

Posted: _____

Remove: _____



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

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting

Tuesday, September 21, 2021, 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

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. Consider Resolution TC 2021-13, a Resolution of the New Castle Town Council Supporting the Colorado River Fire Rescue District's Ballot Issue to be Decided by the Voters at the November 2, 2021 Election (7:05 p.m.)**
- B. Discussion: Business Parking Spaces (7:20 p.m.)**

C. Discussion: COVID-19 Sick Policy (7:35 p.m.)

D. Discussion: Cemetery Fees (8:05 p.m.)

Consent Agenda (8:20 p.m.)

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.

[August](#) 3, 2021 minutes

[August](#) 17, 2021 minutes

[August](#) 31, 2021 minutes

[September](#) 7, 2021 minutes

Staff Reports (8:25 p.m.)

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

Commission Reports (8:35 p.m.)

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

Council Comments (8:45 p.m.)

Adjourn (9:00 p.m.)



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – CRFR Resolution of Support TC 2021-13
Date: 9/21/21

Purpose:

The purpose of this agenda item is to consider Resolution TC 2021-13: A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL SUPPORTING COLORADO RIVER FIRE RESCUE DISTRICT'S BALLOT ISSUE TO BE DECIDED BY THE VOTERS AT THE NOVEMBER 2, 2021 ELECTION.

Staff anticipates that Colorado River Fire Rescue Chief Leif Sackett and Fire Prevention Chief Orrin Moon will be in attendance to share the intent of CRFR's Ballot Issue 6A which will be put before the voters on November 2, 2021.

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2021-13**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL SUPPORTING THE
COLORADO RIVER FIRE RESCUE DISTRICT'S BALLOT ISSUE TO BE DECIDED
BY THE VOTERS AT THE NOVEMBER 2, 2021 ELECTION

WHEREAS, Colorado River Fire Rescue ("CRFR") provides fire and emergency rescue services within the Town of New Castle ("Town"); and

WHEREAS, the services CRFR provides are of great value and importance to the citizens of the Town; and

WHEREAS, Town Council now desires to make known its support of CRFR's ballot issue and the requested mill levy increase, which stands to positively impact the health, safety, and welfare of the Town and its residents.

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

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Council.

2. Statement of Support. By this Resolution, the Town Council hereby expresses its support for the following ballot issue being proposed by CRFR at the November 2, 2021, election:

BALLOT ISSUE 6A

SHALL COLORADO RIVER FIRE PROTECTION DISTRICT TAXES BE INCREASED \$4,873,747.72 (FINAL 2026 FISCAL YEAR AMOUNT AFTER ALL PHASED-IN INCREASES) ANNUALLY FROM AN ADDITIONAL 6.75 PHASED-IN OPERATING MILL LEVY IMPOSED AT A RATE OF 3 MILLS IN 2021 (COLLECTED IN 2022), AN ADDITIONAL 2 MILLS IN 2023 (COLLECTED IN 2024), AND AN ADDITIONAL 1.75 MILLS IN 2025 (COLLECTED IN 2026), FOR THE PURPOSES OF PROVIDING FIRE PROTECTION, AMBULANCE, EMERGENCY MEDICAL RESPONSE, RESCUE, SAFETY, AND SUPPORT SERVICES FOR THE RESIDENTS, PROPERTY OWNERS, AND BUSINESSES SERVED BY THE DISTRICT, INCLUDING BUT NOT LIMITED TO:

- ADDRESSING LOST REVENUE AND BUDGET CONSTRAINTS ON THE DISTRICT'S REVENUES CAUSED BY ECONOMIC DOWNTURN;
- ADDRESSING COMMUNITY GROWTH BY RECRUITING AND RETAINING FIREFIGHTERS AND PARAMEDICS TO MAINTAIN EMERGENCY RESPONSE TIMES AND EMERGENCY SERVICES AND BRING THEIR SALARIES IN-LINE WITH NEARBY COMMUNITIES;

- PROVIDING TRAINING AND LIFE-SAVING MEDICAL, FIRE AND OTHER EMERGENCY RESPONSE TECHNIQUES TO PROMOTE FIREFIGHTER AND CITIZEN SAFETY;
- ONGOING MAINTENANCE AND SCHEDULED REPLACEMENT OF FIRE, MEDICAL, AND RESCUE EQUIPMENT, FIRE TRUCKS, AND AMBULANCES TO MAINTAIN RELIABILITY AND PROTECT FIRST RESPONDERS AND CITIZENS;
- ENSURING FINANCIAL TRANSPARENCY AND ACCOUNTABILITY BY MAKING THE MOST CURRENT DISTRICT BUDGET AND AUDIT AVAILABLE TO EVERY TAXPAYER ON THE DISTRICT'S WEBSITE;

AND SHALL ALL REVENUE AND ANY EARNINGS ON THIS PHASED-IN TAX CONSTITUTE A PERMANENT VOTER-APPROVED REVENUE CHANGE WITHIN THE MEANING OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND AN EXCEPTION TO THE LIMITATIONS SET FORTH IN SECTION 29-1-301 OF THE COLORADO REVISED STATUTES, AND ANY OTHER LAW?

3. Further Action. The Town Clerk and Town Manager are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution, including reporting the passage of or distribution of this Resolution through established, customary means, other than paid advertising, pursuant to C.R.S. § 1-45-117(1)(b)(III)(B).

INTRODUCED, PASSED, AND ADOPTED by a vote of __ to __ at a regular meeting of the New Castle Town Council held on September 21, 2021.

TOWN COUNCIL OF TOWN OF
NEW CASTLE, COLORADO

Art Riddile, Mayor

ATTEST:

Mindy Andis, Deputy Town Clerk



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Business Parking Discussion
Date: 9/21/21

Purpose:

The purpose of this agenda item is to discuss Municipal Code Chapter 10.16 “Parking Spaces for Businesses.”

In 2002 Ordinance 2002-14 created a means by which business owners in town could reserve parking spaces on town streets in order to provide their customers and employees with convenient parking adjacent to their businesses. This code charges the town clerk with establishing applications for reserved parking spaces and the collection of an annual fee of \$20 per lineal foot for each space reserved. Reserved parking spaces are marked with curb paint and reserved parking signs are installed in order to hold the spaces for the exclusive use by the controlling business. Reserved parking spaces are off limits to all non-business patrons during that business’s posted business hours.

To date the town has had one business take advantage of this reserved parking option, utilizing two parking spaces in downtown. The clerk’s department currently has a pending application for two parking spaces on Main Street from a second business owner.

Town staff has taken time to reviewed Code Chapter 10.16. Staff has also consulted with town attorney in order to research to the original intent of this code. Staff feels that the code, as written today, may not serve town residents and business owners as originally intended. Staff also feels that this code section may be in slight conflict with the spirit of the recently adopted Downtown Plan. For these reasons, staff feels that a discussion and review of Municipal Code Chapter 10.16 is needed at this time.

Chapter 10.16

PARKING SPACES FOR BUSINESSES

Sections:

- 10.16.010 Purpose.**
- 10.16.020 Authority and applicability.**
- 10.16.030 Definitions.**
- 10.16.040 Licensing adjacent parking—Spaces on town streets.**
- 10.16.050 Termination and revocation of license by town.**
- 10.16.060 Termination of license by applicant.**
- 10.16.070 Penalties.**

10.16.010 Purpose.

This chapter seeks to allow business owners in the town to reserve parking spots on town streets to provide their customers and employees with convenient parking facilities. (Ord. 2002-14 § 2(A))

10.16.020 Authority and applicability.

The town, as a home rule municipality organized under Article XX of the Colorado Constitution, has the authority to adopt the ordinance codified in this chapter both under the Colorado Constitution and under the express statutory language of Colo. Rev. Stat. Section 31-15-401 (2002), Colo. Rev. Stat. Section 42-4-105 (2002), and Colo. Rev. Stat. Section 43-2-135(1)(g) (2002). (Ord. 2002-14 § 2(B))

10.16.030 Definitions.

As used in this chapter:

"Adjacent parking spaces" means any legal parking space on a town street that is located wholly on the street frontage adjacent to a lot or legal parcel within the town

used for business by the applicant(s). The town clerk shall have the sole authority to determine whether parking spaces qualify as adjacent parking spaces for the purposes of this chapter.

"Applicant" means the party or parties seeking to obtain a license as defined above.

"Business" means any establishment in a commercial zone of the town that is open to the public.

"License" means a one-year revocable right to reserve adjacent parking spaces for customers or patrons of the business and/or for loading and unloading purposes. The restriction shall only apply during the posted regular business hours of the business.

"Town street" means any public road or street including state of Colorado highways which are capable of carrying vehicular traffic and are located within the municipal limits of the town. (Ord. 2002-14 § 2(C))

10.16.040 Licensing adjacent parking—Spaces on town streets.

A. The town clerk shall establish procedures for applicants to license adjacent parking spaces.

B. The annual license fee for such licenses shall be set by the town's fee schedule in an amount not to exceed twenty dollars (\$20.00) per foot of curb to be reserved.

C. The town clerk or town engineer shall investigate the business and town street to ensure that all applicable provisions of this regulation are satisfied.

D. Upon issuance of a license, the reserved parking space shall be designated by a sign meeting all applicable standards adopted by the Colorado Department of Transportation, and the curb, if any, shall be painted to designate the extent of the reserved parking space. All parking spaces in town licensed under this chapter shall be designated with similar signs, and the curbs shall be painted using the same color. The

sign shall advise the public that the parking space is for temporary parking for customers of the business and the limits on parking time, which limits may be determined by the applicant but shall not exceed one hour.

E. The applicant shall pay all costs associated with granting the license including, but not limited to, signage and curb painting. The town clerk shall ensure the installation and removal of all signage and curb painting complies with applicable town and state requirements and regulations.

F. The town clerk shall establish procedures to renew the license and notify the applicant at least thirty (30) days before any renewal payments or other requirement under this chapter are due. (Ord. 2007-11 § B(9); Ord. 2002-14 § 2(D))

10.16.050 Termination and revocation of license by town.

The town shall have no obligation to renew the license. At the end of the license period the town may notify the applicant that his or her license will not be renewed and require the applicant to pay for the removal of all signage and markings related to the license. The town clerk shall have discretion to revoke the license at any time during the license term upon a finding that the license is causing traffic problems or the space is being abused. If the town revokes the license prior to its expiration date, the applicant shall be entitled to receive a prorated refund of the license fee paid, and the town shall be responsible for the removal of all signage and markings related to the license. (Ord. 2002-14 § 2(E))

10.16.060 Termination of license by applicant.

The applicant may terminate the license at any time by providing written notice to the town clerk by certified mail, return receipt requested. The applicant shall be lia-

ble to pay for the removal of all signage and markings related to the license in order to return the street to its original condition. The applicant shall not be entitled to any refund of the license fee paid. (Ord. 2002-14 § 2(F))

10.16.070 Penalties.

Any vehicle violating any provision of this chapter or any parking restriction enacted under this chapter shall be subject to a municipal fine not to exceed twenty-five dollars (\$25.00) for a first violation, fifty dollars (\$50.00) for a second violation, one hundred dollars (\$100.00) for a third violation, and one hundred fifty dollars (\$150.00) for a fourth and subsequent violations. Any applicant who fails to comply with any provision of this regulation including, but not limited to, failure to pay for the costs associated with granting or terminating the license shall be fined up to one hundred dollars (\$100.00) in addition to being required to pay all costs and expenses as provided herein. Each day that a violation continues shall be deemed a separate offense. (Ord. 2002-14 § 2(G))

(Ord. No. TC 2016-9, § 2, 1-17-2017)



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – COVID Sick Leave Discussion
Date: 9/21/21

Purpose:

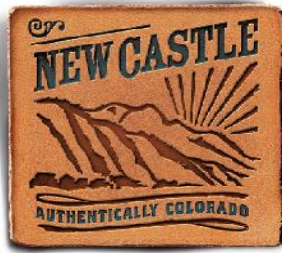
The purpose of this agenda item is to discuss the town's current COVID sick leave policy and to make adjustments to this policy if needed.

In early 2020 Town Council approved a COVID sick leave policy which encouraged employees to remain at home if they were experiencing COVID symptoms, if they were diagnosed with COVID, if they were quarantined due to exposure to COVID, or if they were caring for a child who was affected by COVID. In order to help facilitate this policy, employees were able to remain at home without using their banked sick leave time. Over the period of the last 1 ½ years we have seen this policy used by a small handful of employees, and have not seen any signs of abuse of this policy. In some cases, the employee was able to work remotely during the quarantine period.

In the spring of 2021 staff briefly discussed this policy with Council and was directed to keep the policy in place for the immediate future and to bring the topic back to Council toward the end of the summer.

Staff has since researched the state and federal guidelines related to COVID sick leave and has learned that current state law requires employers to provide an annual bank of up to 80 COVID related sick leave hours during a public health emergency. This bank of up to 80 hours is in addition to, and separate from, an employee's regularly accrued sick leave. Employees may use these hours for a variety of specific pandemic related reasons, but can be asked to provide written documentation for their absence after four days of leave.

Given the current state regulations, and their close overlap with our current town policy, staff recommends that we shift from our current policy and follow (as required by state law) the guidelines of the most recent state law.



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Cemetery Plot Fees Discussion
Date: 9/21/21

Purpose:

The purpose of this agenda item is to review the current fee structure for the purchase of a New Castle Cemetery Plot and to consider any need for adjustments to the current fees.

The current cost of purchasing a burial plot in the New Castle Cemetery is \$400 for a New Castle resident, and \$650 for a non-resident. This price structure has been in place since 2013.

Below please see a survey of area cemetery plot costs:

New Castle:	Resident	\$400	Non-resident	\$650	
Silt:	Resident	\$400	Non-resident	\$500	
Rifle:	All Adults	\$630	Children	\$?	
Carbondale:	Resident	\$250	Within Zip Code	\$1000	Outside Zip Code \$5000
Grand Junction:	All Adults	\$1310			
Fruita:	All Plots	\$1600			
Grand Valley:	Residents	\$250	Non-residents	\$1000	

Local Average Resident Plot Cost: \$ 691
Local Average Non-resident Plot Cost: \$1010

Staff has tracked the sale of New Castle Cemetery plots over the past 5 ½ years and notes that of the 66 plots sold since 2015 approximately 46 plots were sold to New Castle residents, while 20 plots were sold to non-residents. Staff estimates that between the plots remaining in the existing area of cemetery (202) and the plots which will be available in the future expansion area (708), we have the potential for approximately 910 future plots sold.

With nearly ten years passing without an adjustment to New Castle plot costs, and with Town Cemetery expenses expected to rise, staff suggests a review of our current price structure.

1 **New Castle Town Council Regular Meeting**
2 **Tuesday, August 03, 2021, 7:00 PM**

3
4 This meeting was also available virtually.

5
6 To join by computer, smart phone or tablet:
7 <https://us02web.zoom.us/j/7096588400>

8
9 If you prefer to telephone in:
10 Please call: 1-346-248-7799
11 Meeting ID: 709 658 8400

12
13
14 **Call to Order**

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

16
17 **Pledge of Allegiance**

18
19 **Roll Call**

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

27
28 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
29 Harrison, Town Treasure Loni Burk, Town Planner Paul Smith and Town Attorney David
30 McConaughy.

31
32 **MOTION: Mayor A Riddile made a motion to excuse Councilor Mariscal's absence.**
33 **Councilor Copeland seconded the motion and it passed unanimously.**

34
35 **Meeting Notice**

36 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
37 accordance with Resolution TC 2021-1.

38
39 **Conflicts of Interest**

40 There were no conflicts of interest.

41
42 **Agenda Changes**

43 There were no agenda changes.

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

2 Corey Topolski, 305 Pennyroyal. Mr. Topolski said that he bought a home in New Castle a
3 year earlier, but that he had lived all over the valley. He said that New Castle seemed to
4 be the only place that did not have a dog park. Mr. Topolski said that he and his wife
5 Jordan were present to see how they could encourage development of a dog park. He
6 noted that there were lots of dogs walking in New Castle in the mornings and evenings
7 but there was no place to take them that was fenced. Mayor A Riddile asked if Mr.
8 Topolski used a lease and Mr. Topolski said he did. Mayor A Riddile said that later in the
9 meeting the council will discuss leash laws and other nuisance issues. Mayor A Riddile said
10 that he felt that the majority of dog owners no longer leashed their dogs and quite a few
11 people have been bitten or attacked. He said that he wanted to consider stricter leash
12 laws for New Castle, but he agreed that it would likely be a good idea to have a dog park
13 where people can take their pets off-leash. Mayor A Riddile said that he appreciated Mr.
14 Topolski's comments.

15 Councilor Leland asked if Mr. Topolski would be interested in being a volunteer because he
16 thought it would be helpful to have dog-owners assisting. Mr. Topolski said he would be
17 glad to help, and further stated that he would think that all dog owners would be glad to
18 pay a little extra in dues to keep up with maintenance of a dog park. Mr. Topolski said he
19 would gladly pay extra for his dogs.

20 Councilor Owens said that a dog park will likely do into an existing park to make it easier
21 for staff to maintain. In addition, he said that it took volunteers. He noted that volunteers
22 were vital to development of the pump track and other town amenities.

23 Jordan Topolski told the council that she had called and spoken to the town clerk and
24 learned that a dog park had been a discussion in the past, that there were people for and
25 against it and the idea had not made much progress. Ms. Topolski asked if there was
26 anything she could do to help garner support for the idea. Councilor Leland told her that
27 at a meeting a few years ago there were those who showed up to talk about all the ways
28 that dog parks were terrible, and he said that moving forward he was sure they will have
29 to deal with that again. He suggested that Mr. and Ms. Topolski watch the town council
30 agendas for when the topic comes back.

31 Dara Marquardt, 333 W. Main Street. Ms. Marquardt said that she agreed a dog park
32 would be great because her family often went to Glenwood Springs to enjoy the dog park
33 there.

34 Ms. Marquardt said that her other concern was regarding the trees in Burning Mountain
35 Park that needed some maintenance. She said there were dead branches that needed
36 removal and they were concerning. She said her family had avoided play in the park
37 because of the conditions of the trees. Mayor A Riddile and Administrator Reynolds said
38 they would have the parks staff look.

39 Ms. Marquardt told the council that she was a working parent and was looking for
40 childcare options. She said that Glenwood Springs offered all-day camps, but they filled
41 up by mid-March. Ms. Marquardt said she was interested in launching a summer program
42 in New Castle. Administrator Reynolds said that it was certainly something work looking
43 into but noted that while Glenwood had facilities for a day camp, New Castle really did

1 not, so it would take some thought. Ms. Marquardt said she thought with the new school
2 coming in, perhaps they would be interested in summertime.
3 Mayor A Riddile thanked Ms. Marquardt for her comments.

4
5 **Consultant Reports**

6 Consultant Attorney – Town Attorney David McConaughy said that he was close to
7 finalizing the agreement with the Talbots for a bike trail on their property. He said that he
8 had been working with their attorney and it was close to done and will be coming to the
9 council for approval soon.

10 Consultant Engineer – not present.

11
12 **Items for Consideration**

13
14 **Presentation: Colorado River Fire Rescue Fire Prevention Chief Orrin Moon**

15 Mayor A Riddile said that unfortunately Fire Prevention Chief Orrin Moon would be unable
16 to do the presentation because he was out fighting a fire.

17 Town Administrator Dave Reynolds said that both Chief Moon and Chief Leif Sackett were
18 on a fire in Rifle, and that they would be rescheduled to attend a future council meeting.
19 Administrator Reynolds said that regardless of the monsoon-type rains the area had been
20 experiencing, the moisture levels in the vegetation were still quite low, causing the area
21 to remain at a high fire risk. Administrator Reynolds said that the fire department did not
22 expect the rains to bring much relief to the drought.

23 Councilor Copeland said that when new developments were in process, citizens were
24 asking or were worried about more people and the ability for people to be able to leave
25 town during an emergency. She asked if they might be able to say how big the fire danger
26 could be once Castle Valley built out; if Medaris caught fire, what the average evacuation
27 time might be; and what was the risk to the existing homes should there be a fire.

28 Administrator Reynolds said that he would ask those questions, and he stated that Chief
29 Moon said that at the time of build-out, there would be less fire risk than there currently
30 was because asphalt roads, watered lawns and rooftops were less flammable than the dry
31 vegetation out there now.

32 Councilor Leland said that the topic was something that Climate and Environment
33 Commission was talking about as well, including how to let people know what to do or
34 who to listen to. He said it was important to sign people up for GarCo 911 notifications. He
35 asked Chief Pagni if law enforcement would be stationed at the various town exits. Chief
36 Pagni said yes and agreed that it was important that people sign up for GarCo 911, so
37 they are notified if there was an evacuation. Chief Pagni noted that there were three exit
38 roads out of the Castle Valley/Lakota area: out County Road 245 and either east or west
39 Castle Valley Boulevard. Nonetheless, most everyone will end up on the primary road
40 which was Highway 6 & 24.

41 Councilor G Riddile said that Glenwood Springs, in an attempt to obtain federal funds for
42 south bridge hired a consultant who is doing an evacuation analysis of the area. He did
43 not think New Castle wanted to spend money on an analysis, but it was an interesting
44 idea.

1 Councilor Copeland said she did not know what the issues might be in town.
2 Councilor Hazelton said that one area of concern for him was the Elk Creek drainage area.
3 He noted that there were a lot of down trees and dead vegetation.
4 Councilor Leland said that something that was always an issue was when sparks flew. He
5 said that he understood that even a small fire on a windy day could send sparks flying
6 around, catching other homes on fire.

7
8

9 **2020 Audit Presentation - John Cutler & Associates and 2020 Budget Summary**
10 **from Treasurer Loni Burk**

11 John Cutler of John Cutler and Associates, Inc. greeted the council. He said that he would
12 begin by reviewing those items he was required to present to the governing board. He
13 said that the audit had been completed and had gone very well. He said that his firm will
14 issue an unmodified report, which was what the state and the council wanted to hear. It
15 meant that all the questions were answered and there were no scope limitations. Mr.
16 Cutler said they had not had any difficulties in performing the audit, although they had
17 one adjustment in water because they had to record depreciation and capitalize some
18 items, but they were minor. He said there were no disagreements with management, and
19 that a management representation letter was issued which allowed the council to take
20 responsibility for the audit and the numbers, because it was the town's audit. Last, Mr.
21 Cutler said that they had not needed to consult with any other independent accountant.
22 Mayor A Riddile asked how the town's reserves were. Mr. Cutler said that in the general
23 fund there was about 2.6 million dollars in reserves which was an increase of about
24 \$477k, indicating a good trend. For the utility fund, the reserve was about 14.8 million,
25 but that included equipment. Excluding equipment and liabilities, the utility reserve was
26 about 1.3 million. Mr. Cutler said both funds were in good shape.

27 Town Treasurer Loni Burk said that the town had done a lot better than what was
28 budgeted for 2020, so she provided the council with a detailed power point presentation
29 that explained the variances.

30

31 **Consider a Motion to Accept the 2020 Audit as Presented**
32 **MOTION: Councilor G Riddile made a motion to accept the 2020 Audit as**
33 **presented. Councilor Owens seconded the motion and it passed unanimously.**

34
35

36 **Discussion Regarding the Nuisance and Leash Law Sections of the Town**
37 **Municipal Code**

38 Administrator Reynolds explained that the agenda item was to address concerns from the
39 mayor regarding unleashed dogs in town as well as other council members' concerns
40 regarding nuisances in general. Administrator Reynolds said that Police Chief Pagni, Code
41 Enforcement/Town Planner Paul Smith and Town Attorney David McConaughy were all
42 present to discuss the issue.

43 Attorney McConaughy said that the prior town administrator, Tom Baker, had at one time
44 worked for the Town of Carbondale. Carbondale had built a dog park, and one of Mr.

1 Baker's comments was that it gave the town the ability ban dogs from all other parks,
2 thereby causing a positive impact by alleviating the dog waste issue in every other park.
3 Attorney McConaughy said that New Castle's code does regulate dogs and does have a
4 leash law. He said that the original version of the ordinance which he helped write in 2001
5 did have a provision on voice control. The voice control provision was subsequently
6 repealed in 2007, and currently there is no voice control allowance. People with dogs must
7 have them on a leash, everywhere in town. He said that Clerk Harrison had done some
8 research and found that incorrect information had been on the town website suggesting
9 that there was a voice control option which likely caused some confusion.
10 Attorney McConaughy said he and Clerk Harrison had worked on an ordinance to amend
11 the dog regulations section to correct some formatting and typo issues but could also add
12 an explicit provision that voice control was not enough.
13 Mayor Riddile said that he believed that there was signage a several parks in town that
14 said, 'leash or voice control'. Councilor Leland agreed there were.
15 Attorney McConaughy said that staff would like to hear from council if they wanted to
16 specifically put the 'no voice control' language in the ordinance or if there were other
17 regulations they wanted. He also suggested that if they were considering a dog park,
18 there would need to be a set of rules for that, and like Carbondale, dogs could be banned
19 everywhere else.
20 Mayor A Riddile asked Chief Pagni if there had been a lot of issues reported over the
21 years. Chief Pagni said that he believed most dog issues went unreported, but typically
22 altercations involved dogs that were at large causing problems on sidewalks or other
23 public places and people call it in. The problem is addressed because the police receive a
24 complaint and arrive on scene. Chief Pagni said that the number of reports were low, but
25 that did not change the fact that there appeared to be ongoing issues with uncontrolled
26 dogs in town. He noted that previous administrations felt that strict adherence to the
27 leash law was perhaps not the tone they wanted for New Castle, and the police
28 department worked under the tone and direction set by council. Chief Pagni said that in
29 New Castle there were a lot of people that owned dogs and VIX Ranch Park was a big
30 meeting place for pet owners. He felt that there would be a lot of push back from
31 residents if that park was closed to dogs.
32 Mayor A Riddile said there had been an incident in Grand River Park where a dog bit a
33 cyclist. He asked Chief Pagni how that got reported.
34 Chief Pagni said that the cyclist would have to file a complaint, the police locate the owner
35 of the dog and charge the owner with dog at large, because it was obviously not under
36 control, and with vicious dog because it was biting, snapping or tearing at a person or
37 another animal. He said that was then a summons into court.
38 Chief Pagni said that the dog leash law was a simple ticket. If it was the council's decision
39 to have the police department enforce the leash law that will be a three-step process of
40 ask, tell, make. Ask people to put their dog on a leash, then tell people to put their dog on
41 a leash and then they begin writing tickets.
42 Chief Pagni said that generally the town code included a potential one-year jail sentence
43 for code violations, but the state statutes had changed, and municipal misdemeanor
44 offenders could no longer be jailed. He felt that the statute change had removed some of

1 the authority in the town code, but there were still monetary repercussions in the form of
2 tickets, and civil ramifications such as the town entering someone's property, cleaning it
3 up and then billing the owner for the work.

4 Attorney McConaughy said that in addition, the new law says that if it's even a risk, the
5 town would be required to pay for a public defender for municipal court, and the town
6 likely would prefer to avoid that. He said that the clean-up ordinance that he and Clerk
7 Harrison were working on could wait until the council and staff had decided on any
8 possible new dog regulations as well as rules for the dog parks and off-leash Frank Breslin
9 park could be added. The council agreed.

10 Councilor Owens said that the existing law, that the town has not really been following, is
11 that if a dog is off its property it needs to be on a leash, and staff felt that there would be
12 a lot of push-back on that if the law was suddenly enforced.

13 Chief Pagni said that he felt there was an education component that should take place
14 before enforcement. Sign boards, personal contact, and the like.

15 Administrator Reynolds said that the leash law will drive the dog park idea even more,
16 and he suggested that perhaps a safe zone would be appropriate such as Frank Breslin
17 Memorial Park is entirely an off-leash, voice-control park that was not fenced in.

18 The council and staff discussed the issue and agreed on the following:

- 19 • That park signage needed to be updated to exclude voice-control
- 20 • That information about the leash law should be publicized on the town website,
21 newsletters, flyers and sign boards once decisions had been finalized about the
22 location/rules of dog parks and the ordinance passed and a complete packet of
23 information could be provided to the residents
- 24 • There should be several off-leash areas including all of Frank Breslin Memorial Park
25 and several fenced areas in Castle Valley and Lakota Canyon Ranch
- 26 • That public education of the leash law will commence slowly through winter
27 2021/2022 with full enforcement in the spring of 2022
- 28 • That volunteers should be recruited to assist with the new dog parks
- 29 • That the town should work in partnership with Lakota Golf Course since the course
30 was public space in off-hours and seasons

31
32 Councilor Hazelton suggested that two council members and staff create a committee to
33 work on the dog park project. Councilors Copeland and Hazelton volunteered along with
34 Clerk Harrison. Administrator Reynolds said they will also bring in the parks department.

35
36 Councilor Owens said that the last time Chief Pagni had reported to council and introduced
37 a new officer, he had also told the council that he was understaffed.

38 Chief Pagni said that both his sergeant and one corporal were out on medical which made
39 staffing difficult.

40 Councilor Owens asked if there was a standard for the number of police personnel. Chief
41 Pagni said yes, the federal standard was 3 officers and 1.5 administrative personnel per
42 1,000 residents which made the agency below the standard to begin with, and when
43 someone was out on leave, they were even further below the standard.

44 Councilor Owens said that he was concerned about police staffing, particularly considering
45 that there will likely be an increase in housing and residents in the next few years.

1 Administrator Reynolds said that another officer was in the budget for 2021, and although
2 that did not necessarily address the longer term it will help with the immediate needs of
3 the department.
4 The council and Chief Pagni discussed the police department staffing, equipment and
5 vehicle needs and what they looked like in the future with the proposed growth that was
6 coming to town.
7 Attorney McConaughy told the council the nuisances were in Chapter 8.08 of the municipal
8 code, and there was a long list of things that could be declared a public nuisance. He
9 reviewed the list for the council. He said that there were a wide variety of remedies for
10 nuisances, and he described the remedies as well. Recent examples of nuisance issues in
11 town include a building that was closed for health and safety reasons, two properties that
12 had trash abatement issues, and several noise complaints.
13 After a brief discussion, Councilor Hazelton asked if there was enough in the code for the
14 police to be able to handle nuisance issues. Chief Pagni said that he did not handle civil
15 issues, which most of the nuisance items were, he handled criminal issues. He said what
16 the police did was write violators a ticket into court.
17 Attorney McConaughy said that he felt that the code was sufficient to handle nuisance
18 issues except for the statement 'offensive to the public'.
19 Code Enforcement and Town Planner Smith said that there had been a few noise
20 complaints, and if anything, they could consider perhaps designating specific days and/or
21 hours for construction or industrial uses, but otherwise the state statutes were adequate.
22 He said that there were other areas that could use some clean-up of the code. For
23 instance, it was difficult to explain to someone what a messy yard was because that was
24 open to interpretation. Planner Smith said that enforcement was primarily complaint-
25 driven.
26 Attorney McConaughy said the council, if they wanted to, could put specific standards in
27 the code to define what 'messy' meant so that it was clear such as not allowing appliances
28 to be yard decorations.
29 The council thanked staff for the discussion.

30
31

32 **Consider Ordinance TC 2021-5 - An Ordinance of the New Castle Town Council**
33 **Amending Chapter 5.32 of the Municipal Code Concerning Tobacco Retailer**
34 **Licenses (1st reading)**

35 Attorney McConaughy explained that there had been concern voiced by some property
36 owners that the current state statutes had a distance regulation that tobacco could not be
37 sold within 500 feet of a school property but had a provision that allowed municipalities to
38 pass an ordinance to reduce that distance from five hundred (500) feet to twenty (20)
39 feet. Many of the tobacco retailers within town were already within that 500 feet, and
40 many of the town's commercial or mixed-use zone districts were within the 500-foot
41 limitation, preventing those properties from bringing in commercial uses that the zoning
42 otherwise allowed.

43 **MOTION: Councilor G Riddile made a motion to approve Ordinance TC 2021-5, An**
44 **Ordinance of the New Castle Town Council Amending Chapter 5.32 of the**

1 **Municipal Code Concerning Tobacco Retailer Licenses on 1st reading. Councilor**
2 **Hazelton seconded the motion and it passed on a roll-call vote: Councilor Leland:**
3 **yes; Mayor A Riddile: yes; Councilor Hazelton: yes; Councilor G Riddile: yes;**
4 **Councilor Copeland: yes; Councilor Owens: yes.**

5
6
7 **Consider Ordinance TC 2021-3 - An Ordinance of the New Castle Town Council**
8 **Amending Chapter 5.08 of the Municipal Code Concerning Alcoholic Beverages**
9 **(2nd reading)**

10 Attorney McConaughy said that there had been one minor change since first reading and
11 that was the ordinance said "all classes of licenses" rather than listing certain ones.

12 **MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2021-2, An**
13 **Ordinance of the New Castle Town Council Amending Chapter 5.08 of the**
14 **Municipal Code Concerning Alcoholic Beverages on 2nd reading. Councilor**
15 **Copeland seconded the motion and it passed on a roll-call vote: Councilor**
16 **Copeland: yes; Councilor G Riddile: yes; Mayor A Riddile: yes; Councilor Hazelton:**
17 **yes; Councilor Owens: yes; Councilor Leland: yes.**

18
19
20
21 **MOTION: Councilor Leland made a motion at 8:24 p.m. to go into Executive**
22 **Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I)**
23 **regarding an evaluation of the town administrator and not involving: any specific**
24 **employees who have requested discussion of the matter in open session; any**
25 **member of this body of any elected official; the appointment of any person to fill**
26 **an office of this body or of an elected official; or personnel policies that do not**
27 **require the discussion of matters personal to particular employees. Mayor A**
28 **Riddile seconded the motion and it passed unanimously.**

29
30
31 Executive session concluded.

32
33 At the end of the executive session, Mayor A Riddile made the following statement:

34
35 "The time is now 8:44 p.m. and the executive session has been concluded. The participants
36 in the executive session were: Councilors Owens and Hazelton; Mayor A Riddile; Councilors
37 Copeland, Leland and G Riddile and Town Administrator Dave Reynolds. For the record, if
38 any person who participated in the executive session believes that any substantial
39 discussion of any matters not included in the motion to go into the executive session
40 occurred during the executive session, or that any improper action occurred during the
41 executive session in violation of the Open Meetings Law, I would ask that you state your
42 concerns for the record."

43
44 No concerns were stated.

1
2 **MOTION: Mayor A Riddile Made a motion to increase Town Administrator Dave**
3 **Reynolds annual salary, starting September 1, 2021, to \$115,000.00 per year.**
4 **Councilor G Riddile seconded the motion and it passed on a roll-call vote: Councilor**
5 **Owens: yes; Councilor G Riddile: yes; Councilor Copeland: yes: Councilor Hazelton:**
6 **yes; Mayor A Riddile: yes; Councilor Leland: yes.**

7
8
9 **Consent Agenda**

10 July 6, 2020 minutes

11 July Bills of \$762,095.15

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

14
15 **Staff Reports**

16 Town Administrator – Administrator Reynolds said that staff will bring a revision to the
17 FMLD Meet Me In The Middle grant agreement that council would approve. The agreement
18 would then go to the FMLD board for approval as well. Administrator Reynolds gave a
19 handout to the council that was a pictorial update of the mudslide situation in Glenwood
20 Canyon. Administrator Reynolds said that the three new police vehicles were 95% ready
21 and the pieces missing from them would not prevent their use, so the town will take
22 possession of them soon and get them in service. Administrator Reynolds said that Chief
23 Pagni had a candidate to fill the new position. He also said that there was one vehicle that
24 was being decommissioned because it needed major work and there was no value in
25 spending the money. Administrator Reynolds told council that Rides & Reggae will be on
26 Saturday, and he hoped everyone could attend. Administrator Reynolds said there will be
27 another event called Rocky Mountain River Fest, not to be confused with Glenwood’s River
28 Fest, which was a three-day festival. Day one was rafting from Glenwood Springs to New
29 Castle. Day two was New Castle to Silt, and day three was Silt to Rifle. He said that staff
30 had let all the restaurants know about the event. Administrator Reynolds said that the
31 County Road 335 was going quite well and may be finished at the end of the week.
32 Administrator Reynolds said that staff had given business and restaurants brochures
33 about the upcoming events so that they can be ready for the business. Administrator
34 Reynolds said that the coffee shop, Drifters, is doing quite well. There will be a second
35 coffee shop opening near City Market very soon.

36 Town Clerk – Clerk Harrison said that Administrative Assistant Remi Bordelon had been
37 training on utility bill and the day prior had done it by herself, under Deputy Town Clerk
38 Mindy Andis’ supervision. Clerk Harrison said Admin. Asst Bordelon was very smart and
39 learned quickly and was a great addition to the team. Clerk Harrison said she was working
40 on budget. Clerk Harrison said her department was busy planning the beer tent for
41 Burning Mountain Festival. She said they were also busy with special event liquor licenses
42 for the upcoming events. Clerk Harrison said she had put together an entertainment
43 basket for Sergeant Chuck Burrows since he was laid up. Clerk Harrison said she had done
44 a lot of research regarding the leash law issue since it went back twenty years. Clerk

1 Harrison said that the council had passed an emergency ordinance the previous year to
2 allow public consumption of alcohol, and that ordinance also made provisions for the town
3 to create and allow a permitting process for private party alcohol consumption on public
4 land such as parks. Clerk Harrison handed out copies of the draft private party permit
5 application and permit that she had developed for the council to review. Clerk Harrison
6 said any applicant will have to complete a park rental so that they had possession of the
7 property, and all other liquor laws applied – no over service, no one under that age of 21
8 may be served, etc. The permit was temporary for a limited time which will be stated on
9 the permit, along with all the rules, and a copy of the permit will be provided to the police
10 department so that they were aware that alcohol was being served. Clerk Harrison said
11 that she and Recreation Director Hannah Bihr had discussed the process and felt that
12 there probably would not be many private party alcohol permit requests to begin with, but
13 because the facilities that would be rented and used are managed by Recreation, they
14 thought that in the spring of 2022 they would review the process and determine if it
15 needed adjustment in some way. Clerk Harrison said that she had not yet considered an
16 application fee and asked the council their thoughts. The council said that they were
17 comfortable with Clerk Harrison determining whatever fee was reasonable to cover the
18 cost to her department.

19 Town Treasurer – Treasurer Burk said that the council should have received a 2022
20 budget calendar, and there would be a budget work session on September 21, 2021.
21 Treasurer Burk said that the department head had their budget worksheets and those
22 were due to her August 13. Treasurer Burk said there were a lot of special events coming
23 up and they were cutting checks to pay for band and making sure there was petty cash as
24 well. Treasurer Burk said they had opened a ColoTrust fund to put the money from the
25 American Rescue Plan, and those monies will earn interest there. Treasurer Burk said she
26 had close dout the FMLD grant for the town hall windows. Treasurer Burk said that the
27 town expenses for the first six month of 2021 looked good and were on track with budget.
28 Sales taxes were up and tobacco tax was around \$200k

29 Town Planner – not present.

30 Public Works Director – not present.

31

32 **Commission Reports**

33 Planning & Zoning Commission – Councilor Owens said that the Romero Group presented
34 their sketch plan, and P&Z went through it in detail. He said that the biggest question was
35 probably traffic density, but also light pollution and aesthetics. Councilor Owens said that
36 it was a good meeting, and a good start to their development process.

37 The council and staff discussed the rules around discussing the application now that there
38 was a formal application.

39 Historic Preservation Commission – nothing to report.

40 Climate and Environment Commission – Councilor Leland said that CEC was hoping to get
41 the fire prevention video done on August 11 and 12. He said they were also in contact
42 with the garden club to talk about pollinator gardens. He also said that CEC will be
43 distributing flower seeds at the community market and at Burning Mountain Festival.

44 Senior Program – nothing to report.

1 RFTA – Mayor A Riddile encouraged everyone to take the RFTA Bikeshare Survey.
2 AGNC – Councilor Hazelton said that he had been able to phone into the meeting but had
3 been unable to stay long. He said that he hoped that things would improve soon so he
4 could represent the town better.
5 GCE – nothing to report.
6 EAB – nothing to report.

7

8 **Council Comments**

9 Councilor Hazelton said that with the mention of a five-year plan for the police
10 department, it occurred to him that there will also be a need for more office space for
11 police and wastewater, perhaps town hall. He wondered if American Rescue Act Plan
12 monies could be used for that.

13 Councilor Leland said that he was particularly interested in the news regarding the water
14 supply for Glenwood Springs. No Name Creek had been seriously compromised by the
15 runoff and debris and Glenwood will outlaw all outside watering. Councilor Leland said that
16 he felt New Castle should seriously consider a water source protection plan as well. It was
17 not just what happen if there were a fire, but the debris flows in following years.

18 Councilor Leland said that there was information out there that said that the delta variant
19 of COVID could be carried by vaccinated people and infect unvaccinated people. He said
20 he was carrying a mask and was preparing mentally to having to go back to wearing one
21 all the time.

22 Councilor G Riddile said that he thought it may be time to consider the council/mayor pay
23 issue again.

24 Councilor G Riddile said that with the Romero sketch plan he felt that he wanted to have a
25 larger conversation about Castle valley Boulevard (CVB). He said he thought that the
26 agreement with Lakota when it came in was an infrastructure agreement to widen CVB to
27 four lanes. He said he wanted to understand the cost of widening and asked if SGM could
28 do a cost estimate. Councilor G Riddile said that he expected that the traffic impact fees
29 collected on building permits would not be enough money to cover the cost of widening
30 the boulevard. The council and staff discussed briefly.

31

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

34

35 The meeting adjourned at 9:28 p.m.

36

37 Respectfully submitted,

38

39

40

41

Mayor A Riddile

42

43

44

45

1 Town Clerk Melody Harrison, CMC

DRAFT

1
2
3 **New Castle Town Council Regular Meeting**
4 **Tuesday, August 17, 2021, 7:00 PM**

5
6 This meeting was available virtually.

7
8 [To join by computer, smart phone or tablet click HERE](#)

9
10 If you prefer to telephone in:
11 Please call: 1-346-248-7799
12 Meeting ID: 709 658 8400

13
14 **Call to Order**

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

16
17 **Pledge of Allegiance**

18
19 **Roll Call**

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

26
27
28 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
29 Harrison, Town Planner Paul Smith, and Town Treasurer Loni Burk.

30
31 **MOTION: Mayor A Riddile made a motion to excuse Councilor Owen's absence.**
32 **Councilor Hazelton seconded the motion and it passed unanimously.**

33
34 **MOTION: Mayor A Riddile made a motion to excuse Councilor Mariscal's absence.**
35 **Councilor Copeland seconded the motion and it passed unanimously.**

36
37
38 **Meeting Notice**

39 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
40 accordance with Resolution TC 2021-1.

41
42 **Conflicts of Interest**

43 There were no conflicts of interest.

44
45 **Agenda Changes**

46 There were no agenda changes.

Town Council Meeting
Tuesday, August 17, 2021

1
2
3 **Citizen Comments on Items not on the Agenda**

4 There were no citizen comments.
5
6

7 **Consultant Reports**

8 Consultant Attorney – not present.

9 Consultant Engineer – not present.
10

11 **Items for Consideration**

12
13 **Proclamation Honoring the Coal Ridge High School Girls Track Team**

14 Mayor A Riddile said that the council was always glad to do proclamations for people who
15 do wonderful things. He said they were all very proud of the Coal Ridge athletes and
16 noted that there should already be several proclamations in the school's trophy case.
17

18 Mayor A Riddile read the proclamation into the record.
19

20 Mayor A Riddile asked the team members and coaches to introduce themselves and
21 invited them to take part in the Burning Mountain Festival parade.
22

23 Administrator Reynolds took photographs of the team.
24

25 The council congratulated the team for their state win and thanked them for coming in.
26
27

28 **Consider Ordinance TC 2021-6 - An Ordinance of the New Castle Town**
29 **Council Amending the Municipal Code Regarding Membership of the Planning**
30 **Commission (1st reading)**

31 Town Planner Paul Smith told the council that the ordinance would add up to two alternate
32 members to the commission and those alternates will sit in place of commissioners who
33 were unavailable due to recusal, absence or other disqualification.

34 Planner Smith said that the purpose was to make certain that the commission could
35 provide the most fair and appropriate consideration to an applicant. He noted that on
36 occasion there were one or two members that were not in attendance, and the alternates
37 would make a full commission of no more than seven members.

38 The council and staff discussed the issue at length including of how alternate member seat
39 would work and what the responsibilities of the alternates will be.

40 **MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2021-6, An**
41 **Ordinance of the New Castle Town Council Amending the Municipal Code**
42 **Regarding Membership of the Planning Commission on 1st reading. Councilor**
43 **Copeland seconded the motion and it passed on a roll-call vote: Councilor**
44 **Copeland: yes; Mayor A Riddile: yes; Councilor G Riddile: yes; Councilor Leland:**
45 **yes; Councilor Hazelton: yes.**
46

1
2
3
4 **Consider Letters of Interest from Julie Martinez, Dara Marquardt and Tim**
5 **Williams for Appointment to a Vacant Seat on the Planning & Zoning Commission**

6 Mayor A Riddile greeted each applicant. The council spoke with each applicant regarding
7 the open P&Z seat and their individual experience with land use and their feelings about
8 growth for the town.

9 Mayor A Riddile told the applicants that the council had just passed an ordinance on first
10 reading that will create two alternate seats on P&Z, but that there was only one seat
11 currently available for appointment until alternate seats were avail later in September. He
12 invited the applicants to apply for an alternate seat.

13 The mayor called for a ballot process to select an applicant. Clerk Harrison collected the
14 ballots and counted the votes: Dara Marquardt: 0; Tim Williams: 2; Julie Martinez: 3.

15 The council thanked the applicants and invited them to apply for the open seat on the
16 Climate and Environment Commission or the P&Z alternate seats.
17
18

19 **Update from Garfield County Senior Programs Manager Judy Martin**

20 Senior Programs Manager Judy Martin greeted the council. She said that the Town of New
21 Castle had two people that sat on the senior programs board, Councilor Crystal Mariscal
22 and Town Clerk Melody Harrison.

23 Manager Martin said that she enjoyed attending meetings with town council so she could
24 update them on what was happening with Senior Programs, and to thank them for their
25 support.

26 Manager Martin said that 2020 had been a challenge, but they had managed to continue
27 to provide support programs for seniors through grab-and-go lunches and home delivery
28 service but beginning September 1 will be back to congregate meals. She said they had
29 also been able to add fresh produce to the home delivery meals as well.

30 Manager Martin said that the Traveler had been in limited use because people were unable
31 to leave their homes due to the pandemic, but that was slowly beginning to change, and
32 people were venturing out.

33 Manager Martin said that they had begun teaching classes again, Tai Chi, Cooking Matters
34 and they hoped to begin In-Balance classes again soon but some of the restrictions were
35 difficult.

36 Manager Martin and the council discussed the cost of the Traveler and the concerns of the
37 City of Rifle, who had conducted a study to determine the cost of the Traveler. The study
38 showed that the Traveler was less expensive the privately contracting bus service and it
39 also suggested that calculating hours and mileage as well as number of rides per city may
40 be valuable. Manager Martin said she will be able to provide that information in the near
41 future.

42 Manager Martin and the council discussed what the county and RFTA were doing to
43 understand and redefine the Traveler costs.

44 The council thanked Manager Martin for her presentation and for doing a great job with
45 Senior Programs.
46

1
2 **Presentation: Colorado River Fire Rescue Fire Prevention Chief Orrin Moon**

3 Colorado River Fire Rescue Fire (CRFR) Prevention Chief Orrin Moon greeted that council
4 and introduced Fire Chief Leif Sackett.

5 Chief Moon said that Dan Nelson from Interagency was supposed to have attended the
6 meeting but was not able to. Chief Moon said that Mr. Nelson put the presentation
7 together.

8 Chief Moon gave a power point presentation that explained how agencies in the central
9 region, that went from Frisco west to the state line, met weekly to determine fire concerns
10 for that week. Those agencies included the BLM, Forest Service, county sheriff's
11 departments and fire departments.

12 Chief Moon's presentation described in detail the consistent, ongoing efforts of all the
13 agencies to keep communities safe and to determine where problems may occur. Chief
14 Moon also addressed other fire concerns such as fuel loading, evacuation routes, fire
15 restriction determinations, fire preparedness levels and resources, equipment, and staffing
16 of CRFR.

17 The council and fire department staff also discussed fire risks regarding open space and
18 new development. Chief Moon stated that Rifle, Silt and New Castle were all considered
19 urban interface areas because of the proximity of residential to undeveloped lands. He
20 noted that the homes that burned in the Waldo Canyon Fire burned because of ember
21 showers, not because the fire swept through the neighborhoods. It was all because of
22 ember showers, and those embers came from the fuels that burned around the urban
23 space. Chief Moon said that was also the danger in New Castle. Chief Moon said that the
24 town had a subdivision plan coming in for consideration, adding more homes to that urban
25 interface area. He felt it might be time to consider requiring ignition-resistant building
26 materials on some of the homes on the exterior of the subdivision. He suggested a
27 website called Firewise that listed suggestions for fire-resistive materials. Chief Moon said
28 that Rifle and New Castle had begun the discussion of requiring fire-resistive materials,
29 and Basalt and Pitkin County had adopted regulations requiring fire-resistive building
30 materials for those home on the fringe or edges of subdivisions.

31 Chief Moon said that this was probably the first time they had done such a presentation at
32 a town council meeting, and they were glad for the opportunity.

33 The council thanked Chief Moon and Chief Sackett.
34
35

36 **Consider Ordinance TC 2021-5 - an Ordinance of the New Castle Town Council**
37 **Amending Chapter 5.32 of the Municipal Code Concerning Tobacco Retailer**
38 **Licenses (2nd reading)**

39 Administrator Reynolds said that there had been no changes to the ordinance since first
40 reading.

41 **MOTION: Councilor Leland made a motion to approve Ordinance TC 2021-5, an**
42 **Ordinance of the New Castle Town Council Amending Chapter 5.32 of the**
43 **Municipal Code Concerning Tobacco Retailer Licenses on 2nd reading. Councilor**
44 **Hazelton seconded the motion and it passed on a roll-call vote: Councilor G**
45 **Riddile: yes; Councilor Hazelton: yes; Councilor Copeland: yes; Mayor A Riddile:**
46 **yes; Councilor Leland: yes.**

1
2
3 **Discussion: Federal Mineral Lease District Grant Agreement Amendment**

4 Administrator Reynolds said that the reason the item was on the agenda as a discussion
5 rather than an approval was because the FMLD board had approved it earlier in the day
6 and the changes were received by the town early in the evening, too late for the item to
7 be an approval for the evening. He said the intent was to share the amendment with
8 council and then it will come back to council on September 7 on the consent agenda for
9 approval.

10 Administrator Reynolds said that CDOT had an objection to the FMLD joint grant
11 agreement because it had language in it that called for a 25-year guarantee of the facility
12 which impeded CDOT's ability to expand their roadway if they needed to. He said he went
13 to the LoVa board with CDOT, FMLD, with the Partners and engineers and discussed
14 CDOT's objection to the language in the grant agreement. The FMLD board graciously
15 offered to remove the 25-year obligation.

16 The amendment also extends the grant to December 31, 2022 providing an additional 14
17 months to complete the project as well as eliminating the 25-year ownership language.
18 The council and Administrator Reynolds discussed the complications that had been
19 encountered attempting to
20
21

22 **MOTION: Councilor Leland made a motion at 9:00 p.m. to go into Executive**
23 **Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I)**
24 **regarding an evaluation of the town treasurer and not involving: any specific**
25 **employees who have requested discussion of the matter in open session; any**
26 **member of this body of any elected official; the appointment of any person to fill**
27 **an office of this body or of an elected official; or personnel policies that do not**
28 **require the discussion of matters personal to particular employees. Councilor**
29 **Hazelton seconded the motion and it passed unanimously.**
30

31 Executive session concluded.
32

33 At the end of the executive session, Mayor A Riddile made the following statement:
34

35 "The time is now 9:21 p.m. and the executive session has been concluded. The participants
36 in the executive session were: Councilor Hazelton, Mayor A Riddile, Councilors Copeland,
37 Leland and G Riddile and Town Administrator Dave Reynolds and Town Treasurer Loni Burk.
38 For the record, if any person who participated in the executive session believes that any
39 substantial discussion of any matters not included in the motion to go into the executive
40 session occurred during the executive session, or that any improper action occurred during
41 the executive session in violation of the Open Meetings Law, I would ask that you state your
42 concerns for the record."
43

44 No concerns were stated.

1
2
3 **MOTION: Mayor A Riddile made a motion to raise Treasurer Loni Burks Salary to**
4 **\$96,000.00 per year, beginning on September 1, 2021. Councilor Copeland**
5 **seconded the motion and it passed unanimously.**
6

7 **Consent Agenda**

8 July 20, 2021 minutes

9 Resolution TC 2021-11 - Adopting a Directory of Fees and Charges

10 **MOTION: Councilor Leland made a motion to approve the consent agenda.**
11 **Councilor G Riddile seconded the motion and it passed unanimously.**
12

13 **Staff Reports**

14 Town Administrator – Administrator Reynolds reminded the council that the retreat will be
15 on Saturday, September 25. Administrator Reynolds said that he and Town Planner Paul
16 Smith had met with Steve Craven who was asking how the land use processes had
17 changed for the town. Mr. Craven apparently had a buyer for his property and Mr. Craven
18 was providing that buyer with information about how the land use processes worked in
19 New Castle. The council and Administrator Reynolds briefly discussed potential
20 development in New Castle and at what point more staffing may be necessary.

21 Administrator Reynolds reminded the council that the police department had moved up
22 the hiring timeline for a new officer from October 2021 to immediately, and they had a
23 candidate in mind for that position. The candidate decided to take a position with the City
24 of Rifle. Administrator Reynolds said that the world of officer recruitment was changing,
25 and most towns sponsored candidates through the academy rather than recruiting them
26 after they graduate. Administrator Reynolds said that there were a couple strategies that
27 could be explored including recruiting nationally from officers who wanted to leave larger
28 agencies or to find someone to put through the academy with a contract for
29 reimbursement to the town should they wash out or refuse the job later. The other thing
30 that could happen is that the candidate can pay for it themselves with the town reimburse
31 them later. The council and Administrator Reynolds discussed the options briefly.

32 Administrator Reynolds said that he and Public Works Director John Wenzel and other PW
33 staff were working with a resident on a storm water run-off issue on Faas Ranch Road. He
34 said that he and Planner Smith were also working with a citizen regarding some concerns
35 with a business in town making a lot of noise. He said there had also been some concern
36 with the manner in which the police department had handled an issue at River Park
37 Condominiums and he and the mayor had handled that with the HOA. Administrator
38 Reynolds said that he and staff were working hard on everything parade and Burning
39 Mountain Festival related.

40 Town Clerk – Clerk Harrison said that she had been working on ore technology for council
41 chambers. Clerk Harrison said that her office had issued their first private party alcohol
42 permit for a rehearsal dinner in VIX Ranch Park. She said that the Chamber of Commerce
43 will be applying for a private party permit for a business-after-hours event in September.
44 Clerk Harrison said that her office was working hard on the beer garden for Burning
45 Mountain Festival and were thinking to the future as well for the Chili Cook-Off and
46 employee Christmas Party. Clerk Harrison reported that Administrative Assistant Remi

1 Bordelon had completed her utility billing training and would be on her own doing billing in
2 October. She said that Admin. Asst. Bordelon had also written herself an SOP guideline for
3 utility billing. Clerk Harrison said that is was refreshing to have someone in the
4 department that helped with redundancy and reliability which was something they had not
5 had in the past. Clerk Harrison said that her office was beginning to consider the April
6 2022 election at which there will be four council seats up for reelection. She said that they
7 were looking at changes in the law and tracking issue that were at the legislature. She
8 said they will also be taking some election classes to refresh their knowledge. Clerk
9 Harrison said they will begin creating the election calendar next month and that calendar
10 began in December 2021. Clerk Harrison said that her staff had crafted a new virtual
11 meeting notice at the top of the agenda that accounted for technology failures. She said
12 that at the August 3 council meeting internet service was down, but because the meeting
13 had been noticed as available virtually, staff was required to provide the virtual meeting
14 option otherwise the meeting would have been cancelled. Clerk Harrison said she had
15 been able to activate a Verizon Hot Spot and provide the virtual meeting. She said that
16 the new virtual meeting notice will alleviate potential issue should there be an internet or
17 power failure in the future.

18 Town Treasurer – Treasurer Burk said that is was hard to know what the rates would be
19 each year for health insurance and that in 2021 is had increased 5.5%. For 2022, she
20 reported that the increase will only be 2%. Treasurer Burk said she was busy with
21 budgets, and that all the department heads had gotten their worksheets turned in.

22 Town Planner -

23 Public Works Director -

24

25 **Commission Reports**

26 Planning & Zoning Commission – nothing to report.

27 Historic Preservation Commission – nothing to report.

28 Climate and Environment Commission – Councilor Leland said they had gotten their fire
29 prevention videotape done with Mayor A Riddile, Ed Mooney and Orrin Moon. He said it
30 had gone very well.

31 Senior Program – nothing to report.

32 RFTA – Mayor A Riddile said that RFTA came up with a Youth Fair of \$1.00 for kids up to
33 19 years old.

34 AGNC – nothing to report.

35 GCE – nothing to report.

36 EAB – nothing to report.

37

38 **Council Comments**

39 Councilor Leland asked about the traffic jam on the bridge on Main Street. He said their
40 had been a complaint about the town causing a traffic jam on the first day of school, and
41 that Administrative Assistant Rochelle Firth had provide correct information to that
42 person.

43 Councilor Leland said that it was obvious that Mr. Merrifield was interested in serving and
44 they should utilize that.

45 Mayor A Riddile complimented Councilor Mariscal for the article in the newspaper.

1 Mayor A Riddile told everyone that he had been bitten by a dog the week prior in River
2 Park and he subsequently attended the River Park HOA meeting and advised them the
3 incident had scared him to death and advised them to speak to their attorney about
4 creating better rules.
5 Councilor Copeland said that maybe it would be a good idea to move the timeline up on
6 implementing the leash law.

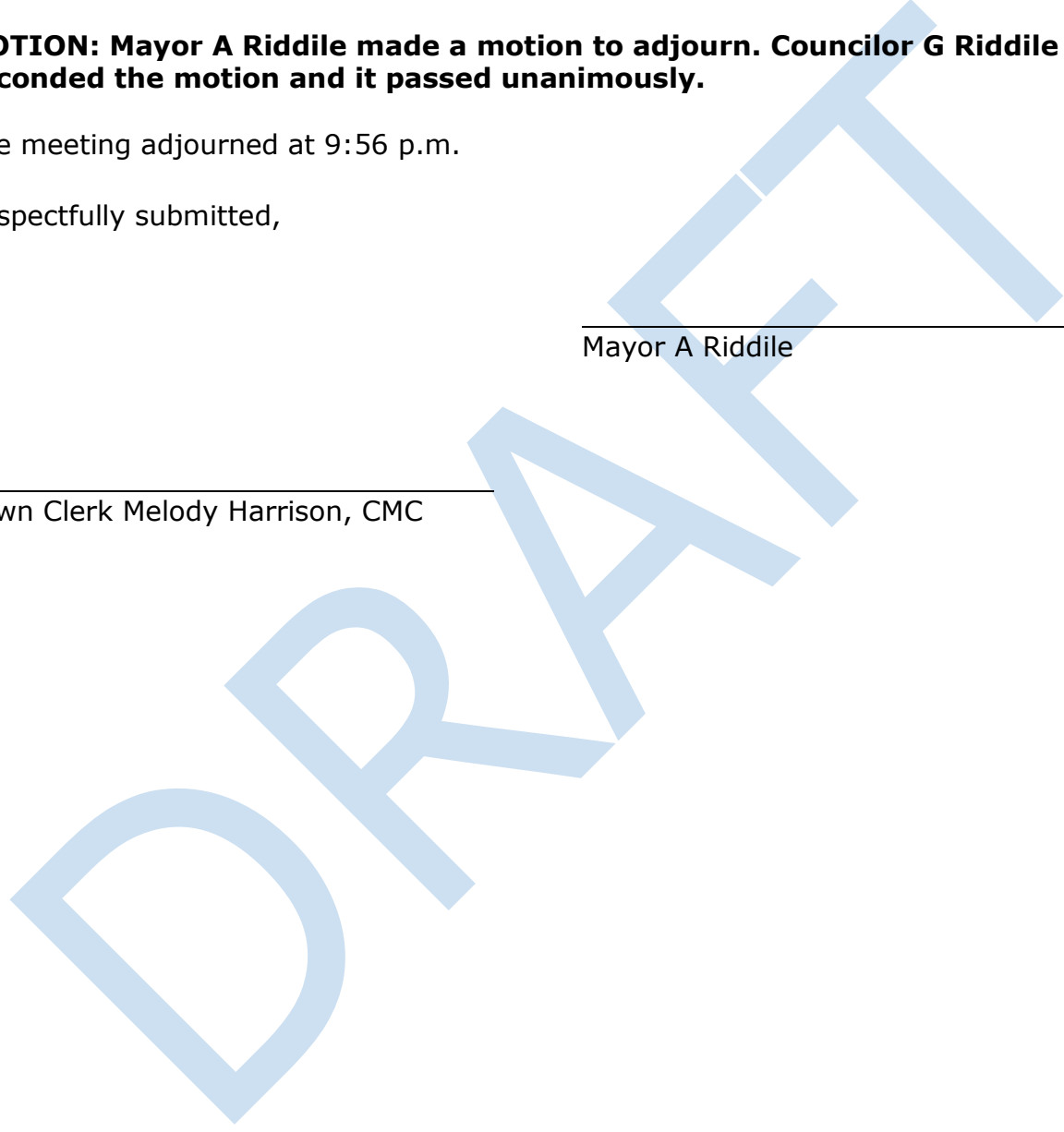
7
8 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor G Riddile**
9 **seconded the motion and it passed unanimously.**

10
11 The meeting adjourned at 9:56 p.m.

12
13 Respectfully submitted,

14
15
16
17 _____
18 Mayor A Riddile

19
20
21 _____
22 Town Clerk Melody Harrison, CMC
23



1 **New Castle Town Council Special Meeting**
2 **Tuesday, August 31, 2021, 4:30 PM**

3
4 This meeting was also be available virtually.

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 **Call to Order**

13 Mayor A Riddile called the meeting to order at 4:30 p.m.

14
15 **Pledge of Allegiance**

16
17 **Roll Call**

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

25
26 Also present at the meeting were Town Administrator Dave Reynolds and Town Clerk
27 Melody Harrison.

28
29 **Meeting Notice**

30 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
31 accordance with Resolution Tc 2021-1.

32
33 **Conflicts of Interest**

34 There were no conflicts of interest.

35
36 **Agenda Changes**

37 There were no changes in the agenda.

38
39
40 **Citizen Comments on Items not on the Agenda**

41 There were no citizen comments.

42
43
44 **Items for Consideration**

45
46 **Consider Resolution TC 2021-12 - a Resolution of the New Castle Town Council**
47 **Supporting the Application for a Grant from the Garfield County Federal Mineral**
48 **Lease District for the Improvements of the Community Center Kitchen**

49 Town Administrator Dave Reynolds apologized to the council for staff not having had the
50 resolution in the last council meeting. He said that the FMLD had been a bit off in 2021
51 with which grants they would have available, and staff also lost sight of the grant as well.

1 He said that the resolution was the standard one that was part of every grant application,
2 and the grant will be for improvements to the community center kitchen.
3 Mayor A Riddile asked what sort of improvements. Administrator Reynolds said new
4 cabinets and some stainless-steel surfaces, better sinks, more in alignment with a
5 commercial kitchen.

6 **MOTION: Mayor A Riddile made a motion to approve Resolution TC 2021-12, a**
7 **Resolution of the New Castle Town Council Supporting the Application for a**
8 **Grant from the Garfield County Federal Mineral Lease District for the**
9 **Improvements of the Community Center Kitchen. Councilor Mariscal seconded**
10 **the motion and it passed unanimously.**

11
12 **Council Comments**

13 Councilor Leland asked when the work on the bridge would be complete. Administrator
14 Reynolds said they were installing a gas line under it. They had to bore under it and had
15 met with more resistance than anticipated.

16
17 Mayor A Riddile thanked everyone for taking the time to attend.

18
19 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Mariscal seconded**
20 **the motion and it passed unanimously.**

21
22 The meeting adjourned at 4:35 p.m.

23
24
25 Respectfully submitted,

26
27
28
29 _____
30 Mayor A Riddile

31
32
33 _____
34 Town Clerk Melody Harrison, CMC
35

1
2 **New Castle Town Council Regular Meeting**
3 **Tuesday, September 07, 2021, 7:00 PM**
4

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
11 If you prefer to telephone in:
12 Please call: 1-346-248-7799
13 Meeting ID: 709 658 8400
14

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

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
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
28 Absent	Councilor Owens
	Councilor Hazelton

30
31 Also present at the meeting were Tow Administrator Dave Reynolds, Town Clerk Melody
32 Harrison, Town Planner Paul Smith, Town Attorney David McConaughy, Town Engineer Jeff
33 Simonson and members of the public.
34

35 **MOTION: Mayor A Riddile made a motion to excuse Councilor Hazelton's**
36 **absence. Councilor Copeland seconded the motion and it passed unanimously.**
37

38 **MOTION: Mayor A Riddile made a motion to excuse Councilor Owens' absence.**
39 **Councilor Mariscal seconded the motion and it passed unanimously.**
40

41 **Meeting Notice**

42 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
43 accordance with Resolution TC 2021-1.
44

45 **Conflicts of Interest**

46 There were no conflicts of interest.
47

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 **Consultant Reports**

8 Consultant Attorney – present for agenda items.

9 Consultant Engineer – present for agenda items.

10
11 **Items for Consideration**

12
13 **Consider Letters of Interest from Michael Merrifield for Appointment to a Vacant**
14 **Seat on the Climate and Environment Commission**

15 Mr. Michael Merrifield greeted the council. He told them that he appreciated the
16 opportunity to speak to the council. Mr. Merrifield said he had lived in New Castle for
17 about a month. He said he had many years of experience in advocating for the
18 environment, for climate and preservation of open space and that it was an area for which
19 he had a great passion. He said he was a new resident of New Castle would love the
20 opportunity to support and help his new hometown. Mr. Merrifield said he had been
21 exploring the area trails and would love to be of service to the community.

22 **MOTION: Councilor Leland made a motion to appoint Michael Merrifield to the**
23 **Climate and Environment Commission. Councilor G Riddile seconded the motion**
24 **and it passed unanimously.**

25
26 Councilor Leland told Mr. Merrifield that the commission would be in the parade for
27 Burning Mountain Festival on Saturday, and he invited Mr. Merrifield to join them. He said
28 that they will walk with the fire department trucks and hand out information regarding fire
29 protection.

30 Mr. Merrifield thanked the council and said he would attend the parade Saturday.

31
32
33 **Consider Ordinance TC 2021-6 - An Ordinance of the New Castle Town Council**
34 **Amending the Municipal Code Regarding Membership of the Planning**
35 **Commission (2nd reading)**

36 Town Administrator Dave Reynolds told the council that the ordinance was to provide two
37 alternate seats for the Planning & Zoning Commission. He gave a brief description and
38 that nothing had changed from first reading.

39 **MOTION: Councilor Leland made a motion to approve Ordinance TC 2021-6, An**
40 **Ordinance of the New Castle Town Council Amending the Municipal Code**
41 **Regarding Membership of the Planning Commission on 2nd reading. Councilor**
42 **Mariscal seconded the motion and it passed on a roll-call vote: Councilor Leland:**
43 **yes; Councilor Mariscal: yes; Mayor A Riddile: yes; Councilor Copeland: yes;**
44 **Councilor G Riddile: yes.**

1 **Consider a Sketch Plan Application from RG Lakota Holdings, LLC for Lakota**
2 **Canyon Ranch - Filing 8**

3 Town Planner Paul Smith told the council that the application was from the Romero Group
4 for filing 8 in Lakota Canyon Ranch. He introduced Dwayne Romero, of The Romero
5 Group, Heather Henry of Connect One Design, and Scott McHale of Z Group Architects.
6

7 Planner Smith reviewed the following staff report in detail.
8
9

10 **Staff Report**

11 **Lakota Canyon Ranch - Filing 8**
12 **Sketch Plan**
13 **Town Council – September 7th, 2021**
14

15
16 Report Compiled: 9/3/2021
17
18

19 **Project Information**

20
21 **Name of Applicant:** Dwayne Romero
22
23 **Applicant’s Mailing Address:** 350 Market St. #304 Basalt, CO 81621
24
25 **Phone/Email:** 970-273-3100/dromero@romero-group.com
26
27 **Property Address:** TBD
28
29 **Property Owner:** RG Lakota Holdings, LLC
30
31 **Owner Mailing Address** Same as Applicant
32
33 **Proposed Use:** 128 Rental Apartments, 48 Townhomes, & 21 Single-Family
34 Homes totaling **196 residential units; 75,900sf commercial**
35 **space**
36
37 **Legal Description:** Section: 32 Township: 5 Range: 90 Subdivision: WHITEHORSE
38 VILLAGE AT LAKOTA CANYON RAN AMENDED PARCEL 3
39 FUTURE DEVELOPMENT PHASE 1 A RE-SUB OF BLK A, B1 &
40 B2 LAKOTA CANYON RANCH FILING 1 4.42 ACRES
41
42 Section: 29 Township: 5 Range: 90 Subdivision: LAKOTA
43 CANYON RANCH FILING #3 PHASE 1 FUTURE
44 DEVELOPMENT PARCEL AS PLATTED PER RECEPTION NO.
45 665843 5.844 ACRES
46

Town Council Meeting
Tuesday, September 7, 2021

1 Section: 29 Township: 5 Range: 90 PARCEL C-2 2ND AMENDED
2 PLAT OF LAKOTA CANYON RANCH FKA EAGLES RIDGE
3 RANCH. 5.321 ACRES
4

5 **Street Frontage:** Castle Valley Blvd.
6 Faas Ranch Rd.
7 Lakota Dr.
8 Blackhawk Dr.
9 Whitehorse Dr.

10
11 **Existing Zoning:** Mixed Use (MU)

12
13 **Surrounding Zoning:** Single Family Residential; Multifamily Residential (Shibui, Senior
14 Housing)
15 Nonresidential (CRFR Fire House)
16

17
18 **Introduction – Sketch Plan**
19

20 On June 21, 2021 the Applicant submitted a sketch plan for Filing 8 in Lakota Canyon
21 Ranch (“LCR”) following the obligatory pre-application meeting with staff on April 9th, 2021. The
22 sketch plan application was considered complete on June 28th, 2021 and reviewed by the
23 planning commission on July 28th. The sketch plan is the first of three application steps required
24 for new planned unit developments (“PUD”) & subdivision proposals. The sketch review will
25 assess initial compliance with the town code, provisions for utilities and infrastructure,
26 substantial conformance to the comprehensive plan, and any adverse impacts to the town. At
27 this initial phase the sketch review gives the applicant preliminary, nonbinding feedback from
28 staff, Planning and Zoning (“P&Z”), and Council before significant expenses are incurred. **No**
29 **formal approvals are made at this initial step.** However recommendations, endorsements,
30 and/or criticisms based on the following approval criteria can be expected.
31

32 Throughout the application process, the proposal will be reviewed pursuant to the criteria
33 outlined in the Municipal Code for PUDs and subdivisions. The intent of this exercise is to
34 communicate the application’s level of conformity to town regulations and requirements and to
35 anticipate the application’s success at future hearings. An application shall demonstrate
36 conformity to the following criteria:
37

- 38 • Consistency with the comprehensive plan;
- 39 • Compatibility of proposed zoning, density, and general development plan to neighboring
- 40 land uses and applicable town *code* provisions;
- 41 • Availability of town services from public works, fire, and police;
- 42 • Vehicle, bicycle, and pedestrian circulation; and
- 43 • Preservation of the natural character of the land.

44
45
Town Council Meeting
Tuesday, September 7, 2021

1 **II Sketch Plan Application Exhibits:**

- 2
3 1) P&Z Revised Sketch Plan Submittal – July 8th, 2021
4
5
6

7 **III Staff Review:**

8
9 According to the 2002 Lakota Master Plan (Ord. 2002-18):

10
11 “The planning concept for the mixed use zone is to create an attractive environment for
12 community, commercial and retail in a pleasant central location. The community commercial
13 area would be located close to the highway intersection for easy access to non-resident
14 shoppers and would be convenient to the main Boulevard to cut down on traffic trip length
15 and be located near residential areas to cut down on vehicle trips. In keeping with the
16 objective to reduce motor vehicle trips, non-motorized trail systems shall be designed
17 throughout the project and connect residential and commercial districts in a convenient and
18 logical manner. Office and service uses would be mixed into the development in non-store
19 front locations including at the periphery of retail areas as well as on second stories. This
20 would cut down on employee day trips. In some cases, smaller residential units may be
21 mixed in with the commercial/office development, provided that in any building containing
22 both residential and commercial space, there shall be no ground floor residential dwelling
23 units on the same side of the building as ground floor commercial space.”
24

25 The application process is meant to assure the present proposal conforms to the expectations
26 of this planning concept.
27

28 The major elements of the 2009 Comprehensive Plan (“CP”) were originally based on the
29 community’s core values resulting from various public input opportunities such as surveys,
30 stakeholder interviews, meetings, and Steering Committee contributions. Applicants are
31 expected to clearly demonstrate substantial conformity with the comprehensive plan in all
32 applications (Policy CG-1B). The conformance checklist assists reviewers in assessing
33 conformance. An application should:

- 34
35 Foster distinctive, attractive communities with a strong sense of place and quality of life.
36
37 Demonstrate that individual project fits into a fully-balanced community land use structure.
38
39 Ensure a mix of uses that complement the existing New Castle land-use patterns.
40
41 Create walkable communities with non-vehicular interconnection between use areas.
42
43 Guarantee a balance of housing types that support a range of affordability.
44
45 Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife
46 habitat.
47

1 □ Encourage economic development and supporting hard & soft infrastructure.

2
3 □ Concentrate development in ways which provide efficient and cost-effective services.

4
5 **1) *Is the proposal consistent with the comprehensive plan?***

6
7 As proposed, Filing 8 represents a community advocating health and wellness. The concept
8 seeks to augment the lifestyle amenities already available to residents of New Castle such as
9 bike/hiking trails, river rafting, fishing, hunting, winter recreation, and golf. The commercial
10 core of the development plans to attract health and medical services, recreation-oriented retail,
11 potential restaurants or cafes, and co-working space for remote work.

12
13 Surrounding this commercial core is a range of residential housing options that hopes to
14 cultivate an authentic mixed-use experience. Units are intended to be priced competitively
15 with affordability in mind. The objective is smart growth that allows residents to live, work, and
16 play altogether locally. The applicant has sought strategic placement of open space courts,
17 trails, plazas, and landscape buffers to diffuse higher density structures. The entirety of the
18 development will “allow housing, employment and services to coexist within walking/biking
19 distance thereby reducing reliance on the automobile for all transportation” (CP, 50). The
20 generous commercial component should help correct the current imbalance between
21 residential and commercial development within the town.

22
23 Environmentally, the application narrative anticipates various “net zero” measures to reduce
24 the development’s carbon footprint. Solar collectors, alternative forms of transportation, and
25 higher density are the proposed measures. The proposal will likely impact wildlife habitat and
26 migration patterns for large game who frequent the Castle Valley Blvd. (“CVB”) area especially
27 during the winter. Though these impacts were anticipated in the original Master Plan approval,
28 mitigation steps should still be considered during the design and review process.

29
30
31
32 **2) *Does the proposal demonstrate compatibility with the proposed zoning, density, and***
33 ***general development plan to neighboring land uses and applicable town code provisions***

34
35 The proposal is comprised of three parcels originally zoned as mixed-use. In Lakota, mixed
36 use development may have:

- 37
38 • a maximum density of 12 units per useable acre
39 • 10 units per building
40 • 100,000sf of commercial space
41 • Maximum 35’ building height
42 • Off-street parking of:
43 ▪ 2 off-street parking spaces per residential unit
44 ▪ 2 spaces per 300sf retail
45 ▪ 1 space per 300sf office
46 ▪ 2 space per 300sf medical + 1space/two employees
47 • 15% gross area committed to open space

1
2 The proposed residential density of 12.58 units per acre is just above the 12 units per acre
3 approved for Lakota mixed-use zoning, but is less than the recent developments of Lakota
4 Senior Housing (19.4 units per acre) and Eagle’s Ridge Ranch (13.5 units per acre). The
5 apartments in Parcels 3 & 6 will greatly exceed the 10 units allowed per building with 24 units
6 per building. This ratio was also exceeded in the Senior Housing development. Of note, the
7 residential density is not uniformly high throughout the project. The applicant has been mindful
8 of aesthetic transitions by reducing the density towards already existing single family (“SF”)
9 homes along Blackhawk Dr. and Whitehorse Dr. Generally the density decreases from the
10 southeast (~15.6 units per acre) to the northwest (~9.7 units per acre).
11

12 Road capacity has become a significant topic in recent development discussions. At this
13 early stage of the application nothing definitive can be determined with respect to traffic impacts
14 until the applicant has performed a traffic study. The results of this study will not be required
15 until the preliminary application. Nevertheless, the town expects vehicle and pedestrian
16 congestion to grow considerably at the intersection of Faas Ranch Rd and CVB. Staff has
17 begun exploring alternatives to help mitigate any onerous impacts revealed in the traffic study.
18

19 Parking has been tabulated and reported in the submittal. A minimum of two off-street
20 parking places will be designed for each dwelling unit. SF homes will have a two car driveway
21 for an additional two spaces per home. Conversely the applicant requests a 26% reduction in
22 parking for the commercial properties. At this initial application phase, it is uncertain what
23 commercial tenants will occupy these units by completion or what tenants will occupy in the
24 future. Therefore it is difficult to know whether the parking allocation is sufficient as proposed.
25 Therefore prior to the preliminary application staff recommends that the applicant provide a
26 comparison study which juxtaposes parking in one or two mixed-use developments elsewhere
27 in the valley (e.g. Willits, Riverwalk in Edwards, Meadows in Glenwood) with the parking
28 configuration proposed here. These analogs will help P&Z and Council determine whether a
29 reduction is justified.
30

31 The parcels are adjacent to single-family homes (LCR), apartments (Shibui), present (Senior
32 Housing, Castle Ridge), future condo/townhomes (Eagle’s Ridge Ranch), and the local fire
33 station. Mixed-use development is a seamless fit to these adjacent filings. In all instances,
34 development within LCR has conformed to the design requirements of the Lakota Design
35 Review Committee. Per section MC 17.128.070§M, this development will be no exception.
36 Design characteristics should match those already prevalent in the Lakota PUD. Specifically,
37

1 To maintain visual quality in the mixed use zone, building facades should be varied and
2 articulated to provide visual interest to pedestrians and motorists. Street level windows and
3 numerous building entries are required in commercial areas. Arcades, porches, bays and
4 balconies are encouraged. In no case shall the streetside facade of a building consist of an
5 unarticulated blank wall or an unbroken series of garage doors. Building designs should
6 provide as much visual stimulus as possible, without creating a chaotic image. Buildings
7 should incorporate design elements at the street level that draw in pedestrians and reinforce
8 street activity. Facades should vary from one building to the next, rather than create an
9 overly unified frontage. Building materials such as concrete, masonry, tile, stone and wood
10 are encouraged; glass curtain walls
11 and reflective glass are discouraged.
12 Development shall comply with any
13 design guidelines or illustrations that
14 may be approved as part of the site
15 plan review process described in
16 Section 17.128.030 above.



17
18 The applicant is currently in
19 discussions with the Lakota Home
20 Owner's Association ("HOA") design review committee to reach consensus with the exterior
21 treatment of buildings. Examples of those treatments are provided in the submittal.
22

23 ***Importantly, in the above review the applicant is requesting variances with three Lakota***
24 ***zoning requirements: 1) units/acre; 2) units/building; 3) commercial off-street parking;***
25

26
27
28 **3) *Is there availability of town services from public works, fire, and police?***
29

30 The application narrative anticipates an increase of 200-400 new residents and the
31 possibility of 100-150 employees at full build-out. There is no indication at this point that this
32 increase would compromise police service. An additional FTE would only be considered if the
33 population increase approached 1,000. Moreover, Colorado River Fire Rescue does not
34 currently anticipate adverse impacts on their services to the town. Both departments will
35 provide referral comments at the preliminary application.
36

37 The Lakota PUD was originally approved for 827 residential units (EQRs) and 100,000sf
38 commercial space. These totals were primarily the result of calculations performed on the basis
39 of water dedicated from Elk Creek. As of 6/23/21, Lakota has 233 rooftops connected to town
40 water with six additional homes under construction. No commercial property currently exists
41 within the PUD. With 196 additional units for Filing 8 the total build-out in Lakota would be 435
42 units or 53% of the total allocation, all else being equal. The sewage treatment plant was
43 upgraded years ago to accommodate the full PUD. In short, the town water & sewer service has
44 far greater capacity than would be needed for the development of the proposed units.
45

46 Public works has reiterated the need for sufficient snow storage provisions demonstrated at
47 the time of the preliminary application. Moreover the next phase of application must identify the
48 public/private roads and open space in order to understand the maintenance requirements of
49 these elements. The town has acknowledged that it will maintain the right-of-way along Lakota

1 Dr. and Faas Ranch Rd. The remaining elements would be serviced by HOA property
2 management. Lakota Dr. was anticipated to continue as a town right-of-way ("ROW") southeast
3 to Shibui. Along Parcels 1 & 3, however, Lakota Dr. does not match the design shown
4 northwest of Faas Ranch Rd. Instead this section of road appears to function more as a parking
5 lot. Staff recommends that if the applicant expects to convey ownership of this section of
6 Lakota Dr. to the town, that they clarify the function of Lakota Dr. southeast of Faas and, if
7 necessary, bring the road to the service level expected by the town engineer and the public
8 works department.
9



10 Parking within the ROW should take into account all maintenance requirements as well as the safety of pedestrians adjacent to roads. The Comprehensive Plan endorses separated sidewalks, among other things to serve both these purposes. At first blush, on-street parking along Lakota Dr. is dense. Therefore staff has concern with the parking concentrated along Lakota Dr. and encourages the applicant to minimize its effects on pedestrian safety, snow maintenance, and overall aesthetics.

23 **4) Is there adequate vehicle, bicycle, and pedestrian circulation?**
24

25 Filing 8, again, promises to be a community focusing on health and wellness. Instances of
26 open space, trails, and non-vehicular connectivity are shown dispersed throughout the site plan.
27 A 1/3 acre park is centered in the southeast parcel amidst higher density apartment and
28 commercial structures. Trails and sidewalks border every parcel, although sidewalks are
29 omitted for the SF homes on the northwest end of the development. Staff also requests that an
30 additional trail be added at the Shibui property line and a short spur east of the SF homes to
31 facilitate a more immediate connection with CVB to the south & west. Trails with crusher fines
32 may be ideal for perimeter trails, while asphalt/ paths will be recommended for any paths
33 maintained by the town.
34

35
36
37 **5) Is the natural character of the land preserved?**
38

39 Other than excavation spoils from earlier PUD improvements, the property drops uniformly
40 in elevation from northwest to southeast (see typography submittal). Units are anticipated to
41 step down at each lot/building. Along CVB the adjacent property inclines steeply from ~5ft-10ft
42 above street level. Structures will appear to sit higher than the ROW at CVB. Attention should
43 be given to the building heights when they are in close proximity to these steep terrain
44 differences. For instance, buildings in Parcel 2 along CVB will sit close to the road and may find
45 it challenging to meet the Lakota building height requirements. Per MC 17.128.010 "building
46 height" is defined as follows:
47

1 "Building height" means the maximum vertical distance measured from the lowest point of
2 natural or finished grade on the lot within five (5) feet of the tallest side of the building to
3 the uppermost point of the roof of the building.
4

5 The point here is that buildings arranged closely to topography which drops precipitously at
6 the buildings' perimeter may have to account for this drop in the building height calculation. If
7 the buildings are already anticipated
8 to exceed the stipulated building
9 height for the zoning by 7ft, then the
10 buildings may appear to be
11 disproportionate to surrounding
12 buildings or out of balance with the
13 surround topography. Care should
14 be given to maintain the view planes
15 along CVB in continuity with the rest
16 of Lakota. Small adjustments in the
17 design of buildings in Parcel 2 may
18 be advised in order to retain the
19 continuity with the surroundings.
20



21 It is also recommended that parking for commercial buildings, when facing CVB be
22 appropriately screened with berms and landscaping similarly to other development in town
23 pursuant to MC 17.128.070§D.2
24

25 **Note, the applicant is requesting an additional variance with respect to building height.**
26

27 **IV Planning Commission's Recommendations & Concerns**

- 28
- 29 1. The massing of the buildings on Parcel 2 at the turn from Castle Valley Blvd. to Faas
30 Ranch Rd. appears confining and is inconsistent with the more open entry feel in the rest
31 of Lakota. The buildings could be reduced or rearranged. Or, utilize architecture or
32 screening that masks the imposing feel. Thought was giving to landscaping such as
33 conifers and 'green' walls.
- 34 2. The views from walking or driving along CVB should be commensurate with the rest of
35 Lakota. Options considered included rotating building/parking so that entries or
36 restaurant seating face CVB to appear more inviting to all of New Castle residents.
37 Otherwise provide greater buffers or screening between CVB and the back walls of
38 buildings.
- 39 3. Snow storage locations, on-street parking, and separated sidewalks need to be
40 addressed as part of an overall winter road maintenance plan which optimizes the
41 pedestrian experience.
- 42 4. Parking lot lighting will need to be sensitive to dark-sky compliance per the
43 comprehensive plan. Demonstrate that *all* lighting will limit light trespass. Parking lot
44 lighting should be on timers to reduce lighting at night time while maintaining security
45 lighting as needed.
- 46 5. Building height variances may affect the aesthetic appeal of the Faas Ranch approach.
47 Flat roofs will be a hard sell to the HOA design review committee. Alternative heights, or
48 roof designs, or building considerations should be considered before granting a

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- 1 variance.
- 2 6. Provide “story-poles” to demonstrate building heights prior to the community outreach
- 3 meeting.
- 4 7. Phasing of development needs to be clarified as the application proceeds. Residential
- 5 phasing “triggers” for commercial development have been discussed.
- 6 8. Commercial parking might utilize a “shared-use” agreement to allow residential parking
- 7 (or other uses) during off hours.
- 8 9. Deed restricted units reserved for local emergency responders, town support personnel,
- 9 and school district employees was briefly discussed, but nothing was recommended.
- 10
- 11

12 **V Next Steps**

13

14 Town Council may make additional comments and recommendations to those provided by

15 the Planning Commission upon review of the application. Afterwards, the applicant may elect

16 either:

17

- 18 1. To make revisions to the sketch plan for further review; or
- 19
- 20 2. Proceed directly to the preliminary application phase.
- 21

22 **Community Open House.** Prior to submitting a preliminary plan application, the applicant

23 shall conduct a community open house meeting regarding the sketch plan, any changes thereto

24 recommended by the town, and any other changes made to the proposed development in

25 anticipation of submitting a preliminary PUD development plan. The open house is an occasion

26 to share the project directly with residents and stakeholders. The applicant shall notify the town

27 of the date of the community open house, and notice the community open house according to

28 the town's public hearing notice procedures set forth in Section 16.08.040, except that notice to

29 mineral owners is not required.

30

31 **Duration of Sketch Plan.** The sketch plan review conducted pursuant to this Section

32 17.100.040 will remain in effect for one (1) year from the date town council reviews the

33 application. If applicant does not submit a preliminary PUD plan application within said year,

34 applicant may be required to submit a new sketch plan application before filing a preliminary

35 plan application. Similarly, if applicant's preliminary PUD plan application includes substantial

36 and material (e.g., proposes new uses, higher density development, new or additional

37 variances, etc.) changes from the original sketch plan, the town administrator may require the

38 applicant to conduct a new sketch plan review.

39

40 Town Attorney David McConaughy told the council that when staff spoke of a ‘variance’

41 that meant merely something that deviated from the code, it was not a variance

42 application that would be heard by the Board of Zoning Adjustment. He said that this was

43 a PUD and making adjustments to those types of requirements were within the PUD

44 process.

45

46 Attorney McConaughy also told the council that because the land use process had begun,

47 the council members were restrained from discussing it outside of a noticed meeting.

1 Mr. Dwayne Romero greeted the council. He reintroduced his team members Heather
2 Henry of Connect One Designs and Scott McHale of Z Group Architects.

3
4 Mr. Romero said that the Romero Group was a multi-functional real estate and property
5 management firm, investment firm, development firm and their own realty agency. He
6 said they were made up of 125 community members from Aspen to Parachute, 24 who
7 worked in New Castle. Mr. Romero said that the Romero Group positioned themselves in
8 the community by being community servants, builders, participants and try to make
9 contributions and make for the better. He said that they were elected persons – Mr.
10 Romero sat on the school board and was a former city councilman and had served six
11 years on the fire district in Aspen, serving with Orrin Moon. Mr. Romero said that Ms.
12 Henry was in her tenth year in Carbondale, currently on the board of trustees. Mr. Romero
13 said they were members of the community trying to make it better. He said they felt
14 fortunate to have been able to purchase the Lakota Golf Course and remaining inventory
15 and thought it was a tremendous asset for New Castle that had been underutilized. He
16 said that they were in their fifteenth month of ownership and felt that they were making
17 incremental improvements to bolster the quality of that asset, to include a restaurant, for
18 the benefit of the town. Mr. Romero said that they were trying to demonstrate, through
19 deeds and actions over time, to build relationship and new confidence and trust in the
20 community. He said they were adding to the wonderful brand that was New Castle: a
21 great place to live, raise a family, to live, work and play. Mr. Romero said that was why
22 they were present with their sketch plan. He clarified that the sketch plan was not fine-
23 tuned yet, but they were excited about being able to have dialog with the council and
24 hopefully determine how they could line up with the town’s master plan which he felt
25 translated to value such as affordability in response to what he felt was a current
26 community crisis that extended throughout the western slope: Affordable housing. The
27 ability for someone to establish themselves, raise a family, have sustainable income, and
28 own a home. Mr. Romero said there was opportunity with the remaining inventory in
29 Lakota to begin finishing an important neighborhood that had been stalled for fifteen
30 years. He said their plan was to deliver multiple types of residential: apartments, condos,
31 townhomes, single family homes according to the zoning set in place by the town many
32 years ago. He further stated that the mixed-use zoning included a commercial component
33 and they called it complimentary commercial, designed to complement other existing
34 commercial, not compete with it. Mr. Romero said that they also felt it was part of their
35 job to come up with transportation alternative products and programs such as Car Share,
36 E-Bike, things that might lead people into not using a vehicle. Mr. Romero said that most
37 important value he wanted to share was sustainability and resiliency of the community:
38 how to make sure the residents and community were around for the long term. That they
39 do not contribute to climate change, fire, and fire hazard, rather they mitigate those
40 things. He said they thought about how they could create forms and structures of homes
41 that take advantage of aspect, that had solar collection and moved away from
42 consumptive elements. He said he wanted LEEDS (Leadership in Energy and
43 Environmental Design Standards) types of neighborhoods. Mr. Romero said those were
44 the values they ascribed to for many years in their work in the communities and drove
45 some of the thought around their sketch plan. He clarified that it was a sketch plan – not
46 in ink but in pencil. He said he knew there were some deviations in the plan, but he felt
47 they were smart and thoughtful and looked forward to the council’s feedback. He clarified

1 their four primary values: affordability; compatible, complimentary commercial; smart,
2 efficient alternative transportation and sustainability and resiliency for the long-haul.
3
4

5 Heather Henry, Connect One. Ms. Henry, utilizing the submittal documents that were
6 screen-shared, pointed out various components of the plan and described the intend of
7 the aesthetics of how the subdivision was laid out, focusing on walkability between green
8 spaces and streets, cross-connections between areas both commercial and residential. Ms.
9 Henry indicated the various residential areas beginning with the single-family units to the
10 west that respected the density of the adjacent six-packs. Similarly, picking up the Shibui
11 density at the other end of the subdivision, working its way into the commercial core,
12 again with walkability and vehicular connections. She clarified which buildings were two
13 and three story as well as townhomes, apartments and condos throughout the proposal
14 including a vertical mixed-use building and others that were strictly commercial.
15 Ms. Henry also reviewed the density for the residential and commercial spaces and
16 discussed the purpose of the residential sizing to encourage a live-work atmosphere. In
17 addition, she reviewed the transportation concepts contemplated in the design that
18 included public transit stops, car sharing and electric vehicle charging stations as well as
19 bicycle infrastructure. Ms. Henry said that all of the space in the subdivision was carefully
20 planned, and everything was interwoven, and she suggested that changing any one space
21 would affect the purpose of the design as a whole.

22 Ms. Henry showed the council documents that gave street-level pedestrian views from
23 specific spaces in the subdivision. She noted that the sketch plan documents were not
24 intended to show architecture, and the buildings depicted in the drawings were simply
25 blocks. The views she shared included Lakota Drive, Faas Ranch Road, Castle Valley
26 Boulevard, the commercial area and the parking area at the apartments. Ms. Henry said
27 that the purpose of placing apartment buildings along Castle Valley Boulevard was
28 intentional so that the view was not a sea of vehicles like the Shibui complex, rather, the
29 buildings made for a better view.
30

31 Scott McHale, Z Group Architects. Mr. McHale greeted the council. Referencing the screen-
32 shared documents, Mr. McHale reviewed the architectural concepts for the subdivision,
33 noting that some of the features were traditional, some modern and some that may test
34 what was traditional. He said they wanted to collaborate with the town regarding the
35 architecture. Indicating the shared images, he showed them pictures of single-family,
36 multi-family and commercial buildings whose features were resilient and sustainable such
37 as solar, passive solar, trellises and other screening techniques for cooling and shade. He
38 said that in some of the buildings, modern forms were mixed with traditional forms
39 creating elegance. In the multi-family buildings, there was articulation, mixing roof forms,
40 breaking down mass and scale, units turned on corners to try to avoid a boring, static
41 elevations. The varying roof lines allowed solar to be incorporated and for proper roof
42 snow-shedding. He said there was different fenestration styles with doors and windows,
43 different things done with decks and balconies, again to break down mass and scale. Mr.
44 McHale said the concepts were a small western town feel with some modern elements,
45 mixing the past with the future. Mr. McHale said they were excited about the project and
46 looked forward to working with the town. Mr. McHale said that the design guidelines that
47 the Lakota design review committee had were written more towards small-scale
48 residential, and he said they were asking for some leniency in working with different views

1 commissions more to push the envelope of where the design regulation were written
2 currently.

3
4 Councilor Leland asked about including solar and where it would be appropriate, whether
5 it would be rooftop or free-standing panels. Ms. Henry said they hoped for a little of both.
6 She said they would like some to be on the covered parking and some rooftop integrated.
7 Councilor Leland said they should consider additional batteries.

8 Councilor Leland said that health services that served seniors would be good for the
9 commercial. He also said that improving the walking path to City Market would be great.
10 Councilor Leland said he appreciated the idea of affordability because the Whitehorse six
11 packs were not the best model to look at, for many reasons. He said his personal
12 objection was they were too much, too big and too close to one another so they lose the
13 sense of proportion.

14
15 Councilor Copeland asked about the passive solar. Mr. McHale said it was an old school
16 concept that with proper shading and orientation they could get active sun in to heat up a
17 space but screen the harsh sun creating a thermal mass inside which would use less
18 active heat.

19 Councilor Copeland said that with the less parking, how would it work with work trucks
20 and garages full of toys. Ms. Henry said that they kept the parking ratio at the two-to one
21 and they were not asking for any breaks regarding the required parking. She said that the
22 townhomes and small-lot home will have two-car garages and surface parking for the
23 apartments at two-to-one. She said there was very few three-bedroom units in the
24 apartments, so they felt that the parking ratio was good. Ms. Henry said that where they
25 saw a transition was around the shared parking in the commercial so that in the evenings
26 there was not an empty sea of parking, rather, that parking would then be used by
27 residential. The idea was reducing the parking by five or ten percent in the mixed-use
28 commercial area.

29 Councilor G Riddile liked the spine of Lakota Drive because it provided an alternative to
30 what Castle Valley Boulevard was in terms of a pedestrian experience. He said that he
31 would like to see a north-south connection to Shibui because it would continue that
32 pedestrian spine. Councilor Leland said it made Lakota look less exclusive.

33 Mr. Romero said that they had a conversation with the HOA president of Shibui about that
34 very topic and they agreed that carrying the connection through was appropriate. Mr.
35 Romero said his team agreed connecting Shibui was a great idea.

36 Councilor G Riddile said that the Faas Ranch Road and Lakota Drive intersection was going
37 to be an important node and he felt that bulb-outs to accommodate pedestrians would
38 work. He said that once people got past the homes on Faas Ranch the road became a
39 raceway to get to Castle Valley Boulevard, so anything that could be done to protect
40 pedestrian would be appropriate.

41 Councilor G Riddile said that he agreed with Councilor Leland about walk path down to the
42 City Market Plaza. He said that the walk path south of Shibui was a gravel shoulder, not
43 really a walk path. He said that he knew the problem pre-dated the Romero Group, but he
44 hoped they would consider helping the town improve it because they will add to the
45 impact there. He indicated the area on the zoning map.

46 Councilor G Riddile asked if there was any way they would consider making a few units
47 deed restricted for town employees or fire and school district. He said he was not sure
48 how that worked, but he wanted it to be part of the conversation.

1 Councilor G Riddile like the proposal, liked the viewshed. He felt that the more pedestrian
2 experience was needed in town.

3 Councilor Mariscal said that it was exciting to see the community growing, and she liked it
4 a lot. She said that she was concerned about the road capacity and felt it will be an issue
5 with school bus stops and emergency access. She felt there needed to be a solution.

6 Ms. Henry said that they will be required to do a traffic study for preliminary.

7 Mayor A Riddile said that the town was on the cusp of having a roundabout at Castle
8 Valley Boulevard and Highway 6 which will mitigate a lot of issues.

9 Councilor G Riddile said that he did not know what was included in a traffic study but
10 inquired if a signal or roundabout would be analyzed for the Faas Ranch Road and Castle
11 Valley Boulevard intersection.

12 Town Engineer Jeff Simonson said the typical process was to identify was alternatives
13 existed and whether it was going to full four lanes with turn lanes which was what was
14 master-planned or if there was some other way.

15 Mayor A Riddile said that affordability had come up many times and he conceded that it
16 was likely impossible to answer, but he asked what the home prices might be or what rent
17 might be.

18 Mr. Romero said he had no way to know as it was several years out, and it was hard to
19 know what the market would do, and material costs would be.

20 Mayor A Riddile asked if the HOA will care for landscaping and do snow removal.

21 Mr. Romero said yes, the HOA will manage landscaping and snow removal.

22 Ms. Henry said that the only dedicated right-of-way would be Lakota Drive.

23 Mayor A Riddile said that he agreed with most of the concerns and recommendations from
24 the Planning & Zoning Commission. He also said he was concerned with the height of a
25 few of the buildings. He also said he agreed with deed restricted housing.

26 Attorney McConaughy said that he and Administrator Reynolds were thinking about the
27 offsite path that was an existing problem. He noted that there was a \$500 per unit
28 recreation facilities development fee and a traffic impact fee. Perhaps they could negotiate
29 a deal where the Romero Group got some sort of credit towards those fees for building the
30 path once their contractors were mobilized. It would stretch those dollars more efficiently
31 than if the town held the funds for some future build. Mr. Romero agreed that was a good
32 idea.

33 Engineer Simonson said that the infrastructure was in place, and the only concern was the
34 collection system from City Market to the south interceptor line and the capacity of that
35 line. He said they were doing another evaluation to see where they were on it. He said
36 they knew that eventually they would need to contemplate a replacement and he had
37 been talking with Public Works Director John Wenzel about it.

38 Attorney McConaughy said that original annexation agreements said tap fees generated
39 by Lakota would pay for necessary improvements including the south interceptor and
40 upgrades to the wastewater treatment plant. He said that if those things had not
41 happened yet, it did not mean the town couldn't impose some sort of moratorium if they
42 were at capacity, but ultimately that cost was on the town.

43 Mayor A Riddile asked what the next steps were.

44 Attorney McConaughy said a community open house which will be a noticed meeting. Ms.
45 Henry said the team was ready to start preliminary, and that it will be mid-October for the
46 open house, and it will be held in the clubhouse.

47 Councilor Leland ask that they consider what P&Z and council had said if they choose to
48 move into preliminary right away.

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1 The council thanked the Romero team for their presentation.
2
3
4

5 **MOTION: Councilor Leland made a motion at 8:59 p.m. to go into Executive**
6 **Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I)**
7 **regarding an evaluation of the town clerk and not involving: any specific**
8 **employees who have requested discussion of the matter in open session; any**
9 **member of this body of any elected official; the appointment of any person to fill**
10 **an office of this body or of an elected official; or personnel policies that do not**
11 **require the discussion of matters personal to particular employees. Mayor A**
12 **Riddile seconded the motion and it passed unanimously.**
13

14 Executive session concluded.
15

16 At the end of the executive session, Mayor A Riddile made the following statement:
17

18 "The time is now 9:17 p.m. and the executive session has been concluded. The participants
19 in the executive session were: Councilor Mariscal; Mayor A Riddile; Councilors Copeland,
20 Leland and G Riddile, Town Administrator Dave Reynolds and Town Clerk Melody Harrison.
21 For the record, if any person who participated in the executive session believes that any
22 substantial discussion of any matters not included in the motion to go into the executive
23 session occurred during the executive session, or that any improper action occurred during
24 the executive session in violation of the Open Meetings Law, I would ask that you state your
25 concerns for the record."
26

27 No concerns were stated.
28

29 Mayor A Riddile asked for a discussion regarding a merit increase for Clerk Harrison.
30 Councilor G Riddile said that he felt her salary should be \$80k per year. Councilors
31 Mariscal and Copeland said they agreed. Councilor G Riddile said he felt that New Castle
32 should be paying something mid-range according to the recent salary survey information
33 they had.

34 **MOTION: Councilor G Riddile made a motion to increase Clerk Harrison's salary**
35 **to \$80k per year effective at the next payroll. Councilor Mariscal seconded the**
36 **motion and it passed unanimously.**
37

38 **Consent Agenda**

39 ~~August 3, 2021 minutes~~ - removed

40 ~~August 17, 2021 minutes~~ - removed

41 August Bills of \$ 934,469.77

42 Dillon Companies (City Market) Fermented Malt Beverage Liquor License Renewal
43 Amendment to the Federal Mineral Lease District Joint Grant Agreement
44

45 Councilor Leland said that he wanted the minutes removed from the consent agenda
46 because he had not had a chance to review them. The council agreed.

1 **MOTION: Mayor A Riddile made a motion to approve the remaining consent**
2 **agenda. Councilor Mariscal seconded the motion and it passed unanimously.**
3
4

5 **Staff Reports**

6 Town Administrator – Administrator Reynolds said that he was working on the parade for
7 Burning Mountain Festival, and it was an all hands on deck project for staff. He also noted
8 that Councilor Leland had commented that the town hall was always open, but for Burning
9 Mountain Festival all the staff was involved, and the only time they ever closed was for
10 the festival. On Friday September 10, the town hall will be closed early because all the
11 staff will be in the park getting ready. Administrator Reynolds said that staff was
12 considering a limit on credit card purchased because of the cost of credit card fees. He
13 explained that recently a contractor paid for a building permit with a credit card and the
14 fees were about \$700, and the town absorbed that cost. Therefore, staff was considering
15 limiting card purchases to \$2,500.00 which did mean they would allow someone to make
16 multiple \$2,500.00 purchases in a row. Administrator Reynolds said that he and Treasurer
17 Loni Burk had met with almost all of the department heads on the first round of budget
18 discussions, and now they will begin a detailed review. He also said that Assistant
19 Treasurer Viktoriya Ehlers was learning how to do budget, which will be quite helpful.
20 Administrator Reynolds said that Planner Smith, Police Chief Pagni and himself had been
21 dealing with noise ordinance issues. He said there were a few people in town that created
22 a bit more work than necessary for staff, but they had been working with one resident in
23 particular and her neighbor who was creating issues. He said that they had a good
24 conversation with that neighbor and had come up with a solution. Administrator Reynolds
25 said that Ambleside School was up and running. He said that Chief Pagni, Planner Smith
26 and himself were working with the school to find solution for their pick up/drop off
27 solutions that might work for them so that there were no dangerous situations for the
28 children. Administrator Reynolds said that in the budget considerations for 2022,
29 Treasurer Burk and he had included a 3% utility rate increase after reviewing preliminary
30 numbers. He said that if the council felt that the increase needed to be removed, they will.
31 Administrator Reynolds said that he a Treasurer Burk will meet with the new DOLA
32 representative the following day. Administrator Reynolds said that the Mattivi Building had
33 been sold, but not to the original non-profit group. He said the new owner was an LLC out
34 of Basalt and he did not know what they planned to do with the building. He said he would
35 keep the council posted as staff learned more.

36 Town Clerk – Clerk Harrison said that her team had some fun lights they will be
37 decorating the beer tent with for Burning Mountain Festival. She said they had enjoyed
38 organizing that this year. Clerk Harrison said that in the new private party alcohol permit
39 process they had discovered that they needed to add an option to the application for an
40 alternate location because the Chamber of Commerce event had been rained out, and
41 they had scrambled at last minute to process a new application to move the event to the
42 community center. Clerk Harrison said that code section that she and Administrator
43 Reynolds were looking at had to do with the parking spaces for businesses section that
44 had been written in 2002. She said that the purpose at the time was to provide parking
45 spaces specific to a specific business. Staff said that the code section was somewhat
46 incomplete because there really were no criteria in the application process. In addition,
47 she said that it was a bit in conflict with the downtown plan which was part of the
48 comprehensive plan. She said that she will meet with Administrator Reynolds, Planner

1 Smith, Chief Pagni and Director Wenzel to review the code section. She said any solution
2 or conclusion they come to will likely come to the council at a future meeting. Clerk
3 Harrison said that there is an annual conference of the Colorado Municipal Clerk
4 Association each year, and Deputy Town Clerk Mindy Andis and Administrative Assistant
5 Remi Bordelon will attend that conference in October. She said that Admin. Asst. Bordelon
6 had attended clerks institute, but it was a virtual school and there was limited to no
7 interaction between the clerk students. Deputy Andis had not been to conference in three
8 years, so Clerk Harrison said it was important that they attend an in-person conference
9 because it was valuable for their career development. Clerk Harrison said that for herself,
10 she will apply for grant and scholarship money to attend the International Institute of
11 Municipal Clerks conference in the spring.

12 Town Treasurer – not present.

13 Town Planner – not present.

14 Public Works Director – not present.

15

16 **Commission Reports**

17 Planning & Zoning Commission – nothing to report.

18 Historic Preservation Commission – nothing to report.

19 Climate and Environment Commission – Councilor Leland said that CEC will be in the
20 parade and also in the park providing information for the public. He said that he hoped to
21 have their video to show the council at the next council meeting.

22 Senior Program – nothing to report.

23 RFTA – nothing to report.

24 AGNC – nothing to report.

25 GCE – nothing to report.

26 EAB – nothing to report.

27

28 **Council Comments**

29 Councilor Mariscal asked that Clerk Harrison attend the senior programs meeting because
30 she will be at the CML conference. Clerk Harrison agreed.

31 Councilor Mariscal said she will be out of town from the 16th through the 24th.

32 Councilor G Riddile said that he did not know how to proceed with the affordability
33 conversation with Romero. Administrator Reynolds said that Attorney McConaughy said
34 the both council and P&Z had some leverage, for example: building height. He said that
35 P&Z or council could restrict building height, but that might mean they had fewer units,
36 meaning the units were less affordable. So, there were possible trade-offs in that if they
37 provided units for town employees then the commission or council could allow certain
38 things that normally would not be allowed to happen. He said that they were not obligated
39 to do anything, but it could be part of the negotiations.

40 Councilor G Riddile said that Rifle and Garfield County were leaning towards a 5%
41 increase for their staff and he felt that they should write that into the 2022 budget.
42 Administrator Reynolds said that was a cost-of-living increase trend this year, and in 2022
43 nationally it was looking to be above 6%. The council agreed that it worked better for
44 them to see the whole numbers in the budget rather than just a conversation. Councilor G
45 Riddile said that he would like to see 5% in the budget and specifically how that pertained
46 to the police department. Administrator Reynolds said that he and Chief Pagni were doing
47 some extensive work to create different levels for the officers that are benchmarks such
48 as office I officer II, lieutenant, etc. as well as training plateaus and pay that coincide.

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1 Councilor G Riddile recommended that staff bring a 5% increase in the budget except for
2 the police department. He said he would like to see what they create for the police pay
3 scales because he was interested to know. Councilor G Riddile said that the salary surveys
4 were helpful and he felt that he would like to see New Castle closer to the pay ceiling
5 rather than the floor.

6 Councilor G Riddile said that he would be gone the next meeting because he will be in
7 North Dakota.

8 Councilor Leland said that he would like the council to discuss at a future meeting the idea
9 of alternates on CEC and perhaps HPC because there were reasons each commission may
10 need them.

11 Councilor Leland asked what the town was able to do to support Colorado River Fire
12 Rescue since they were moving forward with their ballot issue. Administrator Reynolds
13 said that staff had spoken to Attorney McConaughy about it and the town was able to pass
14 a resolution of support which could then be in a press release and town newsletter, but
15 beyond that there was not much else.

16 Councilor Leland said that he was on P&Z when Columbo came in with a sketch, hand
17 drawn on a sheet of paper, and when he came in with his preliminary application they
18 asked where his sketch plan was and he claimed to have done it already. He said that the
19 processes had progressed a lot since then.

20 Councilor Leland said that the Chamber of Commerce was planning a bingo night grand
21 opening on November 11 even though it was a national holiday. He also said that they
22 will do an invitation-only dry run some time in October.

23 Councilor Mariscal said there was a non profit called the Arc, and they work with people
24 with disabilities. She said that they had reached out to her regarding a resident that has
25 issues, and there have been posts about him on social media. She said that the family felt
26 overwhelmed.

27 Councilor Mariscal said that her first thought was to reach out to the River Center to try to
28 make a plan to find something for this person to do in the community, perhaps
29 volunteering. She said that she felt that reaching out to the police may create more
30 conflicts. Administrator Reynolds asked what the organization was, and Councilor Mariscal
31 said she thought it was called Arc Mountains. Administrator Reynolds said that he felt he
32 knew who Councilor Mariscal was referring to and in fairness, so that the River Center
33 knew who they were dealing with, he strongly suggested that she speak to the police
34 department to understand what the issues were. Councilor Mariscal agreed, but she said
35 she was concerned any misinformation about the situation based on race, and she
36 thought the River Center may be a good, neutral party to facilitate. Councilor Mariscal said
37 she will reach out to the police department and Administrator Reynolds.

38 Administrator Reynolds said that if they were speaking of the person he thought they
39 were, the police department was very familiar with him and were very capable in dealing
40 with the situation and not be biased based on race.

41 Councilor Copeland said that she thought the sketch plan was really nice. Administrator
42 Reynolds said that both the new process and the particular developer that made a world
43 of difference.

44 Councilor Copeland said that a while back she had asked for some small needs for HPC.
45 Administrator Reynolds said that there was an agenda meeting with Administrative
46 Assistant Bordelon and Chair Mari Riddile the following day. He said that the next HPC
47 meeting was likely to be an on-site meeting in the museum to actually figure out what
48 they needed.

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

The meeting adjourned at 9:53 p.m.

Respectfully submitted,

Mayor A Riddile

Town Clerk Melody Harrison, CMC

