

**New Castle Town Council Meeting  
Tuesday, April 16, 2019, 7:00 p.m.**

**Call to Order**

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

**Pledge of Allegiance**

**Roll Call**

Present	Councilor Owens 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 Clerk Melody Harrison, Public Works Director John Wenzel, Town Engineer Jeff Simonson and members of the public.

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

**Meeting Notice**

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC 2019-1.

**Conflicts of Interest**

There were no conflicts of interest.

**Agenda Changes**

Clerk Harrison told the council that she wanted to add a proclamation to the agenda designating Arbor Day. The council agreed.

**Citizen Comments on Items not on the Agenda**

Doug Goldsmith, Sales Manager for Mountain Waste and Recycling. Mr. Goldsmith Greeted the council. He told the council that a larger company called Waste Connections had purchased his company, Mountain Waste and Recycling. He explained that the purchase was a stock purchase, not an asset purchase and that Mountain Waste and Recycling would remain as it is, the same name, staff and operations and were still a stand-alone company. The advantages were that their employees now had a better health insurance option and 401k plan, and a safety plan that was more robust. Mr. Goldsmith said they

did not foresee any other changes. He said that Waste Connections owned and managed many waste companies across the nation but left them alone as a stand-alone business. The council thanked Mr. Goldsmith.

### **Consultant Reports**

Consultant Attorney – Town Attorney David McConaughy updated the council on the Ferrin case that was heard in court on May 8, 2019. Attorney McConaughy said that the judge had found that the stipulation that was entered into in March of 2018 had been violated and therefore Ms. Ferrin was in contempt. No fines or penalties were imposed. The conclusion was that the court issued an order closing the building, effective at noon on Friday, April 19, 2019. He said that notice had been posted on the building. A follow-up hearing will also take place on Friday, April 19, 2019 so that the police department and public works department can provide evidence to the judge on the costs associated with physically closing and securing the building. By the town municipal code, those costs were to be borne by the property owner. Contractors will be allowed in the building to make repairs to cure the violations. The order will remain effective indefinitely, and there will be a review hearing held in two months to see where it stands. Attorney McConaughy said that Judge Maurer was fantastic in the way that she conducted the hearing.  
Consultant Engineer – not present.

### **Items for Consideration**

#### **Introduction: Garfield County Library District Executive Director Brett Lear**

Town Administrator Dave Reynolds introduced Executive Director Brett Lear. Director Lear greeted the council and thanked Town Administrator Dave Reynolds for inviting him. Director Lear described his experience working with libraries. He also described some of the programs the libraries had. He invited the council to partner with the district on projects and events as they were happy to be involved with the town. Director Lear said that the district was exploring a possible mil levy for the November ballot, and he felt confident that the general public loved their libraries and supported them. A public survey currently supported the mil levy. Director Lear spoke briefly about providing more programs on Fridays when there was no school. In addition, they were working with CMC for classes for parents and children.  
The council thanked Director Lear.

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

**MOTION: Councilor A Riddile made a motion to recess the Town Council meeting and to convene as the local liquor licensing authority. Councilor Owens seconded the motion and it passed unanimously.**

#### **Consider an Application for a Special Events Liquor License from the Town of New Castle for the Ritter Plaza Music in the Park Event**

Clerk Harrison introduced Sue Ruggles' daughter Kathryn to the council, stating that Kathryn will be managing the Music in the Park event in 2019. Clerk Harrison said that

previously, Sue Ruggles had requested that the council consider holding the liquor license for the August, September and December dates for Music in the Park. Liquor licenses for June, July and August dates for Music in the Park will be held by the Community Market and RFMBA.

Clerk Harrison said that because there were so many outside agencies asking the town to hold liquor license for them, staff had changed their process for review. She said they now asked the applicants to answer questions related to scheduling in the alcohol tent as well as the procedures that would be utilized in the event they had any alcohol-related issues. Clerk Harrison told the council that unfortunately, the Ritter Plaza event had an issue the prior year where a guest was refused service, and she said she felt confident the volunteers for the event would, or could handle issues in the future.

Clerk Harrison said that staff recommended approval.

**MOTION: Councilor Owens made a motion to approve a Special Events Liquor License for the Town of New Castle for the Ritter Plaza Music in the Park Event. Councilor Hazelton seconded the motion and it passed unanimously.**

**Consider an Application for a Special Events Liquor License from the Town of New Castle for the Cinco de Mayo Event**

Clerk Harrison told the council that the event was the second annual Cinco de Mayo event and would be held on 5<sup>th</sup> Street, between Main Street and the alley. Clerk Harrison said that Special Events Coordinator Debbie Nichols was the event manager and would attend the event on behalf of the town. Three other experienced volunteers would staff the alcohol tent during the four-hour event. Clerk Harrison said that the application was complete and staff recommended approval.

**MOTION: Councilor Hazelton made a motion to approve a special events liquor license for the town of New Castle for the Cinco de Mayo event. Councilor Owens 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 and to reconvene the town council meeting. Councilor AR seconded the motion and it passed unanimously.**

**Consider Request for Shared Water/Sewer Taps in Whitehorse Village**

Administrator Reynolds introduced Ron and Aaron Atkinson.

Administrator Reynolds explained to the council that the utility infrastructure for six-home clusters in Whitehorse Village had been installed under the street in 2010. In 2011, the developer was approved to build single-family homes, rather than the six-home clusters.

Administrator Reynolds said that Ron and Aaron Atkinson had purchased the property and wanted to build those single-family homes. The question was whether the infrastructure

was appropriate for the single-family homes, as there would be three water/sewer lines serving four homes, and those utility lines would cross property lines.

Attorney McConaughy told the council that when the six-home clusters were originally approved, the council specifically approved the final plat utility drawing which included shared water and sewer taps. He said that the Planning & Zoning Commission (P&Z) in their authority had approved an amendment to the PUD development plan in 2011, allowing either the six-home clusters or single-family homes. P&Z, however, does not have the authority to change the municipal code, and the municipal code does not allow shared water/sewer taps, which was why the issue had come to council.

Public Works Director John Wenzel drew a diagram for the council to explain the shared tap issue. He said that shared sub-main lines create contention when there are problems in the lines, whether breaks or blockages, and the residents are unsure where the issues are and who is responsible for repairs. In addition, it created an undue financial burden on those residents.

Director Wenzel said that regarding Whitehorse Village, there would not be any sub-mains in the sewer system, but there would be in the water system. He explained that for every four homes, the outside two homes would have individual, one-inch water lines, while the center two would share a two-inch water line with a sub-main. He felt it was not an ideal situation, but the alternative would be to require the developer to cut into the roads to rebuild the water lines, and that would have to be done eight times, which he did not feel was necessary.

Director Wenzel said that separate meters and shut-off valves would be installed for each home.

Attorney McConaughy said that the final plat would be amended to show easements for the water lines and there would be a plat note, and the town will have to sign off on the plat before any units could be sold.

Administrator Reynolds said that the developer would create a sub-homeowners association for the area. The declarations for the sub-HOA would place the responsibility for the water lines on the sub-HOA and not on the town.

Mr. Aaron Atkinson told the council that their particular phase of Whitehorse Village will be called The Villas at Lakota, which is the sub-association they had created. He said it would operate like any other sub-association with assessments and a board in order to maintain common elements as well as the water lines from the tap forward and sewer lines from after the junction. He said it would be a very prominent plat note so that everyone was aware.

Mr. Aaron Atkinson said that they were ready to begin building in 2019. He further stated to the council that the project had been two years in the making, and when they had finally been able to sit down with staff, he was impressed with their professionalism.

**MOTION: Mayor A Riddile made a motion to approve the use of shared water and sewer taps as presented in the memo from Colorado River Engineering. Councilor G Riddile seconded the motion and it passed unanimously.**

Councilor Leland asked if tap fees for the individual homes would still be paid and Attorney McConaughy said that the fees for taps would not change.

### **Discussion: Golf Carts on Town Streets**

Administrator Reynolds, Attorney McConaughy and the council discussed the draft ordinance thoroughly.

Mayor A Riddile read two e-mails from citizens who were against OHVs on town streets, one from Darrell Fenno of 60 N Painted Horse Circle, and one from Bill Wood of 66 Foxwood Lane.

Staff agreed they would set a date for an open house to be held within the next month.

### **Discussion: Downtown Plan**

Administrator Reynolds said that he was looking for any comments or concerns the council had regarding the plan. He also said that he had comments from Steve Craven had been unable to attend the meeting, so he sent his comments. Administrator Reynolds gave each council member a copy of the comments and they discussed the concerns at length.

**Mayor A Riddile read the Arbor Day Proclamation into the record.**

### **Consent Agenda**

March 19, 2019 minutes

Hongs Garden Hotel & Restaurant Liquor License Renewal

**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 – Administrator Reynolds updated the council on the Ferrin case. He said that staff working on a land use application for property located near the fire station. Administrator Reynolds said that the TCO had been issued for senior housing but no one had moved in. Garfield County Housing decided to delay moving in their eight people because the landscaper had filled the parking lot areas with landscaping equipment, making the lot inaccessible and unsafe for residents. He said the CRHDC felt they would be moving people in within a week. Administrator Reynolds told the council that Debbie Guccini was still out and would be for a while and staff was working with the absence. Administrator Reynolds said that Darlene Harrison had resigned, and that they had already interviewed someone for the position. Administrator Reynolds said that he would be out of the office for an energy conference, but available by phone. Last, Administrator Reynolds said that a few weeks earlier as part of the revenue discussion, the idea of changing the hours of operation for the Clerk's Office for purposes of efficiency. Staff suggested that Monday would be regular hours, and Tuesday through Friday, hours would be 10:00 a.m. to 5:00 p.m. The council thought it was a good idea provided that notice was provided to the public.

Town Clerk – Clerk Harrison told the council that she had received the AGNC grant, and had been awarded the entire amount she asked for, so work would begin on migration and the agenda/meeting management templates as soon as the grant agreement had been signed by DOLA. She asked that the council review the existing website and if they had any suggestions for improvements or changes. Clerk Harrison said that there would be a liquor license application at the May 7 council meeting for the remaining two days of

the Ritter Plaza Music in the Park event for which the Community Market would hold the liquor license. Clerk Harrison said that the John Zarlingo memorial outside of the town hall would be replaced at the expense and request of the family so that the name could be spelled correctly. Carson Memorials will pick up the memorial and remake it with the correct spelling. Clerk Harrison said that staff was still waiting for the last quote for IT services before making any decision about changing companies. Clerk Harrison told the council that the MicroGrid solar project had finally been completed, and the contract will come to the council for their approval. She said that the current staff was unfamiliar with the documents and were studying them closely.

Town Planner – nothing to report.

Public Works Director – nothing to report.

### **Commission Reports**

Planning & Zoning Commission – Councilor Hazelton said that P&Z has heard a land use application from Jim Columbo that he felt had not gone as Mr. Columbo expected.

Historic Preservation Commission – nothing to report.

Climate Action Advisory Committee – nothing to report.

Senior Program – nothing to report.

RFTA – Mayor A Riddile said that at the last meeting they had discussed a combined letter from the Town of New Castle and RFTA asking CDOT to consider a speed reduction on Highway 6. He also said there was an update on the Destination 2040 project which is the reason RFTA asked for the mil levy increase. Mayor A Riddile said that RFTA had purchased eight electric busses that should be in service by mid-summer.

AGNC – nothing to report.

GCE – Councilor Leland said they had not had a board meeting, but GCE had hired two retirees as part-time consultants. GCE had distributed a community projects list that was not as complete as expected. GCE will look at the town hall to see what could be done to make staff more comfortable, and they would look at the wastewater plant to understand why there had been a spike in energy use.

EAB – Mayor A Riddile said there had been an update from the Energy Conservation Board because of senate bill 181. There would be a total reorganization of the Colorado Oil & Gas Conservation Commission because of the bill.

### **Council Comments**

Councilor G Riddile thanked Administrator Reynolds, Clerk Harrison and Attorney McConaughy for meeting regarding Rides and Reggae and discussing liability issues. He said they learned a lot and it appeared it was moving in a good direction.

Councilor Leland congratulated Clerk Harrison, Planner Smith and Special Events Coordinator Nichols for their success at Spellebration. They tied for first place with a group of sophomores from Roaring Fork High School.

Mayor A Riddile congratulated Councilor Mariscal for winning best morning show award from the Colorado Broadcasters Association.

Mayor A Riddile said he would also be attending the energy symposium on Wednesday and Thursday.

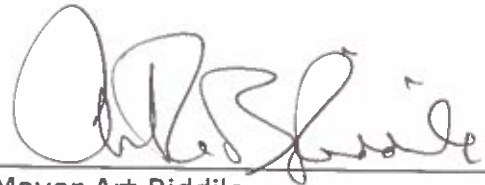
Mayor A Riddile said that someone had picked up a lot of trash on the 105 bridge and the on and off-ramps and it looked great.

Clerk Harrison said that a resident who is part of a women's walking group said that if the town would provide garbage bags, her group would pick up trash on the trails that they walked, so Clerk Harrison put her in touch with public works.

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

The meeting adjourned at 9:20 p.m.

Respectfully submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC

