

**New Castle Town Council Regular Meeting
Tuesday, November 19, 2024, 7:00 PM**

Call to Order

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

Pledge of Allegiance

Roll Call

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

Absent None

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

Meeting Notice

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

Conflicts of Interest

There were no conflicts on 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 –present for agenda items

Consultant Engineer – not present

PUBLIC HEARING – Opened at 7:05pm

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

MOTION: Mayor A. Riddile made a motion to Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority Councilor Copeland seconded the motion and it passed unanimously.

Consider a Special Events Liquor License Application from P.E.O. Chapter AO for an Event to be Held on December 6, 2024

Town Clerk Mindy Andis reported The PEO Sisterhood, Chapter AO, through its representative Mary Gervais, requests a special events liquor license for the PEO Sisterhood, Chapter AO Brunch. She also stated that Mary Gervais, informed staff that

Town Council Meeting
Tuesday, ~~September 17~~, 2024

November 19, 2024

Rolling Fork will cater for the brunch event and will serve champagne and orange juice in the form of mimosas. Members of PEO are Tips trained and will serve. Guests will be limited to two drinks. Alcohol will be served for a three-hour window from 10:30 a.m. to 1:30 p.m.

If Council's consensus is to approve the application for a special event liquor permit for PEO, Chapter AO's brunch event, the clerk's office staff recommends that council consider requiring a 100% I.D. check. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on alcohol sales. The application is complete, all fees are paid.

Mayor A. Riddile asked if there were any issues at the event in the past year. Ms. Gervais said no there has been no issues.

MOTION: Councilor Hazelton made a motion to approve a Special Events Liquor License Application from P.E.O. Chapter AO for an Event to be Held on December 8, 2023. Councilor Carey seconded the motion and it passed unanimously.

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

MOTION: Councilor Hazelton made a motion to recess the Local Liquor Licensing Authority and reconvene Town Council meeting and to convene as the local liquor licensing authority. Councilor G. Riddile seconded the motion and it passed unanimously.

Consider Approval of Subdivision and PUD Development Agreement for Eagles Ridge Ranch Phase 2

Administrator Reynolds said Developer Jim Columbo has finished Phase 1 in Eagles Ridge Ranch and he is getting ready for Phase 2. Assistant Town Attorney Haley Carmer said a couple of council meetings ago, council had accepted all of the public improvements for Phase 1 in Eagles Ridge Ranch which are associated with the buildings that are currently built and also included the roadway. Since the property is being developed in phases there will be a different SIA for each phase and the development agreement covers the public improvements that are installed for each phase. The public improvements are the improvements that are ultimately dedicated to the town. In Phase 1 there was some drainage infrastructure that was not part of Phase 1 but is needed for Phase 2. The drainage infrastructure is included in the list of public improvements for Phase 2 and ultimately secured as part of Phase 2. Mr. Columbo will need to come up with new security for Phase 2. Before any work gets started on Phase 2, the SIA and PUD Development Agreement needs to be approved and the security in place to cover the public improvements for the next phase. Town Engineer Jeff Simonson has looked at the plans for Phase 2 and compared those to the cost estimate and has approved those. Attorney Carmer said the agreement tracks what was done in Phase 1, just an update for Phase 2. There are no new substantive provisions in the agreement.

Councilor G. Riddile asked if there would be another agreement for the next phase. Attorney Carmer said yes for Phase 3. The public improvements are shrinking per phase because the majority of the improvements are completed upfront. Phase 3 agreement would come once Phase 2 is completed.

MOTION: Councilor G. Riddile made a motion to Approve of Subdivision and PUD Development Agreement for Eagles Ridge Ranch Phase 2. Councilor Carey seconded the motion and it passed unanimously.

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

Motion: Councilor Leland made a Motion at 7:11p.m. to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding litigation filed by Castle Valley Ranch Investors, Inc. litigation. Councilor Hazelton 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 7:15p.m. and the executive session has been concluded. The participants in the executive sessions were: Mayor A. Riddile, Councilor Mariscal, Councilor Carey, Councilor Hazelton; Councilors Copeland, Councilor G Riddile, Councilor Leland, Town Administrator Reynolds, Town Clerk Andis, Town Treasurer Viktoryia Ehlers and Assistant Town Attorney Haley. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Consider Approval of First Amendment to Settlement Agreement with CVR Investors, Inc.

New Castle resident Gary Cupples asked a few questions about the settlement agreement. He asked what the changes were between the original settlement and the first amendment to the settlement agreement. Attorney Carmer explained the original agreement was approved in May 2024 which established a process for the town for considering an amended land use application for a filing for the other party in the lawsuit. The other party in the lawsuit is now selling the property which was the subject of the land use application. The amendment to the settlement agreement is to acknowledge that since the property is being sold, the town doesn't need to consider the amended land use

application for that property and the lawsuit is being dismissed. The amended land use application has been withdrawn.

Mr. Cupples asked in the original settlement agreement, it mentions Filing 11 and Filing 12, but in the amendment to the settlement agreement is only mentions Filing 11 and nothing about Filing 12. Attorney Carmer said Filing 11 was the land use application which was the subject in the lawsuit and the town per the original settlement agreement was going to reconsider at a public hearing the amended Filing 11 application and the application has been withdrawn, therefore there is nothing to do with Filing 11. In the future if the new owner or developer wants to submit a new land use application for Filing 11 that application will get processed in accordance with the town code and the same thing goes for Filing 12. There was nothing to address with Filing 12 because no application has been submitted either before or currently.

Mr. Cupples asked if the town knows who the new buyers are. Attorney Carmer said no not at this point; once the property closes then the town will know who the buyers are.

Mr. Cupples asked if CVRI Investors, Inc owns any other properties in New Castle.

Attorney Carmer said she believes all of their properties are in Castle Valley Ranch.

Mr. Cupples asked if the Town of New Castle is paying any money to CVRI Investors, Inc. Attorney Carmer said no.

Mr. Cupples asked if the town was obligated to pay any costs in connection with the appeal or with the lower court case. Attorney Carmer said just filing fees and attorney fees, but the other side of the lawsuit has to pay the same.

Administrator Reynolds said Mr. Cupples had dropped off a letter regarding R2 Development, but there was no contact information on the letter and asked if Mr. Cupples would like a response to or come in discuss in person. Mr. Cupples said he would like a response and agreed to meet in person to discuss the letter.

Councilor Carey informed Mr. Cupples that all open land use applications are posted to the town's website.

MOTION: Councilor G. Riddile made a motion to Approve the First Amendment to Settlement Agreement with CVR Investors, Inc. Councilor Carey seconded the motion and it passed unanimously.

Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) for an evaluation of the Town Administrator, 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.

Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) for an evaluation of the Town Treasurer, 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.

Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) for an evaluation of the Town Clerk, 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 7:26p.m. to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) for an evaluation of the Town Administrator, 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.

Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) for an evaluation of the Town Treasurer, 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.

**Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) for an evaluation of the Town Clerk, 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 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 8:23p.m. and the executive session has been concluded. The participants in the executive sessions were: Mayor A. Riddile, Councilor Mariscal, Councilor Carey, Councilor Hazelton; Councilors Copeland, Councilor G Riddile, Councilor Leland, Town Administrator Reynolds, Town Clerk Andis and Town Treasurer Viktoryia 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.

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.

November 5, 2024 minutes

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

Staff Reports

Town Administrator – report was given during the work session

Town Clerk – Clerk Andis asked the council if they would like to have a work session on December 3, 2024, with two presentations or have the presentation during the regular council session. The council agreed to have the presentations during the work session. Clerk Andis said Assistant Michelle Huster was starting to cross train with Assistant Rochelle Firth in order to help out while Assistant Firth is on leave. With Assistant Huster taking on extra tasks Clerk Andis said that she and Deputy Remi Bordelon are preparing to help with the extra duties as well. Clerk Andis said Deputy Bordelon and Assistant Huster are in the middle of sending out renewal notices for business licenses and dog licenses.

Councilor Copeland asked if the town would ever consider doing a multiple year dog license. Clerk Andis said she has looked into it a few years ago, but will look into it again and see what that would look like.

Town Treasurer – not present

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – Mayor A. Riddile said he was not able to attend the meeting. Administrator Reynolds said the commission had approved the R2 final application. The application is for the rental units above VIX Park in Castle Valley Ranch. R2 will be coming to the council for final approval after the first of the year.

Historic Preservation Commission – Councilor Hazelton said they approved a letter for support to designate the cemetery as a historic landmark. HPC will be doing a presentation regarding the designation on December 3, 2024.

Climate and Environment Commission – Councilor Leland said they meet Thursday, November 21, 2024

Senior Program – have not met

RFTA – Councilor Copeland said they discussed the budget.

AGNC – Councilor Hazelton said they will meet Wednesday, November 20, 2024. This will be the last meeting of the year until February 2025.

GCE – Councilor Leland said they have received the third quarter report and will have Clerk Andis send it out.

EAB - have not met

Detox –Administrator Reynolds said at the last meeting the council stated they wanted to follow up from Detox. Administrator Reynolds asked the council what they would like to see from Detox. The council stated they would like to know about the vendors, more detailed budget 2025, current budget and update on new owners for the Detox center in the next report from the Detox center

Council Comments

Councilor Leland asked about Nutrient Farm hearing with Garfield County P&Z.

Administrator Reynolds said it was cancelled due to incomplete application. Councilor Leland said the Lions Club Turkey Dinner is Saturday, November 23, 2024, from 5:00pm – 6:30pm at the Community Center.

Councilor Carey asked about the status of the security cameras going into the parks?

Administrator Reynolds said he had no update. However, Chief Burrows had to rearrange some timelines due to the roundabout not being completed. Administrator Reynolds gave a brief update on the trespass at VIX Park with someone driving through the soccer field. The police were unable to get clean tire tracks due to the ground being so soggy.

Councilor Carey thanked everyone for their support to her while she was running for county commissioner.

Councilor Mariscal said this month is her last month with Garfield County 911 Communication board.

Mayor A. Riddile said he had attended the IMTPR meeting, and he asked CDOT if there was any funding available for WE-cycle. CDOT gave Mayor A. Riddile some ideas and he would follow up. Mayor A. Riddile said he will be having a medical procedure done and will be out for a while.

Items for Future Council Agenda

Councilor Carey said she would like to have an update from Public Director John Wenzel and Chief Burrows regarding R2 and the traffic impact.

Adjourn

MOTION: Mayor A. Riddile made a motion to adjourn. Councilor Carey
The meeting adjourned at 8:42p.m.

Respectfully submitted,



Mayor Art Riddile

Town Clerk Mindy Andis, CMC