

Posted: \_\_\_\_\_

Remove:



**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

## Agenda

### **New Castle Town Council Regular Meeting Tuesday, April 18, 2023, 7:00 PM**

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

Virtual Meetings are subject to internet and technical capabilities.

[To join by computer, smart phone or tablet click HERE](#)

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on

The Council Packet is available [HERE](#)

#### **Call to Order**

#### **Pledge of Allegiance**

#### **Roll Call**

#### **Meeting Notice**

#### **Conflicts of Interest**

#### **Agenda Changes**

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

-Comments are limited to three minutes-

#### **Consultant Reports**

Consultant Attorney

Consultant Engineer

#### **Items for Consideration**

Recess the Town Council Meeting, Convene as the Board of Zoning Adjustment

#### **A. Consider Inclusion of Tattoo Parlors as a Permitted Use in the C-1 Zone District**

Adjourn the Board of Zoning Adjustment, Reconvene the Town Council Meeting

**B. Consider Request from Jim Colombo for a Revised Payment Plan of Water Dedication for Eagle's Ridge Ranch**

**C. Consider Resolution TC 2023-07, a Resolution of the New Castle Town Council Updating the Term of Office for Members of the Climate and Environment Commission from Two Years to Four Years**

Recess the Town Council Meeting, Convene as the Water & Sewer Enterprise

**D. Discussion: Utility Billing and Meter Reading Alternatives**

**E. Consider Funding for Elk Creek Bank Erosion Project**

Adjourn the Water & Sewer Enterprise, Reconvene the Town Council Meeting

**F. Discussion: 2023 Streets Maintenance Funding**

### **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.

[March](#) 21, 2023 minutes

### **Staff Reports**

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

### **Commission Reports**

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

### **Council Comments**

### **Adjourn**



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## Memorandum

**To:** Mayor & Council

**From:** David Reynolds & Paul Smith

**Re:** Board of Adjustment – Hear and decide the proper application of unlisted uses in the C-1 Zoning District as it applies to Tattoo Businesses

**Date:** 04/18/2023

### Purpose:

The purpose of this agenda item is to hear and decide the proper application of an unlisted use in the C-1 Zoning District, specifically the general inclusion of Tattoo Businesses as a *Permitted Use*.

Current zoning along the Main Street corridor / C-1 Zoning District includes a list of Permitted Uses, Conditional Uses, and Nonpermitted Uses. Any use not specifically named is eligible for consideration under the Conditional Use application and review process.

In the case of an *unlisted use* that may be similar to listed uses, or in the case where a business owner wishes to seek clarity on the proper application of an *unlisted use*, Town Council may convene as the Board of Adjustment and consider the proper application of a questioned *unlisted use*. In this case, the Board of Adjustment is being asked to rule on the *unlisted use* of Tattoo Businesses in the C-1 District. (See *Municipal Code Sec 17.12.020 (C) Powers*).

The Board of Adjustment will be asked to consider if Tattoo Businesses (*unlisted*) might fall somewhere within the Permitted Uses category. For example, the Board may find that Tattoos Businesses are a *personal service like barber or beauty shops* and therefore allow Tattoo Businesses as a Permitted Use; or the Board may rule that Tattoo Businesses shall remain *unlisted* and continue to be subject to the full Conditional Use Process.

During such consideration of *unlisted uses* it is important to note the following:

- If approved, the *unlisted use* (in this case Tattoo Businesses) will become a Permitted Use throughout the C-1 Zoning District and would not be specific to one particular business or business owner.
- Approving a Tattoo Businesses as a Permitted Use in C-1 removes the necessity for future Tattoo businesses to work through the Conditional Use Process which includes a Public Hearing, and public notice requirements.

- If the Board of Adjustment decides that a Tattoo Business is not to be named as a Permitted Use, owners of Tattoo Businesses may continue to use the Conditional Use Process to seek approval for their specific business within the C-1 District.
- Determination by the Board of Adjustment that the *unlisted use* of Tattoo Businesses in the C-1 District is suitable, would mean that the owners of a Tattoo Business may move forward with operating their business in the same manner as Permitted Use businesses.

Attached please find a copy of Municipal Code Section 17.36 C-1 COMMERCIAL DISTRICT which lists the Permitted Uses, Conditional Uses, and Nonpermitted Uses for C-1.

## Chapter 17.12

### BOARD OF ADJUSTMENT

#### Sections:

#### 17.12.010 Organization.

#### 17.12.020 Powers.

#### 17.12.030 Procedure.

#### 17.12.010 Organization.

A. There is created a board of zoning adjustment to be known as "the Board of Zoning Adjustment of the Town of New Castle, Colorado," hereinafter referred to in this chapter as "board."

B. The membership of the board shall consist of five residents of the municipality, each appointed for a three-year term by the town council.

C. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official of the town, or to decide in favor of the applicant any matter upon which it is required to pass under this title, or to effect any variation in this title. Every decision of such board shall be subject, however, to review by certiorari by the district court of Garfield County. Such appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the town. (Prior code § 13-20-010)

#### 17.12.020 Powers.

The board shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this title. It shall also hear and decide all matters referred to it and the following matters as required under this title:

A. Hear and decide applications for variances where there are practical difficul-

ties or unnecessary hardships in the way of carrying out the strict letter of this title. The board has the power to vary or modify the application of the regulations or provisions of this title relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this title is observed, public safety and welfare secured and substantial justice done, provided the board finds that the following criteria, insofar as applicable, have been satisfied:

1. That there are unique physical circumstances or conditions, such as irregularity, narrowness, shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar to the affected property,

2. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title,

3. That such unnecessary hardship has not been created by the applicant,

4. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property,

5. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of this title's provisions that are in question;

B. Where feasible, the board may vary or modify the application of this title for the purpose of considering access to sunlight for solar energy devices;

C. Hear and decide the proper application of unlisted uses or combinations of uses to a use group as provided in Chapters 17.16 through 17.68;

## Chapter 17.36

### C-1 COMMERCIAL DISTRICT

#### Sections:

- 17.36.010 Generally.**
- 17.36.020 Description.**
- 17.36.030 Goals.**
- 17.36.040 Permitted uses.**
- 17.36.050 Conditional uses.**
- 17.36.060 Nonpermitted uses.**
- 17.36.080 Site use standards.**
- 17.36.090 Preexisting and nonconforming uses.**
- 17.36.100 Standards for design and construction.**
- 17.36.110 Administration and procedures for approval of work.**
- 17.36.120 General standards.**

#### **17.36.010 Generally.**

The C-1 commercial zone district shall be governed in conformity with the following regulations. (Ord. 2001-5 § 2 (part): prior code § 13-04-080 (part))

#### **17.36.020 Description.**

The C-1 district pertains to the present downtown business area lying easterly of Elk Creek, westerly of First Street and Mattivi Avenue, northerly of the Denver and Rio Grande Western Railroad right-of-way, and southerly of the centerline of the east-west alley lying north of Main Street, all within the original townsite of New Castle. (Ord. 2001-5 § 2 (part): prior code § 13-04-080(A))

#### **17.36.030 Goals.**

The town's goals within the C-1 district are to retain historical characteristics of the downtown business area by preserving existing structures constructed prior to the

year 1930. Remodeling and construction is encouraged to reflect the goals of the zone district; to enhance the town's attraction to residents, tourists, and visitors; to serve as a support and stimulus to business and industry; to reflect a pedestrian orientation; and to enhance property values. (Ord. 2001-5 § 2 (part): prior code § 13-04-080(B))

#### **17.36.040 Permitted uses.**

A. Any of the uses set out in subsections (B) through (D) are permitted outright provided the following requirements are complied with:

1. All fabrication, service and repair operations are conducted within a building;
2. All storage of materials shall be within a building or obscured by a fence of at least six (6) feet in height;
3. Storage areas shall be restricted to the rear twenty-five (25) feet of the lot(s); and

B. Retail establishments for the trade and sales of the following goods and materials:

1. Antiques;
2. Appliances;
3. Art and art supplies;
4. Automotive parts, new;
5. Bakery and doughnut shop;
6. Beverages;
7. Books, magazines, newspapers;
8. Cafe, coffee shop;
9. Clothing;
10. Dry goods;
11. Feed and pet supplies;
12. Food;
13. Furniture;
14. Garden supply and plants;
15. Groceries;
16. Hardware, general and specialty;
17. Jewelry;
18. Office materials and supply.

C. Personal service establishment, including:

1. Art gallery;
2. Automatic laundry/laundromat for individual use;
3. Bank;
4. Barber, beauty shop;
5. Day care facility for children under thirteen (13) years of age;
6. Indoor recreation;
7. Indoor theater;
8. Laundry or dry cleaning station for individual pick-up only;
9. Medical/health clinic limited to human outpatient services with floor area of no more than two thousand (2,000) square feet;
10. Office for the conduct of a business or profession;
11. Pharmacy;
12. Photography supply, studio;
13. Printing shop;
14. Private club;
15. Reading room;
16. Real estate sales office;
17. Restaurant, with or without a bar;
18. Shoe repair;
19. Studio for the conduct of arts and crafts instruction;
20. Tailor shop;
21. Tavern;
22. Travel agency.

D. Residential. One (1) or more residential dwelling unit(s) when located on a floor above the ground floor of a commercial use building, or, when located on a ground floor and within the rear forty (40) feet of a lot, within a commercial use building.

(Ord. No. TC 2020-03, § 2, 7-21-2020)

*Editor's note*—Ord. No. TC 2020-03, § 2, adopted July 21, 2020, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from prior code § 13-04-080(D); Ord. No. 2001-5, § 2; Ord. No. 2005-16, § 4; Ord. No. 2013-4, § 2(A), 6-18-2013.

### 17.36.050 Conditional uses.

A. Any use listed under permitted uses above which use is to be a drive-in establishment or facility where the customer receives goods or services while occupying a vehicle.

B. The following uses may be allowed subject to the provisions and requirements of Chapter 17.84 of this title:

1. Auditorium, public or private;
2. Automobile service station, with or without minor repairs;
3. Automobile, small truck, trailer rental facility;
4. Automobile washing facility;
5. Church or facility for any recognized established religion;
6. Community building operated by the public;
7. Educational facility, public or private;
8. Emergency response, public safety facility;
9. Facility for treatment, storage and disposal of wastewater;
10. Facility for treatment, storage and distribution of drinking water;
11. Fraternal lodge;
12. Hotel, motel;
13. Household appliance repair;
14. Library, public or private;
15. Medical/health clinic limited to human outpatient services with floor area of greater than two thousand (2,000) square feet;
16. Mobile vending carts or stands;
17. Mortuary;
18. Municipal shop facility, for maintenance, repair and storage of equipment and materials for municipal services;
19. Museum, public or private;
20. Parking lot or garage as principal use of the lot;
21. Public building for the administration of government;
22. Residential apartment building;

23. Residential single-family detached building occupying no more than one thousand two hundred (1,200) square feet of land area;

24. Rooming and boarding house facility;

25. Small engine repair and sales shop;

26. Taxidermy shop;

27. Temporary building to be used to conduct a permitted use;

28. Utility substation, electric or gas, public or private;

29. Veterinary clinic limited to small animal outpatient services, not including kennel.

C. Any use not specifically defined in the permitted, conditional, or nonpermitted use categories shall be a conditional use. (Ord. No. TC 2020-03, § 2, 7-21-2020)

**Editor's note**—Ord. No. TC 2020-03, § 2, adopted July 21, 2020, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from prior code § 13-04-080(C); Ord. No. 2001-5, § 2; Ord. No. 2005-16, §§ 2, 3.

**17.36.060 Nonpermitted uses.**

The following uses are not permitted in the C-1 commercial zone district:

1. Outside storage of wrecked or inoperable vehicles or equipment, salvage, scrap or other such items;

2. Self-storage facilities;

3. Petroleum, oil and gasoline storage;

4. Recreation vehicle park;

5. Propane storage;

6. Auto wrecking and salvage yard;

7. Auto storage yard;

8. Truck repair and storage yard;

9. Mobile home park;

10. Asphalt batch plant;

11. Concrete block and mixing plant;

12. Concrete storage yard;

13. Gravel extraction;

14. Gravel storage;

15. Mining operations;

16. Adult entertainment establishment or sexually-oriented business;

17. Testing laboratories, business research and development involving hazardous materials or pollution;

18. Kennel.

(Ord. No. 2013-4, § 2(B), 6-18-2013)

**17.36.080 Site use standards.**

A. Minimum Lot Area.

1. Residential, when allowed by special review:

a. Single-family detached unit: two thousand five hundred (2,500) square feet per unit;

b. Multifamily attached units: two thousand (2,000) square feet per unit.

2. Commercial: two thousand five hundred (2,500) square feet, with or without a ground floor residential dwelling unit.

B. Minimum Floor Area.

1. Residential:

a. Single and multifamily building: eight hundred (800) square feet per dwelling unit;

b. Mixed-use commercial/residential building with or without a second story: four hundred (400) square feet per dwelling unit.

2. Commercial: None.

C. Minimum Setbacks.

	Detached Residential	Commercial
1. Front	10 feet	0 feet
2. Side	5 feet	0 feet
3. Rear	24 feet	5 feet
4. Accessory rear	10 feet	10 feet

D. Maximum Building Height and Stories (Basement Excluded).

1. Detached residential: thirty-two (32) feet, two stories;

2. Commercial: forty (40) feet, three stories.



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**To:** Mayor & Council

**From:** David Reynolds & Paul Smith

**Re:** Council – Hear and consider a request from Jim Columbo (Eagles Ridge Ranch owner) to revise a provision in the Subdivision Improvements Agreement (SIA) regarding payment of water dedication fees;

**Date:** 04/18/2023

**Purpose:**

The purpose of this agenda item is to consider a proposal from the owner of Eagles Ridge Ranch (ERR) to amend the Subdivision Improvement Agreement (SIA) included with the approval of Ordinance TC 2019-4. **The owner proposes an exchange of a lump-sum payment for water dedication fees, required in Section 16 of the approved SIA, with installment payments to be paid at the time of building permit.** The language for Section 16 of the approved SIA is as follows:

*“16. Water Rights Dedication. Developer is required to pay a cash-in-lieu-of-dedication fee in the amount of \$6,000 per EQR (“Dedication Fee”). Pursuant to Section 6(f) of the Annexation Agreement, Developer shall pay the required Dedication Fee at the time of recording of the Final Block Plat.”*

The Final Block Plat for ERR was recorded with Garfield County on November 29<sup>th</sup>, 2021 and, to date, no dedication fees have been submitted. The EQRs calculated from Section 14 of the original SIA combined with the recent density reduction from 30 to 22 units (PZ 2022-5), amounts to a cash-in-lieu dedication fee equivalent to 21.4 EQRs or \$128,400. Provided below are a couple responses Council may consider to the proposal:

- If Council were inclined to do nothing, the owner will be required to pay the lump-sum \$128,400 prior to issuance of any new building permits *or* prior to issuance of certificates of occupancy for any units currently under construction, whichever issuance is requested first.
- If Council is compelled to amend the SIA per the owner’s proposal, Staff recommends payment of dedication fees in no more than three installments reflecting the sequence of the approved phasing plan. Installments would be as follows:
  1. Payment 1 of \$44,400 for Buildings 5 & 6 = 8 units (7.4 EQRs) prior to any COs for 5 & 6;
  2. Payment 2 of \$42,000 for Buildings 3 & 4 = 7 units (7.0 EQRs) prior to permits for 3 & 4;
  3. Payment 3 of \$42,000 for Buildings 1 & 2 = 7 units (7.0 EQRs) prior to permits for 1 & 2;

Again, staff asks for Council’s recommendation with the proposal.

Thank you,  
Paul

Town of New Castle  
450 W. Main Street  
New Castle, CO 81647

Attention: Paul Smith  
*Town Planner/Inspector*  
[psmith@newcastlecolorado.org](mailto:psmith@newcastlecolorado.org)  
(970) 984-2311 #108

RE: Proposal Water Dedication Fees

Paul,

Concerning the collection of the Water Dedications Fees for approved projects, it is currently the Town's policy that the entire fee for the overall project is due in a lump sum amount upon completion of the SIA and prior to the issuance of any building permits.

This policy becomes quite burdensome for the developer for projects that have multiple phases and a buildout period of several years. These funds which are commonly part of bank financing are charged full interest at the time of payment to the Town and continue to accrue interest until the maturity of the project when funds are available through sales to pay off the principal and accrued interest. This usually occurs in the final phase of a project which could be four or 5 years from when the project SIA is approved and permits are issued for the first phase of construction. Front end cost can jeopardize a project viability. The reason many projects are built in phases is to spread-out front-end cost, fees and infrastructure cost.

In today's economy and especially considering today's interest rates, paying a lump sum amount for units that will not be even permitted for several years is a hardship to carry in a market of uncertain demand and absorption. It seems inconsistent for the developer to be paying interest on these fees for years for unit that are not being built and while the Town is collecting interest for years on fees for units that are not permitted or under construction.

I would like to request that the Council consider the following general terms as a proposal to address this issue.

1. The per unit Water Dedication Fees for each unit for which a building permit is applied would be due at the time of issuance of a building permit for that number of units along with the balance of building permit and other associated fees.

Example:

- Eagles Ridge Ranch has a Water Dedication Fee due of \$128,000.00 for 22 townhouses (approximately \$5,818.18 per townhouse unit. )
- Phase I of the project has 8 townhouses x \$5,818.18 per unit = Phase I Water Dedication Fee of \$46,545.45 Due.
- Phase II of the project has 7 townhouses x \$5,818.18 per unit = Phase II Water Dedication Fee of \$40,727.26 Due at issuance of building permit along with the balance of building permit and other associated fees.
- Phase II of the project has 7 townhouses x \$5,818.18 per unit = Phase II Water Dedication Fee of \$40,727.26 Due at issuance of building permit along with the balance of building permit and other associated fees.

Thank you for your consideration,



**James P. Colombo**  
**Malo Development Company – Lakota, LLC.**  
300 Horseshoe Drive  
Basalt, CO 81621  
(970) 618-9222  
[colombo@sopris.net](mailto:colombo@sopris.net)

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**TOWN OF NEW CASTLE, COLORADO**

**RESOLUTION NO. TC 2023-07**

**A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL REVISING THE TERMS OF OFFICE FOR COMMISSIONERS OF THE CLIMATE AND ENVIRONMENT COMMISSION**

**WHEREAS**, the Climate Action Advisory Commission (CAAC) was established by the New Castle Town Council on April 3, 2007; and

**WHEREAS**, in 2020 the Commission was reconstituted as the Climate and Environment Commission (CEC); and

**WHEREAS**, Resolution TC 2007-5 established two year terms for the seven commissioners; and

**WHEREAS**, Commissioners on both the Planning and Zoning Commission and the Historic Preservation Commissions serve four year terms; and

**WHEREAS** Climate and Environment Commissioners have requested that their terms of office be extended to four years; and

**WHEREAS**, the new four-year terms should be set to coincide with the terms of councilors and other commissioners;

**NOW, THEREFORE BE IT RESOLVED BY THE NEW CASTLE TOWN COUNCIL:**

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Council.
2. The Town Council hereby orders that commissioners on the Climate and Environment Commission shall serve terms of four years, beginning in April 2023.
3. Commissioner terms of office that expire April 2023 are hereby extended to April, 2025, and commissioner terms of office that expire in April 2024, are hereby extended to April 2026.

**INTRODUCED, PASSED, AND ADOPTED** by a vote of \_\_\_ to \_\_\_ at a regular meeting of the New Castle Town Council held on April 18, 2023.

TOWN COUNCIL OF TOWN OF  
NEW CASTLE, COLORADO

\_\_\_\_\_  
Mayor Art Riddile

ATTEST:

\_\_\_\_\_  
Town Clerk Melody Byram, CMC



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**Memorandum**

**To:** Mayor & Council

**From:** Melody Byram, Mindy Andis and Remi Bordelon

**Re:** Agenda Item: Discussion: Utility Billing and Meter Reading Alternatives

**Date:** 04/18/2023

**Purpose:**

The purpose of this agenda item is to review possible alternatives for meter reading and utility billing in an effort to redirect those staff hours towards other projects.

# Proposed Town Utility Procedures

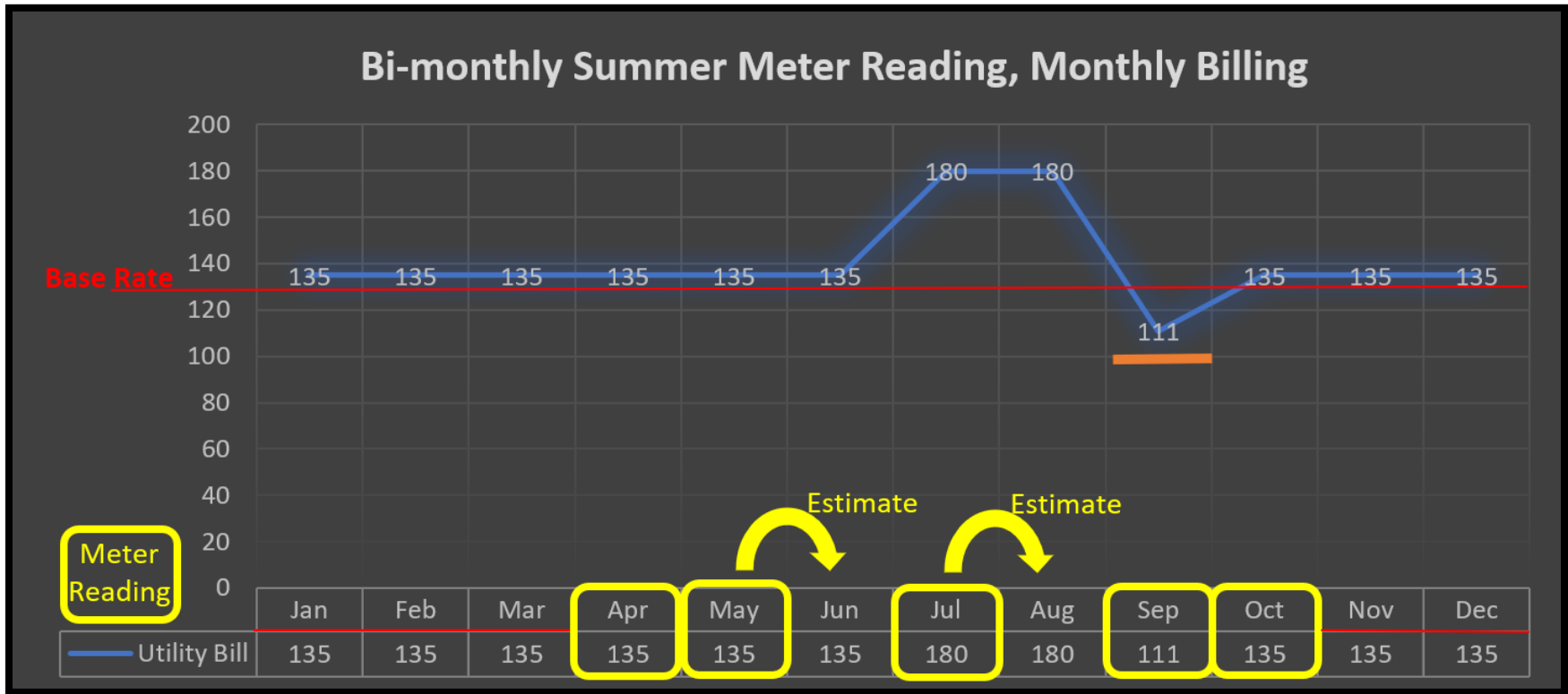


Figure 1: Line graph of proposed monthly utility billing within a yearly cycle. The months of November through March would be billed at the base rates. Meters would be read by Public Works the months of April, May, July, September and October. In June and August when meters are not read, meter reads will be estimated. Any overestimate would be credited towards the account the following month.

Town of New Castle	Advantages could be:	Disadvantages could include:
Public Works	<ul style="list-style-type: none"> <li>Redistribution of <b>960 man hours</b> for town projects that would have been spent on meter reading.</li> </ul>	<ul style="list-style-type: none"> <li>Unknown/unmonitored winter meter issues (device errors, access issues)</li> </ul>
Clerk's Office	<ul style="list-style-type: none"> <li>Streamlined utility billing procedures not involving winter sewer averaging, nor winter meter reading imports.</li> </ul>	<ul style="list-style-type: none"> <li>Unknown at this time.</li> </ul>
New Castle Residents	<ul style="list-style-type: none"> <li>Simplified winter utility billing with the removal of winter sewer averaging leading to better utility understanding.</li> </ul>	<ul style="list-style-type: none"> <li>Winter water leaks will not be discovered until the meter reading in May.</li> </ul>



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## Memorandum

**To:** Mayor & Council  
**From:** John Wenzel & Dave Reynolds  
**Re:** Agenda Item – Consider funding Elk Creek Bank Erosion Project  
**Date:** 04/18/2023

**Purpose:**

The purpose of this agenda item is to discuss growing concerns of bank erosion along a section of East Elk Creek, excessive bank erosion in this area may eventually threaten a water supply line which serves the Town's domestic water supply.

Staff was recently contacted by the owners of Elk Creek Campground, informing us that a section of the creek bank within the campground recently suffered an unusually high amount of bank erosion. While the bank erosion has a direct negative impact to the campground, the proximity of the damage to a town owned water supply line puts Town assets at risk of damage or eventual loss. In discussions between John Wenzel, Jeff Simonson, and the owners, it was noted that the current erosion affects both the town and the campground and could be an area of greater damage as water levels rise this spring. During the meeting, it was suggested that the Town and the campground partner in creating and funding a long-term solution.

Staff would like to discuss the proposed erosion solution as well as funding ideas that might be mutually beneficial to both parties.

See pictures below:











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## Memorandum

**To:** Mayor & Council  
**From:** John Wenzel & Dave Reynolds  
**Re:** Agenda Item: Review of 2023 Street Project Funding  
**Date:** 04/18/2023

**Purpose:**

The purpose of this agenda item is to review the targeted street projects for 2023 and determine the best use of available funds.

Staff has created a list of projects which includes chip & seal, crack seal, and asphalt overlay work. Project cost estimates have been received and grant funding has been applied for. Based on the quotes received, staff anticipates the possibility for a shortfall in funding and wishes to propose funding methods which may keep the targeted work on track.

1 **New Castle Town Council Regular Meeting**  
2 **Tuesday, March 21, 2023, 7:00 PM**

3  
4  
5 **Virtual Meetings are subject to internet and technical capabilities.**

6  
7 To join by computer, smart phone or tablet:

8 <https://us02web.zoom.us/j/7096588400>

9 If you prefer to telephone in:

10 **Please call: 1-346-248-7799**

11 **Meeting ID: 709 658 8400**

12  
13 **Follow the prompts as directed. Be sure to set your**  
14 **phone to mute until called on**

15 The Council Packet is available online by scanning this code:  
16 or by going to [www.newcastlecolorado.org](http://www.newcastlecolorado.org)



17 **Call to Order**

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

19  
20 **Pledge of Allegiance**

21  
22 **Roll Call**

23 Present	Councilor Mariscal
	Councilor Carey
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
30 Absent	None

31  
32 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody  
33 Byram, Town Treasurer Loni Burk, Assistant Treasurer Viktoriya Ehlers, Town Planner Paul  
34 Smith, Assistant Planner Lauren Prentice, Police Chief Chuck Burrows and members of the  
35 public.

36  
37  
38 **MOTION: Mayor A Riddile made a motion to approve Councilor Copeland's**  
39 **absence. Councilor Mariscal seconded the motion and it passed unanimously.**

40  
41 **Meeting Notice**

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

44  
45 **Conflicts of Interest**

46 There were no conflicts of interest.

Town Council Meeting  
Tuesday, March 21, 2023

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**Agenda Changes**

There were no agenda changes.

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

There were no citizen comments.

**Consultant Reports**

Consultant Attorney – not present.

Consultant Engineer – not present.

**Items for Consideration**

**Discussion: 2021 International Wildland-Urban Interface Code**

Town Administrator Dave Reynolds told the council that the International Wildland Urban Interface or WUI code was another in the series of building codes and it addressed how homes interacted from urban to wildland areas in regard to fire. He said the code will affect what will happen with building materials, therefore it was of concern to the design review committees in Castle Valley Ranch and Lakota Canyon Ranch. Administrator Reynolds said that the committees were aware of the potential code change because staff had been in discussions with them, and they embraced it.

Administrator Reynolds said that Town Planner Paul Smith and Fire Prevention Division Chief Orrin Moon will describe the code for the council as well as the proposed changes to it to customize it for New Castle.

Planner Smith and Chief Moon thoroughly reviewed the WUI code using presentation slides that were screen shared. The discussion included information on the town’s growth boundary; a history of wildfires in the area; a risk assessment for fire along the I-70 corridor; fire protection under a deck on a slope; fuel modification distances from structures; a site plan showing landscaping and fuel setbacks from structures and fuel distances from one another; guidelines for defensible areas; and images of fire-resistive building materials. Chief Moon showed the council a short video clip of an ember storm test that showed how house fires started because of ember showers, which was the primary concern for fires in New Castle because of the town’s proximity to wildland interface areas. Planner Smith and Chief Moon discussed the topic at length with the council. After the discussion, staff indicated that they would work on the ordinance and bring it to a future council meeting to adopt the WUI code along with some amendments specific to New Castle.

**Ordinance TC 2023-1 - an Ordinance of the New Castle Town Council Amending Chapter 16.12.120 of the Municipal Code (1st reading)**

Administrator Reynolds explained the discussion of the ordinance at the previous council meeting to refresh the council’s memory. He told the council that the ordinance was in redline version so the council could see the proposed changes. He also noted that it was necessary for the council to make decisions about the fines that would be imposed on

1 offenders. Administrator Reynolds said that Chief Burrows suggested that the first offense  
2 be a warning; second offense be a \$25.00 fine; third offense be a \$50.00 fine; fourth  
3 offense be a \$100.00 fine and the fifth offense be up to \$1,000.00, but that would be  
4 decided by the municipal judge.

5 Councilor Carey asked what would happen if it was more than just one dog. Administrator  
6 Reynolds said that if it were different animals, it would be a different complaint.

7  
8 **MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2023-1, an**  
9 **Ordinance of the New Castle Town Council Amending Chapter 16.12.120 of the**  
10 **Municipal Code on 1st reading, with the amendments of the staff-suggested fines**  
11 **and one punctuation correction. Councilor Hazelton seconded the motion, and it**  
12 **passed on a roll-call vote: Councilor Leland: yes; Councilor Mariscal: yes; Mayor**  
13 **A Riddile: yes; Councilor Carey: yes; Councilor G Riddile: yes; Councilor Hazelton:**  
14 **yes.**

### 17 **Capital Committee Report**

18 Councilor G Riddile provided a slideshow presentation on the 2023 Capital Improvement  
19 Plan for the town. The slideshow included the 2023 budget; project identification and  
20 selection; a proposed 2023 capital improvement list; a suggested list of future capital  
21 projects TBD for the remaining funds; and a chart of the utility fund balance including  
22 2023 and projections through 2028.

23 Staff and the council discussed the proposed capital projects to be funded for the year in  
24 depth. The town council agreed with the report and how the committee had chosen to  
25 fund projects.

### 28 **Consider a Letter of Support to Reduce Train Speeds Through New Castle**

29 Administrator Reynolds said that during an earlier conversation regarding the Uinta  
30 Railway Project, it had come up that the train speeds through New Castle seemed pretty  
31 fast. Councilor Carey took that issue on as a project.

32 Councilor Carey said that essentially, she wanted the trains to slow down. She said that  
33 there were approximately a thousand derailments per day in the United States, which was  
34 about three per day, and speed was a substantial part of that.

35 Councilor Carey said that the draft letter included a count of the number of trains that  
36 passed through town on a daily basis, and that information was not easy to locate. She  
37 also said that Board of County Commissioner John Martin wanted all the council member's  
38 signatures.

39 The council discussed the letter and railroad speed limits and rules. Councilor Carey said  
40 that she had met with one of the Ladies of the State House of Representatives who was  
41 on transportation who gave Councilor Carey some ideas. Councilor Carey said she has an  
42 upcoming meeting with Senator Will, she was working on a meeting with Liz and had a  
43 meeting with Jeff Bridges who was a Front-Range State Senator who was also interested  
44 in train speeds. Councilor Carey said she had had a conversation with Senator Bennet's  
45 office and Representative Neguse's office. She also said she was working on

1 Representative Robert's office to try to get more attention to the issue because it was  
2 more than New Castle that it was affecting.  
3 The council thanked Councilor Carey for her work. The council made a few corrections to  
4 the letter which Clerk Byram made.  
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### 7 **Consent Agenda**

8 February 21, 2023 minutes

9 March 7, 2023 minutes

10 Resolution TC 2023-6 - Approving an MOU with Garfield County for Mosquito Control  
11 Kum & Go Modification of Premises for FMBW Liquor License

12 **MOTION: Councilor G Riddile made a motion to approve the consent agenda.**  
13 **Councilor Carey seconded the motion and it passed unanimously.**  
14  
15

### 16 **Staff Reports**

17 Town Administrator – Administrator Reynolds said that he and Administrative Assistant  
18 Rochelle Firth had met with the county emergency manager, Chris Bornholdt, and  
19 submitted the town's evacuation plan to him for review. He said they hoped to get  
20 feedback from the county on it. In addition, Administrator Reynolds said that he and  
21 Administrative Assistant Firth had attended an all-day meeting with Red Cross, which was  
22 fascinating. He said they learned about a local effort by Evan Zislis to put together a  
23 coalition of volunteers who essentially will be first responders for the Red Cross.  
24 Administrator Reynolds said that the town had been approached by a local artist Greg  
25 Hensley who wanted to rejuvenate the mural on the community center building that was  
26 painted by Mary Pilon, with whom Mr. Hensley was friends. The council agreed the staff  
27 should move forward with the rejuvenation. Councilor Leland said that the painting had  
28 been done as part of the 'Art in Public Places' project that Patty Ringer had initiated some  
29 years ago. Councilor Leland said there was a new artists' group in town, and he expected  
30 they may want to do something similar. Administrator Reynolds said that he will be  
31 attending a regional summit the following day and would not be in the office but will be  
32 back for the bear meeting. Administrator Reynolds said that he will also be out of the  
33 office Thursday and Friday and will be available by phone. Administrator Reynolds said  
34 that staff were also working on the Colorado Emergency Plan Assessment that police  
35 chiefs, managers and PIOs have been invited to. All those in attendance will do an  
36 assessment for the state, and the results of that assessment will help determine how  
37 grant funds through DOLA for emergency management preparedness and equipment.  
38 Administrator Reynolds said that he had met with the owners of Rolling Fork Food Truck  
39 who were interested in one the lots in the downtown, perhaps 6<sup>th</sup> and Main or the Kamm  
40 Lot for the purpose of building a structure to house their truck and provide a commercial  
41 kitchen and then provide some sort of dining experience. He said there will be more  
42 information upcoming. Administrator Reynolds said that he and Planner Smith were both  
43 working with the owner of Columbine Storage. Planner Smith in regard to the necessary  
44 excavation permit needed for the landscaping work. Administrator Reynolds said that the  
45 owner of Columbine Storage wanted to place storage containers on the property but not  
46 build the office building. He said that the proposal to the council and subsequent CUP

1 approval was that they were moving their operations staff to New Castle. Administrator  
2 Reynolds said that he and the attorneys were working to come up with an agreement and  
3 it was not going well. He said he had met with Attorney Carmer, and it looked like it will  
4 have to be negotiated by the attorneys. Administrator Reynolds said that the mediation  
5 date for the CVR Investors lawsuit had been set for May 19, 2023, and it will be in  
6 Denver. Administrator Reynolds reminded everyone that the April 4, 2023, work session  
7 will be held in Lakota Canyon Ranch at the corner of Faas Ranch Road and Castle Valley  
8 Boulevard to view a story pole for building heights. Administrator Reynolds said that  
9 pickleball was alive and well and causing some dismay on the courts. He said that he and  
10 Recreation Director Hannah Bihl will meet with some of the more vocal folks involved to  
11 try to settle the disputes. He said that staff may post some courtesy signs that limit play  
12 time. Administrator Reynolds said that he had sent a letter from the Lakota HOA Board to  
13 the council members the previous week regarding the Lakota pool use and rules and had  
14 some personal conversations with several council members. He asked for other feedback  
15 if there was any. He noted that one of the reasons the pool was not open to the public  
16 was due to the cost of insurance on the pool if it were open to the public. Administrator  
17 Reynolds said that he and Attorney Carmer were working with the Roseman Ditch board  
18 regarding an easement for the trail. Administrator Reynolds said that staff were working  
19 on a project to make improvements to the raw water system which included piping the  
20 ditch using ARPA funds. He said that the pipe itself would be approximately \$175k, and  
21 although it will be discussed during the capital plan committee report, the procurement  
22 code required council approval due to the amount.

23 Town Clerk – Clerk Byram told the council that Deputy Town Clerk Mindy Andis was out on  
24 vacation all week. Clerk Byram said that had done a bit of research on natural medicine  
25 which had been the topic of the work session. Clerk Byram said she and several other  
26 staff members had a meeting with a representative of Monsido, which was the software  
27 company that the town was using to identify ADA issue on the town website. She said that  
28 the meeting was a more in-depth look at the website and there were a significant number  
29 of pages that needed work. Deputy Town Clerk Remi Bordelon had done all the work  
30 making the changes to the website to bring it into compliance. Clerk Byram said the  
31 senior programs will meet on Friday in council chambers for a hybrid, in-person/virtual  
32 meeting. Clerk Byram said she had scheduled a meeting with Administrator Reynolds,  
33 Public Works Director John Wenzel, Deputy Bordelon, Deputy Andis and some of the staff  
34 from Utilities to have a last opportunity to refine the proposals for possibly changing the  
35 way the town does water meter reading and utility billing. Clerk Byram said that she and  
36 Administrator Reynolds will be meeting with the new local area manager for ProVelocity  
37 the following Monday for introductions. Clerk Byram that the state was very far behind in  
38 approving liquor license renewals and that alcohol distributors had been asking for letters  
39 from the clerk's office to verify that license holders had actually applied for their renewals.  
40 She said that her office was helping as much as possible, but there had been a  
41 circumstance where a liquor order was held up for one of the liquor stores. Clerk Byram  
42 said that she had spent some time getting quotes for equipment for the community  
43 center.

44 Town Treasurer – Treasurer Burk said that for 2022 the town ended up with about 2.477  
45 million in sales tax revenues, which was about 17% higher than the prior year, and \$327k  
46 over budget. She said that was the reason there was so much in the TBD capital fund.

1 Treasurer Burk said that 2021 was the first full year the town collected tobacco tax, and  
2 that amounted to \$410k. In 2022 that fell to \$379k which is about 85 down from 2021. In  
3 looking at January and February, 2023, it was down about another 9% in the first two  
4 months over last year. She said it was still a great thing but was not as much as  
5 previously. Treasurer Burk said that the bulk water stations were built, the town's net cost  
6 on those was \$109k. The first full year the town collected \$35k, and in 2022 it was \$58k,  
7 and the first two months of 2023 the town collected about \$12k, so essentially the town  
8 had recovered the whole cost of the project. Treasurer Burk said that lodging tax had  
9 increased in January from 2.5% to 5%. She said that after that ballot issue passed, the  
10 clerk's office had notified businesses of the increase, but in January some were still only  
11 collecting the 2.5%. She said that the clerk's office was assisting in reviewing those tax  
12 forms when they came in. Treasurer Burk said that lodging tax was up about 60% from  
13 the previous year. Treasurer Burk her office had been doing a lot of training, and that she  
14 would be in New Castle the following Monday and staying for two weeks.

15 Town Planner – not present.

16 Public Works Director – not present.

17

### 18 **Commission Reports**

19 Planning & Zoning Commission – nothing to report.

20 Historic Preservation Commission – nothing to report.

21 Climate and Environment Commission – Councilor Leland said that the CEC had met and  
22 that they will be bringing a request to the council to increase the commissioners' terms of  
23 office from two years to four years.

24 Senior Program – nothing to report.

25 RFTA – Mayor A Riddile said that ridership was up again, and that they were trying to  
26 figure ways to get Silt and Rifle on board.

27 AGNC – nothing to report.

28 GCE – nothing to report.

29 EAB – nothing to report.

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### 31 **Council Comments**

32 Councilor Carey said that the bear meeting will be the following evening.

33 Councilor Carey said that there will also be a bear meeting all in Spanish and it will be  
34 structure differently. She said there will be kids activities and possibly dinner, and the  
35 meeting will cover all the bases so it will be a bit longer than the others. She said it will be  
36 a joint effort between the town and CPW.

37 Councilor Hazelton said that the insurance issue was brought up in regard to the Lakota  
38 pool and that a lot of municipalities had agreements and partnerships with private entities  
39 for insurances and the like. He said that if the HOA did not want a conversation, that was  
40 fine, but if they were willing to then Councilor Hazelton said that he felt the financial  
41 burden could be lessened if it was done in the right way. Councilor Hazelton said that it  
42 had been a sore subject for him since 2018 when they made the pool private. He said that  
43 he also felt they had given it a chance, or wanted to. Administrator Reynolds said that the  
44 HOA was more than willing to come to council if that was what the council wanted. The  
45 council agreed they would like to speak with the HOA. Administrator Reynolds said that he  
46 will make that happen.

1 Councilor Leland said that he had a request from a resident, and it was someone who was  
2 in all the filing 11 audience. The request was that the town have more publicity about  
3 development when there were public hearings at P&Z, rather than posting just on the site,  
4 they wanted it widely publicized. Administrator Reynolds said that that legally there were  
5 rules about how to announce those meetings. If the town went above and beyond that it  
6 made a case for a developer to cry foul to say that the town was over publicizing trying to  
7 draw people in.

8 Councilor Leland said that one of the town residents, Sally Linden, took it upon herself to  
9 do some cleanup. She went to town hall and got some garbage bags and picked up trash  
10 along Castle Valley Boulevard from Shibui down to the intersection.

11 Councilor Leland said that he had been asked about town-wide Wi-Fi. He said that he did  
12 not know what that was so he researched it. Apparently there were towns who had Wi-Fi  
13 hubs on poles around town to provide free Wi-Fi to residents who could not afford it on  
14 their own. He said that he promised to mention it at council and he had done so.

15 Mayor A Riddile said that he felt the town needed to look at a code enforcement officer,  
16 and another assistant for administration.

17 Mayor A Riddile said that there was ongoing parking and maintenance issues at senior  
18 housing and he and Administrator Reynolds had been speaking with CRHDC. He said that  
19 he was going to insist that Arturo Alvarado come to New Castle to address the issues.

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

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The meeting adjourned at 8:27 p.m.

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28 Respectfully submitted,

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33 \_\_\_\_\_  
34 Mayor A Riddile

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38 Town Clerk Melody Byram, CMC

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