

**New Castle Town Council Regular Meeting
Tuesday, February 15, 2022, 7:00 PM**

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet click [HERE](#)

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, Public Works Director John Wenzel 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 2022-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Clerk Harrison told the council that staff wished to add two resolutions to the consent agenda. They were Resolutions TC 2022-08, and TC 2022-9, both were in support of FMLD grant applications for the spring mini grant and spring traditional grants, respectively. Clerk Harrison said that both resolutions will come back to the council on March 1 for ratification. The council agreed.

Town Council Meeting
Tuesday, February 15, 2022

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – not present.

Consultant Engineer – not present.

Items for Consideration

Town Administrator Dave Reynolds told the council that Tom Fuller had yet to arrive, and he suggested that the council move on to items C, D and E pending Mr. Fuller's arrival. The council agreed

Consider Ordinance TC 2022-3 - an Ordinance of the New Castle Town Council Amending Chapter 15.44 of the New Castle Municipal Code Concerning an Historic Survey Cycle (2nd Reading) Town Administrator Dave Reynolds told the council that the ordinance was the second reading, and that nothing had changed since first reading.

Councilor Leland said that the title had changed slightly in that the grammar was corrected. He explained the correction.

MOTION: Mayor A Riddile made a motion to approve Ordinance Tc 2022-3, an Ordinance of the New Castle Town Council Amending Chapter 15.44 of the New Castle Municipal Code Concerning an Historic Survey Cycle on 2nd reading. Councilor Mariscal 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 Owens: yes; Councilor Copeland: yes; Councilor Mariscal: yes.

Consider Ordinance TC 2022-5 - an Ordinance of the New Castle Town Council Amending Chapter 1.16 of the New Castle Municipal Code Concerning Elections (1st reading)

Clerk Harrison told the council that some years ago the statutes changed regarding elections to include overseas voters in municipal elections. That in turn changed the timelines of municipal elections. Previously, the code stated that an election could be cancelled twenty days prior to the election provided that there were no more candidates than there were available seats. She said that also in that code section was language regarding the processes for write-in candidates. When the code was changed to align the election cancellation date to sixty-four days before the election in accordance with statutes, the write-in process had also changed and was removed from the code. Clerk Harrison said the statutes had changed again, and they provide that municipalities should include language regarding write-in candidates and election cancellation.

Councilor Leland said that the language in the ordinance regarding cancellation only referenced petition candidates and he felt it should also include write-in candidates. He said that he also felt that the process for write-in candidates should be in its own code section.

MOTION: Councilor Leland made a motion to approve Ordinance TC 2022-5, an Ordinance of the New Castle Town Council Amending Chapter 1.16 of the New Castle Municipal Code Concerning Elections, amending it to include a new section title for the paragraph on write-in candidates on 1st reading. Councilor Hazelton seconded the motion and it passed on a roll-call vote: Councilor Owens: yes; Councilor G Riddile: yes; Councilor Copeland: yes; Councilor Hazelton: yes; Councilor Mariscal: yes; Mayor A Riddile: yes; Councilor Leland: yes. Consider Resolution TC 2022-7 - a Resolution of the New Castle Town Council Approving an Intergovernmental Agreement with Garfield County Clerk & Recorder for Election Services

Clerk Harrison told the council that the IGA was a regular requirement when the town utilized the ballot counting machines owned by Garfield County. She said that the county formatted the ballots to work with the machines, and that the county will also provide staff members to help with the machines on election day.

MOTION: Councilor Owens made a motion to approve Resolution TC 2022-7, a Resolution of the New Castle Town Council Approving an Intergovernmental Agreement with Garfield County Clerk and Recorder for Election Services. Councilor Mariscal seconded the motion and it passed unanimously.

Consider a Letter of Interest from Tom Fuller for Appointment to an Alternate Seat on the Historic Preservation Commission

Mayor A Riddile told the council that the Chair of HPC, Mari Riddile, was unable to be in attendance because she was ill.

Mayor A Riddile greeted Mr. Fuller and said that his letter of interest showed that he had a lot of experience. Mayor A Riddile invited Mr. Fuller to tell the council about himself, his work experience and why he wants to be part of the Historic Preservation Commission. Mr. Fuller told the council that he recently bought a home in New Castle and he was happy to be here. Mr. Fuller said he returned to Colorado in 2017, working for the Forest Service in Glenwood Springs as the Heritage Program Manager and Tribal Liaison. He said he had graduated from Colorado Mountain College and then went to Ft. Lewis College and obtained a degree in anthropology, archaeology and a minor in history. When he heard that New Castle had seats open on HPC he applied. He said that he worked with four historic preservation groups as well as several others across the state on various preservation projects. Mr. Fuller said that he had experience in restoration of historic properties, but unfortunately did not have any grant-writing experience. Mr. Fuller said he was glad to help in any way he could.

Councilor Leland asked what work Mr. Fuller did with tribes.

Mr. Fuller said that he started out doing cultural resource management in private archaeology, working with the Ute Indian Tribe of the Uintah and Ouray Reservation. He also worked with the Standing Rock Tribe with Metcalf Archaeology in North Dakota. He said that since he been a federal archaeologist he had worked with many tribes, and that he was generally the first point of contact as related to things that might affect the tribes such as the Grizzly Creek Fire.

Mayor A Riddile said that Mr. Fuller will be working with a great group of people on HPC.

MOTION: Mayor A Riddle made a motion to appoint Tom Fuller the ab alternate seat on the Historic Preservation Commission. Councilor Mariscal seconded the motion and it passed unanimously.

Discussion Regarding Tap Fees

Administrator Reynolds told the council that staff had been discussing the town's tap fees. He explained that tap fees were a fee charged at building permit that essentially represented an investment in the water, wastewater, and distribution systems infrastructure of the town. It helped offset the cost of improvements and maintenance. Administrator Reynolds said that staff has looked at tap fees they had not been updated since 2007. Staff felt that it was appropriate to have the council review tap fees for possible adjustment. Administrator Reynolds noted that if taps fees had been adjusted over the years at the consumer price index, they would be at about \$8,200.00. He added that Public Works Director John Wenzel had done some deep research regarding industry standards for developing tap fees and justifications for fees.

Administrator Reynolds said that research had been done to determine what taps fees were being charged in the area, but he cautioned the council that what the neighbors were charging was unique to every town and not reflective of what New Castle might need because the infrastructure and needs were different in every town.

Public Works Director John Wenzel said that in his research he found an evaluation process used by municipalities called the rational nexus. He said that rational nexus was a universally accepted practice to determine all types of impact fees. In fact, it was the process used by engineers at SGM to determine appropriate tap fees for the City of Glenwood Springs in 2015. Director Wenzel said that his memo to the council had been reviewed by Administrator Reynolds, Town Engineer Jeff Simonson and Assistant Town Attorney Haley Carmer and they all agreed that it was fair and appropriate.

Director Wenzel reviewed the rational nexus process and explained in detail the information included in his memo.

Council and staff discussed the tap fee rate increases in the future being tied to the consumer price index or perhaps on an annual accelerator. They also discussed the significance of prior rate increases, as well as the need for the town to reserve funds for raw-water infrastructure which would reduce the impact on the potable water systems as well as wastewater.

The council agreed that both water and sewer tap fees should be \$9,700.00 each for water and sewer taps for in-town addresses, and \$16,200.00 each for out-of-town addresses. They also agreed that the accelerator should be added that is tied to a consumer price index and subject to annual review.

Mayor A Riddle said that he wanted to remove the two resolutions from the consent agenda so the council could read them. The council agreed.

Consent Agenda

January 18, 2022 minutes

February 1, 2022 minutes

MOTION: Mayor A Riddle made a motion to approve the consent agenda without the resolutions. Councilor Leland seconded the motion and it passed unanimously.

Councilor Hazelton asked if the resolutions could be approved since they had not been noticed.

Administrator Reynolds said they could be approved and signed by the Mayor, and will come back at the next meeting to be ratified. He said that the grant applications they supported were due prior to the next council meeting which was why staff had added them to the agenda.

Administrator Reynolds explained that the mini grant was for flooring replacement of all the carpeting in the town hall.

Director Wenzel explained that the ask on the traditional grant was to: resurface all the asphalt trails that parallel Castle Valley Boulevard; resurface of the asphalt trail behind Burning Mountain subdivision; add trail along Castle Valley Boulevard between Shibui and City Market where there was no trail resurface the underpass by Kathryn Senior Elementary School.

Resolution TC 2022-8 – Supporting an FMLD Grant Application for Town Hall Flooring

MOTION: Councilor Leland made a motion to approve Resolution TC 2022-8, a Resolution of the New Castle Town Council Supporting an Application for a Grant from the Garfield Federal Mineral Lease District for the Replacement of Town Hall Flooring. Councilor G Riddle seconded the motion and it passed unanimously.

Resolution TC 2022-9 – Supporting an FMLD Grant Application for Trails

MOTION: Councilor Leland made a motion to approve Resolution TC 2022-9, a Resolution of the New Castle Town Council Supporting the Application for a Grant from the Garfield Federal Mineral Lease District for the Repair and Replacement of Solid Surface Trails Throughout the Town of New Castle. Councilor Copeland seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds told the council that staff continued to work with Garfield County on the Emergency Management Plan. He said that the county updated the plan every few years and held meetings with municipalities to review and make corrections to the plan. He said staff had a number of items to update regarding New Castle and they should have that corrected plan back to the town soon. Administrator Reynolds said that sadly, the ice rink was melting. He said that staff had done an amazing job trying to keep it going. He said they had learned a lot and it will likely come back in another cold winter. Administrator Reynolds said that a conditional use permit application will be coming to the town very soon for the property just west of the public works facility. Administrator Reynolds said that he had mentioned previously that the Town of Silt would love to have a combined work session with New Castle, and that was now scheduled for March 15, 2022. He said that meeting will be in the community center across the street.

Town Council Meeting
Tuesday, February 15, 2022

He also said that there were a few topics on the agenda thus far, and dinner will be served. Administrator Reynolds said that staff was working on the FMLD grant applications. Administrator Reynolds said that the LoVa Trail project was still alive. He said that himself, Jeanne Golay, Town Engineer Jeff Simonson and the engineer from Glenwood Springs met the week prior with the LoVa Board. Administrator Reynolds said that the town's project for LoVa was out to bid. He said the Glenwood Springs side of the project will be released to bid very soon. He said that there was anticipation that they would not be near budget, but Ms. Golay will go to the RFTA board for funding as well as some private donors. Administrator Reynolds said that the FMLD board has asked that LoVa meet with them monthly to keep the board up to date on the project because it was holding up a lot of FMLD funds. Administrator Reynolds said that they were still working with Ando Bruno, the owner of the property that the LoVa Trail will go through.

Administrator Reynolds told the council that there had been a water line break on Main Street and water was off for a while during repairs. Administrator Reynolds said he will be out of the office on Friday. Administrator Reynolds said that at the next council meeting they will hear about the Detox Center. Debbie Wilde and Roger Sheffield will attend and provide an update to the council and possibly a funding request. Administrator Reynolds said there will be a report at the next meeting from the Capital Committee as well as a presentation from U.S.G.S. who wanted to place some metering equipment on Elk Creek. Administrator Reynolds recalled for the council that Planner Smith had brought some new code sections to the council for approval that implemented some standards for the installation of 5G cell towers. Administrator Reynolds said that there were now companies wanting to place towers in town. He said he and Planner Smith were working with the company. He commended Planner Smith for being proactive 2 years ago. Administrator Reynolds said that the town had an agreement with New Hope Church for use of their park space/volleyball court and in turn the town paid for the water to maintain the park. The agreement expired, and staff was looking at the agreement and it will be brought back to council. Administrator Reynolds said that staff was continuing to work on the solar panel buyout of the array on the public works building. Staff just received the study today and will review it and advise council on potential review.

Mayor A Riddle asked if there were any more definitive answers regarding the American Rescue Act funds. Administrator Reynolds said that the town had received a notebook regarding those funds which he had studied in depth. He said that probably the best use for those funds would be for utilities infrastructure, although there may be an opportunity to use the funds for lost revenues. The process for determining that was complicated, but it could be that the 1.2 million dollars the town received could be considered 'lost revenue' and put into the general fund.

Town Clerk – Clerk Harrison said that herself, Deputy Town Clerk Mindy Andis and Administrative Assistant Remi Bordelon had gone to Garfield County to complete the Logic and Accuracy Test on the ballot counting machines that will be used at the April 5 election. Clerk Harrison also said that she had picked up the ballot packets for the overseas voters and had to make some corrections to the voter instructions included because they were related to Title 1 elections rather than Title 31 elections. Clerk Harrison answered an earlier question posed about overseas voters voting in a New Castle election when they were no longer residents of New Castle. She said that yes, persons who had failed to change their home address will be sent a ballot and they could vote that ballot as well. She told the council that municipal clerks were not charged with the authority to

monitor voter honesty or investigate anything about voters other than whether they are actually registered to vote in New Castle. She said that voters are required to sign an affidavit on the ballot envelope that certifies they are eligible to vote in New Castle. If they are lying, then they are effectively perjuring themselves and can be prosecuted for that. Similarly, candidates for office also signed an affidavit where they verify their eligibility to be in office, and clerks are not required to further investigate candidate eligibility. Clerk Harrison said that the overseas ballots have been mailed. Clerk Harrison said she had sent all the candidate biographies to the newsletter staff for publication in next month's newsletter. Clerk Harrison told the council that she and Admin. Asst. Bordelon had been doing some research regarding the codification of the town's municipal code. Clerk Harrison said that she would be on vacation from February 16 through February 23.

Town Treasurer – Town Treasurer Loni Burk said the in regard to the ARPA funds, they town was coming up on an annual reporting deadline, and that was to report how the funds had been spent. In addition, she was going to need to make an account with the US Treasury and assign an account administrator and point of contact and authorized representative for reporting. She said that the town had not spent any of the funds, so there would not be anything to report. Treasurer Burk said that Assistant Treasurer Viktoriya Ehlers was on a well-deserved vacation, and Administrative Assistant Rochelle Firth had been a great help in finance.

Town Planner -

Public Works Director – Director Wenzel said that on February 23 he will meet with P&Z and discuss some new street and sidewalk design criteria that he hopes to include in the public works manual and municipal code to help with some of the development review processes. Director Wenzel said that they had a soft date of March 16 set for a dog park meeting. He said he will have information to Councilor Leland for the newsletter soon. He said that part of what will happen at that meeting will be to identify locations and possible parameters for the parks. Mayor A Riddle said that the Elk Creek Elementary school 5th grade STEAM class was interested in being involved in the dog park project. Director Wenzel said that he had four candidates scheduled for interviews for the streets foreman position. Director Wenzel said had a meeting with Kuersten construction regarding the bio-solids drying facility, and they were working towards finalizing that contract.

Commission Reports

Planning & Zoning Commission – nothing to report.

Historic Preservation Commission – nothing to report.

Climate and Environment Commission – nothing to report.

Senior Program – nothing to report.

RFTA – nothing to report.

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

Councilor Mariscal said she had received a call on Valentine's Day from a Latino man who was angry because his family was in a car accident and felt the New Castle officer was

racist against him, and he said he was going to the media. She said that after getting more information from the man and speaking to Administrator Reynolds, it turns out that it was not a New Castle officer, but state patrol, and there was nothing the town would be able to. She said that the man had sent text messages, phone calls and photos of the family in the hospital and a video of the interview with the state patrol officer. Administrator Reynolds said he had spoken to the man, and the gentleman understood the town was not involved in the situation, but he was trying to use the town in a way that probably was not okay. Administrator Reynolds said that he had been clear in his conversations and the man would likely not reach out to the town again. Councilor Mariscal received a call from a woman about tap fees, water bills and dog parks. Councilor Owens said he had spoken to several camper/RV owners, and they loved the bulk water station, but one thing they had a hard time locating was an RV dump station. He said that he thought it might be a good idea for the town to consider a dump station in the future, perhaps by the wastewater plant. Councilor Hazelton said that one of the issues at the Rifle dump station was illegal dumping of chemicals which was why the station had closed. The issue is having to monitor the stations at all times. Director Wenzel agreed that illegal dumping was the primary reason municipal dump stations were complicated and ended up closing. Councilor Leland said the railroad crossing may be an issue. Staff agreed the idea could be explored. Councilor Owens asked where Frank Breslin's picture had gone. Clerk Harrison said that Frank kept jumping off the shelf, so he was hanging out in the clerk's office for the time-being, until she remembered to bring something to secure the frame to the wall. Councilor G Riddile asked what Dow Rippy was up to because there was more excavating taking place. Administrator Reynolds said that the answer given from Mr. Rippy was that he was prepping the land for sale, getting the lots ready. Mayor A Riddile said that there continued to be dirt on the road, but continuous monitoring probably wasn't necessary. Councilor Leland said that at the Lions Club meeting they had been approached by anonymous donor to place bench on Mt. Medaris and on Prendergast. Administrator Reynolds said the anonymous person had approached the town in the fall and staff felt that waiting until the spring was better. He said he did not know that two benches were proposed. He explained the process that had been identified to get the bench installed. Councilor Leland said that Symphony in the Valley would be performing in New Castle at New Hope Church. He said it had been a big deal getting them to come to New Castle the first time, and now they were coming back at least once per year. He said that they will be playing Peter and the Wolf on Saturday, February 26. Mayor A Riddile said that Peter and the Wolf will also play at the Ute Theater in Rifle. He said he was taking his granddaughter to the performance. Councilor Copeland said that there was quite a bit of mud on S. Wildhorse where new homes were being built. Councilor Copeland asked if the speed limit on Main Street near the Ambleside School will be lowered. Administrator Reynolds said that Admin. Asst. Firth had completed the necessary CDOT application. Because there are two schools on Main Street, CDOT wanted Elk Creek Elementary to also complete an application, and the scenario on Mian Street between the two schools to be described. CDOT had all the data and staff is waiting to see what CDOT's conclusions are.

Councilor Copeland said that the trails link on the town website map was old. Administrator Reynolds said that a new website was under design, and they were currently doing 'live adjustments' to the site, updating much of the old information. Councilor Copeland said that police have been putting abandoned vehicle stickers on cars in her neighborhood that are not abandoned, and she felt that something better could be done. Perhaps knock on residents' doors rather than placing obnoxious stickers on car windows. Administrator Reynolds said those things are often complaint driven, and a person can park their vehicle on town streets without moving them for 72 hours, then in theory the police could ask that the vehicle be moved. The Police Department's policy is usually to not bother with it unless there are complaints from the neighbors. Councilor Copeland said there was a neighbor, but she felt there was also a point at which the police could say that there was nothing illegal taking place and for people to stop calling the police. Councilor Copeland said that she did not feel making people shuffle vehicles around every 72 hours was necessary, particularly when there were other vehicles parked for longer that are not tagged. She said perhaps the vehicle that did not move was someone who was a stay-at-home mom or someone with cancer. She felt it was not compassionate policing in certain cases when people are not doing anything wrong. Administrator Reynolds said he would speak to the chief. Mayor A Riddile said that Administrator Reynolds, Director Wenzel and himself had spoken to CDOT several times, and after 6 years they were still in the process of prioritizing construction projects that no one had any money for. He said they attended for the roundabout, and New Castle was # 2 on one list and #3 on another. The cost of the roundabout went from 8 million to 10 million dollars. However, Mayor A Riddile said that the roundabout was 100% designed, and CDOT was purchasing right-of-way. He said that Frisco wanted 30 million for a project but there was only 35 million available over the next four years to be used between Frisco and Parachute. Nonetheless, Mayor A Riddile said he was optimistic about it.

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

The meeting adjourned at 8:47 p.m.

Respectfully submitted,


Mayor Art Riddile


Town Clerk Melody Harrison, CMC



Town Council Meeting
Tuesday, February 15, 2022