

**New Castle Town Council Regular Meeting
Tuesday, September 5, 2023, 7:00 PM**

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

Call to Order

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

Pledge of Allegiance

Roll Call

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

Absent Councilor Mariscal

Also present at the meeting were Town Administrator Dave Reynolds, Town Attorney David McConaughy, Interim Town Clerk Mindy Andis, Town Planner Paul Smith, Assistant Treasurer Viktoriya Ehlers, Town Engineer Jeff Simonson and members of the public.

MOTION: Councilor Hazelton made a motion to approve Councilor Mariscal absence. Councilor Copeland seconded the motion and it passed unanimously.

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

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no Citizen Comments

Consultant Reports

Consultant Attorney – Attorney McConaughy reported the Environmental Protection Agency (EPA) has come out with new rules on wetlands in the recent United States Supreme Court ruling. The Supreme Court decision on Sacket vs. EPA, the Federal and State of Colorado are now needing to re-evaluate the regulations. Due to the ruling there might be some new legislation on how to regulate and how to define the “waters of the United States”. The argument was if a body of water is “waters of the United States” when

the water is only available part of the year. Also if the body of water large enough to float a canoe in it and float to the ocean, does the Federal Government have control over it.

Consultant Engineer - present for agenda items

Items for Consideration

YouthZone Update Presentation

Mr. Ali Naaseh-Shahry Data and Development Specialist with YouthZone. Mr. Naaseh-Shahry greeted the council and thanked them for their support. He reviewed his presentation with council.

He said there were 36 unique clients from New Castle:

- 69% male, 29% female, 2% non-binary
- . 49% Caucasian, 47% Latino, 2% other or multi-racial
- . 79% court referrals, 12% school and law enforcement referrals
- . Top reasons for referral include possession of marijuana, motor vehicle theft, criminal trespass, criminal mischief, and parent consultation
- . 97% non-reoffense rate and 95% completion rate
- . 34% reported improvement in at least one survey area

However, the clients are not just within New Castle town limits, but anyone with an 81647 zip code.

Consider Resolution TC 2023-10 - a Resolution of the New Castle Town Council Approving a Memorandum of Understanding Wildfire Collaborative

Town Administrator Dave Reynolds said the Memorandum of Understanding (MOU) is between twenty-three partnering agencies which include Municipalities, Forest Service, BLM, and Fire Districts. The purpose of this MOU is to document the cooperation between the agencies to establish an informal collaborative with the collective goal of reducing wildfire risk by identifying, prioritizing, and implementing projects aimed at creating fire resilient landscapes and fire-adapting communities while focusing on community engagement, education, and inclusion.

As previously reported, New Castle staff have been involved in this project over the past several months. Staff meets at least once a month with partner agencies and organizers to determine how this collaborative can best set aside political boundary lines and work to identify high priority projects that might be the best use of mitigation funding. We have been impressed by the collaborative ability to consider the greater good of the region by mapping high priority projects and goals.

Paul Stepp Executive Director with Middle Colorado Watershed Council (MCWC). Ms. Stepp greeted the council and thanked them for their support. She reviewed her presentation with council.

MOTION: Councilor G. Riddile made a motion to approve the Resolution TC 2023-10 - a Resolution of the New Castle Town Council Approving a Memorandum of Understanding Wildfire Collaborative Councilor Carey seconded the motion, and it passed unanimously.

Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) specifically regarding pending litigation and related matters involving CVR Investors

Motion: Councilor Leland made a Motion at 7:48 p.m. to go into Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) specifically regarding pending litigation and related matters involving CVR Investors

Councilor Carey 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 8:01 p.m. and the executive session has been concluded. The participants in the executive sessions were: Councilors Mariscal and Carey; Councilor Hazelton; Mayor A. Riddle; Councilors Copeland, G Riddile; Town Administrator Reynolds, Interim Town Clerk Andis, Town Attorney McConaughy. 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 (2) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S Section 24-6-402(4)(e) concerning the Kamm lot lease

Motion: Councilor Leland made a Motion at 7:48 p.m. to go into Executive Session (1) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) concerning the Kamm lot lease.

Councilor Carey 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 8:14 p.m. and the executive session has been concluded. The participants in the executive sessions were: Councilors Mariscal and Carey; Councilor Hazelton; Mayor A. Riddle; Councilors Copeland, G Riddile; Town Administrator Reynolds, Interim Town Clerk Andis, Town Attorney McConaughy. 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 Lease Agreement for the Kamm Lot

Attorney McConaughy stated that in executive session council gave direction to prepare a letter of intent with a draft lease agreement for the Kamm Lot and let Mr. Shrull react to the letter. Then, once there is an agreement to the terms of the lease agreement then the lease agreement would come back to council for final approval.

Consider Ordinance TC2023-3 - an Ordinance of the New Castle Town Council Amending Sections 15.080.020 and 15.10.020 of the New Castle Municipal Code Regarding Building Permit Valuation Calculations (2nd reading)

MOTION: Councilor Leland made a motion to approve the Ordinance TC2023-3 an Ordinance of the New Castle Town Council Amending Sections 15.080.020 and 15.10.020 of the New Castle Municipal Code Regarding Building Permit Valuation Calculations (2nd reading). Councilor Hazelton seconded the motion, and it passed on a roll call vote: Councilor Hazelton: Yes; Mayor A. Riddile: Yes; Councilor Leland: Yes; Councilor Carey: Yes; Councilor Copeland: Yes.

Consider Ordinance TC2023-4 - an Ordinance of the New Castle Town Council Repealing 17.84.060 of the New Castle Municipal Code (1st reading)

MOTION: Mayor A. 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 (1st reading). Councilor Carey seconded the motion, and it passed on a roll call vote: Mayor A. Riddile: Yes; Councilor G.Riddile: Yes; Councilor Leland: Yes; Councilor Hazelton: Yes; Councilor Carey: Yes; Councilor Copeland: Yes.

Direction: Regarding Code Section 13.012.030 (c) Reading of Meters

Interim Town Clerk Andis said during a regular council meeting held earlier this year staff presented the idea of adjusting the total number of times that town staff reads individual residential water meters. The idea was that during winter months reading individual water meters is not needed because very few households exceed their minimum billing limits. During the summer months, staff noted that it is possible to reduce the total number of meter readings while still providing accurate averaged bills to town residents. Meters would be read in April, May, July, September and October. June and August bills would be estimated. At that time staff was under the impression there would need to be a code change to adjust the number of times the meters are read in a year. After some research that is not the case. The code 13.12.030(3)(c) "*Town staff shall read the water meters at such times as the town council requires, make proper record of each meter reading, and file same with the town clerk*". Clerk Andis said staff would like to have the change go into effect November 1, 2023.

Council agreed to the meter reading schedule change.

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.

August 15, 2023 Minutes

Dillon Companies, LLC dba: City Market #41 Fermented Malt Beverage and Wine License Renewal

August Bills of \$679,031.24

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

Staff Reports

Town Administrator Reynolds said the police department had a good interview with a potential new hire as a police officer. After the interview there was a job offer made. The potential officer is a year and half officer experience and is a local resident. He also stated CDOT will be repaving the overpass and the interchange in the upcoming days.

Interim Town Clerk Andis said the clerk's office is gearing up for Burning Mountain Festival. The Contract with CDOT for funding part of the roundabout has been fully executed.

Assistant Town Treasurer Ehlers said the town has received the annual Mineral Lease and Severance Tax distribution. Health insurance will increase by 5% for 2024. Finance has received all the budget worksheets from all the department heads and will be busy working on the budget for 2024.

Town Planner Smith said there are a few land use applications pending and should start going to the planning & zoning commission soon. He is working on the sign code and building code changes. There will be a variance application coming to council in October. Public Works Director – not present

Commission Reports

Planning & Zoning Commission – nothing to report

Historic Preservation Commission – Councilor Copeland reported the commission had sent out letters to the residents who were in support of the historic district letting them know there was not enough support for a historic district. However, the residents could still go through the process to be historic designated.

Climate and Environment Commission – nothing to report

Senior Program – Clerk Andis reported the county is looking at replacing a couple of their Traveler vehicles this year. They are also looking at the possibility of getting one electric vehicle, however those vehicles are almost double the cost of a fuel vehicle and they are looking at what grant opportunities are out there.

RFTA - nothing to report
AGNC - nothing to report

GCE – Councilor Leland reported he was contacted about signing a letter of support for a grant of funding to be used for the adoption of the new Energy Code with the five towns who are represented and Garfield County. The grant money would be funding to the towns if they needed help with the study of the code or training on the new code. The letter wanted to commit the council into adopting the code. Councilor Leland had explained that the letter couldn't be signed since the energy code has not been discussed at council to adopt.

EAB – nothing to report
Detox – nothing to report

Council Comments

Councilor Carey said she had attended the New Castle Community Conversations at the library. The conversation was with the police department. The person who is putting the conversations together is no longer with the library, therefore the library was asking with the town would be interested in partnering with them to continue the program. During the gathering, participants expressed concerns up about speeders on Castle Valley Boulevard.

Mayor Riddile said he along with Administrator Reynolds and Public Works Director Wenzel had met with the landscaping architect regarding the roundabout.

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted,



Mayor Art Riddile

Interim Town Clerk Mindy Andis, CMC