

**New Castle Town Council Regular Meeting  
Tuesday, December 5, 2023, 7:00 PM**

**Call to Order**

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

**Pledge of Allegiance**

**Roll Call**

Present	Councilor Carey
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
	Councilor Mariscal

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Mindy Andis, Town Treasurer Viktoriya Ehlers, Assistant Town Attorney Haley Carmer, Town Planner Paul Smith, and members of the public.

**Meeting Notice**

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2023-1.

**Conflicts of Interest**

There were no conflicts of interest.

**Agenda Changes**

Town Clerk Mindy Andis said the Staff Introduction for Justin Perkins should be removed.

Attorney Haley Carmer said item G. consider ratification/approval of settlement agreement in Castle Valley Ranch Investors litigation following 12/4/23 mediation should be removed.

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

There were no citizen comments.

**Consultant Reports**

Consultant Attorney –present for agenda items only.

Consultant Engineer – not present.

**Items for Consideration**

**~~Staff Introductions—Justin Perkins~~**

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**Consider Resolution TC 2023-12, A Resolution of the New Castle Town Council Approving a Conditional Use Permit for A Small Truck and Trailer Rental Facility on Property Located in the C-1 Zone District.**

Administrator Dave Reynolds said Business owner Jim Schrull has successfully operated his U-Haul Business at its current location of 589 West Main Street (Texaco Service Station) since Conditional Use Approval was granted by the Town Council in 2001. With over 20 years in business as a service garage and U-Haul Rental facility Mr. Shrull now seeks to limit his business by removing automotive repair elements and limiting his operations to the U-Haul business only. Mr. Shrull is in the process of selling his Texaco property to local business owners who can reimagine the property in a way that brings a new business element to the Downtown core. Mr. Shrull is seeking approval for the operations of his U-Haul Business under a *Conditional Use Permit* to be relocated to the town owned property at 667 W. Main Street. During a Public Hearing on 11/29/23, the Planning and Zoning Commission considered Mr. Shrull's CUP application as well as took public comment.

Town Planner Paul Smith reviewed his staff report with the council.

**I. Background:**

*The Applicant proposes relocating their current U-Haul business and private garage from 589 W Main St. to the "Premises" at 667 W Main St. and the western forty (40) feet of the "Kamm Lot" (Assessor Parcel No. 212331301004). The Premises consists of empty parking area and a 1,200 square foot warehouse structure. The warehouse is currently an unfinished shell building containing a restroom and gas heater. As proposed, the warehouse will accommodate a U-Haul office as well as the Applicant's personal workshop and storage. The exterior parking area will provide private vehicle parking for the tenant, additional personal storage area, and parking for the rotating fleet of U-Haul rental vehicles and trailers.*

*Pursuant to Chapter 17.36 of the Municipal Code, a trailer rental facility is listed as a conditional use, 17.36.050 (B) (3). Though the Applicant was originally approved for a conditional use for the U-Haul business at 589 W Main St. in 2001, conditional use permits (CUP) are location specific and may not transfer to another site without Council approved. Upon approval, the Applicant has consented to signing a commercial lease with the Town and comply with the terms therein as well as any additional conditions approved as part of this application. As part of the CUP process, the Planning Commission (P&Z) is required to hold a public hearing in accordance with the procedures set forth in Municipal Code Section 16.08. Within 30 days of the hearing, P&Z must make one of these three recommendations to Town Council:*

- 1) Approve the CUP unconditionally;*
- 2) Approve the CUP with conditions;*
- 3) Deny the CUP.*

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## **II. Application Requirements:**

*The purpose of a CUP is to determine if the nature of the proposed use is appropriate to the location and character of the surrounding development, whether service capacity is sufficient to meet the use's demand and determine if there are potential negative environmental or nuisance concerns, among other factors, that the Town may deem relevant to the type of land use.*

### **1. Site Plan: (Exhibit A)**

#### **a. Adjacent land uses and location of adjacent structures;**

**Staff Comment** – *The land uses proposed are consistent with surrounding commercial uses including Reiger's automotive repair and the Town's wastewater treatment facility. Compatibility with the residential uses across U.S. 6 will generally involve compliance with all performance standards and nuisance codes.*

#### **b. Boundary and size of lot;**

**Staff Comment** – *The subject property is located at 667 W Main Street in addition to the western forty (40) feet of the Kamm Lot public parking lot. The CUP does not include the remaining eastern portion of the public parking lot. The Premises is approximately 9,000 square feet (SF), which is well within the C-1 district minimum lot area of 2,500 SF per unit.*

#### **c. Building location, height and setbacks;**

**Staff Comment** – *The warehouse is 14 ft tall and approximately 8 ft setback from the alleyway in rear. Maximum commercial building height is 40 ft and the only setback requirement for the principal building is 5 ft in rear. The proposed lease currently allows for a single storage shed encroaching the rear setback. Since setbacks are designed for life-safety, it is recommended as a condition of this approval that no other structure or objects be permanently placed in the rear setback.*

#### **d. Off-street parking and loading areas;**

**Staff Comment** – *There are no off-street parking requirements for the proposed uses in the C-1 District. However, there shall be at least one ADA van-compliant off-street parking space that is appropriately signed since no other off-street parking is being proposed. Any loading, unloading, or staging is to be performed exclusively on the Premises. The U-Haul business activity shall not occur in the eastern sixty (60) feet of the Kamm Lot, or on US 6 (Main Street). Though, U-Haul customers may use the Kamm Lot drive aisle to exit the Premises.*

#### **e. Points of ingress and egress;**

**Staff Comment** – The main entrance for the Premises is from Main Street across from the 7<sup>th</sup> Street intersection. Staff is amenable to the use of the Kamm Lot as an exit provided the eastern fence opening maintains a minimum drive aisle of 20 ft permanently accessible. The eastern portion of the Kamm Lot shall remain public parking free from U-Haul activity.

f. Service and refuse areas;

**Staff Comment** – The refuse area, labeled Trash Bin in, shall be accessible for weekly pickup. Other than routine deliveries and trash removal, no other services are anticipated.

g. Signs and exterior lighting;

**Staff Comment** –the intended signage for the business, with one mounted sign, like that on the current facility, and a portable 2 ft x 3 ft sign advertising prices. A decorative petrol sign will also be attached to the front gable. Exterior lighting will be unchanged. If the applicant finds additional exterior lighting for security is necessary, the new illumination shall be dark-sky compliant. Lighting requiring new circuitry shall apply for an electrical permit.

h. Fencing, landscaping and screening;

**Staff Comment** –The applicant has expressed interest in potentially installing a split rail fence at the eastern boundary of the subject property. Staff suggests adding a condition for signs and fence to be installed to delineate the Kamm lot boundary and deter the general public from parking on the Premises.

i. Compliance with performance standards;

**Staff Comment** – Performance standards are requirements, agreed to by the Applicant, assuring compliance with the Town's nuisance code, (Section 17.72.090). The Applicant has signed the Performance Standards.

j. Anticipated utility requirements;

**Staff Comment** – Electrical utilities for the Premises are located at the northwest corner of the warehouse and southwest corner of the lot. The general location of the water service valve for the warehouse and the electrical panel for Kamm Lot's EV charger is labeled "Utilities". Staff does not anticipate the proposed uses negatively affecting existing utilities. As long as performance standards and parking requirements are followed, the mere relocation of the U-Haul business and private garage should have no additional impacts to the police or fire departments.

### **III. Planning Commission Questions and Comments**

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The applicant introduced the application to the Planning Commission on November 29, 2023. The Commissions provided constructive feedback, some of which is summarized below:

*P&Z Questions/Applicant or Staff Answers*

- *How long is the lease term? Two years with options.*
- *Has the Applicant received complaints of current business? No official complaints to the Town about U-Haul Business.*
- *Will added exterior lights be dark-sky compliant? Any additional lighting will be reviewed by staff for dark-sky compliance.*
- *Would the Town and Applicant consider renting the south parking spaces of the Kamm Lot instead of the western 40 feet for sake of sidewalk appeal along Main Street? Staff and Applicant are in support of this option.*
- *Should be consider a parking cap? A southside Kamm parking alignment would support up to 12 spaces.*
- *How can we improve enforcement of the CUP? The lease agreement will include penalties for breach. The conditional Use Agreement will include performance requirements.*

Councilor Hazelton said he liked the idea of parking on the south side of the lot but had a concern for the sight view when approaching the railroad tracks if there is a box truck at the corner of the lot. Councilor Hazelton suggested parking the flatbed trailers at the southeast corner of the lot and park the trucks and trailers closer to the building.

Planner Smith said the biggest truck to be parked is 26 feet and the lot is roughly 113 feet, therefore Mr. Shrull could park a total of 12 trucks/trailers along the south side of the lot.

Councilor G. Riddile asked about the functionality of the rest of the lot. Planner Smith said the middle of the Kamm Lot will be functional and Mr. Shrull can use it as staging area only. The middle to be open for an ingress and egress for the lot. The drop off area would be in front of the building.

**IV. Staff Recommendations:**

*Staff recommends approval of a Conditional Use Permit for a small truck and trailer rental facility as portrayed on the site plan, with the following conditions:*

- A. *The U-Haul trucks and trailers allowed on the Property are limited to the Following:*
  - i. *One (1) permanent 26-foot box truck*
  - ii. *One (1) 6' x 12' enclosed trailer*
  - iii. *One (1) 5' x 8' enclosed trailer*
  - iv. *One (1) 6' x 12' open bed trailer*
  - v. *The maximum number of U-Haul trucks and trailers, including those dropped off by customers in the ordinary course of business, on the Property shall not exceed \_\_\_\_.*

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- B. The following outdoor decorations & signage shall be permitted on the property:*
- i. One (1) 1' x 1.5' U-Haul sign hanging on warehouse;*
  - ii. One (1) 3' x 2' portable advertisement sign to be located out of public ROW, parking spaces and ingress/egress areas; and*
  - iii. "Standard Oil" decorative sign above overhead doors and/or an antique, decorative gas pump in front of the building*
- C. Applicant shall clean up and restore the exterior of Applicant's prior Uhaul business location (589 W. Main Street) and remove all outdoor cars, equipment, and other personal property on or before March 31, 2024;*
- D. Applicant shall provide ADA van parking and loading areas that shall be signed, available, and accessible directly in front of the U-Haul office door per International Existing Building Code (IEBC) section 410;*
- E. All vehicles associated with the Proposed Use are to load, park, stage, etc. only on the Property. The portion of Parcel No. 212331301004 not included in the Property and public on-street parking in the Town are not to be used for Applicant's business or personal storage and shall remain public parking; provided, however, that said area may be used for access to the Property so long as a 20-foot wide drive aisle is maintained;*
- F. Aside from the personal storage shed and temporary parking of vendor truck as shown on the approved site plan for the Application, customers and personal loading, parking, and storage is prohibited behind and along the western side of the warehouse. The storage shed and vendor truck shall be located so as not to disrupt access to utilities located at the southwest corner of the warehouse;*
- G. Office hours of operation of the Proposed Use shall be limited to 9 am to 4 pm, Monday through Friday, which hours shall be clearly posted on the exterior of the building. The office hours of operation do not include or prohibit vehicle drop-off by customers or personal use of the Property by Applicant.*
- H. Applicant shall install a split rail fence along the north end of the eastern boundary of 667 W. Main to match existing fence along Kamm Avenue. Staff shall approve the location and length of the fence prior to installation.*
- I. One year after the effective date of this Resolution, Town staff shall conduct a review of Applicant's business operations on the Property, the functionality*

*of the approved site plan and maximum U-Haul parking, and compliance with all conditions of approval of the Proposed Use.*

- J. Prior to issuance of the Conditional Use Permit, Applicant shall execute a lease for the Property with the Town.*
- K. The Proposed Use approved in the Application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect;*
- L. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code;*
- M. In the event the Town receives any complaints about the use of the site in violation of the conditional use approval or other Code requirements or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf;*
- N. Applicant shall comply with all applicable building and municipal code requirements, including the sign code and all accessibility requirements;*
- O. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4;*
- P. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the Applicant; and*
- ~~Q. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.~~*

Councilor G. Riddile asked what the original number of vehicle Mr. Shrull could have on the lot. Planner Smith said 1 permanent 26-foot U-Haul box truck, 1 6x12 enclosed U-Haul trailer, 1 5x8 U-Haul trailer and 1 6x12 open U-Haul trailer. Councilor Leland asked what the maximum trucks have been on the current lot. Mr. Shrull said the trucks and trailers are constantly rotating and changing constantly. Councilor Carey said P&Z had discussed providing a number to Mr. Shrull so he understands how many vehicles and trailers he can have on the lot at one time. It would give Mr. Shrull the ability to contact U-Haul to relocate the extra vehicles or trailers. Mr. Shrull said it could take up to three days for U-Haul to relocate the vehicles. Councilor Hazelton asked if the parking along the northside along Main Street would become public parking and will there be signage to show what is public parking vs. U-Haul parking. Planner Smith said yes. Attorney Carmer said there needs to be a clear of what the dimensions are of the southern portion of the lot. The dimensions will become part of the resolution and in the lease.

Attorney Carmer reviewed with council the changes to the resolution as follows:

- \* Condition 3 A V. The maximum number of U-Haul trucks and trailers, including those dropped off by customers in the ordinary course of business, on the Property shall not exceed 10.at any time
- \* Adding a condition: Only open trailers and low-profile vehicles shall be parked in the two easternmost parking spots on the property.
- \* Adding to the legal description: southern 26 feet of 645 W. Main Street.
- \* Deleting condition Q.

**MOTION: Councilor G Riddile made a motion to approve Resolution TC 2023-12, A Resolution of the Town Council of the Town of New Castle Adopting a Budget for A Resolution of the New Castle Town Council Approving a Conditional Use Permit for A Small Truck and Trailer Rental Facility on Property Located in the C-1 Zone District with the described changes. Councilor Carey seconded the motion and it passed unanimously.**

**MOTION: Councilor Carey made a motion to move agenda item I to be heard next. Councilor Mariscal seconded the motion and it passed unanimously.**

#### **Approval of the Kamm Lot Lease**

Attorney Carmer said the only change in the lease agreement is the change of the legal description of the property that will be leased would add southern 26 feet of 645 W. Main Street. The Council would need to authorize the Mayor to sign the lease once the changes have been made.

**MOTION: Mayor A. Riddile made a motion to approve the revised lease agreement and authorize the mayor to sign the lease. Councilor G. Riddile seconded the motion and it passed unanimously.**



**Consider Resolution TC2023-11 A Resolution of the Town Council of the Town of New Castle Adopting a Budget for the Town of New Castle, Colorado, for the Fiscal Year Beginning on January 1, 2024 and Ending on December 31, 2024, Appropriating the Amounts Specified in the Budget as Expenditures from the Funds Indicated, Levying the Property Tax Proposed in the Budget, and Reserving and Designating Certain Amounts in Each Fund.**

Administrator Reynolds reviewed the budget message for 2024 (**Exhibit D**).

Town Treasurer Viktoriya Ehlers greeting the council. She reviewed the following changes to the 2024 budget:

General Overview

1. General Fund balance went from \$80,410 to \$12,060
2. Utility Fund balance went from \$1,286 to \$35,543

Personnel

- Updated Health Insurance costs to account for staff members who switched from Individual Health insurance plans to Family insurance plans, which adds approximately \$12,000 in expenses.

General Fund updates

- Workers' Compensation Insurance from Pinnacol increased by \$6,000 from the preliminary quote in August. Higher wages in 2024, as well as all of the claims we had in 2023 influenced that increase.
- New Kamm Lot Lease Agreement is reflected in 2024.
- Reduced General Property Taxes by \$20,000.

Utility Fund

- Additional \$29,000 in expenses for Digester Blower project was moved from 2024 expenditures to 2023 due to contractors working ahead of schedule.

Mayor A Riddile opened the public hearing at 7:49 p.m.

There was no public testimony.

Mayor A Riddile closed the public hearing at 7:50 p.m.

**MOTION: Councilor G Riddile made a motion to approve Resolution TC 2023-11, A Resolution of the Town Council of the Town of New Castle Adopting a Budget for the Town of New Castle, Colorado, for the Fiscal Year Beginning on January 1, 2024 and Ending on December 31, 2024, Appropriating the Amounts Specified in**

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**the Budget as Expenditures from the Funds Indicated, Levying the Property Tax Proposed in the Budget, and Reserving and Designating Certain Amounts in Each Fund. Councilor Mariscal seconded the motion and it passed unanimously.**

**Consider Ordinance TC 2022-8 - An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2023 and ending on the last day of December, 2023 (1st reading)**

Administrator Reynolds explained the supplemental budget was something that the town had to do. He said anytime that the town goes over in expenditures any fund, the town will need to submit a supplemental budget to the state. Treasurer Ehlers explained the expenditures as follows:

**Utility Fund**

Actual expenses exceeded budgeted expenses by \$153,800.

Red Rocks Ditch project was initiated in 2023 and funded by ARPA funds but wasn't initially in the works during the adaption of 2023 budget.

**Conservation Trust Fund**

Actual expenses exceeded budgeted expenses by \$9,500.

Pass through \$10,000 grant from Garfield County CTF towards the construction of Burning Mountain Trail.

Mayor A Riddile opened the public hearing at 7:55 p.m.

There was no public testimony.

Mayor A Riddile closed the public hearing at 7:56 p.m.

**MOTION: Councilor Leland made a motion to approve Ordinance TC 2023-8, A Ordinance of the Town Council of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2023 and ending on the last day of December, 2023 (1st reading) Councilor Hazelton seconded the motion and it passed on a roll-call vote: Councilor Hazelton: yes; Councilor G. Riddile: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor Carey: yes; Councilor Copeland: yes; Mayor A. Riddile: yes.**

**Consider Ordinance TC2023-10 – Ordinance 2021 Building , Residential,**

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**Mechanical, Fuel Gas, Plumbing Code Model Electric Ready and Solar Ready Code, Fire Code Adoption and Addition Section 15.06 Regarding Construction Management Plans and amending Title 15 of the town Municipal Code Accordingly. (1<sup>st</sup> reading)**

Planner Smith reviewed with council the purpose of the code adoption and the proposed amendments.

He said the *adoption of the 2021 International Code Council (ICC) model codes and the new state of Colorado standards for electrical and solar readiness. The proposed code adoption (collectively "ICodes") includes the Commercial Building Code (IBC), Residential Building Code (IRC), Mechanical Code (IMC), Plumbing Code (IPC), Fire Code (IFC), Electrical Code (NEC), Fuel Gas Code (IFGC), International Existing Building Code (IEBC), the Energy Code (IECC), the Colorado Model Electrical Ready and Solar Ready Code, and adds a new municipal code section, Construction Management.*

***What are International Building Codes?***

*The ICodes are model building standards endorsed by the latest in building science and industry best practices. The codes are recognized by municipalities as the minimum standards to which structures are to be designed, engineered, and inspected. These recognized standards include codes for residential buildings, commercial buildings, electrical, plumbing, mechanical, fire protection, and more.*

***What are the Colorado Model Electric Ready and Solar Ready Codes?***

*Any municipality which adopts the 2021 IECC standards is required by HB 22-1362 to include these standards as part of the adoption. The codes regulate the design and construction of buildings to prepare new buildings for solar photovoltaic or solar thermal, electric vehicle charging infrastructure, and electrification of building systems. This code is intended to provide flexibility and balance upfront construction costs with the future cost to retrofit buildings to accommodate these systems. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.*

***Why do Towns Amend Building Codes?***

*Building conditions can vary drastically around the country. Homes in Florida might be built to withstand tropical storms, homes in Alaska might be built to withstand extreme cold, offices buildings in California should be built to withstand significant seismic events. Some towns might desire that their homes have built in fire sprinkler systems, other towns may think that this is adding too much cost and burden to the homeowner. For many reasons it is important for each municipality to adopt the ICodes with appropriate amendments that help to modify the codes in a way that makes sense for the community, the local engineers and architects, the builders, and the homeowners.*

***Background:***

*New Castle is currently on the 2015 ICodes. Though new versions of the ICodes are modified and released every three years, most municipalities in our area try to create a cycle of adopting the updated building codes at least every six years. Municipalities near*

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New Castle currently using the 2015, 2018, or 2021 editions. Aspen, Glenwood Springs, and Carbondale (est. adoption 2024) are currently on the 2021 edition. There are several reasons why it is advantageous for New Castle to consider adopting the proposed building codes:

- 1) The latest codes provide significant improvements to energy efficiency.
- 2) The latest codes provide improved life safety.
- 3) The latest codes improve project management practices.
- 4) Architects and engineers tend to design to the latest or even more restrictive standards.
- 5) Local builders are better served when codes are consistent across municipalities.
- 6) Homeowner's insurance rates can be negatively affected by a municipality's use of outdated codes.
- 7) Training of code officials is based on current codes.
- 8) The state provides incentives for municipalities on the latest codes.

**Actions taken to date:**

- Staff has taken the better part of 2023 to study and receive training in the 2021 editions and consider how the codes, as written, might apply to New Castle.
- Staff has studied the current adopted codes of neighboring communities in order to find avenues to create a more consistent code adoption wherever possible.
- Staff has discussed the adoption of the 2021 code with other local building officials, local architects/engineers, contractors, and building suppliers.
- Staff has discussed various elements of the code adoption and amendment with legal counsel in order to obtain legal advice related to the adoption of questionable areas of the code.
- Staff has conferred with the area Fire Marshall and communicated the intent of our proposed code adoption.
- Staff has prepared all applicable amendments needed in order to present an adoption of the 2021 codes that is suitable for the Town, fair and equitable to area builders, holds as true as possible to the intent of the International Code Council, and brings the Town up to a current minimum building standard that is consistent with other municipalities in our region.

**Summary of major changes to 2021 code adoption:**

On balance, only very select sections of the 2021 ICodes have been amended. In all cases where code amendments were considered, a more restrictive alternative was provided. Moreover, Staff has made minor updates to Chapter 15 of the Municipal Code (parts not included in the ICodes) to better suit the current state of construction in New



Castle. The following is a summary of all the major amendments to the ICodes currently contemplated by Staff:

- Addition of Section 15.06 regarding Construction Management;
- Addition of the state of Colorado Model Electric and Solar Ready Code;
- Contractor licenses and testing are eliminated;
- Prohibition of excavation permits (unless subject to Section 15.36 Grading Permits);
- Permit fees aligned with Town of New Castle Schedule of Fees;
- Clarification of required construction documents;
- Stricter provisions for issuance of temporary certificate of occupancy;
- Improved requirements for foundation drains and damp proofing;
- Added requirements for gutters and downspouts;
- Prohibition of atmospherically vented appliances;
- Water & sewer stub outs required prior to foundation installation;
- Requirement for energy consultant review at plan submittal
- Clarification of freeze protection system controls for ice/snow melt systems;
- Automatic sprinkler systems aligned with county requirements;

*During the last adoption in 2018, Staff committed to updating the building codes every six years. As the six year goal approaches, Staff asks that Council once again consider these updates as a step in improving the safety and wellbeing of the residents of New Castle both now and in the future.*

**MOTION: Councilor G Riddile made a motion to approve Ordinance TC2023-10-2021 Building, Residential, Mechanical, Fuel Gas, Plumbing Code Model Electric Ready and Solar Ready Code, Fire Code Adoption and Addition Section 15.06 Regarding Construction Management Plans and amending Title 15 of the town Municipal Code Accordingly. (1st reading) Councilor Carey seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor Mariscal: yes; Mayor A. Riddile: yes; Councilor Copeland: yes; Councilor Carey: yes; Councilor Hazelton: yes; Councilor G. Riddile: yes.**

**Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) regarding pending litigation against Castle Valley Ranch Investors**

**Motion: Councilor Leland made a Motion at 8:21 p.m. to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding litigation filed by Castle Valley Ranch Investors, Inc. Councilor Carey 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 9:33p.m. and the executive session has been concluded. The participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilor Hazelton; Mayor A. Riddile; Councilors Copeland, G Riddile, Councilor Leland, Town Administrator Reynolds, Town Clerk Andis, Town Planner Smith, Town Attorney Carmer and Town Treasurer Ehlers. 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.

**~~Consider ratification/approval of settlement agreement in Castle Valley Ranch Investors litigation following 12/4/23 mediation~~**

**Consider Resolution TC 2023-13 - A Resolution of the New Castle Town Council Approving a Memorandum of Understanding with Garfield County Older Adult Programs**

Administrator Reynolds said Memorandum of Understanding (MOU) between seven partnering agencies which include Municipalities, Garfield County BOCC, and RFTA. The purpose of this MOU is to document the cooperation between the agencies in order to establish funding of a county-wide meal and transportation services for the Garfield County Older Adult Programs for the calendar year 2024. The MOU is effective as of January 1, 2024. There is an ask of \$9,244.41, which is 1,019 meals to be served in New Castle.

**MOTION: Mayor A. Riddile made a motion to approve Resolution TC2023-13 A Resolution of the New Castle Town Council Approving a Memorandum of Understanding with Garfield County Older Adult Programs. Councilor Mariscal seconded the motion and it passed unanimously.**

**Consent Agenda**

November 7, 2023 Minutes

November 21, 2023 Minutes

November Bills \$545,971.04

Black Bear Bar & Grill Hotel Restaurant Liquor License Renewal

Stop N Save Fermented Malt Beverage Off-Premises Liquor License Renewal

**MOTION: Mayor A. Riddile made a motion to approve the consent agenda. Councilor Mariscal seconded the motion and it passed unanimously.**

**Staff Reports**

Town Administrator – Administrator Reynolds Thanked everyone who had participated in the Tree Lighting Ceremony. It had a great turn out and he believes it was better than in

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the years past. Public Works is working on building a downtown ice rink on the basketball court. Staff is working on a lot of year end projects. Town Staff will be hosting a senior BINGO at the Lakota Senior Housing tomorrow (Wednesday, December 6, 2023) from 2pm-4pm. There will be another senior BINGO at the Castle Valley Ranch Senior Housing on Wednesday, December 20, 2023, from 2pm-4pm. He has a manager's meeting in Carbondale with other valley managers to discuss the regional migrant status. He will be taking a long weekend vacation from Thursday, December 7, 2023 – Wednesday, December 13, 2023. He said Friday, December 22, 2023, is a half day for staff and Town Hall will be closed all day for team building exercises. Mayor A. Riddle said regarding the migrant situation the council is opposed to housing but open to help financially somehow.

Town Clerk – Clerk Andis said she had exciting news from the clerk's office, Deputy Remi Bordelon had received her Certified Municipal Clerk Certification (CMC). Receiving the CMC is a big accomplishment for a municipal clerk. A lot of hours and training goes into receiving the certification. This is an international certification and is recognized in many countries. With Deputy Bordelon receiving her certification there are now two certified clerks in the clerk's office.

Town Treasurer – Treasurer Viktoriya Ehlers said she had a meeting with Pinacol Insurance and asked the representative to submit a quote for cyber insurance. The town currently had the cyber insurance with CIRSA. She is working on a survey for local governments, working on year end, quarter end and starting the new year.

Town Planner – Planner Smith said he is busy with land use applications. He received another application for TC Fuels. They own the commercial parcel next to KSE.

Public Works Director – not present.

### **Commission Reports**

Planning & Zoning Commission – Councilor Carey said a conditional use application for Mr. Shrull was presented to P&Z. P&Z had a couple of concerns regarding code enforcement for residential and commercial parking for the downtown. Also, they would like more communication for P&Z matters specifically noticing of the required community meetings. Attorney Carmer said the applicant is not required to do more than what the code says. If the town wants to do more publicizing then there would need to be either a policy or code change. Each application needs to be treated the same.

Preservation Commission – didn't meet.

Climate and Environment Commission – didn't meet

Senior Program – didn't meet

RFTA – didn't meet

AGNC – didn't meet

GCE – nothing to report.

EAB – nothing to report.

Detox – nothing to report.

Town Council Meeting  
Tuesday, December 5, 2023

### **Council Comments**

Councilor Mariscal apologized for missing the Tree Light Celebration  
Councilor Carey said she wanted to meet with Administrator Reynolds regarding Community Builders. Administrator Reynolds said Colorado River Valley Economic Development Partnership is putting together a program to have a town representative go to the meetings. She said she had a non-town resident report to her some concerns regarding the work that is being done on the Red Rocks Ditch. Administrator Reynolds said Public Works Director John Wenzel is addressing the concerns.

Councilor Hazelton thanked Councilor Carey and Councilor G. Riddile for going to Denver and representing the town for the court mediation.

Councilor G. Riddile said CDOT does have a low bidder for the roundabout project. He said since Garfield County has said they would give the town \$450,000 towards the project, he wanted to make sure the town stay in communication with the county.

Councilor Leland said the bell ringing is currently happening at City Market. The sign up for the bell ringing is posted at the kettle and also on Visit New Castle Facebook page.

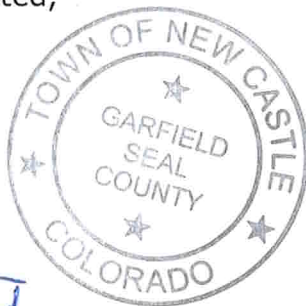
### **Items for Future Council Agenda**

There were no comments for future council agenda.

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

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

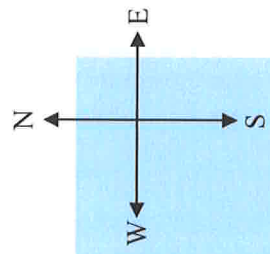


  
Town Clerk Mindy Andis, CMC

  
Mayor Pro Tem Grady Hazelton

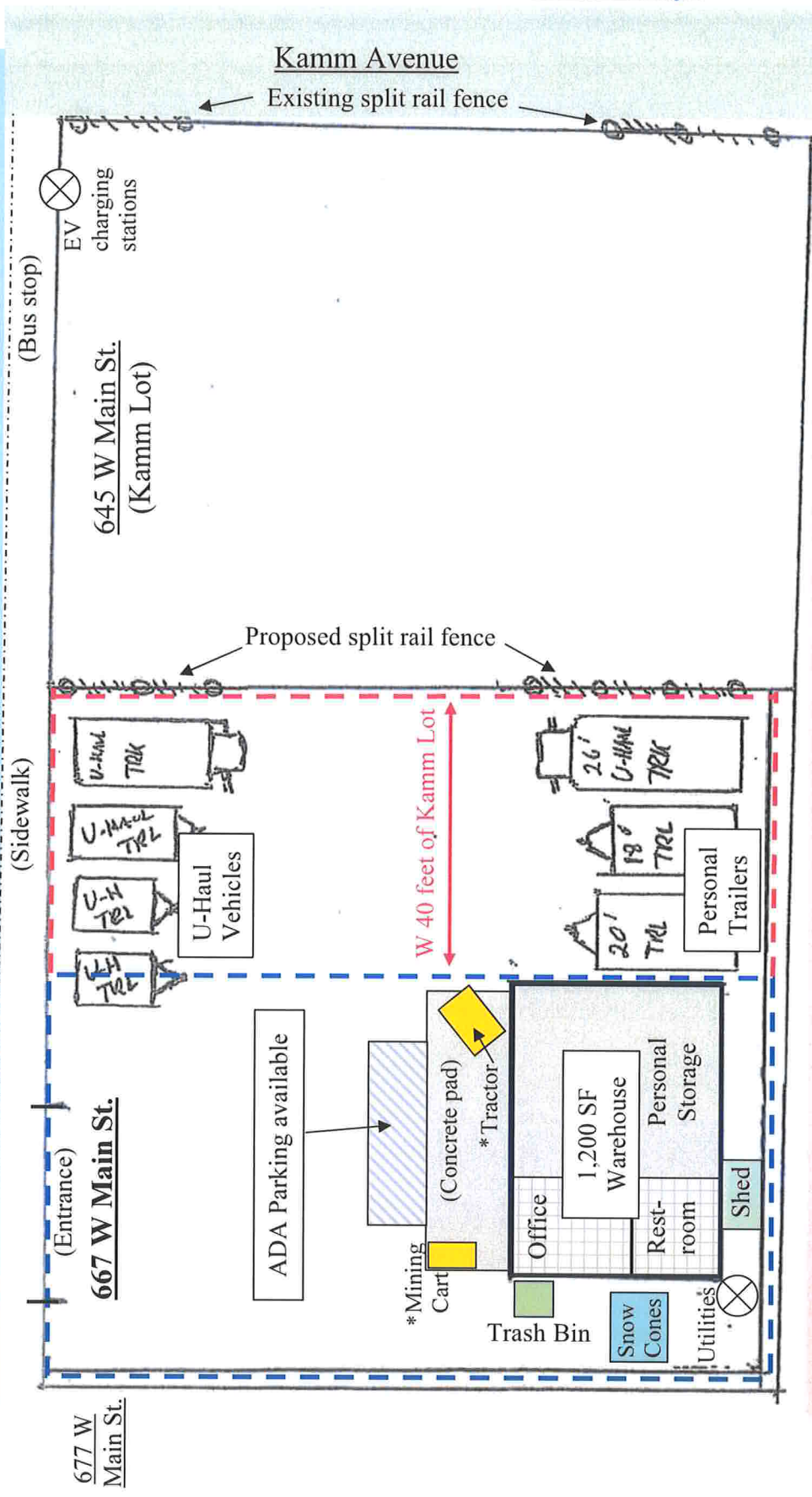
Town Council Meeting  
Tuesday, December 5, 2023





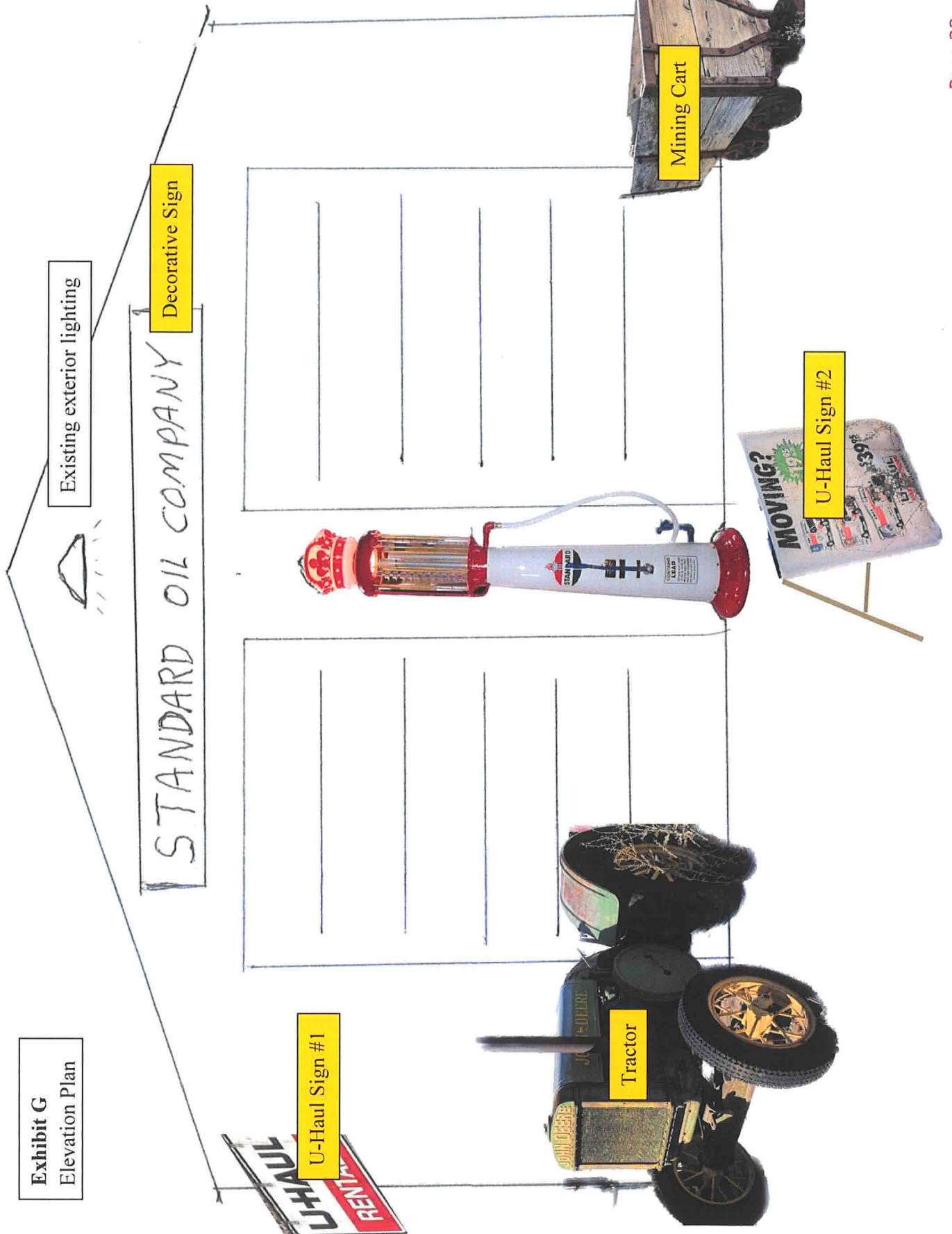
**Exhibit F**  
Site Plan

Main Street (US 6)



Alleyway

\* Applicant requested decorative cart & tractor; approval TBD





# Town Administrator's Budget Message for 2024

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December 5, 2023

To the Honorable Mayor Art Riddile, Town Council and New Castle Residents,

For the past several months, the Town Council and Town Staff have worked to review actual revenues and expenses for the fiscal year 2023. We have worked to understand trends in revenues and expenses that may influence future budget projections. We have contemplated short-term needs, long-term needs, and emergency reserve balances. Following the Town Council's input and recommendations staff is pleased to present the budget for the fiscal year 2024.

## Historical Perspective

As a Chartered Home Rule Town, which was originally incorporated in 1888, New Castle is governed by a Mayor and a six member Town Council. The Town Council is empowered to annually adopt and administer a budget in order to finance the government services listed below. The budget is organized on the basis of three types of funds which are:

**Proprietary** funds which include the Town's *Utility Fund* (Enterprise Fund). The purpose of this fund is to account for operations that are financed and operated in a manner similar to a private business enterprise. The intent of the New Castle *Utility Fund* is that the costs and expenses of providing goods or services to the general public on a continued basis will be financed or recovered primarily through user charges. The *Utility Fund* includes services such as water, sewer, and trash services which are billed directly to the user on a monthly basis.

**Fiduciary** funds which include the Town's Trust Funds and consist of the *Conservation Trust Fund* and the *Cemetery Trust Fund*. These funds account for assets held by the Town in a trustee capacity. The *Conservation Trust Fund* is funded by lottery proceeds and is designated for parks and recreational uses. The *Cemetery Fund* is funded by the proceeds of Cemetery Plot sales. This fund is used for the maintenance and operation of Highland Cemetery.

**Governmental** funds types which include New Castle's *General Fund*. The purpose of the General Fund is to account for all financial resources which are not accounted for in the Fiduciary and Proprietary Funds. These financial resources service the Town's obligations in areas of Public Safety, Streets, Maintenance, Economic Development, Health and Welfare, Parks and Recreation, Town Maintenance, Building and Planning, Finance, Municipal Court, Town sponsored events, Town Clerk and Recording, and Town Administration.

## Message

While significant inflation, climbing mortgage rates, labor shortages, rising housing costs and other negative economic factors persisted during 2023, New Castle managed to stay on course and largely meet or exceeded our 2023 budget goals. As with fiscal year 2022, New Castle continued to work hard to fill staff positions that



had been vacated due to retirements and natural staffing attrition. Despite an expressed interest in building, developers continued at a slower pace than anticipated due to rising costs and shortages of skilled labor. Town owned capital projects remained largely on track with welcomed assistance from partial grant funding, and the ability to cut costs by self-performing large segments of capital projects. Community engagement remained strong in 2023 as the Town was joined by partners, sponsors, and volunteers to provide recreational activities, town events, arts and enrichment programs, and growing numbers of outdoor activities and amenities.

***In the General Fund,*** the 2024 Budget continues to improve the Town's unassigned reserve position by increasing reserves to \$2,490,994 which represents approximately six months of reserve funds. The 2024 Budget also continues to support long term capital projects by increasing the Long-Term Capital Reserves from \$400,000 to \$600,000.

Sales tax revenues remained strong in 2023 but forecasts are now showing signs of flattening when compared to the strong increases of 2021 and 2022. The 2024 Budget continues to forecast an increase in sales tax revenues over that of 2023, with a projected 4% increase over 2023 sales tax revenues. Mineral Lease Distribution and Severance Tax revenues for 2023 were significantly stronger than expected but remain difficult to forecast, projections for 2024 will remain somewhat lower than the actual revenue for 2023. Tobacco Tax revenues which began in 2021 have been decreasing slowly since 2022. The 2024 budget estimates \$342,000 in Tobacco Tax Revenues compared to a projected \$360,000 in 2023.

The 2024 budget continues to account for increased spending for capital projects. Street maintenance in 2024 will see a budget increase from \$240,000 to \$300,000 for items such as paving, chip seal and crack seal. The Town will be working with CDOT as they plan to install a roundabout at the intersection of Rt. 6 and Castle Valley Boulevard. Capital improvement projects remain a priority for the Town Council and the town remains committed to seeking grant funding assistance for these capital projects when possible.

Overall, new home construction in New Castle remained slow in 2023 with an estimated total of 6 to 8 new home permits issued. Despite the relatively light construction activity, New Castle forecasts that increased property values will result in an overall gain of approximately \$176,000 in Property Tax Revenues for 2024.

***In the Utility Fund,*** the Town has worked to keep expenses under control, but rising inflation over the past few years has now threatened to surpass revenue levels. While the 2024 Utility Fund Budget currently shows a small surplus, Town Staff and Town Council anticipate that future rate increases may be needed to keep up with the rising costs of goods and services. Utility Fund projects for 2024 include the rebuilding of a Digester Blower Facility to update equipment, increase efficiency, and lower operational costs. Also planned for 2024 are improvements to the Town's Raw Water Distribution System which will help increase operational efficiency, reduce water loss, and help preserve valuable domestic water resources.

### **Looking Forward**

Current indications are that New Castle will continue to experience light to moderate growth of residential housing in 2024. In early 2023 the Town Council approved development in Lakota which over the next five to ten years is expected to yield up to 185 new housing units along with approximately 60,000 S.F. of mixed commercial use. Additionally in 2024, residential developers are expected to seek Town approval for added housing units in Castle Valley Ranch. Completion targets for these projects are yet to be determined. While continued growth is always a possibility, the town remains committed to retaining the charm, character, and livability that has always made New Castle an amazing place to call home.

Other projects include the partnering with Garfield County to install a High-Speed Broadband Distribution Facility, which will act as a central location from which Internet Service Providers will be able to provide competitively priced high-speed internet options for town and county residents.



## **Conclusion**

During the past few years New Castle has experienced high inflation, swiftly rising housing costs, labor shortages, high construction costs, rising operational costs, and other challenges that were not in place prior to the COVID pandemic. Despite these challenges, New Castle has been able to maintain or in some cases expand on its' services and commitment to the community. New Castle remains committed to being fiscally responsible, forward-thinking, and protective of our strong community values. We understand why residents choose to call New Castle their home and stand determined to manage the town's finances and resources in the best interest of those that we serve.