

**New Castle Town Council Meeting  
Tuesday, June 18, 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 Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile
Absent	Councilor Hazelton Councilor Mariscal

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Town Treasurer Loni Burk, Public Works Director John Wenzel, Town Planner Paul Smith, Town Attorney Haley Carmer

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

**MOTION: Mayor A Riddile made a motion to excuse Councilor Mariscal's absence. Councilor Owens 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**

Town Administrator Dave Reynolds told the council that staff wanted to move the executive session regarding town-owned property ahead of the Golf Cart/OHV discussion. The council agreed.

**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.

## Items for Consideration

### **Proclamation: July Parks and Recreation Month**

Recreation Director Hannah Bihr described to the council the events coming up to celebrate Parks and Recreation month.

Mayor A Riddile read the proclamation into the record.

### **Consider a Request and Mutual Agreement Between Jim Columbo and the Town of New Castle for a 30-Day Extension of a PUD Hearing Date for Eagle's Ridge PUD at Lakota Canyon Ranch**

Administrator Reynolds told the council that the municipal code allowed for sixty days from the date of a P&Z approval for a PUD application for the council to also make a decision on that PUD application. Because of a nature of the conditions regarding the P&Z approval of the PUD application, more time was needed. Administrator Reynolds said that the municipal code said that if there was an agreement between the applicant and staff to extend the PUD public hearing date that the council could approve the requested 30-day extension.

The council agreed to the 30-day extension.

**MOTION: Councilor Leland made a motion at 7:15 p.m. to go into an Executive Session (1) for conference with Town Attorney for purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2) for 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) regarding the purchase of Ware & Hinds ditch shares. Councilor Copeland 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 7:23 p.m. and the executive session has been concluded. The participants in the executive session were: Councilor Owens; Mayor A Riddile; Councilors Copeland, Leland and G Riddile; Town Administrator Dave Reynolds, Town Attorney Haley Carmer, Town Clerk Melody Harrison, Town Treasurer Loni Burk, Public Works Director John Wenzel, Town Planner Paul Smith and Recreation Director Hannah Bihr. 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 Termination of the Ware & Hinds Ditch Contracts**

**MOTION: Councilor Owens made a motion to terminate the Ware & Hinds Ditch Contracts. Councilor G Riddile seconded the motion and it passed unanimously.**

**Consider Declaration of Breach of Development Agreement for Lakota Ridge Senior Apartments and Authorizations of Enforcement Remedies**

Administrator Reynolds told the council that the topic was slightly confusing because at the last council meeting there was discussion regarding breach of the escrow agreement related to the temporary certificate of occupancy for Lakota Ridge Senior Apartments. The next consideration was a breach of the development agreement as related to the public improvements, which stood as a very separate issue with its own security. The deadline to complete the public improvements had been extended twice and the work was not complete, nor had CRHDC called for final inspection of the public improvements. Administrator Reynolds said he had sent Town Engineer Jeff Simonson, Public Works Director John Wenzel, Assistant Public Works Director Dave Grey and Utilities Supervisor Daniel Becker out to observe the project. They had compiled a list of items in the public improvements that do not meet standards and will be included in a correction list once CRHDC calls for the final inspection.

Assistant Town Attorney Haley Carmer explained that the letter of credit that provided security for the public improvements would expire at the end of June, and staff had provided CRHDC with notice of that expiration. She noted that she had received a letter just before the meeting from CRHDC's attorney stating that they were willing to extend the letter of credit for several more months to provide time for them to complete the work. Attorney Carmer said that they were still in breach of the development agreement and recommended that the council declare the breach and authorize staff to pursue enforcement remedies.

**MOTION: Mayor A Riddile made a motion to declare a breach of the Development Agreement for Lakota Ridge Senior Apartments and to Authorize Enforcement Remedies. Councilor Copeland seconded the motion and it passed unanimously.**

**MOTION: Councilor G Riddile made a motion at 7:33 p.m. to go into Executive Session (1) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest under C.R.S. Section 24-6-402(4)(a); and (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) and concerning town-owned property. Mayor A Riddile 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 7:52 p.m. and the executive session has been concluded. The participants in the executive session were: Councilor Owens; Mayor A Riddile; Councilors

Copeland, Leland and G Riddile; Town Administrator Dave Reynolds, Town Attorney Haley Carmer, Town Clerk Melody Harrison, Public Works Director John Wenzel and Town Planner Paul Smith. 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.

### **Golf Cart/OHV Open House Findings Report**

Administrator Reynolds said that the council had in their packet copies of the survey forms that residents had completed regarding golf carts and OHVs on town streets. He said that staff and council had not had a chance to debrief after the open house held on June 6.

Administrator Reynolds said that he had personally spoken to numerous people at the open house that were grateful that the council had held the open house. He also felt that generally speaking, the residents were okay with golf carts on town streets but not OHVs.

The council and staff spoke at length regarding the open house and the opinions they had heard from residents as well as those opinions and concerns in the written surveys.

Denice Rankin, 486 W Main Street. Ms. Rankin said that she lived off the alley, and had to back into her parking space located on the alley. She walked her dog in the alley because it was quieter than walking on Main Street. Ms. Rankin said she was catty-corner to the liquor store, so there was already quite a bit of traffic. Additionally, there were a lot of people who just drove all the way up the alley rather than driving on Main Street. Ms. Rankin said she was opposed to anything that specifically added more traffic to the alleys. She also asked where they would park since they could not park on Main Street.

Steve Vasilakis, 131 N 3<sup>rd</sup> Street. Mr. Vasilakis thanked council for the opportunity to speak, and he thanked them for holding the open house. Mr. Vasilakis said that he had spoken to many people and explained to them the potential consequences of OHVs and golf carts on town streets and he found that they understood and were opposed to OHVs. He also stated that he felt that it would be counterproductive to the town's current effort towards walking, biking and hiking. Mr. Vasilakis said he did not have a real opinion regarding golf carts, but was definitely against OHVs. He felt that consideration of OHVs and golf carts on town streets was every bit as important as zoning because affected every zone district. Mr. Vasilakis said that the open house was a good start, but there would be a lot of work to be done to get real information from people.

Gil Bower, 386 Main Street. Mr. Bower said that the town alleys were in rather sad condition with many potholes. He felt the additional traffic would make the condition of the alleys worse. He felt there would be noise pollution from the vehicles, and there would also be a speed enforcement issue. He said he also walked his dog in the alley because he did not like walking down Main Street. He said there were many people that walked their dogs in the alley.

Raul Morales 500 W Main Street. Mr. Morales said that he had concerns about traffic in the alleys because people already used the alleys as through streets, often driving fast and not stopping at the intersections. He felt that allowing smaller, more maneuverable

vehicles would increase noise and be a danger for dog walkers, and there were a lot of pedestrians in the alleys. Mr. Morales said he saw the benefit in other towns but did not feel that New Castle has the same connectivity to the mountain terrains to justify allowing golf carts and OHVs on town streets.

The council and staff discussed the issue more some more. They agreed that OHVs were not appropriate for New Castle streets and that language would be removed from any consideration. They also felt that since Main Street was a state highway where gold carts could not drive that it may be better to not pursue any ordinance at this time. Administrator Reynolds said that there was an old statute that potentially would allow golf carts on the state highway provided the speed limits on the highway were posted at 35mph or lower. Because New Castle had a section of the highway that was posted at 45mph, golf carts could not be on Main Street, but CDOT would be doing a traffic study soon and perhaps that would provide an opportunity to lower the speed limit on Main Street.

Mr. Morales said that if the speed limit was lowered on Main Street and then golf carts could then be allowed on Main Street, maybe the council could consider a trial period to allow golf carts on town streets to complete the connectivity from Castle Valley and Lakota to downtown and the City Market area but forbidding them in alleys. The council thought that was a good idea.

Mayor A Riddile said that the council could consider the CDOT traffic study at the next council meeting.

A citizen who arrived a bit late for the golf cart discussion asked to comment. He said that he wanted to know if the council could allow OHVs along the railroad tracks to park and to move through town. He said it would be very nice not to have to trailer his OHV all the time.

The council told him that they had no jurisdiction over railroad property as it was owned by Union Pacific Railroad. They thanked him for commenting.

### **Consent Agenda**

May 7, 2019 council minutes

May 21, 2019 council minutes

May 29, 2019 special council minutes

Resolution TC 2019-10 – Supporting a Charge Ahead Colorado Grant Application for Electric Vehicle Charge Stations

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

### **Staff Reports**

Town Administrator – Administrator Reynolds told the council that on Monday June 24 at 6:00 p.m., John Webber would hold an open house at the Ore House. Mr. Webber said that he would love to have the council attend. Councilor Leland said that the invitation included a note that people should come dressed as their favorite comic villain. Administrator Reynolds said that he would be out of the office at the CML conference the rest of the week. He said that the Ritter Plaza music series would begin on Sunday, June 23 at 5:00 p.m. Administrator Reynolds handed out the proposed resident surveys that included a preamble from Bill Ray. He asked that the council review it and provide comments as soon as they were able. Administrator Reynolds

and the council discussed the survey briefly. Administrator Reynolds told the council that there was an item the state was considering called the CORE bill, and there was much more to it than the summary information that was being distributed.

Administrator Reynolds said that he would take notes and summarize everything he learns a conference.

Town Clerk – Clerk Harrison said that she and Deputy Town Clerk Mindy Andis had attended another training with MuniCode on the agenda management software. Clerk Harrison said that when they go live with the new website and management software, those two items would integrate with the online code for some higher efficiencies in the clerk's office. Clerk Harrison said that Administrative Assistant Bart Mendoza had gone to a basic clerk training class the week before and he enjoyed the class and thinks he might be interested in obtaining his clerk certification. Clerk Harrison said she will be sending a letter to the county clerk notifying the county that New Castle will have items on the November coordinated election ballot.

Town Planner – Town Planner Paul Smith said he was busy with the Eagle's Ridge application. He also said that he had been busy chasing down complaints of non-conforming fences in the alleyways as well as junk in the alleys, and various other code enforcement issues. Planner Smith said he had been busy with inspections, although permitting had slowed down. Last, Planner Smith said that the P&Z would be doing a training on the municipal code and land use procedures. P&Z will do training on land use application review.

Public Works Director – present for agenda items.

### **Commission Reports**

Planning & Zoning Commission – Councilor Copeland said they talked about the downtown plan and revisions still needed to be made based on some concerns of Steve Craven.

Historic Preservation Commission – Commissioner Copeland said Erica Duvic from History Colorado attended the meeting and did some training for the commission that was very interesting.

Climate Action Advisory Committee – nothing to report.

Senior Program – nothing to report.

RFTA – Mayor A Riddile said that the RFTA meeting was a retreat to go over the strategic plan.

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

### **Council Comments**

Councilor Owens thanked staff for the work on the open house regarding golf carts and OHVs.

Councilor Owens said one person at the open house complained about snow removal, that they were being plowed into their driveways. Director Wenzel explained that he and his staff did everything they could to minimize the problem, but that sometimes it was unavoidable, particularly if the neighbors shovel snow into the street. That snow is dragged in front of the neighboring property causing a windrow. He said they do

something called a 'courtesy sweep' where they sweep back the other way to remove snow from in front of driveways and although it is not an exact science, it is effective. Director Wenzel said he would certainly mention it to his staff and said he would be glad to contact her.

Councilor G Riddile thanked the staff for accomplishing all the special projects the council gave them.

Mayor A Riddile thanked staff for great efforts.

Councilor Leland asked if the Talbotts would be having fireworks for the 4<sup>th</sup> of July.

Administrator Reynolds said that it looked like they probably would and he steered them towards the town grant process for funding.

Councilor Copeland said she and Councilor Mariscal had been contacted by Wilderness Workshop looking for support of the CORE bill regarding methane leasing on old coal mines. The bill had been expanded to include Garfield County and the Grand Hogback. Administrator Reynolds said that it probably was not something the New Castle wanted in their front yard. The issue was that there are many unanswered questions in the bill that were of concern. Administrator Reynolds said that they had invited the Wilderness Workshop to present to the council if they wanted town support.

Councilor Copeland said she had attended a budget 101 meeting and they talked about towns having Colorado Government Finance Officers policies in place for budgets. She thought they might be good policies for the town.

Administrator Reynolds said as a follow-up to the budget meeting, he and Town Treasurer Loni Burk had scheduled a meeting with DOLA regarding budgets.

Mayor A Riddile said that he would be attending the quarterly Garfield County Economic Partner meeting. The key speaker will be the Garfield County Regional Airport Manager, Brian Condie regarding the Center for Excellence.

Mayor A Riddile said that Administrator Reynolds' one-year anniversary was coming up and the council members needed to do his employee evaluation. He asked Clerk Harrison to send the evaluation form to all the council members.

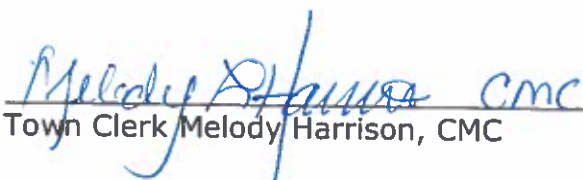
**MOTION: Councilor Art Riddile made a motion to adjourn. Councilor Copeland seconded the motion and it passed unanimously.**

The meeting adjourned at 9:06 p.m.

Respectively submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC



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Tuesday, June 18, 2019