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

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

## **Agenda**

### **New Castle Town Council Regular Meeting Tuesday, December 21, 2021, 5:30 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**

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

- A. Consider Resolution TC 2021-17, A Resolution of the New Castle Town Council Approving an Application from Hogback Pizza, LLC, for a Hotel & Restaurant Liquor License (5:35 p.m.)**

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

**B. Consider Ordinance TC 2021-12, an Ordinance of the New Castle Town Council Amending Chapter 9.28 Regarding Private Party Alcohol Permits (2nd reading) (5:40 p.m.)**

**Consent Agenda (5:45 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.

[December](#) 7, 2021 minutes

[Lazy](#) Bear Restaurant Hotel & Restaurant Liquor License Renewal

**Staff Reports (5:50 p.m.)**

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

**Council Comments (5:55 p.m.)**

**Adjourn (6:00 p.m.)**

## **MEMO**

**To:** Local Liquor Licensing Authority  
**From:** Melody Harrison, Town Clerk  
**Date:** December 21, 2021  
**Re:** Hogback Pizza, LLC Hotel & Restaurant Liquor License Application

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The purpose of this agenda item is to consider an application from Hogback Pizza, LLC for a Hotel & Restaurant liquor license. Currently, Hogback Pizza holds a beer and wine liquor license, which is in good standing. Because they are interested in expanding their license to include spirituous liquor, state law requires them to apply for a new license.

Hogback Pizza, LLC has applied for a hotel and restaurant liquor license for their business located at 457 W. Main Street, New Castle.

Pursuant to state liquor law, the applicant has been operating their business with a beer and wine liquor license for twenty years. The beer and wine license will remain valid pending the approval of their application for a new hotel & restaurant license. If the Authority chooses to approve the application, Hogback Pizza, LLC will be able to include spirituous liquor as well as beer and wine.

Colorado Revised Statutes Section 12-47-307(3)(c) requires the applicant to submit to fingerprinting and requires that Council, as the local licensing authority, "use the information resulting from the fingerprints-based criminal history record check to investigate and to determine if an applicant is qualified for a license."

The applicant's fingerprint results have not been received to date.

The applicant applied for the license on November 5, 2021. All necessary documentation and fees have been submitted, and the hearing was properly noticed.

Staff recommends that Council approve Resolution TC-2021-17, approving an application from Hogback Pizza, LLC for a Hotel & Restaurant Liquor License, provided the applicant's background check nets appropriate results to allow them to hold a liquor license.

Adopting this recommendation would be consistent with the requirements of the State Liquor Code.

Adopting this recommendation would allow Hogback Pizza, LLC to serve malt, vinous and spirituous liquors for on-premises consumption and Town sales tax would be collected on sales of these beverages.

*Melody L Harrison, CMC*  
Town Clerk

**TOWN OF NEW CASTLE  
RESOLUTION NO. TC-2021-17**

**A Resolution of the New Castle Town Council Approving an Application from Hogback Pizza, LLC for a Hotel and Restaurant Liquor License.**

WHEREAS, Hogback Pizza, LLC (Applicant) has applied for a hotel and restaurant license at 457 W. Main Street, New Castle, Colorado; and

WHEREAS, the Town Council of the Town of New Castle held a duly noticed public hearing on December 21, 2021 to consider the application; and

WHEREAS, the Town Council listened to testimony from staff, the Applicant, and members of the public concerning the application; and

WHEREAS, the Town Council finds:

1. Within the previous 2 years, the Town Council has not denied an application for the same class of license at this location or within 500 feet of this location for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets;
2. The Applicant is entitled to possession of the premises to be licensed by ownership, lease, rental, or other arrangement;
3. The sale of alcohol beverages at the premises is permitted under the zoning regulations applicable to the premises;
4. The building in which the alcohol beverages are to be sold is not located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary;
5. The Applicant's officers, and members holding 10 percent or more interest in the Applicant, are of good moral character;
6. The reasonable requirements of the neighborhood for the type of license for which application has been made; the desires of the adult inhabitants; and the number, type, and availability of alcohol beverage outlets located in or near the neighborhood under consideration justify the granting of the license; and

WHEREAS, based on the application and the testimony, the Town Council desires to approve the application.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of New Castle, Colorado:

1. Recitals. The Town Council adopts the foregoing recitals as findings of fact and determinations of the Council.
2. Definition of the Application. The Application consists of the documents and information identified by the Town Clerk, plus all representations of the Applicant reflected in the minutes of the Town Council public hearing on December 21, 2021.

3. Approval. The Town Council approves the Application.

Introduced, Read and Adopted at a regular meeting of the Town Council of the Town of New Castle, Colorado, on December 21, 2021.

TOWN OF NEW CASTLE

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

ATTEST:

\_\_\_\_\_  
Town Clerk Melody Harrison, CMC

# Colorado Liquor Retail License Application

New License  
  New-Concurrent  
  Transfer of Ownership  
  State Property Only  
  Master file

• All answers must be printed in black ink or typewritten  
 • Applicant must check the appropriate box(es)  
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor)

1. Applicant is applying as a/an  
  Individual  
 Limited Liability Company  
 Association or Other  
 Corporation  
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation      FEIN Number  
 Hogback Pizza LLC      90-0260562

2a. Trade Name of Establishment (DBA)      State Sales Tax Number      Business Telephone  
 Hogback Pizza LLC      01244016-0000      970 984 3435

3. Address of Premises (specify exact location of premises, include suite/unit numbers)  
 457 West Main Street

City      County      State      ZIP Code  
 New Castle      Garfield      CO      81647

4. Mailing Address (Number and Street)      City or Town      State      ZIP Code  
 PO Box 257      New Castle      CO      81647

5. Email Address  
 hogbackpizza@gmail.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)      Present State License Number      Present Class of License      Present Expiration Date  
 Hogback Pizza      12-44016-0000      Beer + Wine      Aug 15 2022

**Section A      Nonrefundable Application Fees\*      Section B (Cont.)      Liquor License Fees\***

<input checked="" type="checkbox"/> Application Fee for New License.....\$1,550.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County) .....\$312.50
<input type="checkbox"/> Application Fee for New License w/Concurrent Review .....\$1,650.00	<input type="checkbox"/> Lodging & Entertainment - L&E (City) .....\$500.00
<input type="checkbox"/> Application Fee for Transfer .....\$1,550.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) .....\$500.00

Section B      Liquor License Fees*	
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - H & R .....\$75.00
<input type="checkbox"/> Add Related Facility to Resort Complex\$75.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - Tavern.....\$75.00
<input type="checkbox"/> Add Sidewalk Service Area.....\$75.00	<input type="checkbox"/> Manager Registration - Lodging & Entertainment.....\$75.00
<input type="checkbox"/> Arts License (City) .....\$308.75	<input type="checkbox"/> Manager Registration - Campus Liquor Complex .....\$75.00
<input type="checkbox"/> Arts License (County) .....\$308.75	<input type="checkbox"/> Optional Premises License (City).....\$500.00
<input type="checkbox"/> Beer and Wine License (City).....\$351.25	<input type="checkbox"/> Optional Premises License (County).....\$500.00
<input type="checkbox"/> Beer and Wine License (County).....\$436.25	<input type="checkbox"/> Racetrack License (City).....\$500.00
<input type="checkbox"/> Brew Pub License (City) .....\$750.00	<input type="checkbox"/> Racetrack License (County).....\$500.00
<input type="checkbox"/> Brew Pub License (County).....\$750.00	<input type="checkbox"/> Resort Complex License (City).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (City).....\$500.00	<input type="checkbox"/> Resort Complex License (County).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (County).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (City).....\$160.00
<input type="checkbox"/> Campus Liquor Complex (State).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (County).....\$160.00
<input type="checkbox"/> Club License (City).....\$308.75	<input type="checkbox"/> Related Facility - Campus Liquor Complex (State).....\$160.00
<input type="checkbox"/> Club License (County) .....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City) .....\$500.00
<input type="checkbox"/> Distillery Pub License (City).....\$750.00	<input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00
<input type="checkbox"/> Distillery Pub License (County).....\$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (City).....\$227.50
<input checked="" type="checkbox"/> Hotel and Restaurant License (City).....\$500.00	<input type="checkbox"/> Retail Liquor Store License-Additional (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License (County) .....\$500.00	<input type="checkbox"/> Retail Liquor Store (City).....\$227.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City).....\$600.00	<input type="checkbox"/> Retail Liquor Store (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00	<input type="checkbox"/> Tavern License (City).....\$500.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City) .....\$227.50	<input type="checkbox"/> Tavern License (County).....\$500.00
	<input type="checkbox"/> Vintners Restaurant License (City) .....\$750.00
	<input type="checkbox"/> Vintners Restaurant License (County).....\$750.00

\* Note that the Division will not accept cash

Questions? Visit: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information

**Do not write in this space - For Department of Revenue use only**

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$
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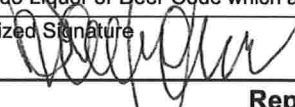
## Application Documents Checklist and Worksheet

**Instructions:** This checklist should be utilized to assist applicants with filing all required documents for licensure. **All** documents must be properly signed and correspond with the name of the applicant exactly. **All** documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit:** [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information

<b>Items submitted, please check all appropriate boxes completed or documents submitted</b>	
<b>I.</b>	<b>Applicant information</b> <input type="checkbox"/> A. Applicant/Licensee identified <input type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) <input type="checkbox"/> E. All sections of the application need to be completed <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
<b>II.</b>	<b>Diagram of the premises</b> <input type="checkbox"/> A. No larger than 8 1/2" X 11" <input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input type="checkbox"/> E. Bold/Outlined Licensed Premises
<b>III.</b>	<b>Proof of property possession (One Year Needed)</b> <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2)
<b>IV.</b>	<b>Background information (DR 8404-I) and financial documents</b> <input type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. <b>Do not complete fingerprint cards prior to submitting your application.</b> The Vendors are as follows: <b>IdentoGO</b> – <a href="https://uenroll.identogo.com/">https://uenroll.identogo.com/</a> Phone: 844-539-5539 (toll-free) Identogo FAQs: <a href="https://www.colorado.gov/pacific/cbi/identification-faqs">https://www.colorado.gov/pacific/cbi/identification-faqs</a> <b>Colorado Fingerprinting</b> – <a href="http://www.coloradofingerprinting.com">http://www.coloradofingerprinting.com</a> Appointment Scheduling Website: <a href="http://www.coloradofingerprinting.com/cabs/">http://www.coloradofingerprinting.com/cabs/</a> Phone: 720-292-2722 Toll Free: 833-224-2227 <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
<b>V.</b>	<b>Sole proprietor/husband and wife partnership (if applicable)</b> <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
<b>VI.</b>	<b>Corporate applicant information (if applicable)</b> <input type="checkbox"/> A. Certificate of Incorporation <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)
<b>VII.</b>	<b>Partnership applicant information (if applicable)</b> <input type="checkbox"/> A. Partnership Agreement (general or limited). <input type="checkbox"/> B. Certificate of Good Standing
<b>VIII.</b>	<b>Limited Liability Company applicant information (if applicable)</b> <input type="checkbox"/> A. Copy of articles of organization <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only)
<b>IX.</b>	<b>Manager registration for Hotel and Restaurant, Tavern, Lodging &amp; Entertainment, and Campus Liquor Complex licenses when included with this application</b> <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

Name	Type of License	Account Number		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
a. Been denied an alcohol beverage license?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
b. Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
Waiver by local ordinance? <input type="checkbox"/> <input checked="" type="checkbox"/>				
Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/>		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/>		
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		<input type="checkbox"/> <input type="checkbox"/>		
13 b. Are you a Colorado resident?		<input checked="" type="checkbox"/> <input type="checkbox"/>		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. <i>Hogback Pizza</i>		<input checked="" type="checkbox"/> <input type="checkbox"/>		
15. Does the applicant, as listed on line 2 of this application, <b>have legal possession of the premises by ownership</b> , lease or other arrangement? <input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____		<input checked="" type="checkbox"/> <input type="checkbox"/>		
a. If leased, list name of landlord and tenant, and date of expiration, <b>exactly</b> as they appear on the lease:				
Landlord	Tenant	Expires		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
<b>Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</b>				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?				<input type="checkbox"/> <input type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart)				<input type="text"/>
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.				
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:				
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? <b>If "yes" a copy of license must be attached.</b>				<input type="checkbox"/> <input type="checkbox"/>

Name	Type of License	Account Number		
<p><b>20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation</b></p>				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?	Yes	No		
	<input type="checkbox"/>	<input type="checkbox"/>		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?	<input type="checkbox"/>	<input type="checkbox"/>		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?	<input type="checkbox"/>	<input type="checkbox"/>		
<p><b>21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:</b></p>				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	<input type="checkbox"/>	<input type="checkbox"/>		
<p><b>22. Campus Liquor Complex applicants answer the following:</b></p>				
a. Is the applicant an institution of higher education?	<input type="checkbox"/>	<input type="checkbox"/>		
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.	<input type="checkbox"/>	<input type="checkbox"/>		
<p><b>23. For all on-premises applicants.</b></p>				
<p>a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.</p>				
<p>b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.</p>				
Last Name of Manager	First Name of Manager			
<p><b>24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.</b></p>				
	Yes	No		
	<input type="checkbox"/>	<input type="checkbox"/>		
<p><b>25. Related Facility - Campus Liquor Complex applicants answer the following:</b></p>				
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.	<input type="checkbox"/>	<input type="checkbox"/>		
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager	First Name of Manager			
<p><b>26. Tax Information.</b></p>				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	Yes	No		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<p><b>27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.</b></p>				
Name	Home Address, City & State	DOB	Position	%Owned
Diane Chapin	378 Jenny Place Newcastle CO	3-8-72	owner	50
Name	Home Address, City & State	DOB	Position	%Owned
Dustin Chapin	378 Jenny Place Newcastle CO	5-2-71	owner	50
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
<p>** If applicant is owned 100% by a parent company, please list the designated principal officer on above.                  ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)                  ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:  <input type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.</p>				

Name	Type of License	Account Number
<b>Oath Of Applicant</b>		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.		
Authorized Signature 	Printed Name and Title Diane Chapin owner	Date 12-14-21
<b>Report and Approval of Local Licensing Authority (City/County)</b>		
Date application filed with local authority November 5, 2021	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) December 21, 2021	
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:		
<input checked="" type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants		
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license		
(Check One)		
<input type="checkbox"/> Date of inspection or anticipated date _____ <input checked="" type="checkbox"/> Will conduct inspection upon approval of state licensing authority		
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?		Yes No <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?		<input type="checkbox"/> <input type="checkbox"/>
<b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		<input type="checkbox"/> <input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. <b>Therefore, this application is approved.</b>		
Local Licensing Authority for		Telephone Number <input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title
Signature	Print	Title
		Date
		Date

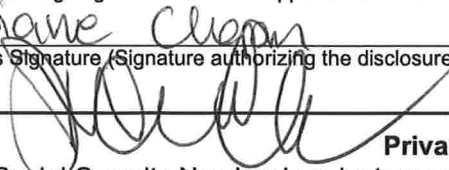
## Tax Check Authorization, Waiver, and Request to Release Information

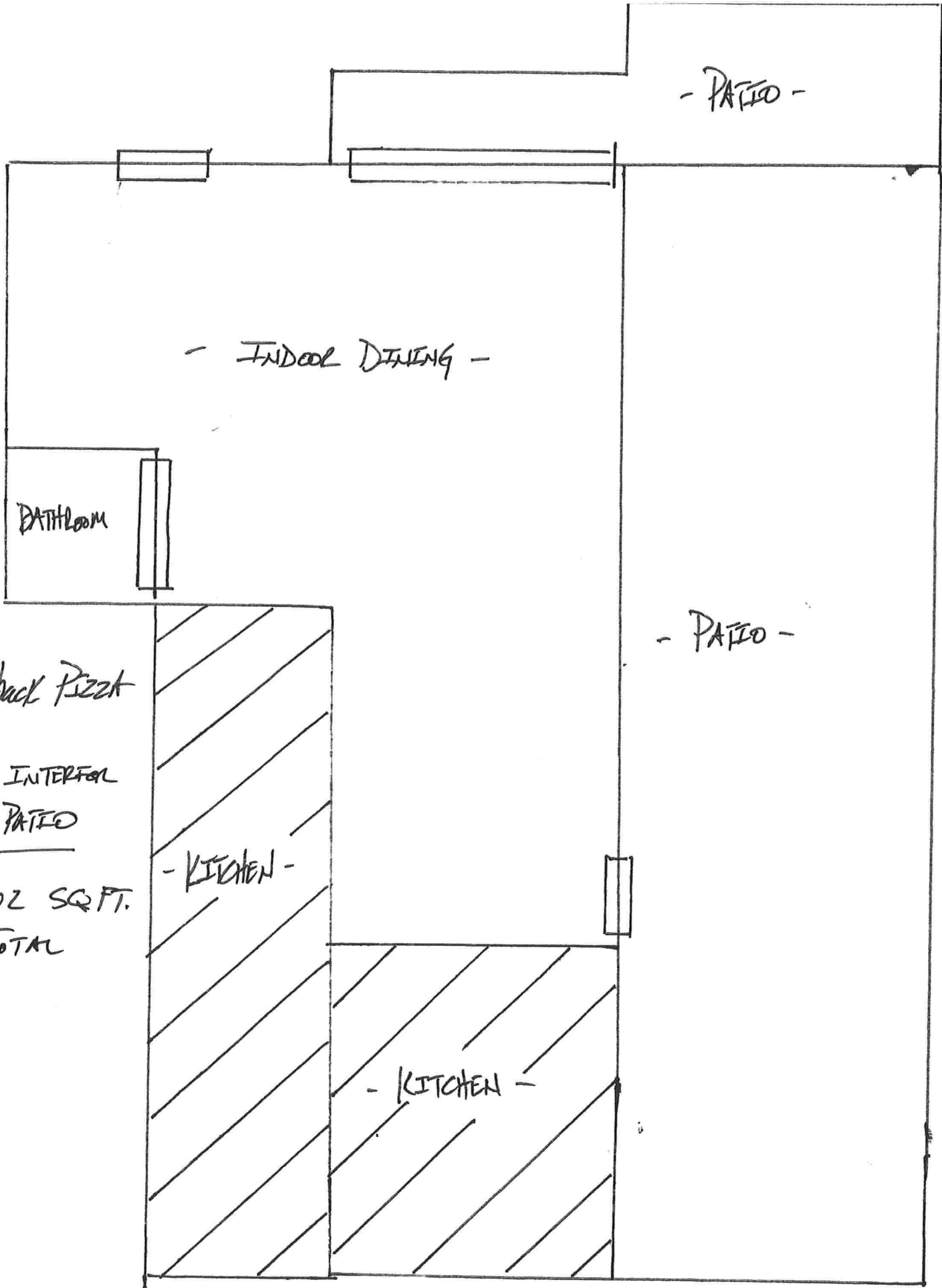
I, Diane Chapin am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Hogback Pizza (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation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

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

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

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

Name (Individual/Business) <u>Diane Chapin Hogback Pizza</u>		Social Security Number/Tax Identification Number <u>299722593</u>	
Address <u>378 Jenny Place / 457 W Main</u>			
City <u>New Castle</u>		State <u>CO</u>	Zip <u>81647</u>
Home Phone Number <u>970 989 3758</u>		Business/Work Phone Number <u>970 984 3435</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Diane Chapin</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>10-5-21</u>
<b>Privacy Act Statement</b> Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).			



Hogback Pizza

612 INTERIOR

1490 PATIO

---

2,102 SQ. FT.

TOTAL

**COMMERCIAL LEASE AGREEMENT**

THIS LEASE (this "Lease") dated this 5 day of November, 2021

**BETWEEN:**

**Dustin Chapin of 378 Jenny Pl, New Castle, CO 81647, USA and Diane Chapin of 378 Jenny Pl, New Castle, CO 81647, USA**

Telephone: (970) 989-3850, (970) 989-3758  
(collectively and individually the "Landlord")

OF THE FIRST PART

- AND -

**Hogback Pizza LLC of 457 W Main St, New Castle, CO 81647, USA**

Telephone: (970) 984-3435  
(the "Tenant")

OF THE SECOND PART

**IN CONSIDERATION OF** the Landlord leasing certain premises to the Tenant, the Tenant leasing those premises from the Landlord and the mutual benefits and obligations set forth in this Lease, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties to this Lease (the "Parties") agree as follows:

**Definitions**

1. When used in this Lease, the following expressions will have the meanings indicated:
  - a. "Additional Rent" means all amounts payable by the Tenant under this Lease except Base Rent, whether or not specifically designated as Additional Rent elsewhere in this Lease;
  - b. "Building" means all buildings, improvements, equipment, fixtures, property and facilities from time to time located at 457 W Main St, New Castle, CO 81647, USA, as from time to time altered, expanded or reduced by the Landlord in its sole discretion;
  - c. "Common Areas and Facilities" mean:
    - i. those portions of the Building areas, buildings, improvements, facilities, utilities,

- equipment and installations in or forming part of the Building which from time to time are not designated or intended by the Landlord to be leased to tenants of the Building including, without limitation, exterior weather walls, roofs, entrances and exits, parking areas, driveways, loading docks and area, storage, mechanical and electrical rooms, areas above and below leasable premises and not included within leasable premises, security and alarm equipment, grassed and landscaped areas, retaining walls and maintenance, cleaning and operating equipment serving the Building; and
- ii. those lands, areas, buildings, improvements, facilities, utilities, equipment and installations which serve or are for the useful benefit of the Building, the tenants of the Building or the Landlord and those having business with them, whether or not located within, adjacent to or near the Building and which are designated from time to time by the Landlord as part of the Common Areas and Facilities;
- d. "Leasable Area" means with respect to any rentable premises, the area expressed in square feet of all floor space including floor space of mezzanines, if any, determined, calculated and certified by the Landlord and measured from the exterior face of all exterior walls, doors and windows, including walls, doors and windows separating the rentable premises from enclosed Common Areas and Facilities, if any, and from the center line of all interior walls separating the rentable premises from adjoining rentable premises. There will be no deduction or exclusion for any space occupied by or used for columns, ducts or other structural elements;
  - e. "Premises" means the restaurant at 457 W Main St, New Castle, CO 81647, USA.
  - f. "Rent" means the total of Base Rent and Additional Rent.

## Intent of Lease

- 2. It is the intent of this Lease and agreed to by the Parties to this Lease that rent for this Lease will be on a gross rent basis meaning the Tenant will pay the Base Rent and any Additional Rent and the Landlord will be responsible for all other service charges related to the Premises and the operation of the Building save as specifically provided in this Lease to the contrary.

## Leased Premises

- 3. The Landlord agrees to rent to the Tenant the restaurant municipally described as 457 W Main St, New Castle, CO 81647, USA (the "Premises").

The Premises will be used for only the following permitted use (the "Permitted Use"):

Restaurant.

## Term

4. The term of the Lease commences at 12:00 noon on November 4, 2021 and ends at 12:00 noon on November 4, 2036 (the "Term").
5. Notwithstanding that the Term commences on November 4, 2021, the Tenant is entitled to possession of the Premises at 12:00 noon on November 4, 2021.
6. Should the Tenant remain in possession of the Premises with the consent of the Landlord after the natural expiration of this Lease, a new tenancy from month to month will be created between the Landlord and the Tenant which will be subject to all the terms and conditions of this Lease but will be terminable upon either party giving one month's notice to the other party.

## Rent

7. Subject to the provisions of this Lease, the Tenant will pay a base rent of \$1,600.00, payable per month, for the Premises (the "Base Rent"), without setoff, abatement or deduction. In addition to the Base Rent, the Tenant will pay for any fees or taxes arising from the Tenant's business.
8. The Tenant will pay the Base Rent on or before the first of each and every month of the Term to the Landlord.
9. No acceptance by the Landlord of any amount less than the full amount owed will be taken to operate as a waiver by the Landlord for the full amount or in any way to defeat or affect the rights and remedies of the Landlord to pursue the full amount.

## Use and Occupation

10. The Tenant will open the whole of the Premises for business to the public fully fixtured, stocked and staffed on the date of commencement of the Term and throughout the Term, and will continuously occupy and utilize the entire Premises in the active conduct of its business in a reputable manner on such days and during such hours of business as may be determined from time to time by the Landlord.
11. The Tenant covenants that the Tenant will carry on and conduct its business from time to time carried on upon the Premises in such manner as to comply with all statutes, bylaws, rules and regulations of any federal, state, municipal or other competent authority and will not do anything on or in the Premises in contravention of any of them.

12. The Tenant covenants that the Tenant will carry on and conduct its business from time to time carried on upon the Premises in such manner as to comply with any statute, including any subordinate legislation, which is in force now or in the future and taking into account any amendment or re-enactment, or any government department, local authority, other public or competent authority or court of competent jurisdiction and of the insurers in relation to the use, occupation and enjoyment of the Building (including in relation to health and safety compliance with the proper practice recommended by all appropriate authorities).

### Quiet Enjoyment

13. The Landlord covenants that on paying the Rent and performing the covenants contained in this Lease, the Tenant will peacefully and quietly have, hold, and enjoy the Premises for the agreed term.

### Distress

14. If and whenever the Tenant is in default in payment of any money, whether hereby expressly reserved or deemed as Rent, or any part of the Rent, the Landlord may, without notice or any form of legal process, enter upon the Premises and seize, remove and sell the Tenant's goods, chattels and equipment from the Premises or seize, remove and sell any goods, chattels and equipment at any place to which the Tenant or any other person may have removed them, in the same manner as if they had remained and been distrained upon the Premises, all notwithstanding any rule of law or equity to the contrary, and the Tenant hereby waives and renounces the benefit of any present or future statute or law limiting or eliminating the Landlord's right of distress.

### Overholding

15. If the Tenant continues to occupy the Premises without the written consent of the Landlord after the expiration or other termination of the Term, then, without any further written agreement, the Tenant will be a month-to-month tenant at a minimum monthly rental equal to twice the Base Rent and subject always to all of the other provisions of this Lease insofar as the same are applicable to a month-to-month tenancy and a tenancy from year to year will not be created by implication of law.

### Additional Rights on Reentry

16. If the Landlord reenters the Premises or terminates this Lease, then:
  - a. notwithstanding any such termination or the Term thereby becoming forfeited and void, the provisions of this Lease relating to the consequences of termination will survive;

- b. the Landlord may use such reasonable force as it may deem necessary for the purpose of gaining admittance to and retaking possession of the Premises and the Tenant hereby releases the Landlord from all actions, proceedings, claims and demands whatsoever for and in respect of any such forcible entry or any loss or damage in connection therewith or consequential thereupon;
- c. the Landlord may expel and remove, forcibly, if necessary, the Tenant, those claiming under the Tenant, and their effects, as allowed by law, without being taken or deemed to be guilty of any manner of trespass;
- d. in the event that the Landlord has removed the property of the Tenant, the Landlord may store such property in a public warehouse or at a place selected by the Landlord, at the expense of the Tenant. If the Landlord feels that it is not worth storing such property given its value and the cost to store it, then the Landlord may dispose of such property in its sole discretion and use such funds, if any, towards any indebtedness of the Tenant to the Landlord. The Landlord will not be responsible to the Tenant for the disposal of such property other than to provide any balance of the proceeds to the Tenant after paying any storage costs and any amounts owed by the Tenant to the Landlord;
- e. the Landlord may relet the Premises or any part of the Premises for a term or terms which may be less or greater than the balance of the Term remaining and may grant reasonable concessions in connection with such reletting including any alterations and improvements to the Premises;
- f. after reentry, the Landlord may procure the appointment of a receiver to take possession and collect rents and profits of the business of the Tenant, and, if necessary to collect the rents and profits the receiver may carry on the business of the Tenant and take possession of the personal property used in the business of the Tenant, including inventory, trade fixtures, and furnishings, and use them in the business without compensating the Tenant;
- g. after reentry, the Landlord may terminate the Lease on giving 5 days' written notice of termination to the Tenant. Without this notice, reentry of the Premises by the Landlord or its agents will not terminate this Lease;
- h. the Tenant will pay to the Landlord on demand:
  - i. all rent, Additional Rent and other amounts payable under this Lease up to the time of reentry or termination, whichever is later;
  - ii. reasonable expenses as the Landlord incurs or has incurred in connection with the reentering, terminating, reletting, collecting sums due or payable by the Tenant, realizing upon assets seized; including without limitation, brokerage, fees and expenses and legal

fees and disbursements and the expenses of keeping the Premises in good order, repairing the same and preparing them for reletting; and

- iii. as liquidated damages for the loss of rent and other income of the Landlord expected to be derived from this Lease during the period which would have constituted the unexpired portion of the Term had it not been terminated, at the option of the Landlord, either:
  - i. an amount determined by reducing to present worth at an assumed interest rate of twelve percent (12%) per annum all Base Rent and estimated Additional Rent to become payable during the period which would have constituted the unexpired portion of the Term, such determination to be made by the Landlord, who may make reasonable estimates of when any such other amounts would have become payable and may make such other assumptions of the facts as may be reasonable in the circumstances; or
  - ii. an amount equal to the Base Rent and estimated Additional Rent for a period of six (6) months.

## Renewal of Lease

17. Upon giving written notice no later than 60 days before the expiration of the Term, the Tenant may renew this Lease for an additional term. All terms of the renewed lease will be the same except for any signing incentives/inducements and this renewal clause.

## Utilities and Other Costs

18. The Landlord is responsible for the payment of the following utilities and other charges in relation to the Premises: electricity, natural gas, water, sewer, telephone, internet and cable.

## Insurance

19. The Tenant is hereby advised and understands that the personal property of the Tenant is not insured by the Landlord for either damage or loss, and the Landlord assumes no liability for any such loss. The Tenant is advised that, if insurance coverage is desired by the Tenant, the Tenant should inquire of Tenant's insurance agent regarding a Tenant's policy of insurance.

## Abandonment

20. If at any time during the Term, the Tenant abandons the Premises or any part of the Premises, the

Landlord may, at its option, enter the Premises by any means without being liable for any prosecution for such entering, and without becoming liable to the Tenant for damages or for any payment of any kind whatever, and may, at the Landlord's discretion, as agent for the Tenant, relet the Premises, or any part of the Premises, for the whole or any part of the then unexpired Term, and may receive and collect all rent payable by virtue of such reletting, and, at the Landlord's option, hold the Tenant liable for any difference between the Rent that would have been payable under this Lease during the balance of the unexpired Term, if this Lease had continued in force, and the net rent for such period realized by the Landlord by means of the reletting. If the Landlord's right of reentry is exercised following abandonment of the premises by the Tenant, then the Landlord may consider any personal property belonging to the Tenant and left on the Premises to also have been abandoned, in which case the Landlord may dispose of all such personal property in any manner the Landlord will deem proper and is relieved of all liability for doing so.

## Governing Law

21. It is the intention of the Parties to this Lease that the tenancy created by this Lease and the performance under this Lease, and all suits and special proceedings under this Lease, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of Colorado, without regard to the jurisdiction in which any action or special proceeding may be instituted.

## Severability

22. If there is a conflict between any provision of this Lease and the applicable legislation of the State of Colorado (the 'Act'), the Act will prevail and such provisions of the Lease will be amended or deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Lease.

## Assignment and Subletting

23. The Tenant will not assign this Lease in whole or in part, nor sublet all or any part of the Premises, nor grant any license or part with possession of the Premises or transfer to any other person in whole or in part or any other right or interest under this Lease (except to a parent, subsidiary or affiliate of the Tenant), without the prior written consent of the Landlord in each instance, which consent will not be unreasonably withheld so long as the proposed assignment or sublease complies with the provisions of this Lease.

24. Notwithstanding any assignment or sublease, the Tenant will remain fully liable on this Lease and will not be released from performing any of the terms, covenants and conditions of this Lease.
25. If the Lease is assigned or if the Premises or any part of the Premises are sublet or occupied by anyone other than the Tenant, the Landlord may collect rent directly from the assignee, subtenant or occupant, and apply the net amount collected, or the necessary portion of that amount, to the rent owing under this Lease.
26. The prohibition against assigning or subletting without the consent required by this Lease will be constructed to include a prohibition against any assignment or sublease by operation of law.
27. The consent by the Landlord to any assignment or sublease will not constitute a waiver of the necessity of such consent to any subsequent assignment or sublease.

### **Bulk Sale**

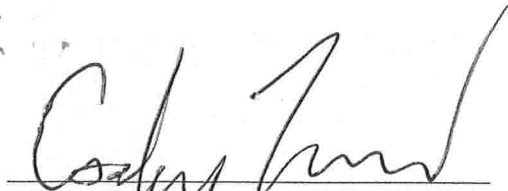
28. No bulk sale of goods and assets of the Tenant may take place without first obtaining the written consent of the Landlord, which consent will not be unreasonably withheld so long as the Tenant and the Purchaser are able to provide the Landlord with assurances, in a form satisfactory to the Landlord, that the Tenant's obligations in this Lease will continue to be performed and respected, in the manner satisfactory to the Landlord, after completion of the said bulk sale.

### **Care and Use of Premises**


29. The Tenant will promptly notify the Landlord of any damage, or of any situation that may significantly interfere with the normal use of the Premises.
30. The Tenant will not make (or allow to be made) any noise or nuisance which, in the reasonable opinion of the Landlord, disturbs the comfort or convenience of other tenants.
31. The Tenant will not engage in any illegal trade or activity on or about the Premises.
32. The Landlord and Tenant will comply with standards of health, sanitation, fire, housing and safety as required by law.


### **Surrender of Premises**

33. At the expiration of the lease term, the Tenant will quit and surrender the Premises in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and damages by the elements excepted.

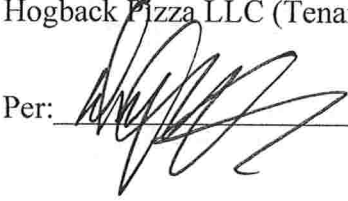
  
\_\_\_\_\_  
(Witness)

  
\_\_\_\_\_  
(Witness)

  
\_\_\_\_\_  
Dustin Chapin (Landlord)

  
\_\_\_\_\_  
Diane Chapin (Landlord)

  
\_\_\_\_\_  
(Witness)

Hogback Pizza LLC (Tenant)  
Per:  (SEAL)



Colorado Secretary of State  
 Date and Time: 02/21/2006 12:25 PM  
 Entity Id: 20061076496  
 Document number: 20061076496

Document processing fee  
 If document is filed on paper \$125.00  
 If document is filed electronically \$ 25.00

Fees & forms/cover sheets are subject to change.  
 To file electronically, access instructions for this form/cover sheet and other information or print copies of filed documents, visit [www.sos.state.co.us](http://www.sos.state.co.us) and select Business Center.

Paper documents must be typewritten or machine printed.

ABOVE SPACE FOR OFFICE USE ONLY

**Articles of Organization**

filed pursuant to §7-90-301, et seq. and §7-80-204 of the Colorado Revised Statutes (C.R.S)

1. Entity name:

**HOGBACK PIZZA, LLC**

*(The name of a limited liability company must contain the term or abbreviation "limited liability company", "Ltd. liability company", "limited liability co.", "Ltd. liability co.", "limited", "llc", "l.l.c.", or "Ltd." §7-90-601, C.R.S.)*

2. Use of Restricted Words *(if any of these terms are contained in an entity name, true name of an entity, trade name or trademark stated in this document, mark the applicable box):*

- "bank" or "trust" or any derivative thereof
- "credit union"       "savings and loan"
- "insurance", "casualty", "mutual", or "surety"

3. Principal office street address:

**457 W. MAIN**

*(Street name and number)*

**NEW CASTLE**

*(City)*

**CO 81647**

*(State)*

*(Postal/Zip Code)*

**United States**

*(Country – if not US)*

*(Province – if applicable)*

4. Principal office mailing address  
 (if different from above):

**PO BOX 257**

*(Street name and number or Post Office Box information)*

**NEW CASTLE**

*(City)*

**CO 81647**

*(State)*

*(Postal/Zip Code)*

**United States**

*(Country – if not US)*

*(Province – if applicable)*

5. Registered agent name (if an individual):

**CHAPIN**

*(Last)*

**DIANE**

*(First)*

*(Middle)*

*(Suffix)*

**OR** (if a business organization):

6. The person identified above as registered agent has consented to being so appointed.

7. Registered agent street address:

**387 JENNY PLACE**

*(Street name and number)*

**NEW CASTLE**

*(City)*

**CO 81647**

*(State)*

*(Postal/Zip Code)*

8. Registered agent mailing address  
(if different from above):

PO BOX 257

*(Street name and number or Post Office Box information)*

NEW CASTLE

*(City)*

CO

*(State)*

81647

*(Postal/Zip Code)*

United States

*(Province – if applicable)*

*(Country – if not US)*

9. Name(s) and mailing address(es)  
of person(s) forming the limited  
liability company:

(if an individual)

CHAPIN

*(Last)*

DIANE

*(First)*

*(Middle)*

*(Suffix)*

**OR** (if a business organization)

PO BOX 257

*(Street name and number or Post Office Box information)*

NEW CASTLE

*(City)*

CO

*(State)*

81647

*(Postal/Zip Code)*

United States

*(Province – if applicable)*

*(Country – if not US)*

(if an individual)

CHAPIN

*(Last)*

DUSTIN

*(First)*

*(Middle)*

*(Suffix)*

**OR** (if a business organization)

PO BOX 257

*(Street name and number or Post Office Box information)*

NEW CASTLE

*(City)*

CO

*(State)*

81647

*(Postal/Zip Code)*

United States

*(Province – if applicable)*

*(Country – if not US)*

(if an individual)

*(Last)*

*(First)*

*(Middle)*

*(Suffix)*

**OR** (if a business organization)

*(Street name and number or Post Office Box information)*

*(City)*

United States

*(Postal/Zip Code)*

*(Province – if applicable)*

*(Country – if not US)*

*(If more than three persons are forming the limited liability company, mark this box  and include an attachment stating the true names and mailing addresses of all additional persons forming the limited liability company)*

10. The management of the limited liability company is vested in managers

**OR** is vested in the members

11. There is at least one member of the limited liability company.

12. (Optional) Delayed effective date: \_\_\_\_\_.  
(mm/dd/yyyy)

13. Additional information may be included pursuant to other organic statutes such as title 12, C.R.S. If applicable, mark this box  and include an attachment stating the additional information.

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

14. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

CHAPIN	DIANE		
(Last)	(First)	(Middle)	(Suffix)
PO BOX 257			
(Street name and number or Post Office Box information)			
NEW CASTLE		CO	81647
(City)	(State)	(Postal/Zip Code)	
(Province – if applicable)	United States (Country – if not US)		

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box  and include an attachment stating the name and address of such individuals.)

**Disclaimer:**

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

HOGBACK PIZZA, LLC

is a

Limited Liability Company

formed or registered on 02/21/2006 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20061076496 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/01/2021 that have been posted, and by documents delivered to this office electronically through 11/03/2021 @ 14:26:11 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 11/03/2021 @ 14:26:11 in accordance with applicable law. This certificate is assigned Confirmation Number 13559170 .



*Jena Griswold*

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*



**COLORADO**  
Department of Public  
Health & Environment

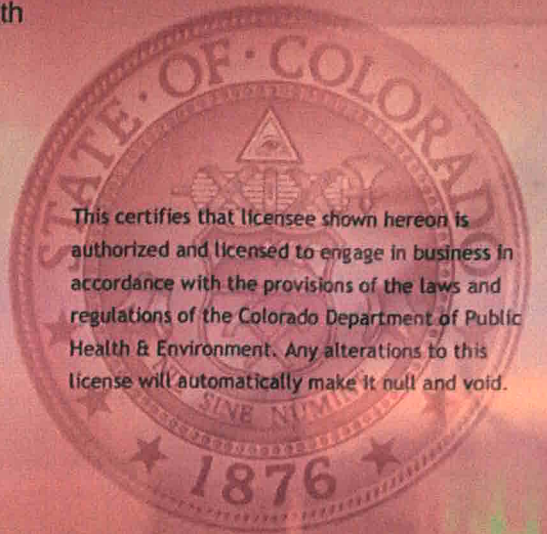
Garfield County Public Health  
195 14th St Rifle CO 81650

**2021 License to Operate: Retail Food**

License must be posted at the following location in a conspicuous place:

License #: RFE6907

Owner: Hogback Pizza  
DBA: Hogback Pizza  
457 W Main St  
New Castle CO 81647



This certifies that licensee shown hereon is authorized and licensed to engage in business in accordance with the provisions of the laws and regulations of the Colorado Department of Public Health & Environment. Any alterations to this license will automatically make it null and void.

License Valid until: 12/31/2021

License Type: Restaurant (0-100 seats)

Issued By: Garfield County Public Health

Licensee Name <b>HOGBACK PIZZA</b>	
Liquor License Number <b>12440160000</b>	License Type <b>BEER &amp; WINE (CITY)</b>
Location of Modified Premises <b>457 W MAIN ST NEW CASTLE, CO 81647</b> (EXPANSION TO FRONT PATIO)	
Approval Date <b>08-26-2016</b>	

This permit is issued subject to the laws of the State of Colorado and especially under the

DR 0140 (02/16/11)  
DEPARTMENT OF REVENUE  
DENVER CO 80261-0013

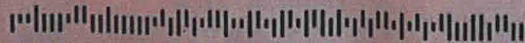
Must collect  
taxes for:  
**SALES TAX  
LICENSE**

STATE COUNTY RTA CITY  
COLORADO GARFIELD NEW CASTLE

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION					ISSUE DATE			LICENSE VALID TO DECEMBER 31
	county	city	industry	type	liability date	month	day	year	
01244016-0000	24	0031	005	P	120198	Dec	09	19	2021

THIS LICENSE MUST BE POSTED AT THE FOLLOWING LOCATION  
IN A CONSPICUOUS PLACE: HOGBACK PIZZA  
457 W MAIN ST NEW CASTLE CO 81647

**THIS LICENSE IS NOT  
TRANSFERABLE**



CHAPIN DUSTIN NEFF DIANE  
PO BOX 257  
NEW CASTLE CO 81647-0257

Executive Director  
Department of Revenue

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

DR 8402 (07/01/2012)

**STATE OF COLORADO  
DEPARTMENT OF REVENUE**

**LIQUOR ENFORCEMENT DIVISION**  
1707 Cole Blvd, Suite 300  
Lakewood, CO 80401

**CHAPIN DUSTIN NEFF DIANE  
dba HOGBACK PIZZA  
457 W MAIN ST  
New Castle CO 81647**

**ALCOHOL BEVERAGE LICENSE**

Liquor License Number <b>12-44016-0000</b>	License Expires at Midnight <b>August 15, 2022</b>
License Type <b>BEER &amp; WINE (CITY)</b>	
Authorized Beverages <b>MALT AND VINOUS LIQUOR</b>	

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 44, Articles 4, 3, CRS 1973, as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown above. Any questions concerning this license should be addressed to: Colorado Liquor Enforcement Division, 1707 Cole Blvd, Suite 300 Lakewood, CO 80401.

In testimony whereof, I have hereunto set my hand. 8/17/2021 LC

*Michelle Stone-Principato*

Michelle Stone-Principato, Division Director

*Mark Ferrandino*

Mark Ferrandino, Executive Director/CEO

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2021-12**

AN ORDINANCE OF THE TOWN OF NEW CASTLE TOWN COUNCIL AMENDING  
CHAPTER 9.28 REGARDING PRIVATE PARTY ALCOHOL PERMITS

WHEREAS, Chapter 9.28 of the Town of New Castle Municipal Code (“Code”) outlines offenses against public decency, including the prohibition on the possession of open alcoholic or fermented malt beverages containers; and

WHEREAS, the Town Council desires to amend Chapter 9.28 of the Code as set forth below.

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

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.

2. Amendment. Chapter 9.28 of the Code is hereby amended as follows. Text in ALL CAPS indicates text that has been added, and text in ~~strikethrough~~ indicates text that has been deleted.

**9.28.010 – Possession of open alcoholic or fermented malt beverage container prohibited.**

- B. The prohibition set forth in Section 9.28.010(A) with respect to public streets, highways, alleys, sidewalks, parks, elementary or secondary school buildings or grounds, or other publicly-owned property located within the town limits, or parking areas open to the public, shall not apply in the event THAT THE ~~of one (1) or more of the following:~~
- ~~1. The town administrator has issued a permit allowing the consumption, possession or sale of alcoholic or fermented malt beverages, provided that:
    - ~~a. Such permit shall be issued only for a designated area;~~
    - ~~b. Such permit shall be in effect for a period not to exceed twelve (12) hours; and~~
    - ~~e. The town administrator shall have determined that the permit shall be necessary for conducting a public or private event or celebration and that adequate provision has been made for police or other supervision and area maintenance. A fee shall be charged by the town as a condition for issuance of the permit in an amount set by the town’s fee schedule to defray the costs incurred by the town in issuing and supervising the permit.~~~~
  - ~~2. Town council has authorized by resolution the consumption, possession, or sale of alcoholic or fermented malt beverages. The scope and extent of the authorized consumption, possession, or sale shall be as set forth in any such resolution adopted from time to time.~~

INTRODUCED on December 7, 2021, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on December 21, 2021, read by title and number, passed without amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF  
NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk

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

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

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

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

12  
13  
14  
15 **Call to Order**

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

17  
18 **Pledge of Allegiance**

19  
20 **Roll Call**

21 Present	Councilor Mariscal
	Councilor Owens
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland (attended virtually)
	Councilor G Riddile
28 Absent	None

29  
30 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody  
31 Harrison, Town Treasurer Loni Burk, Town Planner Paul Smith, Public Works Director John  
32 Wenzel, Utilities Supervisor Daniel Becker and members of the public.

33  
34 **Meeting Notice**

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

37  
38 **Conflicts of Interest**

39 There were no conflicts of interest.

40  
41 **Agenda Changes**

42 There were no agenda changes.

43  
44 **Citizen Comments on Items not on the Agenda**

45 There were no citizen comments.

Town Council Meeting  
Tuesday, December 7, 2021

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**Consultant Reports**

Consultant Attorney – not present.  
Consultant Engineer – not present.

**Items for Consideration**

**River Center Annual Presentation**

River Center Executive Director Heather Paulson greeted the council. She said that it was hard to believe but it had been a year since her last update to the council. Director Paulson said that she realized that she had forgotten to include in her report the Crystal Mariscal Scholarship Fund, and she apologized to Councilor Mariscal for that. She told the council that the Center had been able to provide funding to two single mothers so they could further their education.

Director Paulson reviewed the other services detailed in her report and those included Life Assistance, Community Enrichment Classes, the Community Garden, Senior Team - Network Luncheon, Angel Tree, Back to School Drive, Totes of Hope, Meal Monkey, the Winter Coat Drive and Volunteer New Castle.

The council thanked Director Paulson for the wonderful work done by the River Center.

Town Clerk Melody Harrison addressed the council and told than that Janeth Stangle, Regional Representative for Senator Hickenlooper’s office had just arrived and wanted to have a few minutes of the council’s time.

Ms. Stangle greeted the council. She said she was the Central Mountains Regional Representative for Senator Hickenlooper’s office, and a New Castle resident. She said she wanted to introduce herself and said that an infrastructure package was recently passed, and she was doing outreach to let the communities know the senator was involve in it and what it would mean for all the municipalities. Ms. Stangle said that she would be happy to return if the council was interested. She also said that she was the council’s direct contact to the senator’s office. She said her office will be in Glenwood Springs, although she was still looking for a space.

Mayor A Riddile suggested that there was office space available in New Castle, and Ms. Stangle said she would be glad to look at it.

Mayor A Riddile said that he would be very happy to have Ms. Stangle attend a future council meeting because there was so much confusion regarding the CARES Act spending, The Rescue Act spending, and now there was infrastructure.

Ms. Stangle said that if the council had any specific questions she would come back with the answers. The council thanked Ms. Stangle.

1 **Discussion: Water Discharge and Cross Connections Code Amendment**

2 Town Planner Paul Smith explained to the council that the purpose of the discussion item  
3 was to review a potential code change related to Wastewater Discharge and Cross  
4 Connections.

5 The first item, Wastewater Discharge, was addressed in the code but staff found the  
6 chapter to be insufficient for discharge monitoring. He said that the proposed revisions  
7 would help to update the current discharge standards, clarify user expectations and  
8 strengthen enforcement mechanisms.

9 Planner Smith detailed some of the potential code changes in the draft ordinance in the  
10 packet and included examples of why the code change was necessary. In particular,  
11 Planner Smith spoke of the necessity to include a provision in the ordinance that would  
12 require restaurants to certify that their grease traps were regularly serviced. He noted  
13 that Garfield County Health department had suggested that the town implement such a  
14 process as it was common in other jurisdictions. Utilities Supervisor Daniel Becker  
15 explained the industrial discharge section and that the ordinance would require the town  
16 to issue a discharge permit to an industrial user who wanted to discharge into the town  
17 sewer system. He said that the town's permit requirements could change depending on  
18 what someone discharged, so it was important for the town to have a permit process for  
19 those who wanted to use the town's systems for discharge. Uses could range from a brew  
20 pub to industrial.

21 Supervisor Becker said that they had found some inconsistencies in the code regarding  
22 maintenance of the service lines and at what point those lines were the responsibility of  
23 the town or homeowner. He said the ordinance will repair the inconsistencies.

24 Planner Smith and Supervisor Becker reviewed the cross-connection portion of the  
25 proposed ordinance and noted that the town already had appropriate language in the code  
26 for cross-connection, but the ordinance will add language to strengthen the enforcement  
27 language in the code.

28 Councilor G Riddile said that he would like to see staff reach out to businesses that will be  
29 impacted by the code change. Planner Smith said that he had started speaking to the  
30 restaurants and will be sure to talk to others such as mechanic shops and the taxidermist.  
31 Councilor Leland said he did not see pharmaceuticals on the list of prohibited items that  
32 could be discharged and asked if it would be added. Supervisor Becker said that it could  
33 be added.

34 Planner Smith said the ordinance will come back to the council in January for their  
35 consideration.

36 Administrator Reynolds said that he wanted to thank Planner Smith and Supervisor Becker  
37 because it was not often that the planning department got to work with the utility  
38 department, and it was a great example of teamwork. He also said that every year the  
39 town's insurance company, CIRSA, did a facilities inspection and they look at everything  
40 down to the chains on swing sets. He said that the town had just received the report on  
41 the inspection, and it was good. He thanked the public works department for their hard  
42 work keeping the town facilities in good shape.

1 **Discussion Regarding a Possible Lodging Tax Increase Issue to be Placed on The**  
2 **April 5, 2022 Ballot**

3 Administrator Reynolds told the council that the agenda item had only recently come to  
4 staff's attention and he apologized if the council felt rushed, however, it was something of  
5 a time-sensitive issue in that there was an election coming up in April 2022.

6 Administrator Reynolds explained that the town had a 2.5% lodging tax on motel rooms  
7 and VRBO or Air BnB units. The tax should be collected and remitted to the town. He  
8 noted that staff was still in the process of educating all the VRBO owners that there was a  
9 lodging tax to be collected. Administrator Reynolds said that Treasurer Burk, the Clerk's  
10 Office and himself had been working to make contact with VRBO owners and help them  
11 understand that they need a business license and should be collecting the appropriate  
12 taxes. He said that through that process the question was raised about the town lodging  
13 tax and whether it had ever been raised. Administrator Reynolds said that tax had not  
14 been raised since 2007, which was a long time. Administrative Assistant Rochelle Firth  
15 had done a survey of other municipalities' lodging tax which was in the packet. New  
16 Castle was on the lower side, and he said that several of the neighboring jurisdictions  
17 were considering it as an April ballot issue as well. Administrator Reynolds said that staff  
18 felt a lodging tax might be something the voters could accept because it was not a tax  
19 that would affect them directly: it will affect tourists and other who stay at hotels and  
20 VRBOs. Administrator Reynolds said he had not reached out to Bill Ray for his opinion but  
21 will if council felt it was needed. He said that staff felt it seemed like a simple ask of the  
22 voters, and would not amount to very much money. He said that if the tax increased from  
23 2.5% to 5%, that would equal approximately \$30k. While that was not a lot of money, it  
24 was significant nonetheless and he didn't want to leave money on the table.

25 Clerk Harrison told the council that a tax issue such as lodging tax can only be on the  
26 regular April municipal ballot in even-numbered years or on the coordinated November  
27 ballot in odd-numbered years. She said that meant April of 2022 or November of 2023.  
28 Clerk Harrison said that for a lodging tax, it needed to be on the ballot 45 days prior to its  
29 effectiveness, which meant that the tax, if the voters approved it, could start to be  
30 collected on July 1, 2022.

31 Clerk Harrison said there were two timelines to place the item on the April ballot if the  
32 council wanted to pursue it. The first would be to wait until the February 1, 2022 council  
33 meeting to pass a resolution approving ballot language and placing the issue on the April  
34 ballot. That gave the council the two meetings in January to discuss it further if they  
35 wanted more time.

36 The other timeline was to pass an ordinance approving the ballot language and placing the  
37 issue on the April ballot. That would mean the first reading would have to be on January  
38 4, 2022, second reading on January 17, 2022 so that the ordinance was effective by the  
39 beginning of February to meet the deadline for pro/con statements to be submitted and  
40 TABOR notices to be sent to voters. Unfortunately, the second timeline would rush the  
41 council and they would not have the month to consider it.

42 Clerk Harrison said that placing a lodging tax issue on the April ballot would only increase  
43 the cost of the election by a few hundred dollars to print and mail the TABOR notices.

44 Councilor Copeland asked if something could be added to the ballot language the required  
45 the tax to be automatically collected through the VRBO or Air BnB websites, and

1 automatically remitted to the town. Clerk Harrison said that staff had done a lot of  
2 research on that and it was complicated. She said that a few years earlier she had heard  
3 from Carbondale, CO that they carried a contract with Air BnB who collected Carbondale's  
4 lodging tax. She said she had contacted Air BnB to request a contract with them to collect  
5 New Castle's lodging tax, and they had rejected the request. Subsequently, in  
6 conversations with local owners, staff found that some were able to add the lodging tax to  
7 their online account, others did not know how. She said it seemed that because the  
8 lodging tax was implemented by the town, not by the state, Air BnB was not required to  
9 collect the tax like they did sales tax, and in the cases where they did, the monies were  
10 remitted back to the owner who then had to remit them to the town, which seemed like a  
11 complicated process when the owner could simply remit it directly to the town.  
12 Administrator Reynolds said there were a few units in town where they had been  
13 successful in adding the town lodging tax to their listing with (Air BnB or VRBO), along  
14 with other fees such as cleaning fees or service fees, and the funds were collected, then  
15 remitted back to the owner who then had to pay the cleaning person and the servicer and  
16 the town lodging tax. He said it could be done with some effort. Whether or not it can be  
17 added to ballot language was something to ask the attorneys. Administrator Reynolds also  
18 pointed out that there were some, such as the motel, who did not use services like Air  
19 BnB or VRBO.

20 Councilor Owens asked why this was something that needed to be done.  
21 Administrator Reynolds said because it had not been done in years; because New Castle's  
22 rate was lower than other towns, particularly since some other towns were considering an  
23 increase as well; and because money was being left on the table. He felt that an increase  
24 was a pass-through for the business owners and that people coming into town would pay  
25 it. He also did not think it would affect whether people would rent rooms in New Castle  
26 because on a \$100 stay, it was only a \$2.50 increase. Administrator Reynolds said that  
27 staff was always looking for additional revenue streams and the lodging tax was low-  
28 hanging fruit.

29 Councilor Leland said that when the current 2.5% was passed the funds went into the  
30 economic development line item. He said that if another lodging tax issue was passed it  
31 meant that much more in economic development.

32 Councilor Owens asked what the economic development funds focused on. Councilor  
33 Leland said there were all manner of things that have been identified as economic  
34 development projects. He said anything that could be justified as economic development  
35 could utilize those funds.

36 Councilor Copeland asked if the council could change what the monies would go to, and  
37 Administrator Reynolds said yes, it could be identified on the ballot. Councilor Copeland  
38 said she recently read an article about Telluride whose lodging tax was all going towards  
39 tourism, but they took it to ballot and changed it so that all their lodging tax was going  
40 towards affordable housing for the workers in that town.

41 Councilor Owens said that would fall under economic development because the VRBO  
42 business cut into the culture of neighborhoods and available housing.  
43 Administrator Reynolds said that was happening in downtown New Castle.  
44 Staff and council discussed the issues with the Air BnB/VRBO-type businesses, methods to  
45 ensure proper taxes were being paid, researching existing units and new ones as they

1 came online. They also discussed how they felt the funds should be used and if it was  
2 valuable to designate the funds for affordable housing and what that meant.  
3 The council decided that they would hold a work session on January 4, 2022 to discuss it.  
4 The council also decided that the second timeline in Clerk Harrison's memo was more  
5 appropriate and that if they decided to move forward with the lodging tax issue for the  
6 April 2022 election they would pass a resolution to that effect on February 1, 2022.  
7 The council also decided that they would hold a work session on February 15, 2022 to  
8 discuss the municipal code regulations regarding Air BnB/VRBO.  
9

10  
11  
12 **Consider Resolution TC 2021-16, A Resolution of the Town Council of the Town**  
13 **of New Castle Adopting a Budget for the Town of New Castle, Colorado, for the**  
14 **Fiscal Year Beginning on January 1, 2022 and Ending on December 31, 2022,**  
15 **Appropriating the Amounts Specified in the Budget as Expenditures from the**  
16 **Funds Indicated, Levying the Property Tax Proposed in the Budget, and**  
17 **Reserving and Designating Certain Amounts in Each Fund.**  
18

19 Mayor A Riddile opened a public hearing at 8:14 p.m.  
20

21 Town Treasurer Loni Burk told the council that she wanted to explain the reason that the  
22 budget was approved by resolution. The resolution, in essence, was approving the  
23 appropriations that the council was saying were needed to keep the town functioning. She  
24 clarified and said that it approved expenditures, the property tax certification, and it  
25 approved funds that were being set aside for certain things. She said that the budget was  
26 often thought about as a whole, all the revenues and expenditures, but the truth was that  
27 the resolution simply approved spending of the funds. Treasurer Burk said that if  
28 something came up that the town needed to spend money on that was not budgeted, that  
29 would cause the town to exceed the total appropriations in any given fund, that was when  
30 a supplemental budget was necessary.

31 Treasurer Burk reviewed the budget process that began in August and provided a detailed  
32 review of the final budget document.  
33

34 Mayor A Riddile closed the public hearing at 8:32 p.m.  
35

36 **MOTION: Councilor G Riddile made a motion to approve Resolution TC 2021-16,**  
37 **A Resolution of the Town Council of the Town of New Castle Adopting a Budget**  
38 **for the Town of New Castle, Colorado, for the Fiscal Year Beginning on January 1,**  
39 **2022 and Ending on December 31, 2022, Appropriating the Amounts Specified in**  
40 **the Budget as Expenditures from the Funds Indicated, Levying the Property Tax**  
41 **Proposed in the Budget, and Reserving and Designating Certain Amounts in Each**  
42 **Fund. Councilor Owens seconded the motion and it passed on a roll-call vote:**  
43 **Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Owens: yes;**  
44 **Councilor Copeland: yes; Councilor Leland: yes; Councilor Mariscal: yes; Mayor A**  
45 **Riddile: yes.**

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3 **Consider Ordinance TC 2021-12, An Ordinance of the New Castle Town Council**  
4 **amending Chapter 9.28 Regarding Private Party Alcohol Permits (1st reading)**

5 Clerk Harrison said that she had not written a memo regarding the ordinance, but the  
6 council and staff discussed it at the previous council meeting, and the council had given  
7 staff direction that they did not feel private party alcohol permits were a necessary option  
8 for New Castle. She said that the ordinance was to revoke the code section that allowed  
9 the town administrator to issue the permits.

10 **MOTION: Councilor G Riddile made a motion to approve Ordinance TC 2021-12,**  
11 **An Ordinance of the New Castle Town Council amending Chapter 9.28 Regarding**  
12 **Private Party Alcohol Permits on 1st reading. Councilor Hazelton seconded the**  
13 **motion and it passed on a roll-call vote: Councilor Copeland: yes; Councilor**  
14 **Hazelton: yes; Councilor Leland: yes; Councilor Owens: no; Mayor A Riddile: yes;**  
15 **Councilor G Riddile: yes; Councilor Mariscal: yes.**

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18 **Consider Ordinance TC 2021-10 - An Ordinance of the New Castle Town Council**  
19 **Amending the Municipal Code Regarding the Membership of the Historic**  
20 **Preservation Commission (2nd reading)**

21 Administrator Reynolds said that the ordinance had not changed from first reading.

22 **MOTION: Councilor G Riddile made a motion to approve Ordinance TC 2021-10,**  
23 **An Ordinance of the New Castle Town Council Amending the Municipal Code**  
24 **Regarding the Membership of the Historic Preservation Commission on 2nd**  
25 **reading. Councilor Mariscal seconded the motion and it passed on a roll-call vote:**  
26 **Councilor Leland: yes; Councilor Mariscal: yes; Mayor A Riddile: yes; Councilor**  
27 **Owens: yes; Councilor Copeland: yes; Councilor G Riddile: yes; Councilor**  
28 **Hazelton: yes.**

29  
30  
31 **Consider a Motion to Begin the December 21, 2021 Town Council Meeting at 5:30**  
32 **p.m.**

33 **MOTION: Councilor G Riddile made a motion to begin the December 21, 2021**  
34 **town council meeting at 5:30 p.m. Councilor Mariscal seconded the motion and it**  
35 **passed unanimously.**

36  
37  
38 **Consent Agenda**

39 November 2, 2021 minutes

40 November 16, 2021 minutes

41 November Bills of \$399,862.91

42 New Castle Liquors Retail Liquor Store and Tastings Permit License Renewals

43 Grove's Black Dog Saloon Hotel & Restaurant Liquor License Renewal

44 Stop N Save Fermented Malt Beverage Liquor License Renewal

1 **MOTION: Councilor Hazelton made a motion to approve the consent agenda.**  
2 **Councilor Mariscal seconded the motion and it passed unanimously.**  
3  
4  
5

6 **Staff Reports**

7 Town Administrator – Administrator Reynolds apologized as his staff report would be long  
8 because it was the last report he would give in 2021. He handed out copies of Colorado  
9 River Valley Room to Roam magazine to each of the council members. He told the council  
10 that the South Alley fence project was coming along nicely and invited the council  
11 members to look. He also invited them to head over to Frank Breslin Memorial Park to  
12 check out the Ice Rink that was assembled and filled with water that would hopefully  
13 freeze soon. Administrator Reynolds said that the Tree lighting and Chili Cook Off was  
14 amazing, and he felt that staff had done a great job. He said he had heard a lot of  
15 comments that people really liked the event. Arts & Enrichment Coordinator Kelly Cox was  
16 already scheming on improvements for 2022. Administrator Reynolds told the council that  
17 Town Engineer Jeff Simonson was working on the CDOT permit application for the LoVa  
18 Trail project. He was also working on getting the bridge section out for bid. Administrator  
19 Reynolds said that Glenwood Springs had submitted a concept paper for a Great Outdoors  
20 Colorado (GOCO) grant for the LoVa Trail. If the grant was successful, it was a \$150k ask  
21 for phase 1 planning. Glenwood Springs hoped to use that money to begin some planning  
22 on their end and to engage with the railroad to finally put to rest how the trail would get  
23 up and over the railroad. Administrator Reynolds said that if GOCO liked the concept  
24 paper, they will invite Glenwood Springs to apply for the grant, and then they would have  
25 to be awarded the grant. The planning grant was a total project of \$150,000.00, with  
26 GOCO providing 50% or \$75k and Glenwood Springs would have to provide a 50% match,  
27 or \$75k. He offered that the council could discuss it in the near future to determine if  
28 they were interested in providing any funding towards it. Administrator Reynolds said that  
29 Engineer Simonson had provided an estimate of the cost of the bridge portion of the LoVa  
30 Trail and it looked as though it could come in just over a million dollars, and there was  
31 only \$655k in grant funds, so the pricing was way out of line. He said that costs have  
32 increased significantly in the past few years, as much as a 30% increase. Executive  
33 Director of LoVa Trails, Jeanne Golay, is aware of the cost issues and intends to ask RFTA  
34 for additional funds. If more funding is not found, both the New Castle portion of the LoVa  
35 Trail and the Meet Me In The Middle portion were in jeopardy. He said that he will have to  
36 report to the FMLD in February, and if there were no solutions to the complications, the  
37 project may not move forward. Administrator Reynolds told the council that the Police  
38 Department was extremely appreciative of the council’s decision to adjust their pay. He  
39 said the officers emphasized that they love New Castle and love working for Chief Pagni,  
40 and how important it was to them to know that the town council had their back.  
41 Administrator Reynolds told the council that along with the idea of increasing the lodging  
42 tax, there were several other fees that staff felt should be reviewed. One was the  
43 recreation development fee. Every building permit issued was required to pay a recreation  
44 fee of \$500.00. Those monies go towards building and maintaining parks, and the fee  
45 amount has not been adjusted since 2001. The other fee that has not been adjusted in a

1 very long time were tap fees. Tap fees were used to make upgrades and maintenance to  
2 the water and wastewater plants. Administrator Reynolds said that the cost of building  
3 parks and water/wastewater treatment plants continued to increase, and the fees  
4 collected for them had not increased with inflation over the years. He asked that the  
5 council provide some direction as to whether they were interested in considering  
6 adjustments to those fees in 2022, especially since there was so much development  
7 potentially happening in town. Administrator Reynolds showed the council an online video  
8 regarding McInnis property to the east which is on the market for 38 million dollars. He  
9 said that the town comprehensive plan contemplated the McInnis property, and staff had  
10 concerns about the marketing of the property because it references Garfield County's  
11 comprehensive plan rather than the towns. He said that staff and council will have to  
12 discuss it in 2022 because there was a lot that needed to take place for the property to be  
13 developed. He said that he wanted the council to know that staff was working on it.  
14 Administrator Reynolds showed the council an online property listing for the Rippy  
15 property across the street from River Park Condominiums. He said that the property  
16 consisted of 600 acres. Mr. Rippy was splitting the property up into 18 separate parcels  
17 and they were being marketed that way. Unfortunately, the county and the town did not  
18 have an ability to comment on what was being done with the property because he had  
19 every right to do what he was doing. Where the town could comment on was County Road  
20 335, which the town owned in that location. The town will be able to comment on the  
21 project and how it will impact the roadway and the physical tie-ins to County Road 335.  
22 Administrator Reynolds said that he had been contacted by a town resident who was  
23 interested in paying for a bench to be placed on Mt. Medaris. The resident who wished to  
24 remain anonymous, will need help getting the bench up there. He asked the council how  
25 they felt about it. After a brief discussion they agreed that the project would have to wait  
26 until spring. Administrator Reynolds said that the Colombo project had begun, although  
27 they did not have any building permits yet, only excavation. Administrator Reynolds said  
28 that P&Z had a meeting the following evening where Assistant Town Attorney Haley  
29 Carmer will review the rules for elected and appointed officials, especially since there were  
30 new members on some commissions and there was a lot of development coming in 2022.  
31 He said that P&Z and council will be busy with land use. Administrator Reynolds said that  
32 Mari Riddile had a great idea. Steve Rippy who was the chair for HPC who recently retired,  
33 has served the Town of New Castle for many years and in many different capacities. Mari  
34 Riddile wants to honor Steve with a proclamation in 2022 to thank him for his service.  
35 Administrator Reynolds said there were some thank you letters from some of the agencies  
36 who received grant money from the town. Administrator Reynolds said that the council  
37 will have a joint meeting with the Garfield Board of County Commissioners on February 1,  
38 2022. Administrator Reynolds said that he also wanted to do a joint meeting with the  
39 Town of Silt Board of Trustees. He said they were looking at joint staff efforts and perhaps  
40 sharing of some equipment and they wanted to discuss the LoVa Trail. Councilor G Riddile  
41 said he would like to talk about partnering with BOCC regarding the roundabout. Councilor  
42 G Riddile wanted to go slowly with Silt regarding the LoVa project. Administrator Reynolds  
43 said that the tourism booklet he had passed out earlier was the result of the Craft 101  
44 grant. He said that COVID had stifled the project, and some partners backed out. He said  
45 New Castle was the only town remaining from the original group, and Administrative

Town Council Meeting  
Tuesday, December 7, 2021

1 Assistant Rochelle Firth took the project to the finish line, which was why the booklet was  
2 primarily about New Castle.  
3 Town Clerk – Clerk Harrison said that there was a snowman contest happening again, and  
4 the organizers had asked if the council would consider a proclamation for the winner.  
5 Administrator Reynolds said that there were different age categories from little kids to  
6 adults as well as a business category. The thought was that there would be a trophy of  
7 some kind that the business got to keep for the year for bragging rights, and they thought  
8 a proclamation might be fun as well. The council did not feel a proclamation was  
9 appropriate for a snowman contest. Clerk Harrison said she wanted the council to know  
10 that one of the documents she had for the mayor to sign was the annual Tree City USA  
11 application. Clerk Harrison said that the following day the utilities department and clerk’s  
12 office will have someone come conduct training on the new meter read equipment that  
13 the town had purchased. Clerk Harrison reminded everyone that the town Christmas Party  
14 would be on December 21, 2021 at 6:00 p.m., right after the council meeting. Clerk  
15 Harrison said that there was an invitation from the Rifle Animal Shelter for their grand  
16 opening of their new facility which was called ‘A Journey Home’. The event will be on  
17 December 15 from 4:00 to 7:00 p.m. Clerk Harrison said that there were four council  
18 terms expiring in 2022 and will be up for election in April 2022. The mayor seat, and  
19 Councilors Leland, Copeland and Owens. She said that candidate nomination packets will  
20 be available on January 4, 2022. Clerk Harrison said that Administrative Assistant Remi  
21 Bordelon felt that the staff needed to do something for Administrator Reynolds, so on the  
22 Wednesday before Thanksgiving, the staff declared it “Dave Day”. Staff threw a surprise  
23 lunch, and sand ‘Happy Dave Day’ and gave him a goofy proclamation honoring him. Clerk  
24 Harrison said she and the staff wanted council to know they were grateful they had hired  
25 Dave Reynolds and that he was a great town manager.  
26 Town Treasurer – Treasurer Burk said she was sorry she wasn’t able to be there for Dave  
27 Day, and she also appreciated Dave as a town manager.  
28 Town Planner – not present.  
29 Public Works Director – not present.  
30  
31

### 32 **Commission Reports**

33 Planning & Zoning Commission – Mayor A Riddile said there was a work session the next  
34 evening to review legal aspects of making decisions for commission and council.  
35 Historic Preservation Commission – nothing to report.  
36 Climate and Environment Commission – Councilor Leland said they had met with  
37 Evergreen Compost and for a small fee they will collect food waste and compost it. He  
38 said the commission will explore how to get residents involved.  
39 Senior Program – nothing to report.  
40 RFTA – nothing to report.  
41 AGNC – nothing to report.  
42 GCE – nothing to report.  
43 EAB – Mayor A Riddile said the meeting was an organizational one to select chair and  
44 voice chair and other officers.  
45

1 **Council Comments**

2 Councilor Mariscal thanked the staff for the Chili Cook-Off. She said it was a great event  
3 and she said she heard a lot of good comments about Councilor Copeland.

4 Councilor Leland apologized for not attending the meeting in person, but he had been ill  
5 and thought it better to stay home.

6 Councilor Leland said he had posted the South Alley fence project on Facebook and had  
7 received a lot of good comments about it.

8 Councilor Leland said that the town was a partner in the CRHDC senior housing, and he  
9 wanted to have a discussion with management about the problems at senior housing.

10 Mayor A Riddile said that there had been a lot of contact with CRHDC and hopefully there  
11 will be some resolution soon.

12 Councilor Copeland said the Christmas lights in the downtown looked great.

13 Councilor Copeland said that the Chili Cook-Off was great and thanked staff for letting her  
14 help.

15 Mayor A Riddile said there were thank you cards from Rifle Animal Shelter and Youth  
16 Zone.

17 Mayor A Riddile said that the Tree lighting was awesome.

18 Mayor A Riddile said that on Thursday at 5:30 would be New Castle Chamber Bingo for  
19 those who wanted to go.

20  
21  
22 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Copeland**  
23 **seconded the motion and it passed unanimously.**

24  
25 The meeting adjourned at 9:30 p.m.

26  
27  
28 Respectfully submitted,

29  
30  
31  
32  
33  
34 \_\_\_\_\_  
35 Mayor A Riddile  
36  
37

38 \_\_\_\_\_  
39 Town Clerk Melody Harrison, CMC  
40

**Submit to Local Licensing Authority**

Fees Due		
Renewal Fee		0
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
<b>Amount Due/Paid</b>		\$

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

## Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <b>LAZY BEAR RESTAURANT</b>		Doing Business As Name (DBA) <b>LAZY Bear Restaurant</b>		
Liquor License # <b>03 05618</b>	License Type <b>Hotel &amp; Restaurant</b>	Sales Tax License Number <b>30132696</b>	Expiration Date <b>2/03/2022</b>	Due Date <b>12/20/2021</b>
Business Address <b>285 WEST MAIN STREET NEW CASTLE, CO. 81647</b>			Phone Number	
Mailing Address <b>137 SOCCER FIELD RD APT 1-8 GLENWOOD SPRINGS, CO 8601</b>			Email <b>970-366-7785</b>	
Operating Manager <b>JOEL HERNANDEZ</b>	Date of Birth <b>03/17/87</b>	Home Address <b>137 SOCCER FIELD RD APT 1-8 GLENWOOD</b>		Phone Number
1. Do you have legal possession of the premises at the street address above? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <b>8/31/22</b>				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery				
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  Yes  No
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  Yes  No

<b>Affirmation &amp; Consent</b>	
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.	
Type or Print Name of Applicant/Authorized Agent of Business	Title
FRANCISCO JAVIER VASQUEZ	PRESIDENT
Signature	Date
Vasquez	12/06/2021
<b>Report &amp; Approval of City or County Licensing Authority</b>	
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.	
<b>Therefore this application is approved.</b>	
Local Licensing Authority For	Date
TOWN OF NEW CASTLE	12-06-21
Signature	Title
	Attest

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

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

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

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

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

Name (Individual/Business) <u>Francisco J Vasquez -</u>		Social Security Number/Tax Identification Number <u>653-16-1212</u>	
Address <u>328 DRAGONTOOT DR.</u>			
City <u>NEW CASTLE, CO</u>		State <u>colorado</u>	Zip <u>81647</u>
Home Phone Number <u>970 401 1644</u>		Business/Work Phone Number <u>970-984-2327</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Francisco J Vasquez</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>F Vasquez</u>			Date signed <u>12-06-21</u>

**Privacy Act Statement**

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