

**New Castle Town Council Regular Meeting
Tuesday, December 2, 2025, 7:00 PM**

Call to Order

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

Pledge of Allegiance

Roll Call

Councilor Mariscal
Councilor Carey
Mayor Pro Tem Hazelton
Councilor Copeland
Councilor Leland
Councilor G Riddile

Absent Mayor A. Riddile

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

MOTION: Mayor Pro Tem Hazelton made a motion to excuse Mayor A. Riddile's absence. Councilor Mariscal seconded the motion, and it passed unanimously.

Meeting Notice

Clerk Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2025-1.

Conflicts of Interest

Councilor G. Riddile said he would be recusing himself for item F.

Agenda Changes

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no Citizen Comments

Consultant Reports

Consultant Attorney – Attorney Carmer said she was present for the agenda items
Consultant Engineer – not present

Items for Consideration

Consider Resolution TC2025-22 Approving a Subdivision Improvements Agreement for Whitehorse Village at Lakota Phase 2

Town Administrator Reynolds said Planner Smith and Attorney Carmer have been working with applicant Luke Gosda. In front of the council is the Subdivision Improvement

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Agreement (SIA) for the property. He said an updated version was done this afternoon. Administrator Reynolds said if council is fine with the changes, council can vote to approve the resolution, or the council can continue the resolution until the next meeting since there were last minute changes made.

Planner Smith said the property is a parcel in Whitehorse Village located in Lakota Canyon Ranch. The parcel was originally approved as cluster lots which are 5 and 6 pack homes. Prior owners have made a few amendments to create single family homes vs. the cluster lots. SC Round Up has recently purchased the property to develop, and they are proposing single family homes throughout the parcel. Planner Smith said the applicant did meet with P&Z in October for multiple lot line adjustments which were approved. Planner Smith said when the property changes from 6 pack lots to single family lots, the utilities are not going to line up. He said the developer will need to move a third to half of the utility lines to line up with the single-family homes. Planner Smith explained the SIA will include the utilities adjustments and once the adjustments are done, the developer will mill all the streets where the roads cuts were done. Planner Smith explained the cut will create a seam into the road which water and debris can get in. Before that happens, the developer will mill and chip seal or overlay with asphalt. Planner Smith said Mr. Gosda has suggested making street cuts and the utility adjustments for four houses at a time. The reason for doing it this way is because normally the developer would need to plat all of lots to make all of the curb cuts to place all of the utilities and by doing that, that would create liability with taxes and HOA dues. The developer would like to stall the expenses as long as they can. The developer would like to develop a block at a time and have the SIA reflect the development. Planner Smith said normally the SIA would state all the utilities get completed first and the town would approve and accept, then town would maintain moving forward. Planner Smith said in this case the utilities would be completed block by block process.

Attorney Carmer said one of the outstanding pieces of the SIA is the timeline for completion. Because this is a remnant of a prior subdivision there is not much left as far as public improvements. Attorney Carmer said the main water and sewer lines are done and the road is completed, just extending the last pieces to the lots. The developer has already gone through P&Z to adjust the blocks. The developer must record what is referred to in the prior approved document and is now four single family lots. Attorney Carmer explained in the SIA when the developer records one of the final detailed plats they have one year to complete the public improvements associated with each of the four lots. It's just an extension of the water and sewer lines. Then once all of the detailed final plats are recorded, then everything will be done with each of the final plats. The developer would then do the last final chip seal run on Whitehorse Drive and Roundup Drive.

Attorney Carmer said Round up Drive is a private road which would be maintained by the HOA and Whitehorse Drive is the only town owned Right of Way. Essentially the developer is phasing the last pieces of the improvements, instead of breaking it up in actual phases. The developer will be building the homes and plating them individually, which warrants a different phasing concept. Once the final plat is recorded and the town has approved the improvements, then a portion of the security for each block would be released. Attorney Carmer said in the red line of the SIA, which was done today, articulates the structure of

the phased installation of the remaining public improvements to track the detailed final plating. The prior approvals do already contemplate those detailed final plating processes that can be handled at the staff level. However, the council would have to approve and accept the improvements and release the security.

Planner Smith said engineering has recommended the maintenance requirement. The concern is who will be required to maintain the improvements over the length of time for the development before it is accepted by the town. Planner Smith referenced section 21 in the SIA: *Maintenance of White Horse Drive & Roundup Drive. Until all Public Improvements required by this Agreement are completed and finally accepted by and conveyed to the Town and the final chip/seal of White Horse Drive and Roundup Drive is complete, Developer shall, at its cost and expense, (i) repair and maintain White Horse Drive and Roundup Drive in accordance with each Right-of-Way Permit issued for work done on or in either road in connection with the Public Improvements and (ii) repair any issues that may arise as a result of the installation of any of the Public Improvements required under this Agreement including, but not limited to, joints remaining unsealed for extended periods of time. Any complaints or requests for maintenance that are Developer's responsibility under this section will be directed to Developer and addressed in a timely and workmanlike manner. Developer's failure to maintain White Horse Drive and Roundup Drive as provided in this section shall constitute a breach of this Agreement and the Town shall be entitled to all remedies available to it hereunder.*

Planner Smith said the town is proposing a Right-of-Way Permit for each of the blocks. Having the Right-of-Way Permit would allow the applicant to upgrade the utilities for any of the parcels. Normally the applicant would be required to put down a deposit to be retained during the duration of the work. Attorney Carmer said the challenge with the longer period of time and the road already in, there will be interim cuts. Trying to make sure the interim cuts don't undermine the existing structure. Using the Right-of-Way Permitting process will make sure the town has the right controls in place to make sure the cuts are covered and to properly mitigate the impacts. If there is anything in the interim that arises as a result of the work that was done, then the developer would repair before the final chip seal.

Mr. Gosda said he doesn't disagree with the Right-of-Way Permit. However, his understanding is there are certain fees and securities associated with the improvements, and he has a concern about the fees and securities related to the Right-of-Way Permits. The fees and securities seem to be redundant because of the securities associated with the SIA. Mr. Gosda would be putting up a letter of credit for all of the improvements that they are planning on making.

Councilor G. Riddile asked how long the project will take. Mr. Gosda said they plan on starting one building a month and the build out time is roughly 10 ten months. He said four to five years to build all 43 homes.

Councilor G. Riddile said the Right-of-Way Permit and security is protection if maintenance is not done. If the developer incurs damages and goes over a year and maintenance is not done, the town could call on the letter of credit. Mr. Gosda said if he doesn't perform then the town can call on the letter of credit.

Planner Smith said the letter of credit pertains to the town completing the utilities and

chip and seal. Then, anything with a Right-of-Way Permit would be maintenance, for example if someone complains about washboard roads and public works department has to fix, then the town would draw from the Right-of-Way deposit to maintain. Attorney Carmer said there needs to be maintenance because this is a longer-term project. If the developer doesn't uphold the maintenance obligations, then it would be a breach of the agreement, and the town needs to have remedies to enforce the agreement. Administrator Reynolds asked if the amount in the SIA would be enough to cover the town for completing the work plus maintenance that would occur along the way. Attorney Carmer said the cost estimate is based on the estimated cost of the construction of the improvements. If the town did need to call security for maintenance purposes and there were still additional improvements to be constructed, then, there would be request for additional releases on the letter of credit. Currently the SIA says the town wouldn't release anything more than what was needed to complete rest of the improvements. Planner Smith said the Right-of-Way permit has a fee and a deposit, could that be something the town could draw from. Attorney Carmer said that could be another option. Attorney Carmer clarified the Right-of-Way Permit is separate from the cost estimate. The cost estimate and the security is for the completion of the improvements, and the Right-of-Way Permit covers more of the security for maintenance and repairs of the roadway. Yancy Nichol Engineer said the road is completely done, all they will be doing is modify and to do that they need to cut the pavement. Normally if you were doing one single family home you would saw cut and patch it. Then, the town would either reseal or overlay the road. He said the developer would come in at the end and chip seal the entire road and would be substandard. Mr. Nichol said he doesn't expect maintenance on the work unless the cut didn't seal correctly. He said it's an easy fix; you reseal it before you put the chip seal down.

MOTION: Councilor Leand made a motion to Continue Consider Resolution TC2025-22 Approving a Subdivision Improvements Agreement for Whitehorse Village at Lakota Phase 2 Until December 16, 2025. Councilor Carey seconded the motion, and it passed unanimously.

PUBLIC HEARING

Mayor Pro Tem Hazelton opened the public hearing at 7:32pm.

Consider Resolution TC2025-21 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, 2025 and Ending on December 31, 2025, 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.

Treasurer Ehlers said the only change was in the General Fund from a surplus of \$13,758 to a surplus of \$33,033 and was due to the town receiving the final certification of the property evaluations from Garfield County Assessor. The town ended at \$769,000 for the 2026 property tax revenue. The amount is based on the Town of New Castle Mill Levy of

8.551 percent and the number is \$111,000 higher than 2025, and it was even higher than the preliminary evaluation the town received in August 2025. The difference in the projected construction increased by almost \$400,000. The other minor factor which contributed to the increase of revenue was updating projections.

Treasurer Ehlers said the Utility Fund stayed at the surplus of \$484,000, which includes the full 80 units for the R2 Development. The CTF Funds also stay at the surplus of \$161,000. However, the town has not received the fourth quarter Lottery funds. The Cemetery Fund is predicted to stay at a surplus of \$111,000.

Councilor G. Riddile said since the surplus is a little higher than before he suggested increasing the Chamber of Commerce support by \$2,000, giving the support to the Chamber a total of \$7,000. Mayor Pro Tem Hazelton said he agreed since the town was not a sponsor of the block party in 2026.

MOTION: Councilor Carey made a motion to approve Resolution TC2025-21 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, 2026 and Ending on December 31, 2026, 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. With adding and additional \$2,000 to the New Castle Chamber of Commerce. Councilor Mariscal seconded the motion, and it passed on a roll call vote. Councilor Mariscal: yes; Councilor Carey: yes; Mayor Pro Tem Hazelton: yes; Councilor Copeland: yes; Councilor Leland: yes; Councilor G. Riddile: yes.

Consider Ordinance TC 2025-2 - An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the General Fund, 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, 2024 and ending on the last day of December, 2024 (1st reading)

Treasurer Ehlers said the reason why the town has to do the supplemental budget only affects the General Fund. That was due to the purchase of 335 West Main Street property, the purchase amount \$190,000 and there was almost \$11,000 in asbestos treatment. Because of the expenditures caused the town to go over the adopted expenditures for 2025.

MOTION: Councilor G. Riddile made a motion to approve Ordinance TC 2025-2 - An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the General Fund, 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, 2025 and ending on the last day of December, 2025 (1st reading). Councilor Carey seconded the motion, and it passed on a roll call vote.

Mayor Pro Tem Hazelton: yes; Councilor G. Riddile: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor Carey: yes; Councilor Copeland: yes.

Mayor Pro Tem Hazelton Closed the public hearing at 7:41pm.

Consider Ordinance TC2025-3 Amending Certain Provisions of Title 15 of the Town Municipal Code and the Building Codes Adopted by Reference Therein (first reading)

Planner Smith said he had introduced the building code changes to the council at the November 18, 2025, meeting. He reviewed the ordinance with the council.

Section 706.1.1 is hereby amended to read as follows:

Section 706.1.1 Party Walls. Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings. Such walls shall be constructed of an approved shaftwall-type assembly unless otherwise approved by the Building Official.

Section 15.22.020 of the Coded is amended to add the following language:

Section R302.2 is hereby amended to read as follows:

Section R302.2 Townhouses. Walls separating townhouse units shall be constructed in accordance with Section R302.2.1 or R302.2.2 and shall comply with Sections 302.2.3 through 302.2.5. Such walls shall be constructed of an approved shaftwall-type assembly unless otherwise approved by the Building Official.

Section 15.22.020 of the Coded is amended to add the following language:

Section R403.6.1 is hereby amended to read as follows:

Section R403.6.1 Heat or energy recovery ventilation. Dwelling units shall be provided with a heat recovery or energy recovery ventilation system in Climate Zones 6, 7, and 8. The system shall be balanced with a minimum sensible heater recovery efficiency of 65 percent at 32°F (0°C) at a flow greater than or equal to the design airflow.

Section 15.25.020 of the Code is amended to delete the following language in its entirety:

~~*"Subsection 503.2 #1.1 is hereby deleted and replaced by the following text: 1.1 Flame Spread. Materials shall exhibit a flame spread index not exceeding 75 (Class B)."*~~

Councilor G. Riddile asked Class A materials if just for new builds and asking for new mapping from CRFR and possible insurance implications.

Councilor Carey said the new WUI Code will need to be adopted and implemented, asked

Planner Smith would be reviewing the new code and how it is going. Planner Smith said he has not had the discussion yet but wanted to make the building code changes first. Therefore, making these changes first would give the town time to introduce the WUI Code to the residents and be able to explain it clearly.

MOTION: Councilor G. Riddile made a motion to approve TC2025-3 Amending Certain Provisions of Title 15 of the Town Municipal Code and the Building Codes Adopted by Reference Therein (first reading). Councilor Carey seconded the motion, and it passed on a roll call vote. Councilor Leland: yes; Councilor Mariscal: yes; Councilor Copeland: yes; Councilor Carey: yes; Mayor Pro Tem Hazelton: yes; Councilor G. Riddile: yes.

Consider Resolution TC 2025-23 - A Resolution of the Town Council of the Town of New Castle Adopting a Directory of Fees and Charges for the Town

Clerk Andis said there were just a few changes to the Directory of Fees and Charges. The main change was the 3% increase to the utility rates across the board. There was an increase to the bulk water went from \$15.20 to \$16.50/1,000 gallons. The last major change was to the deposit on the bulk water meter. Currently the deposit is \$1,000, but if the town has to replace the meter for some reason it costs the town \$3,500. The meter gets rented out to developers if they need to do dust control. The developer or contractor would connect the meter to a hydrant to pull water. The town does charge for water usage.

Mayor Pro Tem Hazelton asked if the meter gets rented out often. Clerk Andis said it is does not, the last time we had rented it was for the roundabout project.

MOTION: Councilor G. Riddile made a motion to approve Resolution TC 2025-23 - A Resolution of the Town Council of the Town of New Castle Adopting a Directory of Fees and Charges for the Town. Councilor Copeland seconded the motion, and it passed unanimously.

Councilor G. Riddile left the meeting for the executive session.

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) concerning the 6th Street Lot

MOTION: Councilor Leland made a Motion at 7:55pm 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) concerning the 6th Street Lot. 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 8:21p.m. and the executive session has been concluded. The participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilors Copeland, Councilor Leland, Mayor Pro Tem Hazelton, Town Administrator Reynolds, Town Attorney Carmer, Town Treasurer Ehlers and Town Clerk Andis. 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.

Councilor G. Riddile return to the meeting.

Consent Agenda

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

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November 2025 Bills \$904,538.92

Black Bear Bar & Grill Liquor License Renewal

MOTION: Councilor G. Riddile made a motion to approve the Consent Agenda. Mayor Pro Tem Hazelton seconded the motion, and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds said staff had received a phone call from a board member of the library asking to present an update to the town council.

Administrator Reynolds said on the town's website there is a Report a Concern that you can email a concern, and the concern goes to Town Clerk Andis. There was a Report a Concern that came in addressed to the mayor and Administrator Reynolds felt it should be shared with the council in case the resident reaches out to the council individually.

Administrator Reynolds said the Police Chief position opening has been public for a couple of weeks and the town has only received one application but will let the ad run for another week. Administrator Reynolds reminded the council the employee Christmas party is a week from Friday at the Red Barn in Peach Valley. Administrator Reynolds said the Tree Lighting and the Chili Cook Off is Friday. He said town staff is hosting the Chamber BINGO on Thursday, December 11, 2025.

Town Clerk – Clerk Andis said her office is busy preparing for the April Election. Assistant

Huster is in the middle of sending out renewal letters for both business license and dog tags. Clerk Andis said she is getting ready to close out the year and getting ready for the new year. She updated the council on the upcoming meeting.

Town Treasurer – Treasurer Ehlers said she is waiting for the last property tax before she is able to report the new Mill Levy certification to the county. Treasurer Ehlers said she is working on submitting the budget to the state. She said she is also working on the insurance renewals for 2026.

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – Mayor A. Riddile was not present to report.

Historic Preservation Commission – have not met

Climate and Environment Commission – Councilor Leland said they had discussed their mission, goals and projects. He said sometime in 2026 CEC will present to the council their goals and projects. Councilor Leland asked if the town has enough reusable dishes and if not there is still bag money available to purchase more if needed.

Senior Program – have not met

RFTA – Mayor A. Riddile nor Councilor Copeland was able to attend

AGNC – Mayor Pro Tem Hazelton said they discussed the 2026 budget

GCE – Councilor Leland said they approved the budget and renewed the contract with CLEER. Councilor Leland said there is new information on Geothermal. He asked to make sure all of the public buildings are shut down for the holidays.

EAB – Mayor A. Riddile was not present to report.

POSTR – have not met

Council Comments.

Councilor Carey said she had a conversation with a former mayor from another municipality, and he said he was impressed with the work the town has done with such a small budget and has a balanced budget.

Mayor Pro Tem Hazelton said the Duck Blind Tavern had their soft opening and will be opening on Friday. He had asked the town to promote small businesses in town. He said there is a Communication Board meeting and would like for Interim Police Chief Curry to attend if he is available on Thursday, December 4, 2025.

Items for Future Council Agenda

Councilor Carey said the town needs to have a discussion about e-bikes.

Councilor Mariscal said she would like to get an update from the Downtown Group.

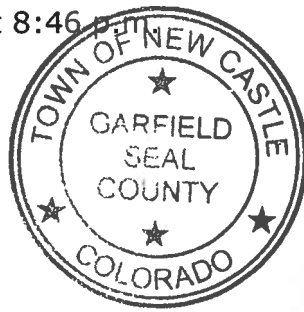
Mayor Pro Tem Hazelton would like for Interim Police Chief Curry to talk with the council during a work session regarding safety.

Adjourn

MOTION: Mayor Pro Tem Hazelton made a motion to adjourn.

The meeting adjourned at 8:46 p.m.

Respectfully submitted,




Mayor Pro Tem Hazelton


Town Clerk Mindy Andis, CMC