

**New Castle Town Council Regular Meeting
Tuesday, October 05, 2021, 7:00 PM**

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet:
<https://us02web.zoom.us/j/7096588400>

If you prefer to telephone in:
Please call: 1-346-248-7799
Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your
phone to mute until called on

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 Owens Councilor Hazelton Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile
Absent	None

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Town Planner Paul Smith, Town Treasurer Loni Burk, Town Engineer Jeff Simonson, Town Attorney David McConaughy, Assistant Town Attorney Christine Gazda, and members of the public.

Meeting Notice

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC 2021-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – Town Attorney David McConaughy introduced Christine Gazda who had just joined Garfield & Hecht. He said she had been a licensed attorney in Florida for several years and expected to hear her Colorado bar results on Thursday.

Consultant Engineer - not present.

Items for Consideration

New Castle Trails

Councilor G Riddile stepped down from the dais and addressed the council as a member of New Castle Trails (NCT).

Mr. Riddile provided a power point presentation that detailed the history of NCT and the extensive trails work they had accomplished with the assistance of the Town of New Castle, the Bureau of Land Management, Roaring Fork Mountain Bike Association, volunteers, donations, and fundraising. The work included maintenance and improvements of existing trails, creation of new trails, working with the town and BLM to accomplish environmental and cultural studies of the Extensive Recreation Management Area where there were miles of social or 'bandit' trails and ultimately legalizing the majority of those 'bandit' trails. He said that at the beginning in 2015, there were about 6.7 total miles of trails available between the Colorow Trail right outside town in the BLM, and the few trails in town, which included the Jolley, Mt. Medaris and Rollie Gordon Trails. Mr. Riddile showed maps and progress for each year since the group formed in 2015 resulting in 31.6 total miles of trails available to the community of walkers, runners, hikers, bikers and equestrians.

Mr. Riddile said that NCT had been in the process of negotiating another trails network immediately west of town, on private property. The proposal included approximately ten (10) total miles of trail on the Grand Hogback where New Castle's Burning Mountain was located. NCT felt that by creating a trail infrastructure on the hogback will benefit the downtown area and round out the trails opportunities in New Castle.

Mr. Riddile told the council that Adam Cornely was the chair of NCT and that they were a committee of the regional Roaring Fork Mountain Bike Association which was under the International Mountain Biking Association. He said also that NCT received a large portion of their funding from the town as well as from the Rides & Reggae Fundraiser event; Catena Foundation grants which are funded by the Walton Family; and countless businesses and supporters in the community. Two of those are Dalton and Kim Sallee whose contributions on Stairway to Heaven and the Medaris trail were probably worth about \$60k and NCT only had to pay for the equipment which was substantially less. Mr. Riddile said the Sallee's and all the volunteers put in many hours working nights and weekends. He detailed the work done in each year from 2015 through 2021 by volunteers and professionals, which included some trails license agreements on private property. Mr. Riddile described the proposal for the Burning Mountain trail northwest of town on the Talbott property where Burning Mountain is. He noted that in 2022 NCT would like to build

the first five miles of that trail, with the Sallee's building a portion of the trail without charge.

Mr. Riddile explained to the council that for Phase I it would be about \$120k, plus \$10k in upgrades to the VIX bike park and \$10k in other expenses. He said they intended to obtain about \$25k from private grants, \$25k from their own budget, \$10k from direct private donations and will request \$60k from the Town of New Castle.

Mr. Riddile requested that the council consider \$60k for NCT for 2022. He said that the reason they wanted to pursue the Burning Mountain Trail right away was because they had volunteers committed and engaged, and they didn't know if the trail builder would continue to be available.

Mr. Riddile asked if anyone had questions.

Mayor A Riddile asked what the benefit was to complete the project on Burning Mountain. Mr. Riddile said that it was the experience. He said that the trails in New Castle were for intermediate riders, and the Burning Mountain Trail will provide something more unique in that it was a five-mile ride to the top, and a five-mile advanced rollercoaster going down. Plus, he said it was the Burning Mountain. It was iconic.

NCT president Adam Cornely said that he had been speaking with Russel Talbott about it for several years before seriously considering it. He said he took a day to walk the mountain and was intrigued. He said that NCT then hired their trail builder to begin the trail design. Mr. Cornely said that New Castle was the land of the intermediate trail. The Burning Mountain Trail would be a blue-level climb or hike, but the down, Phase II, will be a black diamond. There will be nothing like it between Aspen and Palisade.

Councilor Hazelton asked about the term of the agreement with the Talbott's being ten years with a 90-day notice to terminate.

Mr. Riddile said that the agreement was for ten years with two ten-year automatic renewals, but that the Talbotts could not allow a renewal. He said that was the agreement, but NCT was not asking the council to make a decision on the agreement – he clarified that the agreement would come back to council. Mr. Riddile said that NCT was present to ask for funding should the agreement actually happen, so that funding in 2022 was in place.

Mr. Cornely agreed that NCT was asking that the council allocate the funds for 2022 should the agreement with the Talbotts be signed.

The council and members of NCT agreed that it was concerning that in ten years the trail could close since Burning Mountain Trail would be built on private property, with public funds. Mr. Cornely agreed that everyone needed to be comfortable with the terms of the agreement.

Attorney McConaughy said that the ten-year term with two automatic renewals and a 90-day notice of termination clause was certainly a risk, but he said that he felt that the agreement was likely the final one as he had been working with the Talbotts' attorney for a year on it. He said he had originally proposed an easement which would be permanent, but that was not what the Talbott's wanted. He said that the agreement would protect the Talbotts in the event someone was injured on the trail and in return the town had the right to use the property for free, which he felt was generous. Attorney McConaughy said that he would prefer an easement or a 99-year term but felt that within the next ten years perhaps the agreement may be further negotiable. The council and staff discussed it briefly.

Councilor Owens said that the Burning Mountain Trail would bring another attraction to the downtown and he felt that was a great idea.

The council and staff talked briefly about the value of the proposed trail for the town and residents.

Arthur Philipson, Assistant Coach of the Glenwood Springs Dirt Demons Team. Mr. Philipson said that there were kids from all over the county on the team and they had begun a down-valley practice in New Castle. He said that the kids really enjoy it and the expansion of the trails was great. He said that he felt that an advanced trail like the proposed Burning Mountain Trail would bring a wide variety of riders to New Castle. He said that he encouraged support of NCT.

Mandy Gauldin, Owner of New Castle Liquors. Ms. Gauldin said that people coming to New Castle to recreate was a large part of her customer base: hunters, people on the river, bikers. She said that New Castle Liquors had supporting NCT from the beginning because she felt they brought a valuable energy to the town that attracted young families who would stay in New Castle.

Brian Gall, Teacher, Riverside Middle School. Mr. Gall said that he had been in New Castle since 2003 and would not want to be anywhere else. He said that when he first moved here it was because it was affordable, but then they began to find some things they liked. Mountain Biking at the time was not a thought. Mr. Gall said he had taken his students to work on the trails and they were showing pride in their work and their community, and he envisioned himself taking the outdoor education students on the Burning Mountain Trail once it was built. He said it would be an opportunity to share the history of New Castle with the kids. Mr. Gall said that the existing trails made people want to come back and explore more, and the Burning Mountain Trails will add to that.

Andrew Straub-Heidke. Mr. Straub-Heidke agreed with the other comments. He said he was new to New Castle and had come here for a job in Glenwood Springs. He noted that New Castle was not part of their consideration until they discovered the trails system. He said he had a young, growing family who he wanted to get onto the trails, and to part of the community.

Doug Gerald, Coach for the Dirt Demons and New Castle resident. Mr. Gerald said that the work NCT had done was amazing. He felt that they were helping kids fall in love with the lifelong activity of mountain biking. He also felt that the trails attracted people from up-valley into New Castle. Mr. Gerald complimented NCT again on a job well done.

Lauren Roper, owner of New Castle Dental. Dr. Roper agreed that the proposed Burning Mountain Trail would bring more people into the downtown. She said that many of her clients came to New Castle for a dental appointment and brought their bikes and would go for a ride and then have dinner in a restaurant. Dr. Roper said that she felt that the proposed trail would benefit the downtown businesses.

Dalton and Kim Sallee. Ms. Sallee thanked NCT for acknowledging the work that she and her husband, Dalton, had done on the trails, and expressed her and her husband's love for the trails and the town in general. Ms. Sallee said that they were happy to be part of the trails development in New Castle and were willing to contribute labor and funding to help make the project go forward.

Mr. Sallee thanked the town for supporting the trails efforts from the beginning. He said that the Burning Mountain Trail project was a big project for the group and felt that it would be good for the town. He said that he felt it would draw in more people in than the other trails did. Mr. Sallee said that he had ridden on a trail in Willits that was on private property donated by a family, and he said that that project had turned out well. Mr. Sallee said that he hoped the Burning Mountain Trails was something that they could move forward on for New Castle.

Amy Fairbanks, 451 Silverhorn Drive. Ms. Fairbanks said she moved to New Castle just a few years ago and used the trails to hike. She said there were also a lot of trail runners, so there were more than mountain bikers using the trails system. Ms. Fairbanks said that her daughters were involved in volunteer work cleaning up the trails and said that her oldest had learned to use a chain saw. She felt it was helping them to be responsible to the community and the land. Ms. Fairbanks said that there was a lot more to the trails than biking.

Troy Tritschler, Owner, Defiance Cyclery. Mr. Tritschler said that he wasn't supporting the proposed trail for his business, rather, he said that the country was divided, and the trails system was a common thread that bound the community together, regardless of other interests. Mr. Tritschler said that there was a lot of traffic in the downtown, but the mountain bikers went up Castle Valley Boulevard, and bypassed Main Street. He said that he felt that the Burning Mountain Trail would bring bikers down Main Street, which will help the businesses. Mr. Tritschler said that the Palisade Plunge Trail in Palisade was a destination trail getting national attention. He felt that that the Burning Mountain Trail could be similar, bringing people from all over. Mr. Tritschler said that when the trails up-valley became too muddy, those people came to New Castle, and the parking lot at Alder Pond will be full of vehicles. He said that he had used a photograph of the full parking lot as evidence of the valuable infrastructure in New Castle to help secure a loan so he could open his business. He said that he felt the new trail would be great for New Castle and its businesses.

Jeanne Golay, Executive Director, Lower Valley Trails Association (LoVa). Ms. Golay said that she wanted to express LoVa's whole-hearted support for New Castle Trails and the Burning Mountain Trails project. She said that Mr. Tritschler and John Quinn were both board members for LoVa. She told the council that LoVa supported all trails of all kinds, not just paved trails. She suggested that master-planning the whole area might be important since CDOT will be replacing the green truss bridge by 2025. She felt that by master-planning all the corridors including the entry into downtown that will likely house the LoVa Trail in the same corridor, they could take advantage of CDOT's construction in the master plan.

Mayor A Riddile asked if NCT was asking for \$60k. Mr. Riddile said that yes, it was budget time, and they were asking for the council to direct the staff to add it to the budget.

Mr. Cornely said that they were asking for a \$60k line item be added. He said they knew that their line item in the budget was currently at zero, and the request was to increase it to \$60K, before the budget for 2022 was approved. He said then NCT could begin planning for the next year.

Attorney McConaughy said that if the council was agreeable, it would be good to be able to tell the Talbotts that the money was in the budget, then perhaps they will sign the agreement.

Councilor Leland said that he felt it was very helpful to hear from the speakers and he thanked them.

Mr. Cornely said that it all had started with Tom Baker and Mayor Riddile, and without the town, there wouldn't be trails. He thanked the council for their ongoing support.

The council thanked NCT and their supporters.

Consider Resolution TC 2021-14 - a Resolution of the New Castle Town Council Approving Colorado's Opioid Settlement and Recovery

Attorney McConaughy said that his office had received an e-mail from the attorney general announcing that a deal had been reached regarding an opioid settlement, and that the more municipalities that signed the MOU, the more money would be received. It would be less likely that the drug companies would be able to get out of it, because what they wanted was for everyone to sign a waiver of claims so that they could not be sued directly. He said that the Town of New Castle was not going to sue anyone directly. He strongly suggested that it would be worth signing the MOU. Garfield and Hecht Associate Christine Gazda explained that the settlement agreement was with four of the big drug distributors who will pay out billions of dollars in the next eighteen years, with funds available as soon as July 2022. Assuming either all local governments either participate or waive their right to collect from the funds, Colorado's maximum share will be 300 million. Twenty percent of that will go directly to local governments. Another percentage will go to a regional fund and New Castle could receive funds from the regional share as well. Again, she said that the more local governments who signed the MOU, the more funds would be distributed to the state. Ms. Gazda briefly reviewed the options for using the funds.

Attorney McConaughy said that the resolution would authorize the mayor and town clerk to sign the appropriate documents.

MOTION: Councilor Owens made a motion to approve resolution TC 2021-14, a Resolution of the New Castle Town Council Approving Colorado's Opioid Settlement and Recovery. Councilor Mariscal seconded the motion and it passed unanimously.

Consider Ordinance TC 2021-7 - an Ordinance of the New Castle Town Council Repealing Chapter 10.16 of the New Castle Municipal Code (1st reading)

Town Administrator Dave Reynolds explained that the council had discussed the issue at an earlier council meeting. He said that the code section allowed businesses to lease parking spaces specifically for their customers. He said that at the time the code section was approved twenty years ago it likely seemed like a good idea, but the ramifications today were more complicated and perhaps no longer appropriate. He said that the ordinance would simply repeal the code section so that leasing parking spaces would no longer be allowed. Administrator Reynolds told the council that recently a second business in the downtown applied for parking spaces, and it prompted staff to consider what the result would be if all the downtown businesses wanted parking spaces. There would be a Main Street full of no parking and limited parking signs, depending on hours of operation each business had. There could be businesses who may not have parking spaces because they were too late applying. He also said that one of the things that had changed in the past twenty years was the Kamm lot that was now parking, and the town was leasing the parking lot next to 2 Coronas for public parking. He suggested those had perhaps solved the problem that the business parking space code section was trying to fix.

Jim Wirt, 115 Current Drive. Mr. Wirt said that Spirits Liquors had lased four spaces right outside their building, and asked if they could maintain them, perhaps grandfathering them in. He said that their delivery trucks used the spaces, delivering between two and four hundred cases that they put right on the sidewalk. He said that when he and his wife Kristi first bought the store, they noticed that if someone parked there to go for dinner, it might take an hour or more because it was a convenient location to park to go to EAT Bistro or Black Dog. He said that if the parking spaces were taken and people could park

in the spots for days, it would heavily impact their business. He suggested that fifteen-minute parking might be an alternative.

Councilor Hazelton said that he recalled that there had been issues with residents parking in the spaces adjacent to Spirits for days at a time which was how the business parking spaces idea had started. Councilor Hazelton said that he was concerned about how many businesses wanted their two spots which could affect the spaces Spirits had.

Kristi Wirt, 115 Current Drive. Ms. Wirt said that it made sense that there could be too many businesses wanting parking spaces, and she felt that fifteen-minute parking might be a solution.

Mr. Wirt said that the fifteen-minute parking allowed for 18 vehicles or more per hour in their allotted four spaces. If that were taken away, that could mean three or more vehicles parked there for two days, or even an hour for a restaurant. He said he did not see how that would be better, but felt he understood the council's dilemma in trying to figure out what to do. Mr. Wirt said it would hurt the business.

Ms. Wirt said that was why they had gotten the parking spaces from the beginning because they had many customers say they could not find parking, so they simply went to the other liquor store in town. The parking spaces helped them maintain their business. She said someone had asked them years ago if Burning Mountain Festival helped their business, and she said it did not because there was no place for their customers to park. Now that they have parking spaces, they do great business during Burning Mountain Festival.

After some discussion, the council decided that repealing the business parking spaces code provision was appropriate, but fifteen-minute parking would replace the 'Spirits-Only Parking' on 3rd street adjacent to Spirits Liquors. That will relieve the Wirt's from paying for the spaces and from having to monitor who was parking there but will still provide short-term parking there.

Attorney McConaughy said that no special provisions needed to be made for designating the fifteen-minute parking because the adopted Model Traffic Code allowed for it already. He also said that fifteen-minute parking without naming a particular business was a good plan and that was done in Glenwood Springs as well. He advised that the contract with Spirits should stay in place until such time that it ran out and then would not be renewed. Attorney McConaughy said because the ordinance included Main Street, which was owned by CDOT, the ordinance will need to be sent to CDOT for approval after 1st reading. They had sixty days to approve or deny the change, so second reading of the ordinance should be scheduled appropriately to account for the CDOT review time.

Ms. And Mr. Wirt thanked the council for their open-mindedness, and for a great solution.

MOTION: Councilor Owens made a motion to approve Ordinance TC 2021-7 - an Ordinance of the New Castle Town Council Repealing Chapter 10.16 of the New Castle Municipal Code on 1st reading. Councilor Hazelton seconded the motion and it passed on a roll-call vote: Councilor Owens: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Copeland: yes; Mayor A Riddile: yes.

Consider Ordinance TC 2021-8 - an Ordinance of the New Castle Town Council Amending Chapter 12.24 of the Municipal Code (1st reading)

Administrator Reynolds told the council that the ordinance did several things. First it changed the definition of a resident for the purposes of eligibility to purchase a cemetery plot and it moved the plot fees out of the code and into the town fee schedule.

Attorney McConaughy clarified the changes that the ordinance made.

MOTION: Councilor G Riddile made a motion to approve Ordinance TC 2021-8, an Ordinance of the New Castle Town Council Amending Chapter 12.24 of the Municipal Code on 1st reading. Councilor Copeland seconded the motion and it passed on a roll-call vote: Councilor Copeland: yes; Councilor Hazelton: yes; Councilor Owens: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor G Riddile: yes; Mayor A Riddile: yes.

Consider Ordinance TC 2021-9 - an Ordinance of the New Castle Town Council Amending Chapter 2.04 of the Municipal Code Regarding Compensation of Town Officers (1st reading)

Clerk Harrison passed out copies of a Mayor/Council salary survey she had done of elected officials' pay in the area so the council had something to consider.

Councilor Copeland asked if they should also consider a particular pay rate for the mayor pro tem position.

Councilor G Riddile suggested that council at \$500 per month, the mayor at \$1000 per month, and the mayor pro tem at \$750 per month.

Attorney McConaughy pointed out that the mayor and council members are elected by the people as such, but that the pro tem position was appointed amongst the council members. He said that would create an economic incentive.

After a brief discussion, the council agreed that the salary rates should be increased to meet the economics of the valley.

MOTION: Councilor Leland made a motion to approve Ordinance TC 2021-9, an Ordinance of the New Castle Town Council Amending Chapter 2.04 of the Municipal Code Regarding Compensation of Town Officers, to include the amendment of section 2.04.030(a) that the blank be replaced with \$1,000.00 and in section (b) the blank be replaced with \$500.00, on 1st reading. Councilor Hazelton seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Mariscal: yes; Councilor Copeland: yes; Councilor Owens: yes; Mayor A Riddile: yes.

Delivery of the 2022 Budget Proposal

Administrator Reynolds told the council that in the budget presentation, there was a summary page that itemized the changes that had been made in the past two weeks. He asked Town Treasurer Loni Burk to review those for the council.

Treasurer Burk reviewed the changes and detailed them for the council with Administrator Reynolds. The council agreed that the requested \$60k should be included for New Castle Trails.

Discussion: 2022 Trash Rates

Administrator Reynolds said that the assumptions in the budget included a five percent increase in trash rates for 2022, taking the monthly rate up to \$32.59. Senior rate for trash will go up to \$28.82. The reason this was being brought to the council was because staff wanted to be able to announce new rates for water, sewer and trash in November.

He noted that staff anticipated a rate increase from Mountain Waste & Recycling of 4%, and the town will add a 1% for administrative costs. The council discussed it briefly. Councilor G Riddile asked if things such a trash contracts went out to bid. Administrator Reynolds said they did and he explained the last bid process for trash services that the town had done in 2019.

Consent Agenda

September 21, 2021 minutes

September Bills of \$ 750,345.08

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 staff had distributed Love 'Em and Leash 'Em door hangers on about 1,600 homes. Unfortunately, they were about 200 short, so more had been ordered and would be distributed as soon as they were in. Administrator Reynolds said he had attended the last meeting of the year for the Garden Club, and he had given them a big thank you and some small gifts.

Town Clerk – Clerk Harrison said she had been involved in walking town placing the door hangers which was fun. Clerk Harrison said that Treasurer Burk had given her the application for a cyber-attack insurance policy for the town computer systems. Clerk Harrison said she was still working on the computer replacement plan so that there were accurate numbers for the budget. Clerk Harrison said she was working with the staff to update items in the fee schedule. Clerk Harrison said she had been able to speak to the new owner of the Mr. T's building. Apparently, they were a cabinet-making business, and they had come in to get a business license application. Clerk Harrison reminded the council that there would be Bingo on October 14 in the Community Center and to RSVP the chamber if anyone was going. Clerk Harrison told the council that the Spirit Walk would be on October 16. Clerk Harrison said that a question had been brought to her attention regarding the council assignments on committees and commissions. The question was whether a council member could serve more than two consecutive six-month rotations on a committee, and the answer was no. The code limited it to two rotations, and if the council was interested in changing that, they could pass an ordinance to do so.

Town Treasurer – Treasurer Burk told the council that she had gotten an e-mail from DOLA regarding the American Recovery Act funds and apparently there was a long sign-up process with the US Treasury where driver's licenses and passports needed to be submitted. DOLA will be doing webinars regarding the process. Treasurer Burk said she was working on budget and there will be council work sessions on October 19 and perhaps November 16, which was the final meeting before the budget was adopted on December 7. Administrator Reynolds said that he felt the budget should come back at the next council meeting.

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 videos had been

sent to Clerk Harrison who was working on getting them posted to You Tube.
Senior Program – nothing to report.
RFTA – nothing to report.
AGNC – nothing to report.
GCE – nothing to report.
EAB – nothing to report.

Council Comments

Councilor Owens asked what his next committee would be. Clerk Harrison said that he was not assigned to one.

Councilor Owens asked if the bulk water station included dumping of grey water.

Administrator Reynolds said no, that a new facility would need to be built.

Councilor Owens asked about the town Christmas party. Mayor A Riddile said that the Chamber was working on it.

Councilor Leland said that the council had discussed bear proof cans for residents, and he said that Michelle with New Castle Gardens had found straps that fit the can and were free. He said that she would be bringing information to Administrator Reynolds.

Councilor G Riddile thanked everyone's support for trails.

Mayor A Riddile said that BBQ with a cop will be on Sunday, October 10.

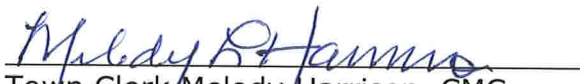
MOTION: Mayor A Riddile made a motion to adjourn. Councilor Copeland seconded the motion and it passed unanimously.

The meeting adjourned at 9:24 p.m.

Respectfully submitted,



Mayor A Riddile



Town Clerk Melody Harrison, CMC



Town Council Meeting
Tuesday, October 5, 2021