

**New Castle Town Council Meeting
Tuesday, August 21, 2018, 7:00 p.m.**

Call to Order

Mayor A Riddile called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Present	Councilor Owens
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Police Chief Tony Pagni, Public Works Director John Wenzel, Town Attorney David McConaughy, Accounting Assistant Debra Guccini, 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 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 – present for agenda items
Consultant Engineer – not present

Items for Consideration

Consider Motion to Accept the 2017 Audit as Presented by J. Cutler and Associates

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MOTION: Councilor Leland made a motion to accept the 2017 Audit as Presented by J. Cutler and Associates. Councilor G Riddile seconded the motion and it passed unanimously.

Consider a Letter of Interest from Jasmine O'Connor for Appointment to a Seat on the Historic Preservation Commission

Jasmine O Connor. 980 W Second Street. The council greeted Ms. Jasmine O'Connor. After a brief discussion, the council thanked Ms. O'Connor for volunteering her time to be on a town commission.

MOTION: Councilor A Riddile made a motion to appoint Ms. Jasmine O'Connor to a seat on the Historic Preservation Commission. Councilor Hazelton seconded the motion and it passed unanimously.

Consider Ordinance TC 2018-6, An Ordinance of the Town Council of New Castle Amending Title 10 Chapter 10.04 of the New Castle Municipal Code Concerning Speed Limits on County Road 335 (first reading)

Town Administrator Dave Reynolds told the council that the ordinance was the result of a request made by the Talbott family in May to increase the speed limit on County Road 335 from 35mph back up to 45mph for a limited section between Mr. T's and the western border of town. Administrator Reynolds read an e-mail from Russell Talbott describing the reasons they were requesting the change. The e-mail stated that the speed had historically been 45 mph, and without any notice, the Town of New Castle ask the Garfield County Board of County Commissioners to lower the speed to 35mph. The BOCC complied, and the speed was lowered. The residents of Apple Tree and Mountain Shadows signed a petition requesting a speed increase which was submitted to the county. Because the town subsequently took possession of the road, the speed change consideration was within the town council's authority. The council asked Chief Pagni if he was comfortable with the change, and he stated he was. After a brief discussion the council agreed the speed could be changed.

MOTION: Councilor Leland made a motion to approve Ordinance TC 2018-6, An Ordinance of the Town Council of New Castle Amending Title 10 Chapter 10.04 of the New Castle Municipal Code Concerning Speed Limits on County Road 335 on first reading. Mayor A Riddile seconded the motion and it passed on roll-call vote: Councilor G Riddile: yes; Councilor Owens: yes; Mayor A Riddile: yes; Councilor Leland: yes; Councilor Copeland: yes; Councilor Hazelton: yes.

Consider Ordinance TC 2018-5, An Ordinance of the New Castle Town Council Adopting by Reference the 2015 Building Codes (second reading)

MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2018-5, An Ordinance of the New Castle Town Council Adopting by Reference the 2015 Building Codes on second reading. Councilor G Riddile seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor G Riddile: yes; Councilor Owens: yes; Councilor Copeland: yes; Councilor Hazelton: yes; Mayor A Riddile: yes.

Consider Resolution TC 2018-17, A Resolution of the New Castle Town Council Approving a Conditional Use Permit for an Accessory Dwelling Unit on Property Located in the R-1 Zone District

Town Planner Tim Cain explained that the application was to bring an existing accessory dwelling unit into compliance with the town code and building code. He presented a power point presentation that thoroughly described the application and how it met all necessary requirements. Planner Cain also said that applicant was asking for the ability to pay \$6,000.00 of the tap and water dedication fees over time.

The applicant, Carolyn Edwards, told the council that she and her husband intended to sell their home in Glenwood Springs and move to New Castle to pursue their retirement. She said their hope was to pay off the debt much earlier than the proposed three years.

The council asked Attorney McConaughy if it would be acceptable to allow a tap fee agreement for residential. Attorney McConaughy said that he felt that it was a policy decision for the council. The council agreed they were comfortable offering a tap fee agreement for the Edwards'.

MOTION: Councilor Leland made a motion to approve Resolution TC 2018-17, A Resolution of the New Castle Town Council Approving a Conditional Use Permit for an Accessory Dwelling Unit on Property Located in the R-1 Zone District. Councilor Owens seconded the motion and it passed unanimously.

Mixed-Use Discussion

Town Attorney David McConaughy explained to the council that the reason the discussion was on the council agenda was because Administrator Reynolds had asked for a presentation on what the commercial/mixed-use zoning was in Castle Valley Ranch (CVR).

Attorney McConaughy described the history of the development of CVR and its master plan. Years later, the Downtown Plan was written and it included language that was essentially trying to focus commercial in the downtown area to the exclusion of the rest of the town, and was inconsistent with the CVR master plan. Because the Downtown Plan was being discussed in a public forum, it caught the attention of the CVR stakeholders: Eric Williams, Ron and Aaron Atkinson and Steve Craven. The stakeholders own vested rights in the commercial properties in CVR which cannot be eliminated without their consent. Attorney McConaughy also said that the vested rights cannot be modified without amending the annexation agreement for zoning for CVR. Therefore, the Downtown Plan could not be adopted as currently written without amending the master plan for CVR.

Attorney McConaughy said that because the stakeholders held a private contract for commercial development, one potential solution was that the CVR master plan could be amended to be in line with that private contract.

Stakeholder Steve Craven explained to the council that when the plans for Castle Valley were approved, the town desired to restrict the number of residential units and the amount of commercial. When Mr. Craven purchased land from Eric Williams, they had to divide up the residential units. The same was done when Village Homes bought in.

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The mixed-use zoning in CVR was also divided, although Village Homes was not interested in commercial development at all.

Stakeholder Ron Atkinson told the council that he had no interest whatsoever in commercial development on their property because it did not make sense, but that he would do a good job of building out the residential side. Mr. Atkinson said that he wanted to begin building residential on the south side of Castle Valley Boulevard, but the mixed-use zoning was an impediment and he wanted to see the problem resolved. Stakeholder Eric Williams said his property was a ten-acre piece on the west end of CVR, and he intended to keep his as commercial because he had plans for his property. Attorney McConaughy said that if the Atkinsons were going to come in with a subdivision plat for the south side of the boulevard, it would be a good opportunity to do the master plan amendment at the same time.

The council agreed that there was also opportunity to reconsider the Downtown Plan since it was still in draft form.

Mr. Craven said that at the time CVR was being approved it was not the intent that the mixed-use zones would be all commercial, they would include residential as an option. Attorney McConaughy, the stakeholders and council discussed the various opportunities there could be to appropriately amend the CVR master plan to accommodate each stakeholders' development intentions. The council also discussed the Downtown Plan and what areas of that plan should be considered for reevaluation.

The council thanked Mr. Williams, Mr. Atkinson and Mr. Craven for being present.

Mayor A Riddile gave Chief Pagni a card and thanked him for his ten years of service to the town.

MOTION: Councilor Leland made a motion at 8:09 p.m. to go into Executive Session (1) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) and (2) for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Treasurer position, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or of an elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Mayor A Riddile seconded the motion and it passed unanimously.

Executive session concluded.

At the end of the executive session, Mayor A Riddile made the following statement:

"The time is now 9:08 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Owens and Hazelton; Mayor A Riddile; Councilors Leland, Copeland and G Riddile; Town Administrator Dave Reynolds, Town Attorney David McConaughy, Town Clerk Melody Harrison, Public Works Director John Wenzel, Police Chief Tony Pagni and Accounting Assistant Debra Guccini. 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

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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.

Consent Agenda

Minutes of the June 19, 2018 council meeting

Minutes of the July 17, 2018 council meeting

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

Staff Reports

Town Administrator – Administrator Reynolds said that staff was working on the budget. He said that public works was working on two grant applications, one for the wastewater treatment plant UV lights, and one for upgrades to the south side of community center. Administrator Reynolds said that Elk Creek was continuing to flow with the recent rain, and the water outlook seemed okay for the moment. Administrator Reynolds said there was another joint grant application out there that was for some improvements to play equipment, the playground and soccer fields at Apple Tree. The grant was not a matching grant, but the town was partnering to create a better space in that community, and the grant needed a government sponsor to be able to apply. Administrator Reynolds said that Mogli Cooper had approached the town with some very preliminary ideas regarding the remaining 20 acres she owns east of town. Last, Administrator Reynolds said that he was planning a department head retreat on Thursday.

Town Clerk – Clerk Harrison told the council there would be a special events liquor license application at the next council meeting to approve two additional days for the Ritter Plaza Music in the Park Event. The request would be for the town to sponsor that license. She said that if the council chose to approve the two additional days for the event, it would leave four days for the town for the remainder of the year. Clerk Harrison said she had received a phone call from an organization called the Northwest Colorado Small Business Development Center who believed that New Castle had provided them grant funds. Clerk Harrison said she was unable to locate any time at which the council had spoken to them, nor had they applied for funding through the town grant application process. Clerk Harrison asked if anyone was familiar with the organization. The council said they were part of AGNC, and they were supposed to open the business center in Rifle that they had committed to support. Clerk Harrison apologized to the council for being behind on the minutes as she had been short-staffed for several weeks, but would work hard to catch up. Clerk Harrison said she had been busy with the treasurer interview process and other projects.

Town Planner – not present

Public Works Director – Director Wenzel said his department had been busy with some finishing work on Bear Dance Park and on the 5th Street Project. Director Wenzel said he had hired a few new employees. Jeremy Hueyser, Assistant Parks Manager and a new Irrigation Tech.

Councilor G Riddile said that he knew that Fire Marshall Orrin Moon was concerned that there was no fire hydrant near Frank Breslin Park and Coal Ridge Industrial Park but it was something to keep in mind. Director Wenzel said that he believed that Town Engineer Jeff Simonson already had something about that issue and also said that the fire department had been involved at the time the area was developed and the fire suppression system there was designed and approved by them.

Police Chief – Chief Pagni told the council that the intersection at 7th Street and Main Street was pretty messy and he thought it should be reconfigured at the time the roadway was chip-sealed.

Commission Reports

Planning & Zoning Commission – Councilor Leland said that P&Z had their first meeting on the downtown plan and there would be another meeting the following night.

Historic Preservation Commission – nothing to report

Climate Action Advisory Committee - nothing to report

Senior Program – Clerk Harrison said she was the alternate for Senior Programs, and there was not a meeting in August because Judy Martin had foot surgery, but she was prepared to attend the September 28 meeting.

RFTA – nothing to report

AGNC – Councilor Hazelton said that the meeting had been in Fruita and they discussed the ballot initiative coming up and AGNC's stance on them.

GCE – nothing to report

BEWG – nothing to report

EAB – nothing to report

Council Comments

Councilor Owens said the golf tournament was great, and he thanked Clerk Harrison for organizing it for the staff.

Councilor Leland said the town Facebook page had exploded with views, and many posts have over 1,000 views.

Councilor Leland said that the Downtown Group had idea to build a bike corral in the parking space in front of the Black Dog Saloon.

Councilor Leland thought council should keep in mind that if the Atkinsons wanted single family housing, that the council should consider mixed-housing – single, duplex and triplex.

Councilor G Riddile said it was going to be a crazy ballot in November and he felt that the council should brush up on the issues because he was already getting questions about them.

Mayor A Riddile said the golf tournament was a great event and he wanted the town to continue with sponsoring three teams. He felt it was a fun event and it got the staff and council out in public.


Mayor A Riddile said the multicultural event was also a great event. There were a lot of people in Burning Mountain Park and then it moved to the Community Center where there was an international pot-luck. He felt it should continue every year. He asked that the town send a thank you to the Lions Club.

Councilor Hazelton thought the town should recognize Dustin and Dianne Chapin for the improvements to their building because it was beautiful, and the council agreed.

MOTION: Councilor Owens made a motion to adjourn. Mayor A Riddile 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

