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

Administration Department
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Agenda

New Castle Town Council Regular Virtual Meeting Tuesday, December 15, 2020, 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.

Due to concerns related to COVID-19, this meeting will be held as a virtual meeting only. The public is invited to attend.

[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. Discussion and Direction Regarding COVID-19 Restrictions (7:05 p.m.)

B. Consider Health & Welfare Grants to Outside Agencies (7:25 p.m.)

C. Consider Ordinance TC 2020-8 - An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2020 and ending on the last day of December, 2020 (2nd reading) (7:45 p.m.)

Consent Agenda (7:55 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 6, 2020 minutes](#)

[October 20, 2020 minutes](#)

[November 3, 2020 minutes](#)

[November 17, 2020 minutes](#)

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

Staff Reports (8:00 p.m.)

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

Commission Reports (8:10 p.m.)

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

Council Comments (8:20 p.m.)

Adjourn (8:30 p.m.)



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Memorandum

To: Mayor & Council
From: David Reynolds
Re: Agenda Item: Discussion of Guidelines Related to COVID-19
Date: 12-15-20

Background:

During the past ten months, in reaction to the COVID-19 national pandemic, the Town of New Castle has taken actions to protect Public Health and Safety among our residents while also working to address the needs of our economy as represented by our many local businesses. We have managed to keep our economy strong in the face of great challenges while also taking part in efforts to keep our residents protected in the face of serious health threats. We have seen businesses struggle to remain viable, who have continued to move forward based only on their great determination and the community's willingness to stand behind them. We have witnessed acts of kindness as residents have worked to support one another in a common fight against this pandemic.

Both the Colorado Department of Health and the Garfield County Department of Health have been instrumental in providing information which has helped us shape our responses and policies. The Town has used both State and Local (Garfield County Health Department) guidance to steer us in the direction of accomplishing our goals of protecting public health while also protecting our economy.

Purpose:

The purpose of this agenda item is to discuss to following:

- 🚩 The most recent move by the Colorado Department of Health to move Garfield County from the Orange Level to the Red Level on the State COVID-19 Protection Dial.
- 🚩 The most recent news from Garfield County related to how the County wishes to follow areas of the State COVID-19 Protection Dial.
- 🚩 The most recent news from Garfield County related to how the County may, for the benefit of the local economy, choose to deviate from the State COVID-19 Protection Dial.
- 🚩 Review of the differences between the various levels on the State COVID-19 Protection Dial.
- 🚩 Business groups which are considered by definition within the State Covid-19 Protection Dial as either Critical Businesses or Non-Critical Businesses.


- ⌵ Possible implications of movement within various levels of the State COVID-19 Dial on Public Health, Town Businesses, and Town Services.
- ⌵ State Senate Bill 20B-001 which makes grant funding available to small non-critical businesses who are directly affected by mandated COVID-19 shut downs.
- ⌵ Possible avenues by which the Town can continue to show support to our small business community regardless of the COVID Dial Level.

As our local area has recently experienced a serious increase in COVID-19 spread, and as changing times during the pandemic may require a review of policies and direction, it will be good to have Council review and discuss the above items.

Attached please find the most current State COVID-19 Protection Dial Chart (levels green through purple), a summary page of Level Red, and Public Health Order 20-36 Dec 7, 2020. Staff wishes to discuss various portions of these documents, as well as items of recent news in order to inform Council on this subject.

What are the capacity restrictions at each level?

Effective date: 11/20/20

	LEVEL GREEN: PROTECT OUR NEIGHBORS	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
HIGH RISK POPULATIONS	Use caution Eligible for worker benefits and mandatory prioritization for remote work	Use caution Eligible for worker benefits and mandatory prioritization for remote work	Advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Strongly advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home Ordered Eligible for worker benefits and mandatory prioritization for remote work
VARIANCES	Eligible for both <u>outdoor and indoor</u> site-specific variances if approved by LPHA	Eligible for both <u>outdoor and indoor</u> site-specific variances if approved by LPHA	Eligible for <u>outdoor</u> site-specific variances if approved by LPHA	Not eligible	Not eligible - Current variances reevaluated	Not eligible - Current variances revoked unless specifically allowed
PERSONAL GATHERING SIZE	Per local guidance	Up to 10 from no more than 2 households	Up to 10 from no more than 2 households	Up to 10 from no more than 2 households	None	None
CHILDCARE	Open	Open	Open	Open	Open	Open
P-12 SCHOOLS	In-person	In-person	In-person suggested, hybrid, or remote as appropriate	In-person suggested, hybrid, or remote as appropriate	P-5 in-person suggested, or hybrid or remote as appropriate Middle school in-person, hybrid, or remote suggested, High school hybrid or remote suggested	In-person, hybrid, or remote as appropriate
HIGHER EDUCATION	In-person	In-person	In-person, hybrid, or remote as appropriate	In-person, hybrid, or remote as appropriate	Remote suggested, limited in-person when necessary	Remote suggested, very limited in-person when necessary
PLACES OF WORSHIP AND LIFE RITES - INDOOR UNSEATED FUNCTIONS	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 50 people no calculator, or up to 100 (with calculator) †	25% capacity or 50 people (with calculator) †	25% capacity or 50 people (with calculator)	Remote, virtual service, or outdoor are strongly encouraged; indoors up to 10
PLACES OF WORSHIP AND LIFE RITES - INDOOR SEATED FUNCTIONS	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 100 people †	25% capacity or 50 people †	25% capacity or 50 people †	Remote, virtual service, or outdoor are strongly encouraged; indoors up to 10
PLACES OF WORSHIP AND LIFE RITES - OUTDOORS	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning
RESTAURANTS - INDOORS	50%* capacity or 500 people †	50% capacity or 175 people indoors †	50% capacity or 50 people (or up to 100 with calculator) †	25% capacity or 50 people †	Indoor dining closed. Take out, curbside, delivery, or to go	Indoor dining closed. Take out, delivery, or to go is open
RESTAURANTS - OUTDOORS	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	Open air with only groups of own household is open	Outdoor dining closed. Take out, delivery, or to go is open
LAST CALL	Per local	12am (on premises)	11pm (on premises)	10pm (on premises)	8pm (on premises)	No on premises service
NON-CRITICAL MANUFACTURING	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 50 people (or up to 100 with calculator) †	25% capacity or 50 people †	25% capacity or 50 people †	10% capacity or 25 people †
OFFICES	50%* capacity	50% capacity	50% capacity, remote work is strongly encouraged	25% capacity, remote work is strongly encouraged	10% capacity, remote work is strongly encouraged	Remote work or Closed
BARS	50%* capacity or 500 people †	Closed	Closed	Closed	Closed	Closed
GYMS/FITNESS	50%* capacity or 500 people †	25% capacity or 75 people †	25% capacity or 50 people †	25% capacity, 25 people indoors †, or outdoors in groups less than 10	10% capacity, 10 people indoors per room †, or outdoors in groups less than 10. Reservations required	Virtual, or outdoors in groups less than 10
GROUP SPORTS AND CAMPS	50%* capacity or 500 people †	50 person capacity per activity	25 person capacity per activity	Virtual, or outdoors in groups less than 10	Virtual, or outdoors in groups less than 10	Virtual, or outdoors in groups less than 10
CRITICAL AND NON CRITICAL RETAIL	50%* capacity	50% capacity	50% capacity	50% capacity with increased curbside pick up, and delivery. Dedicated senior and at-risk hours encouraged	50% capacity with increased curbside pick up, and delivery. Dedicated senior and at-risk hours encouraged	Non-critical retail closed. Curbside pick-up and delivery OK. Critical may operate at 50% capacity but should make significant efforts to reduce the number of people in-store as much as possible
PERSONAL SERVICES	50%* capacity or 500 people †	50% capacity or 50 people †	50% capacity or 50 people †	25% capacity or 25 people †	25% capacity or 25 people †	Closed
LIMITED HEALTH CARE SETTINGS	50%* capacity or 500 people †	50% capacity or 50 people †	50% capacity or 50 people †	25% capacity or 25 people †	25% capacity or 25 people †	10% capacity or 25 people †
INDOOR UNSEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 50 people no calculator, (or up to 100 with calculator) †	25% capacity or 50 person capacity (with calculator) †	Closed	Closed
INDOOR SEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 100 people †	25% capacity or 50 people †	Closed	Closed
OUTDOOR UNSEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 250 people †	50% capacity or 175 people †	25% capacity or 75 people	25% capacity or 75 people (with calculator) †, attended only with members of your own household and 6ft spacing between groups	Closed
OUTDOOR SEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 250 people †	50% capacity or 175 people †	25% capacity or 75 people †	25% capacity or 75 people (with calculator) †, attended only with members of your own household and 6ft spacing between groups	Closed
OUTDOOR GUIDED SERVICES	50%* capacity or 500 people †	50% capacity or 25 people †	50% capacity or 10 people †	25% capacity or 10 people †	25% capacity or 10 people †	25% capacity or up to 10 only in your own household †

*Counties that enter Protect Our Neighbors are eligible to increase the percentage caps by 5% every month they continually sustain those metrics.

† When capacity limits are expressed as both a percentage of posted capacity and a total number of people, use whichever number is fewer.

LEVEL RED: SEVERE RISK



GUIDELINES AND RESTRICTIONS



P-12 Schools

P-5 in person suggested, or hybrid or remote as appropriate; Middle school in-person, hybrid, or remote suggested, High school hybrid or remote suggested



Group Sports & Camps

Virtual, or outdoors in groups less than 10



Higher Education

Remote suggested, limited in-person when necessary



Critical & Non Critical Retail

50% with increased curbside pick up, and delivery. Dedicated senior and at-risk hours encouraged.



Places of Worship

INDOOR UNSEATED: 25%, 50 (with calculator)
INDOOR SEATED: 25%, 50 person capacity
OUTDOORS: 6ft between parties outdoors, per local zoning



Personal Services

25% capacity or 25 people



Restaurants

INDOORS: Dining closed, take out, curbside, delivery, or to go OUTDOORS: Open air with only groups of own household is open



Indoor Events & Entertainment

UNSEATED: Closed
SEATED: Closed



Offices

10%, Remote work is strongly encouraged



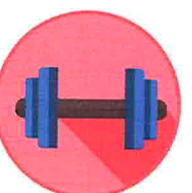
Outdoor Events & Entertainment

UNSEATED: 25%, 75 people (with calculator), attended only with members of your own household and 6ft spacing between groups
SEATED: 25%, 75 people (6ft distancing between parties), attended only with members of your own household and 6ft spacing between groups



Bars

Closed



Gyms/Fitness

10%, 10 indoors per room, or outdoors in groups less than 10. Reservations required



Outdoor Guided Services

25% capacity or 10 people



THIRD AMENDED PUBLIC HEALTH ORDER 20-36
COVID-19 DIAL
December 7, 2020

PURPOSE OF THE ORDER

I issue this Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 235** in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. This Order implements levels of restrictions for individuals, businesses and activities to prevent the spread of COVID-19 further in Colorado.

FINDINGS

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; defining the terms of the Governor's **Stay at Home, Safer at Home, and Protect our Neighbors** requirements as well as **Critical Business** designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of December 6, 2020, there have been 260,581 known cases of COVID-19 in Colorado, 14,868 Coloradans have been hospitalized and 2,724 Coloradans have died from COVID-19. Multiple sources of data show that COVID-19 transmission and the use of healthcare due to COVID-19 have leveled off in Colorado. Our work to "flatten the curve"

Third Amended Public Health Order 20-36 COVID-19 Dial

December 7, 2020

appears to be succeeding, and the Governor has ordered some lessening of the current Safer at Home restrictions as a result.

4. **Executive Order D 2020 235** requires the harmonizing of the various levels of activities previously described in prior **Protect Our Neighbors, Safer at Home, and Stay at Home** executive orders into one more simplified dial format. Counties must implement the requirements of the relevant level of the **COVID-19 Dial** for their jurisdiction, as determined by the Colorado Department of Public Health and Environment (CDPHE), based upon scientific metrics established in the **Dial**. The **Dial** still strongly encourages that people at risk of severe illness from COVID-19 remain at home or in the great outdoors as much as possible, but allows levels of business and activities based upon disease prevalence and other metrics in each county. Additionally, individuals are encouraged to remain at least 6 feet away from non-household contacts to reduce the likelihood of disease transmission, and otherwise unregulated gatherings are also limited in each level of the **Dial**. As we continue to combat COVID-19 in our communities, continuing restrictions to mitigate disease spread remain appropriate.

INTENT

This Order sets forth the requirements for implementation of the **COVID Dial**. Individual restrictions remain in place concerning limitations on activities, travel, and public gatherings. Workplace restrictions remain necessary to implement standard **Distancing Requirements**, cleaning standards, and other items necessary to reduce the possibility of disease spread. Additionally, certain businesses and activities require specific guidance based on their business practices, and those are included in the appendices to this Order.

ORDER

This Order supersedes and replaces Public Health Orders 20-32 and 20-35, as amended.

I. COVID Dial - Individual Requirements

- A. All individuals currently living within the State of Colorado are encouraged to stay at home or in the vast, great outdoors and avoid unnecessary interactions whenever possible in order to reduce the spread of disease. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with **Distancing Requirements**, defined in Section IV below, and are encouraged to leave their residences only to perform or utilize **Necessary Activities**, defined in Section IV below.

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- B.** Individuals are urged to wear non-medical cloth face coverings that cover the nose and mouth whenever in public as required by **Executive Order D 2020 091** as amended and extended. Additionally, pursuant to **Executive Order D 2020 138** as amended and extended by **Executive Order D 2020 164, D 2020 190, and D 2020 219, D 2020 237, and D 2020 245** all individuals must wear face coverings in public indoor spaces, as that term is defined in the **Executive Order 2020 138**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.
- C.** **Individuals at Risk of Severe Illness from COVID-19** are urged to stay in their residence at all times except as necessary to seek medical care, and this becomes more critical as a county's level in the **Dial** becomes more restrictive. **Individuals at Risk of Severe Illness from COVID-19** cannot be compelled to work for any business or government function, including a **Critical Business** or **Critical Government Function**, during the pendency of this pandemic emergency. People who are sick must stay in their residence at all times except as necessary to seek medical care, and must not go to work, even for a **Critical Business**, identified in **Appendix A** of this Order.
- D.** Individuals who are sick or are experiencing flu-like symptoms should get tested for COVID-19. If an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19, including early or mild symptoms (such as cough and shortness of breath), they should be in isolation (staying away from others) until they are released by public health. In most cases, individuals are released from isolation when they are fever-free, without medication, for twenty-four (24) hours, other symptoms have improved, and at least ten (10) days have passed since symptoms first appeared. A limited number of people with severe illness may require longer isolation. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.
- E.** Governmental and other entities are strongly urged to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable, and are authorized to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the public in their jurisdiction as necessary to protect all members of the community.

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People experiencing homelessness are urged to protect their health and safety by complying with **Distancing Requirements** at all times.

- F.** Individuals are encouraged to limit travel to **Necessary Travel**, defined in Section IV below, including but not limited to, travel by automobile or public transit. People must use public transit only for purposes of performing **Necessary Activities** or to travel to and from work to operate **Businesses** or maintain **Critical Governmental Functions** as authorized in Section III of this Order. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.

II. COVID-19 DIAL LEVELS.

A. APPLICATION OF THE DIAL.

1. The **COVID-19 Dial** consists of six levels that counties qualify for based on meeting specific metrics. Counties will remain in a **Dial** level so long as they continue to meet the metrics in that level. If the county falls out of compliance with one or more of the metrics associated with that level, they will have two weeks to develop and implement mitigation strategies to get back into compliance with the metric. If after two weeks one or more of the metrics remains out of compliance, the county must participate in a consultation with the Colorado Department of Public Health and Environment (CDPHE) to determine whether additional mitigation time and/or mitigation strategies are warranted, or if the county must move to a lower level. CDPHE reserves the right to move counties one or more levels more quickly as circumstances warrant.
2. Counties that meet all metrics for the next less restrictive level for a two week period may submit a request to CDPHE through their local public health agency to move to that level, which must include supporting documentation from local officials, including the local public health agency, local elected officials, and local hospitals. Counties wishing to move levels from **Blue (Safer at Home)** to **Green (Protect our Neighbor)** must complete an online certification form and process provided by CDPHE. Counties may individually, or in a grouping of counties together creating a region, certify that they meet the metrics for **Level Green**.
3. **Level Green: Protect Our Neighbors Certification**
 - a. Containment and mitigation plan. Counties or regions certifying for **Level Green** must submit with the certification form a mitigation and containment plan that addresses all of the following:

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- i. what the county or region will do if it falls out of compliance with any of the metrics, and
 - ii. how the county or region will
 1. promote public compliance with the guidelines,
 2. quickly address outbreaks with tactics like issuing isolation, quarantine and closure orders, and issuing mask requirement orders
 3. increase mask-wearing in public settings, and
 4. increase flu vaccine uptake to help ensure that the health care system capacity needed for COVID-19 is not overrun.
- b. Support for containment and mitigation plan. Counties or regions certifying for **Level Green** must also submit with the certification form written support from the following local individuals or agencies that indicates their agreement with the plan and their commitment to use their resources and take the necessary and appropriate steps to educate the community regarding the requirements and enforce compliance:
- i. local elected leaders including county commissioners and mayors,
 - ii. the hospitals that serve the county,
 - iii. law enforcement,
 - iv. emergency management,
 - v. the local public health agency, and
 - vi. if applicable, tribes.
- c. CDPHE shall review county or region certification forms and the additional required information and, as appropriate, certify a county or region to move levels from **Blue** to **Green**. Counties or regions certified for **Level Green** must maintain compliance with all of the metrics listed in Section II.B.1 above. If a county or region falls out of compliance with one or more of the metrics, it must notify CDPHE and implement the appropriate mitigation strategies in its containment and mitigation plan to address the noncompliance. Counties and regions shall have a three week period of time to come back into compliance with the metrics, and if compliance is not obtained, the county or region shall then work with CDPHE on any additional steps necessary to come back into compliance. CDPHE will ultimately determine whether the county may remain in **Level Green** or must move to a different level. CDPHE reserves the right to move counties sooner in the **Dial** as CDPHE determines is necessary.

B. LEVEL GREEN: PROTECT OUR NEIGHBORS.

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1. Counties or regions certifying for **Level Green** must meet all of the following requirements:
 - a. Hospital bed capacity: Hospitals in, or that serve, the county or region, as defined by the local public health agency (LPHA), have sufficient bed capacity to manage a 20 percent surge in hospital admissions or patient transfers (hospital attestation of patient transfer agreements required. Please include attestations in the **Level Green** certification form).
 - b. Sufficient personal protective equipment (PPE) supply: Local hospitals must have two weeks of PPE available based on current PPE use standards.
 - c. Stable or declining COVID-19 hospitalizations:
 - i. Stable, meaning no greater than 25% increase, or declining counts of new confirmed COVID-19 hospitalizations in the county or region's referral hospitals, as defined by the LPHA, in the last 14 days compared to previous 14 day period, or
 - ii. no more than two new hospital admissions of county or region residents with confirmed COVID-19 on a single day in the last 14 days.
 - d. Fewer new COVID-19 cases:
 - i. 25 or fewer new cases/100,000 people in the past two weeks (two-week cumulative incidence), **excluding** cases among residents of congregate facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or
 - ii. for a county or region with a population of less than 30,000, no more than 7 cases, excluding cases among residents of congregate facilities, such as senior care, other residential care, youth corrections, or corrections, experiencing outbreaks, in a two-week period, or
 - iii. two-week average molecular test positivity rate of less than 5% **and** county is meeting a minimum testing rate of 0.75 per 1,000 population **and** their two-week cumulative incidence is no greater than 50 cases per 100,000 people in the past two weeks.
 - e. Sufficient testing capacity: county or region has the capacity to test (collect samples and testing partnerships) 15 people per 10,000 residents per day.
 - f. Ability to implement case investigation and contact tracing protocol: the local public health agency is able to implement Colorado's case investigation and contact tracing protocol for at least 85 percent of assigned cases within 24 hours.

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- g. Documented surge capacity plan for case investigation and contact tracing: the local public health agency has a documented surge-capacity plan that it can investigate and contact trace its share, based on population, of our state's overall 500 cases per day goal, meaning it is able to investigate and contact trace up to 8.7 cases per 100,000 population per day.
2. Counties and regions certified for **Level Green** may allow any business or activity within their jurisdiction to operate at 50% of their pre-pandemic capacity not to exceed 500 people, whichever is less, in any one setting. **Individuals at risk of Severe Illness from COVID-19** are advised to remain at home as much as possible. Certified counties and regions may impose restrictions within their jurisdictions that are lower than these maximum capacity limits, but may not exceed these limits.
- a. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.
 - b. **Non-Critical Office-Based Businesses** may operate at 50% of their pre-pandemic capacity with no further person cap or limitation.
 - c. Any business or activity that was not authorized to operate in more restrictive levels is authorized to open in a county or region certified for Protect Our Neighbors, at the capacity limits described in this Section II.E, unless limited or prohibited by the certified county or region.
 - d. CDPHE reserves the right to require additional containment and mitigation strategies beyond those detailed by a county or region in their containment and mitigation plan. CDPHE further reserves the right to rescind the certification of a region or county for Protect Our Neighbors.
 - e. Counties approved for **Level Green** that wish to exercise the exemption from **Executive Order D 2020 138**, as amended and extended, requiring the wearing of face coverings in public indoor spaces must first consult with CDPHE.
 - f. Counties may increase their businesses and activities operational capacity by 5% each month that the county continues to meet the metrics in Section II.B.1 of this Order.
- C. **LEVEL BLUE: CAUTIOUS.**
- 1. The metrics for **Level Blue** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 75 per 100,000 in a two week period;

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- b. The percent of positive test results over a rolling 14 day average is no greater than 5%; and
 - c. To move into this level from a more restrictive level, hospitalization rates are stable or declining for at least 8 days in the preceding 14 day period.
2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Blue** are as follows:
- a. **Public and private gatherings** are limited to no more than 25 individuals when not otherwise regulated as a specific sector or activity in Section III of this Order; except that effective October 23, 2020 gatherings in this level are reduced to no more than 10 individuals from no more than 2 households. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** are advised to remain at home as much as possible.
 - b. **Non-Critical Office-based Businesses** may allow in-person work up to 50% of their posted occupancy limit.
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit.
 - d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit up to 175 employees, whichever is less, per room.
 - e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements, including capacity limits.
 - f. **Personal Services** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
 - g. **Limited Healthcare Settings** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
 - h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 175 people excluding staff, whichever is less, per room. **Restaurants** may also use any existing, licensed outdoor space for in-person dining with the same group limit of 10 and minimum spacing of 6 feet apart. **Restaurants** must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091**, as amended and extended, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 12:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.

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- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 25 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may be conducted at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, per room excluding staff.
- l. **Outdoor Events** may operate at 50% of the posted occupancy limit not to exceed 250 people per designated activity or area.
- m. **Recreation, including Gyms, recreation centers and indoor pools** and outdoor recreation facilities, may open at 25% capacity, not to exceed 75 people, whichever is less, excluding staff per room indoors or per activity or area outdoors.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 50 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 25 people, whichever is less.
- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 25 participants indoors and 50 participants outdoors.
- q. **Casinos** may operate their slot machines using the same capacity requirements as Indoor Events, 50% of the posted occupancy limit not to exceed 175 people per room, whichever is less, excluding staff. Table games are not authorized to operate.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

D. LEVEL YELLOW: CONCERN.

- 1. The metrics for **Level Yellow** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 175 per 100,000 in a two week period;
 - b. The percent of positive test results over a rolling 14 day average is no greater than 10%; and
 - c. To move into this level from a more restrictive level, hospitalization rates are stable or improving for at least 8 days in the preceding 14 day period.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Yellow** are as follows:

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- a. **Public and private gatherings** are limited to no more than 10 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** are advised to remain at home as much as possible.
- b. **Non-Critical Office-based businesses** may operate the same as **Level Blue**, and remote working is strongly encouraged.
- c. **Critical and Non-critical Retail** may operate the same as **Level Blue**.
- d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room within their usable space.
- e. **Field Services** may operate the same as **Level Blue**.
- f. **Personal Services** may operate the same as **Level Blue**.
- g. **Limited Healthcare Settings** may operate the same as **Level Blue**.
- h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space. Outdoor dining operates the same as **Level Blue**. Pursuant to **Executive Order D 2020 091**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 11:00 P.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 10 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may operate at 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room excluding staff within their usable space. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.

- l. **Outdoor Events** may operate at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#), excluding staff, per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator..
- m. **Recreation, including Gyms, recreation centers and indoor pools** and outdoor recreation facilities and activities, may operate at 25% capacity, not to exceed 50 patrons, whichever is less, per room indoors or per activity or area outdoors.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 25 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 10 people, whichever is less.
- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants indoors and 25 participants outdoors.
- q. **Casinos** may operate their slot machines using the same capacity requirements as **Indoor Events**, 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room excluding staff within their usable space. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Table games are not authorized.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

E. LEVEL ORANGE: HIGH RISK.

1. The metrics for **Level Orange** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 350 per 100,000 in a two week period;
 - b. The percent of positive results over a rolling 14 day average is no greater than 15%; and

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- c. To move into this level from a more restrictive level, hospitalization rates are stable or declining for at least 8 days in the preceding 14 day period.
2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Orange** are as follows:
 - a. **Public and private gatherings** are limited to no more than 10 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** are strongly advised to remain at home as much as possible.
 - b. **Non-Critical Office-based businesses** may allow in-person work up to 25% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer increased options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
 - d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
 - e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements.
 - f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
 - g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
 - h. **Restaurants** may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Restaurants may also use any existing, licensed outdoor space for in-person dining with a group limit of 10 and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091** all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 10:00 P.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
 - i. **Smoking Lounges** may operate at 25% of the posted occupancy limit, not to exceed 10 people, whichever is less.

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- j. Repealed.
- k. **Indoor Events** may operate at 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** may operate at 25% capacity, not to exceed 25 people, whichever is less, excluding staff per room indoors or per activity or area outdoors. Organized recreational youth or adult league sports must instead follow the requirements in Section II.E.2.n below.
 - 2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.
- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted virtually or with no more than 10 participants outdoors only.
- q. **Casinos** may operate at the same capacity requirements as **Indoor Events**, 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Table games are not authorized.

- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

F. LEVEL RED: SEVERE RISK.

- 1. The metrics for **Level Red** are as follows:
 - a. New COVID-19 cases are at an incidence of greater than 350 per 100,000 in a two week period;
 - b. The percent of positive results over a rolling 14 day average is greater than 15%; and
 - c. To move into this level from a more restrictive level, hospitalization rates are stable or declining for at least 8 days in the preceding 14 day period.
- 2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Red** are as follows:
 - a. **Public and private gatherings** involving two or more people are prohibited, except for the limited purposes expressly authorized in this Order and for the purpose of accessing or engaging in **Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - b. **Non-critical Office-based businesses** may allow in-person work up to 10% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible.
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer enhanced options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
 - d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
 - e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions** are closed. Individual real estate showings are authorized and open houses may operate with only one household in the property at a time.
 - f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
 - g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room to provide those services.

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- h. **Restaurants** are closed for in-person indoor dining but may offer curbside, takeout and delivery services. Restaurants may also use any existing, licensed outdoor space for in-person outdoor dining with tables limited to members of the same household and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption between 8:00 P.M. and 7:00 A.M. MDT each day. Takeout may continue until 10:00 PM. Counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** are closed for indoor services, but can remain open outdoors with tables limited to members of the same household.
- j. Repealed.
- k. **Indoor Events** are closed; except that educational institutions like museums and aquariums may operate at 25% of the posted occupancy limit not to exceed 25 people using the [Distancing Space Calculator](#) per room.
- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Two or more individuals attending an outdoor event together must be members of the same household and shall maintain 6 feet distancing from attendees who are not household members.
- m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** may operate at 10% capacity, not to exceed 10 people, whichever is less, excluding staff per room indoors. **Gyms and recreation centers** may operate with 10 or fewer individuals outdoors. Reservations are required for all indoor and outdoor services. Organized recreational youth or adult league sports must instead follow the requirements in Section II.F.2.n below.

2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.
- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants outdoors only.
- q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

G. Level Purple: Extreme Risk

1. The metrics for **Level Purple** are as follows:
 - a. Hospital capacity risks being breached, which may be indicated by:
 - i. approaching the need for hospital crisis standards of care,
 - ii. utilizing alternate care sites,
 - iii. critical shortages of staff or personal protective equipment (PPE),
or
 - iv. hospitals approaching 90% of their reported surge capacity.
 - b. Extreme risk to individuals in the county, region or state as determined by CDPHE.
2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Purple** are as follows:
 - a. **Public and private gatherings** involving two or more people of any number of people occurring outside a residence are prohibited, except for the limited purposes expressly authorized in this Order permitted in this PHO and for the purpose of accessing or engaging in which include **Essential Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - i. All travel, including, but not limited to, travel by automobile or public transit, except **Necessary Travel** is prohibited. People must

use public transit only for purposes of performing **Necessary Activities** or to travel to and from work to operate **Critical Businesses** or maintain **Critical Governmental Functions**. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.

- b. **Non-critical Office-based businesses** are closed for in-person work but may continue to perform remote work if possible and carry out **Minimum Basic Operations**.
- c. **Non-critical Retail** is closed for in-person work or services but may operate and provide curbside, pick up or delivery services, may provide services online, and may continue to carry out **Minimum Basic Operations**. **Critical Retail** is strongly encouraged to take extraordinary measures to provide enhanced curbside, pick up or delivery services and minimize in-person services to the greatest extent possible.
- d. **Non-critical Manufacturing** may operate at 10% of the posted occupancy limit not to exceed 25 people, whichever is less, per room.
- e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Governmental Functions** are closed, including real estate open houses.
- f. **Personal Services** are closed for in-person work and services but may continue to carry out **Minimum Basic Operations**.
- g. **Limited Healthcare Settings** that provide services may operate at 10% of the posted occupancy limit, not to exceed 25 people, per room to provide those services.
- h. **Restaurants** are closed for in-person indoor and outdoor dining but may offer curbside, takeout and delivery services.
- i. **Smoking Lounges** are closed for in-person work but may continue to carry out **Minimum Basic Operations**.
- j. Repealed.
- k. **Indoor Events** are closed.
- l. **Outdoor Events** are closed.
- m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** are closed for indoor activities, except that fitness centers and nonessential personal services included in residential facilities, such as hotels, apartment or condominium complexes or similar housing arrangements, that are limited to use only by hotel guests or residents of the housing who are following social distancing requirements of at least 6 feet

between individuals, and the hotel or property managers are performing frequent environmental cleaning may operate. **Gyms and recreation centers** may operate with 10 or fewer individuals outdoors.

2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- o. **Outdoor Guided Activities** may operate at 25% capacity of the outdoor activity setting, not to exceed 10 household members.
- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** are closed.
- q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

III. BUSINESS AND ACTIVITY REQUIREMENTS

A. In **Levels Blue, Yellow, and Orange**, any business or activity not addressed in this Order or corresponding interpretive guidance found [here](#) may operate with 10 or fewer individuals per room in accordance with the requirements in Section III.C of this Order. In **Levels Red and Purple**, any business not addressed in Sections II.F and II.G of this Order are closed.

1. The following establishments remain closed in **Levels Blue, Yellow, Orange and Red**:
 - a. **Bars** that do not serve food; and
 - b. Amusement parks, and the use of bounce houses and ball pits in any public or commercial venue.
2. The following businesses or activities are subject to the requirements of other public health orders:
 - a. Nursing facilities, assisted living residences and intermediate care facilities are subject to PHO 20-20; and

- B. Voluntary and elective surgeries and procedures are subject to PHO 20-29.
- B. All Critical Businesses and Critical Government Functions**, as defined in **Appendix A** and Section IV.C of this Order, may continue to operate, and must comply with **Distancing Requirements**, adopt work from home or tele-work policies for any operations that can be done remotely, and implement other strategies, such as staggered schedules or re-designing workplaces, to create more distance between workers unless doing so would make it impossible to carry out critical functions. **Critical Businesses and Critical Government Functions** should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions.
- C. All Business and Government Functions. All Businesses and Government Functions** shall follow the protocols below:
1. **Face Coverings.** Face coverings are required pursuant to **Executive Order D 2020 138**, as amended and extended, for all individuals in public indoor settings unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities described in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 2. **Work Accommodations.** Employers must provide reasonable work accommodations, such as telecommuting, for **Individuals At Risk of Severe Illness from COVID-19** who are still advised to stay in their residence. Employers are also strongly encouraged to provide reasonable work accommodations for individuals who reside with or are caring for **Individuals at Risk of Severe Illness from COVID-19**, or facing child care needs while schools remain closed.
 3. **Disease Prevention Measures for the Workplace.** Employers and sole proprietors shall take all of the following measures within the workplace to minimize disease transmission, in accord with the [CDPHE Guidance](#):
 - a. deputize a workplace coordinator(s) charged with addressing COVID-19 issues;
 - b. maintain 6 foot separation between employees and discourage shared spaces;
 - c. [clean and disinfect](#) all high touch areas;
 - d. post signage for employees and customers on good hygiene;
 - e. ensure proper ventilation;
 - f. avoid gatherings (meetings, waiting rooms, etc) of more than 10 people or

- provide sufficient spaces where **Distancing Requirements** can be maintained if larger gatherings are required by law, such as for some government functions like trials;
- g. implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite to the greatest extent possible, or if not practicable, through employee self-assessment at home prior to coming to the worksite. A sample form can be found [here](#). If an employee reports any symptoms, refer symptomatic employees to the [CDPHE Symptom Tracker](#) and take all of the following steps:
 - 1. send employee home immediately;
 - 2. increase cleaning in your facility and mandate 6 feet **Distancing Requirements** of staff from one another;
 - 3. exclude employee until they are released from isolation by public health. In most cases, someone is released from isolation when they are fever-free, without medication, for 24 hours, other symptoms have improved and 10 days have passed since their first symptom. A limited number of people with severe illness may require longer isolation; and
 - 4. if two or more employees have these symptoms, consult [CDPHE's outbreak guidance](#), contact your local health department and cooperate in any disease outbreak investigations; and
 - h. eliminate or regularly [clean and disinfect](#) any items in common spaces, such as break rooms, that are shared between individuals, such as condiments, coffee makers, vending machines.
4. **Disease Prevention Measures for Employees.** Employers shall take all of the following measures regarding employees to minimize disease transmission:
- a. require employees to stay home when showing any symptoms or signs of sickness, which include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea and connect employees to company or state benefits providers;
 - b. provide work accommodations for **Individuals at Risk of Severe Illness from COVID-19** who remain subject to **Stay at Home** advisement, prioritizing telecommuting, as **Individuals at Risk of Severe Illness from COVID-19** shall not be compelled to go to work during the pendency of this pandemic emergency;
 - c. provide to the greatest extent possible flexible or remote scheduling for

- employees who may have child or elder care obligations, or who live with a person who still needs to observe **Stay at Home** due to underlying condition, age, or other factor;
- d. encourage and enable remote work whenever possible;
 - e. encourage breaks to wash hands or use hand sanitizer;
 - f. phase shift and breaks to reduce density; and
 - g. provide appropriate protective gear like [gloves, masks, and face coverings](#) as defined by [OSHA industry standards](#) and require face coverings for all employees in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended.
5. **Disease Prevention Measures for Customers.** Employers and sole proprietors shall implement the following measures regarding customers to minimize disease transmission:
- a. create whenever possible special hours for **Individuals at Risk of Severe Illness from COVID-19** only;
 - b. encourage 6 foot **Distancing Requirements** inside of the business for all patrons;
 - c. encourage customer use of protection like gloves and face coverings, and require face coverings for all customers in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended;
 - d. provide hand sanitizer at the entrances to the greatest extent possible; and
 - e. use contactless payment solutions, no touch trash cans, etc. whenever possible.
6. **Large Employers.** Employers with over fifty (50) employees in any one location shall, in addition to the above requirements, implement the following protocols:
- a. implement employee screening systems that follow the requirements of Section II.C.3.g above in one of the following ways:
 - i. Set up stations at the worksite for symptom screening and temperature checks; or
 - ii. Create a business policy that requires at-home employee self-screening each work day and reporting of the results to the employer prior to entering the worksite;
 - b. close common areas to disallow gatherings of employees;
 - c. implement mandatory cleaning and disinfection protocols; and
 - d. require mandatory adherence to **Distancing Requirements**.

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- D. Non-Critical Office-Based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix B** of this Order.
- E. All Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix C** of this Order.
- F. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix D** of this Order.
- G. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix E** of this Order.
- H. Personal Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix F** of this Order.
- I. Limited Healthcare Settings** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix G** of this Order.
- J. Restaurants** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix H**. Additionally, for **Levels Blue, Yellow, Orange and Red**, only **Bars** that offer food from a licensed retail food establishment for on-premise consumption and follow the Restaurant requirements in **Appendix H** of this Order may operate. All other **Bars** are closed to ingress, egress, use, and occupancy by members of the public, but may offer alcoholic beverages with food service offered through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in that PHO and in accordance with mandatory **Distancing Requirements**.

 - 1. All licensees licensed pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under C.R.S. §§ 44-3-402(2), 44-3-402(7), 44-3-403(2)(e), or 44-3-407(1)(b), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for

on-premises consumption. Nothing in **Executive Order D 2020 091**, as amended and extended:

- a. prohibits on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes who have delivery privileges from making alcohol beverage sales for delivery after the close of on-premise or take-out services; or
- b. changes or amends the requirements of C.R.S. § 44-3-901(1)(a) that prohibit selling or serving alcohol beverages to visibly intoxicated people, and in accordance with Colorado law, over-service violations could result in administrative action by the Liquor Enforcement Division up to and including revocation of a liquor license.

K. Smoking Lounges may operate at the level described in Section II of this Order for which the county in which they operate is approved. For **Smoking Lounges** with outdoor spaces, the establishment must follow local zoning requirements for such spaces. **Smoking Lounges** may provide retail sales, pick up, and delivery of their products.

L. Repealed.

M. Indoor and Outdoor Events may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix I** of this Order.

N. Recreation, including **Gyms and Fitness** and outdoor recreation facilities and activities may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the specific requirements of **Appendix J** of this Order.

O. Sports.

1. **Organized Recreational Youth or Adult League Sports** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix J**.
2. **Professional sports** may resume pre-season practices, training and league play after they submit a reopening plan that details their disease prevention and mitigation strategies to the CDPHE and receive approval, and visiting teams will also follow those approved plans when playing in Colorado. Many professional leagues have created their own reopening requirements and guidance, and professional teams are expected at a minimum to

incorporate those requirements into their reopening plans. Colorado sporting events that include both a professional event and a recreational event must have their professional opening plan reviewed and approved by CDPHE. Any recreational sporting events must follow the recreation requirements contained in **Appendix J** and any guidance found [here](#).

3. **High School Sports** that do not follow the personal recreation guidance in **Appendix J**, and are operating under the auspices of the Colorado High School Athletic Association (CHSAA), may resume practices and games after CHSAA submits plans to CDPHE that detail their disease prevention and mitigation strategies and receives approval.
- P. Outdoor Guided Activities** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix K** of this Order.
- Q. Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix L** of this Order. License-exempt child care programs, such as single skill-building and 72-hour camps, are considered critical child care services and must follow the child care guidance, including the [case and outbreak guidance](#) for schools and child cares. Single skill-building team or group sports camps are not considered critical child care services and must follow the requirements in Section II and **Appendix L** of this Order.
- R. Postsecondary Institutions.** Programs and courses at public and private postsecondary institutions may resume in-person classes at the same capacity restrictions for **Indoor Events** at the level described in Section II of this Order for which the county in which they operate is approved.
1. Each institution should consult with the local public health agency for the county in which the institution resides concerning implementation of disease prevention measures in accordance with the [CDPHE Guidance for Higher Education](#), including following all **Distancing Requirements**, determining whether course content should be delivered remotely or in person based upon the prevalence of disease at the school and in the county, and managing any cases and outbreaks, including helping implement quarantine and isolation as needed in accordance with CDPHE guidelines, to minimize any further spread of disease.

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2. Institutions that conduct COVID-19 sample collection for testing in a lab that they own, operate or manage must report all test results, whether positive or negative, to CDPHE. Institutions that contract out laboratory testing services for COVID-19 samples must include in their contracts with the laboratory service provider the requirement to submit all COVID-19 testing results to CDPHE.
3. Institutions shall work in close collaboration and coordination with local health officials and health care partners to develop protocols for confirmed cases and outbreaks of COVID-19 at the institution and in the community. Such protocols shall include communication with public health, case notification, environmental cleaning, contact tracing, and arranging for quarantine of contacts and isolation of cases in accordance with CDPHE guidelines.
4. All possible outbreaks of COVID-19 must be reported to public health within 24 hours of detection in a manner specified by CDPHE. If an institution is unsure if the cases had contact with one another, report to public health for investigation.
 - a. An outbreak in a postsecondary institution is defined as two or more laboratory-confirmed COVID-19 cases among students or staff, from separate households, in contact with one another with either onset of symptoms of disease or a positive test date if asymptomatic, within a 14-day period.
5. Institutions shall respond to CDPHE surveys collecting information concerning COVID-19 investigation and response activities, such as the use of quarantine and isolation, in a manner specified by CDPHE.
6. Residential postsecondary institutions shall have policies in place that require all of the following:
 - a. All students of residential postsecondary institutions shall monitor their health daily for the following COVID-19 symptoms: subjective fever/chills; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - b. Any student of a residential postsecondary institution who develops COVID-19 symptoms during the term of this Order shall:
 - i. If living in on campus housing, notify their postsecondary institution immediately and follow all public health requirements for isolation and quarantine in accordance with CDPHE guidelines;

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- ii. If living in off campus congregate student housing, defined as 10 or more students living in the same residence, notify their local public health agency immediately and follow all public health requirements for isolation and quarantine in accordance with CDPHE guidelines;
 - iii. Stay separated away from others (i.e. isolate) until all of the following criteria are met:
 1. No fever (of at least 100.4 degrees), without medication, for at least twenty-four (24) hours; and
 2. All other COVID-19 symptoms have improved; and
 3. At least ten (10) days have passed since symptoms first appeared, or longer if so directed by public health;
 - iv. Stay separated from all other people as much as possible. Use a separate bathroom, if available; if unavailable, disinfect all touched surfaces before leaving the bathroom;
 - v. Contact any health care provider prior to visiting its office so that arrangements can be made to prevent exposing other persons at the office;
 - vi. In the event of a medical emergency and need to call 911, notify dispatch personnel that they may have COVID-19 and put on a **Face Covering** before the emergency medical personnel arrives; and
 - vii. Cooperate with public health and school representatives regarding case investigation and contact tracing.
7. Students of postsecondary institutions are subject to COVID-19 screening, quarantine, and isolation requirements as follows:
 - a. Screening requirements.
 - i. Screening for COVID-19 symptoms includes all of the following: fever of 100.4F or higher; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - ii. Institutions shall implement screening protocols for students in campus housing and for access to other campus buildings, such as class buildings, recreational facilities, and dining halls. Restrict building access by non-residents, including outside guests, non-residential staff, and others. These restrictions may not apply when the law otherwise requires,

- such as allowing personal care attendants for students with disabilities.
- iii. Students living in off campus congregate student housing, defined as 10 or more students living in the same residence, shall implement screening protocols for all residents that share off campus congregate student housing as well as any guests to the residence and maintain records of the screening results. Each off campus congregate student residence shall designate a contact person to work with public health and school representatives regarding implementation of public health requirements.
- b. Isolation requirements. Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, isolation protocols as needed for students who are symptomatic or test positive for COVID-19.
- i. Isolate any symptomatic or COVID-19 positive cases away from others in the residence and limit the sharing of services, such as restrooms or kitchen facilities, with other residents to the greatest extent possible,
 - ii. notify public health immediately, no later than 24 hours from detection, and
 - iii. isolated individuals must remain in isolation without leaving the residence other than for medical care until released by public health;
- c. Quarantine requirements. Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, quarantine protocols in accordance with CDPHE guidelines as needed for students who are close contacts of a symptomatic individual or an individual who tests positive for COVID-19.
- i. Quarantine for 14 days from the last date of exposure to any close contacts, defined as individuals who were within 6 feet of an ill or symptomatic individual for 15 minutes or longer or other high risk contact defined by public health. and
 - ii. quarantined individuals may only leave the residence for medical care;
- d. Clean and disinfect the residence in accordance with CDC's shared or congregate housing guidance, found [here](#);

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- e. Provide public health as soon as possible the information necessary for case investigation and contact tracing; and
 - f. Implement testing for COVID-19 for all congregate student housing residents in accordance with the recommendations of public health.
8. Institutions of higher education should utilize their student disciplinary process regarding students who are not complying with state and local public health orders.
- S. Ski Resorts.** Prior to opening a ski resort, the resort must do all of the following:
- 1. Work with the local community to create an opening plan. The plan must:
 - a. Comply with any guidance issued by CDPHE for ski resorts,
 - b. Phase in operations in a way to ensure the ski resort can be fully compliant with all guidelines,
 - c. Factor in the overall capacity that a community can safely host and follow all **Distancing Requirements**, and
 - d. Describe how the ski resort will assist the community in dealing with the increased volume of tourists during winter;
 - 2. Receive local government approval of the opening plan, either the county or municipality as appropriate;
 - 3. Submit the opening plan to the local public health agency for their review to ensure alignment with state and local guidance; and
 - 4. If approved by the local public health agency, the agency will submit the opening plan to CDPHE for final review and approval.

IV. DEFINITIONS

- A. Bar** means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages and, if serving food, only snacks and not kitchen-prepared meals.
- B. COVID-19 Dial or Dial** means the six levels, designated as **Green, Blue, Yellow, Orange, Red** and **Purple**, defined by CDPHE in which a county may allow businesses to operate and activities to occur based upon standard metrics regarding disease incidence, percent positivity, and hospitalization rates, with additional metrics required to be met for **Level Green**.
- C. Critical Business.** Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or

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service activities listed in **Appendix A**, must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so. A list of **Critical Businesses** is contained in **Appendix A** of this Order.

D. Critical Government Functions. The provision, operation and support of the following state and local government functions shall continue:

1. Public health and safety (public health agencies, police stations, fire and rescue stations, sheriff authorized search and rescue, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
2. Emergency response
3. Judicial branch operations including state and municipal courts, including attorneys, experts, witnesses, parties, and any personnel necessary for trials, court appearances, or other court business. The Judicial branch is encouraged to make remote participation available to the greatest extent possible.
4. The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions
5. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions)
6. Designated emergency shelters
7. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits)
8. Public utility plant facilities for generation and distribution (drinking water and wastewater infrastructure, hubs, treatment plants, substations and pumping stations for power and gas, but not including towers, poles, power lines, and oil and gas buried pipelines)
9. Transportation. All public and private airports, airlines, taxis, transportation network companies (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for **Necessary Activities**, in compliance with the transportation guidance found [here](#).

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10. Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
 11. Hazardous material safety
 12. Services to at-risk populations and **Individuals at Risk of Severe Illness from COVID-19**
 13. Activities related to federal, state, and local elections, including any required acts of a political party, provided **Distancing Requirements** are observed to the greatest extent possible
 14. Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services
 15. Election operations and activities within voter services and polling centers, county clerk offices, and other locations where election operations occur, including but not limited to the functions performed by election judges, signature gatherers/circulators, authorized watchers, and voters.
- E. Distancing Requirements.** To reduce the risk of disease transmission, individuals shall maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.
- F. Field Services** means a service that is being provided out in the field as opposed to a company property, including third party private properties, such as a third party household.
- G. Gym** means a building or room used for indoor sports or exercise, such as fitness, dance, exercise or group classes, exercise studios and centers, recreation centers, bowling alleys, pools, and other indoor athletic facilities.
- H. Individual at Risk of Severe Illness from COVID-19** means:
1. Individuals who are 65 years and older;
 2. Individuals who have cancer;
 3. Individuals who have chronic kidney disease;
 4. Individuals who have chronic obstructive pulmonary disease;
 5. Individuals who are immunocompromised (weakened immune system) from solid organ transplant;
 6. Individual who have a body mass index of 30 or higher;

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7. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
 8. Individuals who have Sickle cell disease;
 9. Individuals who have Type 2 diabetes mellitus;
 10. Individuals who are pregnant;
 11. Individuals who smoke; and
 12. Other individuals determined to be high risk by a licensed healthcare provider.
- I. Indoor Events** means indoor activities like receptions, events, concerts, indoor markets, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other sectors listed in this Order.
- J. Limited Healthcare Settings** means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services. Services provided in **Limited Healthcare Settings** that are ordered by a medical, dental or veterinary practitioner, are subject to the requirements of PHO 20-29; otherwise, the services are subject to the requirements of PHO 20-36.
- K. Minimum Basic Operations.** The minimum necessary activities to (1) maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or (2) facilitate employees of the business being able to continue to work remotely from their residences are allowable pursuant to this Order; continue filling online product orders and to process customer orders remotely. Any business supporting **Minimum Basic Operations** must comply at all times with **Distancing Requirements**.
- L. Necessary Activities.** For purposes of this PHO, individuals are encouraged to only leave their Residence to perform any of the following **Necessary Activities**, provided they comply at all times and to the greatest extent possible with **Distancing Requirements** below. **Individuals at Risk of Severe Illness from COVID-19** are urged not to leave their residence except as necessary to receive medical care. People who are sick must not leave their residence except as necessary to receive medical care, and must not go to work, even for a **Critical Business**. **Necessary Activities** include:
1. Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members, including, but not limited to, pets and livestock, such as, by way of example only and without

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- limitation, obtaining medical supplies, walking your dog, feeding barnyard animals, obtaining durable medical equipment, obtaining medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
2. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, food, pet supply, other household consumer products, and products or equipment necessary to maintain the safety, sanitation, and essential operation of a Residence.
 3. Engaging in outdoor activity, such as, by way of example and without limitation, walking, hiking, nordic skiing, snowshoeing, biking or running. For purposes of outdoor activity, State parks will remain open to the public who live in the vicinity to engage in walking, hiking, biking, running, camping and similar outdoor activities, basketball and tennis courts may be open for use. For other parks, check with the local jurisdiction and follow any requirements for that jurisdiction. For ski resorts, the local public health agency must approve the ski resort's plan prior to opening as outlined in section III.S. Additionally, the permitted outdoor activities in this PHO do not include activities that would violate the **Distancing Requirements** defined in this Section IV.
 4. Performing work providing for businesses, government entities, and industries authorized Section II of this Order, or to otherwise carry out activities permitted in this Order.
 5. Caring for a family member, a vulnerable person, or pet in another household, or to care for livestock kept at a location other than an individual's home.
- M. Necessary Travel.** For purposes of this Order, travel is Necessary for any of the following purposes: (1) providing or accessing **Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses**, and other businesses or industries authorized in Section II of this Order; (2) receiving materials for distance learning, for receiving meals, and any other related services from educational institutions; (3) returning to a place of residence from outside the jurisdiction; (4) travel required by law enforcement or court order; (5) travel to transport children between separate households pursuant to a parenting plan or other agreement governing parental responsibilities; (6) non-residents returning to their place of residence; (7) moving to a new residence, including individuals whose Residence is unsafe due to domestic violence concerns.
- N. Non-Critical Office-Based Business** means any commercial business that is conducted in an office and not a production environment and is not included in the list of **Critical Businesses** in **Appendix A**.

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- O. Non-Critical Retail** means any retail service that is not included in the list of critical retail services in **Appendix C**. Examples of **Non-Critical Retail** include retailers of clothing, home goods, cell phone stores, mattresses, appliances, thrift shops, apothecaries, vape and tobacco shops, craft, hobby and fabric stores, fishing tackle retailers, sporting goods, boutiques, etc.
- P. Outdoor Events** means outdoor activities such as outdoor receptions, events, fairs, rodeos, non-critical auctions, concerts, outdoor markets, or other outdoor venues not covered in any other sector in this Order. This does not include activities covered under delineated sectors in this Order such as **Restaurants** or **Outdoor Guided Tours**.
- Q. Personal Services** means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. **Personal Services** include, but are not limited to, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided. Massage therapy services ordered by a healthcare professional should consult **Executive Order D 2020 027**, as amended and extended.
- R. Recreation** means **Gyms** as defined in Section IV.F and outdoor recreation facilities and activities, such as playgrounds, tennis and pickleball courts, bike and motocross tracks, and outdoor swimming pools.
- S. Restaurant** means restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption or from a licensed retail food establishment.
- T. Safer at Home** means individuals stay in your place of residence as much as possible, and avoid unnecessary social interactions.
- U. Smoking Lounge** means any establishment authorized at the state or local level to provide space for patrons to smoke or vape, indoors or outdoors, while at the establishment.

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V. Stay at Home means to stay in your place of residence, which includes hotels, motels, and shared rental facilities, and not leave unless necessary to provide, support, perform, or operate **Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses.**

V. VARIANCE REQUESTS.

Any Colorado county that is in **Level Blue** or **Yellow** may request a site specific variance from CDPHE authorizing implementation of different restrictions for the requested site than what is required in this Order. The variance request must include the site requirements endorsed by the local public health agency and adopted by the county commissioners or other county-level governing body, in addition to verification from local hospitals that they have the capacity to serve all people needing their care. Further requirements concerning variance requests are contained in **Appendix M.**

VI. ENFORCEMENT

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

VII. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VIII. DURATION

This Order shall become effective at 5 PM on Monday, December 7, 2020 and will expire in 30 days unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

December 7, 2020

Date

Appendix A. Critical Businesses List

Appendix B. Non-Critical Office-Based Businesses

Appendix C: Critical and Non-Critical Retail Requirements

Appendix D: Non-Critical Manufacturing

Appendix E: Field Services

Appendix F: Personal Services

Appendix G: Limited Healthcare Settings

Appendix H: Restaurants

Appendix I: Indoor and Outdoor Events

Appendix J: Recreation

Appendix K: Outdoor Guided Services

Appendix L: Children's Day Camps, Residential Camps, Youth Sports Day Camps And Exempt Single Skill-Building Youth Camps

Appendix M: County Site Specific Variance Requests

APPENDIX A: CRITICAL BUSINESSES

Critical Business. Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed below, should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions, in which case they may exceed the sector restrictions to the minimum extent necessary to carry out critical functions. **Critical Retail** may not exceed 50% of the posted occupancy limit under all **Dial** levels. **Critical Businesses** must comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so.

“**Critical Business**” means:

1. Healthcare Operations, Including:

- Hospitals, clinics, and walk-in health facilities
- Medical and dental care, including ambulatory providers
- Research and laboratory services
- Medical wholesale and distribution
- Home health care companies, workers and aides
- Pharmacies
- Pharmaceutical and biotechnology companies
- Behavioral health care providers
- Veterinary care and livestock services
- Nursing homes, residential health care, or congregate care facilities
- Medical supplies and equipment manufacturers and providers, including durable medical equipment technicians and suppliers
- Blood banks

2. Critical Infrastructure, Including:

- Utilities and electricity, including generation, transmission, distribution and fuel supply
- Road and railways
- Oil and gas extraction, production, refining, storage, transport and distribution
- Public water and wastewater
- Telecommunications and data centers
- Transportation and infrastructure necessary to support critical businesses

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- Hotels, and other places of accommodation
- Businesses and organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged, persons with access and functional needs, or otherwise needy individuals
- Food and plant cultivation, including farming crops, livestock, food processing and manufacturing, animal feed and feed products, rendering, commodity sales, and any other work critical to the operation of any component of the food supply chain
- Any business that produces products critical or incidental to the construction or operation of the categories of products included in this subsection
- Flight schools

3. Critical Manufacturing, Including:

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a **Critical Business**

4. Critical Retail, Including:

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores
- Restaurants for curbside, takeout and delivery, in compliance with the requirements of **Appendix H** of this Order
- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant)
- Liquor stores for curbside, takeout and delivery
- Firearms stores

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- Hardware, farm supply, and building material stores
- Establishments engaged in the retail sale of food and any other household consumer products (such as cleaning and personal care products), excluding retailers of only health and nutrition-related products (vitamins, minerals, supplements, herbs, sports nutrition, diet and energy products)
- Establishments engaged in the sale of products that support working from home (this exclusion does not include businesses that primarily sell hobby craft supplies)

5. Critical Services, Including:

- Trash, compost, and recycling collection, processing and disposal
- Mail and shipping services, and locations that offer P.O. boxes
- Self-serve laundromats and garment and linen cleaning services for critical businesses
- Building cleaning and maintenance
- Child care services, following [case and outbreak guidance](#) for child care and schools
- Automobile rental, automobile online sales with no touch delivery service, auto supply and repair (including retail dealerships that include repair and maintenance, but not in person retail sales)
- Warehouse/distribution and fulfillment, including freight distributors
- Funeral homes, crematoriums, and cemeteries
- In-person pastoral services for individuals who are in crisis or in need of end of life services provided Distancing is observed to the greatest extent possible.
- Houses of Worship and associated ceremonies such as weddings, funerals and baptisms (religious or secular)
- Storage for **Critical Businesses**
- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, animal grooming, and other related facilities
- Moving services
- In person group counseling or recovery meetings for substance abuse or behavioral health following Distancing of 6 feet and no more than 10 participants
- Libraries

6. News Media

- Newspapers
- Television
- Radio
- Other media services

7. Financial and Professional Institutions, Including:

- Banks and credit unions
- Insurance and payroll
- Services related to financial markets
- Professional services, such as legal, title companies, or accounting services, real estate appraisals and transactions

8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:

- Homeless shelters and congregate care facilities
- Food banks
- Human services providers whose function includes the direct care of patients in State-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in State-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

9. Construction, Including but not Limited To:

- Housing and housing for low-income and vulnerable people
- Skilled trades such as electricians, plumbers
- Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions**, and other essential services

10. Defense

- Defense, security, and intelligence-related operations supporting the State of Colorado, local government, the U.S. Government or a contractor for any of the foregoing
- Aerospace operations
- Military operations and personnel
- Defense suppliers

11. Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences or Other Critical Businesses, Including:

- Law enforcement
- Fire prevention and response
- Building code enforcement
- Security

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- Emergency management and response
- Building cleaners or janitors
- General maintenance whether employed by the entity directly or a vendor (including maintenance and repair of ordinary household and business appliances but not in-person retail sales of such products)
- Automotive and bicycle repair
- Disinfection
- Snow removal
- Bail bonds agents
- Pest control

12. Vendors that Provide Critical Services or Products, Including Logistics and Technology Support, Child Care and Services:

- Logistics
- Technology support for online and telephone services
- Child care programs and services, following [case and outbreak guidance](#) for child care and schools
- Government owned or leased buildings
- **Critical Government Functions**

13. Educational Institutions, for Purposes of providing Critical Services to Students and the General Public:

- Pre-kindergarten through 12th grade public and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and in consultation with the local public health agency providing in person learning as necessary, or other essential services to students as determined by the school or school district in consultation with the local public health agency. Such institutions are required to work with state and local public health officials and follow [case and outbreak guidance](#) for schools when cases of COVID-19 are suspected or confirmed in students or staff to determine transmission mitigation strategies, isolation, quarantine and shifting to remote learning.
- Postsecondary institutions, including private and public occupational schools, colleges and universities, for the purpose of facilitating remote learning, providing in person classroom or laboratory education only in limited circumstances when remote learning is not possible or appropriate, or performing essential functions, such as security, medical and mental health services, housing, food services, and critical research, provided that **Distancing Requirements** are observed.

APPENDIX B: NON-CRITICAL OFFICE-BASED BUSINESSES

- I. Non-Critical Office-based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as the requirements contained in this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. ensure a minimum of 6 feet of space between all desks and workspaces;
 2. modify the flow of people traffic to minimize contacts, such as identifying doors for entry or exit only;
 3. conduct standard office cleaning with increased frequency and supplement with sanitization of high touch areas, in accord with [CDPHE guidelines](#);
 4. provide employees with cleaning and disinfecting products and guidance on daily workspace cleaning routines; and
 5. post signage for employees and customers on good hygiene and new office practices.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. maximize use of telecommuting and develop in-office rotation schedules;
 2. minimize the number of in-person meetings and maintain 6 foot distancing in those meetings;
 3. provide guidance and encouragement on maintaining 6 foot distancing and taking breaks to wash hands;
 4. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all employees, volunteers, and vendors in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 5. require gloves and masks for any customer interactions; and
 6. allow telecommuting to the greatest extent possible.
- C.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. require 6 foot distancing measures wherever possible, such as marked space in check-out lines;

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2. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
3. provide hand sanitizer at entrances and other high-traffic locations; and
4. implement hours where service is only provided to **Individuals at Risk of Severe Illness from COVID-19** if possible.

APPENDIX C. CRITICAL AND NON-CRITICAL RETAIL REQUIREMENTS

- I. Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved. **Non-Critical Retailers** are encouraged to continue drive-through, curbside pick-up or delivery for longer term service wherever possible. **Critical** and **Non-Critical Retailers** must implement the requirements in Section III.C of this Order, in addition to the specific requirements in this **Appendix C**. Indoor malls are addressed separately in Section III of this **Appendix C**.
- A. Critical and Non-Critical Retail** must implement the following measures within the workplace to minimize disease transmission:
1. Elevate and increase frequency of cleaning practices, including cleaning and disinfection of high touch areas for both back-room and retail spaces.
 2. Restrict return policy to only items that can be properly sanitized prior to re-selling.
 3. Post signage for employees and customers on good hygiene and other sanitation practices.
 4. Maintain 6 foot distancing between patrons and employees;
 5. Effectively monitor employees' symptoms as listed in Section III.C;
 6. Require and provide face coverings for all employees, and gloves as necessary and appropriate;
 7. Provide dedicated, in-store hours for **Individuals at Risk for Severe Illness from COVID-19**.
- B. Critical and Non-Critical Retail** must implement the following measures regarding employees to minimize disease transmission:
1. Provide guidance and encouragement on maintaining 6 foot distancing between both employees and employees and customers.
 2. Provide appropriate face coverings and gloves to all employees whenever possible, and also allow employees who can to provide their own appropriate face coverings and gloves for work activities. Pursuant to **Executive Order D 2020 138**, as amended and extended, face coverings are required in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 3. Encourage frequent breaks to allow employees to wash or sanitize their hands.

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4. Require employees to stay home when showing any symptoms or signs of sickness.
 5. Provide personal protective equipment (PPE) for employees who are managing deliveries, returns, etc.
- C. Employers must implement the following measures regarding customers to minimize disease transmission:
1. Require 6 foot distancing measures wherever possible, such as marked space in pick up lines;
 2. Require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 3. Limit the number of customers on the premises as needed to make 6 foot distancing between customers attainable;
 4. Provide decals and demarcation for waiting area in lines that meet **Distancing** criteria;
 5. Create signage encouraging **Individuals At Risk of Severe Illness from COVID-19** to refrain from shopping outside of dedicated hours set aside for them;
 6. Create signage to remind of the requirement for all individuals in public indoor spaces to wear a face covering, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, and to encourage the use of gloves by customers while on the premises; and
 7. Provide hand sanitizer and wipes at entrances and other high-traffic locations to the greatest extent possible.

III. Retail Markets and Malls. Indoor and outdoor market operators shall follow the **Indoor or Outdoor Event** requirements in **Appendix I**. Both individual vendors operating within the mall and the common space in indoor malls shall follow **Retail** requirements.

APPENDIX D: NON-CRITICAL MANUFACTURING

- I. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. Create and implement policies or procedures for all of the following:
 - a. Limiting group interactions to keep any group less than ten (10) people by
 - i. staggering of shift changes, breaks, lunches, etc., and
 - ii. eliminating all-staff in-person meetings or lunches;
 - b. Modifying the flow of people traffic to minimize contacts, such as arranging one-way flow of work and people;
 - c. Implementing 6 foot distancing and impermeable barriers between employees whenever possible;
 - d. Limiting the sharing of tools, equipment, or other resources to the greatest extent possible, and if not feasible, implement cleaning and disinfection protocols as often as possible for any such shared tool, equipment and resources; and
 - e. Requiring hand washing upon arrival and before departure, establishing set hand washing time frames throughout shifts, and providing additional hand washing stations if possible.
 2. Conduct cleaning protocols as follows:
 - a. Daily deep cleaning and disinfecting and full cleaning in-between shifts in accordance with [CDPHE guidance](#); and
 - b. Establish protocols to increase the frequency of sanitization in work and common spaces, following OSHA requirements and CDPHE guidance, [found here](#);
 3. Provide contactless options, such as entry to the worksite, payments, etc., whenever applicable and possible;
 4. Use paperless, electronic options whenever possible to reduce the use of sharing paperwork;
 5. Ensure ventilation of work and break areas is in line with [OSHA guidance](#);
 6. Support transportation arrangements that discourage carpooling; and
 7. Develop a Preparedness and Response document in accordance with OSHA guidance.

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B. Employers must implement the following measures for employees to minimize disease transmission:

1. Provide guidance about how to comply with 6 foot distancing;
2. Designate workers to monitor and facilitate distancing on processing floor lines;
3. Require employees to use masks or face coverings, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties;
4. Require employees to wash their hands upon arrival to and before departure from the facility, as well as frequently during workshifts, in accordance with the policy required in Section I.A.1.vi of this **Appendix**;
5. Disinfect work stations between shifts and/or at the end of the workday;
6. Group employees into teams or shifts that remain together;
7. Stagger employee lunch and break times;
8. Encourage all employees not critical to in-person operations to continue working from home or working remotely; and
9. Encourage the wearing of masks or other face coverings while carpooling, and individuals are required pursuant to Executive Order D 2020 138 to wear a face covering while taking public transportation, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.

C. Employers must implement the following measures regarding customers to minimize disease transmission:

1. Prohibit entry to the worksite of all non-essential external visitors;
2. Conduct symptom checks for any essential visitors who will interact with employees;
3. Require essential visitors to wear masks or face coverings, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
4. Encourage 6 foot distancing and implement procedures to limit person-to-person interaction in inbound/outbound shipping areas.

APPENDIX E: FIELD SERVICES

- I. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. adhere to all general rules or guidance on social gathering limitations when working out of the office;
 2. implement procedures for field-based employees to monitor for symptoms and report-in to management daily on health status.
 3. comply with the **Distancing Requirements** and maintain a 6 foot distance between employees and from their customers;
 4. provide gloves and masks for any customer interactions or work being done in third-party home, office spaces, or other public indoor spaces;
 5. When scheduling or conducting field services, either the employer or an employee must inquire whether third-party homes have individuals symptomatic for COVID-19 or have been in contact with known positive cases, and exercise caution when inside the home and interacting with anyone in the home if they do;
 6. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, and location of contact, as well as the contact's phone number and/or email address;
 7. require that all tools or equipment be sanitized after each customer visit;.
 8. prioritize work accommodations for **Individuals at Risk of Severe Illness from COVID-19**, prioritizing telecommuting;
 9. provide guidance and encouragement on personal sanitation, including frequently washing hands. This guidance should include all of the following:
 - a. frequently and thoroughly wash your hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer with at least 60% alcohol;
 - b. cover coughs and sneezes with a tissue, then throw the tissue in the trash, or use your inner elbow or sleeve;
 - c. avoid touching your eyes, nose, and mouth with unwashed hands;
 - d. stay home if you're sick, and keep your children home if they are sick; and
 - e. clean high touch surfaces in your home, and personal items such as cell phones, using regular household products; and
 10. real estate open houses must follow the **Indoor Events** requirements in Section III.M. and **Appendix I** of this Order.

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B. Employers must implement the following measures regarding customers to minimize disease transmission:

1. provide estimates, invoices, receipts, and other documentation electronically to negate the need for paper;
2. provide contactless payment options in the field whenever possible;
3. encourage customers to maintain 6 foot distancing from field service employees;
and
4. encourage customers to use facial coverings when field services are being conducted and pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings if the services are provided in a public indoor space unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.

APPENDIX F: PERSONAL SERVICES

- I. Personal Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers and sole proprietors must implement the following measures within the workplace to minimize disease transmission:
1. Employ strict hygiene guidelines and cleaning and disinfection procedures for all contact surfaces and tools, in accordance with [CDPHE Worker and Customer Protection Guidelines for Non-Healthcare Industries](#);
 2. Ensure a minimum of 6 feet of separation between clients and customers, including services for pets, when not directly performing service;
 3. Post signage for employees and customers on good hygiene and safety measures being taken;
 4. Minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings; and
 5. Implement the capacity restrictions in Section II of this Order on a per room basis. All businesses offering services through employees or lessees in individual rooms must comply with the requirements of this Order for each room.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. Services with close personal contact, such as beauty professionals, massage, etc., must implement the following:
 - a. wear a face covering and gloves at all times, or, if wearing gloves is not feasible or appropriate, meticulous hand washing;
 - b. change gloves and wash hands between every individual or pet served;
 - c. clean and disinfect all shared equipment and tools between every individual or pet served; and
 - d. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number and/or email address.
 - e. for services where the client cannot wear a mask (facials, beard trims, etc.), the employee or practitioner is strongly encouraged to wear a medical-grade mask whenever possible, and must wear a face shield in addition to their mask.

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2. Personal services with low personal contact, such as movers or repair services, must implement the following:
 - a. maintain a minimum of 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
- C. Personal Services** must implement the following measures regarding customers to minimize disease transmission:
1. provide customer services by appointment only, do not allow walk-ins or waiting for an appointment, and follow **Distancing Requirements**;
 2. require customers to wear face coverings, except
 - a. for personal training in a pool,
 - b. if the service being performed requires the removal of a mask (e.g. a facial, lip waxing or beard trim), or
 - c. where the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
 - d. if a customer does not have a mask, a "disposable mask" could be provided;
 3. conduct symptoms check for all customers of services with close personal contact and decline to provide services to anyone who has symptoms. A sample form can be found [here](#); and
 4. provide contactless payment options whenever possible.

APPENDIX G: LIMITED HEALTHCARE SETTINGS

I. Limited Healthcare Settings may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. **Limited Healthcare Settings** may conduct voluntary and elective surgeries and procedures in limited healthcare facilities and offices with required personal protective equipment (PPE) in accord with the priorities, requirements, and specific criteria below.

- A.** Employers and sole proprietors of **Limited Healthcare Settings** must implement the following measures within the overall workplace, including administrative and front office operations, to minimize disease transmission:
1. The practice must have access to adequate PPE in order to sustain recommended PPE use for its workforce for two weeks without the need for emergency PPE-conserving measures. If a practice proposes to extend the use of or reuse PPE, it must follow CDC guidance.¹
 2. The practice must implement strict infection control policies as recommended by the CDC.²
 3. The practice must ensure a minimum of 6 feet of separation between clients and patients, when not directly performing service, and all settings offering services in individuals rooms must comply with the requirements of this Order for each room.
 4. The practice must post signage for employees and patients on good hygiene and safety measures being taken.
 5. The practice must minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings.
 6. Practices must maintain a plan to reduce or stop voluntary and elective surgeries and procedures should a surge/resurgence of COVID-19 cases occur in their region.
- B.** Employers of **Limited Healthcare Settings** must implement the following measures regarding employees to minimize disease transmission:
1. Services with close, direct personal contact must implement the following:
 - a. wear medical grade mask and gloves at all times; however, acupuncturists may substitute good hand hygiene by thoroughly washing hands before and after seeing each patient for the gloves if their licensing requirements and standards so allow;
 - b. change gloves and wash hands between every patient;
 - c. clean and disinfect all shared equipment and tools between every patient; and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>

² <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html>

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- d. maintain a detailed log of patient interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number
 - e. for services where the client cannot wear a mask, the employee or practitioner must wear a face shield in addition to their mask.
 2. Services with low personal contact must implement the following:
 - a. maintain a minimum of six 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
 3. The practice must require all administrative personnel to wear a facemask, that can be cloth if necessary, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. In order to ensure staff can take off their masks for meals and breaks, scheduling and location for meals and breaks should ensure that at least a 6-foot distance can be maintained between staff when staff needs to remove their mask. It is important for healthcare settings to emphasize that hand hygiene is essential to maintaining employee safety, even if staff are wearing masks. If the facemask is touched, adjusted or removed, hand hygiene should be performed.

C. Limited Healthcare Settings must implement the following measures regarding customers to minimize disease transmission:

1. The practice must provide services by appointment only, do not allow walk-ins or waiting for an appointment;
2. The practice must require patients to wear face coverings; if a patient does not have a mask, a "disposable medical mask" could be provided;
3. The practice must conduct symptom checks for all patients, decline to provide services to anyone who has symptoms, and refer them to their primary care physician. A sample form can be found [here](#); and
4. The practice must provide contactless payment options whenever possible;
5. The practice must follow **Distancing** protocols of maintaining at least a 6-foot distance between individuals wherever possible such as in waiting rooms and other small spaces, and should use physical barriers within patient care areas when possible.
6. The practice must appropriately schedule patients, so that providers have sufficient time to change PPE and ensure rooms and equipment can be cleaned and disinfected between each patient.
7. The practice should continue to maximize the use of telehealth and virtual office or clinic visits.

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8. The practice should use virtual waiting rooms when possible, with patients who are able to wait in their cars not entering the office until they can be moved immediately to an exam room.
 9. The practice should implement source control for everyone entering the office or clinic, including requiring all patients and visitors to wear a cloth mask when entering any healthcare building, and if they arrive without a mask, one should be provided.
- D.** As best practice, it is recommended that if performing voluntary and elective surgeries and procedures, **Limited Healthcare Settings** reassess their operations every two weeks, in order to ensure:
1. All of the above approaches and criteria are being met;
 2. Procedures are prioritized based on whether their continued delay will have an adverse health outcome.
 - a. Voluntary and elective surgeries and procedures should be prioritized based on indication and urgency³;
 3. Strong consideration is given to the balance of risks versus benefits for patients in higher-risk groups such as those over age 65 and those with compromised immune systems or lung and heart function;
 4. All patients are pre-screened for COVID-19 risk factors and symptoms prior to delivering care, via telehealth when applicable; and
 5. Compliance with the guidance and directives for maintaining a clean and safe work environment issued by the CDPHE and any applicable local health department for critical businesses is maintained, including compliance with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible.

³ Urgent and emergent care should continue in accordance with OHA and CMS guidance.

APPENDIX H: RESTAURANTS

- I. **Restaurants**, and **Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. **Restaurants** remain encouraged to continue curbside pick up and delivery, including alcohol pick up and delivery. **Bars** that do not offer food may only provide alcohol service through takeout, curbside pick up and delivery.
- A. Employers must implement the following measures within the workplace to minimize disease transmission:
1. Indoor and outdoor in-person services
 - a. Post signage notifying patrons and employees of hygiene and sanitation expectations, including not entering if they are experiencing any symptoms.
 - b. Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables should be a minimum of 6 feet to ensure proper distancing.
 - c. Limit party size to 10 people or less, and in **Level Red** tables are restricted to household members only.
 - d. All employees must wear facial coverings that cover the nose and mouth, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - e. Employees may utilize disposable gloves as normally required by their governing regulations. Employees that are directly involved with disinfecting equipment and surfaces within critical business and/or have direct contact with customers shall wear gloves when involved in these activities.
 - f. Cleaning and disinfection of all shared surfaces must be done between seatings.
 - g. Ensure proper ventilation per [OSHA guidance](#).
 2. **Restaurants**, and **Bars** that serve food from a retail food licensee with tables at least 6 feet apart and set seating for on-premise consumption, must make every effort to maintain physical distancing at all times, both inside and outside the establishment, including:

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- a. Using a reservation system, exclusively if possible;
 - b. Disallowing close proximity to others outside the patron's group by:
 - i. eliminating communal and seat yourself options
 - ii. providing a hostess seating option or staffing the dining area to ensure cleaning and disinfection between prior to the next seating
 - iii. allowing bar seating options only if the bar is not being used for bar service or if there is a clearly designated and separated section of the bar that is not being used for bar service;
 - c. Eliminating customer service buffets;
 - d. Provide appropriate signs or markings within the **Restaurant or Bar** to space lines, indicate which tables are unavailable, prohibit games and dance floors that encourage gatherings, and direct foot traffic; and
 - e. Performers in a restaurant or bar whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, must maintain a minimum of 25 feet of distance from the patrons.
3. **Restaurants, and Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, must implement measures to maintain the cleanliness and sanitation of the restaurant, including:
- a. Minimize or eliminate high touch surfaces and multi-use objects, such as games, table cloths if used for multiple seatings, permanent menus, and condiments, and clean and disinfect any shared objects between uses;
 - b. Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
 - i. Clean and disinfect restrooms and high touch areas every hour, and
 - ii. Block off stalls and urinals with proper signage to adhere to 6 feet distance between patrons; and
 - c. Use disposable items wherever possible, such as single-use menus and condiments.
 - d. Eliminate multi-use utensils (such as hot dog roller tongs, bulk food bins and coffee urns) at self-service stations that have and implement touchless self-service wherever practicable.
- B.** Employers must implement the following measures for employees to minimize disease transmission:
1. Establish a minimum of 6 foot physical distancing standards and train employees on maintaining distancing between employees to the greatest extent possible

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- a. Consider implementing workflow requirements, dividers at pay counters and hostess areas, and modifying the menu to free up kitchen space.
 - b. Limit group interactions including staggering of shift changes, breaks, no consumption of family or shift meals onsite, etc.
 - c. Conduct virtual staff meetings whenever possible, any all staff meetings must meet 6 foot distancing requirements.
2. Face coverings and gloves
 - a. Require employees to wear face coverings at all times, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, and encourage the use of gloves when in contact with customers or goods.
 - b. Require face coverings and encourage gloves for vendors, suppliers, and contract workers entering the licensed establishment, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 3. Employee sanitary requirements
 - a. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
 - b. Strict adherence to the hygienic practices listed in the *Colorado Retail Food Regulations* regarding hand washing and glove use.
- C. Employers should implement as many of the following measures as feasible regarding customers to minimize disease transmission and assist in any necessary outbreak investigations:
1. To facilitate notifying customers if a disease exposure occurs, consider
 - a. providing an option for customers to "sign in", and
 - b. utilizing a reservation system;
 2. Implement as feasible the following low or no touch options:
 - a. Provide contactless payment options, and
 - b. Continue curbside pick up/delivery options and recommend for vulnerable individuals or those unable to adhere to hygienic and distancing requirements;
 3. Ensure 6 foot distancing at all times by implementing the following:
 - a. Block off lobbies or waiting areas completely, or establish customer waiting areas that maintain proper Distancing from other guests, and
 - b. Restrict standing or congregating in public spaces such as the bar area, entrance or exit; and

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4. Pursuant to **Executive Order D 2020 138**, as amended and extended, require facial coverings be worn by customers when not seated for dining, and consider refusing service to customers who refuse to adhere to hygiene and Distancing requirements.

APPENDIX I: INDOOR AND OUTDOOR EVENTS

- I. Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Venue size is determined based on usable space per room or designated activity. An indoor event or outdoor designated activity that includes spectators may include both the activity space and the spectator space, or these spaces may be separated, and the venue must apply the appropriate capacity limits to the size of each designated space. If participants in the designated activity may also at times move into the spectator space, those participants will count for purposes of the capacity limit for the spectator space if that space is separately defined from the designated activity space.
1. For seated **Indoor and Outdoor Events**, where the attendees have minimal movement, such as purchasing concessions or using the restroom facilities, the calculation of the available space may be based on 6 feet distancing between non-household contacts and does not require the use of the **Distancing Space Calculator in Levels Blue, Yellow and Orange**.
 2. If an **Indoor or Outdoor Event** has several different facets, some of which are seated with minimal movement, others of which include movement such as walking around fairgrounds or through exhibits in a museum, only the space for the seated events with minimal movement may be calculated using 6 feet distancing without the use of the **Distancing Space Calculator**.
- B.** Designated activities or areas must be separated by a minimum of 50 feet from each other, maintain separate entrances and exits, and must minimize the use of shared facilities like restrooms
- C.** Performers are not included in capacity limits as long as they do not join the spectator or patron areas at any time and, for performers whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, the performers must remain at least 25 feet from attendees. If performers join the patron spaces, they must be included in the capacity limit numbers. Performers should also use a separate entrance and exit from spectators or patrons.

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- D.** Operators, employees and attendees must wear face coverings unless the individual is age 10 or under, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. Individuals in public indoor settings, including performers, must follow the face covering requirements in **Executive Order D 2020 138**, as amended and extended.
- E.** Operators, organizers or employers must implement employee screening protocols for all employees as described in Section III.C.3.g of this Order, and exclude ill or symptomatic individuals.
- F.** Operators and organizers must manage the event or activity to comply with the capacity limits per activity at all times, and further manage traffic flow between designated activities to minimize or eliminate mixing of groups including the use of single direction traffic flow in and out of the venue and seating area.
- G.** Food sold in these settings must follow the **Restaurant** requirements in Section III.J and **Appendix H** of this Order.
- H.** Ventilation in an indoor venue must meet OSHA guidance.
- I.** Indoor market operators must follow the **Indoor Events** requirements in Section III.M and **Appendix I** of this Order, outdoor market operators must follow the **Outdoor Events** requirements in Section III.M and **Appendix I** of this Order. Individual vendors in these settings must follow the **Retail** requirements in Section III.E and **Appendix C** of this Order.
- J.** Drive-in events such as theaters or fireworks displays are authorized to operate, observing the personal gathering restrictions for their level of the **Dial**, so long as participants remain in their vehicles unless seeking minimal services, the vehicles remain a minimum of 6 feet apart, and only minimal common services are available such as concessions and restrooms.

APPENDIX J: RECREATION

- I.** Individuals may participate in personal recreation and operators may operate **Gyms**, outdoor recreational facilities and activities and **Organized Recreational Youth or Adult League Sports** at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Travel should occur within an individual's local community or as necessary to access outdoor recreation areas. If travelling outside their community, Coloradans are urged to honor all restrictions in place at their destination and avoid travel to counties or municipalities that issue travel restrictions. Local authorities have the discretion to close recreation as needed.
- A. Campgrounds.** Campgrounds may be open for use. Campground operators must regularly clean and disinfect all common areas, such as bathrooms, in accordance with the [CDPHE Cleaning Guidance](#). Group facilities, pavilions, cabins, and yurts remain closed. Campsites must be a minimum of 6 feet apart, and should only be available by reservation. Campground operators must post signs to remind guests of physical distancing requirements, and limit visitors in campground offices to maintain such distancing.
- B.** Outdoor recreation activities are permitted as follows:
1. Playgrounds and outdoor recreation facilities, such as tennis and pickleball courts, should clean and disinfect high touch areas frequently.
 2. Outdoor swimming pools capacities do not change in **Levels Blue, Yellow and Orange**; instead, they may operate at 50% capacity not to exceed 50 people in all three levels. In **Levels Red and Purple**, outdoor swimming pools may operate at 25% capacity not to exceed 10 people. Frequently touched surfaces, shared objects, and bathrooms should be cleaned and disinfected every hour.
- C. Organized Recreational Youth or Adult League Sports**
1. Parents may attend youth sports activities but must remain 6 feet apart from non-household members. Spectators are authorized and must follow the **Indoor and Outdoor Events** requirements. Adjacent fields of play should be distanced to allow for at least 50 feet of distancing between two fields of play and their respective spectator sections.
 2. All individuals in public indoor spaces must wear a face covering unless the individual is 10 years of age or younger, cannot medically tolerate a face

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covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

3. The sports leagues and teams must establish protocols for:
 - a. Screening both athletes and spectators for symptoms and COVID-19 exposures to ensure they are symptom-free before they are deemed able to attend or play;
 - b. Isolation and quarantine for ill or exposed individuals; and
 - c. Requiring athletes with confirmed or presumed COVID-19 infection to obtain clearance from their health care provider for return to sports participation
4. The sports league must retain records of who played in case later disease outbreak investigations become necessary.
5. The sports league must notify and cooperate with the local public health agency regarding any cases of COVID-19.

D. Gyms

1. Gyms must maintain 6 feet distancing between patrons, discourage the sharing of equipment, and clean and disinfected equipment between uses.
2. All individuals must wear face coverings in **Gyms**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

- E. Competitive Events.** Competitive events such as races and endurance events are permitted as long as 6 foot distancing and limitations on group size can be maintained. This includes implementing, including implementation of staggered start times and making efforts to prevent gatherings at starts and finishings, so that no more than 10 people are gathered at a time.

APPENDIX K: OUTDOOR GUIDED SERVICES

- I. Outdoor Guided Services**, may, if authorized by the local jurisdiction, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Additionally, specific **Outdoor Guided Services** may operate in accordance with the following capacity requirements established per service type:
- A.** Non-guided equipment rentals, subject to compliance with the retail requirements in **Appendix C** of this Order;
 - B.** Developed hot springs may operate in accordance with the outdoor pools requirements in **Appendix J** of this Order;
 - C.** The following **Outdoor Guided Services** must have their plans approved by the local public health agency in their jurisdiction:
 - 1. Outdoor recreation activities at ski resorts (mountain biking, hiking, climbing walls, mountain coasters, ropes courses, adventure parks, zip lines, etc) in accordance with Section III.S of this Order;
 - 2. Zip lines, ropes courses, outdoor artificial climbing walls, or outdoor sports adventure centers not affiliated with ski resorts; and
 - 3. Scenic trains must have every local public health agency in each jurisdiction through which the train operates has approved the train's plans.
- II. Outdoor Guided Services** operators must meet any local policies in effect as well as all of the following requirements:
- A. Distancing and Capacity Requirements**
 - 1. Maintain a distance of 6 feet from patrons and fellow employees, except in cases where it is unsafe to maintain that distance.
 - 2. Follow **Retail** or **Restaurant** guidelines where applicable.
 - 3. For vehicles used to transport patrons, the following requirements apply:
 - a. No closed-air vehicles or tours are allowed, as windows must remain open during the transport or tour.
 - b. Limit smaller vehicles or crafts to two household units not including guides. Where a distance of 6 feet can be ensured between household units, more than two households per vehicle/craft are permitted.
 - c. Limit passenger buses and vans to no more than 50% capacity, or less if

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distancing requirements cannot be met between groups, and prohibit use of the seat behind the driver.

- d. Effective November 9, 2020, follow the transportation guidelines found [here](#).
4. Conduct staging operations such as customer check-ins and end-of-trip operations outdoors with parties from different households spaced 6 feet apart.
5. Maintain and promote physical distance during a tour or trip. Rafts or vehicles should not be full, and ensure distance between guide and patrons.

B. Hygiene, Cleaning and Disinfection Requirements

1. Post signs for employees and customers outlining good hand/respiratory hygiene and safety measures being taken. Signs should be in languages customers will understand. ([CDC examples](#))
2. Encourage hand hygiene by directing customers to where they can wash their hands with soap and water or use hand sanitizer.
3. Vehicles used to transport patrons must be cleaned and disinfected after each use.
4. Disinfect all equipment used by patrons as well as surfaces or items in common contact with patrons between each use.

C. Operators and Employees

1. Wear face coverings at all times in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended, and also during staging and disembarking operations, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties. Where safe, wear face coverings during trip operations.
2. Operators must conduct symptom and temperature checks for employees and refer symptomatic employees to the [CDPHE Symptom Tracker \(Additional Guidance\)](#). Employees who exhibit COVID-19 symptoms should not come to work. Employees who develop COVID-19 symptoms while at work should immediately notify their supervisor and be separated from others, sent home, and referred to state or company support services.

APPENDIX L: CHILDREN’S DAY CAMPS, RESIDENTIAL CAMPS, YOUTH SPORTS DAY CAMPS AND EXEMPT SINGLE SKILL-BUILDING YOUTH CAMPS

- I. Summer camps, sports camps, and residential camps may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

- A. Prior to hosting a camp, the camp operators must create a plan that implements all of the following:
 - 1. All activities, including recreation, transportation, and food service must comply with the following restrictions:
 - a. Six feet physical distancing is required at all times, which may limit further the size of the group due to the size of the space. If the space is large enough to accommodate multiple groups and maintain 6 feet physical distancing, multiple groups are permitted.
 - b. Require face coverings during transportation in camp vehicles to and from the camp, unless the individual is 10 years of age or younger or cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 - 2. For staff and camper health and safety:
 - a. Provide adequate personal protective equipment (PPE) for staff who supervise and care for ill campers, staff, and volunteers, and require face coverings for all individuals in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - b. Determine the staffing needs, including the availability of substitute staff if staff or volunteers become ill or are exposed.
 - c. Ensure space is available to isolate ill staff and campers (cots, bedding, restrooms, and supervision).
 - d. Ensure the on-call availability of a nurse or health care professional.
 - e. Establish protocols for responding and reporting cases to health care staff, local public health authorities, and CDPHE.
 - f. Prepare procedures for closures following a case or outbreak of COVID-19.
 - g. Provide access to or sufficient supplies of all of the following:

Third Amended Public Health Order 20-36 COVID-19 Dial

December 7, 2020

- i. public restrooms, drinkable water sources, and picnic or other eating areas during activities at outdoor locations;
 - ii. handwashing/hand sanitizing locations; and
 - iii. adequate cleaning and disinfecting supplies
 - h. Train camp staff and volunteers on the requirements of this Order, as well as prevention, transmission, and care of COVID-19 illness.

- B.** Camp operators must meet all of the following requirements while camps are in session:
 - 1. Staff, volunteer and camper health.
 - a. Screen staff, volunteers and campers for symptoms and close-contact exposures upon arrival. Exclude ill individuals from the camp, and encourage them to use the [CDPHE Symptom Tracker](#)
 - b. Staff or volunteers sent home must adhere to [isolation](#) and exclusion requirements.
 - c. Establish protocols for staff, volunteers and campers to alert health care staff of symptoms in themselves or campers.
 - d. Determine if any staff or volunteers are at a higher risk for COVID-19 and consider whether job duties that don't involve interaction with others are advisable.
 - 2. Require staff, volunteers and campers to do all of the following:
 - a. Remain with the same group of campers and maintain physical distancing of at least 6 feet whenever possible, including during meals and recreation;
 - b. Wash hands upon arrival, before eating, and at regular intervals throughout the day;
 - c. Stagger activities as much as possible to avoid any mixing of groups, and
 - d. Wear masks or face coverings in public indoor spaces and encourage the use outdoors, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 - 3. Post signs or mark spaces to ensure 6 foot minimum distancing, and limit any activities that are not conducive to maintaining this distance.
 - 4. Educate campers as needed on COVID-19 prevention, including respiratory etiquette and good hygiene, in accordance with public health guidance.
 - 5. Ensure sufficient cleaning and disinfecting of commonly touched surfaces, equipment, and vehicles throughout the camp.

Third Amended Public Health Order 20-36 COVID-19 Dial

December 7, 2020

6. Provide frequent communication with all families of enrolled campers related to the occurrences of COVID-19 at the camp, the camp's responses, and all issues in the public health order.
7. Prohibit family and buffet style food services, self service and counter food service, and other configurations that require campers to share utensils. Clean and disinfect dining areas and high touch surfaces between groups.
8. For residential camps, disallow non-essential visitors to the camp and prohibit external community organizations from sharing the camp space during the camp session.

APPENDIX M: COUNTY SITE SPECIFIC VARIANCE REQUESTS

I. BACKGROUND

The restrictions contained in this Order may be subject to revision through a county variance process established by CDPHE. Any county meeting the **Level Blue** or **Yellow** metrics as described in Section II of this Order that desires to apply for a site specific variance from part of the public health order may do so if they meet certain criteria established below. These variances allow very large indoor and outdoor venues that meet the criteria to operate in an alternate fashion after receiving approval from the county's local public health agency and other local officials, and then final approval from the CDPHE. The application must be submitted by the local public health agency directly to CDPHE.

II. VARIANCE APPLICATION REQUIREMENTS

A. Application Requirements

1. **Eligibility**
 - a. Counties that are in **Level Blue** on the **Dial** may apply for **outdoor** and **indoor** site-specific variances.
 - b. Counties that are in **Level Yellow** on the **Dial** may only apply for **outdoor** site-specific variances.
 - c. Only venues that exceed 30,000 square feet will be considered for a variance.
 - d. If a venue has multiple uses or sectors included in it, the variance request must specify how the venue proposes to meet the requirements for each use or sector.
2. **Application Submission.** Prior to submitting a variance application to CDPHE, counties that receive a request for a site specific variance must review and determine whether to support the request. If the county supports the site specific variance, the local public health agency may submit a variance application to CDPHE. The application form must include all of the following:
 - a. Identify the site and capacity limit(s) the county is requesting a variance from.
 - b. Describe the disease prevention measures the county will require of the site to meet the state's orders.
 - c. Use the [Distancing Space Calculator](#) to determine capacity.
 - d. Use the [outdoor](#) and [indoor](#) event guidance to create designated spaces within the site.

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- e. Documentation of approval of the variance request must be included in the variance application from all of the following:
 - i. The local public health agency;
 - ii. Local hospitals verify that they have the capacity to serve all people needing their care;
 - iii. The county commissioners or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council, vote affirmatively to adopt the alternative plan in place of the state Safer-At-Home order; and
 - iv. Counties with sovereign tribal nations (Ute Mountain Ute and Southern Ute Indian tribes) must obtain a letter of support from tribes and include it with their variance application.

B. Application Review. Site specific variance requests will be evaluated based on a number of factors, including:

1. County is in **Level Blue** or **Yellow** of the **COVID-19 Dial**;
2. Square footage of venue;
3. Map of venue with occupied floor space;
4. Capacity request, including both the percent and total number of people;
5. Ventilation plan if an indoor site;
6. Sanitation plan, including handwashing stations, hand sanitizer and restrooms;
7. Mask wearing for all staff and participants;
8. Health exclusion considerations for staff and participants;
9. Distancing requirements;
10. Designated areas for participants and activities;
11. Signage for participants and traffic flow requirements;
12. Risk assessment analysis; and
13. Parking and transportation plan.

III. LIMITATIONS ON VARIANCES

A. A county in **Level Blue** or **Yellow** may apply to CDPHE for up to 10 variances per 100,000 people for indoor and outdoor venues that exceed 30,000 square feet.

B. CDPHE will not grant a variance request for any of the following:

1. A higher capacity than 50%;
2. Removal from the requirements of the state's orders generally;
3. Reduction or elimination of protections for **Individuals at Risk of Severe Illness from COVID-19**, as defined in state's orders;

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4. Modifications of the requirements of **Public Health Order 20-29: Voluntary and Elective Surgeries and Procedures**;
5. Modifications to the requirements for nursing facilities, assisted living residences or intermediate care facilities in **PHO 20-20**; or
6. Modification of the mask or face covering requirements.

IV. SUSPENSION, RESCISSION OR TERMINATION OF VARIANCES

- A.** If a site that has an approved variance experiences two COVID-19 cases linked to the site, the county must work with the site to implement mitigation strategies to reduce or eliminate further spread of disease. CDPHE may suspend the variance at any time, as deemed necessary, to mitigate disease spread. For counties moving to **Level Red**, any site specific variances will be reviewed to determine if the variance should be suspended. Site specific variances in counties moving to **Level Purple** are automatically suspended when the move to **Level Purple** is effective, unless otherwise authorized to remain in place by CDPHE.
- B.** Approved site specific variances may also be suspended by the local public health agency. Local public health agencies may also choose to maintain approved site specific variances in the event that a state order becomes less restrictive than the approved variance. At no point may an approved variance request be altered to be less restrictive in any aspect than state orders without updated approval from CDPHE.
- C.** Suspension or rescission of a site specific variance will reinstitute the requirements of this Order at the level for which the county is approved at the time of suspension or rescission for that site.
- D.** All variances granted pursuant to this Order remain in effect until the sooner of:
 1. The county moves to a level where the variance is no longer authorized, or to a level where the variance is no longer necessary;
 2. The variance is rescinded pursuant to the terms of the variance approval by CDPHE, rescinded for other reasons by CDPHE, or rescinded by the county; or
 3. This Order expires without further extension or is terminated.
- E.** Counties that are unwilling or unable to implement mitigation strategies or take enforcement actions as warranted are subject to suspension or rescission of variances. Counties that choose to not comply with executive orders, public health orders, or an approved variance will be subject to the loss of emergency preparedness or other funds.

Memo

To: Town Council
From: Rochelle Firth/Dave Reynolds
Date: 12/15/20
Re: 2021 Grant funding to area non-profits

Background:

Each year the Town of New Castle distributes Town funds to local organizations for the purpose of providing opportunities to enhance services, programs, and support to the residents of New Castle. For the year 2021 Town Council is budgeting \$20,000 toward these outgoing grants. Town Council has directed staff to provide for multiple grant seasons during 2021. The information below represents the first round of Grant Applications along with staff's recommendation for possible award amounts.

In studying the grant applications that were received we looked at how the funds would directly meet the needs of the community. While all of the applicants may provide a much-needed service, the task is to take what funds we have and disperse them in a way that will best support our community needs.

In total, for this first 2021 outgoing grant cycle, staff is recommending expenditures of \$10,650. Staff also recommends a second round of outgoing grants in the summer 2021 using the remaining fund balance of \$9,350.

List of Potential Grant Awards:

Advocate Safehouse

Advocate Safehouse promotes healthy relationships free from violence through education, advocacy, empowerment and safehousing.

Advocate Safehouse Project is requesting \$500 for the services provided to New Castle residents. These individuals will receive services that they determine to be helpful for them such as crisis intervention, safehousing, emotional support, case management, survivor education, advocacy, and information/referrals. New Castle residents makes up approximately 7% of their total number of survivors.

Funding Sources: Federal level -- \$496,025 / State -- \$15,360 / County -- \$49,000 / Aspen Comm. Foundation -- \$15,500 / Private -- \$56,000 / Local -- \$155,250

Grant Request: \$500

Staff recommendation: \$500

Alpine Legal Services

Alpine Legal Service's mission is to ensure access to justice by providing and coordinating quality legal services that protect fundamental legal rights. Their goal is to inform the public of fundamental legal rights, from Aspen to Parachute.

Ask a Lawyer – 5 p.m. - 7 p.m. at the New Castle library every Wednesday of each month via hotline # 970-368-2246.

Senior Law Day – Traditionally offered at Basalt Middle School and Rifle CMC each year. This year it was held online through www.alpinelegealservices.com.

Family Law Day – Held in the spring and fall of each year at the Garfield County Courthouse.

Free Legal Services for Seniors, Crime Victims and other Vulnerable Residents offered 5 days a week for low-income residents from 8:30 – 5:00 PM at Garfield County Courthouse, Pitkin County Courthouse, and at the co-workspace on 3rd street in Rifle.

Funding from New Castle will provide general operating support for these programs which are available to the public, including residents and employees of New Castle, who make up 7% of their program.

Funding Sources: State -- \$256,792 (45.5%) / County -- \$47,000 (7.9%) / Local Government / Community grants– Foundations -- \$165,000

Grant Request: \$2,000

Staff Recommendation: \$500

Casa of the Ninth

Casa of the Ninth's mission is to provide well-trained, court-appointed volunteer advocates to abused and neglected children in Colorado's 9th Judicial District. The vision is to support a safe, permanent, nurturing home for every child it serves.

Casa of the Ninth is requesting \$800 for recruiting volunteers using various media outlets.

Funding Sources: State -- \$42,000 (16.9%) / County -- \$11,200 (4.5%) / Local -- \$1,200 (4.8%) / Foundations -- \$18,000 (14%)

Grants Requested: \$800

Staff Recommendation: \$800

Community Counts

Community Counts mission is to open and direct dialogue through timely response and resolution of matters of mutual concerns between communities and the energy and extraction industries.

Community Counts is requesting \$150 - \$300 for ongoing educational and public relation purposes, getting notifications out to the public, provide materials for programs, training and maintaining their website.

Funding Sources: County -- \$14,750 (34%) / Private Operators and Contractors-- \$43,375 (70%) / Local - \$3,786 (6%)

Grant Request: \$150 - \$300

Staff recommendation: \$0

Family Visitor Programs

Family Visitor Programs mission is to promote healthy families by providing education. Advocacy, and support services that strengthen and empower families, foster the optimum development of children, and prevent child abuse and neglect.

Family Visitor Programs is requesting \$3,000 for general operating support for 25 families in New Castle for 2021.

Funding Sources: State -- 60% / Counties & Municipalities -- 17% / Foundations -- 15% / Contributions -- 4% - In-kind -- 2% / Other -- 1%

Grant Request: \$3,000

Staff recommendation: \$0

High Country RSVP

High Country RSVP's mission is to recruit volunteers and place them with local non-profits to benefit the lives of seniors in Garfield County.

High County RSVP is requesting \$500 to support the operation costs for volunteer placement, Medicare Counseling Program and Tax Assistance Program.

Funding Sources: Corporation for National & Community service -- \$55,205 / CMC -- \$20,000 / Area Agency on Aging -- \$40,440 / Garfield County -- \$10,000 / State -- \$5,720

Grant Request: \$500

Staff recommendation: \$350

Literacy Outreach

Literacy Outreach’s mission is to teach essential literacy skills to adults and to give every adult in Garfield County a chance to become functionally literate.

Literacy Outreach is requesting \$1,000 for general operating expenses to maintain support for currently active tutors, recruiting expenses and professionally training new tutors, and finding (testing) and placing new students with tutors. All through the purchase of new computers and wi-fi enabled devices.

Funding Sources: County -- \$21,000 (11%) / Foundations -- \$10,000 / Applying for State, Local funds and they are expecting their direct mail campaign to net \$10,000.

Grant Request: \$1,000

Staff Recommendation: \$500

Rifle Animal Shelter

Rifle Animal Shelter’s mission is to provide temporary shelter and care for homeless animals, while encouraging responsible pet care and being a community resource for animal welfare.

Rifle Animal Shelter is requesting \$5,607 to purchase 7 indoor dog kennel runs in the new building.

Funding Sources: County -- \$600,000 matching grant from GARCO Board of Commissioners (16%) / Local -- \$110,000 / Private -- (11%) / Foundations -- \$478,500 / Other Local Funds (73%)

Grant Request: \$5,607

Staff recommendation: \$2,500

River Bridge

River Bridge’s mission is to provide services to child abuse victims, their families, and the community in a supportive environment utilizing a child-centered approach.

River Bridge is requesting \$2,000 to provide general operations support in the new building where their costs have increased from providing more support and services to the public.

Funding Sources: VOCA (Victims of Crimes Act) -- \$330,445 / Counties (Garfield & Pitkin) -- \$40,000 / Local -- 7,250 / 5th & 9th Judicial VALE -- \$64,798 / General Fund State Legis. -- \$71,440 / Foundations - \$15,000

Grant Request: \$2,000

Staff recommendation: \$2,000

West Elk Trails, Inc.

West Elk Trails mission statement is to provide opportunities for socially distanced outdoor recreation opportunities, free of charge, to residents of New Castle and Garfield County through maintaining and promoting trails in the White River National Forest.

West Elk Trails is requesting \$500 to purchase trail marking supplies. The funds would also be used for maintaining 10 miles of trails for year-round use.

Funding Sources: County -- 2500 (27%) / Private -- projected \$3800 (42%) / Local -- Pending - \$2,800 (30%)

Grant Request: \$500

Staff recommendation: \$500

Western Slope Veterans Coalition

Western Slope Veterans Coalition's mission is to ensure that every veteran and family living in the Roaring Fork and Eagle Valleys have the support and resources they need to live a healthy, safe, fulfilling, and productive life.

Western Slope Veterans Coalition is requesting \$5,000 for operational expenses needed to provide services to veterans through the Glenwood Springs facility.

Funding Sources: Applied for Grants within the County -- \$10,000 (13%), Local -- \$5,000 (6.5%) and Private funds -- \$2,500 (9.7%)

Grant Request: \$5,000

Staff recommendation: \$500

YouthZone

YouthZone helps young people who are working through trauma, struggling with substance abuse use, are experiencing emotional stress, or simply need someone to talk with.

YouthZone is requesting \$2,500 to subsidize the cost of providing services to New Castle residents who are referred to YouthZone through New Castle Municipal Court, the juvenile justice system, law enforcement, schools, other agencies and self-referred.

Grant request: \$2,500

Staff recommendation: \$2,500

- ❖ More detailed information, along with complete grant applications can be found in "The Grant Notebook" which is available in Melody's office for review.

2021 Out Going Grants
Round 1

Organization	2019 Amount Awarded Round 2	2020 Amount Awarded Round 1	2021 Amount Requested Round 1	Amount suggested by staff	2021 Amount Awarded in Round 1	Follow-up report 2.28.2020	Follow-up report 7.31.2020	Notes/Funding:
Advocate Safehouse	\$0.00	\$500.00	\$500.00	\$500.00		n/a	yes	
Alpine Legal Services	\$500.00	\$500.00	\$2,000.00	\$500.00		yes	yes	
CASA of the Ninth District	\$500.00	\$0.00	\$800.00	\$800.00		yes	n/a	
Community Counts	\$0.00	\$150.00	\$300.00	\$0.00		n/a	yes	
Family Visitor	\$0.00	\$0.00	\$3,000.00	\$0.00				
High Country RSVP	\$0.00	\$350.00	\$500.00	\$350.00		n/a	yes	
Literacy Outreach	\$500.00	\$0.00	\$1,000.00	\$500.00		yes		
Rifle Animal Shelter	\$0.00	\$1,500.00	\$5,607.00	\$2,500.00		n/a	yes	
River Bridge	\$0.00	\$2,000.00	\$2,000.00	\$2,000.00		n/a	yes	
West Elk Trails	\$0.00	\$250.00	\$500.00	\$500.00		n/a	yes	
Western Slope Veterans Co	\$500.00	\$500.00	\$5,000.00	\$500.00		yes	yes	
YouthZone	\$0.00	\$2,500.00	\$2,500.00	\$2,500.00				
Total	\$2,000.00	\$8,250.00	\$23,707.00	\$10,650.00	\$0.00			

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2020-8**

An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2020 and ending on the last day of December, 2020.

WHEREAS, on December 3, 2019, the Town Council of the Town of New Castle adopted Resolution No. TC-2019-23, approving a budget for the calendar year beginning on the first day of January, 2020, and ending on the last day of December, 2020; and

WHEREAS, pursuant to the Home Rule Charter of the Town of New Castle, the Town Administrator has certified that during 2020, there became available for appropriation revenues in excess of those estimated in the 2020 budget, as indicated on Exhibit A attached to and incorporated by reference into this ordinance; and

WHEREAS, the Town Administrator and the Town Finance Director/Treasurer have prepared and submitted a proposed supplemental budget for the 2020 calendar year to the Council for its consideration; and

WHEREAS, on December 1, 2020, the Council held a public hearing on the proposed supplemental budget, after publication in accordance with the Charter of notice of such public hearing and notice that the proposed budget was on file for public inspection in the office of the Town Clerk; and

WHEREAS, after the public hearing, the Council gave due consideration to the input of the public and any issues raised at the hearing; and

WHEREAS, the Council desires to adopt the supplemental budget, as amended in accordance with discussion at the public hearing; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance as required by law.

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

1. The Town Council incorporates the foregoing recitals as findings of fact and determinations by the Town Council.

2. Estimated additional expenditures for each fund are as follows:

General Fund	\$0
Utility Fund	\$40,340
Conservation Trust Fund	\$5,500
Cemetery Fund	\$600

3. The supplemental budget as submitted, amended, and summarized in this ordinance by fund, is approved and adopted as the supplemental budget of the Town of New Castle for the year stated above.

4. The supplemental budget approved and adopted at public meeting by a majority vote of the Town Council, as required by law, shall be signed by the Mayor and the Town Clerk and made a part of the public records of the Town of New Castle.

INTRODUCED on December 1, 2020, 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 15, 2020, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

Attest:

By: _____
Mayor Art Riddile

Town Clerk Melody Harrison, CMC

1
2 **New Castle Town Council Regular Virtual Meeting**
3 **Tuesday, October 06, 2020, 7:00 PM**
4

5 **Due to concerns related to COVID-19, this meeting will be open to**
6 **the public as a virtual meeting only.**
7

8 **To join by computer, smart phone or tablet:**
9 **<https://us02web.zoom.us/j/7096588400>**
10

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

15
16 **Call to Order**

17 Mayor A Riddile Called the meeting to order at 7:00 p.m.
18

19 **Pledge of Allegiance**
20

21 **Roll Call**

22 Present	Councilor Mariscal
	Councilor Owens
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
28 Absent	Councilor G Riddile

29

30 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
31 Harrison, Town Planner Paul Smith, Town Treasurer Loni Burk, Public Works Director John
32 Wenzel and members of the public.
33

34 **MOTION: Mayor A Riddile made a motion to approve Councilor G Riddile's**
35 **absence. Councilor Owens seconded the motion and it passed unanimously.**
36

37 **Meeting Notice**

38 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
39 accordance with Resolution TC 2020-1.
40

41 **Conflicts of Interest**

42 There were no conflicts of interest.
43

44 **Agenda Changes**

45 Clerk Harrison told the council that staff wanted to remove the City Market Cooler
46 Modification item from the consent agenda because the application had some errors in it

1 that would need to be corrected. She said the application would be brought back to the
2 October 20 meeting. The council agreed.

3
4
5 **Citizen Comments on Items not on the Agenda**

6 Paula Jo Casper member of the beautification committee for the Castle Valley Ranch
7 Homeowners Association. Ms. Casper said that for the past year, the committee had been
8 working on planting twenty trees in the community and she asked that the council assist
9 in helping move the project forward. Ms. Casper said that the tree planning project had
10 been going on for four years, and that beautification committee had taken the project
11 over the previous year, but was running into a continuous roadblock with the town as to
12 where the trees should be planted. Ms. Casper said she wanted to discuss the issue.

13
14 Vennie Lilly. Ms. Lilly said that she was also with the tree planting and she was trying to
15 get the project moving forward. She said that trees had been purchased from West
16 Canyon Nursery and there had been an agreement with public works that they would
17 move the trees October 5 and 6, 2020 and that had been stopped suddenly. Ms. Lilly said
18 that they had someone to plant the trees and all they needed was someone to go out and
19 mark the ground with an 'X' and to make sure the trees were properly irrigated. Ms. Lilly
20 said that they had been working on the project since January and everyone had been in
21 agreement and all of a sudden they could no longer move forward. She said they wanted
22 to get it done in fall 2020. It would not cost the town anything except a little time to put
23 an 'X' on the ground to indicate where the trees should be planted and where irrigation
24 should go.

25
26 Mayor A Riddile asked what sort of roadblocks they had encountered, and how much
27 notice had been given to the town for the October 5 and 6 dates.

28
29 Ms. Lilly said there had been a meeting with Public Works Director John Wenzel during the
30 summer where a tentative date of October 5 and 6 had been set. Ms. Lilly said that on
31 September 8, Director Wenzel responded that he could not commit to a date because he
32 had some employees resign, and that if an immediate answer was needed the answer was
33 no for October 5 and 6. Ms. Lilly said that in the meantime she had made arrangements
34 with the people who were going to plant the trees in an attempt to remove as much
35 burden from the town as she could so that the project could move forward. Ms. Lilly said
36 that they just wanted someone to show them where the trees needed to be planted, and
37 it could be rescheduled if needed.

38
39 Megan Pelky, Remax Country, Castle Valley Ranch HOA Manager. Ms. Pelky said that she
40 had Deb Sanderson with her who was also with Remax Country and an HOA manager for
41 Castle Valley Ranch. Ms. Pelky said that she felt the situation could be quickly resolved if
42 the town could provide a map that indicated where the irrigation was or where the trees
43 that were already purchased could be planted. She felt the town would have to do nothing
44 more than that.

45
46 Mayor A Riddile asked Director Wenzel if a map was something that could be done.
47

1 Director Wenzel said that Pubic Works often partnered with many groups and successfully
2 so. The Garden Club, the Downtown Beautification Committee, the school district, the Boy
3 Scouts, Girl Scouts and sub-HOAs regarding parking and snow-removal issues. He said
4 they had a good track record partnering with private citizens and groups as well as
5 businesses, but unfortunately he had not been able to make the partnership with the HOA
6 beautification committee work. Director Wenzel said he had not heard from Ms. Casper or
7 Ms. Lilly in over a month, and at the time they were asking for a commitment he did not
8 have the resources to be able to commit. He said the parks department had a staff of six
9 and that reduced to two. The HOA was asking for a day and a half of work and it was not
10 as simple as putting a mark on the ground. Director Wenzel said he and the group had
11 met several times and had marked up several maps. He said his departments'
12 commitment to the project was to install irrigation for the twenty trees, and that was a
13 day to day and a half project. He said with the staffing level in the parks department they
14 could not commit, which was probably good because it could have been worse had they
15 committed and then been unable to perform. There would be twenty trees out there with
16 no irrigation. Director Wenzel said that it was unusual that he had not received any
17 communication from the group in the past month because the issues could have been
18 easily resolved rather than it going to council.

19 Mayor A Riddile said that he understood that public works was greatly understaffed as well
20 as the clerk's office, administration and finance. He said that the town had found it
21 necessary to reduce expenses because there was a pandemic taking place. He further
22 noted that the town would have a balanced budget in 2021 because the staff had made
23 many adjustments. Mayor A Riddile noted again that the town was understaffed except for
24 the police department, but once senate bill 217 was effective, the police would also find
25 themselves understaffed. He asked Administrator Reynolds to comment.

26
27 Administrator Reynolds said that the response from Director Wenzel was not to say that
28 public works was unwilling to partner, rather, it was a statement that the timeframe set
29 by the group was such that the town would not be able to accomplish the tasks
30 successfully which was not good for anyone. Administrator Reynolds that he had spoken
31 to Ms. Pelky but the conversation was short due to other commitments of hers. He also
32 said she had sent an e-mail request that he responded to with suggestions on how to
33 make the situation work successfully, but there had been no subsequent response from
34 Ms. Pelky. Administrator Reynolds said that if they were going to work as partners, they
35 had to be able to work through constraints, but the group made the decision instead to
36 come to council. He said that staff was more than capable of handling the situation and
37 had made efforts to that effect but those efforts had fallen on deaf ears. Administrator
38 Reynolds said that staff was still able and willing, but there were limits to what staff would
39 be able to complete with the timeline set by the group.

40 Mayor A Riddile asked if it was still a project the staff would assist with.

41 Director Wenzel said yes, that it was a worthy project and something they had been
42 working towards for months, however it needed to be something that staff could
43 realistically achieve.

44 Mayor A Riddile asked that staff work on it and come up with a possible date. He also said
45 that the scope of work needed to be clarified because he had heard several conflicting
46 issues regarding the scope. Mayor A Riddile asked the group if that was equitable to them.
47 They agreed it was equitable.

1 Mayor A Riddile said that the town had been a partner in the project for several years, but
2 emphasized that they needed to understand that the town was grossly understaffed in
3 almost every department and it would not be good to raise taxes or something to
4 accommodate projects, particularly during a pandemic.

5
6 Ms. Pelky said that HOA was a healthy organization and they were willing to do whatever
7 it took to assist the town to get the trees planted, whatever that was. Staffing or budget,
8 it did not matter, she said that they were just trying to get the trees planted without
9 being difficult. Ms. Pelky said they would pay a company to come in and install the
10 irrigation lines or anything else. She said she hoped that could help.

11 Councilor Hazelton asked what the hurry was. He said he understood the trees were
12 purchased, but were likely still in the ground. H thought it might be better to wait until
13 springs to plant trees anyhow. Ms. Pelky said that the beautification committee had
14 purchased the trees and wanted to move forward with the project according to the
15 agreement. Councilor Leland said that there was already a solution, and the dispute was
16 not typically the kind that would involve the town council. He said that the HOA and staff
17 will come to a solution and it was his opinion that it should be left to them. Mayor A
18 Riddile and Councilor Hazelton agreed. Mayor A Riddile asked who the HOA president was.

19 Ms. Pelky said that it was Carl Artaz.

20 Mayor A Riddile thanked the group and said that there was no reason there couldn't be a
21 solution.

22 Ms. Pelky thanked the council for their time.

23 24 25 26 **Consultant Reports**

27 Consultant Attorney – nothing to report.

28 Consultant Engineer – not present.

29 30 31 **Items for Consideration**

32 33 34 **Proclamation Honoring Virginia Erickson**

35 Mayor A Riddile greeted Joe Erickson and all the family members who were in attendance.
36 He said the news had saddened everyone.

37
38 Mayor A Riddile read the proclamation honoring Virginia Erickson into the record.

39
40 Mayor A Riddile said that Virginia had also been a member of the New Caste Home Rule
41 Charter Committee who had developed the rules and regulations for the town to become
42 home rule back in 1998.

43
44 Mayor A Riddile greeted each family member and had everyone introduce himself or
45 herself to the council.

1 **University Technical Assistance Program Coal Ridge/Breslin Park Survey Results**

2 Administrator Reynolds said that the town had engaged the University Technical
3 Assistance Program to assist with the redesign of Frank Breslin Memorial Park. He
4 introduced Director Christopher Endreson and students Sylvia Pasquariello, Miriam
5 Hernandez-Arroyo, Karen Schultz and Alex Hardesty sitting in for Hannah Van Der Vorst.
6 Administrator Reynolds said that the students had been working diligently on what Frank
7 Breslin Park might be reimagined to be. They began by putting out a public survey that
8 had more than 160 responses. The survey results will be the data starting points for the
9 redesign.

10 Director Endreson greeted the council. He and Ms. Pasquariello, Ms. Hernandez-Arroyo,
11 Ms. Schultz and Mr. Hardesty reviewed their power point presentation of the survey and
12 its results in depth with the council and staff.

13 Administrator Reynolds thanked Director Endreson and his team, as well as Director
14 Wenzel and said that it had been a pleasure to work with them.

15 Director Wenzel said that he was impressed with the team and how they had put the
16 survey together as well as the results. He said that he felt that indicated great interest
17 from the public regarding the park and said that the survey and its results would go a long
18 way when applying for grants.

19 The council thanked Director Endreson and his team and congratulated them on a well-
20 done job.

21
22
23
24 Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

25 **MOTION: Mayor A Riddile made a motion to recess the town council meeting and**
26 **to convene as the local liquor licensing authority. Councilor Mariscal seconded**
27 **the motion and it passed unanimously.**

28
29
30 **Consider Resolution TC 2020-29 - Approving a Hotel & Restaurant Liquor License**
31 **Application form Tapatios, LLC, dba Tapatios**

32 Clerk Harrison introduced Esmeralda Cornejo, owner of Tapatios.

33 Clerk Harrison said that she had been working with Ms. Cornejo for several months, and
34 that Ms. Cornejo had submitted the most complete liquor license application she had seen.
35 She said the restaurant was open for business and was working on a temporary liquor
36 license. She asked if the council had any questions about the application or for the
37 applicant.

38 Mayor A Riddile said he had eaten lunch at Tapatios and it was fantastic. Councilor Leland
39 asked for the proper spelling of Tapatios, whether it had an apostrophe or not because he
40 had seen it both ways. Ms. Cornejo said that it was with the apostrophe.

41 Mayor A Riddile asked if Ms. Cornejo was familiar with TIPS training for bartenders and
42 servers. Ms. Cornejo said she was familiar with it and her staff will be attending training
43 on October 8, 2020.

44 Councilor Leland said that the application was very thorough and he appreciated the
45 detail.

46 Clerk Harrison pointed out that the applicant had signed a lease on the property to include
47 the sidewalk area outside building so she could eventually have outdoor dining as well.

1 **MOTION: Mayor A Riddile made a motion to approve Resolution TC 2020-29, A**
2 **Resolution of the New Castle Town Council Approving an Application from**
3 **Tapatios, LLC dba Tapatios for a Hotel and Restaurant Liquor License. Councilor**
4 **Mariscal seconded the motion and it passed unanimously.**
5
6

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

8 **MOTION: Mayor A Riddile made a motion to adjourn the local liquor licensing**
9 **authority and to reconvene the town council meeting. Councilor Hazelton**
10 **seconded the motion and it passed unanimously.**
11

12 **Discussion of Conceptual Trails and Trails Agreement Funding**

13 Administrator Reynolds told the council that New Castle Trails and the Talbots had been
14 discussing the idea of creating some trails on the Hogback range west of town, potentially
15 to the Harvey Gap area. The Talbots own that entire mountain range and they had been
16 looking for years for a way to use the property in a community-minded way. Administrator
17 Reynolds said that there was potential for a partnership although the details of that were
18 not yet known. He said the trails group wanted to explore it and there would likely be
19 some legal expenses incurred.
20

21 Indicating a phase 1 map he described a very preliminary trail going up the mountain
22 right outside New Castle and looping back into the downtown area.

23 Indicating a phase 2 map, he described trails that would go from New Castle all the way
24 to a BLM area outside of Silt.

25 Administrator Reynolds said that the question for the council was whether the council
26 thought further examination of the ideas were valuable, specifically allocating funds
27 towards legal fees.

28 Councilor Owens asked why the Talbots' wanted to pursue the ideas. Administrator
29 Reynolds said that they Talbots' realize they did not have another use for the property
30 and have always been community-minded. He said the only real use for the property
31 because of its terrain was recreational, and they want to create something of use to the
32 community.

33 The council and staff discussed it at length and decided that they wanted to see an
34 estimate from the attorneys before making any budget decisions. Administrator Reynolds
35 said he would get that information for council.
36
37

38 **2021 Proposed Staffing Plan**

39 Administrator Reynolds said that at the council retreat they had a broad discussion about
40 what staffing might look like in 2021, and had determined that there were funds for
41 additional staff in town hall.

42 Administrator Reynolds and the council reviewed a proposed staffing plan that included a
43 realignment of responsibilities of the Administrative Assistant to the Administrator moving
44 special events to recreation; the addition of a part-time position for finance and planning;
45 a slight realignment of recreation responsibilities; the addition of a second police clerk in
46 the police department in 2021 to accommodate requirements of senate bill 217;
47 reinstatement of the Assistant Parks Manager position and to add funding to the 2021

1 budget to allow for an additional part-time person that could be flexible to fill need as it
2 arises.

3 The council felt the staffing plan was solid.
4
5

6 **Delivery of 2021 Budget Proposal**

7 Administrator Reynolds said that the agenda item for delivery of the budget was
8 necessary to abide by charter. The council thanked Treasurer Burk and staff for all their
9 hard work on the budget.

10 **MOTION: Councilor Leland made a motion at 8:48 p.m. to go into Executive**
11 **Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I)**
12 **regarding an evaluation of the Town Clerk and not involving: any specific**
13 **employees who have requested discussion of the matter in open session; any**
14 **member of this body of any elected official; the appointment of any person to fill**
15 **an office of this body or of an elected official; or personnel policies that do not**
16 **require the discussion of matters personal to particular employees. Mayor A**
17 **Riddile seconded the motion and it passed unanimously.**
18

19 "The time is now 9:10 p.m. and the executive session has been concluded. The
20 participants in the executive session were: Councilors Mariscal, Owens and Hazelton;
21 Mayor A Riddile; Councilors Copeland and Leland; Town Administrator Dave Reynolds and
22 Town clerk Melody Harrison. For the record, if any person who participated in the
23 executive session believes that any substantial discussion of any matters not included in
24 the motion to go into the executive session occurred during the executive session, or that
25 any improper action occurred during the executive session in violation of the Open
26 Meetings Law, I would ask that you state your concerns for the record."
27

28 **Consent Agenda**

29 August 18, 2020 minutes

30 September Bills of \$704,698.14

31 ~~Dillon Companies (City Market) FMB Liquor License Cooler Modification - removed~~

32 ~~New Castle Liquors Retail Liquor License and Tasting Permit Renewal~~

33 ~~Kum & Go FMB Liquor license Renewal and Change of Manager~~

34 **MOTION: Mayor A Riddile made a motion to approve the consent agenda.**
35 **Councilor Owens seconded the motion and it passed unanimously.**
36
37

38 **Staff Reports**

39 Town Administrator – Administrator Reynolds told the council that staff had been
40 considering reopening the town hall, and felt that to avoid any confusion, the town hall
41 could open on Wednesday, November 4, the day after the election. He said that since
42 there was a new ballot box installed outside the town hall, it might prevent any confusion
43 for those voters who wanted to drop off their ballot on election night. He also noted that
44 there would be rules set in place for visitors to the town hall including the requirement for
45 face coverings and only one person in the lobby area at a time. In addition, no visitors
46 would be allowed access to the upstairs. Administrator Reynolds said that staff would
47

1 make sure to be within any state guidelines as necessary. Administrator Reynolds said
2 that three defibrillators had been ordered because the town did not have any. One would
3 be in the community center, one in town hall and one in public works. The purpose was to
4 increase safety measures for staff and visitors. Administrator Reynolds thanked the
5 council for the bonuses they approved for the staff. He said that all the staff very much
6 appreciated it and was grateful. Administrator Reynolds said that the town had been
7 awarded \$430k in CARES Act funding. Those funds are managed by DOLA. He said staff
8 had looked closely at ways to get the money out to the businesses in ways that were
9 within the rules of the Act. He said that it would be difficult for the town to distribute the
10 entire amount, even with the second round of business grants and additional assistance
11 for the River Center. Administrator Reynolds said that there was an opportunity for towns
12 to be able to give back funds to the county. He said he had met with the county, and their
13 allotment of CARES Act funds will not cover their expenses. He said that there was an
14 opportunity for municipalities to relinquish funds back to the county if they felt they would
15 not be able to use them. Because CARES Act funds needed to be used before the end of
16 the year, and relinquishment needed to be done very soon. Administrator Reynolds said
17 that his suggestion was that the council consider an amount to return to the county now,
18 and in another month after the second round of business assistance grants they take a
19 second look at it. He said that by returning funds back to the county it would keep the
20 money within the region. The council liked the idea and asked if any other town would be
21 returning funds to the county. Administrator Reynolds said that other towns had been
22 impacted harder than New Castle had by the pandemic and none of them had made any
23 decision that he was aware of to return funds. He said New Castle was the first.
24 Administrator Reynolds told the council that the second round of business assistance
25 grants had gone out and they had received three back. He said that he and Administrative
26 Assistant Debbie Nichols felt that the second round of grants would go well. Administrator
27 Reynolds said that he had a meeting scheduled with the local Girl Scout Troop at Alder
28 Pond regarding a project they wished to pursue. Administrator Reynolds told the council
29 that there was earth-moving activity taking place across from River Park Condominiums
30 on the Dow Rippy property. He said it was a reclamation project to clean up some old
31 mining debris.

32 Town Clerk – Clerk Harrison told the council that the permanent ballot box had been
33 installed outside the town hall. She said that the county had received a grant for the box
34 and it came as no expense to the town. She also said that the town will be able to use
35 the box for town elections and for any election they coordinate with such as the special
36 election held by the fire department earlier in the year. Clerk Harrison thanked the council
37 for the bonuses they had provided to the staff as well as the cost of living increase
38 planned for 2021, and said that her department very much appreciated it. Clerk Harrison
39 said that staff was considering what reopening the town hall would look like. Clerk
40 Harrison said she was working with 88 Grill regarding outdoor seating into the winter,
41 depending on what happened with the pandemic. She said that the current rules were
42 considering any seating within a tent to be considered indoor which caused some concern.
43 Clerk Harrison said she was still working on the server migration.

44 Town Treasurer – Treasurer Burk said she was working on the budget. She also said that
45 her Assistant, Viktoriya Ehlers, was doing a great job. Treasurer Burk said they had just
46 started 4th quarter and there was a lot to be done with insurance and budget and end of
47 the year items.

1 Town Planner – not present.
2 Public Works Director – not present.

3
4

5 **Commission Reports**

6 Planning & Zoning Commission – nothing to report.
7 Historic Preservation Commission – nothing to report.
8 Climate and Environment Commission – nothing to report.
9 Senior Programs – nothing to report.
10 RFTA – nothing ton report.
11 AGNC – nothing to report.

12 GCE – Councilor Leland said that the folks from CLEER asked to attend a council meeting
13 and they will present a report as they do every year as well as ask for funding.
14 EAB – nothing to report.

15
16

16 **Council Comments**

17 Councilor Leland passed out the health department guidelines for Halloween, which were
18 better than they could be. He wanted to discuss what the council thought the town should
19 implement or enforce. Mayor A Riddile felt that the town should simply follow the county
20 guidelines. The council agreed that the town should publish the county guidelines but that
21 enforcement would be impossible.

22 Councilor Leland felt that COVID case numbers should be closely watched after Halloween.

23 Councilor Hazelton said that the bulk water station was looking great. He asked when it
24 might go online. Administrator Reynolds said they were waiting on the electrician to do
25 some work, and then after that there would be some staff training. Unfortunately there
26 was no solid date yet.

27 Councilor Hazelton said he thought that once people realized New Castle had bulk water
28 available it would be a huge hit because the water was so good.

29 Councilor Owens asked if council members were allowed to attend the council meetings
30 via Zoom or was it necessary to attend in person. The council said that virtual attendance
31 was fine.

32 Councilor Mariscal apologized for having been absent in September, and thanked the
33 council for allowing her absence.

34 Councilor Mariscal said that she and Administrator Reynolds had been invited to the Aspen
35 Institute and she was excited to be part of the leadership program.

36 Mayor A Riddile read two thanks you cards: one from Joe Erickson and family, and one
37 from Debbie Nichols for the bonuses given to staff.

38 Mayor A Riddile said that he had been thinking about the town Christmas Party and they
39 could accommodate sixty people at Lakota with social distancing, which may not be very
40 fair because they would have to limit attendance.

41 Councilor Owens said it could be set up with parameters and a requirement for RSVPs.
42 Perhaps no kids?

43 Councilor Copeland said it might be best to skip it. Councilor Hazelton said perhaps an
44 outdoor event would be good, bonfires and sledding and food from several of the local
45 restaurants.

46 Mayor A Riddile said he would have the chamber look into it.

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

The meeting adjourned at 9:33 p.m.

Respectfully submitted,

Mayor A Riddile

Town Clerk Melody Harrison, CMC

DRAFT

1
2 **New Castle Town Council Regular Virtual Meeting**
3 **Tuesday, October 20, 2020, 7:00 PM**
4

5
6 **Due to concerns related to COVID-19, this meeting was open to the public as a**
7 **virtual meeting only.**
8

9 **To join by computer, smart phone or tablet:**
10 **<https://us02web.zoom.us/j/7096588400>**
11

12 **If you prefer to telephone in:**
13 **Please call: 1-346-248-7799**
14 **Meeting ID: 709 658 8400**
15

16 **Call to Order**

17 Mayor A Riddile called the meeting to order at 7:00 p.m.
18

19 **Pledge of Allegiance**
20

21 **Roll Call**

22 Present	Councilor Mariscal
	Councilor Owens
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
29 Absent	None

30
31 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
32 Harrison, Town Planner Paul Smith and members of the public.
33

34
35 **Meeting Notice**

36 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
37 accordance with Resolution TC 2020-1.
38

39 **Conflicts of Interest**

40 There were no conflicts of interest.
41

42 **Agenda Changes**

43 Here were no agenda changes.
44

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

46 There were no citizen comments.
47

1 **Consultant Reports**

2 Consultant Attorney – present for agenda items.

3 Consultant Engineer – not present.

4 **Items for Consideration**

5
6 **Girl Scout Presentation: Fishing Line Deposit Station Project**

7 Mayor A Riddile greeted Girl Scout Troop 10239.

8 Karen Campbell greeted the council and said that she would assist the girls in their
9 presentation.

10 Ms. Campbell introduced Girl Scout Troop 10239 members Abby Anthony, Gracie
11 Campbell and Sylvia Duchscher. She said the troop had been working very hard to identify
12 needs around New Castle related to the Bronze Award.

13 Miss Anthony, Miss Campbell and Miss Duchscher took turns narrating their power point
14 presentation that described the Bronze Award as well as their proposed fishing line recycle
15 bin and ecology protection project at Alder Pond.

16 The council spoke briefly with the Scouts and thanked them for a great presentation.

17 **MOTION: Mayor A Riddile made a motion to approve \$281.00 in funding to Girl**
18 **Scout Troop 10239. Councilor Owens seconded the motion and it passed**
19 **unanimously.**

20
21 Mayor A Riddile said that once the project was complete, he would like them to return to
22 council and give an update.

23
24
25 **Update: The River Center - Heather Paulson**

26 The River Center Executive Director Heather Paulson greeted the council and said that she
27 was present to provide an update to the council.

28 Director Paulson thanked the council for having provided CARES Act funding to the River
29 Center. She said those funds went to residents in need, and the remaining \$20k would be
30 well-spent before the end of the year.

31 Director Paulson said they had been doing Meal Monkey lunches, and had brought back
32 their Senior Lunches as well. She thanked the council for their financial support of those
33 programs.

34 Regarding the senior lunch, Director Paulson said that some of the food for the lunch was
35 from local restaurants and that they were serving the lunch indoors under the approval of
36 a safety plan with the county. Once there were tents available in town, they will serve
37 there as well.

38 Director Paulson said that they will not hold their annual coat drive for several reasons.
39 There were many people that came for the coat drive and they would be unable to have
40 the coats professionally cleaned. They felt it was not safe enough to provide the event to
41 the community. She said they will meet direct needs, so if any of the schools see a child
42 or family that has needs, River Center will meet that need directly. She said they will also
43 reach out to the shelters in the area. She told the council that if they knew of anyone who
44 needed a coat to please contact River Center.

45 Director Paulson said that Angel Tree was also changing because they would not be able
46 to have their collection boxes out as normal. Instead, they were partnering with the New
47 Castle Police Department who will have a collection box, so people can drop off toys there.

1 Director Paulson said that distribution of the toys would be a drive-through similar to how
2 Lift-Up was distributing food. The distribution will be at Apple Tree Park because there was
3 more room there than on 4th Street.
4 Director Paulson said that the River Center will need to purchase toys for the event
5 because they would not receive the donations they normally would, and she thanked the
6 council again for their support, which was helping make their events successful. She said
7 they were trying very hard to keep things as normal as possible for the community.
8 Mayor A Riddile asked what the River Center was seeing as the greatest needs.
9 Director Paulson said that the greatest needs seemed to be rental assistance because
10 families were not fully back to work yet. She said they were also seeing some depression
11 so they were considering extending their mental health assistance and counseling
12 services. Director Paulson said they were also seeing requests for utility bills.
13 Director Paulson said some families had been evicted and they were providing assistance
14 to help those families stabilize.
15 Mayor A Riddile asked if the River Center had enough staffing and volunteers.
16 Director Paulson said that they could always use volunteers. She said they had two new
17 members to help with emergency assistance, but that they could use help on Wednesdays
18 for senior lunch because they were required to serve the food. Director Paulson said that
19 staff levels were fine and the needs were nowhere the level they were at the beginning of
20 the pandemic. She said that they were trying to help families in Rifle, and they were
21 taking on some cases referred to them by Reach Out Colorado who was an organization
22 similar to River Center that served Rifle and Parachute families.
23 Mayor A Riddile told Director Paulson that the River Center provided a magnificent service
24 to the community, and he thanked her for everything they did.
25 Director Paulson said that it was a partnership and she thanked the council again for their
26 support.
27
28

29 Recess the Town Council Meeting, Convene as the Board of Zoning Adjustment
30 **MOTION: Mayor A Riddile made a motion to recess the town council meeting and**
31 **to convene as the board of zoning adjustment. Councilor Owens seconded the**
32 **motion and it passed unanimously.**
33
34

35 **Consider Resolution BZ 2020-1, a Resolution of the Board of Zoning Adjustment**
36 **of the Town of New Castle, Colorado Approving a Variance Application for the**
37 **Property Located at 55 Whitetail Drive in the Lakota Canyon Ranch PUD R-M**
38 **Residential Zone District**

39 Administrator Reynolds said that Assistant own Attorney Haley Carmer was present along
40 with Town Planner Paul Smith and the applicant, Chris Hutto.

41 Administrator Reynolds said that the Hutto's owned a home in Lakota Canyon Ranch that
42 was experiencing some settling. Indicating screen-shared photos of the home, he noted
43 damage done to the rear patio and foundation due to settling soils and damage done
44 because of water penetrating the soils and potentially the foundation.

45 Administrator Reynolds said that the Hutto's were asking for a variance to be able to
46 construct roof structures over the patios. The solution to prevent further damage to the
47 back of the home was to get water as far away from the home as possible. The two
48 proposed roof structures would shed water from the roof away from the house.

1 Administrator Reynolds said the reason for the variance request was because the two
2 proposed roofs would encroach eight feet into the rear setback. He said that setbacks
3 were required to maintain a safe space around the home as well as providing consistency
4 throughout the neighborhood. Administrator Reynolds said that the home backed up to
5 the golf course, and in fact, there was a large open space between the home and the golf
6 course that was in excess of 200 feet, so there was no other home behind them. The
7 homes to the north and south sides were also set well back on their properties. Another
8 issue, Administrator Reynolds said, was that the Hutto's home was set close to the rear of
9 the property that did not allow the patio roofs to be located outside the setback. In
10 addition, the landscaping appeared to be outside the property boundaries, causing some
11 possible visual confusion as to the actual location of the property line. He said that all the
12 noted issues took place prior to the Huttos owning the home.
13 Administrator Reynolds reviewed the criteria for approval of a variance, and the staff
14 comments regarding those criteria:
15

16 **1. That there are unique physical circumstances or conditions, such as**
17 **irregularity, narrowness, shallowness or size of the lot, or exceptional**
18 **topographical or other physical conditions peculiar to the affected**
19 **property;**

20 *Staff Comment – There are no genuinely accidental physical circumstances which*
21 *have caused the issues identified above. Various indirect factors however (e.g.*
22 *exposure, lack of coverage, poor drainage) have collectively led to the various soil*
23 *and water issues as a result of inadequate design and construction.*

24 **2. That, because of such physical circumstances or conditions, the property**
25 **cannot reasonably be developed in conformity with the provisions of this**
26 **Title;**

27 *Staff Comment – Alternative remedies may exist to help relieve some hydrostatic*
28 *build-up and redirect drainage so that water infiltration and fill settlement. Such*
29 *remedies will likely be employed whether dormers are added or not. However the*
30 *addition of dormer features will function to create a 10 foot lateral buffer prohibiting*
31 *water from impacting the immediate foundation wall and perimeter soils. According*
32 *to the New Castle town engineer, a roof which sheds water away from the house*
33 *would provide optimal relief to the problems.*

34 **3. That such unnecessary hardship has not been created by the applicant;**

35 *Staff Comment – The applicant has not made changes to the rear periphery of the*
36 *building. The soil condition existed, at least potentially, prior to purchasing the*
37 *home in 2011. The problem evolved naturally with continuous wetting from storm*
38 *water.*

39 **4. That the variance, if granted, will not alter the essential character of the**
40 **neighborhood or district in which the property is located nor substantially**
41 **or permanently impair the appropriate use or development of adjacent**
42 **property;**

43 *Staff Comment – Staff does not anticipate any adverse impacts nor features which*

1 would impair future development to adjacent properties. No design features appear
2 to be inconsistent with the architectural character of the community.

3 **5. That the variance, if granted, is the minimum variance that will afford**
4 **relief and is the least modification possible of this Title's provisions that**
5 **are in question.**

6 **Staff Comment** – An encroachment of eight feet would be the minimum variance
7 affording relief.

8
9
10 **1) Staff Recommendations:**

11 *The addition of patio dormers would significantly relieve the issues inherited by the*
12 *applicant with little to no impacts on the community. Therefore staff supports the Board's*
13 **approval of Resolution 2020-029** given the following conditions:

- 14 1. *All representations for the Applicant contained in the Application or otherwise stated*
15 *in writing or presented verbally at the public hearing before the Board of Zoning*
16 *Adjustment shall be considered part of the Application and binding on the Applicant.*
- 17 2. *Applicant shall comply with all applicable building, residential, electrical and*
18 *municipal code requirements including all sign code regulations.*
- 19 3. *The Applicant shall reimburse the Town for any and all expenses incurred by the*
20 *Town regarding this approval, including, without limitation, all costs incurred by the*
21 *Town's outside consultants such as legal and engineering costs.*

22 *Violation of any of the above conditions shall be cause for revocation of the variance.*
23

24 Administrator Reynolds said that the applicant had provided a letter, as well as letters
25 from some of the neighbors in support of the application.

26
27 Administrator Reynolds screen-shared two additional photos that were mock-ups of the
28 proposed roof structures.

29
30 Chris Hutto, Applicant. Mr. Hutto greeted the council. The council and Mr. Hutto discussed
31 the application briefly.

32
33 Mayor A Riddile opened the public hearing at 7:55 p.m.

34
35 Ryan Moore. Mr. Moore said that he was not opposed to the application in any way, and
36 felt the proposal would match the existing Lakota architecture. He said that he had looked
37 at a few homes in Iron Bridge before moving to New Castle, and had not selected a home
38 at Iron Bridge because they had foundation issues as well. He said he felt it was important
39 that the application be allowed so that the Huttos and others could protect their
40 investment as well as their family. Mr. Moore said he was the Huttos neighbor.

41
42 Mayor A Riddile closed the public hearing at 7:57 p.m.
43

1 **MOTION: Councilor Owens made a motion to approve Resolution BZ 2020-1, a**
2 **Resolution of the Board of Zoning Adjustment of the Town of New Castle,**
3 **Colorado Approving a Variance Application for the Property Located at 55**
4 **Whitetail Drive in the Lakota Canyon Ranch PUD R-M Residential Zone District.**
5 **Councilor G Riddile seconded the motion and it passed unanimously.**
6
7

8 Adjourn the Board of Zoning Adjustment, Reconvene the Town Council Meeting

9 **MOTION: Mayor A Riddile made a motion to adjourn the board of zoning**
10 **adjustment and to reconvene the town council meeting. Councilor Mariscal**
11 **seconded the motion:**

12 Discussion: Councilor Leland asked if there were a chance they would be seeing more
13 such applications because of the bad soils in Lakota. Administrator Reynolds said that it
14 was not just a Lakota problem, the soils everywhere in Colorado were a problem, and they
15 very well could see another application.

16 **The motion passed unanimously.**
17
18
19

20 **Continued Discussion of Conceptual Trails and Trails Agreement Funding**

21 Administrator Reynolds said that at the previous council meeting, the council had
22 discussed the conceptual trails and trails agreement funding. The council had directed
23 staff to explore what the potential cost would be from the town attorneys for the initial
24 legal work needed for a trails agreement. He said he had spoken to Town Attorney David
25 McConaughy, and if the agreement mirrored other that has been done such as the one
26 with Steve Craven, the cost would be minimal, perhaps \$1,000.00 simply to begin. The
27 issue was not knowing how much negotiation there would be with the Talbots and what
28 costs would be incurred. Administrator Reynolds said that the other issue could be grant
29 funding. Grants generally required that the town had a real vested interest in the
30 property, whether ownership or ownership control or a permanent legal easement.
31 Administrator Reynolds said that there was not a way to anticipate whether the idea
32 would eventually come to fruition, but staff would like the council to consider approving
33 some funding to start exploration of the concept.

34 Assistant Town Attorney Haley Carmer said that she had also spoken to Attorney
35 McConaughy and they agreed that the Craven trails agreement document was easily
36 convertible to something like an easement agreement. Attorney Carmer said that another
37 cost would be the need to survey the land because an easement agreement would be on
38 specific land areas, and they would have to be surveyed to define them.

39 Councilor G Riddile said that he wanted the council to know that the concept was not even
40 at the starting line of negotiations yet. He said that the point of the discussion was that
41 legal support was necessary in order to begin the negotiations. He said they would need
42 attorneys present because the Talbots would have one present, if the idea went nowhere
43 then they would stop, and if it went somewhere, they would keep going and see where it
44 went.

45 The council agreed that they were in support of exploring the idea and directed staff to
46 begin preliminary work.
47
48

1 **Consent Agenda**

2 September 1, 2020 minutes

3 September 15, 2020 minutes

4 Dillon Companies (City Market) Fermented Malt Beverage Cooler Modification Liquor

5 License Application

6 **MOTION: Councilor Leland made a motion to remove the City Market Liquor**
7 **License item off the consent agenda and to approve the remaining consent**
8 **agenda items. Councilor Owens seconded the motion and it passed unanimously.**
9

10 Councilor Leland asked if the liquor license application was about moving the beer display
11 to another part of the store. Clerk Harrison said yes. She said that the store currently had
12 a 16-foot open display cooler on the east wall, near the pharmacy and they would be
13 moving that. Councilor Leland said that the store regularly put stacks of beer on end caps
14 or in the aisles, and he stated that was outside of what the current license allowed. Clerk
15 Harrison clarified that the fermented malt beverage licenses could display beer on an end
16 cap or in an aisle, and that could be moved at random. The actual beer cooler was
17 required to be specifically designated on the liquor license and any change in that cooler
18 size or location required an application for modification. The application proposed to move
19 that 16-foot open cooler to aisle one and the cooler would be one with doors.

20 Mayor A Riddile said that he has spoken to the manager of the City Markey, Mr. Ray Ortiz,
21 and he said that they will do a complete reset of the entire store between Thanksgiving
22 and Christmas.

23 **MOTION: Councilor Leland made a motion to approve the Dillon Companies (City**
24 **Market) Fermented Malt Beverage Cooler Modification Liquor License**
25 **Application. Councilor G Riddile seconded the motion and it passed unanimously.**
26

27 **Staff Reports**

28 Town Administrator – Administrator Reynolds said that staff had received 17 applications
29 in the second round of business assistance grants. He said that staff was reviewing them
30 and would like to bring them to the council on November 3. He said that staff would like a
31 council committee of two to assist staff in reviewing the applications and that would make
32 the conversation on November 3 to go more smoothly. Councilors Copeland and Mariscal
33 volunteered. Administrator Reynolds said that the town’s regular grants to outside
34 agencies cycle was just about ready to go out to the public. Administrator Reynolds said
35 that he and Public Works Director John Wenzel, Town planner Paul Smith and Town
36 Engineer Jeff Simonson had met with CDOT about the LoVa Trail and the town’s permits
37 for a pedestrian bridge over the river. They had also met with CDOT regarding the
38 roundabout and the aesthetics of it. Staff had subsequently reached out to Pedro Campos
39 of Zehren & Associates to provide some conceptual layouts for landscaping in the
40 roundabout. Staff agreed that the roundabout was the gateway to the town and it was
41 important that it was well done. Administrator Reynolds said that FMLD grant awards had
42 been announced and the town got the \$25k mini-grant for town hall improvements, and
43 the traditional grant for the Bio-solids drying facility had been partially awarded. He said
44 that was not a surprise as everyone knew the funding for FMLD grants was much less
45 than in the past. He said that the town had received both their grants and many towns
46 had not. Administrator Reynolds said that he and Treasurer Burk and Director Wenzel had
47 been discussing the shortfall in the traditional grant ask, and they agreed that although it
48 would impact the 2021 budget, if they did not complete the project now they may not be

1 able to in the future. The project itself would equal some cost-saving measures for the
2 long-term in that the town would not have to haul sludge to the landfill. The project would
3 greatly reduce the odor of the sludge that is taken to the ranch. He said that if the town
4 lost the ability to take sludge to the ranch they will not need to take it to the landfill.
5 Administrator Reynolds said that at the last council meeting there were people from the
6 Castle valley Ranch HOA who showed up for public comment. He said he and Clerk
7 Harrison met with them and the solution was that the trees would be planted in the
8 spring. The reason is because it was past the season since parks staff had blown out all
9 the irrigation systems, and without irrigation those trees would die. He said they had
10 agreed on Arbor Day 2021. Administrator Reynolds said that a trails agreement with the
11 Romero Group was in progress between the attorneys. Administrator Reynolds said that
12 the council had discussed the idea of a food truck in town on Sundays. The vendor had
13 been unable to do that through the summer, but he had finally put in an application for a
14 few Sundays. Administrator Reynolds said that the town clean-up day had been the
15 previous weekend and had been a great success with 357 vehicles coming through.
16 Administrator Reynolds said they had taken the opportunity also to do some clean-up
17 outside town where people had dumped garbage just inside White River Forest lands. He
18 said he felt that was important because that sort of dumping was contagious and also
19 because New castle was the gateway to the Clinetops and Flattops Wilderness areas.
20 Administrator Reynolds handed out a sheet that had a park inventory. The concern had
21 been brought up previously with the university report on Frank Breslin Park because no
22 one wanted the park amenities to be duplicated. He said they had done the inventory in
23 the beginning of the project but it had not been park of the report.

24
25 Town Clerk – Clerk Harrison said she had been working on the town website. She said
26 there was a 'documents' tab on the home page that she had removed some time ago
27 because it was messy and had no consistency. She said she had repopulated that tab and
28 was working on cleaning it up and making it more searchable and accessible for users.
29 Clerk Harrison said she had listed the job opening for the Administrative Assistant to the
30 Town Administrator on the website. She said she had also been in some discussion with
31 Administrator Reynolds regarding the job responsibilities because much of what was being
32 done by Debbie Nichols was not administrative assistant duties. They were working on a
33 realignment of those duties, and it was likely that some would be reallocated to the clerk's
34 office. Clerk Harrison said that ballots had been mailed and the ballot box outside town
35 hall had been heavily used. She said that the county was picking up the ballots every
36 other day.

37 Mayor A Riddile asked what was done with the ballots when they were removed from the
38 box. Clerk Harrison said that to move ballots you were required to have two people. She
39 said two or three county employees normally show up. She said that they transport the
40 ballots in a portable ballot box, and each ballot box had a logbook. Unsealing and sealing
41 of the ballot boxes was logged in the book using the numbers on the seals and signatures
42 of the person and the witness to the unsealing and sealing of the boxes. The portable
43 boxes were then returned to the county offices where they would be secured until
44 counting began. Again, two or more people would witness the unsealing of the box. Clerk
45 Harrison said that was the process for municipal elections, and although Title 1 of the
46 Colorado Revised Statutes governed county elections and municipal elections were under
47 Title 31, the rules were very similar. Clerk Harrison said that since the ballot box outside

1 town hall was monitored 24 hours per day by video surveillance, the county had record of
2 who had opened the box.

3
4 Town Treasurer – not present.

5
6 Town Planner – Planner Smith said he had been working on the communications facilities
7 resolution that would go to Planning & Zoning Commission the following week. He said it
8 was adding to chapter 17 of the municipal code a section that provided some regulations
9 on 5G cell facilities. He said that if it was approved by P&Z, it would come to the council
10 as an ordinance on November 3, 2020.

11
12 Public Works Director – not present.

13
14
15
16 **Commission Reports**

17 Planning & Zoning Commission – nothing to report.

18 Historic Preservation Commission – nothing to report.

19 Climate and Environment Commission – nothing to report.

20 Senior Program – nothing to report.

21 RFTA – Mayor A Riddile said that RFTA was in the middle of a study regarding bus lanes in
22 downtown Glenwood Springs, and that there was some level of push back. He said he
23 would keep the council updated on how that went.

24 AGNC – nothing to report.

25 GCE – nothing to report.

26 EAB – nothing to report.

27
28 **Council Comments**

29 Councilor Leland asked if the town had reached out to the county commissioners
30 regarding the CARES Act funding that the town would not be using. Administrator
31 Reynolds said yes, and that the town had returned \$100k to the county.

32 Councilor G Riddile thanked public works for the millings they put at VIX Ranch Park.

33 Councilor Owens said he wanted to thank Police Chief Pagni. He said that he rarely went
34 down Castle Valley Boulevard past the fire station, where the speed turned from 30 mph
35 to 20 mph, and he had never seen a police officer across the street from the speed
36 reduction sign, they were usually further down the hill. He thought it was great because it
37 gave people the reminder to slow down.

38 Councilor Hazelton asked about the food truck that was at the furniture store.

39 Administrator Reynolds said he made contact with them and he was unsure why they
40 dropped the ball about the special events permit. He said he and Clerk Harrison made
41 contact on the day of the event and got an application to them but staff had not heard
42 from them since. He said Clerk Harrison had made contact again and reminded them that
43 they were outside the parameters of their lease.

44 Councilor Hazelton said that it appeared the food truck was also not collecting sales tax
45 because he went there and he was charged a flat rate. It could have been included in the
46 price but it didn't appear that way. Administrator Reynolds said he could follow up with
47 Treasurer Burk.

1 Councilor Hazelton said that he had no problem with food trucks, and there was a line of
2 people there, yet across the street was a brick and mortar business who was paying sales
3 tax and he did not think that was okay.

4 Administrator Reynolds said that the truck has a business license and they knew they
5 needed to collect sales tax. The lease on the building included a caveat that events could
6 be held on the property but the tenants were required to complete a special event permit
7 application. The tenant was told prior to the event and on the day of the event that the
8 permit application was required, and although they said they would complete it, they did
9 nothing.

10 Mayor A Riddile said that there was a council meeting scheduled for Tuesday, November 3
11 which was election day, and historically the council would hold meetings on election day.

12 Mayor A Riddile said that he and Administrator Reynolds had a meeting with the police
13 department staff the prior week and he felt that their department morale was very high.

14 Mayor A Riddile said that they were very happy and appreciative with the 1% bonus.

15 Mayor A Riddile said that regarding the town Christmas Party, he was unsure what would
16 happen with COVID. In years prior, there was attendance of eighty or more people and if
17 they held the party at the clubhouse, there could only be sixty people. He asked what the
18 council thought of taking the money generally used for the party and giving each staff
19 member \$50.00.

20 Councilor Owens said they staff would have to be taxed on the \$50.00 through payroll.

21 The council and staff agreed they would speak to the treasurer about the law.
22

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

25
26 The meeting adjourned at 8:48 p.m.

27
28 Respectfully submitted,
29
30
31
32

Mayor A Riddile

Town Clerk Melody Harrison, CMC
37
38
39

1 **New Castle Town Council Regular Meeting**
2 **Tuesday, November 03, 2020, 7:00 PM**

3
4
5 **Due to concerns related to COVID-19, this meeting was open to**
6 **the public as a virtual meeting only.**

7
8 **To join by computer, smart phone or tablet click [HERE](#)**
9

10 **If you prefer to telephone in:**

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

12 **Meeting ID: 709 658 8400**

13
14
15 **Call to Order**

16 Mayor Pro Tem Grady Hazelton called the meeting to order at 7:02 p.m.

17
18 **Pledge of Allegiance**

19
20 **Roll Call**

21 Present	Councilor Mariscal
	Councilor Owens
	Mayor Pro Tem Hazelton
	Councilor Copeland
	Councilor Leland
26 Absent	Mayor A Riddile
	Councilor G Riddile

28
29 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
30 Harrison, Town Planner Paul Smith and Town Attorney Haley Carmer.

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

34
35 **MOTION: Mayor Pro Tem Hazelton made a motion to excuse Councilor G Riddile's**
36 **absence. Councilor Mariscal seconded the motion and it passed unanimously.**

37
38 **Meeting Notice**

39 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
40 accordance with resolution TC 2020-1.

41
42 **Conflicts of Interest**

43 There were no conflicts of interest.

44
45 **Agenda Changes**

46 There were no agenda changes.

47
48 **Citizen Comments on Items not on the Agenda**

49 There were no citizen comments.

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Consultant Reports

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

Items for Consideration

Garfield Clean Energy and CLEER Presentation - Erica Sparhawk

Erica Sparhawk, Deputy Director, Clean Energy Economy for the Region (CLEER).
Ms. Sparhawk greeted the council. She said that she would provide brief update to the council regarding the Garfield Clean Energy Collaborative (GCE) and CLEER activities in the past year. Ms. Sparhawk thanked the council for their continued participation as one of the founding members of GCE. She also thanked Councilor Leland for sitting on the Garfield Clean Energy (GCE) Board, said that he was a great member, and represented New Castle very well.
Ms. Sparhawk said that GCE was a collaborative of nine entities including six of the county municipal governments, Garfield County, Colorado Mountain College and RFTA.
Ms. Sparhawk reviewed what had been accomplished in 2020. Despite the ongoing pandemic, GCE and CLEER had been able to continue to provide services to local government, residents and businesses.
Ms. Sparhawk said that GCE and CLEER had to reconsider how their programs were administered due to the pandemic and much of the education piece had gone to webinars. She said their classes were well-attended.
Ms. Sparhawk said that she did not intend to lessen the negative impact the pandemic had on people and businesses, but they had received many phone calls during the lockdown when people were home and had time to complete projects. In addition, a few businesses completed projects that they may not have done otherwise.
Ms. Sparhawk said they had reached out to Lift-Up right away and put flyers in the food bags, and immediately had more than thirty families apply for the Low-Income Energy Assistance Program.
Ms. Sparhawk said that when they had reached out to Lift-Up, Lift-Up was in the process of replacing the cooling system in their Parachute building, and GCE was able to connect them to Energy Outreach Colorado who paid for the cooling system because Lift-Up serves the low-income population.
Ms. Sparhawk provided a detailed 3rd-quarter report.
Ms. Sparhawk screen-shared slides regarding the Three-County Clean Energy Network that included Eagle, Pitkin and Garfield Counties. The Network project was funded by a DOLA grant, and intended to create a vision of how solar and solar storage in the three-county region could accelerate progress to a clean energy future in support of the state clean energy target.
The council thanked Ms. Sparhawk for her report.

Review: Proposed 2021 Budget

Administrator Reynolds said that the council had discussed the 2021 budget at the last council meeting. Town treasurer Loni Burk had taken comments and requests from that discussion and made adjustments to the budget document. He said the adjustment were not many, but that Treasurer Burk would review the changes.
Treasurer Burk reviewed the changes made in detail.

1 Mayor Pro Tem Hazelton said that he knew the Mayor would be very proud of how good
2 the budget was looking and how much hard work staff had done. He also said that New
3 Castle had been very fortunate given the circumstances, because many other towns were
4 having budget issues because of the pandemic. He thanked the staff for their great work.

5
6
7 **Consider Ordinance TC 2020-7, an Ordinance of the Town Council of the Town of**
8 **New Castle, Colorado Amending the Municipal Code to Add Chapter**
9 **17.74, Wireless Communication Facilities and Equipment (1st reading)**

10 Town Planner Paul Smith told the council that in 2017, the Colorado House passed HB 17-
11 1193, the Small Cell Facilities Permitting and Installation Act, which generally specified
12 how local authorities throughout Colorado might regulate the attachment of small cell
13 facilities. In 2018, the Federal Communications Commission (FCC) adopted a declaratory
14 ruling known as FCC 18-133 that outlined the extent to which local agencies may or may
15 not regulate the installation of small cell facilities within the public rights-of-way and the
16 use of public infrastructure.

17 Planner Smith said that the state and federal government saw 5G as an infrastructure
18 improvement that they want to make available to the majority of the nation, but they
19 needed access to the public right-of-way.

20 Planner Smith explained that small cell communication technology, also known as 5G,
21 would require more infrastructure than what everyone was used to in the towers located
22 on the Hogback. 5G required a structure every 300 to 600 feet where a transmitter would
23 be mounted, most often with fiber optic and power conductor cable connections to each.
24 Without adoption of installation standards, service providers would be free to install
25 equipment with no concern for the visual impact they create. He said that the purpose of
26 the ordinance was to accommodate implementation of the new technology while assuring
27 that the new infrastructure was installed in a way that protected the safety, aesthetics
28 and general well-being of the community.

29 Planner Smith said that the ordinance would regulate where the transmitter could go in
30 the public right-of-way and essentially what they would look like. He said in the ordinance
31 there were three major sections: technical definitions, design criteria and application
32 procedures.

33 Planner Smith screen-shared examples of towers disguised as trees as well as the small
34 cell devices that was most likely to be installed in New Castle. He noted that it would
35 probably be cost-prohibitive for service providers to install new towers; rather, they would
36 most likely use existing light or utility poles or buildings.

37 Planner Smith reviewed the Design Standards in section 17.74.060 in detail. He also
38 reviewed the permitting and inspection process with the council.

39 Councilor Leland asked what the process would be if a resident complained. Planner Smith
40 said that the state considered small cell to be essentially a use-by-right in the public right-
41 of-way, and they could also be installed on a private building. He said that outside the
42 adopted design criteria there could be complaints and it would be up to staff to determine
43 if the facility was obtrusive or not. He said that the intent was that the ordinance would be
44 a living document where it could get into more specificity about what the facilities might
45 look like.

46 Mayor Pro Tem Hazelton told Councilor Leland that he was not feeling well and needed to
47 leave, and he asked Councilor Leland to take over the meeting. Councilor Leland agreed.

48
49 Mayor Pro Tem Hazelton left the meeting at 8:11 p.m.

1 (Clerk Harrison sanitized the council dais, bagged and removed Mayor Pro Tem Hazelton's
2 things.)
3

4 Attorney Carmer said that if someone complained about a facility that had been approved
5 by the town, the quick response was that the town cannot prohibit installation of the
6 facilities both the state and federal bills allowed. Attorney Carmer said that the purpose of
7 the ordinance was to create regulations so that the town could ensure they were installed
8 properly and within the adopted design standards. In addition, any review decision made
9 administratively can be appealed and subsequently reviewed by the Board of Zoning
10 Adjustment, but all they will do is decide if the design standards had been complied with,
11 nothing else.

12 Councilor Leland asked if Planner Smith if he had determined how many small cell
13 facilities would be needed in town. Planner Smith said he had not, but it appeared there
14 could be as many as one every 300 feet or roughly about 100. He said it was difficult to
15 determine, and it may be necessary to hire a consultant that could help determine what
16 the necessary density of facilities would be. Administrator Reynolds said that it would
17 likely be a major carrier that would install the facilities, and the need for facilities might
18 vary between carriers, but it was likely they would share poles.

19 Planner Smith said that the health issues related to 5G was contested but both the state
20 and federal government position was that health concerns had been studied and there
21 was not enough evidence regarding potential health issues to prohibit 5G facility
22 installation.

23 Councilor Copeland asked if it was 5G that was being installed along I-70. Administrator
24 Reynolds said that fiber optics was installed on the highway, not 5G.

25 **MOTION: Councilor Copeland made a motion to approve Ordinance TC 2020-7, an**
26 **Ordinance of the Town Council of the Town of New Castle, Colorado Amending**
27 **the Municipal Code to Add Chapter 17.74, Wireless Communication Facilities and**
28 **Equipment on 1st reading. Councilor Mariscal seconded the motion.**

29 Discussion: Councilor Owens clarified that there was research out there on the health
30 impacts of 5G, but not enough to prohibit facility installation. Planner Smith verified that
31 there were health studies regarding 5G but nothing significant that would allow a
32 municipality to prohibit facility installation. Planner Smith said it had been a while since he
33 had looked at health information since it was not pertinent to the ordinance.

34 Councilor Owens said that the health issues related to 5G was something he did know
35 enough about to be comfortable approving its installation.

36 Planner Smith clarified that the ordinance was not considering whether 5g would or would
37 not be allowed in town because it was already allowed by state and federal law. All the
38 ordinance did was provide the capacity by which those facilities were installed.

39 Attorney Carmer said that there were states and jurisdictions that had challenged the
40 overall concept of not being able to prohibit the 5G type infrastructure, and the
41 telecommunications companies immediately sued them. There was legal action being
42 taken to challenge the wholesale prohibition on prohibiting 5G but it will take some time
43 to work through the system. The suits could create some changes to the law that would
44 allow more flexibility to maybe prohibit facilities in certain areas for instance, but it will
45 take some time for that legal authority to come down. She said the issue could be
46 revisited if and when that happened.

47 Councilor Owens said that in the meantime, they had a right to bring 5G in, and the town
48 had the right so say in what capacity they could bring could do that. Attorney Carmer
49 agreed.

1 Councilor Leland asked if there were communities where 5G had been installed and if
2 there was any health statistics from those communities. Planner Smith said there were
3 communities where 5G had been installed but he did not have any health reports or
4 information.

5 **The motion passed on a roll-call vote: Councilor Leland: yes; Councilor Owens:**
6 **yes; Councilor Copeland: yes; Councilor Mariscal: yes.**

9 **Consider a Motion to Approve Business Assistance Grant**

10 Administrator Reynolds reminded the council that the town had been awarded \$430k in
11 CARES Act funds and part of those funds had been spent in the first round of business
12 assistance grants. Council had directed staff to prepare a second round of business
13 assistance grants. Administrative Assistant Debbie Nichols had created a second
14 application process and contacted as many businesses as she could locate. The council
15 committee consisted of Councilors Copeland and Mariscal and they met with staff for
16 many hours reviewing the grant applications. To be fair, they created a standardized
17 formula so that each business would receive an equitable amount. Part of the application
18 asked for some very specific financial information which was not in the packet, but it gave
19 the committee an opportunity to thoroughly study the information. Administrator
20 Reynolds said that each business was able to provide information documenting their
21 losses due directly to COVID. The committee's standard formula was to provide grant
22 funds to each business equal to three months of fixed expenses. Administrator Reynolds
23 said the total at the bottom of the spreadsheet of \$156,719.00 represented three months
24 of expenses for the businesses that applied with one exception. That business's monthly
25 expenses were so high that providing three months of expenses for them would have
26 exceeded the budget. Administrator Reynolds said that the committee also wanted to be
27 careful so that nothing was questioned or denied when the town applied for
28 reimbursement from DOLA. In addition, he said that businesses that received CARES Act
29 monies as well as the town were subject to an audit, so the committee was careful in that
30 regard as well.

31 Administrator Reynolds said that the staff/council committee recommended approval of
32 the suggested amounts, particularly since the monies were going back into the community
33 by supporting business.

34 Councilor Leland said it looked like they were suggesting giving more than asked for in
35 two circumstances. Administrator Reynolds said that was tricky to figure out. He said that
36 some businesses were very modest in their requests. The committee had the advantage in
37 looking at what they asked for, but also what their losses were. He said that if those
38 businesses to return any portion of the money, they could do that.

39 **MOTION: Councilor Leland made a motion to approve the business assistance**
40 **grants as presented. Councilor Mariscal seconded the motion and it passed**
41 **unanimously.**

44 **CARES Act Financial Review**

45 Administrator Reynolds said that the council was aware that New Castle had received
46 \$436k in CARES Act funding that were not truly town funds, but funds in an allotment that
47 the town could draw from. Funds needed to be spent by the end of the year. The purpose
48 of the agenda items was to let the council where the town was with the CARES Act fund.
49 Administrator Reynolds said that there were four categories under which the town had
50 been using the funds, and he described each: \$41,500 in funding to non-profits, \$182,719

1 in funding to local businesses, \$100,000 in funding returned to Garfield County and
2 \$84,963.96 in funding town reimbursable COVID expenses. Administrator Reynolds said
3 there was \$24,036.04 remaining that could be distributed and he asked the council what
4 they felt the best use of the remaining fund would be. The council suggested a few
5 organizations: the Safe and Abundant Nutrition Alliance (SANA), Lift-Up, River Center,
6 Advocate Safehouse and Mountain Family Health, and anything left over could go back to
7 the county.

8 The council asked which level Garfield County was. Administrator Reynolds said that the
9 county was currently at yellow, with warnings that they would be at orange if there was
10 not improvement in the number of new COVID cases.

11 The council asked if reopening town hall was wise. Administrator Reynolds said that the
12 town hall would reopen in a very strict manner, requiring face coverings and only one
13 person in the town hall lobby at a time. The upstairs would be limited to employees only.
14 Staff was comfortable reopening and would keep a close eye on how things were going.
15

16 **Consent Agenda**

17 Resolution TC 2020-30 - Approving an Amended MOU with Garfield County for Senior
18 Programs

19 October Bills of \$389,824.88

20 **MOTION: Councilor Leland made a motion to approve the consent agenda.**

21 **Councilor Copeland seconded the motion and it passed unanimously.**
22

23 **Staff Reports**

24 Town Administrator – Administrator Reynolds said that he had been conducting interviews
25 for this administrative assistant position. He said there had been 21 applications for the
26 position, 8 that he will interview via telephone and in-person interviews would be the
27 following week. He said it was difficult to select applicants to interview because they were
28 all good, and he felt that there might be one or two applicants for the position in
29 planning/finance, and perhaps the new police clerk. Administrator Reynolds said there was
30 another grant opportunity from the Colorado Restaurant Association and he had
31 Administrative Assistant Nichols get that information to the restaurants in town.
32 Administrator Reynolds said that the Girl Scouts that had presented to council a few weeks
33 ago had sent a very nice thank you and had made the decision to complete their project
34 in the spring. Administrator Reynolds said that Judy Martin of Senior Programs had
35 inquired whether Councilor Mariscal was interested in serving on the committee in 2021
36 along with Clerk Harrison as alternate. Councilor Mariscal agreed she would like to
37 continue unless there was another council member who wanted to sit on the Senior
38 Programs board.

39 Town Clerk – Clerk Harrison said that she had been working on the fee schedule for the
40 November 17 council meeting. There were several changes including fees for the 5g
41 facilities, new land use fees as well as the updated utility rates. Clerk Harrison said that
42 her Assistant, Bart Mendoza, was back in the office and that it was great to have him
43 back. She said there were several projects he would be working on this winter including
44 being in charge of phones, both cell and desk phones as well as being the programmer for
45 door security codes and the snowman contest.

46 Town Treasurer – Treasurer Burk said it was a very busy time for finance with insurance
47 renewals, workers compensation renewal, year-end, budget and the bulk water station
48 point of sale for credit cards.

49 Town Planner – Planner Smith said he was working on the filing 11 preliminary PUD that

1 will be reviewed at P&Z on Monday November 23, 2020.
2 Public Works Director – not present.

3
4 **Commission Reports**

5 Planning & Zoning Commission – nothing to report..
6 Historic Preservation Commission – nothing to report.
7 Climate and Environment Commission - nothing to report
8 Senior Program – nothing to report.
9 RFTA – nothing to report.
10 AGNC – nothing to report.
11 GCE – nothing to report.
12 EAB – nothing to report.

13
14 **Council Comments**

15 Councilor Leland asked if the second meeting in December would be a regular meeting,
16 because typically it would be very short because it would also be the night of the town
17 Christmas Party. He asked that staff let the council know what might be on the agenda.
18 Administrator Reynolds said there might be a CDOT review of the traffic circle, but staff
19 would remain sensitive to keeping that meeting short.

20
21 **MOTION: Councilor Owens made a motion to adjourn. Councilor Mariscal**
22 **seconded the motion and it passed unanimously.**

23
24 The meeting adjourned at 9:01 p.m.

25
26 Respectfully submitted,

27
28
29
30
31 _____
32 Mayor A Riddile

33
34
35 _____
36 Town Clerk Melody Harrison, CMC
37
38

1
2 **New Castle Town Council Regular Virtual Meeting**
3 **Tuesday, November 17, 2020, 7:00 PM**
4

5 **Due to concerns related to COVID-19, the meeting was open to**
6 **the public as a virtual meeting only.**
7

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

10
11
12 **If you prefer to telephone in:**
13 **Please call: 1-346-248-7799**
14 **Meeting ID: 709 658 8400**
15

16
17 **Call to Order**

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

20 **Pledge of Allegiance**

21
22 **Roll Call**

23 Present	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor G Riddile
	Councilor Leland (arrived at 7:01 p.m.)
28 Absent	Councilor Mariscal
	Councilor Owens

29
30

31 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
32 Harrison, Town Treasurer Loni Burk, Town Planner Paul Smith and Assistant Town
33 Attorney Haley Carmer.
34

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

38 **MOTION: Mayor A Riddile made a motion to approve Councilor Owens' absence.**
39 **Councilor G Riddile seconded the motion and it passed unanimously.**
40
41

42 **Meeting Notice**

43 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
44 accordance with Resolution TC 2020-1.
45
46

47 **Conflicts of Interest**

48 There were no conflicts of interest.

1 **Agenda Changes**

2 There were no agenda changes.

3
4 **Citizen Comments on Items not on the Agenda**

5 There were no citizen comments.

6
7 **Consultant Reports**

8 Consultant Attorney – present for agenda items.

9 Consultant Engineer – not present.

10
11
12 **Items for Consideration**

13
14 **Proclamation Honoring Colorado River Fire Rescue Chief Randy Callahan**

15 Mayor A Riddile said that he thought what Chief Callahan was doing was very noble.

16 Mayor A Riddile read the proclamation into the record.

17 Colorado River Fire & Rescue Chief Randy Callahan thanked the council and said that he
18 was very surprised. He said that everything about his profession was an honor. He
19 introduced Chief Sackett who will step up as Fire Chief upon his departure. He also
20 introduced Chief Moon.

21
22
23 **Discussion: 2021 Budget**

24 Administrator Reynolds said that the budget had been in front of the council several
25 times, each one with some changes.

26 Town Treasurer Loni Burk said that the only changes in the budget this time were in the
27 general fund. Indicating her memo that outlined the changes, she reviewed them for the
28 council.

29
30
31 **Consider Ordinance TC 2020-7 - an Ordinance of the New Castle Town Council**
32 **Amending the Town Municipal Code to Add Chapter 17.74, Wireless**
33 **Communications Facilities and Equipment (2nd reading)**

34 Planner Smith said that the ordinance had not changed since 1st reading. He quickly
35 reviewed the proposed regulations that the ordinance will put in place. Planner Smith said
36 that if the ordinance was approve he would include information on the town website about
37 the regulations.

38 **MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2020-7, an**
39 **Ordinance of the New Castle Town Council Amending the Town Municipal Code to**
40 **Add Chapter 17.74, Wireless Communications Facilities and Equipment on 2nd**
41 **reading. Councilor Copeland seconded the motion and it passed on a roll-call**
42 **vote: Councilor Leland: yes; Mayor A Riddile: yes; Councilor Hazelton: yes;**
43 **Councilor G Riddile: yes; Councilor Copeland: yes.**

44
45
46 **Consider Resolution TC 2020-31 - a Resolution of the Town Council or the Town**
47 **of New Castle, Colorado Adopting a Directory of Fees and Charges**

48 Clerk Harrison thank Dave Reynolds for having written a memo for the item since she had
49 not been able to. She told the council that there were several changes in the fee schedule

1 including deposits for land use applications, updates water rates for 2021 and fees related
2 to 5G facility permitting. She noted that the changed were in the schedule in red and
3 offered to go through them if the council wanted her to. Mayor A Riddile said that he felt
4 that was not necessary.

5 **MOTION: Mayor A Riddile made a motion to approve Resolution TC 2020-31, a**
6 **Resolution of the Town Council of the Town of New Castle, Colorado Adopting a**
7 **Directory of Fees and Charges. Councilor Leland seconded the motion and it**
8 **passed unanimously.**

9
10
11 **Consent Agenda**

12 Feather Petroleum Company (Stop-N-Save) FMB Liquor License Renewal
13 Grove's Black Dog Saloon Inc Hotel & Restaurant Liquor License Renewal

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

16
17
18 **Staff Reports**

19 Town Administrator – Administrator Reynolds said that the police department was
20 experiencing issues with COVID, which seemed to be common in other agencies
21 throughout the valley. He said that Police Chief Tony Pagni and Police Clerk Jessica
22 Hernandez were working from home and several officers were quarantined, but that shifts
23 were being covered, and backup had been arranged with other agencies if needed.
24 Currently he said the office in the PD were empty. Administrator Reynolds said that at the
25 beginning of the pandemic, council had put into place a COVID sick-time protocol, giving
26 employees paid time off if they were not feeling well, and not charging that time off
27 against the employee’s accrued sick time. He said that the pandemic had gone on much
28 longer than expected but that staff was still abiding by the protocol set in place by the
29 council. He asked if the council wanted to revisit the COVID sick policy or leave it as it
30 was. The council felt that the COVID policy should stay and that the work-at-home option
31 be continued as well. Administrator Reynolds said that there were several laptops
32 available for those who wished to work from home, and there was another laptop on
33 order. Administrator Reynolds said that the AGNC meeting was the following day and he
34 was going to try to attend that meeting. Administrator Reynolds said that he had made an
35 offer to someone for Administrative Assistant position. Rochelle Firth will start around
36 December 1. Administrator Reynolds said that he and Administrative Assistant Nichols had
37 hand-delivered checks for the business assistance grants the previous week, and every
38 owner was very appreciative. He also said that many has stated that they were not doing
39 as well as they hoped. Councilor Copeland asked about those who were given more than
40 they asked for. Administrator Reynolds said they were pleasantly surprised, and he did
41 not expect the funds would be returned. Administrator Reynolds said staff had several
42 discussions with CLEER regarding the solar panel buyout and there was a meeting set for
43 Thursday to discuss it further. CLEER will attend the December 1 council meeting to
44 review it with the council. Mayor A Riddile said that RFTA had signed a solar subscription
45 agreement and the company had gone bankrupt, forcing RFTA to purchase the array at a
46 cost of \$400k and there was no way they could use the array. Councilor Leland said that
47 the same had happened to Carbondale and the Rifle Airport. Administrator Reynolds said
48 that the Capital Needs Committee would meet the following day to discuss a list of
49 potential projects. Administrator Reynolds said that the COVID cases continued to

1 escalate in Garfield County. The County Commissioners held a special meeting earlier in
2 the day where they called in a representative from the state and they spoke very frankly
3 about not wanting the county to go from yellow to orange. The state said that by the
4 numbers, the county had been in orange status 26 days earlier, and in red for the past
5 week. The County Commissioners made an appeal to the state that for numerous reasons
6 about damaging businesses they did not want to move into orange. There was no
7 conclusion, but the state rep said she would be in touch with the County Health
8 Department soon. Administrator Reynolds said that major thing moving into orange statue
9 would affect is the town restaurants because they will have to go to 25% capacity.
10 Administrator Reynolds said that a move to orange would likely mean a change in how the
11 community center was used. The council and Administrator Reynolds briefly discussed the
12 types of gatherings that may need to be cancelled. Councilor Hazelton asked how the
13 '25%' capacity was determined for a restaurant because 'capacity' was not defined
14 anywhere. Administrator Reynolds said that has been unclear since the beginning and he
15 did not have an official answer. The council agreed that town council meetings could be
16 virtual in December. Administrator Reynolds told Councilor Copeland Happy Birthday, and
17 Happy Birthday to Councilor Mariscal whose birthday was the following week.
18 Town Clerk – Clerk Harrison said that she had been putting together application/reporting
19 packets for each of the tobacco retailers in town. The packets will have the new collection
20 rates for 2021, and she and Administrator Reynolds will visit each retailer personally.
21 Clerk Harrison said that the town had some computer equipment that was still being
22 leased from Executech and that lease arrangement was moved to the current IT company,
23 ProVelocity. The new equipment had arrived, and ProVelocity was making arrangements
24 to install it. Clerk Harrison said that her Assistant, Bart Mendoza, was resurrecting the
25 Snowman Contest for this year, so hopefully there would be snow. She said he will also be
26 training with Administrative Assistant Nichols on programming the electronic door locks on
27 Thursday. Clerk Harrison said that she had completed the FMLD grant agreements for the
28 town hall window upgrades and the sludge bakery and gotten them returned to the FMLD.
29 Clerk Harrison said that in the fee schedule adopted in November were the new rates for
30 2021, and her office was working on notices to the residents that will go in the utility bills.
31 Clerk Harrison said that because the following week was a short week due to
32 Thanksgiving, she would be completing council packet on Wednesday instead of Friday.
33 Town Treasurer – Treasurer Burk said that the town had applied for the second
34 reimbursement for CARES Act funding. The total was \$244k and included the \$156k for
35 the business assistance grants. Treasurer Burk said it was the busy time of year for
36 finance with budget, year-end, 1099s and more.
37 Town Planner – Planner Smith said that the filing 11 application was under review at P&Z
38 on Monday, November 23. Planner Smith said that the town zoning map was an important
39 instrument used by the town, and it needed significant updates. He said staff had already
40 met with Town Engineer Jeff Simonson about it. Planner Smith said he had been
41 brainstorming something for 2021 and would need a team of people to consider a
42 temporary ice rink, probably in the industrial zone district or River Park areas. Mayor A
43 Riddile said he thought that a temporary ice rink had been considered for Burning
44 Mountain Park. Administrator Reynolds said that Burning Mountain received a lot more
45 sunshine that on the other side of the river. Unfortunately, the kits would not be available
46 until the beginning of the year and was probably too late to happen in the upcoming
47 winter season. The council thought it was a great idea.
48 Public Works Director – not present.
49

1 **Commission Reports**

2 Planning & Zoning Commission – nothing to report.

3 Historic Preservation Commission – nothing to report.

4 Climate and Environment Commission – nothing to report.

5 Senior Program - nothing to report.

6 RFTA – Mayor A Riddile said that RFTA was trying to increase bus capacity to 75% for the
7 busy upcoming ski season, but it did not sound like that would happen. Mayor A Riddile
8 said that RFTA was doing a major study about continuing the bus rapid transit (BRT) from
9 27th Street to the bridge. They were considering using an adjacent railroad corridor by the
10 river trail, and eliminating parking in the downtown so they could have continuous bus
11 lines. He said there was push back on both issues.

12 AGNC – nothing to report.

13 GCE – Councilor Leland said the big discussion was the solar mapping project. They were
14 working on identifying locations that had a good sun, and when Xcel or any other service
15 provider wanted to explore solar farms CLEER could give them a map. Councilor Leland
16 said that he learned that there were several New Castle residents who had taken
17 advantage of the \$150 rebate towards an energy audit of their homes. Councilor Leland
18 said there were additional funds available for electric vehicle charging stations, and those
19 funds were available to businesses or residents.

20 EAB – nothing to report.

21
22 **Council Comments**

23 Councilor Leland said that the Lions Club would be serving their annual turkey dinner as a
24 drive through on Saturday from 2:00 to 3:30 p.m. He said that many people came to the
25 dinner for the social aspect, and he expected that many people would not come to the
26 drive through. He said that the reason the Lions Club went through the long process of
27 getting the event approved was because they figured it was perhaps the only way some
28 people would get a thanksgiving dinner.

29 Mayor A Riddile read a thank you card from Garfield County Libraries for proclaiming
30 September as Library Card Sign-Up Month.

31 Mayor A Riddile thanked the council members who added comments to his 70th Birthday
32 Book.

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

36
37
38 The meeting adjourned at 8:04 p.m.

39
40
41 Respectfully submitted,

42
43
44
45
46 _____
47 Mayor A Riddile

DRAFT

LAZY BEAR RESTAURANT
137 SOCCER FIELD RD APT I-86
Glenwood Springs CO 81601

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 LAZY BEAR RESTAURANT INC			Doing Business As Name (DBA) LAZY BEAR RESTAURANT	
Liquor License # 03-05618	License Type Hotel & Restaurant	Sales Tax License # 30132696	Expiration Date 02/03/2021	Due Date 12/20/2020
Business Address 285 WEST MAIN STREET New Castle CO 81647				Phone Number 9703667785
Mailing Address 137 SOCCER FIELD RD APT I-86 Glenwood Springs CO 81601			Email	
Operating Manager	Date of Birth	Home Address	Phone Number	
1. Do you have legal possession of the premises at the street address above? <input checked="" type="radio"/> Yes <input type="radio"/> No Are the premises owned or rented? Owned <input type="radio"/> Rented* <input checked="" type="radio"/> *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. Yes <input type="radio"/> No <input checked="" type="radio"/>				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes <input type="radio"/> No <input checked="" type="radio"/>				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3 503, C.R.S.? Yes <input type="radio"/> No <input checked="" type="radio"/>				
4. 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. Yes <input type="radio"/> No <input checked="" type="radio"/>				
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 convicted of a crime? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				

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	Title
FRANCISCO J Vasquez	president
Signature	Date
<i>[Handwritten Signature]</i>	12/01/2020.

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