

**New Castle Town Council Regular Meeting
Tuesday, September 19, 2023, 7:00 PM**

Call to Order

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

Pledge of Allegiance

Roll Call

Present Councilor Mariscal
 Councilor Carey
 Councilor Hazelton
 Mayor A. Riddile (excused himself at 7:25pm and returned at 7:38pm)
 Councilor Copeland
 Councilor Leland
 Councilor G Riddile

Absent none

Also present at the meeting were Town Administrator Dave Reynolds, Town Attorney Haley Carmer, Interim Town Clerk Mindy Andis, Town Planner Paul Smith, Town Treasurer Loni Burk, Assistant Treasurer Viktoriya Ehlers and members of the public.

Meeting Notice

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

Conflicts of Interest

No conflicts stated

Agenda Changes

Interim Town Clerk Mindy Andis told council item A. Discussion: Rolling Fork Food Truck had an unexpected conflict arise and would like to continue the discussion to a later council meeting. She also stated Historic Preservation Commission Chair Mari Riddile, will not be here until about 7:30 so if the council would like move item B. later in the meeting until Chair Riddile is able to attend the meeting. The council agreed.

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

~~Discussion: Rolling Fork Food Truck~~

Historic Preservation Commission Update

Historic Preservation Commission Chair Riddile reported that the commission has been working on a downtown historic preservation survey and looking into creating a historic

district. Letters were mailed out to the address that would be affected by the district to receive input. A few responses were received for not creating a district. A second round of letters were mailed to the residents that were interested in having their home designated. Chair Riddile had also made a request for the 2024 budget of \$10,000.00. The requested money is for four historic designations at \$2,000.00 each and the remaining \$2,000.00 would be for training, classes and miscellaneous expenses.

Consider Ordinance TC2023-4 - an Ordinance of the New Castle Town Council Repealing 17.84.060 of the New Castle Municipal Code (2nd reading)

MOTION: Councilor G. Riddile made a motion to approve the Ordinance Consider Ordinance TC2023-4 - an Ordinance of the New Castle Town Council Repealing 17.84.060 of the New Castle Municipal Code (2nd reading) Councilor Mariscal seconded the motion, and it passed on a roll call vote: Councilor Carey: Yes; Councilor G. Riddile: Yes; Councilor Copeland: Yes; Councilor Hazelton: Yes; Councilor Mariscal: Yes; Mayor A. Riddile: Yes; Councilor Leland: Yes.

Consider Ordinance TC2023-5 - an Ordinance of the New Castle Town Council Adopting 2020 Model Traffic Code (1st reading)

Clerk Andis said the ordinance is first to adopt by reference the most recent version of the Model Traffic Code (MTC) as allowed by C.R.S. 31-16-201. The MTC was updated in 2020, and staff recommends updating the New Castle Municipal Code to reference this newest version. The second consideration is in regard to 'Driving Under Restraint' infractions, which means to drive while your driver's license is suspended, revoked, denied or restrained, as well as 'Inoperable Vehicle' infractions. Staff has discussed this at length and determined that it is appropriate to move the above infractions into the municipal court as allowed by C.R.S. Title 42. Currently, these tickets are written into county court. It is the staff's opinion that the county would much prefer municipal courts to handle the tickets, and staff feels the municipal court can easily manage the added workload.

MOTION: Councilor G. Riddile made a motion to approve the Ordinance TC2023-5 Ordinance of the New Castle Town Council Adopting 2020 Model Traffic Code (1st reading) Councilor Carey seconded the motion, and it passed on a roll call vote: Councilor Copeland: Yes; Councilor Mariscal: Yes; Councilor G. Riddile: Yes; Councilor Hazelton: Yes; Councilor Carey: Yes; Councilor Leland: Yes; Mayor A. Riddile: Yes.

Discussion: Sign Code

Planner Smith went through the proposed sign code and proposed ordinance. As previously reported, staff has been working to make needed adjustments to the Town's Sign Code, which can be found in Municipal Code Section 17.18. Working with our Town attorneys, staff has addressed concerns which may have led to legal questions related to free speech and expression. Staff has also worked to simplify the sign code, remove unnecessary wording, and clarify sections that may have been confusing. On June 28, 2023, staff presented the proposed revisions of the sign code to the Planning and Zoning Commission for their review and comment. Following their review, and making minor changes, the Planning and Zoning Commission approved *Resolution PZ 2023-2 Recommending the Amendment of Chapter 17.18 of the New Castle Municipal Code*.

Discussion: Wildland-Urban Interface Code

Planner Smith went through the proposed Wildland-Urban Interface Code (WUI) and proposed ordinance. On March 21, 2023, Staff met with Council to review and discuss the possible adoption of the 2021 Wildland-Urban Interface Code (WUI Code). In consideration of Council's feedback, Staff revised the requirements for fire-resistant materials and the regulation of defensible space:

- Fire-resistant materials – class B is now permitted (75 or less flame spread index);
- Defensible space – only enforced on new homes;

Staff consulted with various local vendors and building officials as to the availability of both Class A and Class B fire-resistant materials. The current scarcity of Class A materials prompted moderating to a Class B requirement. Staff also reconvened with Colorado River Fire Rescue (CRFR) to further clarify best practices for mitigating vegetative fuels. At this time, the fire marshal is content with enforcing the defensible space provisions on newly build homes only.

Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Administrators Supervisory Responsibilities, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Motion: Councilor Leland made a Motion at 8:16 p.m. to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Administrators Supervisory Responsibilities, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Councilor Hazelton 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 9:18p.m. and the executive session has been concluded. The participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilor Hazelton; Mayor A. Riddle; Councilors Copeland, G Riddile, Councilor Leland, Town Administrator Reynolds, Interim Town Clerk Andis, 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.

Staff Reports

Town Administrator – Administrator Reynolds reported staff has been looking into the current Uhaul business and found there is a current conditional use permit (CUP) for the business. Therefore, Jim Shrull would need to go through the CUP process in order to move the Uhaul business to the Kamm Lot. Council had agreed to waive the CUP fees. He also said Garfield and Hecht will need to recuse themselves from representing the town when R2 Development starts the land use application process for developing a portion of Castle Valley Ranch. Administrator Reynolds has spoken with Michael Sawyer, the town’s water attorney to represent the town on the R2 Development.

Town Clerk – Clerk Andis reported her department is in the process of upgrading the phones and phone system and hopes to have the new system online by the end of next week. She also said she has started to advertise for the position in the clerk’s office and has already received 3 applications.

Town Treasurer – Assistant Treasurer Ehlers reported the finance department is doing training on new job duties and responsibilities.

Town Planner – Planner Smith reported there will be a variance application coming before council on October 3, 2023. Also received a land use application for the lot west of River Park. He has received the sketch plan from R2 Development and it is tentatively scheduled for Planning & Zoning Commission on October 11, 2023.

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – nothing to report

Historic Preservation Commission – nothing to report

Climate and Environment Commission – nothing to report

Senior Program – nothing to report

RFTA – Mayor Riddile reported Dan Blankenship, CEO of RFTA is retiring.

AGNC – nothing to report

GCE – Councilor Leland report they will be hosting a transportation summit in Glenwood Springs on Thursday.

EAB- - nothing to report

Detox – nothing to report

Council Comments

Councilor Hazelton said a piece of New Castle’s history is missing. The plaque on the green bridge at the west end of town is gone. He asked if anybody knew where the plaque might have gone?

Councilor Leland said the Dog Park Committee had received the Organization Volunteer of the year. Councilor Leand had presented the plaque to Administrator Reynolds to display in town hall. Administrator Reynolds asked if the plaque could be displayed at Public Works since they had done so much work for the park. Council Leland said that would be great. Councilor Leland said during the Burning Mountain Festival he had spoken with someone to translate the monthly newsletter into Spanish and had offered to pay the person up to \$600.00.

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

The meeting adjourned at 9:40 p.m.

Respectfully submitted,



Mayor Art Riddile

Interim Town Clerk Mindy Andis, CMC