawyer said Mr. Lee did contact him and the suggested changes are non-substantive. On the final plat there will be a note regarding lot 4 is not subject to any of the approvals. When lot 4 does get developed, the owner will need to come to the council for consideration. Therefore, the change in ordinance that Mr. Lee is asking for is appropriate.

Councilor Carey asked if the street will be North Wild Horse Drive or North Wildhorse Drive. Planner Smith said he has seen it both ways, but it will be North Wild Horse Drive.

Councilor G. Riddile asked how many residential units the owner of lot 4 retaining. Planner Smith said 6. Councilor Hazelton asked what the acreage of lot 4 is. Planner Smith said 12.3 acres. Councilor G. Riddile asked if the town has a maximum lot size. Planner Smith said yes.

Planner Smith explained the trails to the council. Planner Smith said there are two licensed trails with the town through the proposed development that the town will retain. There was some discussion with R2 about the trails inside of the development. At the last meeting there was a question dedication of the new trails inside the development about dedication. From the beginning all the open space will be retained by the HOA. The staff's understanding is there would be an easement for the trails and the town would maintain the trails. The developer for various reasons wants to keep the trails as part of the HOA instead of dedicating them to the town. Portions of the property are zoned under the Castle Valley Ranch PUD are already open space. Planner Smith said the second alternative is for the HOA to retain all the property as discussed and grant an easement for the trails. The developer is concerned if the trails are dedicated to the town how would the trails be used since the trail is running through the property. Planner Smith said council would need to decide whether to require dedication of the trails or leave ownership with the HOA, with an easement to the town. Mr. Lee said one of the reasons R2 Partners prefer the HOA to own it is because they would have control over it and keep it open. Whereas, if the town owns it there are constitutional limitations such as homeless people camping. R2 clustered the units in order to keep the open space and the buffering from the neighboring single-family

homes. The town would still have the public trail through the development which is currently licensed and would retain it in perpetuity. The developer is asking to keep it the way it currently is. Councilor Leland asked what happens if the HOA neglects maintenance of the trails and does the easement give the town the right to fix the trail. Attorney Sawyer said the easement requires the town to maintain the trail. The easement agreement is written to allow the town to use the trails in all the potential uses the town would need, such as races. Director Wenzel said it is unusual for the open space not to be dedicated to the town. The issue is the town would not have any control over it. The easement is for perpetuity however what would it be like in 20 years. These trails are very popular in the town. Mr. Lee said the easement is permanent and would go with the property if the property does ever sell. Attorney Sawyer said where the trail is located in the development is zoned open space and can only be used for open space. The open space is owned by the HOA but there wouldn't be competing land uses because the zoning doesn't allow it. The trail easement is a legally binding document, and it gives the town the right to operate and maintain the trail for the public to use. Councilor Carey expressed concern that the town would be setting a precedent issue with other developers and not requiring R2 Partners to dedicate open space. The other concern was having a disagreement with the HOA about the trail. Mr. Lee said the required open space dedication has already been met. Therefore, R2 Partners is not required to dedicate any open space, however they want to keep the trail and the open space for the public. Councilor G. Riddile said there could be conflicts with the HOA in the future and there would need to be meetings to handle the conflicts. If, the town has it and there is an issue then it could be handled internally. Councilor Leland asked if the HOA retains the ownership of the trail, and the town has an easement who has liability in case of an accident. Attorney Sawyer said the recreation statute in Colorado says if you make land available to the public for recreation purposes without charging a fee, the landowner doesn't have any liability, since the town has an easement which is maintained by the town. The liability would be covered under the town's CIRSA Policy. If the person goes off trail there would be no liability. Director Wenzel has suggested to have the developers concerns such as trail hours and trail use defined in the SIA. Mr. Lee said the trails easement is drafted and the town has control over the trail and the trail is public and the HOA doesn't have any control over who uses the trail and when. The trail just goes through the HOA property. Planner Smith asked if there was something the town would be missing by not having the trail dedicated to the town. Attorney Sawyer said when he looked at the GIS it appears that other areas within CVR that were zoned open space were subsequently dedicated to the town at the times

that development plats were approved. Provisions in the Second Amended CVR Annexation Agreement and Site Specific Development Plan Agreement (Second ADA) and Ordinance No. 2002-2 dealing with open space include the amended PUD zoning. Councilor Leland said since Castle Valley Ranch has already met the open space dedication requirement and the town could set a precedent with future developers in Castle Valley Ranch to ask for trails easements through their development. Councilor G. Riddile said he would like to have a condition that parcels 1 and 2 to be dedicated to the town. Mr. Lee said the plan has already been approved at preliminary as it currently is.

Consider Resolution TC 2025-7 - A Resolution of the New Castle Town Council Approving Subdivision Improvements Agreement for Castle Valley Ranch, Filing 13, 9 North Wild Horse Drive

Planner Smith reviewed Attorney Sawyers memo regarding the Subdivision Improvements Agreement (SIA) with the council. He said the *SIA memorializes all of the commitments made during the subdivision process, identifies documents that need to be executed as part of the final plat recordation, and guides the development activities on the property including provision of security for public improvements, acceptance of constructed public improvements and warranty of the improvements.*

A. At the time of recording the final plat, a dedication of water rights in accordance with the Second Amended CVR Annexation Agreement will be undertaken. SGM has reviewed the proposed water right dedication amounts and concurs in the calculations.

B. Easements for trails as depicted on the final plat will be dedicated to the town.

C. The language for the temporary access easement across the TC Midwest property has been softened in light of the fact that TC Midwest has not yet committed to grant the easement.

D. The developer and the town continue to negotiate with Lakota Canyon ranch for a water line easement crossing Lakota to bring water from a water tank to the developer's property. Completion of this easement is close. Lakota is requesting certain indemnifications from the town that work will be done on their property consistent with agreed upon plans. I have included language in the SIA placing a similar indemnification on the developer for any breach of the water line easement provisions occurring during the construction or warranty periods. Lakota is asking for a provision in the easement that would

give them the ability to relocate the water line and pass the charges onto the then owners of the 9 North Wildhorse development. I have commented that such a provision would not be appropriate if the 9 North Wildhorse development were subsequently subdivided into individual lots meaning that individual homeowners would be responsible for that cost.

Planner Smith said there is an expectation that a waterline would run from water tank 3 (above Lakota Canyon Ranch) downhill and around to Clubhouse House Drive, just past the Clubhouse, then across to the Driving Range, making a sharp right under the Driving Range about the second T box then ending. The waterline is meant to be continued from there into the R2 Partners development and into TC Midwest development to create a loop. The issue is there is no easement for the waterline across the Driving Range into Castle Valley Ranch. R2 Partners need the waterline looped into the development. Planner Smith said there is some concern from RG Group (Lakota Canyon Ranch) because the Driving Range is currently zoned residential. The concern is if there is an easement then RG Group might not be able to do anything with the property other than open space. RG Group wants to have an alternative just in case the Driving Range does become residential. The easement agreement would allow the town to service and maintain the waterline in perpetuity. Attorney Sawyer said he had received comments from RG Group late Friday, February 28, 2025, with a lengthy set of redlines on the SIA. Attorney Sawyer said there was an intended easement across Lakota Canyon Ranch for the waterline to the R2 Partners development and TC Midwest property. Currently the water tank is serving Lakota Canyon Ranch. Currently the easement doesn't exist. A few months ago, the town drafted an easement for the waterline and sent it to Lakota Canyon Ranch for their review. RG Group's primary issue is there is a provision in the easement agreement that if Lakota Canyon Ranch as part of the development of the Driving Range, RG Group wants the owner of R2 development to repay RG Group if the waterline has to be moved. The problem is, if the R2 property was to be subdivided with multiple homeowners, then the homeowners would then be subject of the repayment of the waterline to be moved. Attorney Sawyer said there would be a new condition in the ordinance that would state there could be no further subdivision of the property without the waterline easement being amended for cost recovery provision. Having the condition would allow for R2 Partners to move forward and stop the cost recovery to be passed on to future homeowners. Mr. Lee said R2 Partners has not agreed to the cost recovery for the waterline easement with RG Group. There was some confusion about the responsibility of the waterline easement. Mr. Rosenberg said they could build

a pumpstation to have water for the development. Mayor A. Riddile said he agreed and there should be an easement for the waterline. Director Wenzel agreed the town does need the easement and the waterline has been in place for years and the intended purpose was to serve part of Castle Valley Ranch because of the pressure. Property owner of Parcel 4 Steve Craven said there is currently an agreement regarding the waterline and water tank, the 2003 water tank agreement. The agreement describes how the waterline is supposed to work. Lakota Canyon Ranch was not the only participant in the cost; Castle Valley Ranch and the town were all part of the agreement. Castle Valley Ranch paid its portion of the water tank and the transmission line. In the agreement it stated where the waterline easement would be provided and where the lines would terminate at the Castle Valley Ranch property line. Mr. Craven said the issue is when the tank and transmission lines were built which was to be done by Lakota Canyon Ranch and overseen by the town. Ultimately what had occurred was not according to the agreement. Mr. Rosenberg is asking for the town's help and support for obtaining the waterline easement with RG Group. Attorney Sawyer said the council could approve the final plat with a requirement to obtain the waterline easement from RG Group, or R2 Partners would need to go back to preliminary plan with a design for a water pump station and revamp the utility plan. The other option is to continue the final plan for two weeks and try to work the waterline easement out. Councilor Hazelton said there would be some questions answered in two weeks and agreed to continue the ordinance and the resolution.

E. The affordable housing covenant has been updated pursuant to the discussion at the last council meeting.

F. The most recent version of the construction plans is attached. It is anticipated that some minor changes will occur in order to conform the plans with comments from public works and SGM.

G. Language has been added to require the developer to present a weed and dust control plan prior to starting construction on the project.

H. The developer will post security with the town in the amount of the engineer's cost estimate in order to assure that public improvements are completed. Exhibit K is the Developer's engineer's cost estimate. SGM needs to review this document for accuracy.

I. Included provisions related to cost sharing. For the additional parking associated with VIX park, the developer came back with an updated cost estimate for the incremental cost in the amount of \$122,954. The SIA states

that the town will pay the developer this amount upon completion of the parking area and acceptance by the town. The amount of the cost has not yet been reviewed and approved by SGM.

Planner Smith said normally curb and gutter would be included in the build out of North Wild Horse Drive and the town would be exempted from paying for it. John Petaisto from Sopris Engineering for R2 Partners said the cost included for the town was for the extra curb and gutter for the parking island and rest of the curb and gutter is R2 Partner. Planner Smith said the total cost for the town would be \$127,582.00. Councilor Carey asked if the sidewalk was part of the cost to the town. Planner Smith said the sidewalk went from 6 feet to 8 feet to add more of a bike path to match the sidewalk on North Wild Horse Drive. The town would be responsible for the additional two feet of the sidewalk.

Planner Smith said there is an additional cost share with the other adjoining property owner, TC Midwest. R2 Partners would be asking TC Midwest would be asked to pay for their portion of North Wild Horse Drive. R2 Partners would be building the road or right-of-way to connect North Wild Horse Drive to Castle Valley Boulevard. Mr. Lee said TC Midwest would be asked to pay for the entire road or right-of-way since TC Midwest would have access to both ends of the road. Attorney Sawyer said when TC Midwest submits an application to the town for a development they will be required to submit a traffic report.

Councilor Leland asked about the construction cleaning during the development. Mr. Rosenberg said he would make sure the property is cleaned up during the development. Planner Smith said in the building code there is the requirement for construction clean up.

Planner Smith said per the municipal code the council is required within 60 days from the final approval at P&Z to have approval from the council. Therefore, there would need to be an extension for 30 days.

Mr. Lee said the engineering document submitted is subject to the town's engineer approval. Some of the documents don't show specific curb cuts or stub outs on lot four, but that will be corrected.

Councilor Carey said it appears in exhibit I of the SIA that if the HOA for the open space ever sells it is set up to be condominiumized and why is it in the SIA. Attorney Sawyer said the property is separated into three different parcels and they have common interest that they have to own, maintain and

operate together, which makes them a common interest community under Colorado law. Therefore, there had to be a set of covenants.

Mayor A. Riddile opened the public hearing at 8:30pm.

There were no public comments.

Mayor A. Riddile closed the public hearing at 8:30pm.

J. Separate cost recovery agreement related to North Wildhorse Rd. This agreement provides that the costs associated with constructing the road will be shared with other users based upon traffic generation counts.

K. The signature blocks for the SIA and many of the exhibits will be updated consistent with Developer's closing documents.

MOTION: Councilor Carey made a motion to extend the Land Use Application for R2 by 30 days. Mayor A. Riddile seconded the motion and it passed unanimously.

MOTION: Councilor Carey made a motion to continue Ordinance TC2025-1 and the public hearing to March 18, 2025 Mayor A. Riddile seconded the motion and it passed unanimously.

MOTION: Mayor A. Riddile made a motion to continue Resolution TC2025-7 to March 18, 2025 Councilor Carey seconded the motion and it passed unanimously.

Executive Session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest pursuant to C.R.S. 24-6-402(4)(e) and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the same pursuant to C.R.S. 24-6-402(4)(e).

Motion: Councilor Leland made a Motion at 8:40p.m. to go into Executive Session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest pursuant to C.R.S. 24-6-402(4)(e) and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the same pursuant to C.R.S. 24-6-402(4)(e) Councilor Carey 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 8:47p.m. and the executive session has been concluded. The

participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilor Hazelton; Councilors Copeland, G Riddile, Councilor Leland, Town Administrator Reynolds, Town Clerk Andis, Town Attorney Carmer, Town Planner Smith, Assistant Huster and Town Treasurer Ehlers. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Consider Purchase Agreement for the Purchase of 335 W. Main St.

MOTION: Mayor A. Riddile made a motion to sign purchase agreement for the purchase of 335 W. Main St. While giving discretion to the Town Administrator for any minor changes to the agreement. Councilor Mariscal seconded the motion and it passed unanimously.

Consider Councilor Appointment for Parks, OpenSpace, Trails and Recreation Committee (POSTR)

Administrator Reynolds said with recent changes to New Castle Trails Group, and an interest in how our trail systems and related events are managed and maintained, the council discussed using POSTR as an advisory type of committee that could review upcoming projects and make recommendations to the council. In the past few years, it has not been necessary for POSTR to meet on a regular basis, and the council input has not been needed. If POSTR is to begin meeting regularly, the council may wish to have a council representative serve the typical six-month term, or the council may wish to leave the management of POSTR to staff and simply have staff bring forward POSTR updates and recommendations. If the council wishes to add a council representation to the POSTR committee, they may decide to select a representative to serve from now until October 31, 2025.

Administrator Reynolds said there is a POSTR meeting tentatively scheduled for March 19, 2025 at 5pm.

Councilor Copeland said she would be interested in serving as council representative.

Councilor Hazelton also voiced interest in serving as council representative at some point.

MOTION: Mayor A. Riddile made a motion to appoint Councilor Copeland to POSTR as the council representative. Councilor Hazelton seconded the motion and it passed unanimously.

Discussion and Comment: Garfield County Solar Array Project

Administrator Reynolds said the solar array project is currently under land use consideration by the Garfield County Planning and Zoning Commission. While the location of this project does not necessitate a formal review by New Castle Town Council, and while the benefits of expanding solar energy usage are important, the project is a highly visible proposal that could have long-lasting effects on the visual appearance of Highway 6 corridor between New Castle and Silt. Located just outside of Silt's eastern boundary,

this 48.5-acre project is being opposed by Silt's Town Council due to conflicts with Silt's Comprehensive Plan. Administrator Reynolds said New Castle is not a referral agency, there is some concern that as solar farms or solar ranches get built throughout the county it could be easier and easier for the next one to get approved and built. It is important to see how these solar farms and ranches are looked at by the county and the individual municipalities. He was in a meeting with the other town managers, and they all have similar concerns. The concern is, is the county opening up a flood gate of opportunity for solar companies and turn what is currently agriculture into land that is filled with solar panels. Administrator Reynolds asked council for their opinions: how does the county consider these types of applications that are specifically spelled out in the municipal's comp plans and how does that affect New Castle. Does the council have an opinion they would like to share with the county.

Mayor A. Riddile said New Castle should oppose it and collaborate with the Town of Silt. Councilor G. Riddile asked how the Town of New Castle would be impacted.

Councilor Hazelton said it would greatly impact New Castle. The corridor between Silt and New Castle has plans to work together. It could hurt the people in Peach Valley that could lose their property value for many years to come for a project that may not last but a short time. The project doesn't benefit New Castle at all and Councilor Hazelton opposes the project.

Councilor G. Riddile said there is no impact such as traffic, law enforcement or any other things that are done as a town. He said if the county wants to take up a separate solar zoning code, then the council should have an opinion. New Castle should have a say if the project is within the town's three mile boundary.

Councilor Carey said the council's primary duty is to the residences of New Castle, however council's secondary duty does extend past New Castle because the town provides emergency services for nearby areas, New Castle is an integrated community, there are many people who do live outside of New Castle. She said she is not opposed to a solar array, but the concern is the glare requirements and if the county has any requirements. Councilor Leland said to write a letter to the county asking the commissioners to support Town of Silt's Comprehensive Plan. New Castle believes comprehensive plans are important and should be respected. He is concerned about the location of the solar array ranch.

After discussion council made a decision to have Councilor Leland create letter to the county commissioners asking them to support municipal comprehensive plans.

MOTION: Mayor A. Riddile made a motion to direct Councilor Leland to write a letter to the county commissioners to support municipal comprehensive plans. Councilor Mariscal 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.

February 18, 2025, minutes
February Bills \$646,515.88

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 – Administrator Reynolds said hearing from Amy Moyer at the works session regarding the water right for the Shoshone Water. Ms. Moyer would like to have a resolution showing the money commitment the town is giving towards the water rights. The resolution would give Ms. Moyer show the funds are available. Administrator Reynolds said the property across the road from Riverview Park is owned by Cole Ule and he is doing some dirt work. Mr. Ule would like to put in indoor self-storage units. The application has gone to the county and New Castle is a referral agency because the project is within the town's three-mile plan. He asked the council if they would like the P&Z to review the application and make comments or bring the referral directly to the council. The council was in agreement to bring the referral directly to the council. Administrator Reynolds said there is another project coming on the south side of the river just down from RAC trucking. Excel Energy has purchased the property, and they want to build a substation. There will be a review of the substation. Administrator Reynolds said there will be a park bench in honor of Bob Gordon and to be placed either along the Rollie Gordon Trail or in Rollie Gordon Park. Administrator Reynolds said there have been conversations regarding the tree for Tom Elder. There is a planter box in front of Drifters on the corner of 6th Street and Kamm Ave. The tree could be placed in the planter box if the family agrees. Administrator Reynolds said he and Director Wenzel have a meeting with Roaring Fork Outdoors Volunteers. Administrator Reynolds said at a prior meeting Councilor Leland would like to talk about affordable housing. Councilor Leland said that council might look at requirements for affordable housing from developers. Administrator Reynolds said affordable housing is in the town's comprehensive plan. At the first meeting with the developers there is discussion about affordable housing. Planner Smith said Coal Seam and Walters Center both will have affordable housing. Administrator Reynolds said Assistant Planner Lauren Prentice has resigned and her last day will be March 28, 2025.

Town Clerk – Clerk Andis reminded the council about the CML Conference June 24-27, 2025, at Breckenridge. Please let her know if you are interested and she will make the conference and hotel reservation. Council Mariscal and Councilor Carey said they would be interested. Clerk Andis said she had finally got through all the boxes in her office that were left by prior clerks with the help of Assistant Huster. Clerk Andis said today was Assistant Huster's one year anniversary.

Town Treasurer – Treasurer Ehlers said the town did receive the FMLD Grant checks for the digester blower building and for Kay Williams Playground equipment. Treasurer Ehlers said she had completed the Pinnacle Workers Comp audit for 2024.

Town Planner – Planner Smith said the Xcel Energy substation would be a Conditional Use Permit (CUP). Xcel has turned in the conceptual plan, but not the application. There

might be an issue with the height. Planner Smith said he has received the application for Coal Seam and is in review for completeness. Planner Smith said he has met with the developers for the Walter Center.

Public Works Director – Director Wenzel said the raw water irrigation project will start again on March 17, 2025. The pump house for the irrigation water will be contracted out. Director Wenzel said he is working on finalizing the design of the wastewater treatment plant offices. Director Wenzel said he is also working on the roundabout landscaping plans and has done research on the cost of a bronze statue for the center of the roundabout. Director Wenzel said he has submitted \$180,000 grant to FMLD for the Capital Streets Maintenance Program.

Commission Reports

Planning & Zoning Commission – have not met

Historic Preservation Commission – have not met

Climate and Environment Commission – Councilor Leland said there is still a vacant seat on the commission.

Senior Program – Clerk Andis said RFTA was awarded a grant to replace two Traveler bus's through CDOT, however since the funding is federal money, the funding is on hold and not sure when RFTA would be able to replace the two buses.

RFTA – have not met

AGNC – Councilor Hazelton asked the council to review the handout regarding Nuclear Energy (**Exhibit A**). Councilor Hazelton said he currently sits on a committee for wolves. There is a possible repeal for the wolves introduction. Councilor Hazelton said he spoke with the DOLA Rep Dana said that AGNC is getting the mini grant because of New Castle. Dana is able to use New Castle as an example on how the town utilizes the funding. However, the DOLA grants could possibly be reduced from \$140 million to \$40 million going from three grant cycles to two grant cycles. Administrator Reynolds said staff was looking at going after a DOLA grant to help with the wastewater treatment plant offices.

GCE – have not met

EAB – have not met

Detox – Councilor Mariscal said this would be the final report for Detox as they have closed. She said is continuing to receive emails from vendors that still have open invoices. Councilor Mariscal said the way MindSprings had dealt with the situation was very poor. There was no communication or information.

Council Comments

Councilor Mariscal said she was in a meeting and Administrator Reynolds was there and she said it was interesting to see how many people respect Administrator Reynolds. Councilor Carey said the school has been doing survey work around the area where the raw water irrigation line would be going. Councilor Carey said her husband was asked by homeowners near the green bridge about the construction bridge. Administrator Reynolds said CDOT has been communicating with town staff when they are out doing work near the bridge.

Councilor Leland said he is writing a notice for the CML newsletter about Bob Gordons death. He asked if the council had any suggestions, please let him know.

Items for Future Council Agenda

Consider a glare requirement for solar panels in the code.

Update from Rolling Fork for the 6th Street lot.

Create a plan for the property use at 335 W. Main Street.

Create a management plan for the three affordable housing units of R2.

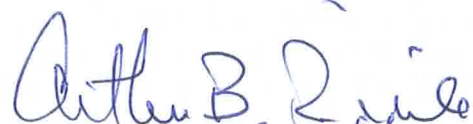
Adjourn

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

The meeting adjourned at 9:54p.m.

Respectfully submitted,





Mayor Art Riddile



Town Clerk Mindy Andis, CMC