

**New Castle Town Council Meeting  
Tuesday, July 18, 2017, 7:00 p.m.**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

Present	Councilor Metzger Councilor Owens Councilor Hazelton Mayor A Riddile Councilor Russi Councilor Leland Councilor G Riddile
Absent	None

Also present at the meeting were Town Administrator Tom Baker, Town Clerk Melody Harrison, Assistant Town Attorney Haley Carmer, Town Planner Tim Cain 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-2017-1.

**Conflicts of Interest**

There were no conflicts of interest.

**Agenda Changes**

There were no agenda changes.

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

Brad Osborn, FOCUS Coordinator for Community Health Initiatives (CHI) in Glenwood Springs.

Mr. Osborn greeted the council. He told them that he was the FOCUS Coordinator. FOCUS stood for Families Over-Coming Under Stress. CHI had been working with the state office of behavioral health to provide services to military, veterans and their families. He said that his company had received a five-year block grant to provide assistance to military and veteran families free of charge. In addition, if a client could not get to their offices on Grand Avenue, they would go to the client.

Mr. Osborn said he was reaching out to all the municipalities, and he felt that the best opportunity was during public comment at the town meetings. He gave the council brochures.

The council thanked Mr. Osborn.

Town Council Meeting  
Tuesday, July 18, 2017

Councilor Graham Riddile introduced his daughter, and New Castle's newest resident, Emmy Rae Riddile, born July 9, 2017. The council welcomed her and congratulated Graham and his wife Alisha.

### **Consultant Reports**

Consultant Attorney – present for agenda items

Mayor A Riddile asked Assistant Town Attorney Haley Carmer if she and Attorney McConaughy would provide the council with training on developer-council relations since there were a number of projects coming up. Attorney Carmer said she would organize it with Attorney McConaughy.

Consultant Engineer – not present

### **Items for Consideration**

#### **Update: Prosecutor Angela Roff and Municipal Court Judge Amanda Maurer**

Town Prosecutor Angela Roff greeted the council. She said she had done a ride-along with most of the officers in the police department, and said the officers and the chief were doing a great job. She thought that the additional training the department had been providing was a great advantage to them. In addition, Prosecutor Roff felt that the new facility and new vehicles was beneficial to the department morale. Prosecutor Roff felt that the department was doing a remarkable job, and the officers were very motivated.

Municipal Judge Amanda Maurer told the council there had been a number of legislative updates, and she reviewed them with the council. One bill had to do with advisement of a defendant of the charges against them and the maximum possible penalties. Judge Maurer felt that the New Castle penalties were sufficient, and she described how defendants in the New Castle Municipal courts were advised.

Judge Maurer said that half the new legislation had to do with the sealing of records, and she said the council might see a proposal for a change in the town code for the additional \$65.00 fee for sealing of records. Municipal court cases in New Castle were not typically fingerprinted or reported to the Colorado Bureau of Investigations, so it was not likely the court would see a sealing of records request.

Judge Maurer said the most significant bill was HB 17-1316 delaying the implementation of HB 16-1309 that required municipalities to provide an attorney for a defendant at their first appearance. The delay would be for one year, to July 1, 2018. The reason it was delayed was because it was an unfunded mandate, and most municipalities do not have funding available to be able to comply. The Colorado Municipal League was working to set up a fund through the Department of Local Affairs to assist municipalities, because there were no monies allocated to pay for court-appointed attorneys at the municipal level, only for the county and state level. The public defender's office has stated that they would not perform the additional work without additional funds.

Judge Maurer said that the bill had been amended numerous times, and could be again in the next legislative session. She said that there were approximately eighty-five municipal judges in Colorado and although they had differing interpretations of the bill, they were working towards a unified position on the implementation.

Town Council Meeting  
Tuesday, July 18, 2017

Mayor A Riddile asked what Prosecutor Roff and Judge Maurer were seeing in the courts.

Prosecutor Roff said the most upsetting for her were the juveniles, and she worked hard to make sure they were receiving appropriate services in the event there were outlying issues that needed to be addressed. She said most everything else was related to traffic.

Judge Maurer said there was some petty theft and trespass, and most of the defendants were first-time offenders. The rest of the cases were related to traffic. She agreed that the juveniles were concerning, but there was nothing coming into the courts that implied any trends in town.

The council thanked Prosecutor Roff and Judge Maurer for their hard work.

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

**MOTION: Councilor Leland made a motion to recess the town council meeting and convene as the local liquor licensing authority. Councilor Owens seconded the motion and it passed unanimously.**

#### **Consider Special Event Liquor License for the Community Market**

Clerk Harrison told the council that Noreen Nolan, organizer of the Community Market, wanted to provide a sampling garden at the community market as they had done in 2016. Ms. Nolan had applied for designation as a 501-c3 non-profit organization, and although she had been informed that the application had been approved, she had yet to receive the designation.

Clerk Harrison said that in 2016 the council had agreed to obtain the special event liquor license on behalf of the community market, and staff was asking that the council consider obtaining it for them again in 2017. The three days proposed would be July 20, August 17 and September 21, 2017. The first two days would be hosted by one of the liquor stores in town, and the last date in September would be hosted by the Brew Pub in Glenwood Springs.

As a side note, Clerk Harrison told the council that liquor stores were really the only businesses in town that did not have the ability to get a booth and sell product at the community market, and the sampling garden was an opportunity for them to expand their patronage.

Clerk Harrison said that she and Deputy Town Clerk Mindy Andis would be available to attend the community market on the dates proposed since the liquor license was owned by the town, and she said that they both were SafeServ certified.

**MOTION: Councilor G Riddile made a motion to approve the Special Events Liquor License for the Community Market. Councilor Hazelton seconded the motion and it passed unanimously.**

#### **Consider Resolution TC-2017-12 - A Resolution of the New Castle Town Council Approving an Application from EAT Bistro & Drinks LLC, for a Hotel & Restaurant Liquor License**

Clerk Harrison introduced Molly Mogavero, applicant. She said that Ms. Mogavero intended to open a new restaurant in the building she owned at 316 W Main Street.

The resolution and application were to consider a hotel and restaurant license, which would provide the opportunity for the restaurant to serve beer, wine and liquor. Clerk Harrison said that the council had previously approved a license agreement to allow the proposed restaurant to have a few tables outside on the sidewalk where alcohol could be served. The license agreement was included with the application. Clerk Harrison told the council that the application was complete, and had been sent to the state liquor enforcement under a concurrent review. She said she had received notice from the state that they were waiting for the liquor authority approval to complete their review process.

Clerk Harrison told the council that the unit where the restaurant would open was currently occupied by another business. Staff would not issue the liquor license until such time that the applicant had reacquired legal possession of the premises, obtained their health department license to operate a food establishment and obtained approval from Colorado Liquor Enforcement.

Clerk Harrison told the council that the applicant was requesting that the council consider reducing the town license fee of \$1,000.00. State Liquor Enforcement had increased the application fees at the beginning of 2017 significantly. The license fee for a hotel and restaurant had gone up \$1,000.00. The council felt that reducing the application fee would set a precedent with which they were not comfortable. Instead, they offered to defer payment of the second half of the fee until December 29, 2017.

Ms. Mogavero told the council that the new restaurant would provide made-from-scratch food and specialty cocktails. She said they would also provide table service rather than self-service. Ms. Mogavero said she was very excited to be reopening a restaurant and hoped to see everyone there.

**MOTION: Councilor Leland made a motion to approve Resolution TC-2017-12, A Resolution of the New Castle Town Council Approving an Application from EAT Bistro & Drinks LLC, for a Hotel & Restaurant Liquor License and Delaying Payment of the Half of the Town License Fee Until December 29, 2017 Councilor Hazelton seconded the motion and it passed unanimously.**

Adjourn the Local Liquor Licensing Authority, Reconvene Town Council Meeting

**MOTION: Councilor G Riddile made a motion to adjourn the local liquor licensing authority, and reconvene the town council meeting. Councilor Russi seconded the motion and it passed unanimously.**

**Consider Ordinance TC-2017-3, An Ordinance of the New Castle Town Council Amending Title 17 of the New Castle Municipal Code to Add a New Zone District Known as the Mixed-Use Commercial District (second reading)**

Attorney Carmer told the council that the only thing in the ordinance that had been updated was to add Recreation/Fieldhouse to the list of permitted uses. She also said she had some proposed language to include a definition of 'unit' that could be added if the council chose. Councilor Leland said he thought it needed to be added because it affected the density. Attorney Carmer passed out paperwork that had her proposed definition for 'unit'. The council felt it should be added to the ordinance.

**MOTION: Councilor Leland made a motion to approve Ordinance TC-2017-3, An Ordinance of the New Castle Town Council Amending Title 17 of the New Castle Municipal Code to Add a New Zone District Known as the Mixed-Use Commercial District, adding language that defined 'unit', on second reading. Mayor A Riddile seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Mayor A Riddile: yes; Councilor Hazelton: yes; Councilor G Riddile: yes; Councilor Russi: yes; Councilor Owens: yes and Councilor Metzger: yes.**

**Consider Ordinance TC-2017-2, An Ordinance of the Town Council of the Town New Castle, Colorado, Concerning the Annexation of the Property Known as TBD Bruce Road into the Town, and the Approval of an Annexation Agreement Regarding the Same (second reading)**

Attorney Carmer said that at the last council meeting the ordinance had been tabled so that the language related to the vision of the property could be changed to no longer reflect income levels or specific tenants. Attorney Carmer said that since the annexation was being approved without a development plan, the whole site plan will come to the council for approval. She also said that the ordinance reflected the addition of a definition for 'unit'.

Councilor Russi asked for a clarification on the language in Exhibit C, stating that he felt "but not limited to" could be added to the categorizations under permitted uses. Attorney Carmer said that language could also be added.

**Councilor Leland made a motion to approve Ordinance TC-2017-2, An Ordinance of the Town Council of the Town New Castle, Colorado, Concerning the Annexation of the Property Known as TBD Bruce Road into the Town, and the Approval of an Annexation Agreement Regarding the Same as amended, on second reading. Councilor Metzger seconded the motion and it passed on a roll-call vote: Councilor Owens: yes; Councilor G Riddile: yes; Councilor Leland: yes; Councilor Metzger: yes; Councilor Hazelton: yes; Councilor Russi: yes and Mayor A Riddile: yes.**

**Consider Ordinance TC 2017-4, An Ordinance of the Town Council of the Town of New Castle, Colorado Zoning Certain Property Located at TBD Bruce Road Upon Annexation into the Town (second reading)**

Attorney Carmer said that the ordinance was to apply zoning to the newly annexed property.

**Councilor G Riddile made a motion to approve Ordinance TC-2017-4, An Ordinance of the Town Council of the Town of New Castle, Colorado Zoning Certain Property Located at TBD Bruce Road Upon Annexation into the Town on second reading. Councilor Owens seconded the motion and it passed on a roll-call vote: Councilor Russi: yes; Councilor Hazelton: yes; Councilor Owens: yes; Councilor Metzger: yes; Councilor Leland: yes; Councilor G Riddile: yes and Mayor A Riddile: yes.**

### **Historic Preservation Commission Grants**

Administrator Baker introduced Virginia Erickson, Historic Preservation Commission Chair.

Ms. Erickson greeted the council and introduced Judith Hayward of Historic Garfield County. She told the council that Ms. Hayward had been active in Parachute and Battlement Mesa getting their museum up and running. Ms. Erickson also said that she and Ms. Hayward had attended the board of county commissioners (BOCC) meeting earlier in the week, and the BOCC had approved a tax question to be placed on the November ballot for the Historic Garfield County group.

Ms. Hayward said that she was the President of the Grand Valley Historical Society which was located in Parachute/Battlement Mesa. She said the society owned the Battlement Mesa School House, and was probably the newest historical society in the county. Ms. Hayward said that New Castle was part of the Northwest Colorado Cultural Heritage Tourism project. She also said that Pitkin County, Garfield County and Eagle County had formed the Four Rivers Historic Alliance. Through the two organizations, she learned that Route County, Colorado had a historic preservation initiative that had been going on for ten years.

Ms. Hayward had been meeting with a group for about eight months who created a resolution that went before the BOCC, asking them to place a tax initiative on the November 7, 2017 ballot. The tax initiative could mean some real financial assistance to municipalities in Garfield County with their historical societies. The initiative would be effective in 2018, and each municipality could receive as much as \$60k. In addition, it would provide the opportunity for a grant program only available to Historic Garfield County members.

Ms. Hayward said that if the tax initiative was approved by the voters, the cost to taxpayers would be about \$3.24 per \$100k of property value. The funds would be used to support historic societies/museums.

Ms. Erickson told the council that there were grants available that could be applied for that could help the New Castle Museum. The museum was housed in a town-owned building that did not have heat, a bathroom or running water. She asked the council to consider approving some match funds to make necessary improvements to the New Castle Museum.

Administrator Baker said he thought that a line-item could be created in the 2018 budget to accommodate the funding for the museum improvements. He felt that four to five thousand dollars would be appropriate to provide grant match money and for grant-writing assistance.

The council briefly discussed the repairs needed for the New Castle Museum building, and the various persons who were willing to assist. They also discussed the importance of educating the public of the importance of preserving history.

Ms. Erickson said that she was considering a booth at the community market to garner interest in membership in the New Castle Historical Society as well as the tax initiative.

The council thanked Ms. Erickson and Ms. Hayward for their presentation.

### **Consider New Castle Garden Club Proposal: Town Flowers**

Mary Johnson, President of the New Castle Garden Club, greeted the council. She introduced Bonnie Daniels, member of the New Castle Garden Club.

Ms. Johnson gave the council a brief history of the Garden Club and some of the work they had done in town, such as the flower boxes at the Senior Housing and the hanging flower baskets in the downtown. Ms. Johnson said that thanks to Councilor Russi who had written a grant, the Garden Club had been able to build four raised beds at the River Center for the community garden. Two of the raised beds were dedicated to providing fresh vegetables and herbs to Lift-Up. The club had recently begun taking care of the planter boxes in the downtown and planted a perennial garden in Liberty Park. Ms. Johnson said that the club often delivered flowers to the seniors centers in Rifle and New Castle, and for the last five years held a plant sale at the Community Market which gave them the opportunity to have donated over \$1,600.00 to the River Center's emergency fund.

Ms. Johnson told the council that the Garden Club had been discussing the idea of a town flower, since New Castle did not have one. The club had researched more than twenty different flowers and found one that they felt would accommodate New Castle's sun and soils. It was easy to grow, had a long bloom time and was not toxic to pets or humans.

Ms. Johnson and Ms. Daniels showed the council two samples of the Cosmos flower, and asked the council to consider adopting it as the town flower. She also asked the town to consider a donation of \$150.00 so that the Garden Club could make cosmos seed packets to go into the welcome baskets that the Chamber of Commerce gave new residents.

**MOTION: Mayor A Riddile made a motion to accept the cosmos as the town flower and to donate \$150.00 to the New Castle Garden Club. Councilor Metzger seconded the motion and it passed unanimously.**

### **Consider Vehicle Use Tax Ballot Issue**

Administrator Baker told the council that the community revenue group had been working very hard on the council's request for them to determine whether a vehicle use tax issue should be placed on the November ballot. He said the group was close to making a recommendation, and would attend the August 15, 2017 council meeting. In the meantime, Administrator Baker asked that the council direct the town clerk to send a letter to the county, informing them of the town's intent to place a tax issue on the November 7, 2017 ballot. This will reserve the town's ability to place an issue on the ballot.

Administrator Baker said that the vehicle use tax recommendation would likely have a sunset of seven years, and the funds would be allocated to four or five categories. There would also probably be a request that the council appoint an allocation advisory group to help the council determine how to distribute the funds to the categories, on an annual basis.

Administrator Baker said that the group was creating their story about why the tax was important and they were utilizing core values. They were also looking towards the future as well as the present-day situation.

Town Council Meeting  
Tuesday, July 18, 2017

Administrator Baker said he had been impressed with the revenue groups' work and the commitment. He recommended that the council motion to direct the clerk to send a letter to the county with the intent to place a tax issue on the ballot.

**MOTION: Mayor A Riddile made a motion to direct the town clerk to send a letter to the county clerk of the town's intent to place a TABOR issue on the November 7, 2017 ballot. Councilor G Riddile seconded the motion.**

Discussion: Councilor Leland asked when the ballot language needed to be certified to the county. Administrator Baker said September 8, 2017, which left two meetings in August and one in September during which the council could consider the ballot language. Councilor Leland recalled that in 2010, the ballot language was not something the public seemed to understand and it would be important that the language be comprehensible, as well as meeting the necessary legal standards.

**The motion passed unanimously.**

### **Consent Agenda**

Minutes of the May 30, 2017 special council meeting

Minutes of the June 20, 2017 council meeting

June Bills of \$443,815.57

Hogback Pizza Beer & Wine Liquor License Renewal

New Castle Diner Hotel & Restaurant Liquor License Renewal

**MOTION: Councilor Russi made a motion to approve the consent agenda.**

**Mayor A Riddile seconded the motion and it passed unanimously.**

### **Staff Reports**

Town Administrator – Administrator Baker said that the P&Z in their comprehensive plan meetings had suggested that the council consider applying to CDOT to place one of their standard green signs at the southeast corner of the intersection that talks about the downtown, the City Market shopping center, the Flattops, Castle Valley Ranch, Lakota and the golf course. He said that the P&Z wanted the council to authorize staff to pursue the sign with CDOT. Administrator Baker said that several of the council have talked about holding a community open house to address upcoming development, the lane diet, and other issues. A lot of the concern is how the public was unaware that where they walk their dog is actually private, developable land, or space that is not being cared for or irrigated may be private land as well. The council decided to hold the open house on October 19 from 6:00 to 7:30 p.m. at the community center. The council also decided that the retreat would be on Friday, September 22, from 2:00 p.m. to 7:00p.m. Administrator Baker said he and the Mayor had attended a meeting with the residents of Blackhawk Drive to discuss the through-traffic issues. They were considering some traffic-calming ideas and will meet the following week. He said it was a good meeting.



Administrator Baker said that Adam Cornely and New Castle Trails had come up with the idea of an adopt-a-trail program to keep trails clean, similar to the adopt-a-highway program. Administrator Baker said that the bakery was making progress with New Hope Church. Administrator Baker said staff was beginning the application process for FMLD grants. The mini-grant will be for the Chamber of Commerce offices, and Community Center remodeling. The traditional grant would be for the sports park items that were not funded, such as shade shelters, some landscaping and the playground finish. Administrator Baker told the council that there was some litigation in progress, and that the town had received interrogatories that needed to be returned within 35 days. Administrator Baker told the council that he had received a phone call from Oka Leaf LLC regarding a solar garden opportunity. Last, he told the council that the memorial service for Larry Borgard will be held on Saturday, August 5<sup>th</sup>, from 1:00 p.m. to 4:00 p.m. He asked if anyone from the council would like to say some words at the service. Mayor A Riddile said he would be glad to. Administrator Baker said that the Lion's Club asked if the town would be willing to collaborate with them for a bench or tree for Larry, and the council said they would.

Town Clerk – Clerk Harrison said she had received a number of entries for the name-the-park contest, and so far, the youngest entrant was two years old. Clerk Harrison said that she has received a letter of interest for a seat on HPC but there was not an open seat. She asked if the council would be okay if she suggested the open P&Z seat. The council agreed. Clerk Harrison showed the council a photograph of Boy Ganley's signature on the outside of the Ganley house that the Ganley family gave to the town as a thank-you for honoring them at Founders Day. Clerk Harrison told the council that Susane Ruggles, of the Downtown Group, was interested in doing a music in the park event. Ms. Ruggles may come to the council to ask then to obtain a special events liquor license for her event. Last, Clerk Harrison told the council that she would be attending an elections class on August 11, 2017.

Town Planner – not present

Public Works Director – not present

### **Commission Reports**

Planning & Zoning Commission – Councilor Owens said that Doug Dotson was at the meeting and they talked about parking, also about paving C Avenue for better access, and having more events in the downtown. Councilor Owens said they also talked about the Kamm lot RFP, making it more developer friendly.

Historic Preservation Commission – nothing to report

Climate Action Advisory Committee – nothing to report

Senior Program – Councilor Metzger asked if Bob Gordon was invited to the groundbreaking for senior housing, and Administrator Baker said he was.

RFTA – Mayor A Riddile said the most significant item was that CDOT had asked for e-bikes to be allowed on the Rio Grand Trail to reduce traffic. Unfortunately the item did not pass.

AGNC – Councilor Hazelton said he attended the meeting in Hayden that was uneventful. He said there was a guest speaker who talked about better communications between smaller communities.

GCE – Councilor Russi said that GCE had put on a wonderful seminar that Tom Baker had done a great job mediating. He said they had also talked about community solar and he said he was glad to share the materials with the council if they were interested.

BEWG – nothing to report

### **Council Comments**

Councilor G Riddile said that the CR 335 trail paving was complete. He also said that CDOT had approved the guardrail and crosswalk project at the intersection.

Councilor G Riddile said that it was great to see the completed shade shelters at the pump track.

Councilor Leland said that neither he nor the Mayor could go to the mayors meeting on Friday, and he asked if anyone else would be able to attend.

Councilor Leland noted that there were perhaps a half-dozen pops from fireworks on July 4, which was good news, because people seemed to be concerned for fire safety. Councilor Leland said there was an article in the newspaper about the Town of Parker that he felt was a cautionary tale. Parker had given many concessions to a sporting goods store who went out of business nine months later. He felt that when businesses asked for support, it was something to consider.

Councilor Hazelton said that the recent graffiti around town was a problem. Public works was very busy in to be able to take care of it all. Councilor Hazelton said that the same thing happened in Rifle, and some local businesses collected money for a reward and eventually one of the offender's friends reported them.

Councilor Metzger said that the empty lot that City Market owned was dirty.

Administrator Baker said he would speak to Planner Cain about it.

Councilor Metzger asked about the clubhouse. Administrator Baker said that they have not made progress on the final inspection, and he was uncertain how quickly they would get it completed. The council discussed what they could do to encourage Warrior to complete the project.

Mayor A Riddile said there was a great article in Mountain Parent Magazine that was written by Adam Cornely about New Castle Trails. There was also an article about towns in the area and their parks, and New Castle and the new sports park was mentioned in it as well.

Mayor A Riddile told the council that on August 2 there would be a veteran's memorial ride honoring Pyro.

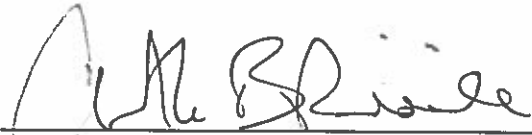
Mayor A Riddile said the town will present the bike rack to the city of Glenwood on Thursday, August 3, at 5:00 p.m. at the Glenwood Mall.

Mayor A Riddile said that Councilor Hazelton had done a fundraiser for the last nine years through his restaurant, Wingnuts. It was golf tournament, and they had raised more than \$60k for local charity. In 2016, the money had gone to a young cancer patient and his family to help pay for treatment. In 2017 the money went to the cancer center. Part of the cancer center was the integrated touch therapy program, and they hold the Rally for the Valley to raise funds. Councilor Hazelton said that \$2,000.00 went into a scholarship fund. He said his customers made it all happen. The council congratulated and thanked Councilor Hazelton for his efforts and success with his fundraiser.

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

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Mayor Art Riddile

  
\_\_\_\_\_  
Town Clerk Melody Harrison, CMC

