

New Castle Town Council Meeting  
Tuesday, March 19, 2019, 7:00 p.m.

Call to Order

Mayor A Riddile called the meeting to order at 7:03 p.m.

Pledge of Allegiance

Roll Call

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

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Town Treasurer Loni Burk, Town Planner Paul Smith and Town Attorney David McConaughy.

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

**MOTION: Mayor A Riddile made a motion to approve Councilor G Riddile's absence.** Councilor Hazelton 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 2019-1.

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.

1 Items for Consideration

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3 Chamber of Commerce

4 Chamber of Commerce Board Member Mari Riddile greeted the council and introduced  
5 board members Debbie Nichols and Siobahn Milholm. Ms. Riddile told the council of their  
6 successes which included a business-after-hours event where the Chamber solicited two  
7 new members; sponsorship of the Cinco De Mayo event, the Winter Trails Conference, the  
8 Summer Trails Conference, the Dirty Hog Dash, a New Castle Recreation Sports Team and  
9 as always, Burning Mountain Festival. Ms. Riddile said that the Chamber of Commerce was  
10 very happy to be able to give back to the community and intended to do more in the  
11 future. She said that the Chamber would soon begin a family-friendly Bingo Night at the  
12 Community Center that will help the Chamber in their community endeavor. Ms. Riddile  
13 said that Bingo would likely begin in May. Ms. Riddile and Ms. Nichols said that the  
14 Chamber will put together goodie bags for the participants of the Taxidermy conference  
15 that will come to New Castle in 2019, and they had donated the bags for the Dirty Hog  
16 Dash. Ms. Riddile and Ms. Nichols said they were still doing welcome totes for new  
17 residents.

18 The council agreed that the Chamber was doing a great job and they liked the idea of  
19 Bingo night. They also thanked the Chamber for the great work.

20  
21 Town Attorney David McConaughy told the council that he represented Mountain Waste  
22 and Recycling (MWR) as a client, but in matters related to the town, he represented the  
23 Town of New Castle. He noted that he had a waiver of liability from Mike Hinkley of  
24 Mountain Waste. He asked for a motion waiving any conflict.

25 MOTION: Councilor Leland made a motion to waive any conflict of interest for  
26 Attorney McConaughy regarding any association with Mountain Waste and  
27 Recycling. Councilor Mariscal seconded the motion and it passed unanimously.

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30 Resolution TC 2019-7 – A Resolution of the Town Council of the Town of New  
31 Castle, Colorado, Imposing Parking Regulations on Town-Owned Property.

32 Town Administrator Dave Reynolds explained to the council that staff wanted to create  
33 some regulations for parking on the town-owned lot at the corner of Kamm Avenue and  
34 Main Street. He said that staff had hesitated in the past to define any use on the lot, but  
35 because of how it was being misused, staff felt it was time create some regulations. The  
36 resolution set a temporary use of the Kamm lot for public parking, and provided rules on  
37 the lot.

38 MOTION: Mayor A Riddile made a motion to approve Resolution TC 2019-7, A  
39 Resolution of the Town Council of the Town of New Castle, Colorado, Imposing  
40 Parking Regulations on Town-Owned Property. Councilor Mariscal seconded the  
41 motion.

42 Discussion: Councilor Leland said that he felt that there may be some need in the future  
43 for the town to designate the Kamm property as parking to help alleviate the parking  
44 problems in the downtown.

45 The motion passed unanimously.

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1 Mountain Waste & Recycling – Annual Diversion Report – Mike Hinkley  
2 Mike Hinkley, District Manager of Mountain Waste and Recycling greeted the council. Mr.  
3 Hinkley reviewed the 2018 diversion report with the council. He and the council also  
4 extensively discussed the recycling crisis taking place since there was no longer a market  
5 for recyclables. They also discussed some recycling options for the town that could be  
6 considered in the future.  
7 The council voiced an interest learning more about the recycling issues, and Mr. Hinkley  
8 was glad to have the partnership with them.  
9 The council thanked Mr. Hinkley.

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12 Consider Authorizing Town Staff to Approve and Execute an Escrow Agreement  
13 for Lakota Ridge Senior Apartments

14 Attorney McConaughy told the council that one of the conditions of the temporary  
15 certificate of occupancy (TCO) was some security to ensure that punch-list items were  
16 completed without it being necessary for staff to revoke the TCO. He said that he had  
17 been working with CRHDC and their lawyer, and they had agreed that Land Title would be  
18 the escrow agent, and they were very close to finalizing the escrow agreement. Attorney  
19 McConaughy asked them to consider authorizing Administrator Reynolds to sign that  
20 escrow agreement once it was complete, and that would avoid the items from having to  
21 come back to council.

22 MOTION: Mayor A Riddile made a motion to authorize staff to approve and  
23 execute an escrow agreement for the Lakota Ridge Senior Apartments. Councilor  
24 Copeland seconded the motion and it passed unanimously.

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27 Councilor Leland made a motion at 7:47 p.m. to go into Executive Session (1) for  
28 a conference with the Town Attorney for the purpose of receiving legal advice on  
29 specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Warrior  
30 Acquisitions. Councilor Hazelton seconded the motion and it passed  
31 unanimously.

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33 Executive session concluded.

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

36  
37 **"The time is now 7:59 p.m. and the executive session has been concluded. The**  
38 **participants in the executive session were: Councilors Mariscal and Hazelton; Mayor A**  
39 **Riddile; Councilors Leland and Copeland, Town Administrator Dave Reynolds Town Clerk**  
40 **Melody Harrison, Town Treasurer Loni Burk, Town Planner Paul Smith and Town Attorney**  
41 **David McConaughy. For the record, if any person who participated in the executive**  
42 **session believes that any substantial discussion of any matters not included in the motion**  
43 **to go into the executive session occurred during the executive session, or that any**  
44 **improper action occurred during the executive session in violation of the Open Meetings**  
45 **Law, I would ask that you state your concerns for the record."**

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47 No concerns were stated.  
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2 Councilor Leland made a motion at 8:01 p.m. to go into Executive Session (1) to  
3 discuss the purchase, acquisition, lease, transfer, or sale of real, personal or  
4 other property interest under C.R.S. Section 24-6-402(4)(a); and (2) for the  
5 purpose of determining positions relative to matters that may be subject to  
6 negotiations, developing strategy for negotiations, and/or instructing  
7 negotiators under C.R.S. Section 24-6-402(4)(e) and concerning town-owned  
8 property. Mayor A Riddile seconded the motion and it passed unanimously.

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10 Executive session concluded.

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

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14 **"The time is now** 8:08 p.m. and the executive session has been concluded. The participants  
15 in the executive session were: Councilors Mariscal and Hazelton; Mayor A Riddile; Councilors  
16 Leland and Copeland, Town Administrator Dave Reynolds, Town Clerk Melody Harrison,  
17 Town Treasurer Loni Burk , Town Planner Paul Smith and Town Attorney David McConaughy.  
18 For the record, if any person who participated in the executive session believes that any  
19 substantial discussion of any matters not included in the motion to go into the executive  
20 session occurred during the executive session, or that any improper action occurred during  
21 the executive session in violation of the Open Meetings Law, I would ask that you state your  
22 **concerns for the record."**

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24 No concerns were stated.

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28 Consider Approving a Listing Agreement for Town-Owned Property  
29 MOTION: Councilor Leland made a motion to approve a listing agreement with  
30 Haddie Lopez of the Property Shop for property located at 200 S E Avenue, #115,  
31 New Castle., at a listing price of \$139,500.00 and a commission rate of 4.5% ,  
32 and to authorize staff to sign pertinent documents as necessary for the listing.  
33 Mayor A Riddile seconded the motion and it passed unanimously.

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36 Discussion: Golf Carts on Town Streets

37 Administrator Reynolds said that the idea of golf carts on town streets was something that  
38 came out of the 2018 council retreat. He said there were many communities that had  
39 approved golf carts and certain other off-highway vehicles (OHVs) on their streets. He  
40 said that recently Garfield County had approved OHVs on county roads, and it may be that  
41 county residents who own OHVs would like to drive in town to go to a restaurant.

42 Administrator Reynolds said that staff had been exploring the possibilities, which included  
43 a C Avenue access to the downtown.

44 Administrator Reynolds, Attorney McConaughy and Council discussed the idea in depth  
45 and agreed that staff should move forward in their research.

1 Consent Agenda  
2 February 5, 2019 council minutes  
3 Resolution TC 2019-5 – Approving the 2019 Mosquito IGA with Garfield County  
4 Resolution TC 2019-6 – Approving the 2019 Senior Programs MOU  
5 MOTION: Mayor A Riddile made a motion to approve the consent agenda.  
6 Councilor Hazelton seconded the motion and it passed unanimously.  
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9 Staff Reports

10 Town Administrator – Administrator Reynolds told the council that regarding the building  
11 at 151 W Main Street that issue would be in court on May 8, 2019. He said that senior  
12 housing was doing well, they were close in obtaining their TCO, and they had 24 approved  
13 applicants. There was an expectation that the building could be fully occupied by the end  
14 of May. Administrator Reynolds told the council that Public Works employee Greg Jacob  
15 was leaving, and there were others in the department working towards their certification.  
16 He also said that Recreation employee Colton Odykirk doing well and was back home.  
17 Staff looking into car charging stations.

18 Town Clerk – Clerk Harrison said she had been out of the office and did not have much to  
19 report. She said she had been invited to attend the AGNC Board meeting the following  
20 day, probably because she was a grant applicant. She also said that she had been notified  
21 that the DropBox application on the council tablets needed to be updated and asked the  
22 council members to leave them for her.

23 Town Planner – Planner Smith told the council that he had been working on refining the  
24 **process for contractors to meet the town's energy efficiencies on new construction.** He  
25 said he was also working on chapter 16 of the municipal code because the land use  
26 processes were not very clear. Last, Planner Smith said that he had been working with the  
27 owner of an empanada shop to help her get her restaurant opened.

28 Public Works Director – not present.

29 Town Treasurer – Treasurer Loni Burk said that recently that Flex Spending and Aflac had  
30 recently had their open enrollment. Unfortunately, those enrollments did not coincide with  
31 the health insurance open enrollment, so she had adjusted the dates to align with one  
32 another. Treasurer Burk said she had been in touch with Caselle, and they were willing to  
33 provide her some training free. Last, Treasurer Burk said she was preparing for the annual  
34 audit.  
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36 Commission Reports

37 Planning & Zoning Commission – Councilor Hazelton said that P&Z had held a workshop  
38 for review of the downtown plan.

39 Historic Preservation Commission – nothing to report.

40 Climate Action Advisory Committee – nothing to report.

41 Senior Program – nothing to report.

42 RFTA – Mayor A Riddile said that at the meeting they talked about doing some fare  
43 adjustments. He also said there was a disagreement going on with the drivers union.

44 AGNC – nothing to report

45 GCE – Councilor Leland said that the mayor had attended the meeting and spoke about  
46 autonomous vehicles. He said they also worked on the charging station program.

47 Councilor Leland said that GCE will be instituting a partner projects program, and they will  
48 meet with each of the municipalities in the county to identify particular energy projects for  
49 2019.

1 EAB – nothing to report

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3 Council Comments

4 Councilor Mariscal said that the CML conference looked interesting to her and she said she  
5 would check her schedule and determine if she could attend.

6 Councilor Leland said that the council might consider what to do with the lot the town  
7 owned at 6<sup>th</sup> Street and Main, since they had considering town properties.

8 Councilor Copeland told the council there was a very good article regarding affordable  
9 housing in the February CML magazine.

10 Mayor A Riddile thanked Public Works for working on the potholes in town.

11 Mayor A Riddile read thank you note from Tom Baker.

12 Mayor A Riddile mentioned that he had attended a conference a few weeks ago regarding  
13 vaping. He said that in Colorado, vaping by persons 18 years old and under was twice the  
14 national average, and that in the three-county area of Garfield, Pitkin and Mesa counties,  
15 vaping was triple the national average.

16 Mayor A Riddile said that marijuana use by persons 18 years and under was about the  
17 same in the tri-county area as the rest of the state. The council briefly discussed the  
18 issues with vaping.

19 Administrator Reynolds said that he had been approached by Silt and Rifle regarding a  
20 grant opportunity for common use of the river. He said it was very early in the process  
21 and he would keep the council updated on progress.

22 Administrator Reynolds said that he had gotten information that the issues with recycling  
23 that Mike Hinkley had spoken about were evident across the country, and the trend was  
24 that many large cities that were eliminating recycling services.

25 Councilor Mariscal said that when the Post Independent ran the article regarding the new  
26 park in Apple Tree there were several unusual comments. One was a comment that a  
27 handicap-accessible playground was needed. Councilor Leland said that the new  
28 playground would be. The other comment was that there would finally be a decent place  
29 for homeless people to sleep.

30 Councilor Leland said there were now 1000 followers on the Visit New Castle Facebook  
31 page

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

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37 The meeting adjourned at 9:10 p.m.

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40 Respectfully submitted,

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Mayor Art Riddile

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Town Clerk Melody Harrison, CMC

DRAFT

**RETAIL LIQUOR OR 3.2 BEER  
 LICENSE RENEWAL APPLICATION**

Fees Due	
Renewal Fee	500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

HONG'S GARDEN CHINESE RESTAURANT  
 635 S FEDERAL BLVD  
 DENVER CO 80219-2933

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>HONG NHI A</b>		DBA <b>HONG'S GARDEN CHINESE RESTAURANT</b>		
Liquor License # <b>26-40418-0000</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>26404180000</b>	Expiration Date <b>04/17/2019</b>	Due Date <b>03/03/2019</b>
Operating Manager <b>NHI A HONG</b>	Date of Birth <b>8/25/1978</b>	Home Address <b>428 Hitching post ln New Castle Co. 81647</b>		
Manager Phone Number <b>(626) 435-5675</b>	Email Address <b>919985502@BQ.com</b>			
Street Address <b>820 CASTLE VALLEY BLVD STE 106 NEW CASTLE CO 81647-9480</b>				Phone Number <b>9709843298</b>
Mailing Address <b>635 S FEDERAL BLVD DENVER CO 80219-2933</b>				

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* "If rented, expiration date of lease 2025
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO

**AFFIRMATION & CONSENT**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <b>NHI HONG</b>	Title <b>owner</b>
Signature <i>[Signature]</i>	Date <b>3/5/19</b>

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest