

**New Castle Town Council Regular Meeting
Tuesday, March 21, 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 Mariscal Councilor Carey Councilor Hazelton Mayor A Riddile Councilor Leland Councilor G Riddile
Absent	Councilor Copeland

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Byram, Town Treasurer Loni Burk, Assistant Treasurer Viktoriya Ehlers, Town Planner Paul Smith, Assistant Planner Lauren Prentice, Police Chief Chuck Burrows and members of the public.

MOTION: Mayor A Riddile made a motion to approve Councilor Copeland's absence. Councilor Mariscal seconded the motion and it passed unanimously.

Meeting Notice

Clerk 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.

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Agenda Changes

There were no agenda changes.

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

Discussion: 2021 International Wildland-Urban Interface Code

Town Administrator Dave Reynolds told the council that the International Wildland Urban Interface or WUI code was another in the series of building codes and it addressed fire-safe construction in the urban wildland interface zone. He said the code will affect what will happen with building materials, therefore it was of concern to the design review committees in Castle Valley Ranch and Lakota Canyon Ranch. Administrator Reynolds said that the committees were aware of the potential code change because staff had been in discussions with them, and they embraced it.

Administrator Reynolds said that Town Planner Paul Smith and Fire Prevention Division Chief Orrin Moon will describe the code for the council as well as the proposed changes to it to customize it for New Castle.

Planner Smith and Chief Moon thoroughly reviewed the WUI code using presentation slides that were screen shared. The discussion included information on the town's growth boundary; a history of wildfires in the area; a risk assessment for fire along the I-70 corridor; fire protection under a deck on a slope; fuel modification distances from structures; a site plan showing landscaping and fuel setbacks from structures and fuel distances from one another; guidelines for defensible areas; and images of fire-resistive building materials. Chief Moon showed the council a short video clip of an ember storm test that showed how house fires started because of ember showers, which was the primary concern for fires in New Castle because of the town's proximity to wildland interface areas. Planner Smith and Chief Moon discussed the topic at length with the council. After the discussion, staff indicated that they would work on the ordinance and bring it to a future council meeting to adopt the WUI code along with some amendments specific to New Castle.

Ordinance TC 2023-1 - an Ordinance of the New Castle Town Council Amending Chapter 16.12.120 of the Municipal Code (1st reading)

Administrator Reynolds reminded council of the discussion of the ordinance at the previous council meeting and the issue was the way to handle complaints about barking dogs. He told the council that the ordinance was in redline version so the council could see the proposed changes. He also noted that it was necessary for the council to make

decisions about the fines that would be imposed on offenders. Administrator Reynolds said that Chief Burrows suggested that the first offense be a warning; second offense be a \$25.00 fine; third offense be a \$50.00 fine; fourth offense be a \$100.00 fine and the fifth offense be up to \$1,000.00, but that would be decided by the municipal judge.

Councilor Carey asked what would happen if it was more than just one dog. Administrator Reynolds said that if it were different animals, it would be a different complaint.

MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2023-1, an Ordinance of the New Castle Town Council Amending Chapter 16.12.120 of the Municipal Code on 1st reading, with the amendments of the staff-suggested fines and one punctuation correction. Councilor Hazelton seconded the motion, and it passed on a roll-call vote: Councilor Leland: yes; Councilor Mariscal: yes; Mayor A Riddile: yes; Councilor Carey: yes; Councilor G Riddile: yes; Councilor Hazelton: yes.

Capital Committee Report

Councilor G Riddile provided a slideshow presentation on the 2023 Capital Improvement Plan for the town. The slideshow included the 2023 budget; project identification and selection; a proposed 2023 capital improvement list; a suggested list of future capital projects TBD for the remaining funds; and a chart of the utility fund balance including 2023 and projections through 2028.

Staff and the council discussed the proposed capital projects to be funded for the year in depth. The town council agreed with the report and the ways the committee had chosen to fund projects.

Consider a Letter of Support to Reduce Train Speeds Through New Castle

Administrator Reynolds said that during an earlier conversation regarding the Uinta Railway Project, it had come up that the train speeds through New Castle seemed pretty fast. Councilor Carey took that issue on as a project.

Councilor Carey said that essentially, she wanted the trains to slow down. She said that there were approximately a thousand derailments per day in the United States, which was about three per day, and speed was a substantial part of that.

Councilor Carey said that the draft letter included a count of the number of trains that passed through town on a daily basis, and that information was not easy to locate. She also said that Board of County Commissioner John Martin wanted all the council member's signatures.

The council discussed the letter and railroad speed limits and rules. Councilor Carey said that she had met with a State Representative who was on the transportation committee who gave Councilor Carey some ideas. Councilor Carey said she has an upcoming meeting with Senator Will, she was working on a meeting with Elizabeth Velasco and had a meeting with Jeff Bridges who is a Front-Range State Senator who was also interested in train speeds. Councilor Carey said she had had a conversation with Senator Bennet's office and Representative Neguse's office. She also said she was working on Representative Bobert's office to try to get more attention to the issue because it was more than New Castle that it was affected.

The council thanked Councilor Carey for her work. The council made a few corrections to the letter.

Consent Agenda

February 21, 2023 minutes

March 7, 2023 minutes

Resolution TC 2023-6 - Approving an MOU with Garfield County for Mosquito Control
Kum & Go Modification of Premises for FMBW Liquor License

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

Staff Reports

Town Administrator – Administrator Reynolds said that he and Administrative Assistant Rochelle Firth had met with the county emergency manager, Chris Bornholdt, and submitted the town’s evacuation plan to him for review. He said they hoped to get feedback from the county on it. In addition, Administrator Reynolds said that he and Administrative Assistant Firth had attended an all-day meeting with Red Cross, which was fascinating. He said they learned about a local effort by Evan Zislis to put together a coalition of volunteers who will be first responders for the Red Cross. Administrator Reynolds said that the town had been approached by a local artist Greg Hensley who wanted to rejuvenate the mural on the community center building that had been painted by Mary Pilon, with whom Mr. Hensley was friends. The council agreed the staff should move forward with the rejuvenation. Councilor Leland said that the painting had been done as part of the ‘Art in Public Places’ project that Patty Ringer had initiated some years ago. Councilor Leland said there was a new artists’ group in town, and he expected they may want to do something similar. Administrator Reynolds said that he will be attending a regional summit the following day and would not be in the office but will be back for the bear meeting. Administrator Reynolds said that he will also be out of the office Thursday and Friday and will be available by phone. Administrator Reynolds said that staff were also working on the Colorado Emergency Plan Assessment that police chiefs, managers and PIOs have been invited to. All those in attendance will do an assessment for the state, and the results of that assessment will help determine how to distribute grant funds through DOLA for emergency management preparedness and equipment. Administrator Reynolds said that he had met with the owners of Rolling Fork Food Truck who were interested in one the lots in the downtown, perhaps 6th and Main or the Kamm Lot for the purpose of building a structure to house their truck and provide a commercial kitchen and then provide some sort of dining experience. He said there will be more information upcoming. Administrator Reynolds said that he and Planner Smith were both working with the owner of Columbine Storage in regard to the necessary excavation permit needed for the landscaping work. Administrator Reynolds said that the owner of Columbine Storage wanted to place storage containers on the property but not build the office building. He said that the proposal to the council and subsequent CUP approval was that they were moving their operations staff to New Castle. Administrator Reynolds said that he and the attorneys were working to come up with an agreement and it was not going well. He said

he had met with Attorney Carmer, and it looked like it will have to be negotiated by the attorneys. Administrator Reynolds said that the mediation date for the CVR Investors lawsuit had been set for May 19, 2023, and it will be in Denver. Administrator Reynolds reminded everyone that the April 4, 2023, work session will be held in Lakota Canyon Ranch at the corner of Faas Ranch Road and Castle Valley Boulevard to view a story pole for building heights. Administrator Reynolds said that pickleball was alive and well and causing some dismay on the courts. He said that he and Recreation Director Hannah Bihr will meet with some of the more vocal folks involved to try to settle the disputes. He said that staff may post some courtesy signs that limit play time. Administrator Reynolds said that he had sent a letter from the Lakota HOA Board to the council members the previous week regarding the Lakota pool use and rules and had some personal conversations with several council members. He asked for other feedback if there was any. He noted that one of the reasons the pool was not open to the public was due to the cost of insurance on the pool if it were open to the public. Administrator Reynolds said that he and Attorney Carmer were working with the Roseman Ditch board regarding an easement for the trail. Administrator Reynolds said that staff were working on a project to make improvements to the raw water system which included piping the Red Rocks ditch using ARPA funds. He said that the pipe itself would be approximately \$175k, and although it will be discussed during the capital plan committee report, the procurement code required council approval due to the amount.

Town Clerk – Clerk Byram told the council that Deputy Town Clerk Mindy Andis was out on vacation all week. Clerk Byram said that had done a bit of research on natural medicine which had been the topic of the work session. Clerk Byram said she and several other staff members had a meeting with a representative of Monsido, which was the software company that the town was using to identify ADA issue on the town website. She said that the meeting was a more in-depth look at the website and there were a significant number of pages that needed work. Deputy Town Clerk Remi Bordelon had done all the work making the changes to the website to bring it into compliance. Clerk Byram said the senior programs will meet on Friday in council chambers for a hybrid, in-person/virtual meeting. Clerk Byram said she had scheduled a meeting with Administrator Reynolds, Public Works Director John Wenzel, Deputy Bordelon, Deputy Andis and some of the staff from Utilities to have a last opportunity to refine the proposals for possibly changing the way the town does water meter reading and utility billing. Clerk Byram said that she and Administrator Reynolds will be meeting with the new local area manager for ProVelocity the following Monday for introductions. Clerk Byram that the state was very far behind in approving liquor license renewals and that alcohol distributors had been asking for letters from the clerk's office to verify that license holders had actually applied for their renewals. She said that her office was helping as much as possible, but there had been a circumstance where a liquor order was held up for one of the liquor stores. Clerk Byram said that she had spent some time getting quotes for equipment for the community center.

Town Treasurer – Treasurer Burk said that for 2022 the town ended up with about 2.477 million in sales tax revenues, which was about 17% higher than the prior year, and \$327k over budget. She said that was the reason there was so much in the TBD capital fund. Treasurer Burk said that 2021 was the first full year the town collected tobacco tax, and that amounted to \$410k. in 2022 that fell to \$379k which is about 8% down from 2021.

In looking at January and February 2023, it was down about another 9% in the first two months over last year. She said it was still a great thing but was not as much as previously. Treasurer Burk said that when the bulk water stations were built, the town's net cost on those was \$109k. The first full year the town collected \$35k, and in 2022 it was \$58k, and the first two months of 2023 the town collected about \$12k, so essentially the town had recovered the whole cost of the project. Treasurer Burk said that lodging tax had increased in January from 2.5% to 5%. She said that after that ballot issue passed, the clerk's office had notified businesses of the increase, but in January some were still only collecting the 2.5%. She said that the clerk's office was assisting in reviewing those tax forms when they came in. Treasurer Burk said that lodging tax was up about 60% from the previous year. Treasurer Burk her office had been doing a lot of training, and that she would be in New Castle the following Monday and staying for two weeks.
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 said that the CEC had met and that they will be bringing a request to the council to increase the commissioners' terms of office from two years to four years.

Senior Program – nothing to report.

RFTA – Mayor A Riddile said that ridership was up again, and that they were trying to figure ways to get Silt and Rifle on board.

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

Councilor Carey said that the bear meeting will be the following evening.

Councilor Carey said that there will also be a bear meeting all in Spanish and it will be structured differently. She said there will be kids activities and possibly dinner, and the meeting will cover all the bases so it will be a bit longer than the others. She said it will be a joint effort between the town and CPW.

Councilor Hazelton said that the insurance issue was brought up in regard to the Lakota pool and that a lot of municipalities had agreements and partnerships with private entities for insurances and the like. He said that if the HOA did not want a conversation, that was fine, but if they were willing to then Councilor Hazelton said that he felt the financial burden could be lessened if it was done in the right way. Councilor Hazelton said that it had been a sore subject for him since 2018 when they made the pool private. He said that he also felt they had given it a chance, or wanted to. Administrator Reynolds said that the HOA was more than willing to come to council if that was what the council wanted. The council agreed they would like to speak with the HOA. Administrator Reynolds said that he will make that happen.

Councilor Leland said that he had a request from a resident who was in the filing 11 meetings. The request was that the town have more publicity about development when

there were public hearings at P&Z. Rather than posting just on the site, they wanted it widely publicized. Administrator Reynolds said that that legally there were rules about how to announce those meetings. If the town went above and beyond that it made a case for a developer to cry foul to say that the town was over publicizing trying to draw people in.

Councilor Leland said that one of the town residents, Sally Linden, took it upon herself to do some cleanup. She went to the town hall and got some garbage bags and picked up trash along Castle Valley Boulevard from Shibui down to the intersection.

Councilor Leland said that he had been asked about town-wide Wi-Fi. He said that he did not know what that was so he researched it. Apparently there were towns who had Wi-Fi hubs on poles around town to provide free Wi-Fi to residents who could not afford it on their own. He said that he promised to mention it at council and he had done so.

Mayor A Riddile said that he felt the town needed to look at a code enforcement officer, and another assistant for administration.

Mayor A Riddile said that there were ongoing parking and maintenance issues at senior housing and he and Administrator Reynolds had been speaking with CRHDC. He said that he was going to insist that Arturo Alvarado come to New Castle to address the issues.

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

The meeting adjourned at 8:27 p.m.

Respectfully submitted,





Mayor Pro Tem Grady Hazelton



Town Clerk Melody Byram, CMC