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Remove: _____



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

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

Agenda

New Castle Town Council Regular Meeting

Tuesday, November 19, 2019, 7:00 PM

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

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

A. Police Department Update (7:05 p.m.)

B. Update: Land Use Codes (7:20 p.m.)

C. Discussion: Trash Rate Notice (7:35 p.m.)

D. Discussion and Staff Direction Regarding the Directory of Fees (7:50 p.m.)

E. Review Updated Strategic Plan (8:05 p.m.)

F. Consider Ordinance TC 2019-7, an Ordinance of the New Castle Town Council Implementing a Tax on Tobacco and Nicotine Products (1st reading) (8:20 p.m.)

G. Consider Ordinance TC 2019-8, an Ordinance of the New Castle Town Council Adopting and Implementing a Voter-Approved Ad Valorem Property Tax (1st reading) (8:35 p.m.)

H. Consider a Motion to Begin the December 17, 2019 Council Meeting Early (8:50 p.m.)

Consent Agenda (8:55 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.

[October](#) 1, 2019 minutes

[Feather](#) Petroleum (Stop N Save) Fermented Malt Beverage Liquor License Renewal

[Groves](#) Black Dog Saloon Hotel & Restaurant Liquor License Renewal

Staff Reports (9:00 p.m.)

Town Administrator

Town Clerk

Town Planner

Public Works Director

Commission Reports (9:10 p.m.)

Planning & Zoning Commission

Historic Preservation Commission

Climate Action Advisory Committee

Senior Program

RFTA

AGNC

GCE

EAB

Council Comments (9:20 p.m.)

Adjourn (9:45 p.m.)



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Memorandum

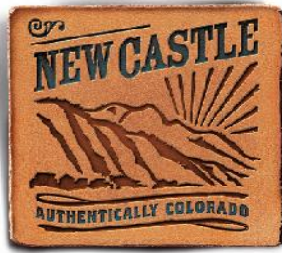
To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Police Department Update
Date: Nov. 19, 2019

Purpose:

The purpose of this agenda item is for Chief Pagni to provide information and gain Council direction regarding the following items:

- ✚ Increase in fee's charged per Section 10E 1-2 of the Town Directory of Fees Sex Offender Registration
- ✚ The sale or disposal of weapons which have been confiscated by our Police Department

(Memo to Council 11.19.19 Police Department Update and Sale of Guns)



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Staff update concerning Land Use Codes
Date: Nov. 19, 2019

Purpose:

The purpose of this agenda item is for Staff to provide Council with an update concerning possible changes to the Town's Land Use and Building Codes.

As discussed previously, Town Planner Paul Smith has been working on needed modifications to various sections of the Town's Land Use and Building Codes. Staff has found that sections of our current code are not always sufficient, clear, or appropriate for the Town's current needs. As such, staff has begun to develop proposed updates that may help create clearer guidelines for residents, developers, and staff.

Staff met with the Planning and Zoning Commissioners on November 13th in a workshop setting in order to gain feedback on the proposed updates. Planner Paul Smith facilitated discussion around the following topics:

- ✚ The need for the Town to update codes related to fence permits
- ✚ Clarification of Town Codes related to Sketch Plan Applications
- ✚ The need for the Town to update codes related to grease traps located in commercial buildings
- ✚ R-1 Zoning District Codes related to mandatory roof pitch requirements

Staff wishes to briefly review the proposed updates with Council and gain input on the direction of this project.



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Trash Rate Notification
Date: Nov. 19, 2019

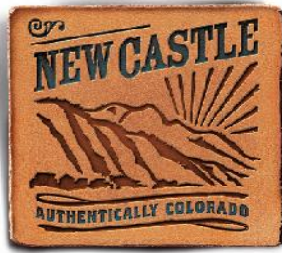
Purpose:

The purpose of this agenda item is to review the upcoming 2020 trash rate increase and discuss methods which may be used to inform residents.

Examples of these methods may include:

- ✚ Distribution of informational door hangers
- ✚ December and January Newsletter articles
- ✚ Website notice and informational article
- ✚ Facebook article
- ✚ Open House meeting on the subject of recycling

Staff has prepared a sample doorhanger for Council review.



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Review New Castle Strategic Plan
Date: Nov. 19, 2019

Purpose:

The purpose of this agenda item is to review the *New Castle Strategic Plan*. Based on the results of the October 12th Council Retreat, staff has revised the existing Strategic Plan to incorporate new items discussed as well as remove older items that have been completed or are no longer relevant. Staff wishes to review the revised Strategic Plan for accuracy and completeness. Council may wish to add or edit items based on notes taken during the Council Retreat.

For simplicity of review, Staff has identified the most recent revisions in Blue.



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New Castle Town Council Strategic Plan

Revised and Updated Nov. 19, 2019

1. Encourage and Facilitate Economic Activity in Downtown and throughout the Community.

- 1.1. Utilize the existing Town-owned land as an incentive to encourage mixed use development in the downtown and near the mall – public/private partnerships.
- 1.2. Promote the “LiveWell” goals and programs of heathy eating and active living as the New Castle Brand “*LiveWell New Castle*”.
- 1.3. Develop and implement a community wide Wayfinding program. The Town may wish to coordinate this project with the timing of future traffic circles and the expansion of the Rt. 70 interchange.
- 1.4. Discuss advantages and disadvantages of managing the rate of growth to protect the quality of life in New Castle. Council may wish to consider a maximum number of new building permits which may be issued in any given year if this becomes a serious issue.
- 1.5. Consider the benefits to selling (3) Town owned properties. Staff shall direct a study in order to determine the value and marketability of the properties at 6th Street, the Kamm Lot and the lot on Castle Valley Blvd near the Shibui Condominiums.
- 1.6. Staff shall monitor the progress of developments concerning the “Old Schoolhouse Property” at 151 West Main Street.
- 1.7. Staff shall monitor the progress and developing ideas related to the sale of the Lakota Golf Course and associated properties.

2. Infrastructure Improvements and Planning as the Basis of Good Economic Development

- 2.1. Develop a *Capital Improvement Committee* consisting of Department Heads and two Council Members. The Committee shall review *Capital Improvement* needs and assess costs, timelines, finance methods, and priority levels for each *Capital Improvement* need.
- 2.2. Traffic control (Intersection of Hwy 6/Castle Valley Blvd Roundabout or traffic signal). Plans for the new roundabout and interchange are being developed by CDOT. Town Staff and the Town Engineer will continue to monitor the progress.
- 2.3. Raw Water System Improvements (first priority is to build a storage pond, pump house and distribution lines to allow increased watering window for parks).
- 2.4. Southside wastewater interceptor (not needed until substantial buildout of Lakota and/or development east of town).
- 2.5. Collaborative with all regional entities to pursue LOVA trail. Continued strategic work on a limited basis, based on staff time and funding, toward the planning and eventual construction of the LoVa Trail.

- 2.6. Improve C Avenue trail as key link between downtown and CVR/Lakota (lighting, switchbacks, hard surface, and picnic table at top of C Avenue). This area will need to be further addressed as development in the Castle Valley area is considered. The ability to create switchbacks along C Avenue may be cost prohibitive based on the topography.
- 2.7. Continue working with New Castle Trails on Bike Park improvements and on construction of soft trails throughout town and BLM area.
- 2.8. Create a Place Making Opportunities on top of Mt. Medaris in order to activate this mountain as a community amenity. Ideas may include signage and maps which point out historically significant sites. Ideas may also include resting spots and benches.
- 2.9. Redesign Burning Mountain Park so it functions better as a music/event venue. Council will make a field trip to the park and consider proposed design changes. Staff will work toward development of a budget for a redeveloped park design.
- 2.10. Study and consider improvements to *Riverfront Park and the Boat Ramp Area*. Staff will develop an improvement plan to upgrade the Boat Ramp, Parking, and Disc Golf Areas of the park. Staff will work toward estimating the costs for improvements and possible grant opportunities.
- 2.11. Town Hall upgrades. Staff will explore the option of long-term financing of a new Town Hall. Staff will explore having Clear Energy survey the current building for potential energy savings. Staff will explore the idea of a minor remodel and the possibility of moving Council Chambers to the Town Community Center Building.
- 2.12. Work with RFTA to understand how New Castle can implement a town shuttle using RFTA as a contract entity to operate and maintain shuttle. The Town's goal is to evolve this shuttle from internal combustion, to electric and driverless over time.
- 2.13. Add more bike parking in downtown and throughout town.

3. Environmental Issues (air quality, weed/pest management, energy saving measures)

- 3.1. Continue to work with GCE and Clear Energy to understand local environmental issues and energy saving measures.

4. Address Connectivity, Traffic, Parking and Business Access Issues (downtown parking, parking enforcement, traffic control, alley use).

- 4.1. Improve alley and side street conditions and organization to provide more downtown parking. Note: Sixth Street was reorganized in 2019 to hold diagonal parking.
- 4.2. Complete sidewalk system on east end of Main Street. Funding for this project remains to be identified.
- 4.3. Study Downtown Parking concerns. Possible solutions to explore might be the purchase of private properties that are convenient to Main Street, the use of currently held Town properties as expanded parking areas, and the continued or future lease of properties that may serve as additional parking spaces.

5. Development of Human and Social Capital and a Diverse Workforce

- 5.1. Retain employees through training/cross training, quality equipment, challenging/rewarding tasks, and access to housing opportunities.
- 5.2. Address Employee Housing Concerns by studying funding programs by which the Town may assist staff in obtaining required funding for deposits, down payments, or other required upfront funding for housing rentals or purchases.
- 5.3. When possible, consider giving weight to the hiring of bi-lingual staff.

- 5.4. Council and Staff will promote and implement a high level of Customer Service (this includes Community Policing), as well as Civic Engagement in community governance and operations - all for the purpose of building Social Capital in the Town of New Castle.
- 5.5. Implement ICS training/planning for the purposes of community events, emergency planning and general operations of town projects.
- 5.6. Increase Civic Engagement and Hospitality for all New Castle communities: Castle Valley Ranch, Lakota Canyon Ranch, Downtown, Grand River Park Condominiums, Apple Tree Park, Mountain Shadows, River Bend, Peach Valley, Elk Creek (communicate through HOA's when possible). Efforts are underway to create smaller family friendly community events and activities. Our Town Planner has also made headway in involving the Developers in community outreach during the Land Use Application Process. Grant partnerships have been responsible for a new park in the Apple Tree Development.

6. Fleet/Equipment Replacement

- 6.1. Work to fully implement a Fleet Rotation Program for all Town fleet vehicles.

7. Street Maintenance

- 7.1. Continuously look for ways to augment Town street maintenance budget to bring streets, alleys, sidewalks, trails, curb and gutter to appropriate standard. The Streets Budget has been given a \$30,000 increase for the 2020 budget. Council may consider a Vehicle Use Tax as a ballot issue in 2020 which would be dedicated toward the Streets budget if successful.

8. Development of Revenue Sources

- 8.1. Vehicle Use Tax. The Town will look toward hiring a Political Consultant in 2020 to assist with a community survey effort regarding a possible *Use Tax Ballot Issue*. Pending results of the survey the Town Council may consider adding this issue as a November 2020 ballot item.

9. Code Development and Amendments related to Area Development

- 9.1. Staff will review current Land Use Code and develop updates and amendments where needed.
- 9.2. Staff will propose changes to the Development Application Process which will require developers of larger developments to increase their interaction with local residents by providing *Open House Events* during the review stages of the application.

10. Cemetery Improvements

- 10.1. The Town Cemetery has benefited greatly over the years from huge efforts by volunteers who have taken on the task of cemetery management, maintenance and oversight. As the cemetery expands in future years, the Town should prepare a program designed to further assist with this work as needed.



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Ordinance concerning the collection of a Tobacco Tax
Date: Nov. 19, 2019

Purpose:

The purpose of this agenda item is review and consider approval of an Ordinance which would allow the Town of New Castle to collect sales tax on tobacco and nicotine related items as approved by the voters on November 5th via Ballot Issue 2B.

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2019-7**

AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO
AMENDING TITLES 3 AND 5 OF THE NEW CASTLE MUNICIPAL CODE
TO IMPLEMENT A TAX ON TOBACCO AND NICOTINE PRODUCTS
AND REQUIRING LICENSES FOR TOBACCO RETAILERS

WHEREAS, pursuant to Resolution No. 17, Series of 2019, the Town Council submitted a ballot question to the eligible electors of the Town of New Castle (“Town”) requesting authorization of a tax on tobacco and nicotine products at the regular election held on November 5, 2019; and

WHEREAS, Article XI of the New Castle Home Rule Charter authorizes the Town to levy and collect taxes, including sales taxes, for municipal purposes, subject to the requirements of the Colorado Constitution for voter approval; and

WHEREAS, a majority of eligible electors voting on said ballot question voted in the affirmative and approved the tax; and

WHEREAS, the Town Council desires to add new chapters to the New Castle Municipal Code to implement the tax and to provide definitions, procedures, and penalties relating thereto, including requirements for associated business licenses.

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

1. The preceding recitals are incorporated by reference as findings of the Town Council.
2. A new Chapter 3.20 of the New Castle Municipal Code is hereby enacted as follows:

**Chapter 3.20
Tobacco and Nicotine Products Tax**

3.20.010 Definitions.

Cigarette, Tobacco Product, and Nicotine Product shall have the same meanings set forth in C.R.S. § 18-13-121(5), as now existing or as hereafter amended.

Nicotine Delivery Product means any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe, regardless of whether or not the device may be primarily marketed, advertised or sold for the purpose of delivery of other drugs or substances.

Tobacco Retailer shall mean a person or business engaged in the sale of cigarettes, tobacco products, and/or nicotine products, including nicotine delivery products.

3.20.020 Sales Tax.

- A. There is imposed on all sales of cigarettes a sales tax in the amount of sixteen cents (\$0.16) per cigarette or three dollars and twenty Cents (\$3.20) per pack of twenty cigarettes, effective as of January 1, 2020. Such tax shall increase by one-half cent (\$0.005) per cigarette or ten cents (\$0.10) per pack of twenty cigarettes on January 1 of each year, until the tax is twenty cents (\$0.20) per cigarette or four dollars (\$4.00) per pack of twenty cigarettes.
- B. For all types of tobacco products and nicotine products other than cigarettes, including nicotine delivery products, there is imposed a sales tax equal to forty percent (40%) of the sale price of such products.
- C. The taxes imposed by this Chapter are in addition to all other taxes imposed by law.

3.20.030 Unlawful to advertise absorption of tax.

It is unlawful for any retailer to advertise, to hold out to or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this Chapter will be assumed or absorbed by the retailer, or that it will not be added to the selling price of the property sold; or if added, that any part thereof will be refunded.

3.20.040 License for retailer.

It is unlawful for any person to engage in the business of making sales of cigarettes, tobacco products, or nicotine products, including nicotine delivery products, without having first obtained a tobacco retailer license in accordance with Chapter 5.32 of this code.

3.20.050 Duty to keep books and records

It shall be the duty of every person required by the provisions of Chapter 5.32 to obtain a tobacco retailer license, to keep and preserve suitable records of all sales made by him or her, and such other books or accounts as may be necessary to determine the amount of tax for the collection of which he or she is liable hereunder. It shall be the duty of every such person to keep and preserve for a period of three (3) years all invoices of goods and merchandise purchased for resale, and all such books, invoices and other records shall be open for examination at any time by the Town Treasurer/Finance Director of Finance or his or her duly authorized agents.

3.20.060 Tobacco tax return

- A. Every person, partnership or corporation required to obtain a tobacco retailer license pursuant to the provisions of Chapter 5.32 shall file a tobacco sales tax return, upon forms approved by the Town, on or before the twentieth day of each

calendar month for the sales activities of the preceding calendar month; provided, however, that, if the accounting methods regularly employed by the licensed retailer in the transaction of his or her business, or other conditions, are such that reports of sales made on a calendar-monthly basis will impose unnecessary hardship, the Treasurer/Finance Director may, upon request of such retailer, accept reports at such intervals as will, in his or her opinion, better suit the convenience of the taxpayer, and will not jeopardize the collection of the tax; and provided further, that a retailer doing business in two (2) or more places or locations may file one (1) return covering all such business activities in the Town.

- B. The returns so filed shall contain such information as may enable the Treasurer/Finance Director to accurately determine the amount of tax collected by the person, partnership or corporation filing the return, but, in all cases, shall contain the following information:
- (1) The amount of gross taxable sales of cigarettes, tobacco products, nicotine products, and nicotine delivery products made for which the return is filed;
 - (2) The total quantity of such products returned by the purchaser as a result of a return of goods sold by the retailer, provided the original sale was a taxable transaction;
 - (3) The total, fair market value of any property received by the retailer as a result of an exchange of property, provided the property so received is held by the retailer to be sold or leased to a user or consumer in the regular course of his or her business;
 - (4) The total quantity of such products sold on credit, the obligation for which is not secured by a conditional sales contract, chattel mortgage or other security instrument entitling the retailer to repossess the item sold, which are found to be worthless and which may be deducted as bad debts on the retailer's federal income tax return.
- C. The return shall be accompanied by an amount equal to the sales tax required to be collected by the tobacco retailers but which, in no case, shall be less than the amount actually collected.
- D. All other persons, partnerships and corporations shall pay to the Town the amount of any tax due under the provisions of Section 3.20.020 not less than fifteen (15) days after the date that the tax becomes due.

3.20.070 Examinations of returns; Refunds; Deficiencies; Notice of appeal

- A. As soon as practicable after any tax return is filed, the Treasurer/Finance Director shall examine it, and if it then appears that the correct amount of tax to be remitted is greater or less than that shown in the return, the tax shall be recomputed.
- B. If the amount paid exceeds that which is due, the excess shall be refunded or credited against any subsequent remittance from the same taxpayer.
- C. If the amount paid is less than the amount due, or if the Treasury/Finance Director determines that any amount of tax required by this Chapter is due and unpaid, for any reason, the difference between the amount paid and the amount owed to the Town, together with interest thereon at the rate of one and one-half percent (1½%) per month from the time the return was due (unless provided otherwise herein), shall be paid by the vendor within fifteen (15) days after written notice and demand to him or her from the Town.
- D. An appeal of a notice of assessment, or demand issued to a vendor or taxpayer for failure to file a return, underpayment of tax owed or as a result of an audit shall be submitted in writing to the Town Clerk within twenty (20) calendar days from the date of the notice of assessment or demand. Any such appeal shall identify the amount of tax disputed and the basis for the appeal.

3.20.080 Penalty; Disregard for rules.

If any part of the deficiency is due to negligence or intentional disregard of authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency; and in such case, interest shall be collected at the rate of one and one-half percent (1½%) per month on the amount of the deficiency from the time the return was due, from the person required to file the return, which interest and addition shall become due and payable within fifteen (15) days after written notice and demand by the Town.

3.20.090 Penalty; Fraud.

If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency, and in such case the whole amount of the tax unpaid, including the additions, shall become due and payable fifteen (15) days after written notice and demand by the Town, and an additional one and one-half percent (1½%) per month on said amounts shall be added from the date the return was due until paid.

3.20.100 Service Charge; Returned checks.

If a check in payment of any tax required by this Chapter is returned unpaid, a processing charge of five dollars (\$5.00) will be added to any amount due and owing.

3.20.110 Investigation of retailer's books.

For the purpose of ascertaining the correctness of a return, or for the purpose of determining the amount of tax due from any taxpayer, the Treasurer/Finance Director may hold investigations and hearings concerning any matters covered by this Chapter, and may examine any relevant books, papers, records, or memoranda of any such person, requiring the attendance of such taxpayer, or any officer or employee of such taxpayer, or of any person having knowledge of such sales, and taking such testimony and proof as may be necessary to properly ascertain any tax liability. Production of documents and attendance of witnesses shall be requested by the Director on his or her own motion or on motion of any party; any request for production or attendance shall inform persons that compliance is voluntary but that, if the request is not complied with, the Town may apply to the Municipal Judge for issuance of a subpoena.

3.20.120 Judge compels attendance.

The Municipal Judge of the Town, upon the application of the Town Attorney, may compel the attendance of witnesses, the production of books, papers, records or memoranda, and the giving of testimony before the Treasurer/Finance Director or any of his or her duly authorized agents, by the issuance and enforcement of subpoenas, in the same manner as production of evidence may be compelled before the court.

3.20.130 Tax information confidential.

- A. Except in accordance with judicial order, or as otherwise herein provided, the Town shall not divulge any information gained from any return filed or as a result of any investigation or hearing held pursuant to the provisions of this Chapter.
- B. Nothing contained in this subsection shall be construed to prohibit:
 - (1) The delivery to a person, or to his or her duly authorized representative, of a copy of any return filed in connection with his or her tax;
 - (2) The publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof;
 - (3) The inspection by the Town Attorney, or any other legal representative of the Town, of the return or other information relating to any taxpayer who may become involved in litigation with the Town in which the said information may become material.
- C. Reports and returns shall be preserved for three (3) years, and thereafter until the Treasure/Finance Director, with the approval of the Town Administrator, shall order them destroyed.

3.20.140 Estimated taxes and assessment thereof.

- A. If any person neglects or refuses to make a return for, or payment of any of the taxes levied by this Chapter when the same become due, the Treasurer/Finance Director shall, at some date subsequent to five (5) days after the date for the making of such return or the payment of such taxes, give written notice to the person responsible for making the return or paying the taxes or the lack of the filing of such return or payment of said taxes, which notice shall notify the taxpayer, or other person responsible for the return of the tax, that the same must be paid within five (5) days from the date of the receipt of said notice.
- B. If the return is not filed, or the taxes are not paid, within five (5) days after receipt of such notice, the Treasurer/Finance Director may make an estimate, based upon such information as may be available to him or her, of the amount of taxes due for the period or periods for which taxpayer is delinquent and shall add thereto a penalty in an amount equal to ten percent (10%) of the estimated tax, together with interest on the estimated tax at the rate of one and one-half percent (1½%) per month from the due date thereof, and may assess said amount against the delinquent taxpayer by giving the taxpayer written notice thereof, which notice shall require the taxpayer either to pay the amount assessed by the Treasurer/Finance Director or to petition him or her for a correction of the estimate within a period of ten (10) days thereafter. Any such petition for correction shall be in writing, and any facts or figures in support thereof shall be submitted upon the oath of the taxpayer. The Treasurer/Finance Director shall consider the matters submitted by the taxpayer, and shall make a decision as to the proper amount of taxes, penalty and interest due, which decision shall be final and binding.

3.20.150 Unpaid tax a prior lien.

- A. The taxes imposed by Section 3.20.020 shall be a first and prior lien upon the goods and business fixtures owned or used by any tobacco retailer required by the provisions of Section 3.20.060 to submit a return and make payment of the taxes collected, except the stock of goods held for sale in the ordinary course of business, until said taxes are paid in full.
- B. The lien created by subsection (A) above shall be construed to be liens and encumbrances upon the specific items of personal property therein enumerated, and shall take precedence over all other liens, encumbrances or claims of whatsoever nature, and shall immediately attach to such items without the necessity of the filing of any notice of lien thereof.

3.20.160 Enforcement; Foreclosure of liens.

- A. If any tax, penalty or interest imposed by this Chapter and shown due by returns filed by the taxpayer, or as shown by assessment duly made as provided herein, are not paid within fifteen (15) days after the same are due, the Treasurer/Finance

Director may issue a warrant directed to any duly authorized revenue collector, or to the sheriff of any county in this State commanding him or her to levy upon, seize and sell sufficient personal property of the tax debtor which is subject to the liens created by Section 3.20.150 found within his or her county for the payment of the amount due, together with interest, penalties and costs.

- B. Simultaneously with the issuance of said warrant, the Town shall issue a notice of tax lien, setting forth the name of the taxpayer, the amount of the tax, penalties, interest and costs, the date of the accrual thereof, and that the Town claims a first and prior lien therefor on the tangible personal property of the taxpayer subject to said liens.
- C. Such notice shall be on forms prepared by the Town, shall be verified by the Treasurer/Finance Director, and shall be filed in the office of the clerk and recorder of any county in this State in which the taxpayer owns tangible personal property subject to said liens.
- D. Upon the filing of said notice of lien, the effective date of the lien shall relate back to the date of the first transaction for which any tax is due.

3.20.170 Refunds; Procedure.

- A. A refund shall be made or credit allowed for any tax paid under protest by any purchaser who has or claims to have an exemption as in this Chapter provided. Such refund shall be made by the Town after compliance with the following conditions precedent:
 - (1) Application. Applications for refund must be made within ninety (90) days after the purchase or use of products on which the exemption is claimed, and must be supported by the affidavit of the purchaser, accompanied by the original paid invoice or sales receipt and a certificate issued by the seller, together with such further information as may be requested by the Town.
 - (2) Decisions. Upon receipt of such application and accompanying information, the Treasurer/Finance Director shall examine the same with all due speed and shall give notice to the applicant by an order in writing of his or her decision thereon.
 - (3) Hearing. An aggrieved applicant may, within twenty (20) days after such decision is mailed to him or her, petition the Town for a hearing on the claim. Such petition shall be in writing filed with the Town Clerk and shall identify the amount of the refund requested and the basis for the request. The Treasurer/Finance Director shall, upon due notice to the applicant, hold a hearing upon such petition, taking such information or evidence as may be material, and shall thereafter render his or her final decision upon such application.

- B. Any person claiming to have paid a tax for the purchase of any covered product in excess of the rates established by this Chapter may apply for a refund of the excess in the manner prescribed above.
- C. An appeal of a decision of the Treasurer/Finance Director in a hearing held pursuant to this Section shall be commenced within thirty (30) days of such decision by filing a notice of appeal with the Town Clerk and shall be scheduled and heard by the Town Council within thirty days after filing, or at the next regularly-scheduled Town Council meeting, whichever is later.
- D. The right of any person to a refund under this Chapter shall not be assignable, and application refund must be made by the same person who purchased the goods and who paid the tax thereon, as shown by the invoice or receipt of the sale thereof.

3.20.180 Penalties

Any person violating any provision of this Chapter shall be deemed guilty of a municipal offense punishable in accordance with Chapter 1.20 of this code.

- 3. A new Chapter 5.32 of the New Castle Municipal Code is hereby enacted as follows:

**Chapter 5.32
Tobacco Retailers**

5.32.010 Definitions. Cigarette, Tobacco Product, and Nicotine Product, Nicotine Delivery Product, and Tobacco Retailer shall have the meanings set forth in 3.20.010 of the New Castle Municipal Code.

5.32.020 License Required – New Tobacco Retailers

Prior to engaging in the sale of cigarettes, tobacco products, nicotine products, and/or nicotine delivery products, a person or entity shall obtain a tobacco retailer’s license from the Town in the same manner as general business licenses, and only one license shall be required.

5.32.030 Existing Tobacco Retailers

Any person or entity that was engaged in the sale of cigarettes, tobacco products, nicotine products, and/or nicotine delivery products prior to the adoption of this Chapter 5.32 shall obtain a new tobacco retailer’s license within sixty days of the effective date of this Chapter.

5.32.040 Conditions Related to Tobacco Retailer’s License

- A. Tobacco retailers shall comply with state statutes prohibiting the sale of cigarettes, tobacco products, and nicotine products to minors including, but not limited to, C.R.S. § 18-13-121

and C.R.S. §§ 44-7-101, *et seq.*, as now existing or as hereafter amended, which are adopted by reference, except for the penalty provisions of C.R.S. Section 18-13-121(2).

- B. Tobacco retailers shall comply with all other state and federal statutes and regulations regarding the sale of cigarettes, tobacco products, and/or nicotine products, including nicotine delivery products, now existing or hereafter amended or enacted.

5.32.050 Penalties

- A. The penalty provisions set forth in Section 5.04.120 shall apply to violations of this Chapter 5.32 and C.R.S. § 44-7-103.
- B. For purposes of municipal court prosecutions, a tobacco retailer’s failure to comply with the provisions of C.R.S. §18-13-121 or §§ 44-7-101, *et seq.* shall be deemed a municipal offense punishable in accordance with Chapter 1.20 of this code.

4. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part thereof, the intent being that the provisions hereof are severable.

INTRODUCED on November 19, 2019, 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 2, 2019, read by title and number, passed with 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



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

Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Ordinance concerning the collection of a Town Mill Levy
Date: Nov. 19, 2019

Purpose:

The purpose of this agenda item is review and consider approval of an Ordinance which would allow the Town of New Castle to collect funds related to the extension of a Mill Levy as approved by voters per Ballot Issue 2C on November 5, 2020.

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2019-8**

AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO
ADOPTING AND IMPOSING A VOTER-APPROVED AD VALOREM PROPERTY TAX

WHEREAS, pursuant to Resolution No. 18, Series of 2019, the Town Council submitted a ballot question to the eligible electors of the Town of New Castle (“Town”) at the November 5, 2019, election requesting authorization to continue imposing a property tax approved by the voters in 2008 that was scheduled to expire in 2020 following repayment of the debt for which it was originally approved; and

WHEREAS, Article XI of the New Castle Home Rule Charter authorizes the Town to levy and collect taxes for municipal purposes, including ad valorem property taxes, subject to the requirements of the Colorado Constitution for voter approval; and

WHEREAS, a majority of eligible electors voting on said ballot question voted in the affirmative and approved the continuation of the tax at its current rate of 1.645 mills; and

WHEREAS, the Town Council now desires to adopt and impose the voter-approved property tax.

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

1. Recitals. The preceding recitals are incorporated by reference as findings of the Town Council.
2. Adoption of Tax. The Town Council hereby approves the levy and collection of an ad valorem property tax at the rate of 1.645 mills. Said tax shall be levied and collected starting in tax year 2020 and ending after tax year 2039. Revenue received by the Town from the tax shall be used to finance training, retention, and acquisition and maintenance of equipment and vehicles for the New Castle Police Department; continued maintenance and expansion of soft-surface trails within the Town; and the Town’s existing VIX Park construction loan.
3. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part thereof, the intent being that the provisions hereof are severable.

INTRODUCED on November 19, 2019, 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 2, 2019, read by title and number, passed with 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
2
3
4 **New Castle Town Council Regular Meeting**
5 **Tuesday, October 1, 2019, 7:00 PM**
6

7 **Call to Order**

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

9 **Pledge of Allegiance**

10
11 **Roll Call**

12 Present Councilor Owens
13 Councilor Hazelton
14 Mayor A Riddile
15 Councilor Leland
16 Councilor G Riddile
17 Absent Councilor Mariscal
18 Councilor Copeland
19

20 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
21 Harrison, Town Planner Paul Smith and members of the public.
22

23 **MOTION: Mayor A Riddile made a motion to excuse Councilor Mariscal's absence.**
24 **Councilor Leland seconded the motion and it passed unanimously.**
25

26 **MOTION: Mayor A Riddile made a motion to approve Councilor Copeland's**
27 **absence. Councilor Owens seconded the motion and it passed unanimously.**
28

29 **Meeting Notice**

30 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
31 accordance with Resolution TC 2019-1.
32

33 **Conflicts of Interest**

34 There were no conflicts of interest.
35

36 **Agenda Changes**

37 There were no agenda changes.
38

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

40 There were no citizen comments.
41

42 **Consultant Reports**

43 Consultant Attorney – not present.
44 Consultant Engineer – not present.
45

46
47 **Items for Consideration**

1
2 **Sketch Plan Presentation: CVR Investors.**

3 Town Administrator Dave Reynolds introduced Ron Atkinson and Aaron Atkinson of CVR
4 Investors and their Engineer, Ron Mittleider of SGM.

5 Town Planner Paul Smith reviewed the following staff report with the council.
6

7 **Parcel 1: Section: 32 Township: 5 Range: 90 A PCL IN THE NE4 OF SEC 31 &**
8 **NW4 OF SEC 32 CONT 48.695 AC AKA PARCEL 2. Subdivision: CASTLE VALLEY**
9 **RANCH PUD**

10 **Parcel 2: Section: 31 Township: 5 Range: 90 A PARCEL OF LAND SITUATE IN THE**
11 **N1/2 SEC 31 CONT 15.505 AC AKA PARCEL 5.**

12
13 **I Introduction – Sketch Plan**
14

15 On August 2nd, 2019 the Applicant submitted a combined PUD & Subdivision sketch plan
16 for Filing 11 in Castle Valley Ranch. After several alterations and clarifications, the
17 application was considered complete on August 27th, 2019. Per Municipal Code sections
18 16.16.010 (Subdivisions) and 17.100.040 (PUDs), a development sketch plan is a visual
19 and conceptual model showing site specific zoning, general utility & infrastructure
20 requirements, circulation patterns, and expected density. These components demonstrate
21 the extent of compliance with Town codes and the Comprehensive Plan (CP). At this
22 initial phase, the sketch plan gives the Applicant preliminary, nonbinding feedback from
23 Staff, Planning Commission, and Council before significant expenses are incurred. No
24 formal approval decisions are made on the application at this stage. However,
25 recommendations, endorsements, or criticism based on the application approval criteria
26 can be expected.
27

28 In what follows, the application will be assessed according to the criteria outlined in
29 Municipal Code 17.100.090. The intent of this exercise is merely to communicate the
30 Staff's opinion of an application's level of conformance with code requirements and to
31 forecast its success at future hearings. A development application will be assessed based
32 on the following criteria:
33

- 34 1. Generally compatibility with adjacent land uses;
- 35 2. Consistency with the comprehensive plan;
- 36 3. Town's capacity to serve water and sewer and provide fire and police
37 protection;
- 38 4. Whether land uses are permitted outright or by special review;
- 39 5. Whether number of dwelling units permitted by the underlying zoning
40 districts is not exceeded by the PUD plan;
- 41 6. Whether the PUD utilizes:
 - 42 • the natural character of the land,
 - 43 • provides for off-street parking, vehicular, pedestrian and bicycle
44 circulation, outdoor recreation,
 - 45 • is of overall compatible architectural design,
 - 46 • achieves adequate screening, buffering and aesthetic landscaping,
 - 47 • avoids development of areas of potential hazard, ensures compliance
48 with the performance standards and meets all other provisions of this

1 title.

2
3 The review with Staff comments follows in Section III.

4
5
6 **II Sketch Plan Application Exhibits:**

- 7
8 1) PUD & Subdivision Combination Applications, August 2nd, 2019
9 2) Agreement to Pay Consulting Fees & Expenses, August 2nd, 2019
10 3) Subdivision Review Letter, August 2nd, 2019
11 4) Townhome Renderings, August 2nd, 2019
12 5) Response to Town Planner, August, 27th, 2019
13 6) Response to Public Works Director, August 27th, 2019
14 7) PA Sketch Site Plans, Sheets 1-4, Revised September 17th, 2019

15
16
17
18 **III CVR Purpose and Approval Criteria:**

19
20 ***A. Castle Valley Ranch PUD – Purpose***

21
22 According to Municipal Code section 17.104.010, the purpose and intent of the Castle
23 Valley Ranch PUD zone district regulations are to:

- 24
25 1. Encourage variety in the physical development pattern of Castle Valley Ranch;
26 2. Provide a variety of housing densities greater than would be normally possible;
27 3. Encourage the use of a more creative approach to the development of land;
28 4. Encourage a more efficient, aesthetic and desirable use of open space;
29 5. Encourage a more efficient use of energy through solar orientation, native
30 vegetation, and water conservation;
31 6. Provide a variety of dwelling and building designs;
32 7. Provide high standards of development and provide amenities appropriate to the
33 densities involved in the project;
34 8. Provide an integrated open space system throughout areas as outlined on the
35 Castle Valley Ranch PUD zoning plan as well as throughout individual districts;
36 9. Provide for a variety of housing types in order to best meet the housing demands of
37 all age groups;
38 10. Maintain and preserve the general alignment of drainage ways for aesthetic, energy
39 and functional purposes;
40 11. Provide pedestrian networks throughout the open space districts as well as
41 throughout individual districts thereby providing an integrated network throughout
42 the entire development;
43 12. Provide landscape areas and tree plantings throughout the entire development.

44
45 Staff will have these values and priorities in mind when considering an application's
46 degree of conformance with the following criteria.

1 **B. Approval Criteria**
2

3 **1) Is the proposal generally compatible with adjacent land uses?**
4

5 The property is surrounding by mixed use and residential zones. Currently all
6 surrounding development consists of either single family homes or multifamily
7 dwellings. The proposed units are modelled after the tri-plexes located off of
8 Redstone Drive – sized between 1,600sf – 1796sf – and include a comparable open
9 space layout. In particular, the Avenue C corridor (Open Space A) is retained for
10 pedestrian mobility as are the paths and easements along Castle Valley (Open
11 Spaces C & D). A central pocket park is also envisioned (Open Space B).
12

13 **Staff Comment:** Staff has some concern with the blunt transition from large
14 single family designs directly to the west (S Wildhorse Drive) to higher density 3
15 & 4-plexes. The CP expects a balance of land-uses and building designs,
16 particularly with development over 50 lots (CP Goal CG-4), especially when the
17 development lies within a mixed-use zone. A mixture of home designs, similar
18 to what was endorsed in 2008, pairs better with desired aesthetics and overall
19 housing needs identified in the Comprehensive Plan.
20

21 Another point of apprehension is the level of connectivity for non-vehicular
22 traffic internal to the development (CP Goal T-1). Sidewalks detached from the
23 street are encouraged for walkability as are off-street trail systems (CP Goal T-
24 1F) linking other parks, trails, and Downtown per the CP. This style of
25 connectivity is a hallmark of the Castle Valley Master PUD and is exemplified by
26 Hot Shot Park, S Wildhorse Trail, Alder Park, VIX Ranch, and the Colorow Trail.
27 Designated trail connectors within the current filing would help establish future
28 routes north towards the BLM, east towards Bear Dance Park, and south along
29 Ganely and Prendergast hills.
30

31 At this time, Applicant has not communicated the expectation for the properties
32 bordering to the north and east of Filing 11. To better comprehend the
33 compatibility of this parcel with adjacent uses, it would be helpful to have a
34 general indication of possible development with neighboring parcels which the
35 Applicant owns. For instance, if the Applicant does not intend commercial in the
36 mixed-use portion of Filing 11, will they have this intention in the adjacent
37 property for Filing 12? If not, this might affect the current proposal.
38

39 Degree of Conformance: Moderate
40
41

42 **2) Is the proposal consistent with the comprehensive plan?**
43

44 The CP anticipates high growth potential in a relatively rural setting confined within
45 the Urban Growth Boundary. To limit sprawl, communities are expected to be
46 “compact” with a decidedly “urban edge”. A balance of housing types, transit
47 alternatives, recreational opportunities, and even commercial services are believed
48 to help create attractive communities which are environmentally friendly and

1 compatible with the community’s needs (CP Goal CG-5). This concept is central to
2 the “place-making” model. Place-making is a strategy promoting attractive, livable
3 communities which, in turn, drive placed-based businesses and investment while
4 discouraging economic outsourcing. The community’s intrinsic strengths are
5 primary to all development concepts. The approved zoning along Castle Valley Blvd
6 purposely places mixed-use zones contiguous with residential zones to help create
7 the space to achieve this end.

8
9 **Staff Comment:** The Applicant proposes higher density residences. This is a
10 helpful first-step in restraining sprawl and resonates with the more urban
11 sentiment defined by the CP. The Applicant speculates that higher density
12 should furnish more affordable options for new residents (CP Goal HO-2) or
13 those looking to downsize. Though this is not at the level of deed restricted
14 housing, the units should match an attractive price-point for the Valley.

15
16 The Applicant will dedicate the minimum 10% of the developed 15 acres to open
17 space. Other than space allocated to pedestrian paths only the central park
18 area reserved for potential recreation (CP Goal POST-2).

19
20 A 2008 a Colorado Parks & Wildlife referral indicates that the current property is
21 “heavily utilized” by deer and elk in the winter and spring. Further development
22 will undermine the preservation of wildlife habitat (CP Goal EN-1; An updated
23 CPW referral is pending).

24
25 A raw water option will decrease the development’s dependence on potable
26 water for landscaping and reduce the load on infrastructure (CP Goal I-1H). A
27 raw water loop is currently proposed, extending from Castle Valley Blvd to the
28 north and back to the south end of Filing 8.

29
30 Information on the preservation of view planes has yet to be provided (CP Goal
31 EN-6).

32
33 Though the proposal does manage to meet some of the expectations of the CP,
34 Staff believes the proposal’s emphasis on homogeneity and market driven
35 outcomes may overlook the need for communities to be diverse, distinct, and
36 offering a strong sense of place (CP Goal CG-5A). We feel various alternatives
37 to the design are available to meet these expectations.

38
39 Degree of Conformance: Moderate

40
41
42 **3) Does the town have the capacity to serve the proposed use with water,
43 sewer, fire and police protection?**

44
45 Per the 2002 Second Amended Caste Valley Ranch Annexation Agreement, the
46 Castle Valley Ranch PUD is has been allocated a maximum of 1400 total units.
47 Currently an estimated 530 lots remain vacant. Dedicated water rights are still
48 available for the proposed development.

1
2 **Staff Comment:** Public works has confirmed that adequate water and sewer
3 capacity are available for the number of lots proposed. According to the CP and
4 the Castle Valley Master Plan, a raw water loop for all landscape hydration
5 should be featured. This has been included in the design.
6

7 The fire marshal has noted the possibility of needing a 2nd access road for life
8 safety measures per 2015 IFC, Section D106 if fire sprinkling is omitted. During
9 completion review, the Applicant reduced the number of multifamily dwellings
10 below 100 to be exempt from this requirement. However as the application
11 progresses, any changes in the types or number of dwelling units may invalidate
12 this exemption. Staff will monitor this matter as things progress.
13

14 The Police Department has not commented at this point in the application
15 process.
16

17 Degree of Conformance: High
18
19

20 **4) Are the uses proposed within the PUD permitted outright or by special**
21 **review?**
22

23 The proposal spans two distinct zones according to the CVR Updated Master Plan
24 Map. The residential zone, colored in dijon, comprises the northern third of the
25 development (5.1ac). The southern two-thirds, identified in red, is zoned mixed-
26 use (8.8ac). The Applicant has indicated that the target site specific zoning is
27 entirely multi-family MF-1, defined as a "multifamily townhouse and patio home
28 district allowing for creative approaches to development with housing alternatives
29 that are sensitive to existing and surrounding land uses" (17.104.080 A.3). In both
30 residential and mixed-use zones, townhomes are permitted by right.
31

32 **Staff Comment:** Though the use intended is permitted by right, the
33 commitment to only residential development in a zone dedicated to mixed-use
34 has become an all too common practice for developers in New Castle.
35 Understandably, the alternative – nonresidential/commercial development –
36 comes with economic risk, for it is arguably a more thorny matter to sell or fill
37 nonresidential development. However, as noted in a previous development
38 application, the Town struggles to correct the current imbalance between
39 residential and commercial, which has contributed to fiscal disparities.
40

41 Staff contends that demand from the community plus demand from business
42 interests makes provisions for commercial services and vendors more viable
43 than in years past. The current Capital Deli and the former veterinary clinic on
44 7th Street are testaments to successful business approaches integrated within
45 predominantly residential areas. Fourmile Mountain Market in Glenwood
46 Springs, Southside Drive in Basalt, and Eagle Ranch in Eagle are further
47 instances of discrete commercial ventures in the heart of established
48 neighborhoods.

1
2 Staff maintains, then, that the developer consider strategic locations for smart
3 commercial options in their development plans. One suggestion might be to
4 negotiate a zoning change which dedicates specific locations and/or functions
5 that are deemed viable commercial areas. To move forward without any
6 considerations means the permanent loss of another eight acres of the Town's
7 limited mixed-use land.

8
9 Degree of Conformance: Low/Moderate

10
11
12 **5) Is the number of dwelling units permitted by the underlying zoning**
13 **districts exceeded by the PUD plan?**

14
15 The number of dwelling units in Castle Valley Ranch is restricted two ways: 1) total
16 number of units for all of Castle Valley and 2) minimum lot area per dwelling unit.
17 Currently there is approximately 530 vacant lots in the Castle Valley PUD. With
18 approximately 186.5 usable acres remaining, the average density would approach
19 2.8 units per acre. Furthermore the Applicant has elected the MF-1 zoning
20 designation which limits the lot size for residential units to no smaller than 2,200sf.
21 The Castle Valley mixed-use zones are also allocated up to 100,000 aggregate
22 square feet of commercial space which, like Lakota Canyon Ranch, has yet to be
23 developed.

24
25 **Staff Comment:** The present application represents 96 units on 15ac for a
26 density of 6.4 units per acre or more than double the average density remaining
27 in Castle Valley. As future parcels are built out, this figure may have a small
28 impact on the average density allowed for future developers. In other words,
29 subtracting the current proposal from the overall figures, the remaining average
30 density would increase only to 2.4 units/ac. Staff believes this is negligible.
31 Finally the average lot size for this proposal reaches 6,800sf per lot. This is over
32 three times the minimum requirements.

33
34 In sum, though the density is significantly higher than many parts of the overall
35 PUD, it would not affect the build-out of other parcels too adversely. For this
36 application the issue will not be density, strictly speaking, but whether the
37 amount and type of dwelling units undermines the general scope and vision of
38 the CP (see #2 above).

39
40 Degree of Conformance: High

41
42
43 **6) Does the PUD proposal:**

- 44
45 • **Provide off-street parking** – Castle Valley requires two off-street parking
46 spaces per unit (17.104.100). The proposed design advocates for single-
47 vehicle garages, with the driveway providing the second off-street parking
48 space. But, as observed on Redstone Drive, the Riverpark Condos, and the

1 Pyramid Peak Townhomes, this design is less than optimal. In practice,
2 these garages are used for storage, the driveway used for one vehicle, and
3 the Town right-of-way is used for all remaining vehicles. Together with
4 sidewalks without green buffers, garbage bins, and cars at the curb the
5 congestion makes for an unpleasant pedestrian experience. Staff encourages
6 green space between curb and sidewalk, overflow parking areas in strategic
7 locations, and potentially some units designed with two-vehicle garages.

- 8
- 9 • **Utilize the natural character of the land** – Due to the early stage of the
10 development application, the Applicant has yet to include a description of
11 certain grading aspects. However to remain below an 8% road grade the
12 natural land contours will require alteration. At some point significant fill dirt
13 will likely need to be moved or imported to the future Filing 12 to match the
14 eastern grade with Filing 11. Several retaining walls will be required to
15 successfully stabilize soils at steeper topographies. Soil stabilizing measures
16 such as these should be kept to a minimum.
- 17
- 18 • **Provide pedestrian and bicycle circulation** – Proposed sidewalks help to
19 provide safe egress from the street-to-home or from home-to-home. The CP
20 envisions more for pedestrian circulation. Specifically non-vehicular trail
21 systems should contribute to locale recreation. Staff feels the current design
22 has a solid start with 8' paths included to the north and to the west of the
23 development. Staff maintains that trail connectivity could be increased
24 internal to the development with small modifications to the development
25 plan. A connecting 8' trail at the south end of Filing 11 and one that bisects
26 the development is advised.
- 27
- 28 • **Provide outdoor recreation** – Other than the existing Avenue C trail and a
29 small centrally located pocket park, there is no component of outdoor
30 recreation to this proposal. The 2008 concept included a central one acre lot
31 that was accessible from two streets. Staff encourages the development to
32 have more useful open space than currently proposed.
- 33
- 34 • **Is of overall compatible architectural design** – Undetermined, but will
35 generally follow the design aspects of the approved townhomes located on
36 Redstone Drive and also built by the Applicant (see packet).
- 37
- 38 • **Achieves adequate screening** – Undetermined
- 39
- 40 • **Ensures compliance with performance standards** – Undetermined
- 41

42 Degree of Conformance: Moderate

43

44

45 **C. Subdivision Approval**

46
47 A subdivision application will be approved by Town Council only if it is found to be
48 compliant with the criteria set forth in MC 16.16.030. A subdivision plat will be provided

1 at the preliminary stage of the application and will be reviewed by the Town attorney and
2 engineer for compliance. Per PZ 2019-5, "One or more amended plats to define the
3 boundaries of the individual units within each building shall be prepared for each building
4 envelope based on as-built surveys after construction, which may be approved on staff
5 level." Sale of individual units may not occur until the amended plat is recorded with
6 Garfield County.

7
8
9 **IV Staff Suggestions:**

10 Staff recommends that Council consider the following suggestions in its review of the
11 sketch plan:
12

- 13 1. Areas of strategic commercial development be integrated into the design of the
14 mixed-use area or specific areas be rezoned for commercial in fidelity with vision of
15 mixed-use in the CP.
16
- 17 2. Pedestrian circulation be improved to provide direct access to open space, parks,
18 and other areas of Castle Valley Ranch.
19
- 20 3. Diversity of dwelling units be included into the development design per the CP and
21 similar to the 2008 design.
22
- 23 4. The Application provide an open house to community members after receiving
24 feedback from Council, but prior to submitting a preliminary applications.
25

26
27
28 **V Planning & Zoning Recommendations from September 11th, 2019 Meeting:**

- 29 1. Define what need this development serves. The CP is an effort to identify needs,
30 present and future, and recommends ways to meet those needs. Generally the CP
31 endorses elements of "place-making" as the development strategy for New Castle.
32
- 33 2. Diversify housing typologies such as single-family with multi-family. The
34 development is too constrained by one type of model and monochromatic
35 architecture/colors.
36
- 37 3. Provide a general plan for the vacant parcels east of the development. This will
38 guide considerations for how best to use the mixed-use zone, trail routing, and road
39 configuration.
40
- 41 4. An agreement with CTS Investments potentially prohibits the Applicant from
42 developing commercial use within the mixed-use section of Filing 11. Clarify
43 whether this commitment is fixed or negotiable.
44
- 45 5. Identify locations for possible strategic commercial development within the mixed-
46 use zone per the code and master plan. Consider rezoning if necessary.
47
48

- 1 6. Consider thru-street instead of cul-de-sac to provide better road accessibility for the
2 interior units and Open Space B.
- 3
- 4 7. Create greater trail connectivity. Possibly add an east-to-west trail corridor
5 throughout development and along the southern property border.
- 6
- 7 8. Open space should provide recreation possibilities and be accessible for everyone in
8 Filing 11. Enlarge central park and place it in a more accessible location with
9 connecting trails. Open spaces C & D are not beneficial. Redistribute some of this
10 landscape buffer to other locations
- 11
- 12 9. Design Avenue C for future road ROW, rather than merely a paved trail. A
13 connector street direct to Downtown might be needed at some future time. An
14 additional connector to Downtown may also assist in emergencies.
- 15
- 16 10. Improve the parking arrangement for properties by alleviating congestion.
17 Consider overflow parking areas and/or two-car garages to get some cars off the
18 streets.
- 19
- 20 11. Redesign streets with detached sidewalks (i.e. grass buffers) for safer egress near
21 the street and additional snow storage.
- 22
- 23 12. Clarify whether a traffic study will be required and what alternations might be
24 anticipated for Castle Valley Blvd.
- 25
- 26 13. Remove Building 30. Otherwise this unit may possibly anchor or fix the design
27 concept of Filing 12 to the east.
- 28
- 29 14. Describe how will drainage be handled down Avenue C?
- 30
- 31 15. Define who will maintain Open Space A? Currently open space B, C, & D will be
32 serviced by the HOA according to the sketch plan.
- 33

34 Mr. Aaron Atkinson greeted the council. Mr. Atkinson told the council that the
35 configuration of the development was one created by Village Homes back in 2007 or
36 2008, but they went bankrupt the day before the last hearing on the application, and the
37 development died. Mr. Atkinson said that they had taken the original design done by SGM
38 and had altered it to what they felt would be successful and marketable. Mr. Atkinson said
39 there was a lot of demand for triplex units as they were affordable. In addition, he said
40 that reconfiguring the development to triplexes fit nicely into the original work done
41 designing the streets.

42 Mr. Atkinson asked the council if they had any questions. He also offered to review the
43 comments from the Planning & Zoning Commission (P&Z) and staff.
44 Councilor G Riddile asked if Mr. Atkinson had any concerns regarding P&Z's comments.
45 Mr. Atkinson said that the obvious issue was the commercial piece. He noted that years
46 ago, Village Homes had negotiated an agreement with Steve Craven that if all the
47 commercial density would be allocated to Mr. Craven's property, the remaining residential
48 would be allocated to Village Homes. The agreement is a restrictive covenant that had

1 been recorded, and as the purchaser of the Village Homes properties, CVR Investors had
2 inherited and were bound by the restrictive covenant. Mr. Atkinson said that was why they
3 had not included any commercial in their development. He also noted that CVR Investors
4 were not commercial developers and they also did not see the need for commercial at this
5 time.

6 Councilor Leland said that the agreement with Mr. Craven presupposed that all of the
7 Castle Valley MU districts were a single district. That commercial was built on one of MU
8 zones, there was no need for commercial elsewhere. Another view of it was that each of
9 the MU zones should have some residential and some commercial, and were independent
10 of one another. Councilor Leland said that was where the Craven agreement was
11 problematic for him. Personally, Councilor Leland said that he felt that it was probably
12 correct that the commercial section was located near the park and school where there
13 could be things like office space, a convenience store, a restaurant or coffee shop. He said
14 there was no telling if it would work, but it could. Councilor Leland said that the
15 agreement could be formalized, and one MU zone would be rezoned commercial, with
16 second-level residential, and the other mixed use areas would be changed to some form
17 of residential. Councilor Leland said he wanted the council to approach the agreement
18 with rezoning because the idea of going into a mixed-use zone and ignoring the mixed-
19 use rules was not appropriate or helpful.

20 Mr. Atkinson, Engineer Mittleider and the council discussed density, streets, parking, snow
21 plowing, snow storage, traffic on Castle Valley Boulevard, sidewalks, green space and the
22 drainage and retention pond on the property. They also discussed trails connectivity,
23 phasing of the build-out and the development timeline.

24 The council asked Mr. Atkinson if he would be willing to hold an open house, because the
25 residents in Castle Valley tended to believe that the unbuilt spaces in the area were all
26 'open space' and not buildable.

27 Mr. Atkinson said he did not mind holding an open house because the general population
28 needed to be able see the development and have some trust, and trust was important to
29 CVR Investors. He also noted that there would be a sub-association that would do
30 architectural review to ensure appropriateness and variety in the development.

31 Planner Smith described the next steps in the land use process.

32 Mr. Atkinson thanked the council for their time.

35 **Budget Presentation**

36 (Town Treasurer Loni Burk attended the meeting via conference call)

37 Administrator Reynolds told the council that at the last budget workshop, staff had been
38 given direction to make some additions to the 2020 budget. One was a three percent cost
39 of living increase for every employee, and the second was one full-time employee (FTE),
40 or a place-holder that amount of money until staff figured out what that position meant.
41 Third, the council had an amount of funds that were unassigned and staff wanted to speak
42 with the council before assigning those amounts. For the 2019 budget, staff had decided
43 to add the cross-walk project on Main Street, adding some money to the vehicle charging
44 station project, some additional funds will go towards the LoVa Trail planning and
45 construction, the UV project, the purchase of one police vehicle and two public works
46 vehicles. Administrator Reynolds said that there was a union strike, and the vehicle
47 purchases were in question, but staff hoped it could still take place in 2019.

1 Town Treasurer Loni Burk explained to the council that the town had received some
2 unexpected monies that had boosted the fund balance for 2019. The biggest was the sale
3 of the town condominiums that equaled almost \$250k. Another was that the mineral lease
4 and severance tax was approximately \$120k more than had been budgeted for. Sales tax
5 was projected to be about \$50k higher than had been estimated, and those items had
6 placed the town in a good financial position for 2019, and caused the 2020 beginning
7 balance to be very good as compared to the 2019 beginning balance. Treasurer Burk said
8 that the unassigned portions of the budget might be a good topic for the council retreat.
9 She also said that after speaking to the department heads another time, some of the
10 budget numbers were adjusted.

11 Treasurer Burk reviewed some of the items that affected the general fund budget such as
12 grants, health insurance costs and the change in the town's IT company. She also
13 reviewed the utility fund, the conservation trust fund and the cemetery fund.

14 The council and staff discussed what the new FTE position would look like. Administrator
15 Reynolds thought perhaps a flex or temporary position because he felt like caution was
16 necessary in adding another position because it may not be viable in the future. Councilor
17 G Riddile noted that if the ballot issues passed, there would be additional funds from
18 those, and he thought the position could be reallocated to another department if
19 necessary.

20 The council felt that because there was unexpected funds that became available to the
21 town in 2019, that three months in reserves was appropriate, and of the remaining \$208k
22 the deficit could be zeroed, leaving \$185k left over. Council agreed that staff should
23 prepare a capital plan for the \$185k and that plan should be presented to council at the
24 retreat on October 26, 2019. The council also agreed that funds from conservation trust
25 could be used for park improvements, or perhaps an upgrade to the boat ramp in New
26 Castle.

27 Administrator Reynolds and Treasurer Burk said that they would prepare a capital plan
28 proposal for the council.

29 The council commended Treasurer Burk and the staff for doing such a great job on the
30 budget.

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33 **Resolution TC 2019-20 - A Resolution of the Town Council of the Town of New**
34 **Castle, Colorado, in Support of Ballot Question 2B on the November 5, 2019**
35 **Ballot**

36 **MOTION: Councilor Leland made a motion to approve Resolution TC 2019-20, A**
37 **Resolution of the Town Council of the Town of New Castle, Colorado, in Support**
38 **of Ballot Question 2B on the November 5, 2019 Ballot. Councilor Owens**
39 **seconded the motion and it passed unanimously.**

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42 **Resolution TC 2019-21 - A Resolution of the Town Council of the Town of New**
43 **Castle, Colorado, in Support of Ballot Question 2C on the November 5, 2019**
44 **Ballot**

45 **MOTION: Councilor Leland made a motion to approve Resolution TC 2019-21, A**
46 **Resolution of the Town Council of the Town of New Castle, Colorado, in Support**
47 **of Ballot Question 2C on the November 5, 2019 Ballot. Councilor G Riddile**
48 **seconded the motion and it passed unanimously.**

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Consent Agenda

September Bills of \$612,819.90

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

Staff Reports

Town Administrator – nothing to report.

Town Clerk – Clerk Harrison told the council that the new town website with MuniCode Web would go live at noon on Monday October 7. She said that she and her staff were working with the site developer on final touches and certain reprogramming of the domains. Clerk Harrison told the council that she and Administrator Reynolds would meet with the town’s IT company ProVelocity the following afternoon to discuss the town’s computer inventory and the need to replace some of the older systems. She further stated that it was staff’s intent to eventually get the town on a regular equipment rotation program for the computer systems rather than merely responding to crisis situations when old systems fail.

Town Planner -

Public Works Director – not present.

Commission Reports

Planning & Zoning Commission – nothing to report.

Historic Preservation Commission – nothing to report.

Climate Action Advisory Committee – nothing to report.

Senior Program – nothing to report.

RFTA – Mayor A Riddile said that he had gone to Washington DC for RFTA to promote an 8 million dollar grant application to increase the size of the maintenance facility in Glenwood Springs. He also said that RFTA had received their first two electric busses.

AGNC – Councilor Hazelton said that they had guest speakers from Life Foundation who provide grant funding for municipalities. They have investment groups that finance grants for new town halls or public works facilities, and their smallest projects are five million dollars and they go up to hundreds of millions. He gave contact information to Administrator Reynolds.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

Councilor Leland said he had spoken to residents at new senior housing who attended the BBQ with a Cop event. They said that most of the senior housing residents were from out of the area and were learning New Castle. They said they would attend a council meeting. Councilor Leland said that council had accepted the buddy bench from the girl scouts in the work session and he wanted to make sure it was on the record that the council had thanked them for a great addition to Bear Dance Park.

Councilor Owens asked what the status was at the old school house, and Administrator Reynolds said that the family was cleaning up the building. They had hired Michael Watts to clean out the building. They were working with Chief Pagni to remove the old vehicles.

Submit to Local Licensing Authority

**STOP N SAVE #12
 2492 INDUSTRIAL BLVD
 Grand Junction CO 81505**

Fees Due		
Renewal Fee	96.25	96.25
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		\$ —
Amount Due/Paid		\$ 96.25

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 FEATHER PETROLEUM CO			Doing Business As Name (DBA) STOP N SAVE #12	
Liquor License # 04-41335-0018	License Type Fermented Malt Beverage Off <small>(city)</small>	Sales Tax License # 04413350018	Expiration Date 01/21/2020	Due Date 12/07/2019
Business Address 791 BURNING MT AVE New Castle CO 81647				Phone Number 9702425205
Mailing Address 2492 INDUSTRIAL BLVD Grand Junction CO 81505			Email aspalenka@featherpetro.com	
Operating Manager Renee Ball	Date of Birth 5/4/64	Home Address 1602 Ballard Ave, Silt CO 81652		Phone Number
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease. 10/31/2021				
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				
3. 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				
4. 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				
5. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. 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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>list attached</i>				
Affirmation & Consent 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 Anne B. Spalenka			Title Director of Finance	
Signature Anne B. Spalenka			Date 11/1/19	
Report & Approval of City or County Licensing Authority 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. Therefore this application is approved.				
Local Licensing Authority For				Date
Signature		Title		Attest

Feather Petroleum Company, dba Stop 'n Save
2492 Industrial Blvd.
Grand Junction, CO 81505
Phone 970-242-5205

STORE LOCATION	Beer Lic #	STORE LOCATION	Beer Lic #
<input type="checkbox"/> Store #3 723 Horizon Dr Grand Junction, CO 81506	04413350003	<input type="checkbox"/> Store #21 PO Box 3287 78415 Highway 40 Winter Park, CO 80482	04413350021
<input type="checkbox"/> Store #12 791 Burning Mountain New Castle, CO 81647	04413350018	<input type="checkbox"/> Store #23 10 Meadow Park Drive Divide, CO 80814	4600604
<input type="checkbox"/> Store # 18 47 Edwards Village Blvd. Edwards, CO 81632	04413350016	<input type="checkbox"/> Store #26 548 U. S. Highway 24 South Buena Vista CO 81211	4600783


Tax Check Authorization, Waiver, and Request to Release Information

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

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

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

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

Name (Individual/Business) FEATHER PETROLEUM CO.		Social Security Number/Tax Identification Number 84-0746271	
Address 2492 INDUSTRIAL BLVD. GRAND JUNCTION, CO 81505			
City		State	Zip
Home Phone Number		Business/Work Phone Number 970-242-5205	
Printed name of person signing on behalf of the Applicant/Licensee Kent Frieling, President			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed 11-7-19

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).

Submit to Local Licensing Authority

GROVE'S BLACK DOG SALOON
PO BOX 185
New Castle CO 81647

Fees Due		
Renewal Fee	500.00	
Storage Permit	\$100 X	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$

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 GROVE'S BLACK DOG SALOON INC			Doing Business As Name (DBA) GROVE'S BLACK DOG SALOON		
Liquor License # 03-02204	License Type Hotel & Restaurant (city)	Sales Tax License # 30119583	Expiration Date 12/29/2019	Due Date 11/14/2019	
Business Address 219 W MAIN ST New Castle CO 81647				Phone Number 9709840999	
Mailing Address PO BOX 185 New Castle CO 81647			Email		
Operating Manager SUSAN FITTANTO	Date of Birth 7-21-74	Home Address 70 WHITETAIL DR. NEW CASTLE, CO 81647		Phone Number 970-618-8967	
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease.					
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3. 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					
4. 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					
5. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
6. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Affirmation & Consent 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 SUSAN FITTANTO				Title OWNER / TREAS.	
Signature <i>Susan Fittanto</i>				Date 11/1/19	
Report & Approval of City or County Licensing Authority 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. Therefore this application is approved.					
Local Licensing Authority For				Date	
Signature		Title		Attest	