

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

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

**Administration Department**  
**Phone:** (970) 984-2311  
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## **Agenda**

### **New Castle Town Council Regular Meeting Tuesday, August 16, 2022, 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**

**A. Presentation: Bill Ray - Town Survey Findings** Page 3

**B. Discussion: Building Permit Costs** Page 4

**C. Discussion: Road Impact Fees** [Page 12](#)

**D. Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding accounts receivable.**

**E. Consider Resolution TC 2022-22 - A Resolution of the New Castle Town Council Authorizing the Coordination of the November 8, 2022 Election with Garfield County, Approving an Intergovernmental Agreement Regarding the Same and Setting Forth Other Details Relating Thereto.** [Page 15](#)

**Consent Agenda** [Page 31](#)

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.

[June](#) 21, 2022 minutes

[July](#) 12, 2022 minutes

[July](#) 19, 2022 minutes

[RG](#) Lakota Golf Ops LLC Optional Premises Liquor License Renewal

**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 and Council  
**Subject:** Council Agenda Item – Town Survey Update  
**From:** David Reynolds  
**Date:** 08/16/22

The purpose of this agenda item is to allow time for consultant Bill Ray to provide an update on the survey that was sent out to New Castle residents regarding the idea of hiring a School Resource Officer (SRO) through financing which would be provided by a small increase in local sales tax.

Staff anticipates that Bill will have gathered sufficient data to report our overall community support for the SRO program and related tax increase. Based on Bill's findings, Council will determine the best path forward for this initiative.



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## Memorandum

**To:** Mayor and Council  
**Subject:** Council Agenda Item – Building Permit Fees  
**From:** David Reynolds  
**Date:** 08/02/22

The purpose of this agenda item is to discuss the methods used to calculate *Building Permit Fees*, discuss possible amendments to the Municipal Code sections which address Permit Fees and Building Valuations, and finally discuss possible amendments to the Towns Directory of Fees and Charges.

Briefly stated, permit fees are calculated by first establishing the *value* of the project to be built. The established *value* can be determined by finding the square footage (SF) of a project and multiplying it by a nationally published average SF cost for that type of project. Once the project *value* has been determined, staff uses a second nationally published table which fits the projects *value* into one of eight categories that uses pricing guidelines to calculate the final price of the building permit.

While the above pathway to determine final building permit cost sounds straight forward, there are variables which can swing the *valuation* of a project in different directions. As multiple calculations are determined by first assessing a proper *value* for a project, it is critical that the process starts with an accurate *valuation* of the project is worth, including all materials and labor (but not to include land costs and profits).

From the *valuation* of the project, Use Taxes are calculated and collected by the Town as a tax on building materials used within town limits. *Valuations* are also used to determine the final building permit fee; these fees are used to help reasonably offset the cost of operating the Town's Building and Planning Department.

Because determining a projects true value plays such an important role in determining permit costs to the builder, revenues to the town, and equitable tax collection, it stands to reason that the town would periodically examine the accuracy of our methods used. To help examine this, we must study how the nationally published documents that our calculations are based on may or may not fit the real-world building costs in our area. Staff will work through this in more detail and make suggestions related to needed adjustments.

*Attached please find the tables used to help determine final permit costs, a sample spreadsheet used by town staff as a tool to calculate costs, sections of the Municipal Code which address permit fees, and sections from our Directory of Town Fees and Charges.*

## Building Valuation Data – FEBURARY 2022

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated at six-month intervals, with the next update in August 2022. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2021 *International Building Code* (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

### Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is

underestimated. Again it should be noted that, when using this data, these are “average” costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

### Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.
- 3.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

### Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

### Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

### Example

Type of Construction: IIB  
 Area: 1st story = 8,000 sq. ft.  
       2nd story = 8,000 sq. ft.  
 Height: 2 stories  
 Permit Fee Multiplier = 0.0075  
 Use Group: B  
 1. Gross area:

Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.

2. Square Foot Construction Cost:

B/IIB = \$214.08/sq. ft.

3. Permit Fee:

Business = 16,000 sq. ft. x \$214.08/sq. ft x 0.0075  
= \$25,690

**Important Points**

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

**Square Foot Construction Costs** <sup>a, b, c</sup>

| Group (2021 International Building Code)                   | IA         | IB         | IIA        | IIB        | IIIA       | IIIB       | IV         | VA         | VB         |
|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| A-1 Assembly, theaters, with stage                         | 309.0<br>6 | 298.6<br>6 | 291.6<br>4 | 280.5<br>8 | 263.9<br>8 | 255.8<br>2 | 272.0<br>2 | 244.8<br>0 | 237.0<br>2 |
| A-1 Assembly, theaters, without stage                      | 282.8<br>5 | 272.4<br>5 | 265.4<br>2 | 254.3<br>7 | 237.7<br>7 | 229.6<br>1 | 245.8<br>1 | 218.5<br>9 | 210.8<br>0 |
| A-2 Assembly, nightclubs                                   | 237.3<br>1 | 230.2<br>3 | 224.5<br>6 | 215.3<br>6 | 202.9<br>9 | 197.4<br>0 | 207.6<br>9 | 183.6<br>8 | 177.4<br>0 |
| A-2 Assembly, restaurants, bars, banquet halls             | 236.3<br>1 | 229.2<br>3 | 222.5<br>6 | 214.3<br>6 | 200.9<br>9 | 196.4<br>0 | 206.6<br>9 | 181.6<br>8 | 176.4<br>0 |
| A-3 Assembly, churches                                     | 286.9<br>0 | 276.4<br>9 | 269.4<br>7 | 258.4<br>2 | 242.2<br>3 | 234.0<br>7 | 249.8<br>6 | 223.0<br>5 | 215.2<br>6 |
| A-3 Assembly, general, community halls, libraries, museums | 244.7<br>7 | 234.3<br>7 | 226.3<br>4 | 216.2<br>9 | 198.9<br>4 | 191.7<br>9 | 207.7<br>3 | 179.7<br>7 | 172.9<br>8 |
| A-4 Assembly, arenas                                       | 281.8<br>5 | 271.4<br>5 | 263.4<br>2 | 253.3<br>7 | 235.7<br>7 | 228.6<br>1 | 244.8<br>1 | 216.5<br>9 | 209.8<br>0 |
| B Business   | 240.9<br>0 | 232.0<br>7 | 223.5<br>1 | 214.0<br>8 | 194.9<br>1 | 187.3<br>6 | 205.6<br>8 | 172.0<br>2 | 164.3<br>4 |
| E Educational  | 257.7<br>0 | 248.8<br>9 | 242.3<br>5 | 231.9<br>0 | 216.4<br>7 | 205.5<br>4 | 223.9<br>2 | 189.2<br>1 | 183.3<br>1 |
| F-1 Factory and industrial, moderate hazard                | 144.9<br>3 | 138.1<br>1 | 130.3<br>9 | 125.4<br>0 | 112.4<br>9 | 107.1<br>0 | 120.0<br>2 | 92.69      | 86.88      |
| F-2 Factory and industrial, low hazard                     | 143.9<br>3 | 137.1<br>1 | 130.3<br>9 | 124.4<br>0 | 112.4<br>9 | 106.1<br>0 | 119.0<br>2 | 92.69      | 85.88      |
| H-1 High Hazard, explosives                                | 135.2<br>9 | 128.4<br>7 | 121.7<br>5 | 115.7<br>6 | 104.1<br>4 | 97.75      | 110.3<br>9 | 84.34      | N.P.       |
| H234 High Hazard   | 135.2<br>9 | 128.4<br>7 | 121.7<br>5 | 115.7<br>6 | 104.1<br>4 | 97.75      | 110.3<br>9 | 84.34      | 77.53      |
| H-5 HPM  | 240.9<br>0 | 232.0<br>7 | 223.5<br>1 | 214.0<br>8 | 194.9<br>1 | 187.3<br>6 | 205.6<br>8 | 172.0<br>2 | 164.3<br>4 |
| I-1 Institutional, supervised environment                  | 244.4<br>5 | 236.0<br>8 | 229.0<br>6 | 219.8<br>2 | 202.1<br>6 | 196.5<br>8 | 220.1<br>0 | 181.2<br>5 | 175.8<br>1 |
| I-2 Institutional, hospitals                               | 401.2<br>2 | 392.4<br>0 | 383.8<br>3 | 374.4<br>0 | 354.2<br>9 | N.P.       | 366.0<br>0 | 331.4<br>0 | N.P.       |
| I-2 Institutional, nursing homes                           | 279.1<br>5 | 270.3<br>2 | 261.7<br>6 | 252.3<br>3 | 234.6<br>4 | N.P.       | 243.9<br>3 | 211.7<br>5 | N.P.       |

|   |            |            |            |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| I-3 Institutional, restrained                     | 273.4<br>0 | 264.5<br>7 | 256.0<br>0 | 246.5<br>7 | 229.1<br>3 | 220.5<br>8 | 238.1<br>7 | 206.2<br>4 | 196.5<br>6 |
| I-4 Institutional, day care facilities            | 244.4<br>5 | 236.0<br>8 | 229.0<br>6 | 219.8<br>2 | 202.1<br>6 | 196.5<br>8 | 220.1<br>0 | 181.2<br>5 | 175.8<br>1 |
| M Mercantile                                      | 177.0<br>2 | 169.9<br>4 | 163.2<br>7 | 155.0<br>7 | 142.4<br>8 | 137.8<br>8 | 147.4<br>0 | 123.1<br>7 | 117.8<br>9 |
| R-1 Residential, hotels                           | 246.9<br>4 | 238.5<br>6 | 231.5<br>4 | 222.3<br>0 | 204.3<br>5 | 198.7<br>7 | 222.5<br>8 | 183.4<br>4 | 178.0<br>0 |
| R-2 Residential, multiple family                  | 206.8<br>1 | 198.4<br>3 | 191.4<br>1 | 182.1<br>7 | 165.4<br>1 | 159.8<br>3 | 182.4<br>6 | 144.5<br>0 | 139.0<br>6 |
| R-3 Residential, one- and two-family <sup>d</sup> | 192.5<br>8 | 187.3<br>7 | 182.5<br>3 | 178.0<br>4 | 172.8<br>5 | 166.5<br>9 | 175.0<br>1 | 160.3<br>5 | 150.8<br>7 |
| R-4 Residential, care/assisted living facilities  | 244.4<br>5 | 236.0<br>8 | 229.0<br>6 | 219.8<br>2 | 202.1<br>6 | 196.5<br>8 | 220.1<br>0 | 181.2<br>5 | 175.8<br>1 |
| S-1 Storage, moderate hazard                      | 134.2<br>9 | 127.4<br>7 | 119.7<br>5 | 114.7<br>6 | 102.1<br>4 | 96.75      | 109.3<br>9 | 82.34      | 76.53      |
| S-2 Storage, low hazard                           | 133.2<br>9 | 126.4<br>7 | 119.7<br>5 | 113.7<br>6 | 102.1<br>4 | 95.75      | 108.3<br>9 | 82.34      | 75.53      |
| U Utility, miscellaneous                          | 104.9<br>8 | 99.04      | 93.31      | 89.21      | 80.44      | 74.45      | 85.33      | 63.42      | 60.43      |

- a. Private Garages use Utility, miscellaneous
- b. For shell only buildings deduct 20 percent
- c. N.P. = not permitted
- d. Unfinished basements (Group R-3) = \$23.20 per sq. ft.

tion. A record of all site plans and other survey information shall be kept in the office of the building official.

Exception: For additions to existing buildings the building official may authorize the use of an existing improvement location certificate prepared by licensed surveyor to verify that the addition is properly located on the site.

Section R108.2 is hereby amended to read as follows:

**R108.2 Schedule of permit fees.** A fee for each building permit shall be paid to the building department as set forth in the Building Permit Fee Schedule adopted by the Town, as may be amended. The determination of value or valuation under any of the provisions of this Code shall be made by the building official based on the Valuation Schedule published in the most current edition of the "Building Safety Journal" magazine by the International Code Council. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. The building official may waive the building permit fee for any public entity when such entity is applying for a building permit for a governmental use or a proprietary purpose.

Section R108.3 is amended to read as follows:

**R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit valuation

at the time of application. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such work including but not limited to, excavation, utility service line installation, foundations, framing, interior and exterior finish, decks and porches, gas, mechanical, plumbing, and other permanent systems. The building official shall also make a determination of permit value or valuation based on the Valuation Schedule published in the most current edition of the Building Safety Journal magazine published by the International Code Council. The building official shall at his discretion use the value most applicable to the work proposed. If, in the opinion of the building official, the valuation stated on the application is underestimated, the building official shall use the calculated valuation to determine the permit fees, unless the applicant can show detailed estimates supporting the valuation stated on the application to meet the approval of the building official.

Section R108.5 is amended to read as follows:

**R108.5 Refunds.** The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

# PERMIT FEE ESTIMATE - Residential \$500,001-\$1,000,000

Address: 138 Antler Loop

Permit#  
22-048

## Valuation:

| Area (sf)               |      |           | Price/sf          |
|-------------------------|------|-----------|-------------------|
| First Level:            | 1564 |           | 150.87            |
| Second Level:           | 0    |           | 150.87            |
| Basement - Finished     | 1577 |           | 150.87            |
| Decks                   | 237  |           | 23.2              |
| Garage                  | 588  |           | 60.43             |
| Basement - Unfinished   | 0    |           |                   |
| <b>Total Valuation:</b> |      | <b>\$</b> | <b>752,835.90</b> |

## Building Permit Fee:

\$3,233.75 First \$ 500K of valuation \$ 3,233.75  
 \$4.75 for each additional \$1000 over \$500K of valuation \$ 1,200.97

**Building Permit Fee: \$ 4,434.72**

## Plan Review Fee:

65% of building permit fee

**Plan Review Fee: \$ 2,882.57**

## Use Tax:

0.9% of total valuation (or 2% of building materials)

**Use Tax: \$ 6,775.52**

## Tap Fees:

|                             |            |             |
|-----------------------------|------------|-------------|
| \$6000.00 Water per 1 EQR   | \$9,700.00 | \$ 9,700.00 |
| \$6000.00 Sewer per 1 EQR   | \$9,700.00 | \$ 9,700.00 |
| \$4,500 Raw Water per 1 EQR | \$7,275.00 | \$ -        |

## Other Permits & Fees:

|                            |             |             |
|----------------------------|-------------|-------------|
| Mechanical Permit          |             | \$ 175.40   |
| Plumbing Permit            |             | \$ 210.00   |
| 3/4" Water Meter           | \$ 292.00   | \$ 292.00   |
| Recreation Fee             | \$ 3,000.00 | \$ 3,000.00 |
| Lakota Impact Fee for 2020 | \$ 1,988.14 | \$ 1,988.14 |

**SUBTOTAL \$ 39,158.35**  
**DEPOSIT PAID: \$ 500.00**  
**TOTAL DUE: \$ 38,658.35**

### Section 3: Building Permits

#### A. Valuation of Structures

Valuation of Structures. Pursuant to Municipal Code Section 15.08.020, the building valuation for new construction within the scope of the IBC that is used to calculate permit fees shall be based exclusively on the valuation schedule set forth in the most current edition of the Building Safety Journal ("BSJ") published by the International Code Council.

Pursuant to Municipal Code Section 15.10.020, the building valuation for new construction within the scope of the IRC that is used to calculate permit fees shall be the valuation most representative of the work based on either the applicant's estimate or the valuation schedule set forth in the most current version of the BSJ, as determined by the Building Official.

#### B. Building Permit Fees

| <i>Total Valuation</i>         | <i>Fee</i>   |
|--------------------------------|--|
| \$1.00 to \$500.00             | \$23.50  |
| \$501.00 to \$2,000.00         | \$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00              |
| \$2,001.00 to \$25,000.00      | \$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00        |
| \$25,001.00 to \$50,000.00     | \$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00      |
| \$50,001.00 to \$100,000.00    | \$643.65 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00      |
| \$100,001.00 to \$500,000.00   | \$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00     |
| \$500,001.00 to \$1,000,000.00 | \$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00 |
| \$1,000,001.00 and up          | \$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof                                |

C. Plan Review Fee ..... 65% of building permit fee



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## Memorandum

**To:** Mayor and Council  
**Subject:** Council Agenda Item – Road Impact Fees  
**From:** David Reynolds  
**Date:** 08/02/22

**Purpose:**

The purpose of this agenda item is to discuss the concept of implementing Road Impact Fees, and a price estimate from SGM for a required engineering study.

During a regular Council meeting held in March of this year, Town Council discussed the pros and cons of developing a method by which to assess Road Impact Fees in association with growth and development. During this meeting, Council expressed concerns about the impact to development costs, as well as concerns about how growth and development might affect the Town's costs to maintain Town streets which are subject to heavy truck loads during development as well as added traffic impacts due to an expanding population.

Based on information provided by our legal team, it was determined that a Road Impact Fees may be feasible in New Castle only under the following guidelines:

- The Town needs to conduct a study to determine the estimated impacts to town roads which may be attributed to growth.
- The Town must apply any new fee equally among all areas of town for all types of new construction
- New fees may not overlap any existing fees.
- Funds collected shall be used for the purposes identified, in this case to help offset the costs incurred from added road use.

At the conclusion of our initial discussion, Council directed staff to get pricing from SGM for the engineering study that would be required.

*Attached please see pricing from SGM for the Road Impact Fee study.*

August 10, 2022

Mr. Dave Reynolds, Town Administrator  
Town of New Castle  
P.O. Box 90  
New Castle, CO 81647

**RE: Street Impact Fee  
Study and Report Budget**

Dear Dave,

The purpose of this letter is intended to help define a scope and path forward to develop a Street Impact Fee for the Town of New Castle. In order to do this, there are various pieces of information and analysis that will be necessary to develop the fee that provides the Town Council a rationale for assessing a fee that is appropriate for proposed development whether it be on vacant land or associated with in-fill lots.

Note that we previously developed a Capital Improvements Program in 2001 wherein the “then existing” streets within the Town were evaluated. Their condition, improvement and timing needs with associated costs were evaluated and placed in a financial model for execution. As a result, many of the improvements identified then were prioritized and performed in subsequent years. Now, 21 years later, we are anticipating that the program, at the very least, needs to be updated for an evaluation of those streets previously addressed with the addition of the new streets and master planning for the Town that is yet to occur. The financial piece of the plan would expand to incorporate a street impact fee and even a map that could define areas of prorated impact fees for specific levels of impacts to particular streets suffering from those specific impacts. We see the scope of work being performed in the following general order:

1. Perform (with the PW Director) a Pacer Rating of all of the streets within the Town.
2. The Pacer Rating will allow us the opportunity to define a specific level of repair to each street as well as a scheduled timing for such repairs
3. Define an order of magnitude cost of repairs for each street.
4. Prioritize the need and timing of the repairs.
5. Evaluate the streets and demands placed upon them from an evaluation of the Town’s Master Planning.
6. With the Master Planning, evaluate future transportation and street improvement needs.
7. Evaluate the cost of future street improvements and transportation needs.
8. Define the order of improvements and provide a schedule of improvements.
9. Prepare the report of findings and recommendations.

Throughout all of this, there will certainly be the need to involve Dave Reynolds, John Wenzel and Paul Smith to review data development, repair proposals, timing and prioritization so as to develop a plan that certainly captures the immediate and long-term direction of current capital development planning, future planning direction and the mission and goals of Town Council. Likewise, there will be the need to provide timely updates and review with Council on the plan updates as it progresses.

We anticipate that the scope of work above will be prepared in an iterative fashion that builds upon review and comments received through Council workshop presentations at various stages of plan development. We would anticipate a review with Council following the development of “existing conditions” to start with. Following up with that workshop would be one that incorporates all anticipated future improvements. Finally, we would follow up with a final workshop that ties the plan together and garners a final round of input from Town Council that would be placed into the final document from which the Town Council could use to develop a policy on street impact fees for the Town.

In all of this, we anticipate that the budget to perform the work for development of a Traffic Impact fee is estimated as follows:

1. Project Management and Meetings: \$6,500 (This includes 3 meetings/workshops with Council)
2. Pacer rating and update to existing CIP program: \$21,000
3. Program update to Future improvements/planning: \$29,000
4. Report and mapping/exhibits: \$12,500

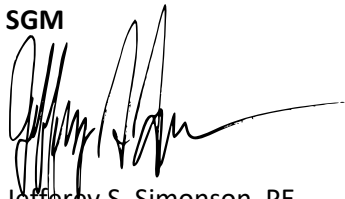
Total budget: \$69,000

We anticipate being able to capitalize on a lot of the information and mapping already prepared to date for the mapping and information already developed in past work and anticipate that this alone will save significant dollars towards this planning effort.

Hopefully, this captures the scope of the planning and document creation that you were wanting to get out of this work. Upon your receipt and review, if you have any questions or need revisions to the scope noted, please don't hesitate to contact me.

Respectfully,

**SGM**



Jefferey S. Simonson, PE  
Principal



**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)

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## Memorandum

**To:** Mayor A Riddile and Town Council

**From:** Melody Harrison

**Subject:** Resolution TC 2022-22 – Approving an IGA with Garfield County for Election Services.

**Date:** August 12, 2022

**Purpose:**

The purpose of this agenda item is to approve an IGA with the Garfield County Clerk and Recorder for election services for the November 8, 2022, coordinated election.

Resolution TC 2022-22 approves the included IGA and TABOR notice as required by statute for a political subdivision to place any item on the November coordinated ballot.

TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC-2022-22

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL AUTHORIZING THE  
COORDINATION OF THE NOVEMBER 8, 2022 ELECTION WITH GARFIELD COUNTY,  
APPROVING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE SAME,  
AND SETTING FORTH OTHER DETAILS RELATING THERETO.

**WHEREAS**, the Town of New Castle (the “Town”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter; and

**WHEREAS**, the members of the Town Council of the Town (the “Council”) have been duly elected and qualified; and

**WHEREAS**, Article II, Section 2.1 and 2.6 of the Town Charter provides that Town elections shall be governed by the Colorado municipal election law; and

**WHEREAS**, Section 31-10-102.7, C.R.S., of the Colorado Municipal Election Code provides that a municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992; and

**WHEREAS**, the County Clerk and Recorder (the “County Clerk”) in Garfield County (the “County”) will conduct the election on November 8, 2022, as a coordinated election (the “Election”); and

**WHEREAS**, the Council is considering whether to submit certain ballot questions to the registered electors of the Town and will make a decision and adopt the language for any such ballot questions prior to the deadline of September 9, 2022; and

**WHEREAS**, the Town Council wishes to hold a mail ballot election regarding said candidates and questions on November 8, 2022, in conjunction with the Election being conducted by the County; and

**WHEREAS**, pursuant to the Colorado Constitution Article XIV, Section 18(2)(a), and C.R.S. §§ 29-1-203 and 1-7-116(2), as amended, the Town and the County Clerk are required to enter into an agreement to conduct a coordinated election; and

**WHEREAS**, the Intergovernmental Agreement attached hereto as Exhibit A (“IGA”) regarding the conduct of the coordinated election has been received from the Clerk; and

**WHEREAS**, Section 14.4 of the Town Charter requires that all intergovernmental agreements be approved by ordinance or resolution; and

**WHEREAS**, pursuant to C.R.S 1-7-116(2), as amended, the agreement shall be signed no later than seventy (70) days prior to the scheduled election.

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

**Section 1.** All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof directed towards the Election and the objects and purposes herein stated are ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in Section 1-1-104, C.R.S.

**Section 2.** The Election shall be conducted as a coordinated election pursuant to the Uniform Election Code of 1992, as amended, specifically including the mail ballot procedures set forth in Article 7.5 of Title 1 of the Colorado Revised Statutes. The Election shall also be conducted in accordance with the provisions of the IGA that is hereby approved. The County Clerk shall be the Coordinated Election Official and shall conduct the election on behalf of the Town.

**Section 3.** The Council hereby appoints the Town clerk as its Designated Election Official for the purposes of the IGA, the Election, and the Uniform Election Code. The Town clerk or any other officer of the Town is hereby authorized to enter into the IGA or any other agreement with the Clerk pursuant to Section 1-7-116, C.R.S. Any intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

**Section 4.** Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

**Section 5.** The clerk, officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

**Section 6.** If any portion of this resolution is held to be invalid for any reason,

such decision shall not affect the validity of the remaining portions of this resolution. The Town Council hereby declares that it would have passed this resolution and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 7.** All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, APPROVED AND ADOPTED at a regular meeting of the Town Council of the Town of New Castle, Colorado on August 16, 2022.

TOWN OF NEW CASTLE TOWN  
COUNCIL

---

Art Riddile, Mayor

ATTEST:

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Town Clerk Melody Harrison, CMC

**INTERGOVERNMENTAL AGREEMENT CONCERNING ELECTION SERVICES FOR THE  
November 8, 2022 General Election**

This intergovernmental agreement (“**IGA**” or “**Agreement**”) is made effective this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the Garfield County Clerk and Recorder (“**Clerk**”) and \_\_\_\_\_ (Political Subdivision”).

The Political Subdivision desires to conduct an election pursuant to its statutory authority (“**Election**”), The election will occur on November 8, 2022.

An agreement concerning the preparation, conduct and actual cost of a coordinated election is required. This agreement must be signed no later than August 30s, 2022. C.R.S. §1-7-116(2)

The Clerk has agreed to perform the following election services in consideration of the performance by the Political Subdivision of its obligations and payment of costs and fees.

The Clerk has designated Rachel Weishaar, Election Supervisor, whose telephone number is (970) 384-3700 x 1770 as the staff member to function as the primary liaison between the Clerk and the Political Subdivision for the purposes of the Election. The Contact Officer shall act under the authority of the Clerk.

The Political Subdivision has designated \_\_\_\_\_ whose phone number is \_\_\_\_\_ as its Designated Election Official (“**DEO**”). The DEO shall function as the primary liaison between the Political Subdivision and the Clerk. C.R.S. §1-1-104(8)

If the Political Subdivision encompasses territory within other counties, this Agreement shall apply only to that portion of the Political Subdivision within Garfield County.

NOW, THEREFORE, in consideration of their mutual promises contained herein, the parties agree as follows:

**I. Duties of the Clerk**

The Clerk agrees to perform the following duties, or such other duties as may be mutually agreed upon by the parties in writing, in connection with the Election:

**A. Preparation for the Election**

1. Provide the Political Subdivision a street locator file, which lists the street addresses located in the boundaries of the Political Subdivision within the Clerk’s voter registration system. If the Political Subdivision encompasses the entire county, a street locator file will not be sent for verification.
2. Assist and inform the Political Subdivision on any matter that should ensure the efficient preparation and conduct of the Election. The Clerk shall not provide legal advice.
3. Manage all voter records and correspondence in accordance with Title 1 of the Colorado Revised Statutes and the Colorado Secretary of State Election Rules for the relevant year of the Election.
4. Supply, deliver and set up all necessary items for the conduct and preparation of the Election.
5. Certify the election judges and determine their compensation. Provide a list of election judges upon request by the Political Subdivision. Train election judges prior to the election, including specific instruction in the secure operation of the election equipment. C.R.S. §1-6-101(6), C.R.S. §1-6-104, C.R.S. §1-6-115

6. Provide, no later than twenty days before the Election, notice of election by publication for the 2022 General Election conducted as a Mail Ballot Election with in-person options for voting at Voter Service & Polling Centers. Such notice shall satisfy the publication requirement for all Political Subdivisions participating in the Election. C.R.S. §1-5-205(1), C.R.S. §1-5-205(1.4)
7. Conduct all required tests and audits of the voting system prior to and after the Election C.R.S. §1-7-509(1), Secretary of State Election Rules.
8. Establish backup procedures and a backup site for the counting of the Election, should the counting equipment or location become unavailable during the count. Secretary of State Election Rules
9. Negotiate an agreement for the printing of the official ballots. After receipt from the Political Subdivision of the certified ballot content (per Section II.A.8 of this Agreement), the Clerk shall provide a copy of the ballot layout for proofreading before authorization to begin printing of all ballots.

## B. Conduct of the Election

1. Mail ballot packets will be sent to all eligible active voters beginning October 17<sup>th</sup> thru October 21<sup>st</sup>. Then daily after that through Monday, October 31<sup>st</sup>.
2. Coordinate the proper number and location of Voter Service & Polling Centers. All Voter Service & Polling Centers will be accessible to electors with disabilities. Voter Service & Polling Centers and ballot drop off locations for the election are published on our website at: [www.garfield-county.com](http://www.garfield-county.com). C.R.S. §1-5-101, C.R.S. §1-5-102.9 C.R.S. §1-5-703
3. Provide for the security and processing of all mail-in ballots. Provide for the verification of signatures on the self-affirmation section on the return envelopes. C.R.S. §1-7.5-107.2, C.R.S. §1-7.5-107.3, C.R.S. §1-7.5-107.5
4. Facilitate special accommodations for all registered military and overseas citizens as provided by the Uniform Military and Overseas Voter Act. Section 8.3 of Title 1 of the Colorado Revised Statutes
5. Provide provisional ballots to electors who qualify. Provide a telephone number that a provisional voter may call to inquire if their provisional ballot counted. C.R.S. §1-8.5-101, C.R.S. §1-8.5-104(6)
6. Provide a multilingual ballot if requested by a voter who appears in person at a Voter Services and Polling Center during early voting or on election day. Garfield County will engage the services of a certified translator for translation of each participating Political Subdivisions certified ballot question(s). C.R.S. §1-5-905 and §1-5-907.
7. Provide properly trained personnel for the preparation and conduct of the Election. Provide personnel at the tabulation center on Election Day/Night to release unofficial results.
8. Preserve all Election records for at least twenty-five months after the election. C.R.S. §1-7-802, Clerk and Recorder Record Retention Policy
9. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount or if an interested party requests a recount. Section 10.5 of Title 1 of the Colorado Revised Statutes
10. Conduct a Canvass and Risk-Limiting Audit of the election to process, accept and tabulate the eligible military, cured, and provisional ballots received the eighth day after the election. Verify the votes were accurate and voting equipment was working properly by conducting a risk-limiting audit of election results

and through the Canvass Board. C.R.S. § 1-10-101, *et seq.*, C.R.S. § 1-10-201, *et seq.*, Secretary of State Election Rules.

11. Provide, maintain, and operate the County's ballot marking devices and vote-counting equipment.
12. Work with the Political Subdivision to make sure that eligible Property Owners are notified of an election in their district and are instructed on how they can apply for a mail ballot. C.R.S. §32-1-806, C.R.S. §1-5-304, C.R.S. §1-7-104

### **C. Election Costs**

1. Keep an accurate account of all Election costs including, but not limited to, supplies, printing costs, legal notices, labor, postage, translation services and other expenses attributable to the Clerk's administration of the Election for the Political Subdivision. The minimum charge for participation in a coordinated election by any political subdivision is \$500.
2. Charge the Political Subdivision for its portion of the costs of the Election incurred by the Clerk for that Political Subdivision up to and including the date of cancellation of the Election or any additional costs related to removing the Political Subdivision from ballot programming or publications.
3. Submit to the Political Subdivision an invoice for all expenses incurred under this Agreement within 60 days of the election.
4. The cost of any recount(s) requested by the Political Subdivision will be charged to the Political Subdivision, or if more than one Political Subdivision participates in the recount, the cost will be prorated among the participating Political Subdivisions.

### **D. TABOR Notice**

1. Prepare the TABOR Notice, if relevant. Article X Section 20 of the Colorado Constitution, Secretary of State Election Rules
2. Charge the Political Subdivision for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses shall be prorated among all Political Subdivisions participating in the TABOR notice.
3. Mail to each elector within Garfield County who may be affected by certain TABOR ballot issues the TABOR notice not less than thirty days prior to the election. The Clerk shall determine the least cost method for mailing the TABOR notice and address the TABOR notice to "All Registered Voters" at each address where one or more active registered voters of the Political Subdivision reside. Nothing herein shall preclude the Clerk from sending the TABOR Notice of the Political Subdivision to persons other than electors of the Political Subdivision if such sending arises from the Clerk's efforts to mail the TABOR Notice at least cost.
4. Execute a separate IGA with the Political Subdivision referred to as Attachment 1 to produce the ballot notice referred to as the TABOR Notice.

## II. Duties of the Political Subdivision

The Political Subdivision shall perform the following duties in connection with the Election:

### A. Preparation for the Election

1. Post and/or publish any other legal notices required pursuant to relevant provisions of the Uniform Election Code of 1992 (C.R.S. Articles 1-13 of Title 1) or the Colorado Municipal Code of 1965, §31-10-101, *et seq.*, C.R.S., or Title 32, as amended, except as otherwise stated by this agreement.
2. Gather all necessary petitions, if applicable.
3. Be solely responsible for determining whether a ballot issue, question or candidate is properly placed before the voters.
4. Review the information contained in the street locator file and certify its accuracy, as well as any changes, additions, or deletions to the file. The certification of the street locator file shall be made no later than September 16, 2022 at 5:00 p.m. to the Clerk. If the certification is not provided by the date specified herein, the Clerk cannot guarantee accurate ballot styles nor be responsible for additional charges associated with address library errors resulting in incorrect ballot styles. If the Political Subdivision encompasses the entire county verification of the address locator file is not required.
5. If required, request the Property Owner list from the Garfield County Assessor's Office to prepare the list of eligible property owners for the election. Provide the Clerk with the list of eligible property owners who are classified on the Secretary of State's voter registration records as UOCAVA voter no later than September 12, 2022. A supplemental list should be requested from the County Assessor's office thirty days prior to the election to determine if there are new property owner's eligible to vote. The supplemental property owner list should be provided to the Clerk no later than October 14, 2022.
6. The Clerk will not automatically mail ballots to eligible property owners as found on the list submitted to the County Clerk on Sept 16, 2022 but will send a letter giving notice of the upcoming election with an application for a mail ballot to these eligible property owners. This letter will be mailed at the same time as the TABOR Notice.
7. Provide a certified copy of the ballot content, submitted as an email attachment to [eplace@garfield-county.com](mailto:eplace@garfield-county.com) in the format requested below, at the earliest possible time and in any event no later than sixty days before the election, September 9, 2022 at 5:00 p.m. Ballot content (candidates, issues and questions) to be exactly in the order of appearance on the ballot pages and sample ballots. The certified list of candidates, ballot issues and/or ballot questions shall be final, and the Clerk will not be responsible for making any changes after the certification. C.R.S. §1-5-203(3)(a)
  - Candidates/ ballot issues and/or ballot questions must be submitted electronically in Microsoft Word format.
  - Certified content for ballot questions should be no longer than 250 words. Bullets are allowed but no sub bullets.
  - If certifying a ballot title with the question(s), please limit the title to ten words or less.
  - Contact Edna Place at 970-384-3700 x 1804 with any questions about submission format. Garfield County is using a new voting system (Clear Ballot), so you do not have to submit the ballot content in notepad format ever again.
  - Provide audio pronunciation of all candidates' names if applicable.
8. Garfield County must now provide a multilingual ballot if requested by a voter who appears in person at a Voter Services and Polling Center during early voting or on election day. Please submit the proposed language for the ballot question(s) as soon as possible even if you are not ready to certify the ballot

content. Garfield County will work with a certified translator to translate the ballot question(s) into Spanish. The multilingual ballot will be sent for your approval but at later date than the English Ballot is sent for approval. C.R.S. §1-5-905 and §1-5-907

9. Proofread and approve the Political Subdivision's ballot content for printing preferably the same day of receipt of the ballot proof from the Clerk. The Political Subdivision shall provide an e-mail address and designate a person to be available for proofing and approving ballot content for printing and audio files of pronunciation of candidates' names if applicable. Due to limited printing availability and time constraints, the Political Subdivision should provide contact information for someone who may be available from 8:00 a.m. to 5:00 p.m. from September 12, 2022 or until final approval for the printing of ballots has been reached. If no one representing the Political Subdivision is available and the printing timeline requires it, the ballot will go to print without Political Subdivision approval. The Clerk shall not be responsible for any errors or omissions because of the Political Subdivision's failure to proofread the ballot. The Political Subdivision has designated \_\_\_\_\_ whose phone is \_\_\_\_\_ and e-mail is \_\_\_\_\_ to be available for ballot proofing.
10. The Political Subdivision may assign a representative to witness the logic and accuracy testing prior to the election, the risk limiting audit after the election and the canvass board certification of the election. The canvass board and risk limiting audit board will be made up of representatives appointed by the Chairperson of the Garfield County Republican and Democratic parties and the County Clerk.
11. Notify the Clerk if the Political Subdivision is a municipality which has provided by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to the Election. A copy of said ordinance or resolution will be provided to the Clerk either when the IGA is returned, or the ballot content is certified to the County Clerk.
12. When the Political Subdivision is a special district, within thirty days after the special district has been declared organized by the court, the Political Subdivision will transmit to the county clerk and recorder in each of the counties in which the Political Subdivision or a part thereof extends certified copies of the findings and the order of the court organizing said special district. C.R.S. §32-1-306
13. Notify the clerk if the Political Subdivision resolves not to participate in the Election prior to the submission of ballot certification. After ballot certification day, a Political Subdivision that withdraws from participating in the election shall be liable for accrued election costs. The Political Subdivision shall provide notice by publication of the cancellation of the Election and a copy of the notice shall be posted in the office of the Clerk, in the office of the Designated Election Official (as defined in the Code) and, if the Political Subdivision is a special district in the office of the Division of Local Government, the Political Subdivision shall not cancel the election after the twenty-fifth day prior to the election, October 14, 2022. C.R.S. §1-5-208(2).

#### **B. Conduct of the election**

1. Immediately notify the Clerk of any Election contest that is initiated by the Political Subdivision and keep the Clerk apprised of the need to retain Election records for use in such a contest.

#### **C. TABOR Notice**

1. Be responsible for the additional costs associated with such TABOR Notice if notice is required on behalf of the Political Subdivision. (See also Section I.D.2 of this Agreement).
2. Collect and compile the TABOR Notice content in compliance with Article X Section 20 of the Colorado Constitution and any pertinent Rules. Article X Section 20 (3)(b)(v), C.R.S. §1-7-901, *et seq.*

3. Provide all content for the TABOR Notice to the Clerk by Monday September 26, 2022 (43 days before the day of the election). C.R.S. §1-7-904.

### III. Election Costs

The minimum fee for election services is \$500.00.

1. Proportional share of costs is based on County expenditures relative to the Election, the number of electors per entity receiving ballots and the number of voted ballots returned to the County Clerk for processing, scanning, and tabulating.
2. The Political Subdivision acknowledges it has sufficient funds available in its approved budget to pay its prorated Election expenses.
3. Upon receipt of the invoice, pay to the Clerk within sixty days the prorated fee. Contact Officer, Rachel Weishaar, may be asked for an estimated cost of participating in this election.
4. The Political Subdivision will be responsible for any additional or unique election costs resulting from Political Subdivision delays and/or special preparations or cancellations relating to the Political Subdivision's participation in the Election.

### IV. Additional Provisions

1. No portion of this Agreement shall be deemed to create a cause of action with respect to anyone not a party to this Agreement, nor is this Agreement intended to waive any privileges and/or immunities to the parties or of which their officers or employees may possess, except as expressly stated in this Agreement.
2. Time is of the essence under this Agreement. The statutory time frames or requirements of the Election Statutes, TABOR requirements found in the Constitution, and the Election Rules shall apply to the completion of any duties or tasks required under this Agreement. Failure to comply with the terms of this Agreement, statutory requirements, or Secretary of State Rules may result in consequences up to and including termination of this Agreement.

3. Timeline:

|                       |  |
|-----------------------|--|
| August 25, 2022       | IGA signed and returned to Clerk   |
| August 25, 2022       | Address library sent to participating entities   |
| September 9, 2022     | Certified ballot content due to Clerk  |
| September 12-15, 2022 | Ballot proofing  |
| September 16, 2022    | Address Library Returned   |
| September 19-20, 2022 | Logic and Accuracy testing of voting equipment   |
| September 23, 2022    | Last Day for pro/con comments to be submitted to the Political Subdivision DEO by citizens by noon |

|                           |   |
|---------------------------|---|
| September 24, 2022        | Last day to send ballots to UOCAVA voters   |
| September 26, 2022        | TABOR Notice content submitted to County Clerk for creation of the TABOR Notice       |
| September 27-28, 2022     | TABOR Notice proofing   |
| October 7, 2022           | TABOR Notice Mailed   |
| October 17-21, 2022       | Ballots mailed to all active voters   |
| October 24 to Nov 7, 2022 | Voter Service & Polling Centers open for early voting<br>Mon – Fri 8:30 am to 5:00 pm |
| October 24, 2022          | Begin signature verification and ballot processing                                    |
| October 31, 2022          | Last day to register to vote or update an address and have a ballot mailed            |
| November 5, 2022          | Saturday early voting hours at VSPCs 10 am to 2 pm                                    |
| November 8, 2022          | Election Day all VSPCs open 7 am to 7 pm  |
| November 16, 2022         | Last day to return ballots rejected for missing or discrepant signatures.             |
| November 20-23 2022       | Risk Limiting Audit   |
| November 30, 2022         | Last day to certify election results  |

4. Allocation of Cost of the Election is at the Clerk's determination and shall be final.
5. The Clerk may enter into other similar agreements with other Political Subdivisions for the conduct of other elections simultaneously.
6. Venue for any dispute hereunder shall be in the District Court of Garfield County, Colorado.
7. Any and all notices required to be given by this Agreement are deemed to have been received and to be effective: (1) three days after they have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a fax/email was received; to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To Clerk: Garfield County Clerk & Recorder

Drop Off: 109 8<sup>th</sup> St., Suite 200 Glenwood Springs, CO 81601

Mail: same as above

Fax: 970-947-1078

Email: rweishaar@garfield-county.com

To Political Subdivision: \_\_\_\_\_

Drop Off: \_\_\_\_\_

Mail: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

8. The term of this IGA shall continue until all statutory requirements concerning the conduct of the election and the creation, printing, and distribution of the TABOR Notice, if needed, are fulfilled.
9. This IGA may be amended only in writing and following the same formality as the execution of the initial IGA.
10. In any event that any provision in this IGA conflicts with the Code or other statute, this IGA shall be modified to conform to such law. No resolution of either party to this Agreement shall impair the rights of the Clerk or the Political Subdivision hereunder without the consent of the other party to this Agreement.
11. The Parties hereto understand and agree that the County, its commissioners, officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of the Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act (the CGIA), §24-10-101 to 120, C.R.S., or otherwise available to the County or the Political Subdivision. To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the County and the Political Subdivision agree that they will remain liable for their independent obligations under the CGIA, and neither party shall be the agent of the other or liable for the obligations of the other.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon the date first above written.

Garfield County Clerk & Recorder

Date: \_\_\_\_\_

\_\_\_\_\_  
Jean M. Alberico

Political Subdivision

Date: \_\_\_\_\_

\_\_\_\_\_

By

\_\_\_\_\_  
Authorized Signature

ATTACHMENT 1

"AMENDMENT 1 NOTICE" (TABOR NOTICE)  
FOR 2022 November 8, General Election IGA

WHEREAS, the County Clerk and Recorder of Garfield County, Colorado ("County Clerk") and \_\_\_\_\_ ("Political Subdivision"), (collectively, the "Parties"), have entered into an intergovernmental agreement to cooperate and contract for the purpose of conducting a coordinated election; and

WHEREAS, Const. Colo. Art. X, Sec. 20 ("TABOR") requires the production of a mailed notice of the ballot issues to be determined for the Political Subdivisions that are subject to the requirements of said constitutional section ("TABOR Notice"); and

WHEREAS the TABOR Notices of several jurisdictions are to be sent as a package where jurisdictions overlap ("TABOR Notice Package"); and

WHEREAS the need to produce the TABOR Notice Package requires that there be countywide coordination of its production and mailing to effectuate the purposes of said constitutional section; and

WHEREAS the Parties desire to set forth their respective responsibilities in the production and mailing of the TABOR Notice Package.

NOW THEREFORE, the Parties agree as follows:

1. The County Clerk shall perform the following services and activities for the Political Subdivision's election:

a. Determine the "least cost" method for mailing the TABOR Notice Package and determine the Political Subdivision's proportional share of the total cost.

b. Combine the text of the TABOR Notice produced by the Political Subdivision with those of other districts to produce the TABOR Notice Package.

c. Address the package to "All Registered Voters" at each address of one or more active registered electors residing within the Political Subdivision boundaries or to each postal patron. Nothing herein shall preclude the County Clerk from sending the TABOR Notice of the Political Subdivision to persons other than electors of the Political Subdivision if doing so arises from the County Clerk's efforts to mail the TABOR Notice Package at "least cost".

d. Determine the order in which the TABOR Notice submittal of the Political Subdivision and those of other jurisdictions, if any, shall be placed in the TABOR Notice Package, provided, however, that the materials supplied by the Political Subdivision shall be kept together as a group and in the order supplied by the Political Subdivision.

e. Mail the TABOR Notice Package, addressed as required by law, at least 30 days before the election to registered electors residing within the Political Subdivision boundaries.

f. Mail copies of the TABOR Notice Package to registered electors residing outside of the Political Subdivision who own property within the Political Subdivision boundaries.

## Attachment 1 - TABOR NOTICE - Page 2 of 3

g. Refer inquiries, correspondence, and calls concerning the substance of the ballot issues and ballot questions or the operations of the Political Subdivision to such person designated as the Election Officer by the Political Subdivision.

h. Write, print, and incorporate any notice to be included in the TABOR Notice Package that may inform the elector of the polling place or that may provide other information as may be required by law.

i. Provide the Political Subdivision an itemized statement of the costs of performing the tasks performed by the County Clerk hereunder.

2. The Political Subdivision shall perform the following services and activities for the Political Subdivision's election:

a. Designate an "Election Officer" to act as liaison between the Political Subdivision and the County Clerk.

b. Determine the ballot issues to be voted upon at the election.

c. Include, within its TABOR Notice, ballot titles in this order of preference: "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE."

d. Inform the County Clerk of any voter-approved additions to the TABOR Notice for the Political Subdivision and incorporate such additions into the TABOR Notice supplied to the County Clerk.

e. Designate a person ("Election Officer") to be available to respond to inquiries, correspondence, and calls concerning the substance of the ballot issues or the operations of the Political Subdivision. The Political Subdivision shall communicate this designation to the County Clerk at the time of certification of the ballot content. The Election Officer shall be reasonably available to the County Clerk and shall within a reasonable time reply to the originator of all such inquiries, correspondence, and calls.

f. Determine the ballot title and text in accord with TABOR.

g. Prepare the layout of the TABOR Notice for the Political Subdivision in accord with TABOR.

h. Summarize written comments concerning ballot issues following receipt of such comments received from the public and provide summaries for use in the TABOR Notice as required by TABOR. The summaries are limited to up to 500 words one for and one against the proposal.

i. Provide the Political Subdivision's completed TABOR Notice to the County Clerk on or before the 42<sup>nd</sup> day preceding the election and provide the number of eligible electors outside of the Political Subdivision boundaries.

j. For Title 32 Districts, provide the Clerk with a list of eligible property owners so the Clerk can mail the TABOR Notice by the notice deadline to each address of one or more active registered electors who reside outside of the Political Subdivision.

**Attachment 1 - TABOR NOTICE - Page 3 of 3**

k. Perform such acts as may be required by law, including circulation, approval, review, and all other activities, relating to any petition that may concern the Political Subdivision. The Election Officer shall interact with any Political Subdivision petition representatives, including but not limited to, working to ensure that the Election Officer receives the summary of written comments for their petition within the time required by law.

l. Pay the costs shown in the itemized statement provided by the County Clerk either directly to the County Clerk or to such vendors or subcontractors as the County Clerk may designate.

IN WITNESS WHEREOF, the Parties hereto have executed this Attachment 1 to be effective the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

POLITICAL SUBDIVISION:

\_\_\_\_\_

GARFIELD COUNTY CLERK

\_\_\_\_\_  
Authorized Signature, Title

\_\_\_\_\_  
Jean M. Alberico, County Clerk

1 **New Castle Town Council Regular Meeting**  
2 **Tuesday, June 21, 2022, 7:00 PM**

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

5  
6 To join by computer, smart phone or tablet:

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

8 If you prefer to telephone in:

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

10 **Meeting ID: 709 658 8400**

11  
12 **Follow the prompts as directed. Be sure to set your**  
13 **phone to mute until called on**

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



16  
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 Harrison

34  
35 **Meeting Notice**

36 Town Clerk Melody Harrison verified that her office gave notice of the meeting in  
37 accordance with Resolution TC 2022-1.

38  
39 **Conflicts of Interest**

40 There were no conflicts of interest.

41  
42 **Agenda Changes**

43 There were no agenda changes.

44  
45 **Citizen Comments on Items not on the Agenda**

46 Joni Owens, 235 W Capital Court. Ms. Owens said that they had tried to make comments

Town Council Meeting  
Tuesday, June 21, 2022

1 last time and that she had been allowed to speak but others had not. She said that they  
2 thought they would try again to voice their concerns about the dog park proposal. She  
3 said she knew that funding was on the agenda but the dog park itself was not, but they  
4 were worried that there was not enough public input, and the problem that was identified  
5 they did not think the dog park was going to address the problem. She said it would result  
6 in a check on a list that said that New Castle had a dog park, but she did not think it was  
7 going address the issue that was at hand, dogs off leash and whatnot because it was not a  
8 dog park that was going to be inviting to dog owners to utilize. As a homeowner, tax  
9 payor and citizen she did not want her tax money, that she worked hard for, to be used  
10 for a project that was not going to solve the problem.

11 Mayor A Riddile thanked Ms. Owens. He asked Administrator Reynolds when the dog park  
12 meetings began. Administrator Reynolds said they had been going on more than three  
13 months. Councilor Leland said that the meetings were noticed in the newsletter twice, on  
14 several Facebook accounts, on the town's weekly e-mail as well as the Castle Valley  
15 Neighbor site. Councilor Leland said that short of knocking on people's doors, he did not  
16 know what else he could have done to publicize it.

17 Ms. Owens suggested putting noticed at the location where the dog people actually are  
18 that could have seen those notices and could have elicited greater input from the people  
19 who are actually supposed to be targeted by the plan. Mayor A Riddile said there had  
20 been terrific turnout for the meetings and the place was packed. Councilor Leland said  
21 there were forty people on the list. Mayor A Riddile apologized that Ms. Owens was not  
22 informed. Ms. Owens said that she knew of three meetings and was out of town for two  
23 and had a work meeting for one and she had been unable to attend. She said that when  
24 she was finally able to attend the fourth meeting that she was aware of, when she voiced  
25 her concerns, she said she was told that decisions had already been made and she was  
26 shut down. Mayor A Riddile said that the committee had made decisions, and the  
27 committee was legitimately formed through the process.

### 30 **Consultant Reports**

31 Consultant Attorney – present for agenda items.

32 Consultant Engineer – not present.

### 35 **Items for Consideration**

#### 37 **Proclamation Recognizing July as Parks and Recreation Month**

38 Recreation Director Hannah Bihr said that Parks and Recreation Month was put on by the  
39 National Recreation and Parks Association (NRPA). She said that since 1985 the United  
40 States has celebrated July as Parks and Rec Month to promote building strong, vibrant,  
41 resilient communities through the power of parks and recreation to recognize the more  
42 than 160,000 full-time parks and rec professionals along with hundreds of thousands of  
43 part-time and seasonal workers and volunteers that maintain our country's local, state  
44 and community park systems.

45 Director Bihr said that for 2022 the theme is 'We Rise Up', and in each week of July is  
46 themed as well. Week one is kick-off week; week 2 is We Rise Up For Health and Well-

1 Being; Week 3 is We Rise Up For Environmental Resiliency; Week 4 is We Rise Up To  
2 Economic / Employment Opportunities; and week 5 is We Rise Up For Our Communities  
3 And Celebrate Activities, Programs, Events And Our People.

4 Director Bihr said that town had been doing this for about five years. She said that there  
5 will be a calendar of events from the recreation department for the month of July  
6 celebrating all their activities and highlighting some of the town's recreational amenities  
7 such as parks, programming and staff.

8 Mayor A Riddile thanked Director Bihr.

9 Mayor A Riddile read the proclamation into the record.

10  
11  
12 **Consider Resolution TC 2022-18 - a Resolution of the New Castle Town Council**  
13 **Approving a Subdivision Improvements Agreement for Lakota Canyon Ranch,**  
14 **Filing 6B1**

15 Assistant Town Attorney Haley Carmer told the council that they will be considering a  
16 subdivision improvements agreement for the next phase of filing 6 in Lakota Canyon  
17 Ranch. She said that area was generally north of where Deer Valley Drive ended, and 26  
18 lots will be going in. Attorney Carmer said that Filing 6 had been approved at the  
19 beginning of 2008 for 81 single-family lots. She said that Filing 6A had 32 lots, 6B has 26  
20 and there will be a future filing for the remaining 23 lots, which will complete the full  
21 platting of the 81 lots for Filing 6. Attorney Carmer said that it was the subdivision and  
22 PUD plan that were approved for that filing in 2008. Town Planner Paul Smith clarified the  
23 location of the phase on the zoning map. He also said that the application was for the first  
24 half of 6B. Attorney Carmer said that the ordinance that approved Filing 6 provided that  
25 future phases could be platted administratively, so staff will work with the applicant on it.  
26 She said that part of it was that the council had to approve a subdivision improvement  
27 agreement (SIA) with each of the phases by resolution, and that was what was currently  
28 under consideration. Attorney Carmer said that staff had submitted a draft of the SIA for  
29 the packet but had subsequently received comments from the applicant's attorney. The  
30 handout was a redline of the SIA that was approved by the applicant's attorney. She said  
31 that the general nature of the redlines was to add clarification and process for request of  
32 partial release of the security they will be required to post for filing 6B1. Ultimately, she  
33 said that the council will have the final say on any release of funds. Attorney Carmer  
34 described how the partial or full release process worked. She said that the other primary  
35 edit was clarifying that their water rights dedication fees would be paid at the time the  
36 plat was recorded as opposed to when building permit happened, which was when all the  
37 other taps fees were paid. By code and the annexation agreement for Lakota, they were  
38 paid at the time of final plat.

39 Attorney Carmer said that there was a letter from Town Engineer Jeff Simonson who has  
40 looked over the construction plans for the public improvements and the cost estimate.  
41 She said that the cost estimate will dictate the amount security. The cost estimate was  
42 only for the public improvements, it had nothing to do with the utilities. Attorney Carmer  
43 said that the cost estimate had a 5% contingency built into it. She said that in the past in  
44 other development there were 10% contingencies, and engineer Simonson had some  
45 comments as to whether 5% was enough and should it be higher. There was another  
46 comment from Engineer Simonson that the quality control and oversight was only 4% and

Town Council Meeting  
Tuesday, June 21, 2022

1 typically SGM recommended that be a minimum of 8%. Mayor A Riddile asked Planner  
2 Smith if he had any suggestions. Planner Smith said that he could not suggest any  
3 numbers without a conversation with Engineer Simonson but said that he felt that the  
4 engineer's concern was the current inflation issue and the cost to build.  
5 Councilor Leland said that once again, they received something rather complex at the  
6 meeting with no time to study it. He asked that the terms of the partial release were. He  
7 explained that the town had had a lot of trouble previously with a developer when they  
8 had released funds early according to an agreement and then the town was left  
9 responsible when there was money still owed and no funds left. Attorney Carmer said that  
10 there was a process in the town code for that. Basically, it said that if a developer asked  
11 for a partial release, there were ten days for the town to inspect it, then it would come to  
12 the council. She further stated that the agreement stipulated a thirty-day inspection  
13 period at which point the town engineer could provide written notice of any deficiencies  
14 and the town and developer's engineers could discuss any requirements necessary to  
15 bring the improvements into conformity. The amount of funds released will be directly  
16 related to the specific improvements that had been completed and based on the cost  
17 estimates.  
18 Planner Smith said that the applicant's engineer, Chris Manera, was present and would  
19 speak to the 5% contingency.  
20 Chris Manera, Professional Engineer, Colorado River Engineering. Mr. Manera said that he  
21 prepared the memo in the packet. He said they had a chance to review Engineer  
22 Simonson's comments and agreed they were good comments. He said that the reason  
23 they had not gone with a 10% contingency was because typically when preparing  
24 engineer's estimates, they did not have the benefit of contractor's bids. He said they had  
25 three contractor bids to support the numbers in the engineer estimates and they felt  
26 comfortable with the 5% contingency based on those contractor bids. Mr. Manera said  
27 they also had 4% for the engineer's construction observation, certification, which equaled  
28 \$60k for the project. He said that based on their experience they believed the \$60k was  
29 plenty. He said that the project was unique in that a substantial part of the infrastructure  
30 had already been constructed, and they had done substantial inspection and investigation  
31 on that infrastructure so there was not as much deep utility inspection on the project as  
32 there would be normally, so they felt it did not warrant the additional percentages. Mr.  
33 Manera said that he was comfortable with the percentages and had not had the time to  
34 discuss or debate it with Engineer Simonson. He said Engineer Simonson was aware they  
35 had contractor bids on the project but again, they had not had time to discuss it. Mr.  
36 Manera said that with the partial release, what was being released was not the  
37 infrastructure that had been completed, it was what was remaining, so they would reserve  
38 enough funds for what still needed to be completed.  
39 Councilor Caitlin said that she agreed with Councilor Leland and the documents they had  
40 just received were very technical, and she would have preferred to have had more time to  
41 read them. She said she was grateful the Mr. Manera told the council he was comfortable  
42 with the percentages, but she was concerned, particularly because of the current  
43 economy. She said she would be more comfortable to review the documents and the  
44 listen to what Engineer Simonson had to say.  
45 The council briefly discussed their concerns regarding the contingency amounts and  
46 whether they should postpone any motion until they had time with Engineer Simonson

Town Council Meeting  
Tuesday, June 21, 2022

1 and could review the documents more thoroughly. Councilor G Riddile asked the  
2 applicant, Dwayne Romero, when they planned to award a contract on the project. Mr.  
3 Romero said within the next two weeks.  
4 Attorney Carmer told the council that the SIA was essentially the standard template for an  
5 SIA except for the two noted changes.  
6 Dwayne Romero, The Romero Group and applicant. Mr. Romero said that they had hoped  
7 to award the contract within the next few weeks, He said they had received bids from  
8 three local contractors: Heyl, Johnson and Rippy. Mr. Romero said that he wanted to  
9 underscore what Mr. Manera had pointed out the process and all the existing  
10 improvements. In addition, he described what Attorney Carmer had said that the SIA was  
11 drafted by the town through the town attorney. The document was a boilerplate document  
12 and the only changes made to it (by the applicant) were actually to the benefit of the  
13 town. Mr. Romero said that Attorney Carmer was correct in that the attorneys worked  
14 cooperatively to coordinate a partial release of security as described only as they  
15 progressed through the work so that the town was always benefitted. The measurement  
16 will always be by the town's professional engineers or what was on the ground and what  
17 needed to be completed and that was how the remaining security was sized to benefit the  
18 town. Mr. Romero said that he understood the council's position because he served two  
19 terms on the Aspen City Council, and he understood the framework by which the council  
20 worked. He said they did not wish to put the town in any bad position whatsoever. He said  
21 they did hope to proceed with a relatively small batch of home sites, the 26 described in  
22 the application, approximately 1.2 million dollars of work. Mr. Romero said the work would  
23 take about four months to complete and he felt the town was in a very safe and secure  
24 position. He said that the SIA was the document that will protect the town and given the  
25 short timeframe of the project, it could be that they wouldn't even request a partial  
26 release. Mr. Romero said that if they did not get to the asphalt before the plants closed in  
27 the fall, then it would happen in the spring, but there will still be security in place. Mr.  
28 Romero said that his last point was that the project was one step in a multiple series of  
29 steps to get Lakota back on its feet. He said it wasn't a lot of work, but it was signaling to  
30 the community and the marketplace. He also said there will be more applications coming  
31 to the council in the future, and they hoped to develop a great relationship of cooperation  
32 and consensus with the council.  
33 Councilor Hazelton said that he had confidence in staff and what they have been doing,  
34 and he said he also understood receiving paperwork at the meeting. He said he would be  
35 willing to, if it's necessary so everyone had a chance to read the paperwork, to be part of  
36 a special meeting, especially if there was a chance that council may not meet for a month.  
37 Administrator Reynolds apologized to the council for the last-minute items and said that  
38 staff had been very busy and Engineer Simonson had also been pressed for time.  
39 Administrator Reynolds said that Engineer Simonson's comments were rather minor  
40 except for the debate regarding the contingency percentages. He noted the standard used  
41 was the same as required of the Colombo project. Administrator Reynolds apologized  
42 again for the last-minute additions and although it appeared to be a lot of paperwork, he  
43 said the SIA that was in the packet was applicable with some last-minute edits from the  
44 attorneys. Administrator Reynolds said that he felt that at a staff level, everyone was  
45 comfortable with it but that he understood that a last-minute report from the engineer  
46 and a last-minute edit from the attorney was tough. Administrator Reynolds said there

Town Council Meeting  
Tuesday, June 21, 2022

1 was a bit of an accelerated timeline on the application with consideration to the possibility  
2 that the next council meeting may be cancelled. He said that may have been a misstep,  
3 and he certainly understood council's position on last-minute information.

4 Councilor G Riddile said that he felt that he was comfortable, but he did want to discuss  
5 some of Engineer Simonson's comments. Regarding the SIA, he said he trusted staff and  
6 the attorneys.

7 Administrator Reynolds offered to try to get Engineer Simonson on the phone.

8 Councilor G Riddile asked if the scope of the scope of the original SIA was being reduced  
9 in that the next 6B phase was going to be a single phase as opposed to two smaller  
10 phases. Attorney Carmer said that the way the first ordinance was written was that it was  
11 phase 6A and phase 6B, it did not prohibit further phasing of that and basically what was  
12 happening was that it was being cut in half and doing it in two phases. She said that the  
13 second phase of phase B will have its own SIA as well, and they will have to come back  
14 for 6B2 for an SIA agreement.

15 Mr. Romero addressed the council again and said that in regard to the contingency  
16 amounts and in respect of the town's conditions he said he was willing to split the  
17 difference between the town's wish for ten percent and the offered five percent and  
18 increase it to seven and a half percent. Additionally, he said he was willing to meet in the  
19 middle on the overhead and inspections at six percent, which was halfway between the  
20 town's eight percent and the offered four percent.

21 Mr. Romero said he was also willing accept the asphalt overlay as requested by Engineer  
22 Simonson. Regarding the concrete curb and gutter around the cul-de-sac, he said they  
23 would prefer not to install that, rather, they proposed a professional two-inch lift of  
24 asphalt to assist with drainage.

25 Planner Smith said that the idea was that at the end of the phase, the town was asking for  
26 a temporary cul-de-sac where emergency equipment could turn around. He said ideally it  
27 was temporary and in the next phase it will be removed.

28 The council, staff and applicant discussed the items in Engineer Simonson's letter briefly.

29 **MOTION: Mayor A Riddile made a motion to approve Resolution TC 2022-18, a**  
30 **Resolution of the New Castle Town Council Approving a Subdivision**  
31 **Improvements Agreement for Lakota Canyon Ranch, Filing 6B1 with the**  
32 **following amendments: Regarding the notes in Engineer Simonson's letter**  
33 **(which is exhibit A to these minutes): #1. The cul-de-sac will be done with an**  
34 **HMA paving overlay with an asphalt curb; #2, 3 and 4 are acceptable to the**  
35 **applicant; #5. Construction Administration, Inspection, Materials Approval and**  
36 **QC Oversight will be set at 6%. #6. Contingency will be set at 7.5%. Councilor G**  
37 **Riddile seconded the motion and it passed unanimously.**

38

39

#### 40 **Discussion: Dog Park Funding**

41 Administrator Reynolds said that at the last council meeting, the council had heard about  
42 the dog park project and had heard from the dog park committee. He said that council  
43 had approved the project to move forward. Administrator Reynolds said that they had  
44 spoken briefly about funding and some folks that wanted to some private fundraising on  
45 behalf of the project. He said they also talked about Director Wenzel obtaining bids for the  
46 project.

1 Administrator Reynolds said that subsequently, staff had met with the fundraising group  
2 and made some progress with what the town was comfortable with. He said the town was  
3 not really in the fundraising business and do not have experience with it. Between himself  
4 and Treasurer Burk, they felt that it would be best to channel fund through a Go Fund Me  
5 account that could be linked to a town bank account. He said there will be a group of  
6 fundraising folks out there creating different events and products to sell. They will run  
7 their narratives by staff, so the town understood the message that was going out, prior to  
8 it going out.

9 Administrator Reynolds said that the project was not part of the town's capital planning.  
10 He said that staff tried to essentially live by the capital plan, and now there was a new  
11 project in the mix that there was not designated funding for, other than what the  
12 fundraising committee was proposing. He said that staff discuss it more and see if any  
13 funding for the park could be identified.

14 Administrator Reynolds said that it sounded like there was expectation that the park will  
15 be built sooner rather than later, and certainly staff would like to do that. He also said  
16 that Director Wenzel felt that if a target budget could be identified and then the project  
17 could go out for bid, there was about a fifty-fifty chance a builder could be found.

18 Administrator said that a few years ago, the project could have been self-performed, but  
19 with the current staff shortages, and the many projects already underway, staff will not  
20 be able to build the park. He said that staff did want to take a serious look at it and get  
21 the project as far along as possible. To do that, staff felt it was necessary to come back to  
22 council and provide some ideas about where could come from. He thought it would help  
23 the fundraiser group as well.

24 Administrator Reynolds said that Director Wenzel's estimate on the cost of the dog park  
25 was just over \$60k and Go Fund Me worked a lot better when there were achievable,  
26 realistic goals and descriptions of those goals. Treasurer Burk identified some  
27 conservation trust funds that were fitting for a project such as the dog park.

28 Administrator Reynolds said there was about \$120k in conservation trust and \$60k could  
29 be taken out of it to go towards the park, he said staff could apply for a fall mini FMLD  
30 grant for \$25k to offset some of the cost. He said there was other grants the town could  
31 apply for, but timing may be problematic. Administrator Reynolds also suggested that  
32 there could be excess funds in the general fund to put toward part or all of the project.

33 Administrator Reynolds said that staff wanted to have some more discussion on the  
34 funding of the project so there was a more solid direction on how funding will occur.

35 Councilor Leland said that at the dog park meetings, they had talked about how the  
36 project could be trimmed down. He said that the essentials were the fence materials and  
37 installation; the crusher fines materials and installation; the potable water line; trash  
38 cans; dog waste station and rules sign. He said that the park can open without the water  
39 fountain, benches and picnic table and he felt they could find donors for those items. He  
40 said the shade structure was very desirable, but it did not need to be installed in the first  
41 year, he said that could be budgeted in the future. Councilor Leland said that the costs  
42 could be reduced by approximately \$15k by removing the mentioned items, leaving a cost  
43 of \$45k. Councilor Leland said he did not want to take the funding from conservation trust  
44 because he understood that they could not pay that fund back. Treasurer Burk explained  
45 the limitations with conservation trust monies and how it could be used to fund the dog  
46 park.

1 Councilor Leland suggested that conservation trust monies be used for those things that  
2 qualify, and general fund for the rest with the idea that fundraisers will pay back as much  
3 as they can raise back into the general fund.

4 Councilor G Riddile said that he wanted to see what the dog park group could accomplish  
5 because they were a very engaged group and he thought it was good for the community  
6 and they will act as its own outreach and education as well. He said they did not get this  
7 type of engagement all the time with all the projects the town was doing. Councilor G  
8 Riddile said he did not mind filling the gap where needed, but he did not want to cut the  
9 fundraising group off from their efforts. Councilor Hazelton agreed, and he also felt that  
10 they should pull back the benches, picnic table and shade structure and foundation, and  
11 fund the remaining, whether trust fund or general fund or how ever the staff feels works  
12 best. He said that whatever that number was, they should add ten percent to it. Councilor  
13 Hazelton said that as they were looking at the 2023 budget and saw how the fundraising  
14 was going, they could make decisions accordingly.

15 Councilor G Riddile said he was not involved in any of the conversation or dog park  
16 meetings, but he suggested that once the grass was removed, they were committed at  
17 that point to the crusher fines. Councilor Carey said she was also not involved in the dog  
18 park meetings, but she was concerned about the crusher fines as well. She said that the  
19 grass in the area was already established, and if it were removed and crusher fines  
20 installed and they turned out to be an issue, it would be a very large expense to reseed or  
21 resod the space. She said she had more than one person tell her they would not take their  
22 dog to the park, and she said she looked into the Carbondale dog park, and it was not  
23 crusher fines. She said that the crusher fines were the second most expensive item in the  
24 budget, and she wanted the town to not be hasty just because they wanted a dog park,  
25 without contemplating it further. She said again that she was not at the meetings and did  
26 not know how the surface materials were vetted. She knew there were people who  
27 wanted to attend the meetings who could not, and she did not know how their input would  
28 have changed the decisions. Councilor Carey said she did not want a dog park no one  
29 went to, or only a few went to, or one people stopped going to because their dog's feet  
30 were injured. Councilor Carey said that she wanted the project to slow down some and be  
31 looked at closely.

32 Councilor Leland said that Parks Manager Charlie Moore and Public Works Director John  
33 Wenzel had done the research, and crusher fines will not injure dog feet because they  
34 were very fine, coarser than sand but not sharp rock, and is commonly used in dog parks.  
35 He said it was a matter of maintenance, because they will not be able to mow the grass,  
36 because they won't be able to get a big mower in the park. In addition, if anyone neglects  
37 to pick up after their dog, that will be an issue. Crusher fines can be washed. Councilor  
38 Leland said he was relying on staff's expertise, but perhaps in order to keep costs down  
39 initially phasing it in may be an answer. Councilor G Riddile suggested installing the fence  
40 and then see how it went. Treasurer Burk said that in Bend, Oregon where she was there  
41 were a lot of dog parks that had crusher fines and it worked just fine, and the one that  
42 had natural vegetation or grass get very worn down that it doesn't last. She said if it was  
43 a heavily used park, grass will not continue to grow well. Councilor Leland aid that it was  
44 a fairly small park, so if it is used a lot then it may wear down quickly. Administrator  
45 Reynolds said that there were crusher fines paths all over town and people walked their  
46 dogs on those constantly. He said that you can scratch your fingers in it and it will not

Town Council Meeting  
Tuesday, June 21, 2022

1 hurt you. He noted that one of Director Wenzel's concerns was that a grass dog park will  
2 become a dirt park which will become mud when it rains and crusher fines drains, if there  
3 are low spots it can be raked to level it off, it will be irrigated around it with the idea that  
4 urine gets washed down, and the staff does not have to get in there with lawnmowers  
5 where people haven't picked up after their dog. It will be obvious when someone hasn't  
6 picked up after their dog on crusher fines than grass, and its easier to clean up crusher  
7 fines. He said that building it and later tearing out the sod isn't impossible, but how the  
8 irrigation is laid out did not contemplate the fenced area, so irrigation needs to be moved.  
9 Doing the work later will be more costly than doing it in the beginning. He said discussing  
10 the merits is valuable, but that was why there was a dog park committee, and they did  
11 vet the surface materials issue pretty heavily. Mayor A Riddile said that a good example of  
12 a crusher fines trail is the one at Grand River Park where people walk on it with bare feet.  
13 Administrator Reynolds said that Bear Dance Park was the same and kids ran around it all  
14 the time.

15 Jody Owens, 235 W Capital Court. Ms. Owens said she had stopped in Alder Park to do  
16 some field research and that trail was crusher fines and she was pleasantly surprised to  
17 find that the crusher fines were not as hot in the direct sun as she expected. She said her  
18 concern was that it was extremely compacted, almost concrete-like. She asked what the  
19 upkeep, and how often were more materials needed to keep a surface that was not  
20 compacted. Councilor Carey said the dogs were not just walking, they were wrestling  
21 because they constantly wrestle and she felt that the concern brought to her was that it  
22 may be as if they were wrestling on a parking lot as opposed to grass, granted she was  
23 not at the meetings. Councilor Carey restated that she wanted to make sure the council  
24 was listening and researching and between the committee and council it had been well-  
25 vetted. She thanked Administrator Reynolds for the explanations.

26 Rhonda Busk, 360 Dragonroot Drive. Ms. Busk said that a number of things had come up  
27 and many great points had been made. Regarding a gate for the maintenance, Ms. Busk  
28 said that the council had just casually approved a fence over Faas Road so there was no  
29 reason they couldn't install a gate that could be used by the maintenance people to mow.  
30 She felt a gate was a simple fix so that the grass could be mowed. Ms. Busk said that  
31 (Administrator Reynolds) was correct in that grants take a long time to come through and  
32 New Castle was a great community. She said a good case could be made that the town  
33 would be a really good recipient of the grant proposals, but at a minimum, you had to  
34 have a blueprint. Ms. Busk said that while the town was spending money, and before  
35 cutting everything out, she wanted to see how much money could be raised in the next  
36 year or six months, whatever it was until next spring. She thought a blueprint needed to  
37 be done right away and that the property needed to be surveyed and a blueprint needed  
38 to be done so that the town could actually do those grant proposals. Ms. Busk said there  
39 were tons of grants from pet food companies, Nutria, the Betty White Foundation or the  
40 Doris Day Foundation. Just a rudimentary search will show a lot of grants available, and  
41 its the same grant over and over, you just change the name on it. PetCo, the Arbor Day  
42 Foundation, Great Outdoors Colorado (GOCO), the Garfield County Commission, which no  
43 one had brought up. Ms. Busk suggested that if the town was going to move forward with  
44 a dog park now, they should go bigger. Instead of a half-acre and cutting things out, Ms.  
45 Busk felt they should make it a full acre and use the savings for the additional cost of

1 fencing, with a gate, for the mower in case the town decided on grass. Ms. Busk also  
2 suggested the town add trees, because it was hot in New Castle.  
3 Treasurer Burk said that in regard to grant, they did take a long time, and no work can be  
4 done on any project until a grant agreement was signed. Money can be spent, but you  
5 cannot apply for reimbursement for it. Something to keep in mind about grants.  
6 Councilor Hazelton said that he wanted to circle back because the conversation was  
7 supposed to be about funding. He said that he felt the council should commit as he earlier  
8 stated, and some things should be left out for fundraising or the 2023 budget. Councilor  
9 Hazelton offered that perhaps there should be another meeting of the dog park committee  
10 that could show why they came up with their decisions. Councilor Hazelton said that as far  
11 as he was concerned, he trusted the process the committee went through and what  
12 Director Wenzel and Administrator Reynolds went through, as well as everyone else  
13 involved. He stated again that the discussion was supposed to be about funding and that  
14 was his focus. Councilor G Riddile clarified that Councilor Hazelton wanted to move  
15 forward with everything in the budget except that last four items. Councilor Hazelton  
16 confirmed that.  
17 Treasurer Burk said that new budget without the last four items will be \$46,659.00.  
18 The council agreed that \$46,659.00 should come from conservation trust funds, and the  
19 fundraising could pay for the benches, picnic table, shade structure and the shade  
20 structure foundation.  
21 Treasurer Burk said the council will have to approve a supplemental budget because the  
22 project was not in the 2022 budget. Supplemental could be done at the end of the year or  
23 as a special supplemental budget which she preferred. She also suggested putting in a  
24 little higher number that what the dog park budget showed in case it cost more than what  
25 was estimated.  
26 The council thanked Ms. Owens and Ms. Busk for their comments.

27  
28

### **Discussion: Possible Tax Issue for the November Ballot**

30 Administrator Reynolds said that the mayor had an idea of the town funding a school  
31 resource officer (SRO) for the middle school. One of the ideas for funding an SRO was a  
32 slight increase in sales tax, a .33% which would be approximately \$200K annually.  
33 Administrator Reynolds said that staff had looked at absolutely everything that would be  
34 necessary to outfit the position, including a vehicle, training, a competitive salary and  
35 benefits it would be about \$200k. In the future, the money could fund another officer or  
36 something else. He said that if the council wanted to go in that direction, November will  
37 come quickly. He said that the town needed to provide a letter of intent to place an item  
38 on the November ballot, and that letter had to be to the county in late July. The actual  
39 ballot language had to be to the council by the end of August. He said it will take more  
40 than one meeting to decide whether to move forward with it. Mayor A Riddile said that he  
41 will meet the next day with Heather Grumley, the School Superintendent, and they will  
42 brainstorm how to get the ball rolling. He said that it was his idea that RE-2 did not have  
43 to put any funding into it. Councilor G Riddile said there was a precedent with Rifle on that  
44 because they paid for their SRO at about an 80% rate. Mayor A Riddile said that the Rifle  
45 SRO was out on patrol because the Rifle PD was short-staffed.

1 Mayor A Riddile said that in the second year of the tax, the idea was to hire a second  
2 resource officer to cover the elementary schools.  
3 Councilor Hazelton said that if they made the tax only for an SRO, and then the town got  
4 in a bind, like Rifle did, what would happen.  
5 Mayor A Riddile said that the town will hire Bill Ray to help get the verbiage correct. He  
6 also said there was a lot of trouble at Riverside Middle School and an SRO was needed.  
7 Councilor Copeland asked if the SRO would be a regular police officer when there was not  
8 school. Mayor A Riddile said his thought was code enforcement. Administrator Reynolds  
9 said that staff had spoken to Chief Pagni about it and had also reached out to Rifle. He  
10 said that the person hired as an SRO was not the same as a patrol officer because the  
11 objectives of the jobs are different, and the skillsets were different. SROs and code  
12 enforcement officers were about building relationships, finding solutions whereas patrol  
13 officers were primarily in situation where they ask then tell, and it was just different  
14 mindsets. Administrator Reynolds said that because school was only four days per week,  
15 the fifth day could be code enforcement. He said there was not a lot of code enforcement,  
16 but it was enough that it kept Planner Smith busy. The ballot language might be worded  
17 in a way to provide flexibility where necessary.  
18 The council agreed to move forward with a tax issue for the ballot.  
19 Administrator Reynolds said the letter of intent will go to the county by the deadline. He  
20 also said that staff will contact Bill Ray, the political consultant the town had used in the  
21 past.

22  
23  
24 **Consider Resolution TC 2022-19 - a Resolution of the New Castle Town Council to**  
25 **Decline Participation in Colorado's Paid Family and Medical Leave Insurance**  
26 **Program**

27 Administrator Reynolds told the council that in November of 2020 there was a ballot issue  
28 that asked the voters if they would be interested in a paid family leave program, and it  
29 was approved. The state spent several years putting a program together, but the I in the  
30 name meant an insurance program. Like any other insurance, you pay a premium, when  
31 you need to make a claim, its approved or denied, you take your leave, and you get the  
32 benefit. The idea was, when they firs start it, every employer in the state will be involved  
33 in some way. He described the insurance program details with the council, noting that if  
34 the town chose to be involved with the program, it meant they every employee had to pay  
35 the premiums, whether they wanted it or not. If the town chose to opt out, any employee  
36 could still buy into the program on an individual basis, at the same premium rate.  
37 Administrator Reynolds said that the process to opt out was complicated in that he had to  
38 speak individually to every employee, provide them with written notice and hear their  
39 opinion regarding the opt-out. Because every employee agreed that the town opting out  
40 was acceptable to them, staff brought the resolution to decline participation in the FAMLI  
41 Leave program for council's approval.

42 **MOTION: Mayor A Riddile made a motion to approve Resolution TC 2022-19, a**  
43 **Resolution of the New Castle Town Council to Decline Participation in Colorado's**  
44 **Paid Family and Medical Leave Insurance Program. Councilor Mariscal seconded**  
45 **the motion and it passed unanimously.**

46  
Town Council Meeting  
Tuesday, June 21, 2022

1  
2  
3 **Consider Ordinance TC 2022-10 - an Ordinance of the New Castle Town Council**  
4 **Amending Section 15.10.020 of the New Castle Municipal Code for the**  
5 **Requirement of Electric Vehicle Charging Capacity in New Residential Dwellings**  
6 **(1st reading)**

7 Planner Smith said that the council had discussed the EV charging station topic a few  
8 times, and that was basically to add a 240-volt outlet to new homes in the garages for  
9 electric vehicles.

10 He said there was a minor change from last time council discussed it in that staff had  
11 changed it from 40 amps to 50 amps. In studying it, staff learned that increasing and  
12 amps to 50 decreased the charging time by several hours. 40 amps he said were  
13 sufficient, but 50 amps would handle all possible providers of those charging units.

14 Planner Smith also said that Excel Energy provided some 40- and 50-amp chargers, and  
15 by only requiring 40 amp service would limit some benefits from Xcel Energy.

16 Planner Smith said that the template for the ordinance was a recommendation from the  
17 International Code Council, put on by the Department of Energy. He said it was strictly for  
18 new residential development only, no commercial.

19 **MOTION: Councilor Leland made a motion to approve Ordinance TC 2022-10, an**  
20 **Ordinance of the New Castle Town Council Amending Section 15.10.020 of the**  
21 **New Castle Municipal Code for the Requirement of Electric Vehicle Charging**  
22 **Capacity in New Residential Dwellings on 1st reading. Councilor Hazelton**  
23 **seconded the motion and it passed on a roll-call vote: Councilor Leland: yes;**  
24 **Councilor Carey: yes; Councilor Hazelton: yes; Councilor G Riddile: yes; Councilor**  
25 **Mariscal: yes; Mayor A Riddile: yes; Councilor Copeland: yes.**

26  
27  
28  
29 **Consider Ordinance TC 2022-6 - an Ordinance of the New Castle Town Council**  
30 **Amending the Municipal Code Regarding Contempt of Court and Failure to**  
31 **Appear (2nd Reading)**

32 Clerk Harrison said that this was second reading of a code change suggested by Municipal  
33 Court Judge Amanda Maurer. The ordinance will increase the penalty for contempt of  
34 court to the allowable \$2,650.00. This will provide more flexibility for the municipal judge  
35 as well as providing consistency in the municipal code.

36 **MOTION: Councilor G Riddile made a motion to approve Ordinance TC 2022-6, an**  
37 **Ordinance of the New Castle Town Council Amending the Municipal Code**  
38 **Regarding Contempt of Court and Failure to Appear on 2nd Reading. Councilor**  
39 **Copeland seconded the motion and it passed on a roll-call vote: Councilor G**  
40 **Riddile: yes; Councilor Hazelton: yes; Councilor Carey: yes; Councilor Copeland:**  
41 **yes; Councilor Leland: yes; Councilor Mariscal: yes; Mayor A Riddile: yes.**

1 **Consider Ordinance TC 2022-7 - an Ordinance of the New Castle Town Council**  
2 **Amending the Municipal Code Concerning the Imposition of Municipal Court**  
3 **Costs (2nd reading)**

4 Clerk Harrison said that the ordinance was second reading and that the rates increase  
5 brought New Castle's court costs in line with other local jurisdictions. It also increased the  
6 police training surcharge by \$8.

7 **MOTION: Councilor Hazelton made a motion to approve Ordinance TC 2022-7, an**  
8 **Ordinance of the New Castle Town Council Amending the Municipal Code**  
9 **Concerning the Imposition of Municipal Court Costs on 2nd reading. Councilor**  
10 **Carey seconded the motion and it passed on a roll-call vote: Councilor Carey:**  
11 **yes; Councilor G Riddile: yes; Councilor Leland: yes; Councilor Mariscal: yes;**  
12 **Councilor Hazelton: yes; Councilor Copeland: yes; Mayor A Riddile: yes.**

13  
14  
15  
16 **Consider Ordinance TC 2022-8 - an Ordinance of the Town of New Castle,**  
17 **Colorado, Amending Chapter 3.32 of the New Castle Municipal Code to Adopt and**  
18 **Impose a Voter-Approved Increase of the Lodging Tax (2nd reading)**

19 Clerk Harrison told the council that Ordinance TC 2022-8 is the ordinance the  
20 implemented the voter-approved lodging tax increase. Starting January 1, 2023, the total  
21 lodging tax will be 5%.

22 **MOTION: Councilor G Riddile made a motion to approve Ordinance TC 2022-8, an**  
23 **Ordinance of the Town of New Castle, Colorado, Amending Chapter 3.32 of the**  
24 **New Castle Municipal Code to Adopt and Impose a Voter-Approved Increase of**  
25 **the Lodging Tax on 2nd reading. Councilor Leland seconded the motion, and it**  
26 **passed on a roll-call vote: Councilor G Riddile: yes; Councilor Copeland: yes;**  
27 **Councilor Mariscal: yes; Councilor Leland: yes; Councilor Hazelton: yes; Mayor A**  
28 **Riddile: yes; Councilor Carey: yes.**

29  
30  
31 **Consider a Motion to Cancel the July 5, 2022 Council Meeting**

32  
33 **MOTION: Councilor Copeland made a motion to cancel the July 5, 2022, council**  
34 **meeting. Councilor Mariscal seconded the motion and it passed unanimously.**

35  
36  
37 **Consent Agenda**

38 Resolution TC 2022-17 - Approving an IGA with Garfield County for Mosquito Control  
39 EAT Bistro & Drinks Hotel & Restaurant Liquor License Renewal

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

42  
43 **Staff Reports**

44 Town Administrator – Administrator Reynolds told the council that staff had heard back  
45 from several recipients of outgoing grants, including Access After School who the town  
46 had not funded. They reached out and Rochelle walked them through the issue.

1 Administrator Reynolds told the council that Garfield County had gone after a grant for  
2 broadband to bring middle mile to New Castle and to install a carrier-neutral location.  
3 That grant was approved and will bring 1.7 million to Garfield County and will open the  
4 door for more companies to come in and provide fiber-optic service. Administrator  
5 Reynolds said that he had heard from Senator Hickenlooper's office that the town's  
6 Congressional Direct Spending request was progressing. That will bring 1.7 million dollars  
7 to the town for the ditch raw water and improving raw water storage. Administrator  
8 Reynolds said he had attended another managers meeting where they spoke about the  
9 detox center and the IGA. He said there was a lot of concern about Mind Springs and  
10 while everyone realizes a detox center is needed there were concerns. The IGA has gone  
11 back to the drawing board to be strengthened with more safeguards so everyone could be  
12 comfortable with the protections about Mind Springs. Administrator Reynolds said that the  
13 staff appreciation lunch had gone well and that it was important for the staff for morale.  
14 Administrator Reynolds said that he will be out of town Thursday and Friday at the CML  
15 conference. Administrator Reynolds said that council may have noticed that there were no  
16 times on the agenda and that was not a mistake. He said it was a trial. He said staff was  
17 connected to other towns through listservs and that staff learned from other towns all the  
18 time. One of the things that had been discussed on the listserv was how to make council  
19 meetings flow easier, how to reduce stress at council. Most towns have removed times on  
20 agenda items. He said that if the council did not like it, staff will certainly put them back  
21 on. Administrator Reynolds said that someone in the back of the room had a decorated  
22 desk because she had a birthday coming up. Happy Birthday Melody tomorrow.  
23 Town Clerk – Clerk Harrison said she had done some work on the cyber security issue as  
24 well as getting new employees situated with phones, technology and software log-ins.  
25 Town Treasurer – Treasurer Burk introduced Karen Frye who had been with the town  
26 almost two weeks now. Treasurer Burk said that she was working with a new budget  
27 software program called ClearGov that will make the budget process easier. Treasurer  
28 Burk said budget kick off will be next month, and that the audit had been finalized but she  
29 had not gotten it yet.  
30 Town Planner – Planner Smith said he had hired an assistant, Lauren Prentice who will do  
31 inspections and land use. He said she was a mechanical engineer and a good fit for the  
32 department. Planner Smith said there are a lot of land use applications out there right  
33 now. He said that there had been some interest in the Walters Center.  
34 Public Works Director – not present.  
35  
36

### 37 **Commission Reports**

38 Planning & Zoning Commission – Councilor G Riddile said they had met with the BLD  
39 Group which looked promising.  
40 Historic Preservation Commission – Councilor Hazelton said HPC had selected a firm to do  
41 the historic building survey. He said he was working on the lighting and heat issues at the  
42 museum.  
43 Climate and Environment Commission – Councilor Leland said their meeting had been  
44 postponed so there was nothing to report.  
45 Senior Program – nothing to report.  
46 RFTA – Mayor A Riddile said that Councilor Copeland had attended the meeting with him

Town Council Meeting  
Tuesday, June 21, 2022

1 and had been introduced to the board. Mayor A Riddile had gone to Washington DC  
2 soliciting for two major grants for two major projects. One was the 27<sup>th</sup> Street Bridge and  
3 the other was the maintenance facility because it was 7 or 8 million dollars short because  
4 of inflation. He said they made some good presentation and they will find out in a few  
5 months.

6 AGNC – Councilor Hazelton said that and the DOLA grant was the primary topic. There  
7 were 11 asks and all were funded. Councilor Hazelton said that Senator Rankin met with  
8 the AGNC and wanted to use them as a fiscal agent and tried to get something for atomic  
9 energy in northwestern Colorado, but that was declined. Councilor Hazelton said that  
10 AGNC was a well-respected organization and he said that if anyone wanted to ask a  
11 question or look at the agenda or go to a meeting. He said it was a great organization.

12 GCE – nothing to report.

13 EAB – nothing to report.

14  
15  
16 **Council Comments**

17 Councilor Mariscal said that the level of respect for Councilor Hazelton was very high at  
18 AGNC.

19 Councilor Mariscal said she hoped to see everyone at the River Center Open House.

20 Councilor Carey said that she had attended the staff picnic and it was fun and it was goo  
21 to get to know staff.

22 Councilor Hazelton said that if Councilor Carey had the chance to tour facilities with  
23 Director Wenzel, it is great to see what public works does.

24 Councilor Leland said that there was a message out from the Sheriff’s department about  
25 vehicle break-ins, so lock your car.

26 Councilor Leland said that he appreciated the work that Administrator Reynolds was doing  
27 on the detox center IGA.

28 Mayor A Riddile said that the town had some new swag and stickers.

29  
30 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor G Riddile**  
31 **seconded the motion and it passed unanimously.**

32  
33 The meeting adjourned at 9:21 p.m.

34  
35  
36 Respectfully submitted,

37  
38  
39  
40 \_\_\_\_\_  
41 Mayor Art Riddile

42  
43  
44 \_\_\_\_\_  
45 Town Clerk Melody Harrison, CMC

Town Council Meeting  
Tuesday, June 21, 2022

1  
2  
3 **New Castle Town Council Special Meeting**  
4 **Tuesday, July 12, 2022, 7:00 PM**

5  
6 Virtual Meetings are subject to internet and technical capabilities.  
7

8 To join by computer, smart phone or tablet:  
9 <https://us02web.zoom.us/j/7096588400>

10 If you prefer to telephone in:  
11 Please call: 1-346-248-7799  
12 Meeting ID: 709 658 8400

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

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



18 **Call to Order**

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

20  
21 **Pledge of Allegiance**

22  
23 **Roll Call**

|            |   |
|------------|---|
| 24 Present | Councilor Mariscal                        |
|            | Councilor Carey                           |
|            | Councilor Hazelton                        |
|            | Mayor A Riddile                           |
|            | Councilor Copeland (arrived at 7:01 p.m.) |
|            | Councilor Leland                          |
|            | Councilor G Riddile                       |
| 31 Absent  | None                                      |

32  
33 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody  
34 Harrison, Town Treasurer Loni Burk, Assistant Town Treasurer Viktoriya Ehlers and Town  
35 Attorney David McConaughy.

36  
37 **Meeting Notice**

38 Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance  
39 with Resolution TC 2022-1.

40  
41 **Conflicts of Interest**

42 There were no conflicts of interest.  
43

1 **Agenda Changes**

2 There were no agenda changes.

3

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

5 There were no citizen comments.

6

7 **Items for Consideration**

8

9 Town Attorney David McConaughy told the mayor that he could move to go into both  
10 executive sessions so that they did not have to come out of one and go into the other.

11

12 **MOTION: Councilor Hazelton made a motion at 7:05 p.m. to go into Executive**  
13 **session (1) for a conference with the Town Attorney for the purpose of receiving**  
14 **legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding**  
15 **litigation filed by CVR Investors, Inc., and (2) for discussion of a personnel matter**  
16 **under CRS 24-6-402(4)(f) and not involving any specific employees who have**  
17 **requested discussion of the matter in open session; any member of this body or any**  
18 **elected official; the appointment of any person to fill an office of this body or of an**  
19 **elected official; or personnel policies that do not require the discussion of matters**  
20 **personal to particular employees, specially concerning the Town Treasurer**

21

22 At 7:46 p.m. Nicholas Poppe and Francesca Pellerano, both of CIRSA left the executive session  
23 along with Town Clerk Melody Harrison. Joining the executive session at 7:46 p.m. were Town  
24 Treasurer Loni Burk and Assistant Town Treasurer Viktoriya Ehlers.

25

26 Executive session concluded.

27

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

29

30 "The time is now 8:25 p.m. and the executive session has been concluded. The participants in  
31 the executive session were: Councilors Mariscal, Carey and Hazelton; Mayor A Riddile;  
32 Councilors Copeland, Leland and G Riddile, Town Administrator Dave Reynolds, Town Treasurer  
33 Loni Burk, and Assistant Town Treasurer Viktoriya Ehlers. For the record, if any person who  
34 participated in the executive session believes that any substantial discussion of any matters not  
35 included in the motion to go into the executive session occurred during the executive session,  
36 or that any improper action occurred during the executive session in violation of the Open  
37 Meetings Law, I would ask that you state your concerns for the record."

38

39 No concerns were stated.

40

41

42 **Council Comments**

43 Mayor A Riddile told the council that he was working on getting a school resource officer  
44 (SRO) for Riverside Middle School. He said that he had some meetings with RE-2 about it, and  
45 that he will meet with them again on July 25 at the school board meeting. He said he had  
46 been talking with Bill Ray regarding a tax initiative, to raise the town sales tax, perhaps as  
47 much as .4 of a cent. Mayor A Riddile said that the town needed to send a letter of intent for

1 the tax initiative to the county by July 29, and official ballot language at the end of August. He  
2 asked that the council let him know if they had any thought or comments about it. He said he  
3 felt an SRO was badly needed, and parents of students at the middle school are concerned  
4 about the current climate at the school.

5 Councilor Leland stated that once the ballot language was fixed, the council could not do any  
6 campaigning for it, so he felt that if they wanted to get information out to the public, it could  
7 be done quickly, and he wanted everyone to think about it for the next council meeting.  
8

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

11  
12 The meeting adjourned at 8:31 p.m.

13  
14  
15 Respectfully submitted,

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18  
19  
20 \_\_\_\_\_  
21 Mayor Art Riddile

22  
23 \_\_\_\_\_  
24 Town Clerk Melody Harrison, CMC

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2  
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4 **New Castle Town Council Regular Meeting**  
5 **Tuesday, July 19, 2022, 7:00 PM**  
6

7 **Virtual Meetings are subject to internet and technical capabilities.**  
8

9 To join by computer, smart phone or tablet:

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

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14

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

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18 or by going to [www.newcastlecolorado.org](http://www.newcastlecolorado.org)  
19



20 **Call to Order**

21 Mayor A Riddile called the meeting to order at 7:00 p.m.  
22

23 **Pledge of Allegiance**  
24

25 **Roll Call**

|            |                              |
|------------|------------------------------|
| 26 Present | Councilor Mariscal (virtual) |
|            | Councilor Carey              |
|            | Councilor Hazelton           |
|            | Mayor A Riddile              |
|            | Councilor Copeland           |
|            | Councilor Leland (virtual)   |
|            | Councilor G Riddile          |
| 33 Absent  | None                         |

34  
35 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody  
36 Harrison, Town Treasurer Loni Burk, Recreation Director Hannah Bihr, and members of  
37 the public.  
38

39 **Meeting Notice**

40 Town Clerk Melody Harrison verified that her office gave notice of the meeting in  
41 accordance with Resolution TC 2022-1.  
42

43 **Conflicts of Interest**

44 There were no conflicts of interest.  
45

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44

**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**

**Update: Middle Colorado Watershed - Executive Director Paula Stepp**

Town Administrator Dave Reynolds introduced Middle Colorado Watershed Executive Director Paula Stepp, and Board Member Steve Kressner. He said that they will make a presentation regarding the overall condition of the Colorado River and how recent wildfires and landslides have affected it. Administrator Reynolds said that Director Stepp had the great privilege of protecting that river resource as well as the tributaries that flow into the river. He said that Director Stepp was present to provide the council with an update and to let the council know what opportunities were available to them.

Mayor A Riddile noted that Director Stepp was also a Glenwood Spring City Council Member.

Director Stepp greeted the council and said that she was careful to keep the two positions separate, although there was sometimes overlap, but her presentation had nothing to do with Glenwood Springs City Council.

Director Stepp handed out booklets to the council members, telling them it was one of the watershed projects and she wanted each of them to have one. She explained that it was a river access map that spanned the river from Glenwood Canyon to Debeque. She said that the map was a gift, but also it will show the variety of things the watershed council did.

Director Stepp and Board Member Kressner gave a detailed power point presentation that described the watershed council’s responsibilities and opportunities.

Director Stepp said that the primary reason she was addressing the council was to ask for their continued support. She described the Adopt-A-Mile program and noted that if they could get support from each municipality, it helped them with match funding for grants, operations, and the River Watch program at the schools. The ask was a three-year commitment, and Director Stepp said that she understood that municipal budgets were done year by year and said that she would come back each year to ask if continued support would be possible.

Mayor A Riddile asked if the town had supported the watershed in the past few years. Administrator Reynolds said he did not recall.

1 Mayor A Riddile said the council will consider it, but he was uncertain about the three-year  
2 commitment considering the current economic situation. He felt that one year would be  
3 fine with an annual reconsideration.

4 Councilor Hazelton said that he and Councilor Copeland sat on the committee for the  
5 redesign of Frank Breslin Park, and he thought it would be great to have Director Stepp  
6 come to a committee workshop. Director Stepp agreed and told the council that they had  
7 been able to secure some funding for the Silt boat ramp and could also assist with  
8 revegetation and the like.

9 Director Stepp said that Mr. Kressner was the New Castle board member, and he was  
10 going to be moving back to the front range, so she asked if anyone with the town or a  
11 resident of New Castle wanted to participate, she would be grateful for the representation.  
12 The council thanked Director Stepp and Mr. Kressner.

13  
14  
15  
16 Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority  
17 **MOTION: Mayor A Riddile made a motion to recess the town council meeting and**  
18 **to convene as the local liquor licensing authority. Councilor Copeland seconded**  
19 **the motion and it passed unanimously.**  
20

21  
22 **Consider Resolution TC 2022-16, A Resolution of the New Castle Town Council**  
23 **Approving an Application from Black Bear Bar & Grill, Inc. for a Hotel &**  
24 **Restaurant Liquor License**

25 Clerk Harrison told the council that the purpose of Resolution TC 2022-16 was to consider  
26 approving a liquor license application for a hotel & restaurant liquor license for Black Bear  
27 Bar & Grill, Inc.  
28

29 Clerk Harrison said that the prior license holder, Grove's Black Dog Saloon, completed a  
30 state wholesalers' affidavit as well as a New Castle affidavit of transfer, effectively and  
31 temporarily transferring the Black Dog Saloon's hotel & restaurant liquor license to Black  
32 Bear Bar & Grill. Staff determined that the application was substantially complete and  
33 issued a temporary license to Black Bear. The temporary license is good for 120 days and  
34 may be extended if necessary.  
35

36 Clerk Harrison said the applicant has paid all fees and submitted all required  
37 documentation. CRS 12-47-307(3)(c) requires that the applicant submit to fingerprinting.  
38 The applicants fingerprint results have not been received to date.  
39

40 Clerk Harrison said that staff recommended approval of Resolution TC 2022-16, approving  
41 an application from Black Bear Bar & Grill, Inc. for a hotel & restaurant liquor license,  
42 provided the applicant's background check nets appropriate results to allow them to hold  
43 a liquor license.  
44

45 Clerk Harrison said that Councilor Hazelton had asked her two questions. The first was  
46 whether a person can hold more than one liquor license and the second was about

1 managers. The co-owner, Francisco Vasquez, does have ownership in two other liquor  
2 licenses in Garfield County: Lazy Bear in New Castle and Las Margaritas in Glenwood  
3 Springs. She said that there were no limits on how many licenses a person can hold  
4 ownership in. Regarding managers, every liquor license application is required to name a  
5 manager, and in the case of Black Bear, the manager is Joel Hernandez. Mr. Hernandez is  
6 also the manager of Lazy Bear. State law allows a person to manage more than one  
7 establishment and HB 22-1415, which was recently signed, will put some rules in place.  
8 Councilor Hazelton said that in the application, question #24 was answered no, but should  
9 be a yes since the applicants held multiple licenses. Clerk Harrison agreed that question  
10 needed to be changed to a yes answer.

11 Mayor A Riddile said that he had been in Black Bear the previous week with his  
12 granddaughter and had seen some patrons be over-served. The patrons were loud, using  
13 foul language and pounding on the bar. He said there was also a family there celebrating  
14 a three-year-old's birthday. He felt that it was not a family atmosphere with such  
15 inappropriate behavior. Councilor Hazelton said he had witnessed it, and he knew the  
16 complications of liquor service being the owner of a bar as well. He felt that since the  
17 Black Bear was early in its existence, they had an opportunity to decide what sort of a  
18 place they wanted Black Bear to be.

19 The council wanted to know if the applicants will have their staff certified for responsible  
20 service of alcohol and be mindful of over-serving patrons. The applicants, Francisco  
21 Vasquez and Joel Hernandez agreed (through their interpreter and with Councilor  
22 Mariscal's assistance) that they will have their staff certified and that they will provide  
23 more attentive management.

24 **MOTION: Mayor A Riddile made a motion to approve Resolution TC 2022-16, A**  
25 **Resolution of the New Castle Town Council Approving an Application from Black**  
26 **Bear Bar & Grill, Inc. for a Hotel & Restaurant Liquor License, adding that Clerk**  
27 **Harrison will provide the applicant with information regarding responsible**  
28 **service of alcohol training, and that item #24 on the application is changed from**  
29 **No to Yes. Councilor G Riddile seconded the motion and it passed unanimously.**  
30

31  
32 **Consider an Application from the Town of New Castle for a Special Events Liquor**  
33 **License for the Rides & Reggae Event**

34 Clerk Harrison told the council that the applicant was the town and that the event  
35 manager, Adam Cornely, was unable to attend the meeting because he was out of town.  
36 Clerk Harrison said that the application was for a special event liquor license for the Rides  
37 & Reggae event to be held on August 5 and 6, 2022. She said the event will be the same  
38 as in previous years with the exception that the town will hold the liquor license for both  
39 days, whereas Roaring Fork Mountain Bike Association had held the Friday license in  
40 previous years. She said that the town was allowed fifteen day per year for special events  
41 and thus far, the town had not used that many days, so it should not affect other events.  
42 Clerk Harrison said that New Castle Trails had submitted a serving plan, and the Emily  
43 Sampley would be managing the alcohol tent. She also said that New Castle Trails  
44 members had completed responsible service of alcohol training and submitted their  
45 certifications, that the application was complete, and that staff recommended approval.

1 **MOTION: Mayor A Riddile made a motion to approve the application from the**  
2 **Town of New Castle for a special events liquor license for the Rides & Reggae**  
3 **event. Councilor Carey seconded the motion and it passed unanimously.**  
4  
5

6 **Consider a Special Event Liquor License Application from the Town of New Castle**  
7 **for Burning Mountain Festival**

8 Clerk Harrison told the council that the application was for Burning Mountain Festival that  
9 will be held on Friday and Saturday, September 9 and 10, 2022. Again, she said the event  
10 will be as in past years with the Clerk's Office manning the alcohol tent along with two  
11 volunteers. She said that the Clerk's Office staff were all responsible service of alcohol  
12 certified, and that the alcohol will be in the gazebo, and drink tickets sold at a different  
13 location. She said that the recreation department was handling that.

14 **MOTION: Councilor G Riddile made a motion to approve the special events liquor**  
15 **license application from the Town of New Castle for Burning Mountain Festival.**  
16 **Councilor Copeland seconded the motion and it passed unanimously.**  
17  
18

19 **Consider a Special Event Liquor License Application from the Town of New Castle**  
20 **for the Community Market**

21 Clerk Harrison said the event were something the town had been doing for a number of  
22 years as well. She said it was a way for the two liquor stores in town to be included in the  
23 community market. Each store will host one sampling garden and the last event in  
24 September will be hosted by the Brew Pub. Clerk Harrison said that the recreation  
25 department handled all three events.

26 **MOTION: Mayor A Riddile made a motion to approve the special events liquor**  
27 **license application from the Town of New Castle for the community market.**  
28 **Councilor Hazelton seconded the motion and it passed unanimously.**  
29  
30

31 Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

32 **MOTION: Mayor A Riddile made a motion to adjourn the local liquor licensing**  
33 **authority. Councilor Copeland seconded the motion and it passed unanimously**  
34  
35

36 **Consent Agenda**

37 June 7, 2022 minutes

38 June Bills of \$459,040.72

39 **MOTION: Mayor A Riddile made a motion to approve the consent agenda.**  
40 **Councilor G Riddile seconded the motion and it passed unanimously.**  
41  
42

43 **Staff Reports**

44 Town Administrator- Administrator Reynolds told the council he was working with a  
45 company called Text My Gov on a program that would allow the town to send basically  
46 reverse-911 texts to residents who sign up for the service. It was a way for the town to

1 get information quickly out to people regarding events or water service issues or surveys.  
2 He said they were working to understand pricing and it looked like an annual subscription  
3 would be between \$4,000.00 and \$4,500.00, and they were considering it for 2023. He  
4 said that it seemed to be a useful tool and if the council wanted staff to bring it on earlier,  
5 that could be done. Administrator Reynolds said that currently, the way staff got  
6 information out was a scroller on the website, the electronic message board and on  
7 Facebook. With Text My Gov it will be an immediate contact, and people can sign up for  
8 specific types of notifications. Administrator Reynolds asked the council to consider it for  
9 the 2023 budget, unless they thought it was worth doing earlier.

10 Councilor Hazelton said he was on the one from the Town of Silt, and he thought it was  
11 really effective. He also said that people don't often ignore text messages and all it takes  
12 is someone looking at the headline of the text message and they know what is going on.  
13 Administrator Reynolds said they had reached out to other towns who use the program,  
14 and they system does have the ability to receive messages but that gets messy for staff,  
15 so he felt that it might be best to leave it as outgoing messages only. He said staff will get  
16 pricing for the remainder of 2022.

17 Administrator Reynolds said that he was working with Bill Ray, the town's political  
18 consultant, and staff had signed a contract with him. He said Mayor A Riddile will explain.  
19 Administrator Reynolds said that at the next council meeting there will be a discussion  
20 about building permits costs. He said that because of the way home prices were  
21 increasing as well as the cost of building a home, the town was way under-valuing  
22 building permits. He said that Carbondale had put a multiplier on building permit costs,  
23 and he wanted to discuss doing something similar with the council.

24 Administrator Reynolds said that Jim Colombo, owner of the property next to senior  
25 housing, had submitted an application for changes to that development, cutting back on  
26 that density. The proposal eliminated the front row of rental condo units and replacing  
27 them with ten houses that will be units for sale. He said that overall, it will be a better-  
28 looking development because the front parking lot will be removed. He said that staff was  
29 looking at the changes to determine if it was a major or minor change, and that will  
30 decide the reconsideration process by P&Z.

31 Administrator Reynolds said that Dirty Hog Dash was really great. There were 367 entries  
32 and it had gone very well. He showed a slide show of pictures.

33 Administrator Reynolds said that he had attended meetings with the county and the  
34 people that ran the grant program for broadband in the area. He said they had been  
35 successful in getting a DOLA grant that covered New Castle, Silt and Parachute to get  
36 what was called Carrier-Neutral Locations. He said that he and Public Works Director John  
37 Wenzel had identified some possible sites for the carrier neutral locations. He said the  
38 project was supposed to be completed by June of 2023, so staff will have to spend some  
39 time trying to figure out how to put out requests for vendors to get the final mile from the  
40 carrier locations to individual homes.

41 Administrator Reynolds said that on the dais was information from the Colorado Midland  
42 Railroad Historic Society. They will have a conference happening in New Castle that was  
43 open to anyone.

44 Administrator Reynolds said that he had arranged a meeting with the county regarding  
45 the Dow Rippy property, which was across the street from River Park Condos. He said he  
46 had been unable to attend the meeting because he was sick, but Town Engineer Jeff

1 Simonson, Director Wenzel and Planner Smith met with the county Community  
2 Development Director Sheryl Bower and her staff and attorney. He said that the county  
3 has put a stop work order on all of Mr. Rippy's properties as well as one of the buyers.  
4 The county's position on it was that it was no longer an agricultural project as Mr. Rippy  
5 had represented. He said the county had no intent on issuing any grading permits until  
6 Mr. Rippy settled with the Town of New Castle for watershed permits and right-of-way  
7 permits. Administrator Reynolds said the unfortunately, many of the lots had been sold,  
8 so the county attorneys and Mr. Rippy's attorneys were working towards a resolution and  
9 figuring out if they will be moving forward with just Mr. Rippy or all the individual  
10 landowners. Administrator Reynolds said that Director Wenzel would be out the following  
11 week because he had a child getting married. Administrator Reynolds said that the door  
12 locks on the various town buildings were acting up because they were old and outdated.  
13 He said a locksmith was finally able to look at the systems, and they will be providing an  
14 estimate on a new door lock system. He felt that may morph into an FLMD mini grant  
15 application because it was going to be expensive. Administrator Reynolds said he had  
16 driven by the last community market, and it looked pretty great and said he was looking  
17 forward to going again on Thursday. Administrator Reynolds said that he had reported  
18 about a month earlier that the town had experienced a cyber security issue. He said a  
19 cyber investigative team had researched it to determine how deeply the breach may have  
20 gone. He said he met with them, and the conclusion was that it was not a major breach  
21 and that the town systems were back to business as usual. Administrator Reynolds said  
22 that the issue was something that had gotten inadvertently downloaded to a computer  
23 two and a half years ago and finally came alive. The security systems in place picked it  
24 up, but it wasn't clear the depth of the breach. He said that it was now clear that there  
25 was no significant breach and had remained at a very surface level. He said that  
26 ProVelocity was looking at some increased security measures for the town systems.  
27 Administrator Reynolds said that staff recently began a new program called Two-Factor,  
28 where now on occasion staff will have to enter a pin number that is sent via text message  
29 to be able to sign into their computer or e-mail as an added layer of security. In addition,  
30 he and Administrative Assistant Rochelle Firth have begun a program where they can send  
31 out fake phishing e-mails to staff, seeing whether they open it and if they do, it takes  
32 them to a portal to a ten-minute training session. He said that the program was  
33 suggested by ProVelocity, and the town was able to get free funding for it.  
34 Administrator Reynolds reminded the council that the retreat will be on September 24 at  
35 9:00 a.m.  
36 Administrator Reynolds said that the memorial service for former council member Mary  
37 Metzger will be on August 20, 10:30 a.m. at New Hope Church.  
38 Administrator Reynolds told the council that staff will be bringing a question regarding  
39 utility accounts, and he wanted the council to think about it. He said that occasionally,  
40 there was a water utility customer that was unable to pay their bill, and although staff can  
41 walk them through a solution, there was a limit to what staff was allowed to do. He said  
42 sometimes there will be a customer with a specific request, and staff only had certain  
43 tools at their disposal before the water had to be shut off and liens filed.  
44 Administrator Reynolds said that a few month ago he had posted something at Drifters  
45 Coffee Shop where you can "Pay It Forward". He said that he bought a cup of coffee for  
46 anyone who would go into the town hall and do the macarena. Administrator Reynolds

1 said finally, a professional dancer did it, danced the macarena in town hall. He showed a  
2 short video of Mayor A Riddile in a top hat and sunglasses, doing the macarena in the  
3 clerk's office. Mayor A Riddile said that the impetus was that one of the first-grade  
4 teachers at the elementary school put it on Facebook that the mayor should do it. So, he  
5 said he did it.  
6 Town Clerk- Clerk Harrison told the council that Administrative Assistant Remi Bordelon  
7 had completed her second year of Clerk's Institute the week prior, and she had been  
8 promoted to Deputy Town Clerk.  
9 Clerk Harrison said that herself and Deputy Town Clerk Mindy Andis will be attending the  
10 Clerk's Conference in October in Canon City, and she thanked the council for the  
11 opportunity to go to training. Clerk Harrison said that Dirty Hog Dash was a lot of fun. She  
12 said she worked the registration tent,  
13 and it went well. She said that Admin. Asst Firth had worked registration the year before  
14 and came up with some great ideas to make it work even better and Clerk Harrison said  
15 she had done a good job because it went quite well.  
16 Clerk Harrison said that the Coal Ridge Titan Classic Golf Tournament was coming up in  
17 August and anyone interested in playing should let her know. Clerk Harrison said she had  
18 received a thank you card from Youth Zone that the council could read. Clerk Harrison  
19 said she had been very busy with liquor licensing as well as collecting the necessary  
20 information for the attorneys for the Filing 11 situation.  
21 Mayor A Riddile asked if everyone had gotten their letters regarding Filing 11. Councilor  
22 Carey said she had not received one, and Clerk Harrison said she will make sure to get it  
23 to her.  
24 Town Treasurer-Treasurer Burk told the council that the 2021 audit was complete and she  
25 had received the draft. She also said she and Administrator Reynolds had finished the  
26 management report and sent it to the auditor, and the final audit should be ready soon.  
27 Treasurer Burk said that the budget kick-off took place the previous Friday and all the  
28 department heads had received their budget work sheets. Treasurer Burk said she was  
29 working on the new budget software called Clear Gov, importing all the data and getting it  
30 categorized properly. Treasurer Burk said that Assistant Treasurer Viktoriya Ehlers will  
31 attend the Caselle Conference in October. Treasurer Burk said that sales tax was looking  
32 good and year-to-date the town was about 14.5% ahead of the previous year through  
33 May, however in May it did decline. Treasurer Burk said that the tobacco tax collections  
34 through June were down about 11%. Treasurer Burk said that lodging tax was down as  
35 well but not by much, only \$780.00.  
36 Town Planner- not present.  
37 Public Works Director-not present.

### 40 **Commission Reports**

41 Planning & Zoning Commission-nothing to report.  
42 Historic Preservation Commission-Councilor Hazelton said they had met the night before  
43 and they had met the company that will be going the historic building survey. He said that  
44 the commission was going to get the word out to homeowners that the survey people will  
45 be in town taking pictures of buildings.  
46 Climate and Environment Commission-Councilor Leland said that they had talked about

1 ramping up the anti-idling campaign that the old climate advisory commission had  
2 started. He said they wanted to get information out before the start of school. Councilor  
3 Leland said that the previous fall, one of the commission members had planted pollinators  
4 in Alder Park, and some were doing well but the butterfly bushes all died. He said they will  
5 plat more soon. Councilor Leland said that CEC was at the community market the previous  
6 week, and they will go again. He said he will have ore to report at the next meeting.  
7 Senior Program-nothing to report.  
8 RFTA-Mayor A Riddile said they had a discussion about employee housing. He also said  
9 there was reduced service because they could not find bus drivers, although the salaries  
10 were adequate. People find out how much housing is and they are not interested. RFTA  
11 will purchase a hotel in the west Glenwood area and convert that into apartments.  
12 AGNC-nothing to report.  
13 GCE-Councilor Leland said they spent a lot of time at the last meeting on their mission  
14 and goals as well as the budget. He said that Rifle had greatly reduced their contribution  
15 some years ago, but Rifle had rejoined at their original level and the council member was  
16 very enthusiastic. Councilor Leland said that they were looking at bringing in additional  
17 members, such as the library district. He said they will add associate members such as  
18 Holy Cross Energy. Councilor Leland said that GCE will be coming to each town council  
19 earlier than they had the previous year.  
20 EAB-nothing to report.

21  
22

### 23 **Council Comments**

24 Mayor A Riddile said that he had attended the quarterly Inner Mountain Transportation  
25 Planning Region meeting in Eagle and they had discussed multi-modal grants. He said  
26 there was an ask for 12 or 13 different projects in region III. There were fourteen million  
27 dollars' worth of asks, and eight million dollars available, so they will have to be  
28 prioritized. He said that he learned that the town needed to get in on the next grant cycle,  
29 perhaps for a circulator bus.

30 Councilor Leland said that he had zoomed into the meeting because he was just beginning  
31 to recover after two weeks of COVID.

32 Councilor Leland said that the state legislature has passed a plastic bag fee which is  
33 supposed to be effective in January. He said it was .10¢ per plastic or paper bag, and  
34 sixty percent of that will come to the town. In 2024, plastic bags will be banned. He said  
35 the windfall will be good for only a year, and the money was supposed to go towards  
36 recycling, composting and general reuse of garbage types of projects. It was something to  
37 consider in the budget.

38 Councilor Leland said that the police department posted on Facebook about the graffiti on  
39 their building and skatepark. The skatepark post got a distressing number of anti-police  
40 messages. He said that was a first because typically the police get lots of love online. It  
41 seems like some backlash against their community policing culture because people felt  
42 they were being too nice rather than catching the bad guys. Councilor G Riddile said that  
43 he felt the police department threatening to close the skate park was not appropriate.  
44 Councilor Hazelton said that he felt they posted that to get someone to admit they knew  
45 who did it and did not want the skate park to be closed. Councilor G Riddile said he  
46 agreed with Councilor Hazelton's statement but felt that the threat to close the park came

1 out harsh, and the police were receiving harsh comments back. Mayor A Riddile said that  
2 the skate park had been a graffiti target for twenty years. Councilor Carey said that she  
3 and her son as well as a neighbor and their child have had a few bad interactions at the  
4 skate park with some older teenagers and she expected that the police were probably  
5 tired of dealing with it. Nonetheless, she felt there was a lot of bad feelings around the  
6 skate park because parents were uncomfortable sending their ten or twelve-year-old there  
7 and know they were safe. Mayor A Riddile said the issues at the skate park ebbed and  
8 flowed depending on the age of the kids hanging out there, and it had s done so for many  
9 years. Councilor Hazelton suggested that perhaps a volunteer program for monitors.  
10 Administrator Reynolds and Councilor Carey shared skate park experiences where older  
11 teens were mouthy and disrespectful to adults.  
12 Councilor Leland said that Administrator Reynolds had mentioned Bill Ray's work on the  
13 town's possible tax issue, and he said he understood Mr. Ray will be sending him  
14 something for the newsletter, and he needed to know who should review it before it is put  
15 in the newsletter. Mayor A Riddile said he will answer that question in a moment.  
16 Councilor Mariscal told Councilor Hazelton that she could attend the AGNC meeting the  
17 following day since he could not.  
18 Councilor Mariscal said that she will not attend the August 16 meeting because she will be  
19 dropping her daughter off at school.  
20 Councilor G Riddile said he did not think it happened earlier in the evening, but the council  
21 did not actually know what was being said by a translator or the information that was  
22 being given, and he knew there were staff members who were bilingual and although it  
23 was probably outside the scope of their job duties, he asked if the town could possibly  
24 provide a translator. He said the council was fortunate to have Councilor Mariscal, but in  
25 the future, it should be considered.  
26 Councilor G Riddile noted that the county had done a 5% mid-year raise, and he felt that  
27 the council needed to be cognizant of that going into budget season.  
28 Councilor G Riddile said he was happy Treasurer Burk had updated the revenue numbers.  
29 He said it sounded like Rifle was missing their mark and were cutting capital projects out.  
30 Councilor Hazelton said he will be out of town August 16 as well because he will be in  
31 Canada, fishing.  
32 Mayor A Riddile said that Bill Ray had sent some information about the SRO and the tax  
33 increase and Councilor Leland will be given a copy. He said it was too long for the  
34 newsletter, so it will probably be sent as a separate mailer to all the residents. He said  
35 that for the newsletter there could be a very condensed version. Administrator Reynolds  
36 said he will get the information to Councilor Leland.  
37 Mayor A Riddile said he will be attending the school board meeting on July 25, and he said  
38 they will receive his letter for their packet. He said he was trying to get a letter of support  
39 from them, and they will also discuss an memorandum of understanding (MOU) between  
40 the New Castle Police, the Town of New Castle and the school district for certain criteria  
41 that will need to be met. Mayor A Riddile said that he was confident that they will give  
42 their approval. Mayor A Riddile said that the proposed increase will be a .33%.  
43 Mayor A Riddile said that he had been in contact with Mr. Ray and Mr. Ray wanted to do a  
44 survey. Administrator Reynolds confirmed that a survey was in progress, and it will be a  
45 direct mailer to the residents as well as an online survey.

1 Mayor A Riddile said that intent to place an item on the November ballot was due to the  
2 county by July 29, and ballot language was due by August 30.  
3  
4

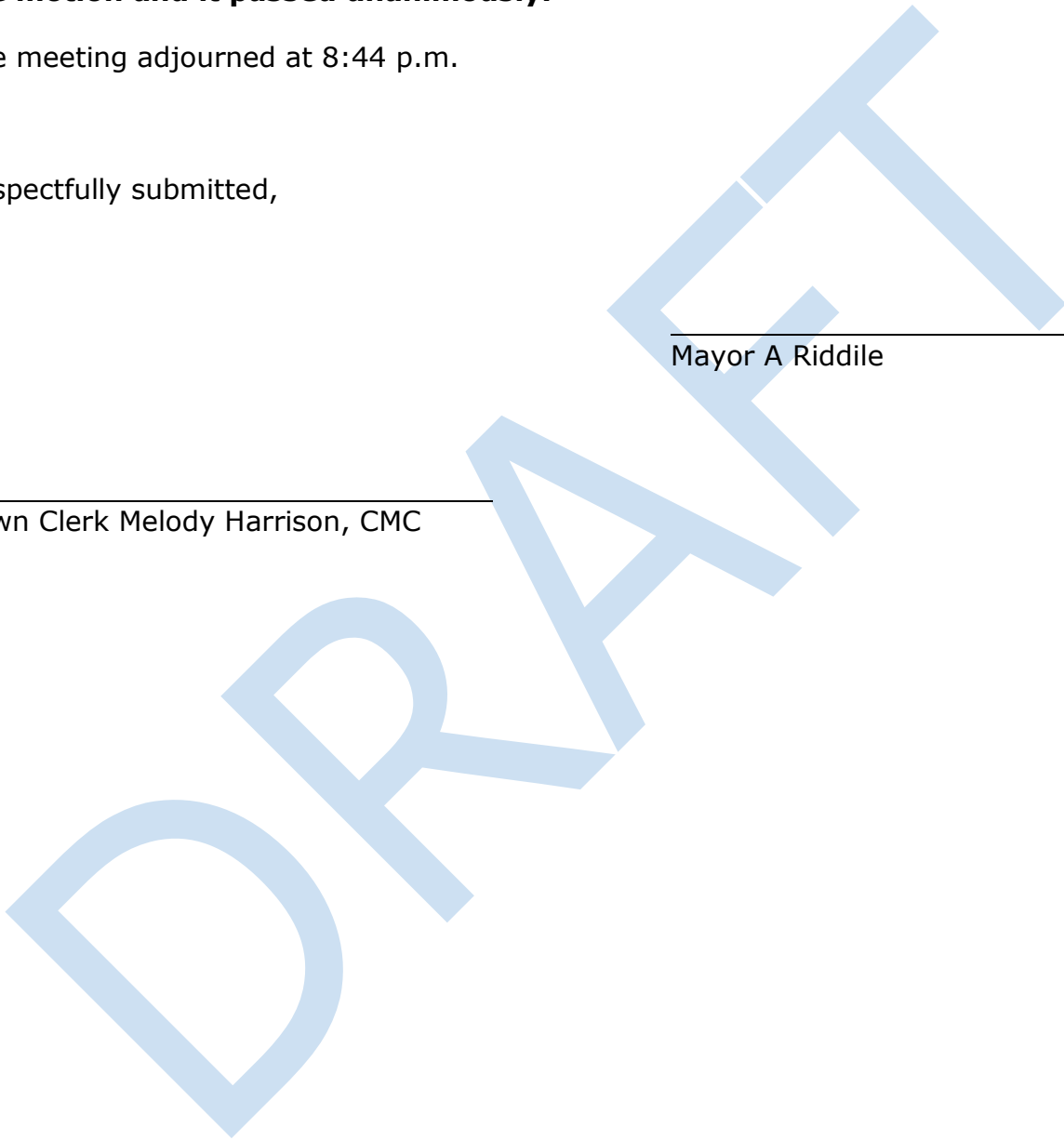
5 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Carey seconded**  
6 **the motion and it passed unanimously.**  
7

8 The meeting adjourned at 8:44 p.m.  
9

10  
11  
12 Respectfully submitted,  
13  
14

15  
16  
17 \_\_\_\_\_  
18 Mayor A Riddile  
19

20  
21 \_\_\_\_\_  
22 Town Clerk Melody Harrison, CMC



**Submit to Local Licensing Authority**

**RG LAKOTA GOLF OPS LLC  
 PO BOX 4100  
 Basalt CO 81621**

| Fees Due   |                  |
|--|------------------|
| Renewal Fee  | 550.00           |
| Storage Permit \$100 X _____                                   | \$               |
| Sidewalk Service Area \$75.00                                  | \$               |
| Additional Optional Premise Hotel & Restaurant \$100 X _____   | \$               |
| Related Facility - Campus Liquor Complex \$160.00 per facility | \$               |
| <b>Amount Due/Paid</b>   | <b>\$ 550.00</b> |

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

## Retail Liquor or Fermented Malt Beverage License Renewal Application


Please verify & update all information below

Return to city or county licensing authority by due date

|   |  |  |  |
|---|--|--|--|
| Licensee Name<br>RG LAKOTA GOLF OPS, LLC  |  | Doing Business As Name (DBA)<br>RG LAKOTA GOLF OPS LLC |  |
| Liquor License #<br>03-13598  | License Type<br>Optional Premises (city) |  |  |
| Sales Tax License Number<br>94473888  | Expiration Date<br>08/04/2022            | Due Date<br><del>06/20/2022</del><br>08/04/22          |  |
| Business Address<br>1000 CLUBHOUSE DRIVE New Castle CO 81647  |  | Phone Number<br>9702733100                             |  |
| Mailing Address<br>PO BOX 4100 Basalt CO 81621  |  | Email<br>PERIGHAM@ROMERO-GROUP.COM                     |  |
| Operating Manager<br>Shawn Gleason  | Date of Birth<br>3/6/78                  | Home Address<br>42 Terrace Dr. SMV, CO 81615           |  |
|   |  | Phone Number   |  |
| 1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____   |  |  |  |
| 2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |  |  |
| 3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |  |  |
| 3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery  |  |  |  |
| 4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |  |  |
| 4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |  |  |
| 5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |  |  |  |
| 6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |  |  |

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  Yes  No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  Yes  No

|   |         |        |
|---|---------|--------|
| <b>Affirmation &amp; Consent</b>  |         |        |
| I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.   |         |        |
| Type or Print Name of Applicant/Authorized Agent of Business  | Title   |        |
| RG LAKOTA GOLF OPS, LLC / DWAYNE ROMERO   | MANAGER |        |
| Signature   | Date    |        |
|    | 8/3/22  |        |
| <b>Report &amp; Approval of City or County Licensing Authority</b>  |         |        |
| The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules. |         |        |
| <b>Therefore this application is approved.</b>  |         |        |
| Local Licensing Authority For   |         | Date   |
| Signature   | Title   | Attest |
|   |         |        |


## Tax Check Authorization, Waiver, and Request to Release Information

I, DWAYNE ROMERO am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of REG LAKOTA GOLF OPS LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

|  |  |  |                               |
|--|--|--|-------------------------------|
| Name (Individual/Business)<br><u>REG LAKOTA GOLF OPS, LLC</u>  |  | Social Security Number/Tax Identification Number<br><u>85-147 5060</u> |                               |
| Address<br><u>1000 CLUBHOUSE DRIVE</u>   |  |  |                               |
| City<br><u>NEW CASTLE</u>  |  | State<br><u>CO</u>   | Zip<br><u>81647</u>           |
| Home Phone Number<br><u>—</u>  |  | Business/Work Phone Number<br><u>(970) 273-3100</u>                    |                               |
| Printed name of person signing on behalf of the Applicant/Licensee<br><u>DWAYNE ROMERO</u>   |  |  |                               |
| Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)<br> |  |  | Date signed<br><u>8/03/22</u> |

### Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).