



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

New Castle Community Center

423 W Main Street

Tuesday, February 20, 2024, 7:00 PM

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

Virtual Meetings are subject to internet and technical capabilities.

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

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

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

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

A. Proclamation Honoring the Coal Ridge High School Coed Cheer Team

B. Consider a Letter of Interest from Sharon Morris for Appointment to Seat on Climate and Environment Commission

C. Consider a Letter of Interest from Amy Anglemeyer for Appointment to Seat on Climate and Environment Commission

D. Consider a Letter of Interest from Derek Anglemeyer for Appointment to Seat on Climate and Environment Commission

E. Update – Town Engineer and Public Works Director Regarding Southside Intercept Sewer Line

F. Update – Chamber of Commerce

G. Resolution TC 2024-7 - A Resolution of the New Castle Town Council Supporting the Application for a Mini Grant from the Garfield County Federal Mineral Lease District

H. Resolution TC 2024-8 - A Resolution of the New Castle Town Council Supporting the Application for a Traditional Grant from the Garfield County Federal Mineral Lease District

I. Resolution TC 2024-9 - A Resolution of the New Castle Town Council Supporting the Application for a Police Department Grant.

J. Consider Approving Ordinance TC2024-01 – Amendment of Sections 17.04.050, 17.36.040 and 13.20.060 of the Town Municipal Code to add Microbrewery as a Permitted Use in the C-1 Zone District (2nd Reading)

K. Discussion Regarding Use or Sale of Town Owned Property Located at the Corner of 6th and Main Street.

L. Executive Session (1) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S Section 24-6-402(4)(e) concerning the 6th Street Lot

M. Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) regarding pending litigation against CVR Investors, Inc.

Consent Agenda

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

[February](#) 6, 2024 Minutes

Staff Reports

Town Administrator
Town Clerk
Town Treasurer
Town Planner
Public Works Director

Commission Reports

Planning & Zoning Commission
Historic Preservation Commission
Climate and Environment Commission
Senior Program
RFTA

AGNC
GCE
EAB
Detox

Council Comments

Items for Future Council Agenda

Adjourn



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Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item: Recognition and Proclamation for the Coal Ridge Cheer Team
Date: 2/20/24

Purpose:

The purpose of this Agenda Item is to recognize the outstanding achievements of the Coal Ridge Titans Co-Ed Cheer Team. Under the leadership of coach Alyssa Thurman, the Coal Ridge Cheer Team has accomplished the unthinkable by securing the 2A/3A Co-Ed State Championship for the sixth consecutive year and seventh overall state title. In addition, the team recently had the opportunity to represent Coal Ridge on a national level by competing in the *National High School Cheerleading Championship* which was held on February 9th - 12th at Disney World Resort in Florida. Once again, our local Cheer Team proved they had what it takes to compete at elevated levels and were successful in securing an amazing 7th place finish.

TOWN OF NEW CASTLE, COLORADO

Proclamation

WHEREAS, Coal Ridge High School serves the students of the Town of New Castle; and

WHEREAS, on December 8, 2023, the Coal Ridge Titans Co-Ed Cheer Team competed for the Colorado High School Activities Association 2A/3A Cheer Spirit championship ; and

WHEREAS, the Titans won the Championship for the sixth consecutive year; and

WHEREAS, Alyssa Thurmon has again coached and challenged them in their path to victory; and

WHEREAS, having won the state championship, the team went on to compete in the National High School Cheerleading Championship at Disney World on February 12th, securing an amazing 7th place finish; and

WHEREAS, in addition to their championship skills, the Co-Ed Cheer Team is noteworthy for their enthusiasm, positivity and spirit—in short for their teamwork; and

WHEREAS, since 1945, cheer teams have understood the honor of receiving a spirit stick as a recognition of team spirit; and

WHEREAS, the Town wishes to add this tribute to their annual recognition of the championship team;

NOW, THEREFORE, the Town Council of the Town of New Castle presents the Coal Ridge Titans Co-Ed Cheer Team with the New Castle Spirit Stick; and

FURTHERMORE, on behalf of the residents of the town, the Council congratulates the Cheer Squad for their sixth state championship and recognizes them for the honor they have brought to the RE-2 School District and to the Town.

Let this Proclamation be entered into the official records of the Town

Art Riddile, Mayor

ATTEST:

Mindy Andis, Town Clerk

Hello Mindy,

Bruce Leland asked me to email you.

I'd like to be considered for an open position on the New Castle Climate and Environmental Committee. I live in New Castle and my neighbor Tom Elder, who serves on the committee, suggested this to me and Mr. Leland.

Like many in New Castle, I have a great love of nature and the outdoors and would like to volunteer to find ways to improve our environment and reduce negative impacts on the climate. I also feel that civic service is an important contribution to our community.

I have taken several courses in environmental studies and have sought to personally reduce my use and impact on our environment. I like what the committee has prioritized and am interested in continuing the work.

I work from home and have flexibility in being engaged in meetings and other work of the committee.

Thank you for putting my name in and let me know what other information you require for my consideration.

Best wishes,
Sharon Morris
257 Avery Court
New Castle, CO 81647

Hello!

I'm volunteering for a position in the Climate and Environment Commission. Bruce approached my husband, Derek, and I about it at a chamber business after hours and we are happy to contribute. Let me know what you need from me!

Amy Anglemyer

Derek Anglemyer
Cell: 970-366-0795

On Jan 31, 2024, at 11:51 AM, Sales West Canyon <sales@westcanyonnurseries.com> wrote:

Mandi,

My name is Derek, I am the owner of West Canyon Nurseries just east of town. Bruce Leland approached me at the last chamber of commerce meeting and said that there was an opening on this committee. I'd love to volunteer for it.

A little background on me: we bought the farm in 2018 and my wife and I run the business together. We are a full service nursery/garden center serving the roaring fork valley mainly. We enjoy being involved in the community and I would love to participate in the committee.

If you need anything else from me please reach out.

Thanks,

Derek Anglemyer
Cell: 970-366-0795



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Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item: Southside Intercept Sewer Line Update
Date: 2/20/24

Purpose:

The purpose of this Agenda Item is to allow time for Town Engineer Jeff Simonson and Public Works Director John Wenzel to update Town Council regarding the Southside Intercept Sewer Line.

The Southside Intercept Line is a sewer line which collects wastewater from the southside of Downtown, City Market Plaza, Lakota, Shibui, Castle Ridge, and Walters Center. This line is comprised of a combination of gravity and pump systems which deliver wastewater to the Wastewater Treatment Plant at the west end of town. As one of the older wastewater lines in town it is important to understand the condition, capacity, and useful lifespan of this pipe. Jeff and John will share recent findings and discuss possible future actions related to this section of our wastewater collection system.



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Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item: Chamber of Commerce Update & Funding Request
Date: 2/20/24

Purpose:

The purpose of this Agenda Item is to allow time for the New Castle Chamber of Commerce to update the Town Council on their 2024 budget, activities, and organizational structure. Chamber Board Members will review their goals for 2024 as well as forecasted budgetary needs. Chamber Board members are expected to share their anticipated budget deficit and seek additional 2024 funding from the Town.

NEW CASTLE CHAMBER ASSOCIATION

Income	2024 BUDGET	2023 ACTUAL	2023 BUDGET
General Donations	\$ 0.00	\$ 600.00	\$ 0.00
Member Showcase	\$ 5,000.00	\$ 3,816.14	\$ 0.00
Chamber Member Dues	\$ 10,000.00	\$ 7,065.00	\$ 9,375.00
Bingo Nights	\$ 3,800.00	\$ 3,768.00	\$ 3,500.00
Spirit Walk	\$ 1,700.00	\$ 1,415.71	\$ 1,000.00
Town Grant	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00
TOTAL INCOME	\$ 27,500.00	\$ 23,664.85	\$ 20,875.00
Expense			
Insurance Expense			
General Liability/Work Comp	\$ 1,900.00	\$ 1,959.50	\$ 1,765.00
Accounting	\$ 125.00	\$ 125.00	\$ 120.00
Bank Charges	\$ 0.00	\$ 114.42	\$ 120.00
Bingo Equipment Purchase	\$ 500.00	\$ 0.00	\$ 1,000.00
Computer	\$ 0.00	\$ 0.00	\$ 500.00
Contract Labor	\$ 20,000.00	\$ 7,150.00	\$ 8,800.00
Dues & Subscriptions	\$ 500.00	\$ 429.99	\$ 250.00
Internet and Telephone	\$ 900.00	\$ 853.73	\$ 900.00
License\Dues			
License: Bingo	\$ 50.00	\$ 50.00	\$ 50.00
License: Plates	\$ 0.00	\$ 0.00	\$ 64.00
Marketing & Advertising	\$ 1,500.00	\$ 5,906.71	\$ 1,500.00
Meetings/Meals	\$ 150.00	\$ 179.56	\$ 150.00
Miscellaneous	\$ 250.00	\$ 88.15	\$ 500.00
Office Supplies	\$ 150.00	\$ 135.35	\$ 150.00
Post Office Box Rental	\$ 80.00	\$ 68.00	\$ 80.00
Postage/Mailing	\$ 50.00	\$ 0.00	\$ 50.00
Storage	\$ 1,500.00	\$ 860.00	\$ 800.00
State Chamber Dues	\$ 400.00	\$ 0.00	\$ 400.00
TOTAL Office Expense	\$ 28,055.00	\$ 17,920.41	\$ 17,199.00
Program Expense			
2023 Member Showcase Exp	\$ 4,000.00	\$ 2,154.46	\$ 0.00
Bingo Supplies	\$ 200.00	\$ 178.21	\$ 0.00
Business After Hours	\$ 2,500.00	\$ 1,702.78	\$ 2,000.00
Community Market	\$ 500.00	\$ 0.00	\$ 500.00
Spirit Walk	\$ 500.00	\$ 650.00	\$ 300.00
Sponsorships	\$ 0.00	\$ 750.00	\$ 0.00
Welcome Totes Expense	\$ 250.00	\$ 0.00	\$ 500.00
TOTAL Program/Events	\$ 7,950.00	\$ 5,435.45	\$ 3,300.00
TOTAL EXPENSES	\$ 36,005.00	\$ 23,355.86	\$ 20,499.00
NET INCOME	\$ -8,505.00	\$ 308.99	\$ 376.00

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2024-07**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL
SUPPORTING THE APPLICATION FOR A GRANT FROM THE GARFIELD
COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE REPLACEMENT OF
DATED PLAYGROUND EQUIPMENT**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District ("GCFMLD"); and

WHEREAS, the Town of New Castle has submitted a Grant Application for the Replacement Dated Playground Equipment, requesting a total award of \$25,000.00; and

WHEREAS, the Town of New Castle supports the completion of the Replacement of Dated Playground Equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

1. The above recitals are hereby incorporated as findings by the Town of New Castle.
2. The Town of New Castle strongly supports the Grant Application.
3. If the grant is awarded, the Town of New Castle strongly supports the Replacement of Dated Playground Equipment.
4. The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the GCFMLD.
5. The proposed building and systems security are owned by the Town of New Castle and will be owned by The Town of New Castle for its foreseeable, useful life. The Town of New Castle will continue to maintain the newly installed Playground Equipment in a high-quality condition and will appropriate funds for maintenance annually. The estimated annual maintenance cost for Playground Equipment is \$1200.00.
6. If a grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign a Grant Agreement with the GCFMLD.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on February 20, 2023.

TOWN OF NEW CASTLE

ATTEST:

Mayor Art Riddile

Town Clerk Mindy Andis, CMC

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2024-08**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL SUPPORTING
THE APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL
MINERAL LEASE DISTRICT FOR THE ROUND-A-BOUT LANDSCAPE
CONSTRUCTION**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District ("GCFMLD"); and

WHEREAS, the Town of New Castle has submitted a Grant Application for the Round-a-bout Landscape Construction, requesting a total award of \$400,000, with a total project cost of \$650,000.

WHEREAS, the Town of New Castle supports the Round-a-bout Landscape Construction if a grant is awarded by the GCFMLD.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

1. The above recitals are hereby incorporated as findings by the Town of New Castle.
2. The Town of New Castle strongly supports the Grant Application.
3. If the grant is awarded, the Town of New Castle strongly supports the Round-a-bout Landscape Construction Project
4. The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the GCFMLD.
5. The project property is owned by the Town of New Castle and will be owned by The Town of New Castle for its foreseeable, useful life. The Town of New Castle will continue to maintain the Round-a-bout in a high-quality condition and will appropriate funds for maintenance annually. The estimated annual maintenance cost of the newly improved Round-a-bout will be \$ 2,500.00 annually.
6. If a grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign a Grant Agreement with the GCFMLD.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on February 20, 2024.

TOWN OF NEW CASTLE

ATTEST:

Mayor Art Riddile

Town Clerk Mindy Andis, CMC

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2024-09**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL
SUPPORTING THE APPLICATION FOR A GRANT FROM THE COLORADO
DIVISION OF CRIMINAL JUSTICE FOR (11) POLICE VEHICLE MOBILE DATA
TERMINALS, (1) MOBILE TRAFFIC CAMERA TRAILER, (3) LICENSE PLATE
READERS**

WHEREAS, the Town of New Castle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Colorado Division of Criminal Justice; and

WHEREAS, the Town of New Castle has submitted a Grant Application for Police Equipment to include: (11) Police Vehicle Mobile Data Terminals, (1) Traffic Camera Trailer, and (3) License Plate Readers, requesting a total award of \$171,099.00; and

WHEREAS, the Town of New Castle supports the purchase and use of Mobile Data Terminals, Traffic Camera Trailers, and License Plate Readers.

NOW, THEREFORE, BE IT RESOLVED BY THE Town of New Castle **THAT:**

1. The above recitals are hereby incorporated as findings by the Town of New Castle.
2. The Town of New Castle strongly supports the Grant Application.
3. If the grant is awarded, the Town of New Castle strongly supports the purchase and use of Mobile Data Terminals, Traffic Camera Trailers, and License Plate Readers.
4. The Town of New Castle authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the Colorado Division of Criminal Justice.
5. The proposed Police Equipment provided for by this grant is owned by the Town of New Castle and will be owned by The Town of New Castle for its foreseeable, useful life. The Town of New Castle will continue to maintain all equipment funded by this grant in a high-quality condition and will appropriate funds for maintenance and support annually.
6. If a grant is awarded, the Town of New Castle hereby authorizes the Mayor to sign a Grant Agreement with the Colorado Division of Criminal Justice.

Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on February 20, 2023.

TOWN OF NEW CASTLE

ATTEST:

Mayor Art Riddile

Town Clerk Mindy Andis, CMC



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Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item: Consider Ordinance TC 2024-01 Allowing Micro Brewing in the C-1 Zoning District
Date: 2/20/24

Purpose:

The purpose of this Agenda Item is to consider Ordinance TC 2024-01 on second reading.

During a regular Town Council meeting held on February 6, 2024, Town Council voted 5 – 2 in favor of adding the limited and defined Micro Brewery operations as a new permitted use in the Downtown C-1 Zoning District. During the first reading of this item, Council and staff discussed the proposed definition of “Micro Brewery”, reviewed concerns regarding safe water discharge, and discussed how Micro Brewing businesses might be assessed appropriate water and sewer tap fees.

In general, Council agreed that adding Micro Breweries as a permitted use was an acceptable idea. Council did however express concerns about the cost of tap fees and how those fees might affect new businesses. Following the first reading, staff conferred with our Town Attorney and discussed what flexibility may be available related to tap fees as well as what elements of tap fee charges are not flexible. In response to voiced concerns, staff has is suggesting the addition of greater detail in the Ordinance to better memorialize the mathematical formulas used to determine the EQR and Tap Fee basis for Micro Brewing businesses. Staff will explain the suggested changes along with recently learned limitations related to how tap fees must be assessed to each new water user.

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2024-01**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING SECTIONS
17.04.050, 17.36.040, AND 13.20.060 OF THE TOWN MUNICIPAL CODE TO ADD
MICROBREWERY AS A PERMITTED USE IN THE C-1 ZONE DISTRICT.**

WHEREAS, Chapter 17.36 of the New Castle Municipal Code (the “Code”) establishes the use, dimensional, and other zoning regulations for the C-1 commercial zone district; and

WHEREAS, there is a growing interest to operate microbreweries in the Town; and

WHEREAS, microbreweries are not listed as permitted, conditional, or prohibited uses in Chapter 17.36; and

WHEREAS, based on the characteristics of the C-1 zone district, the nature of microbreweries, and how other Colorado municipalities define and regulate microbreweries, Town staff believes that microbreweries would be an appropriate permitted use in the C-1 zone district; and

WHEREAS, Town staff believes that allowing microbreweries in the Town will promote economic development; and

WHEREAS, in accordance with Section 17.92.030(B) of the Code, the Town of New Castle Planning Commission held a public hearing on January 10, 2024, that was continued to January 24, 2024, to consider whether Section 17.36.040 of the Code should be amended to include microbreweries as a permitted use in the C-1 district; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission recommend that the New Castle Town Council amend Chapter 17.36 of the Code to add microbreweries as a permitted use in the C-1 district; and

WHEREAS, in addition to amending the Town zoning regulations to allow for microbreweries, it is necessary to update the Town’s table of equivalent units for water and sewer demand to specifically address microbreweries; and

WHEREAS, the microbrewery EQR designation is based on the following calculation: 8 gallons of water to produce 1 gallon of malt liquor x 31 gallons of malt liquor per barrel x 500 barrels of malt liquor = 124,000 gallons of water = 1 EQR per 500 barrels of produced product; and

WHEREAS, Town Council now desires to amend the Code accordingly as set forth in this Ordinance.

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

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

2. Title 17 Amendments. Sections 17.04.050 and 17.36.040 of the Code are hereby amended as set forth below, with added language in **bold** and underlined:

17.04.050 – Definitions

“Microbrewery” means a facility or establishment that (1) manufactures no more than one thousand (1,000) barrels per year of fermented malt beverages or malt liquors on its licensed premises and (2) has a public-facing commercial component such as, but not limited to, a restaurant or other food and beverage establishment. For purposes of this definition, “fermented malt beverage” and “malt liquors” have the meaning assigned to them in the Colorado Liquor Code, as amended from time to time, and a barrel shall equal 31 US gallons. A brew pub is included in this definition, provided that it meets the production limitation set forth herein.

17.36.040 – Permitted Uses

...

C. Personal service establishment, including:

...

9a. Microbrewery, subject to compliance with Town discharge codes and requirements as may be amended and in effect from time to time

3. Title 13 Amendment. The Table of Equivalent Units in Section 13.20.060(C)(2) of the Code is hereby amended to include the following at the end of the table, with added language in **bold** and underlined:

Classification	EQR
<u>13. Microbreweries: for each 500 barrels of production or fraction thereof¹</u>	<u>1.0</u>

¹ The Town may request periodic production reports following commencement of actual use to confirm usage does not exceed tap fees assessed

4. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

5. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on February 6, 2024, 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 February 20, 2024, read by title and number, passed with amendments from first reading, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO,
TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Mindy Andis, Town Clerk

**Town of New Castle**

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Administration Department

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Memorandum

To: Mayor & Council

From: Dave Reynolds

Re: Agenda Item: Discussion of Town owned property at 6th & Main St.

Date: 2/20/24

Purpose:

The purpose of this Agenda Item is to allow time for local business owner Aaron Shockley to discuss his interest in the vacant property at the corner of 6th and Main. As Town Council may recall, Aaron has visited in the past and discussed the possibilities for this property as well as expressed an interest in the Kamm Lot property. Learning recently that development of the Kamm property is not an option at this time, Aaron has refined his thoughts concerning 6th and Main and would like to pursue development possibilities with the Town.

**New Castle Town Council Regular Meeting
Tuesday, February 6, 2024, 7:00 PM**

Call to Order

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

Pledge of Allegiance

Roll Call

Present	Councilor Mariscal
	Councilor Carey
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile

Absent

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Mindy Andis, Town Treasurer Viktoriya Ehlers, Assistant Town Attorney Haley Carmer, and members of the public.

Meeting Notice

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2024-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no citizens

Consultant Reports

Consultant Attorney –present for agenda items only.
Consultant Engineer – not present.

Items for Consideration

Recognition for Utility Department

Administrator Reynolds said he and Public Works Director John Wenzel wanted to recognize two utility department staff members who have demonstrated extraordinary

1 care in the way they go about doing their jobs. Going the extra mile is not at all unusual
2 for all New Castle utility team members. Whether it's responding to late night waterline
3 breaks, being available and on call for water plant and wastewater plant emergencies,
4 safely working in industrial spaces, or keeping the Town current on compliance issues, our
5 entire Utility Team always takes great pride in everything that they do.
6 Tonight, we would like to extend a special thank you to Water Treatment Plant Operator
7 Kim Rider and Utility Maintenance Technician Jack Refior. The care and concern that Ms.
8 Rider and Mr. Refior bring to their positions is an amazing benefit to our community and a
9 true example of professionalism to those in the industry.
10 Public Works Director Wenzel had presented Ms. Rider and Mr. Refior with plaques. The
11 council thanked them for their hard work and dedication to the town.
12

13 **Consider Approving Ordinance TC2024-01 – Amendment of Sections 17.04.050,**
14 **17.36.040 and 13.20.060 of the Town Municipal Code to add Microbrewery as a**
15 **Permitted Use in the C-1 Zone District (1st Reading)**

16 Administrator Reynolds said ordinance TC 2024-01 is to allow the limited and defined
17 permitted operations of Micro Breweries in the Downtown C-1 Zoning District. Staff
18 explained the proposed definition of a Micro-Brewery, the possible impacts to the C-1
19 District, and possible impacts to wastewater discharge and the wastewater treatment
20 operations. Ordinance TC 2024-1 also considers an update to the Municipal Code
21 addressing how water and sewer tap fees might be calculated for Micro-Brewing
22 businesses. Staff explained how proper tap fees and EQR assignments might be calculated
23 for Micro Brewing Businesses based on product production levels.

24 Administrator Reynolds said there was a resolution and discussion at Planning & Zoning.
25 At which time more research was done and was able to properly define what a micro-
26 brewery is and how does the town make sure the town's wastewater plant can handle the
27 discharge from a micro-brewery. The utility department was able to look at all the
28 components for the wastewater regarding a micro-brewery and is the town protected. The
29 town currently does have protections in place in the municipal code as well as by state
30 laws to protect the wastewater plant.

31 Administrator Reynolds said there were discussions about how much water is used and
32 was able to create a proper EQR and tap fees for a micro-brewery. The calculation is one
33 barrel of beer equals 31 gallons. On average 8 gallons of water for every one gallon of
34 beer. The staff's suggestion is for every 500 barrels of beer would be one EQR.

35 Administrator Reynolds said P&Z recommendation was a micro-brewery is defined as an
36 established which produces up to 1000 barrels of beer a year and should be allowed as a
37 permitted use in the C-1 Zone District.

38 Councilor Leland asked about the EQR's for the restaurant side of the brewery.

39 Administrator Reynolds explained the restaurant would need to have addition EQR's. The
40 micro-brewery EQR's would be just for the brewery portion of the business.

41 Councilor Graham Riddile asked Mr. Hemelt how many EQR's he would need for his micro-
42 brewery. Mr. Hemelt said he would make 200 barrels of beer which is 48,000 beers and
43 he would need to sell about 131.5 beers per day. That is the goal and would sustain the

1 business for two-five years. He is prepared to purchase one tap.

2 Attorney Haley Carmer said the code is written as 500 barrels or a portion there of. If
3 there is a fraction of the 500 barrels there would be a ratio and that is written into the
4 ordinance.

5 Councilor Graham Riddile asked how the town could make it more friendly for a business
6 to come to town. Is there a way the town could change the EQR table to 1000 barrels to
7 be more business friendly. He said Mr. Hemelt is doing exactly what the town's
8 Comprehensive Plan says.

9 Mr. Hemelt said if he produces 2,000 barrels of beer, he would use 66,000 gallons of
10 water, which includes the cleaning process.

11 Public Works Director Wenzel said his staff understood to produce one gallon of finished
12 beer takes between 3-12 gallons of water depending on the process.

13 Councilor Leland said Mr. Hemelt or any other applicant could come and ask for an
14 adjustment of taps depending on the business.

15 Administrator Reynolds said yes, the applicant could come to the town with a business
16 model and information from the manufacturer to show how much water would be used
17 per barrel of water.

18 Councilor Carey said the ordinance is the base for any micro-brewery which would come
19 into town.

20 Councilor Hazelton said the ordinance does allow to look at each business on a case-by-
21 case bases without needing to change the code for each business.

22 Administrator Reynolds said there currently is flexibility in the code to help finance the
23 fees over time.

24
25 **MOTION: Councilor Leland made a motion to approve Ordinance TC2024-01 –**
26 **Amendment of Sections 17.04.050, 17.36.040 and 13.20.060 of the Town**
27 **Municipal Code to add Microbrewery as a Permitted Use in the C-1 Zone District**
28 **(1st Reading) Councilor Hazelton seconded the motion and it passed 5 to 2.**

29
30 **Discussion: Councilor Graham Riddile stated he would be voting “No” because**
31 **feels like the code is too restrictive. Councilor Mariscal said she would also be**
32 **voting “no”.**

33
34 **Councilor Mariscal: no; Councilor Carey: yes; Councilor Hazelton: yes; Mayor Art**
35 **Riddile: yes; Councilor Copeland: yes; Councilor Leland: yes; Councilor Graham**
36 **Riddile: no.**

37
38 **Consider Resolution TC2024-04 – Authorizing Bank Accounts and Signers on**
39 **Bank**

40 Town Clerk Mindy Andis said due to staff changes there needs to be an updated resolution
41 to authorize bank accounts and signers for the accounts. By town charter there needs to
42 be a resolution each year approving the bank accounts and signers.

1
2 **MOTION: Councilor Graham Riddile made a motion to approve the consent**
3 **agenda. Councilor Carey seconded the motion and it passed unanimously**
4

5 **Consider Resolution TC2024-05 – Cancellation of the April 2, 2024 Regular**
6 **Municipal Election in Accordance with Section 1.16.040 of the Town of New**
7 **Castle Municipal Code.**

8 Clerk Andis said The purpose of resolution is to get authorization to cancel the April 2,
9 2024, Election. As of close of business on January 29, 2024, there was not more than one
10 candidate per seat to be filled. There were no affidavits of intent to be a write-in
11 candidate.

12 The organizational meeting is scheduled to be held on April 16, 2024, at which time the
13 oaths of office will be administered to: Graham Riddile, Grady Hazelton and Crystal
14 Mariscal to serve for four-year term.
15

16 **MOTION: Mayor Riddile made a motion to approve the consent agenda. Councilor**
17 **Graham Riddile seconded the motion and it passed unanimously**
18

19 **Executive Session for a conference with the Town Attorney for the purpose of**
20 **receiving legal advice on specific legal questions under CRS Section 24-6-**
21 **402(4)(b) regarding pending litigation against Castle Valley Ranch Investors**

22 **Motion: Councilor Leland made a Motion at 7:41p.m. to go into Executive**
23 **Session for a conference with the Town Attorney for the purpose of receiving**
24 **legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding**
25 **litigation filed by Castle Valley Ranch Investors, Inc. Councilor Mariscal**
26 **seconded the motion and it passed unanimously.**
27

28 **Executive Session (1) for the purpose of determining positions relative to**
29 **matters that may be subject to negotiations, developing strategy for**
30 **negotiations, and/or instructing negotiators under C.R.S Section 24-6-402(4)(e)**
31 **concerning the 6th Street Lot**
32

33 **Motion: Councilor Leland made a Motion at 7:41p.m. to go into Executive**
34 **Session for a conference with the Town Attorney for the purpose of receiving**
35 **legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) for the**
36 **purpose of determining positions relative to matters that may be subject to**
37 **negotiations concerning the 6th Street Lot. Councilor Mariscal seconded the**
38 **motion and it passed unanimously.**
39

40 Executive session concluded.

41
42 At the end of the executive session, Mayor Art Riddile made the following statement:
43

1 "The time is now 9:10p.m. and the executive session has been concluded. The
2 participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilor
3 Hazelton; Councilors Copeland, G Riddile, Councilor Leland, Town Administrator Reynolds,
4 Town Clerk Andis, Assistant Town Attorney Haley and Town Treasurer Ehlers. For the
5 record, if any person who participated in the executive session believes that any
6 substantial discussion of any matters not included in the motion to go into the executive
7 session occurred during the executive session, or that any improper action occurred
8 during the executive session in violation of the Open Meetings Law, I would ask that you
9 state your concerns for the record."

10
11 No concerns were stated.

12 **Consent Agenda**

13 January 2, 2024 Minutes

14
15
16 **MOTION: Councilor Mariscal made a motion to approve the consent agenda.**
17 **Councilor Leland seconded the motion and it passed unanimously.**
18

19 **Staff Reports**

20 Town Administrator – Administrator Reynolds reminded the council about the CML
21 conference this summer. On February 22, 2024 a housing summit hosted by the library
22 and everyone is invited to. There will be a guest speaker from Breckenridge. Breckenridge
23 has had experience on figuring out affordable housing, plans and concepts. There is a
24 question regarding the landscaping for the roundabout. The Garfield County
25 Commissioners have not really been committing funding for the project. The most recent
26 commitment was they would commit \$450,000 from their Conservation Trust Fund. The
27 commissioners have found out the money would not be legal to pull from the
28 Conservation Trust Fund. At the last council meeting there was a discussion to talk to the
29 Commissioners about the funding during the Council's joint work session with the
30 Commissioners. The opinion is, if the council does make the request during the work
31 session the answer to the questions would be since it's a work session the commissioners
32 can't make a decision. The town would need to get put onto a county commissioners'
33 agenda to speak to the commissioners and ask for funding directly and to have a decision
34 by the commissioners. Administrator Reynolds said the Capital Project Committee did
35 have their first meeting. The committee is trying to figure out grant strategies and how to
36 pay for the roundabout landscaping. The town is committed to paying \$500,000 to CDOT
37 for the roundabout, not including the landscaping. The expense to buildout the
38 landscaping at the roundabout would be \$500,000-\$700,000. The town needs to get the
39 project out to bid so the timing of the project would be as soon as CDOT is done with the
40 construction the town could finish the landscaping. Currently staff is working on a
41 traditional FMLD grant for landscaping project. Councilor Carey said it is possible to get
42 outside residents to show the impact and use of the roundabout and why it is important
43 for the county commissioners to help with the project. Administrator Reynolds said the
44 commissioners have already said they would give the town \$450,000 out of their
45 Conservation Trust Funds, so hold them to that and have the money go towards a new
46 boat ramp and possible other park projects. He will contact the county manager to be put

Town Council Meeting
Tuesday, February 6, 2024

1 on the commissioner's agenda as soon as possible to talk about funding. Administrator
2 Reynolds gave an update regarding the migrant issue. DOLA is sending out letters to all of
3 the municipalities saying Denver is full and has taken action to discourage migrants from
4 going to Denver. DOLA is officially asking municipalities to step up and take people. A no
5 response means can't help. Administrator Reynolds said there has been another
6 resignation from Detective Matt Polen who will be moving onto the DA's office as an
7 investigator. Administrator Reynolds said there have been a lot of Facebook comments
8 regarding the land use application in Castle Valley Ranch. The application is a sketch plan
9 and will be heard for the first time at P&Z on Wednesday, February 14, 2024. There will
10 be a link on the town's Facebook page linking to the packet on the town's website. He
11 reminded council to disregard the comments and e-mails.

12
13 Town Clerk – Clerk Andis said she, Deputy Town Clerk Remi Bordelon and Town
14 Administrator Reynolds have had three interviews for the vacant Administrative Assistant
15 to the Town Clerk position and a fourth one on Friday. Will be scheduling for second
16 interviews for next week. The hope is to have the position filled by the end of the month
17 first part of March.

18
19 Town Treasurer – Treasurer Viktoriya Ehlers said the workers comp audit is complete, the
20 opioid reporting is done, working on the annual reporting for CML, studying for the GAP 96
21 new compliance for audits and will be attending a training through CGFOA for the new
22 compliance. Also, interviewing for the third position in the finance department.

23
24 Town Planner – not present

25 Public Works Director – not present.

26 27 **Commission Reports**

28 **Planning & Zoning Commission** – Councilor Carey said there was a resolution brought
29 to P&Z for consideration regarding microbreweries for the second time. The resolution was
30 approved.

31 **Historic Preservation Commission** – Councilor Copeland was not at the meeting

32 **Climate and Environment Commission** – Councilor Leland said the news for the
33 \$10,000 in the plastic bag fee. The state law imposing the fee says the money is to be
34 used for recycling, compost, waste division and or administration enforcement. He would
35 like to ask CEC to consider the use of the money for recycling and compost. They have
36 been talking about getting rid of additional plastics beside the bags. He will bring back a
37 proposal to the council.

38 **Senior Program** – Clerk Andis passed out the Older Adult Program Annual Stats for
39 2023. She said they had appointed a chair and vice chair. They also discussed the by-laws
40 and possible changes to the by-laws.

41 **RFTA** – didn't meet

42 **AGNC** – didn't meet

43 **GCE** – didn't meet

44 **EAB** – nothing to report.

Detox – Administrator Reynolds said they are in a deficit of \$300,000. The short fall is not going to stop the project from being completed on time and opened. The opening should be the end of May first of June.

Council Comments

Councilor Carey had received a phone call from the North Rifle CPW Officer. CPW is already concerned about the food supply for the bears.

Councilor Graham Riddile said the Capital Projects Committee did a great job at the meeting.

Councilor Leland said Spellabration is April 5, 2024. Would like to have a town team this year. The theme is Under the Literacy.

Mayor Art Riddile said Founders Day was awesome. Steve Rippy gave a fantastic presentation. He thanked staff and especially Kelley Cox for the work put into the event. Mr. Rippy was named Local Historian and given the "Legacy Award" for 2024.

Items for Future Council Agenda

- The New Castle Chamber of Commerce will be at the next council meeting with an update with a discussion for funding and financing.
- Rolling Fork Food Truck – Aaron Shockley to discuss the 6th Street Lot.
- Coal Ridge Cheer Team Proclamation
- CPW Presentation regarding bears

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

The meeting adjourned at 9:53 p.m.

Respectfully submitted,

Mayor Art Riddile

Town Clerk Mindy Andis, CMC