

**New Castle Town Council Meeting  
Tuesday, July 17, 2018, 7:00 p.m.**

**Call to Order**

Mayor Pro Tem Grady Hazelton called the meeting to order at 7:00 p.m.

**Pledge of Allegiance**

**Roll Call**

Present	Councilor Metzger Mayor Pro Tem Hazelton Councilor Copeland Councilor Leland Councilor G Riddile
Absent	Mayor A Riddile Councilor Owens

Also present at the meeting were Town Administrator David Reynolds, Town Clerk Melody Harrison, Public Works Director John Wenzel, Town Attorney David McConaughy and members of the public.

**MOTION: Councilor Leland made a motion to excuse Councilor Owens' absence. Mayor Pro Tem Hazelton seconded the motion and it passed unanimously.**

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

**Meeting Notice**

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC 2018-1.

**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 said he had attended the CML Conference and he felt it was one of the better conferences he had attended. He said that 5G cell towers are on their way, and the federal government wanted to preempt local government’s jurisdiction to regulate public rights of way and allow internet providers to install equipment on light poles whether the town agreed or not. He felt the council should consider an ordinance to regulate that. Attorney McConaughy said that the railroad would not allow sewer lines to be placed in their rights of way without permission from the railroad because it was preemptive. The last thing was that states would now be allowed to impose sales tax on internet-based retail such as Amazon. There would be new laws coming on the issue. Attorney McConaughy said that regarding item E on the agenda, he wanted to disclosed that he was representing a homeowner who was suing the Town of Silt regarding a water leak. He did not feel the issues were the same, but he wanted the council to know in case any council member was concerned about it.

Consultant Engineer – not present

## **Items for Consideration**

### **Thank you – David Souders Diner Car Show**

Mayor Pro Tem Hazelton told the council that Mr. Souders had owned the New Castle Diner for eight years, and had done a car show and BBQ every year. There was great music as well. Mr. Souders said that there were 43 cars and close to 250 people attending this year and it had been the best yet. He said that every car received a plaque for the showing and he had been able to give away trophies as well. Mayor Pro Tem Hazelton and the council thanked Mr. Souders for his event.

### **Consider Resolution TC 2018-14, A Resolution of the New Castle Town Council Supporting an Application for a Grant from the Colorado Parks and Wildlife State Trails Program/Colorado the Beautiful Grant Program**

Mr. Greg Russi greeted the council. He provided a brief history of the various grants and collaborative efforts that LoVa Trails had been successful with to obtain funding for completion of the South Canyon portion of the trail. Currently, the portion of the trail from West Glenwood to the South Canyon exit was under planning, and they felt it would be ready for the 2020 Federal Lands Access Plan (FLAP) grant to obtain construction funds. The second portion of the trail, the cantilevered section over the Colorado River from South Canyon to Canyon Creek, the Town of New Castle had obtained two planning grants for in 2017: one from GoCo and one from State Trails. The town engineer was currently working on it, and planning should be complete in 2019. Again, the FLAP grant would fund construction. Mr. Russi said that the third section of trail between Canyon Creek and New Castle was already planned thanks to a grant received in 2016, and construction could begin. Mr. Russi said that the resolution of support he was asking the council to consider was a standard support resolution, with standard requirements. Referring to several maps, Mr. Russi showed the council the where the trail from New Castle to Canyon Creek would be located.

Mr. Russi said the grant was for \$500k with a \$150k match. He said that at the RFTA meeting, there was a great deal of support, and RFTA committed some construction money should their mil levy pass in November. The City of Glenwood Springs said they would commit funds as well. Mr. Russi said that he hoped New Castle would consider committing to \$30k out of the Conservation Trust. He said that budget had about \$24k in it, but that the town received between \$10 & \$17k each quarter so there would be plenty of money by the time the match was due. He stated the money could also come out of the general fund if necessary.

Mr. Russi and Public Works Director John Wenzel determined that the cost to maintain the trail was approximately \$2,200.00 per year for the 1000 feet of asphalt the town would handle. Ultimately, Mr. Russi said that he felt that maintenance should and would be taken over by RFTA.

Attorney McConaughy told the council that there were two motions the council should make: One approving the resolution and one directing staff to budget the \$30k into the 2018 budget.

**MOTION: Councilor Leland made a motion to approve Resolution TC 2018-14, A Resolution of the New Castle Town Council Supporting an Application for a Grant from the Colorado Parks and Wildlife State Trails Program/Colorado the Beautiful Grant Program. Councilor G Riddile seconded the motion and it passed unanimously.**

**MOTION: Councilor Leland made a motion to direct the town administrator to include \$30k in the 2019 proposed budget for the LoVa Trail. Mayor Pro Tem Hazelton seconded the motion and it passed unanimously.**

**MOTION: Councilor Leland made a motion to hold a special council meeting on Tuesday July 31, 2018 at 6:00 p.m. Councilor G Riddile seconded the motion and it passed unanimously.**

#### **Update: Community Resources Housing Development Corporation**

Carly Johansson greeted the council. She described the progress Lakota Ridge Senior Apartments project. She said that the Design Review Committee for Lakota had approved the roof and paint colors they had selected. Ms. Johansson felt that the public road would be completed in September, and because they had worked with Town Engineer Jeff Simonson on the infrastructure, she thought that dedication of the road to the town should go well.

Ms. Johansson said that CRHDC expected to complete construction in November, 2018, which was two months behind schedule. She said the delay was due to the additional work of the balconies being added back into the project. Ms. Johansson said they would begin taking applications in September. She said there was a full wait list, and she felt they would likely have every apartment occupied by the end of 2018.

Administrator Reynolds asked if CRHDC was still considering asking for a temporary certificate of occupancy (TCO). Ms. Johansson said they were planning to ask for a TCO for buildings 4,5 and 6. The intent was that all the public improvements and common amenities would be completed by mid-September, at which time they would like the TCO. Councilor Leland said that the council had a position in TCOs that

required that all health and safety issues would need to be complete for them to receive a TCO. Ms. Johansson said that would not be a problem because the Garfield County Housing Authority, the Division of Housing, CHFA and all their funders would require the same.

Councilor Metzger asked when the landscaping would be done. Ms. Johansson said they had begun the landscaping and it should be completed by the time they got their certificate of occupancy.

Councilor G Riddile asked if they would still be installing the path at the front of the property, and she said they would be installing the asphalt walkway.

Ms. Johansson introduced JV DeSousa, architect for the project. Mr. DeSousa showed the council some storyboards indicating the various color schemes, and there was a very brief discussion about the exterior finishes.

### **Discussion: Municipal Code Section 12.12 Regarding the Storage of Trucks, Trailers and Other Items in Public Ways**

Administrator Reynolds explained to the council that there had been some concern from town residents that they were not able to park their recreational vehicles (RV) in front of their homes for more than one 24-hour period each month. He said staff hoped that the council would decide if the issue was worth pursuing.

Administrator Reynolds explained that the current town code limited a resident from parking their RV on the street for more than 24 hours in any one-month period. He said that often, a person would park their RV one day to load the RV, and upon return, another day to unload. If a resident camped several weekends a month, they could exceed the one-day limitation several times over. After a brief discussion, the council agreed that the subject was worth a future conversation, and directed staff to bring it back at a future council meeting.

### **Discussion: Storm Drain Issue in Castle Valley**

Attorney McConaughy told the council that the town had received two claims, one from Scott and Janet Balcomb, and one from Scott and Jennifer Goolsby. The claims indicate that they believe their homes' foundations had been damaged from a drainage culvert owned and maintained by the town. They claimed that water from that facility saturated their yards, damaging the foundations. The claims were sent to the town's insurance carrier, CIRSA, who denied the claims based on governmental immunity.

Attorney McConaughy said that he believed the claimants were asking the council to consider some financial assistance to make the repairs, and for the town to contact CIRSA to reconsider their denial. He cautioned the council that the town had an obligation to cooperate with CIRSA, but that the claimants were citizens and property owners in town, and it was entirely appropriate for the council to hear what they had to say.

Attorney McConaughy said that there was an executive session on the agenda in case the council needed it, if they wanted to hear his advice and analysis of the town's exposure and liability was.

Attorney McConaughy said staff was not suggesting that the council make any decisions since CIRSA was handling the claim, but they did have a copy of the Good Neighbor Policy the council implemented a few years ago that they could consider. Attorney McConaughy explained that the governmental immunity act says that the town is immune from most claims with certain exceptions. He said that there had been some legal arguments being asserted between the property owners and CIRSA whether the claim had been appropriately filed and whether it fell within the exceptions.

Scott Balcomb, 10 Mustang. Mr. Balcomb said he was speaking for everyone, and told the council that what they were asking was for the town to advocate for them against CIRSA, to get CIRSA to pay the claim. CIRSA characterized the pipe as a drainage pipe. Mr. Balcomb said they had a supplemental engineering report done that indicated that the pipe was part of the town's water system because it fed the pond in Alder Park. He felt that his engineer's report clearly placed the claim within the exceptions, and he and the Goolsbys wanted the town's assistance in getting CIRSA to pay the claim. Mr. Balcomb said it would make a big difference for them, and while the Good Neighbor Policy would be helpful, their request was not for that, it was for the town to partner with them against CIRSA. Mr. Balcomb said that when he contacted the town when they found out what the problem was, Public Works Director John Wenzel came out right away, and the department repaired the blocked pipe. He also said that the town had been very responsive, and Administrator Reynolds and Director Wenzel were great.

Mr. Balcomb said that neither he nor the Goolsbys wanted to threaten the town or fight with the town because they all lived here. They simply wanted the town help them convince CIRSA to step up and do their job and pay the claim.

Scott Goolsby, 14 Mustang. He reiterated that the town staff had been wonderful. Unfortunately, the CIRSA rep was unprofessional, and actually called him at 5:30 in the evening and just stated that the claim was denied. He felt that was not the way to go about things. Mr. Goolsby said that he and Mr. Balcomb had agreed that their claim needed some backup, so they hired a water engineer. Mr. Goolsby said they had done their legwork and he felt CIRSA could have treated them better. In the end he said that all they wanted was a little help.

Mr. Goolsby showed the council some pictures, and he described how the blocked pipe was at the same level as their foundations. He said that the water run-off would fill the pipe, and the water leached out into their yards, saturating the ground and causing their foundations to settle, creating damage to the homes.

Mr. Goolsby said that their qualms were not with the city, but they wanted help with the insurance company.

The council thanked Mr. Balcomb and Mr. Goolsby for coming in.

**MOTION: Councilor Leland made a motion at 8:36 p.m. to go into 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) concerning a storm drain issue. Mayor Pro Tem Hazelton seconded the motion and it passed unanimously.**

Executive session concluded.

At the end of the executive session, Mayor Pro Tem Hazelton made the following statement:

"The time is now 9:05 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Metzger, Hazelton; Copeland, Leland and G Riddile; Town Administrator Dave Reynolds, Town Attorney David McConaughy and Town Clerk Melody Harrison. 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.

### **Proclamation Honoring July as Parks and Recreation Month**

Mayor Pro Tem Hazelton read the proclamation into the record.

### **Consent Agenda**

Minutes of the June 5, 2018 council meeting

Minutes of the July 3, 2018 council meeting

Resolution TC 2018-15 – Supporting a FMLD grant application for the WWTP

Thank You Letter to Garfield County for Phase II Fire Ban

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

**Councilor Leland seconded the motion and it passed unanimously.**

### **Staff Reports**

Town Administrator – Administrator Reynolds reminded the council that the council retreat would be on September 15, and he asked that if any council member had anything pressing to place on that agenda, to let him know. He said he had attended a water forum meeting as well as Utility Supervisor Daniel Becker and Water Plant Operator Kin Rider, and the drought conditions were discussed. There were some issues at Lake Powell that may affect the local area if the drought continued over the next few years. Administrator Reynolds told the council that six applications had been received for the treasurer position. He felt that it would be necessary to determine how the selection process would go. The council agreed that they could hold a special meeting on August 14, and they agreed that a team of senior staff should interview the applicants as had been done in the past. Administrator Reynolds said that he had hired a local agency to assist with inspections at senior housing. Administrator Reynolds reminded the council that the following morning, the town was hosting an AGNC meeting, and on August 26 the town would host a mayor's meeting. Administrator Reynolds said that the flower garden in the rear of Liberty Park

experienced a leak and flooded the Watts Building, causing some damage. Staff was considering using the Good Neighbor Policy to reimburse some of the costs associated with that leak.

Town Clerk – Clerk Harrison asked for clarification on the August 14 meeting. The council agreed to wait until the special meeting on July 31 to determine if a special meeting for interviews was needed on August 14. Clerk Harrison said that the Coal Ridge HS Titan Gold Tournament would be on August 18, and she said she currently had two teams, one from the PD and one from Public Works. Clerk Harrison said that on July 24, P&Z would select an HPC rep which would make four people on HPC, so they could hold a meeting. Clerk Harrison said she would be attending the clerk's conference in Colorado Springs in October.

Town Planner – not present

Public Works Director – Director Wenzel said that he received a phone call a few minutes earlier that his employees were out on a water line break on Ginseng Road. He also said that the irrigation pumps had experienced a lightning strike that destroyed all the circuits, but that it was not repaired.

### **Commission Reports**

Planning & Zoning Commission – nothing to report

Historic Preservation Commission – nothing to report

Climate Action Advisory Committee – nothing to report

Senior Program – nothing to report

RFTA – nothing to report

AGNC – nothing to report

GCE – Councilor Leland said GCE would have their strategic planning meeting in New Castle. GCE also had two college student interns whose primary responsibility was community outreach and they would be at the community market.

BEWG – nothing to report

EAB – nothing to report

### **Council Comments**

Councilor Metzger asked when council would meet with P&Z regarding the downtown plan. Councilor Leland said that the revisions had not been received back from Doug Dotson, and that P&Z really had the final approval. The council would only endorse it. Councilor Metzger asked what the policy was on garage sale signs. Councilor Leland said the policy had always been that they could not be placed on street signs, but it had been allowed to happen because there was no alternative. He said that it had been announced in the newsletter that it would no longer be allowed now that there was a bulletin board.

Councilor Metzger asked if there was a policy regarding when people could put out their garbage. Mayor Pro Tem Hazelton said that the Lakota covenants did not allow garbage to be put out at night, but otherwise there was not a rule about it.

Councilor Metzger asked if the community market on Thursdays was a town event. Administrator Reynolds said that the market had the towns cooperation. Councilor Metzger said that the market needed help with advertising, and Administrator Reynolds said that the town advertised in the newsletters, and staff had put it on the electronic sign board.

Councilor Metzger said she had been noticing a trailer in front of the furniture store, and she asked what it was doing there. Administrator Reynolds said that trailer was

owned by the furniture store owners, and it was being renovated by them as an extension of their business. Councilor Metzger felt it was an eyesore and was concerned what might be brought in next. She said the council should review the lease. Councilor G Riddile felt that council should not take that approach. Mayor Pro Tem Hazelton said that they were doing their job, and it was a small business that the town should embrace them and their business.

Councilor Metzger said that there were U-Hauls parked on the Kamm property and it looked horrible. Mayor Pro Tem Hazelton said that the issue had been discussed previously, and that a U-Haul can be dropped off after hours and they choose the easiest place to park it.

Councilor Copeland thought it might be a good idea to ask the restaurants to place the town newsletter in their establishments. Councilor Leland said they are in a few places. Administrator Reynolds said he would speak with Debbie Nichols about it. Councilor Leland said that he was working on the next newsletter and he asked the council for their ideas. Director Wenzel said that the recreation department was looking for ways to appreciate their volunteers, and thought perhaps an article could be done.

Councilor Leland said that at next community market there would be land diet pictures for the public to see.

Mayor Pro Tem Hazelton said that the first Community Market had gone well, even thought the health department had arrived and caused a bit of a stir.

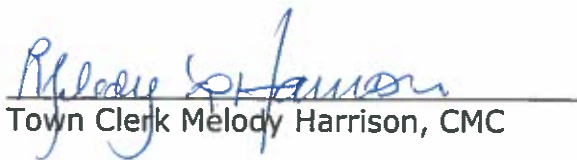
**MOTION: Councilor Metzger made a motion to adjourn. Councilor G Riddile seconded the motion and it passed unanimously.**

The meeting adjourned at 9:25 p.m.

Respectfully submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC

