

**New Castle Town Council Regular Meeting
Tuesday, November 5, 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, Administrative Assistant Rochelle Firth 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

Administrator Reynolds asked for item B. Presentation from CREVEDP to be removed as well as the three staff evaluations due to the weather conditions.

Citizen Comments on Items not on the Agenda

New Castle Resident Stephen Vasilakis stated he had voiced concerns about vehicles using 3rd Street as a turnaround.

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: Councilor Leland made a motion to Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority Councilor Carey seconded the motion and it passed unanimously.

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Consider Resolution TC 2024-22 – A Resolution of the Town Council of the Town of New Castle Approving an Application from Pig & Duck, LLC for a Hotel & Restaurant License

Town Clerk Andis said Pig & Duck has applied for a Hotel and Restaurant Liquor License for the location of 316 West Main Street. They were issued a temporary license on August 27, 2024, as a transfer liquor license from Eat Bistro and Drinks. The applicant submitted all the required documentation for the application October 3, 2024. The background checks have come back on all the owners and there was nothing in the background to be a concern or that would not allow for approval of the liquor license. The applicant has been very easy to work with and cooperative in providing extra documents as requested. The staff and owners have been Tips trained, and Clerk Andis has received the certificates. At this time staff recommends approval of the liquor license for Pig & Duck, LLC.

Robert McConnell, owner, gave a brief background on himself and explained the focus of Pig & Duck which is Artisan Ramen and Japanese Steakhouse inspired entries. The cuisine has an influence from Japan and Southeast Asia.

Councilor Hazelton said at one time Eat Bistro extended their liquor license to have seating on the sidewalk. Mr. McConnell said at this time he will not be doing that at this time.

Mr. McConnell said he is preparing a Bistro style menu with more price sensitive items as well as a quicker meal.

New Castle Resident Stephen Vasilakis stated he has concerns about the storage of cooking oil barrels. He suggested getting a bear proof trash can and better container for the oil. Mr. McConnell said that we would speak with the grease removal company to see if there is something different or a better solution for disposing of the grease.

The council welcomed Mr. McConnell and wished him well.

Public hearing was closed 7:12pm.

MOTION: Mayor A. Riddile made a motion to approve Resolution TC 2024-22 – A Resolution of the Town Council of the Town of New Castle Approving an Application from Pig & Duck, LLC for a Hotel & Restaurant License Councilor Mariscal seconded the motion and it passed unanimously.

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

MOTION: Councilor Leland made a motion to Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting Councilor Mariscal seconded the motion and it passed unanimously.

~~**Presentation—Colorado River Valley Economic Development Partnership (CRVEDP) Alicia Gresley removed**~~

Consider Use of Collected Plastic Bag Fees

Administrator Reynolds said plastic bag fees that were remitted by local businesses to the town beginning in January of 2023. Following guidelines spelled out in House Bill 21-1162,

businesses are required to charge customers a fee of 10 cents per bag at the point of sale and remit 60% of funds collected to the local municipality. That 60% of the fee revenue can be used by the municipality or county to pay for administrative and enforcement costs and any recycling, composting, or other waste diversion programs or related outreach or education activities.

Administrator Reynolds gave examples of projects which the funds could be used for. After brief conversation Commissioner Leland asked Administrator Reynolds to attend the next Climate and Environment Commission meeting to discuss the commission's recommendations.

Recess the Town Council Meeting, Convene as the Water and Sewer Enterprise

MOTION: Councilor Hazelton made a motion to Recess the Town Council Meeting, Convene as the Water and Sewer Enterprise Councilor Mariscal seconded the motion and it passed unanimously.

Consider Resolution 2024-E-1, An Resolution of the New Castle Water & Sewer Enterprise Temporarily Increasing Water and Sewer Charges

Administrator Reynolds explained that for water and sewer service rates during the past five years, the enterprise board determined had that a 3% annual rate increase was sufficient to keep pace with rising costs and expenses. For 2025 town staff is recommending a 5% rate increase to help offset steadily rising operational costs and to better position the enterprise fund balance for upcoming capital projects.

Administrator Reynolds explained that during the past five years raw water rates have increased at a rate of 3% per year. Town staff recently conducted a survey of the costs of operating the raw water irrigation system and have determined that there is a large gap between revenues generated by the sale of raw water and the actual costs to maintain and operate the system. Staff recommended adjusting the raw water irrigation water rates from the current rate of \$6.64 per month to a new rate of \$12.64 per month.

Administrator Reynolds said staff anticipates making similar recommendations for the next several years.

Councilor G. Riddile asked when staff looked at the rate increase for raw water irrigation did staff take into account the amount of raw water irrigation the town uses since the town and the school are the largest users of the raw water. Administrator Reynolds said he would need to look back at the spreadsheet.

MOTION: Mayor A. Riddile made a motion to Approve Resolution of the New Castle Water & Sewer Enterprise Temporarily Increasing Water and Sewer Charges Councilor Carey seconded the motion and it passed unanimously.

Consider Adjustment of Bulk Water Sales Fees

Administrator Reynolds explained that in 2019, the town received an FMLD grant, which, along with primarily self-performed construction, enabled the completion and opening of a

new Bulk Water Sales Facility in early 2021. The facility is recognized for its reliable service and high-quality potable water, serving users without access to a domestic water supply. The current bulk water rate is \$13.80 per 1,000 gallons. While this rate positions New Castle competitively—not the lowest nor highest in the region, it reflects excellent value given the quality of both the water and service provided. After reviewing the program, town staff recommends adjusting the bulk water rate to \$15.20 per 1,000 gallons starting in January 2025 to ensure the continued success and sustainability of the service.

Adjourn the Water and Sewer Enterprise, Reconvene the Town Council Meeting

MOTION: Councilor Hazelton made a motion to Adjourn the Water and Sewer Enterprise, Reconvene the Town Council Meeting Mayor A. Riddile seconded the motion and it passed unanimously.

Consider Approval of Agreement to Terminate Easement in Longview, Lakota Canyon Ranch

Assistant Town Attorney Haley Carmer explained that when Lakota Canyon Ranch first got approved and all the infrastructure agreements were being put into place. There were two blanket easement agreements put into place over all of Lakota Canyon Ranch. The easement would allow the developer to install all the utility and drainage infrastructures. The easement was assigned to the town in order for the town to maintain and use the public utilities and drainage infrastructures as needed. With the platting of Longview, the developers attorney was looking to clean up the title and the blanket easement is no longer necessary. The developer would like to terminate the blanket easements with respect to the plated lots that are in Longview Phase 1. The reason for terminating the blanket easement is because on individual plat will establish the easements needed for utilities and drainage.

MOTION: Councilor Hazelton made a motion of Approval of Agreement to Terminate Easement in Longview, Lakota Canyon Ranch Councilor Copeland seconded the motion and it passed unanimously.

Budget Update

Treasurer Viktoriya Ehlers reviewed the budget changes with the council.

General Overview

1. General Fund balance went from \$3,606 to \$14,606
2. Utility Fund went from surplus of \$113,521 to \$114,698
3. CTF Fund went from \$186,659 to \$166,659

Notes & other considerations:

Capital/Other Items

A. Discretionary expenditures included in the current version of the 2025 budget are:

General Fund –

Donations to Special Interest Groups & Committees

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- Rides & Reggae Event 10-5040-294 \$0.00 – decrease from \$10,000
 - New Castle Trails 10-5075-704 \$0.00 – decrease from \$30,000
- and expense for Trails Maintenance of \$20,000 was moved from GF to CTF.

B. Conservation Trust Fund

- Added \$20,000 donation for KSE playground – joint grant for FMLD.

C. Grants

- Got awarded FMLD Grant for \$25,000 to offset the purchase of Kay Williams Playground in the amount of \$54,862 (10-5075-701 Capital Park Improvements).

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 Hazelton made a Motion at 8:07p.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 G. Riddile 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 8:24p.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 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.

~~**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.~~

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.

October 15, 2024 minutes

October Bills \$996,443.42

Liquor License Renewal – Feather Petroleum dba: Stop-N-Save

Liquor License Renewal - Tapatios

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 staff has started working with the DOLA local rep for a grant for the wastewater treatment plant offices. The town did receive an FMLD grant for a portion of the cost and money from the ARPA funds, but there still is not enough money for the project. The DOLA rep believes the town would have a strong scoring for the grant application. Administrator Reynolds said he has had a local realtor complain about not being allowed to have open house signs in public rights of ways because it is part of the sign code that doesn't allow signs in public rights of ways. The council agreed not to allow signs in the rights of ways and to follow the code. Administrator Reynolds said Public Works Director John Wenzel, Utility Manager Daniel Becker and himself met with Town Water Engineer Tom Zancanella and Town Water Attorney Mike Swayer. There are three issues with the state laws changing in regard to water. The first one is the state is getting stricter with how the town monitors the water we pull from the creek and from the river and how the water goes back into the system through the wastewater treatment plant or other diversions. In the next few years, the state will be wanting data regarding the intake and the output of the water. The town is not overusing water rights. As the state gets stricter meters will need to be installed at each location and staff will need to run reports. The second is how the town uses the river water so those rights are protected for the town. The third is the staff working with SGM on a water audit.

Town Clerk – Clerk Andis stated there was nothing new to report.

Town Treasurer – not present

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – have not met

Historic Preservation Commission – Councilor Hazelton was not able to attend the meeting

Climate and Environment Commission – Councilor Leland said the commission set New Castle's Earth Day for April 26, 2025 and going to expand the event into Burning Mountain Park.

Senior Program – Councilor Copeland said nothing new to report

RFTA – have not met

AGNC – Councilor Hazelton said DOLA was at the meeting and did a presentation.

GCE - have not met

EAB - have not met

Detox – Councilor Mariscal said the update was given during their presentation.

Council Comments

Councilor Copeland said she had noticed the Park and Ride had been mowed and wanted to thank whoever did it.

Councilor Carey said the mayor, Administrator Reynolds and herself met with Re2 School District to discuss SRO's. At this time there will be continued conversions between the town and the school district.

Mayor A. Riddile said Nutrient Farms will be at a public hearing with Garfield County P&Z on Wednesday, November 13, 2024, regarding residential single-family homes with restaurants and a water park. Elk Creek Elementary will have their annual field trip to the water and wastewater treatment plants on Thursday, November 14, 2024.

Items for Future Council Agenda

Administrator Reynolds reviewed the council the agenda items for the next council meeting.

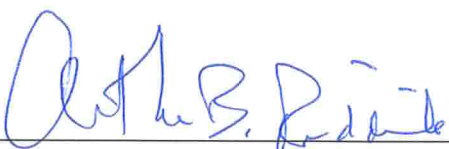
Adjourn

MOTION: Mayor A. Riddile made a motion to adjourn. Councilor Carey

The meeting adjourned at 8:47p.m.

Respectfully submitted,





Mayor Art Riddile



Town Clerk Mindy Andis, CMC

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