

Posted: _____

Remove:



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

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

Agenda

New Castle Town Council Regular Virtual Meeting

Tuesday, May 18, 2021, 7:00 PM

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

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

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

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

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

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

A. Proclamation Honoring the Coal Ridge High School Cheer Team (7:05 p.m.)

B. Welcome Colorado River Fire Rescue Chief Leif Sackett (7:20 p.m.)

C. Update: Town Treasurer Loni Burk (7:35 p.m.)

D. Update: Public Works Director John Wenzel (7:50 p.m.)

E. Town Survey Discussion (8:05 p.m.)

Consent Agenda (8:25 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.

[April 6, 2021 Minutes](#)

[April 20, 2021](#)

[May 4, 2021](#)

Staff Reports (8:30 p.m.)

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

Commission Reports (8:40 p.m.)

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

Council Comments (8:50 p.m.)

Adjourn (9:00 p.m.)



Town of New Castle, State of Colorado

Proclamation

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

WHEREAS, on March 26, 2021 the Coal Ridge Titans Co-Ed Cheer Team competed for the 2020-21 Colorado High School Activities Association 2A/3A Cheer Spirit championship ; and

WHEREAS, the Titans took the 2A/3A Championship for the third consecutive year, and for the fourth time in the past five years; and

WHEREAS, the team developed its difficult and technical routines in the face of Covid-19 restrictions and quarantines; and

WHEREAS, the Town applauds the hard work and athleticism demonstrated by the Cheer Squad; and

WHEREAS, all New Castle residents are proud of the achievement of the students and their coach, Alyssa Thurmon;

WHEREAS, the Town will continue to recognize the Cheer Team's championships as they continue to win them;

NOW, THEREFORE, the Town Council of the Town of New Castle congratulates the Coal Ridge High School Cheer Squad for their state championship and recognizes them for the honor they have brought to the RE-2 School District and to the Town.

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

Mayor Art Riddile

Attest: _____
Town Clerk Melody Harrison



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Memorandum

To: Mayor & Council
From: David Reynolds
Re: Agenda Item: Introduction of Colorado River Fire & Rescue Chief - Leif Sackett
Date: 5-18-21

Purpose:

The purpose of this agenda item is to welcome Chief Leif Sackett in his new position as Chief of the Colorado River Fire & Rescue (CRFR). Chief Sackett took command of our local fire district in late 2020 following the retirement of Chief Randy Callahan. Leif started his career as a firefighter in 1999 and has been the Battalion Chief with CRFR since 2013.

The Town of New Castle wishes to welcome Leif in his new role, and looks forward to continued support of the CRFR Fire District as they work tirelessly to serve and protect our residents and visitors.



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Memorandum

To: Mayor & Council
From: David Reynolds
Re: Agenda Item: Update from Town Treasurer Loni Burk
Date: 5-18-21

Purpose:

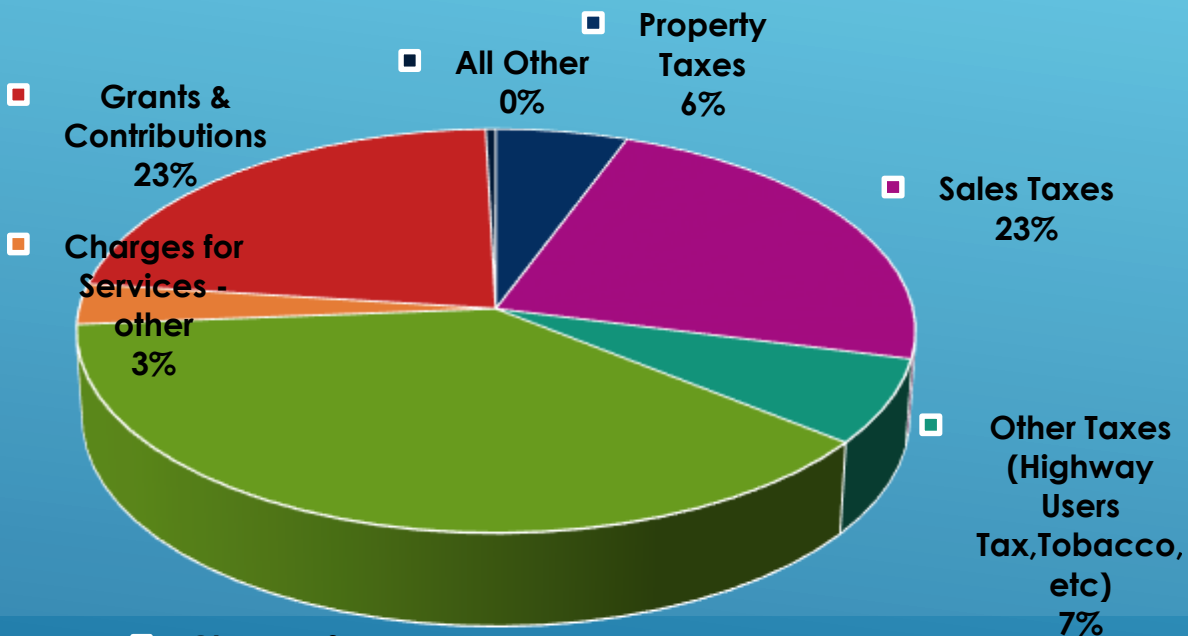
The purpose of this agenda item is to allow time for our Town Treasurer Loni Burk to update Council on various elements related to the Town's finances.

2021 FINANCE UPDATE

Town of New Castle

2021 BUDGET REVENUES

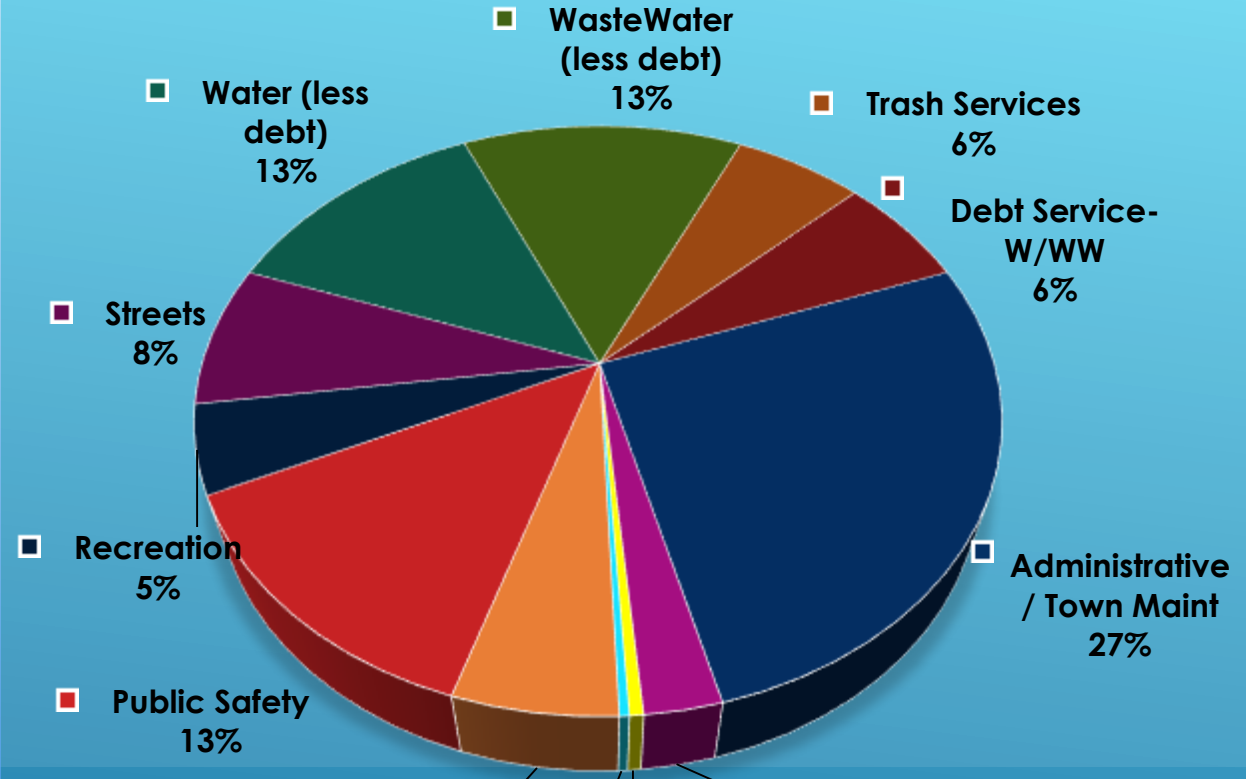
Total: 8,713,088



- Property Taxes
- Sales Taxes
- Other Taxes (Highway Users Tax, Tobacco, etc)
- Charges for Services - utilities
- Charges for Services - other
- Grants & Contributions
- All Other

2021 BUDGET EXPENSES

Total: 8,570,119



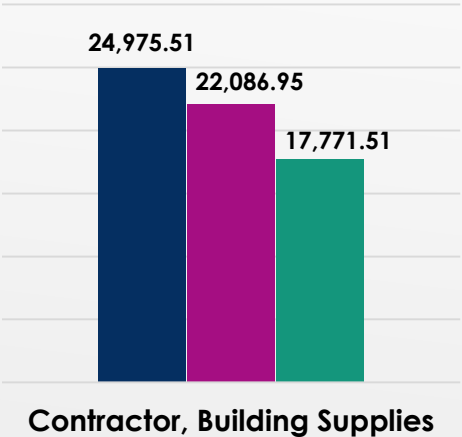
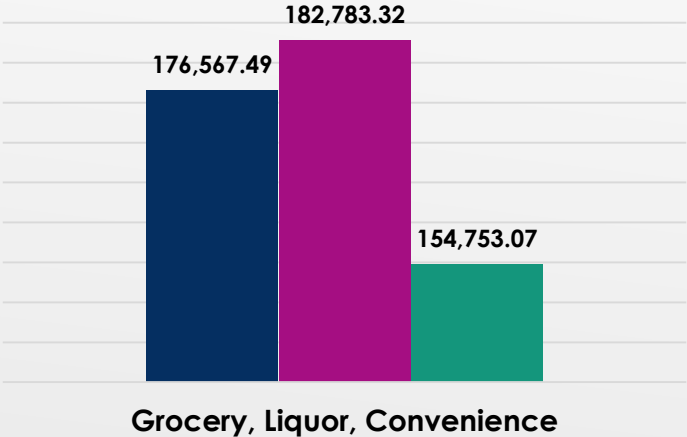
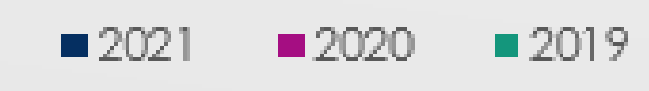
- Administrative/ Town Maint
- Building & Planning
- Health & Welfare
- Municipal Court
- Parks/Trails
- Public Safety
- Recreation
- Streets
- Water (less debt)
- WasteWater (-debt)
- Trash Services
- Debt Service-W/WW

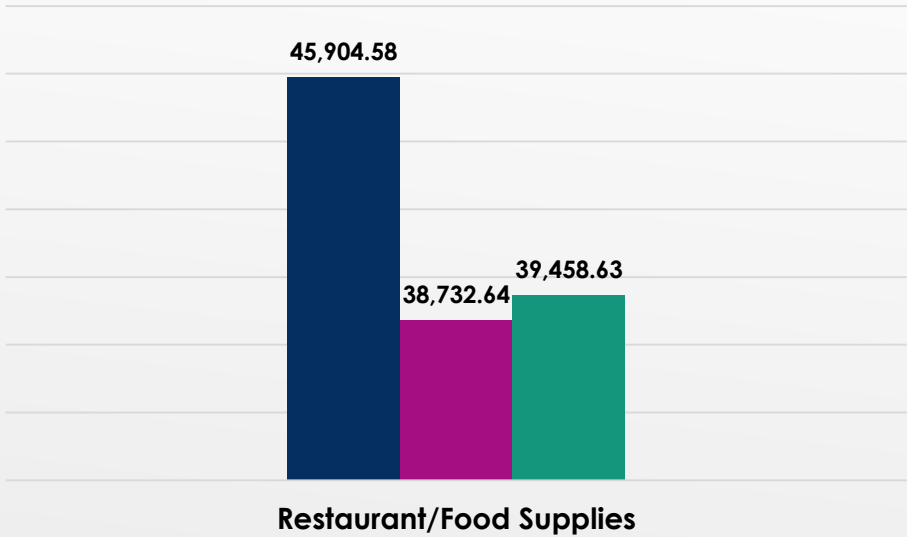
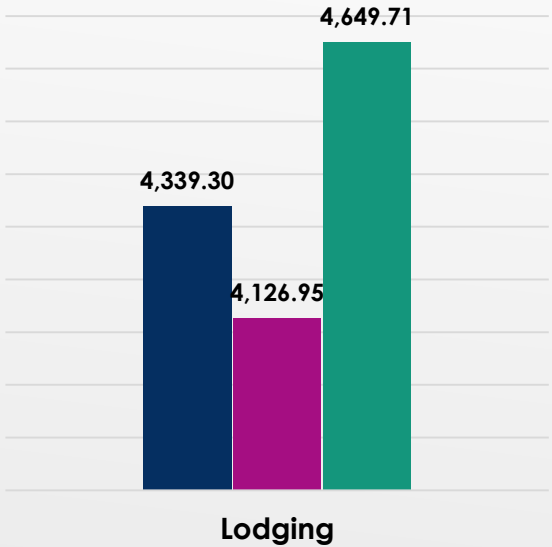
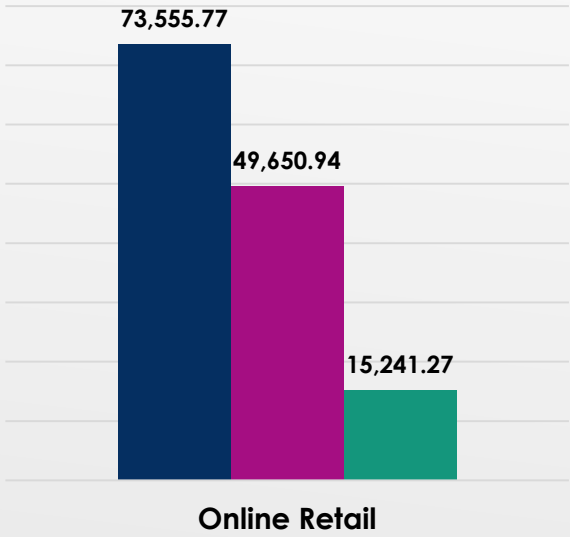
Sales Tax Analysis 2017-2021



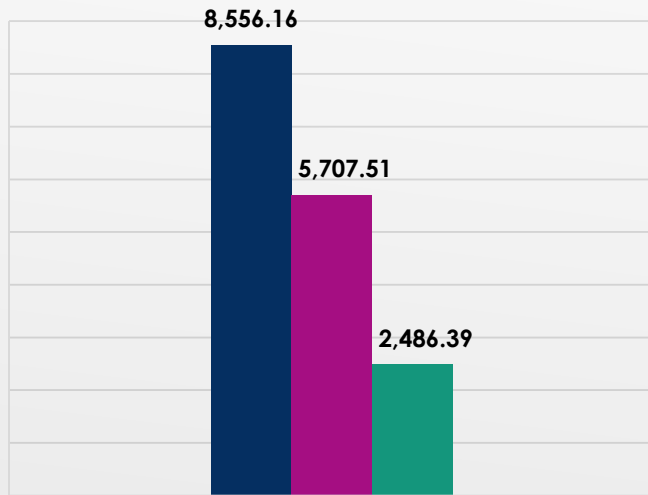
Sales Tax Analysis by Category

1st QTR

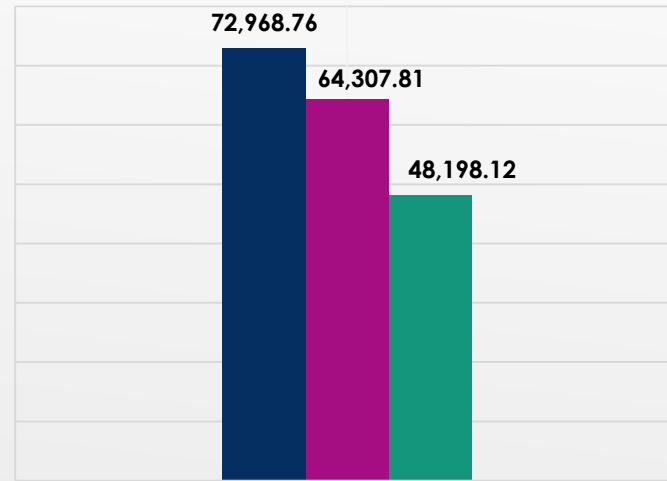




■ 2021 ■ 2020 ■ 2019

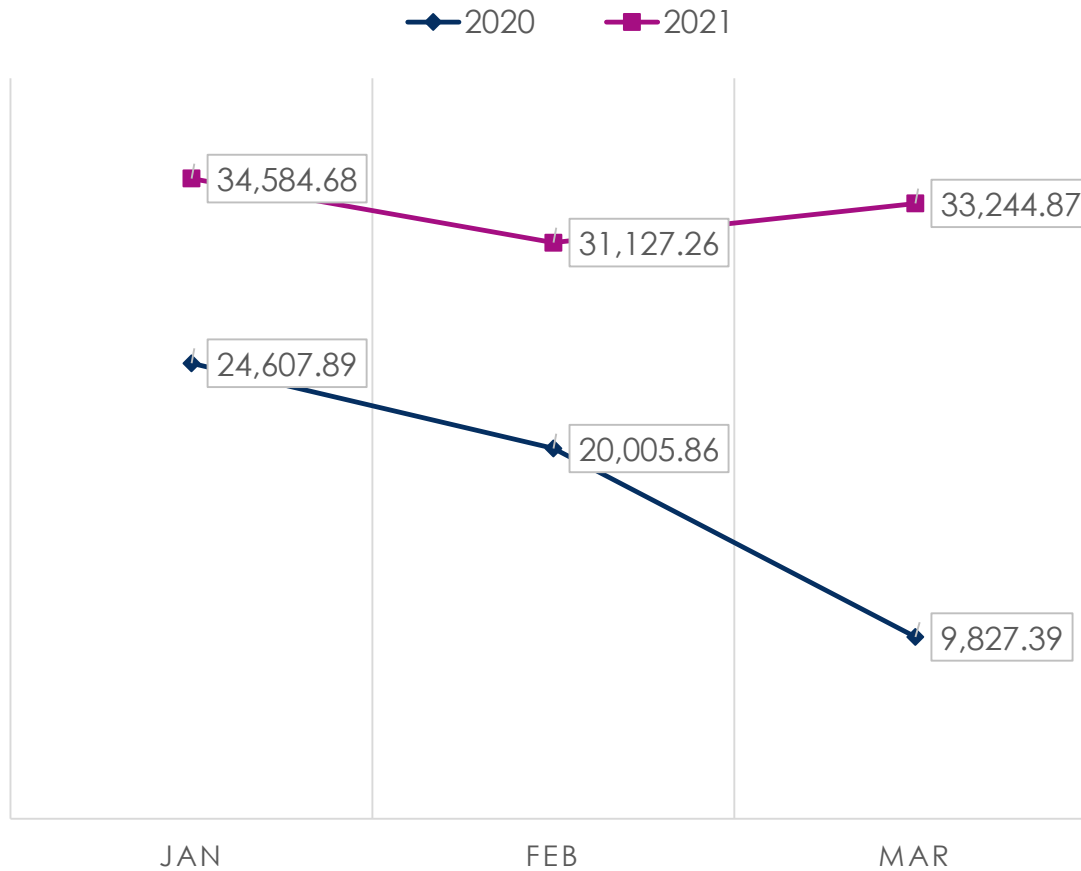


Other Local Businesses



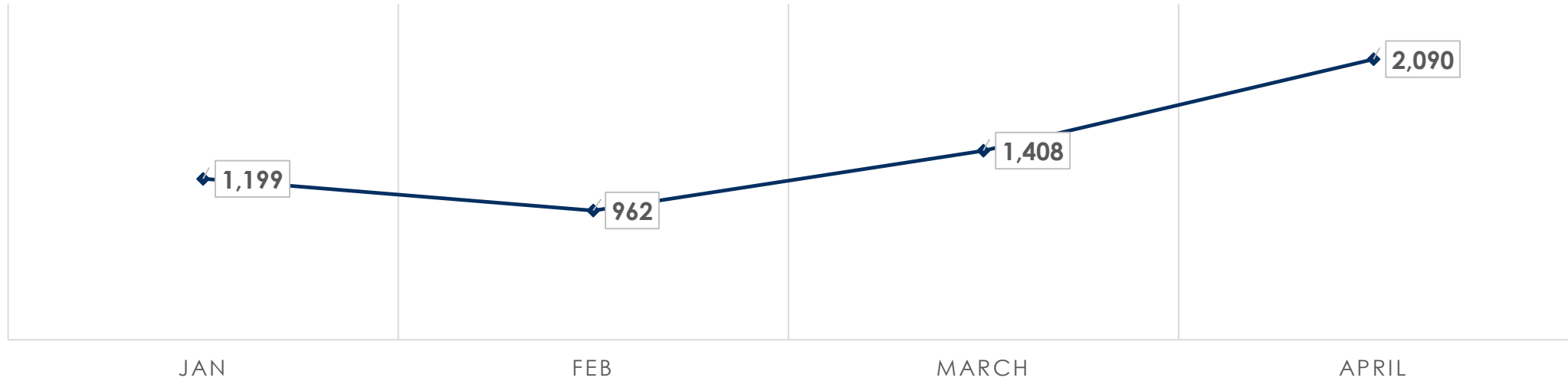
All others

TOBACCO TAX REVENUE SUMMARY



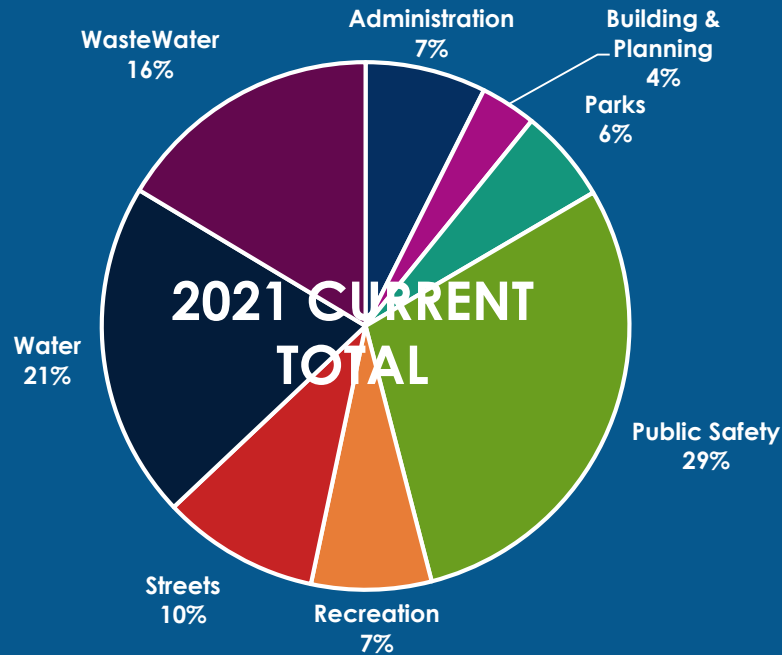
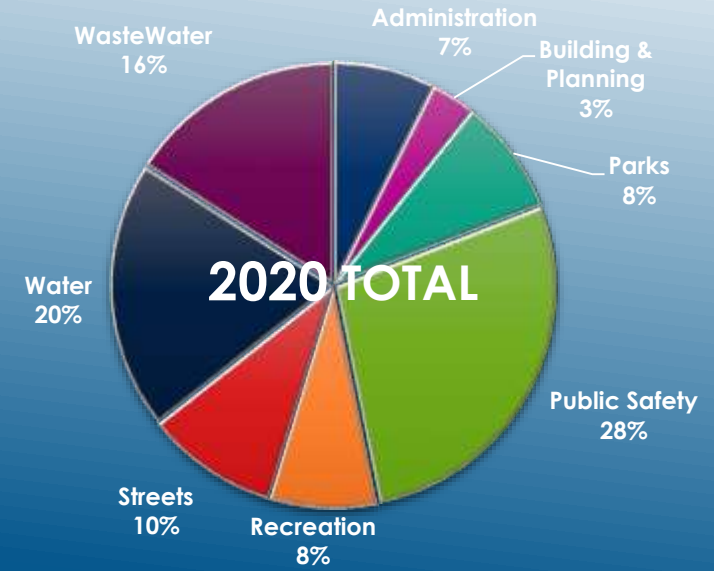
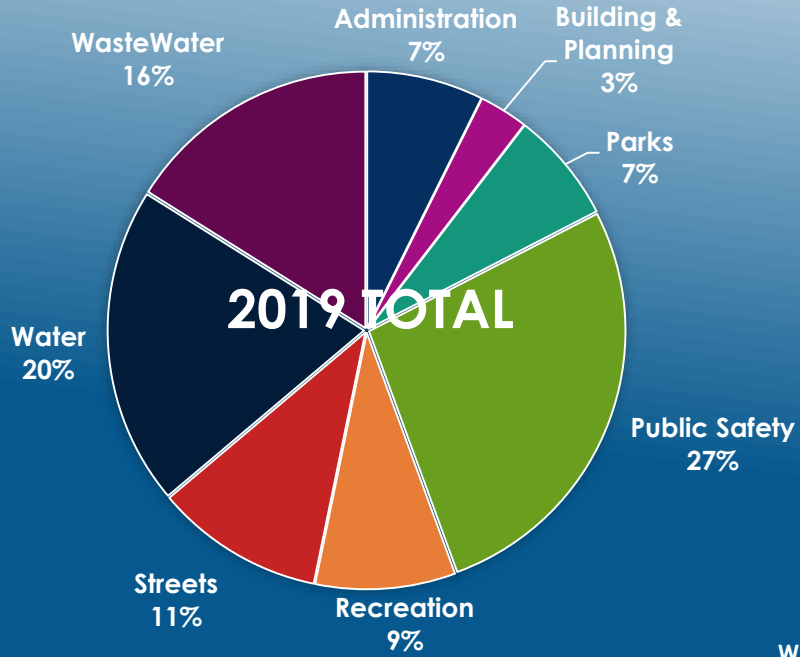
2021 Budget: 150,000

2021 Current Total: 98,956.81
2020 Total: 54,441.14



BULK WATER SALES – 2021

Salaries and Benefits



TOWN OF NEW CASTLE, COLO.			
GENERAL FUND SUMMARY AS OF 3/31/2021			
25% of Fiscal Year has elapsed			
	<u>Budget 2021</u>	<u>Actual thru 3/31/2021</u>	<u>YTD % of Budget</u>
Admin			
Operating Revenues	1,944,206	663,082	34.1%
Operating Expenses	479,856	135,469	28.2%
Net Revenues	1,464,350	527,613	36.0%
Building & Planning			
Operating Revenues	113,852	32,486	28.5%
Operating Expenses	222,421	39,028	17.5%
Net Revenues	(108,569)	(6,542)	6.0%
Health & Welfare			
Operating Expenses	39,500	26,520	67.1%
Net expenses	30,000	22,565	75.2%
Municipal Court			
Operating Revenues	13,050	2,308	17.7%
Operating Expenses	28,100	2,054	7.3%
Net Revenues	(15,050)	254	-1.7%

	<u>Budget 2021</u>	<u>Actual thru 3/31/2021</u>	<u>YTD % of Budget</u>
Park/Trails Maintenance			
Operating Revenues	132,358	35,795	27.0%
Operating Expenses	372,715	55,466	14.9%
Net Revenues	(240,357)	(19,671)	8.2%
Public Safety Department			
Operating Revenues	40,300	2,086	5.2%
Operating Expenses	1,122,380	255,974	22.8%
Net Revenues	(1,082,080)	(253,888)	23.5%
Recreation Department			
Operating Revenues	127,800	22,848	17.9%
Operating Expenses	411,033	65,571	16.0%
Net Revenues	(283,233)	(42,723)	15.1%
Street Maintenance			
Operating Revenues	844,448	234,279	27.7%
Operating Expenses	664,310	106,791	16.1%
Net Revenues	180,138	127,488	70.8%
Town Maintenance			
Operating Expenses	35,848	9,765	27.2%
Net Expenses	35,848	9,765	27.2%
TOTAL Revenues	3,490,731	1,064,221	30.5%
TOTAL Expenditures	3,475,019	752,027	21.6%
Net Revenues	15,712	312,194	1987.0%

	Budget	YTD	YTD %
	2021	3/31/2021	of Budget
Water			
Operating Revenues	\$ 1,101,169	233,590	21.2%
Operating Expenses	\$ 1,025,987	233,310	22.7%
Operating Revenues *	\$ 75,182	280	0.4%
Capital Revenues	\$ 103,490	42,000	40.6%
Capital Expenses	\$ 86,905	16,737	19.3%
Capital Revenues ***	\$ 16,585	25,263	152.3%
Wastewater			
Operating Revenues	\$ 1,472,304	365,646	24.8%
Operating Expenses	\$ 867,880	190,364	21.9%
Operating Revenues *	\$ 604,424	175,282	29.0%
Capital Revenues	\$ 203,490	42,000	20.6%
Capital Expenses	\$ 787,193	272,036	34.6%
Capital Revenues ***	\$ (583,703)	(230,036)	39.4%
Trash Service			
Operating Revenues	\$ 531,904	133,458	25.1%
Operating Expenses	\$ 532,993	128,968	24.2%
Operating Revenues *	\$ (1,089)	4,490	-412.3%
TOTALS			
Operating Revenues	\$ 3,105,377	732,694	23.6%
Operating Expenses	\$ 2,426,860	552,642	22.8%
Net Surplus (Deficit)	\$ 678,517	180,052	26.5%

UTILITY FUND QTR 1

GRANTS

Description	Grantor	Grant Amount	New Castle Match	Other Partner Matches	Total Project Cost
Grants Closed in 2019					
Community Center Improvements	FMLD Mini	\$23,717	\$0	\$0	\$23,717
Website Migration	AGNC	4,900	4,900	0	9,800
Charge Ahead Colorado - EV Charging Station	Colorado Energy Ofc	9,000	12,116	2,587	23,703
Streets Maintenance Grant	FMLD Traditional	50,000	36,755	0	86,755
Liberty Classical Academy - TONC was fiscal agent	CO Health Foundation	204,757	0	0	204,757
Grants Closed in 2020					
WasteWater Treatment Plant UV System	FMLD Traditional	109,754	54,058	0	163,812
Public Safety Equipment Upgrade	FMLD Mini	23,184	0	0	23,184
Grantee of the Year					
a) Main Street Crosswalk Warning System	FMLD Grantee of Year	7,407	0	0	7,407
b) EV Charging Station	FMLD Grantee of Year	2,593	12,116	9,000	23,709
Streets Maintenance Grant	FMLD Traditional	200,000	85,452	0	285,452
Grants Closed in 2021 (thru May)					
Bulk Water Station	FMLD Traditional	81,000	106,909	0	187,909
Downtown Revitalization Grant (Outdoor Dining)	CDOT	23,640	2,627	0	26,267
Police Department Evidence Bay	FMLD Mini	25,000	12,490	0	37,490
LoVa Trail Planning Grant - South Canyon-Canyon Creek	CPW/GOCO	107,100	7,709	39,714	154,523
Total Grants Closed 2019 thru May 2021					
		\$872,051.82	\$335,132.00	\$51,301.00	\$1,258,485
		69%	27%	4%	100%
Grants Currently Active					
LoVa Trail Construction New Castle-Canyon Creek	CPW	\$500,000	\$30,000	\$125,000	\$655,000
LoVa Trail Meet Me in the Middle Joint Grant	FMLD Joint	700,000	10,000	500,000	1,210,000
Biosolid Drying Station	FMLD Traditional	100,000	184,900	0	284,900
South Alley Fence Repair	FMLD Mini	24,972	0	0	24,972
Total Active Grants		\$1,324,972	\$224,900	\$625,000	\$2,174,872

QUESTIONS





Town of New Castle

450 W. Main Street
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Administration Department

Phone: (970) 984-2311

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Memorandum

To: Mayor & Council

From: David Reynolds

Re: Agenda Item: Update from Public Works Director John Wenzel

Date: 5-18-21

Purpose:

The purpose of this agenda item is to allow time for our Public Works Director John Wenzel to update Council on items happening within the various Public Works Departments.



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Memorandum

To: Mayor & Council
From: David Reynolds & Melody Harrison
Re: Agenda Item: Continuation of Previous Discussion Regarding the Town Survey
Date: 5-18-21

Purpose:

The purpose of this agenda item is for Town Council to continue the discussion regarding the recent Town Survey. The purpose of this survey was to help inform residents of possible budget questions that Council will be facing in the future and to gain their feedback related to two specific items.

First, the survey narrative discussed changes to existing funding sources that may have impacts on the Town's streets and sidewalks budget. The narrative spelled out specific outside agency funding cuts and also discussed the history of efforts to utilize a Vehicle Use Tax.

Second, the survey narrative discussed two proposed projects related to Town Parks. Plans to update Burning Mountain Park and Frank Breslin Memorial Park were shared, along with an outline of New Castle's Sales Tax Rate and a brief description of how these funds are distributed.

The actual survey itself sought feedback on things like: is the Town on the right track; how would you grade our police force; how would you grade our streets and sidewalks; how would you grade our parks; how would you prioritize various town amenities; how would you rank which town services are most important to you; would you be in favor of a Vehicle Use Tax; would you be in favor of a sales tax to help fund park projects; etc.

Attached please find a copy of the presentation data from Bill which was gathered based on the completed surveys.



Community Mail Survey

PRESENTED BY BILL RAY, WR COMMUNICATIONS INC.

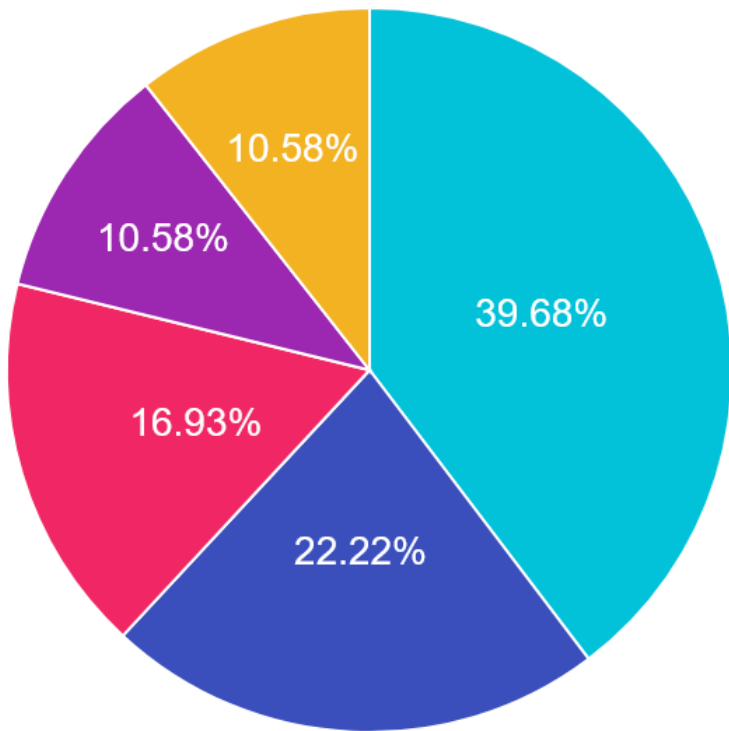
MAY 4, 2021

Methodology

- Used a Budget Update with Community Survey, similar to Town's 2019 mail survey
- Survey mailed in early April to 2,036 New Castle households
- Survey available in English and Spanish
 - 11 Spanish responses, no Spanish responses in 2019
- Respondents could complete survey online or return by mail
 - Mail surveys were entered by third-party, any identifiers were removed
- 189 completed surveys were submitted
- 9.3% completion rate
 - Typically pleased with a 6 percent return rate
 - 14.7% return rate in 2019

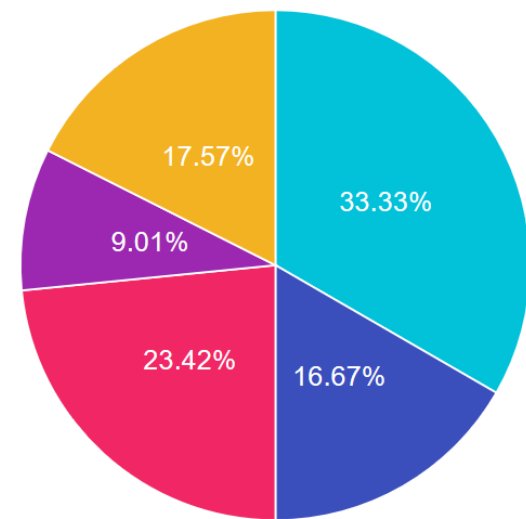
Length of Residency

2021 Survey



Residency similar in 2021 survey compared to 2019

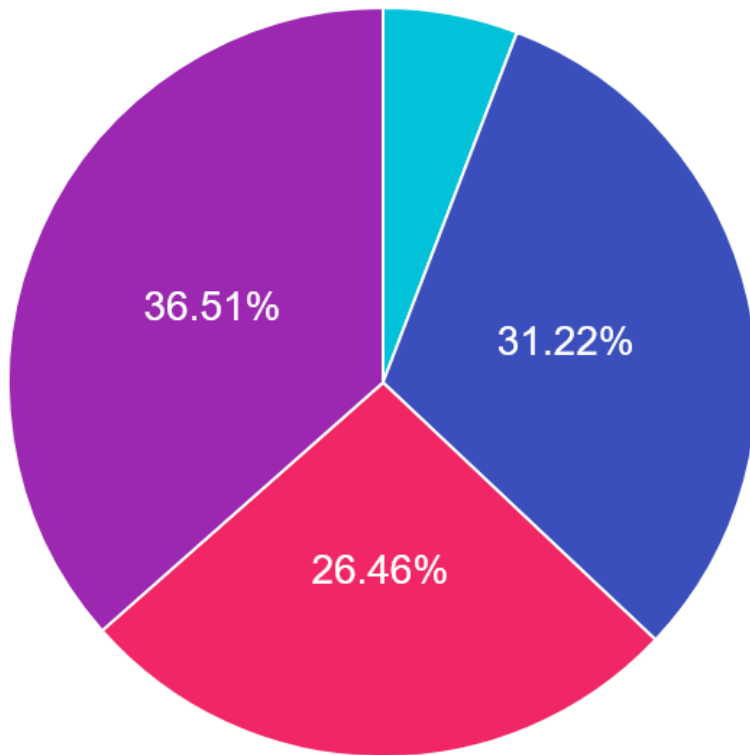
2019 Survey



● 0-5 ● 6-10 ● 11-15 ● 16-20 ● 21 or longer

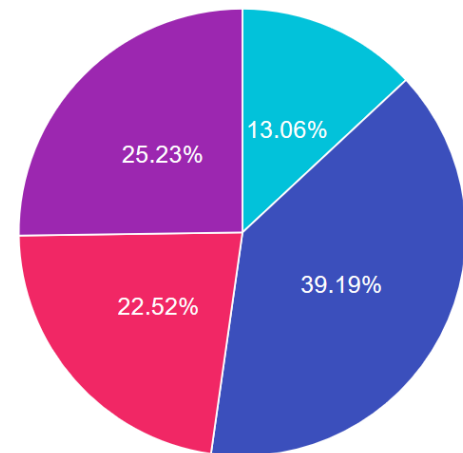
Awareness of Budget Concerns

2021 Survey



Before receiving this information, how much would you say you have read or heard about the Town's budget concerns?

2019 Survey

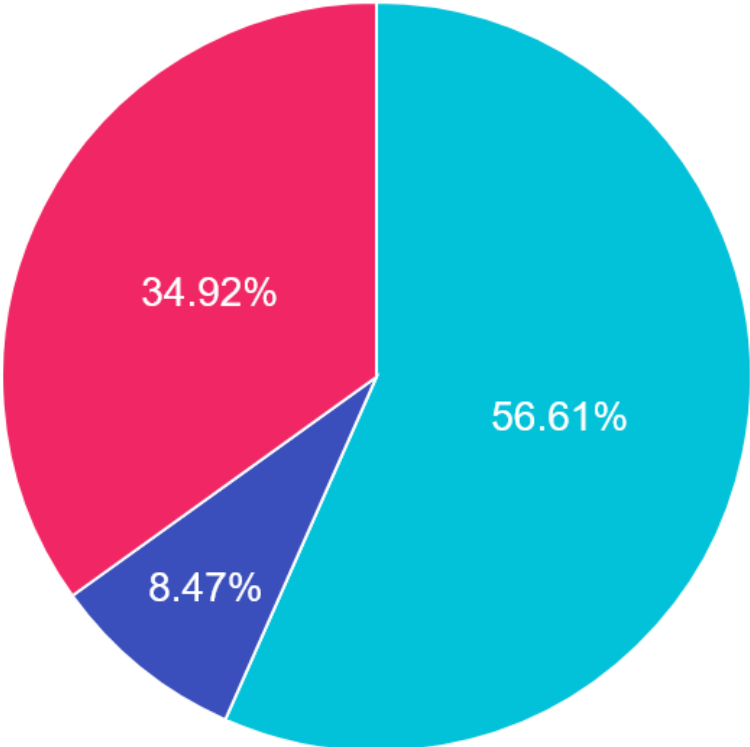


Awareness declined since 2019 survey. 11-point jump in "Nothing at all."

- A lot
- Some
- A little
- Nothing at all

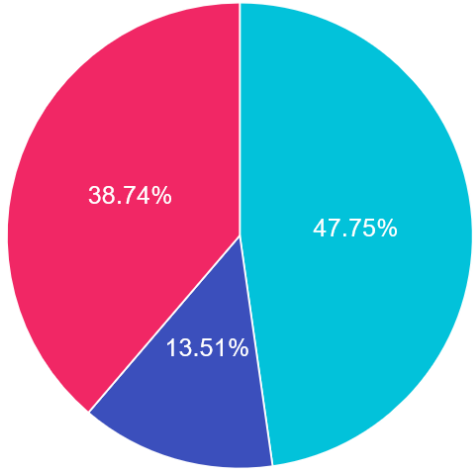
Nearly half say Town on Right Track

2021 Survey



In general, would you say that the Town of New Castle is on the right track or heading in the wrong direction?

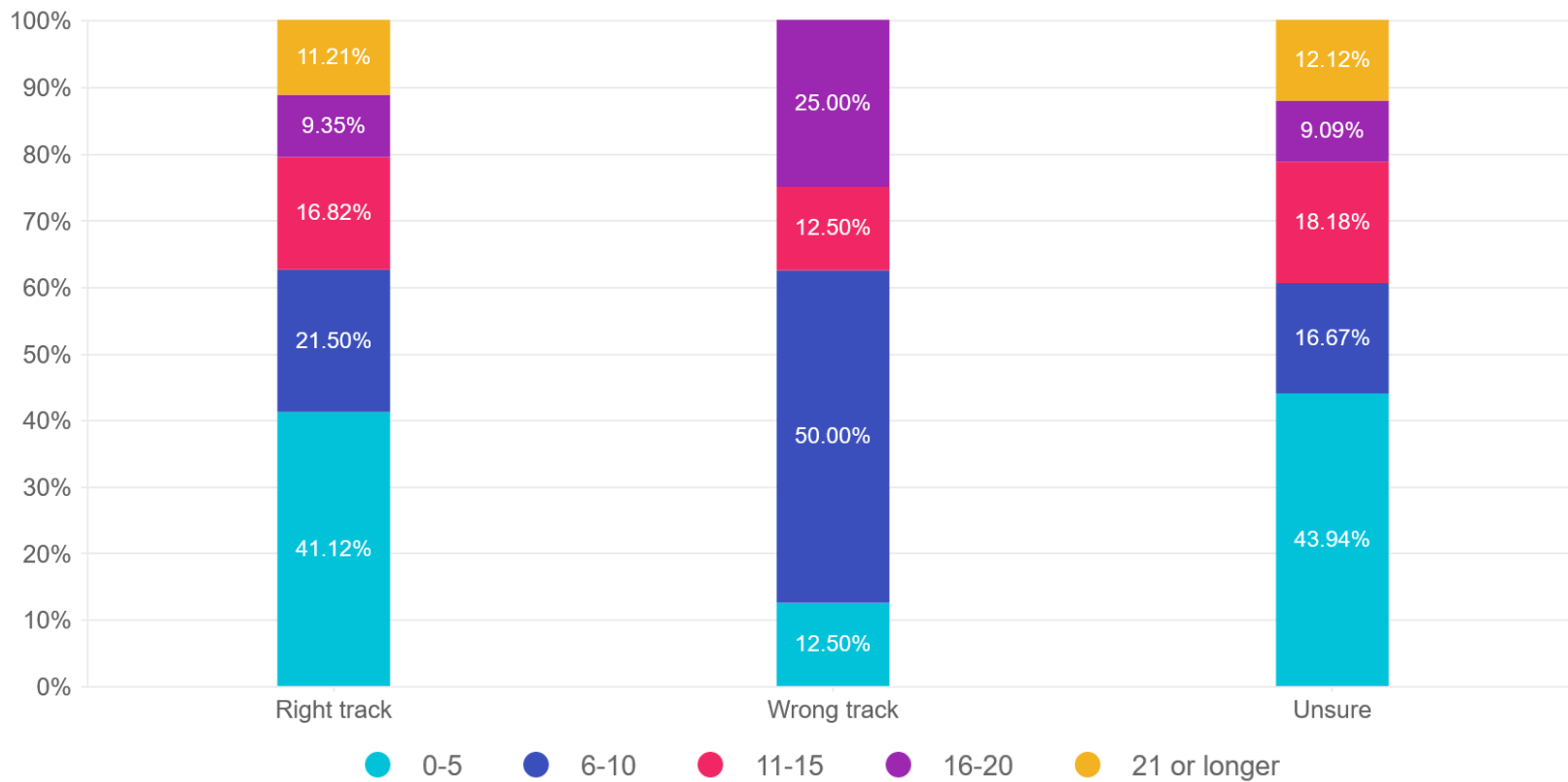
2019 Survey



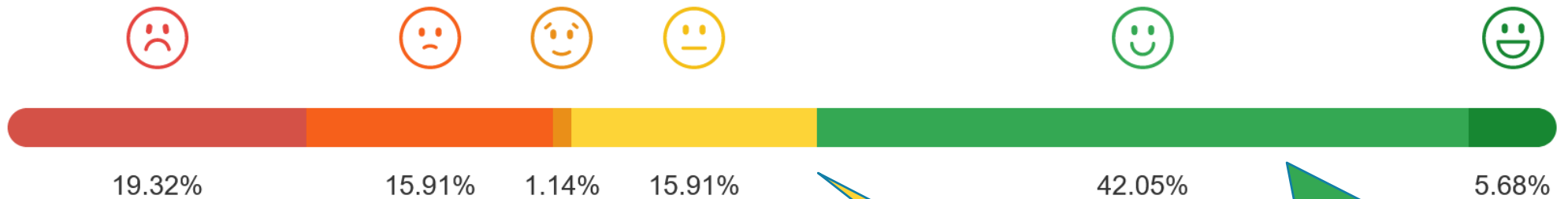
Nearly 10-point jump in "Right Track" compared to 2019 survey. Drops in "Wrong Track" and "Unsure."

● Right track ● Wrong track ● Unsure

6 to 10 year residents half of “Wrong Track”



Share your thoughts about direction of Town



“You haven't even let two full years go by since the last round of tax proposals and increases. ... We don't need to be taxed more for parks, amenities, special purposes. Our tax base is increasing as people move here and increase the tax base. ... City Council, as our public servants, would best serve us by utilizing resources at hand more effectively. As nice as the drawings look and as sweet as it sounds, our incomes are being reduced and costs are going through the roof for goods and services.”

–6 to 10 year resident

“It is disconcerting to see funds going towards things that are niceties instead of things that are necessities like infrastructure (roads, sidewalks, etc).”

–6 to 10 year resident

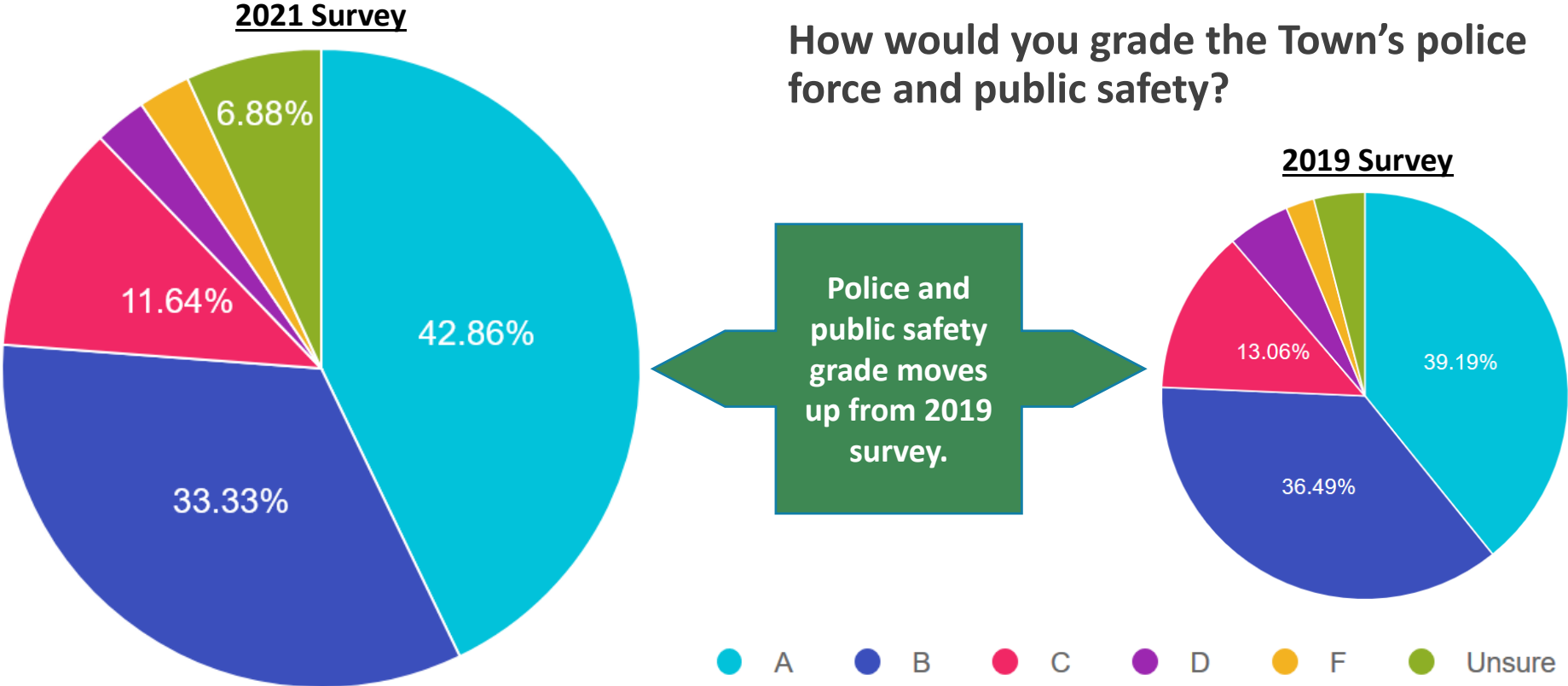
“I have environmental concerns and I do not feel that New Castle is utilizing it's budget to further promote water conservation, renewable energy, or waste diversion. ...”

–6 to 10 year resident

“I love how much consideration the town in putting into our parks, paths/trails, downtown and the police force (safety). While this community is already great, by continuing to dedicate funds to the right places, we can really turn this town into something unique and special.”

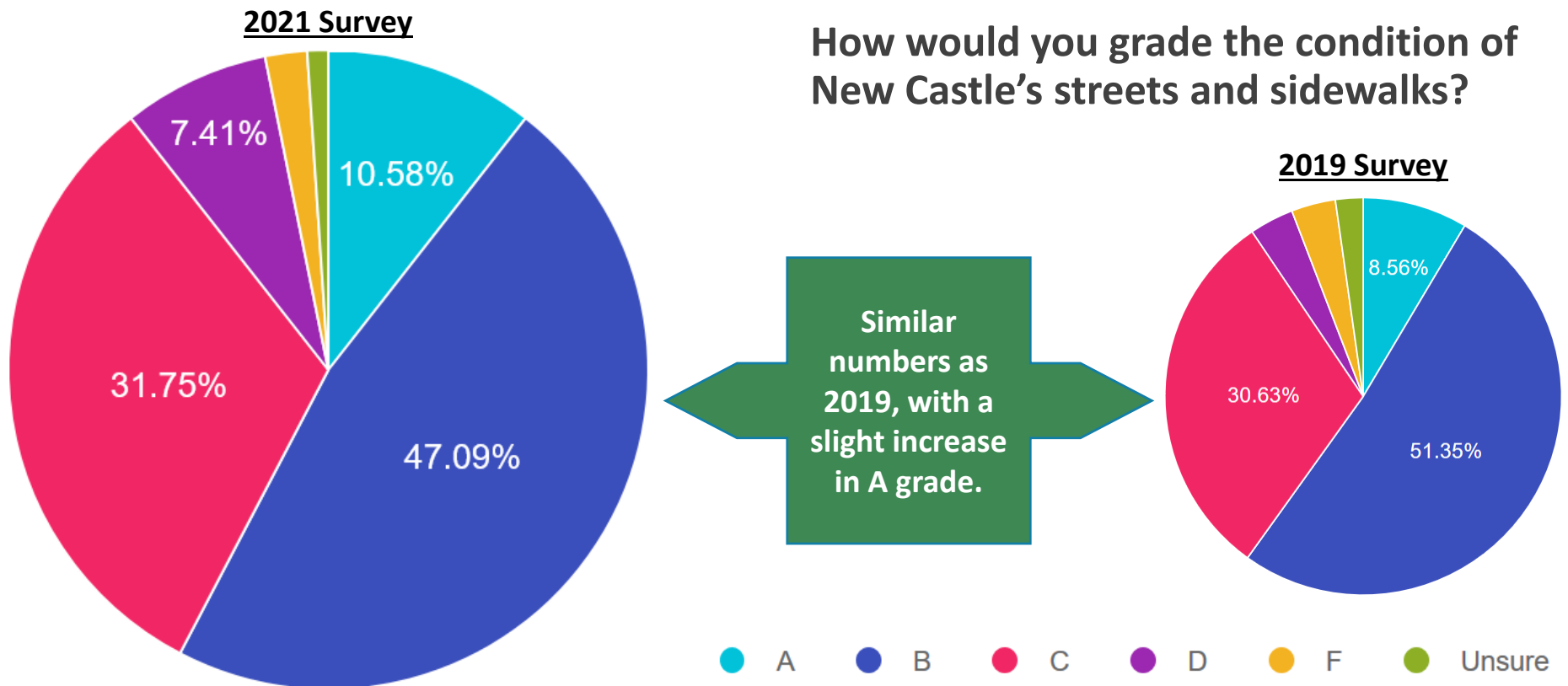
–0 to 5 year resident

Police and Public Safety Get A-/B+



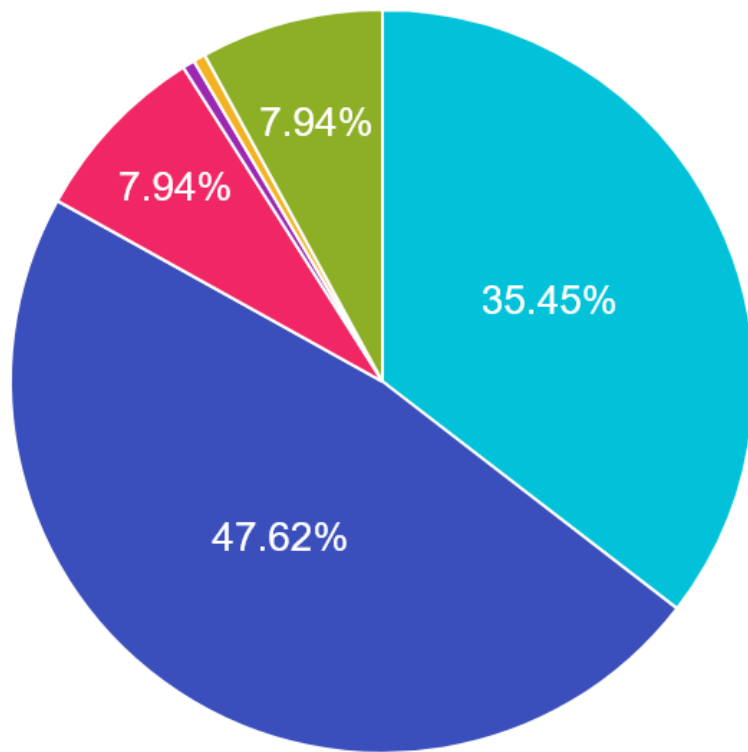
Streets and Sidewalks Maintains B grade

How would you grade the condition of New Castle's streets and sidewalks?



Trails Moves Closer to A Grade

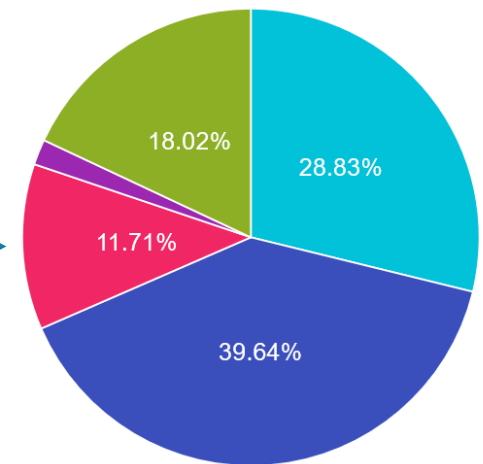
2021 Survey



How would you grade the condition of New Castle's trails?

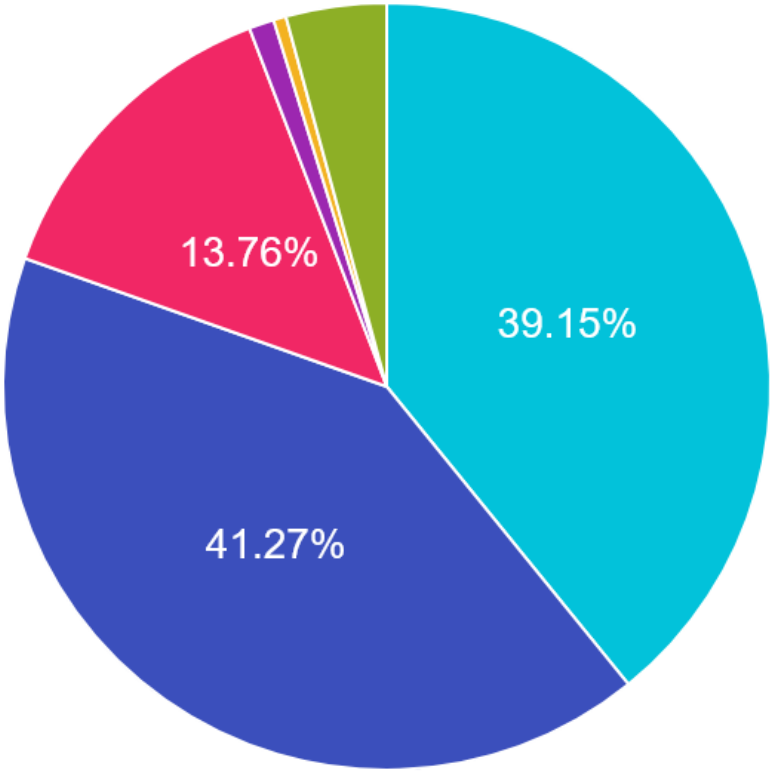
Noticeable jumps in A and B grades and drop in "Unsure."

2019 Survey



● A ● B ● C ● D ● F ● Unsure

Parks Receive A-/B+ Grade

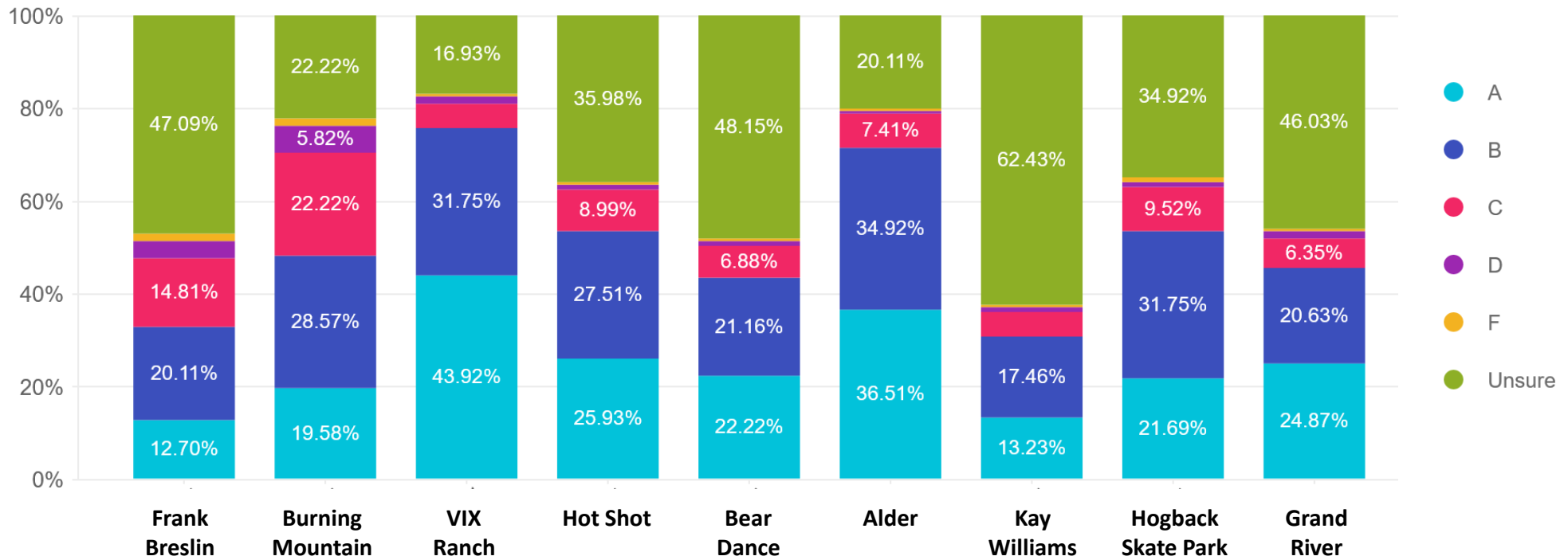


How would you grade the Town’s park system, including overall maintenance, amenities and accessibility?

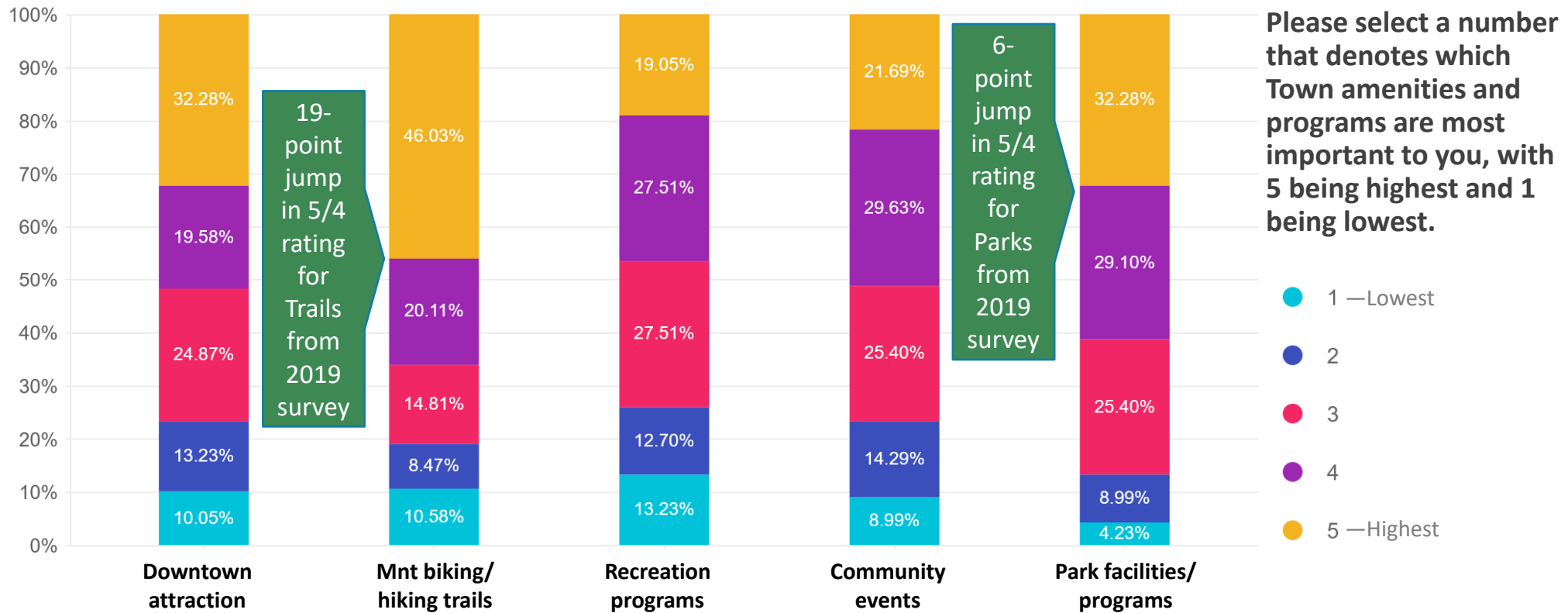
- A
- B
- C
- D
- F
- Unsure

VIX and Alder Lead Parks Grades

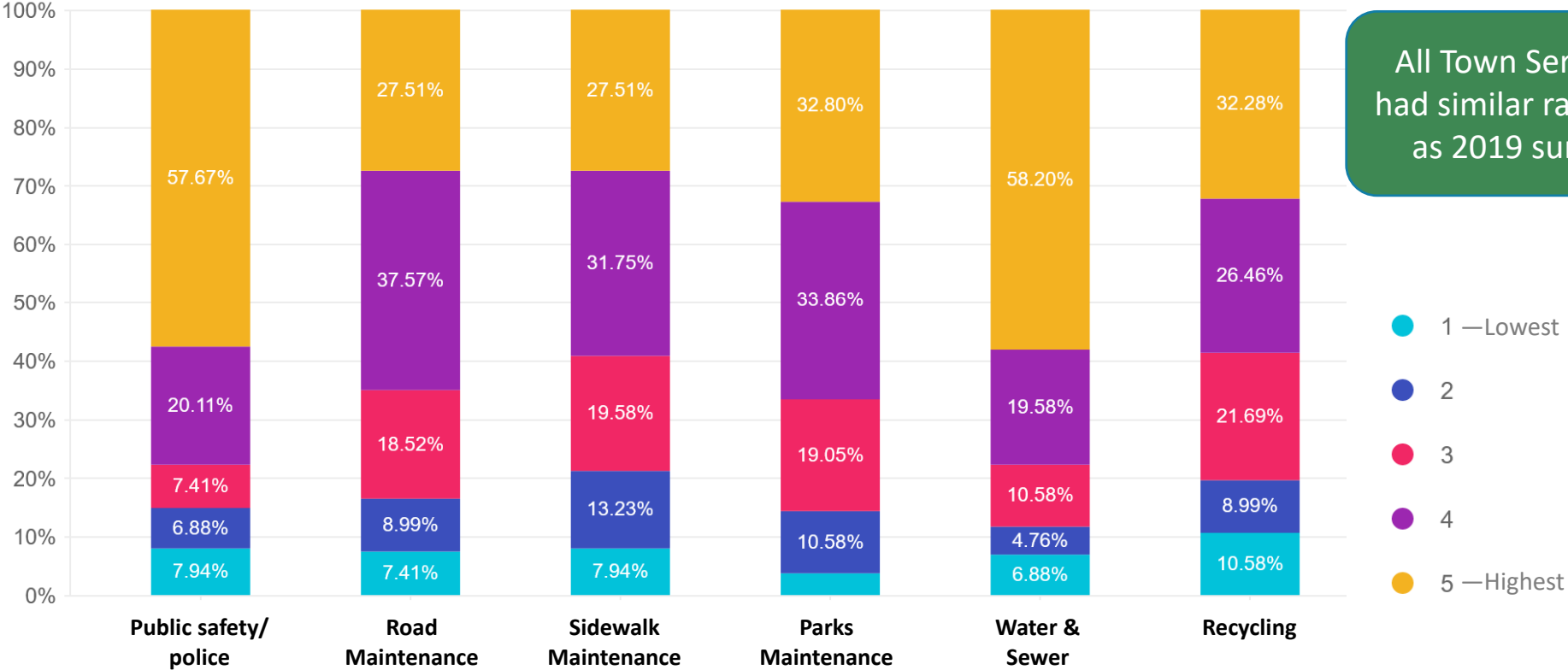
How would grade the Town's individual parks, including:



Trails and Parks Top Amenities in Town



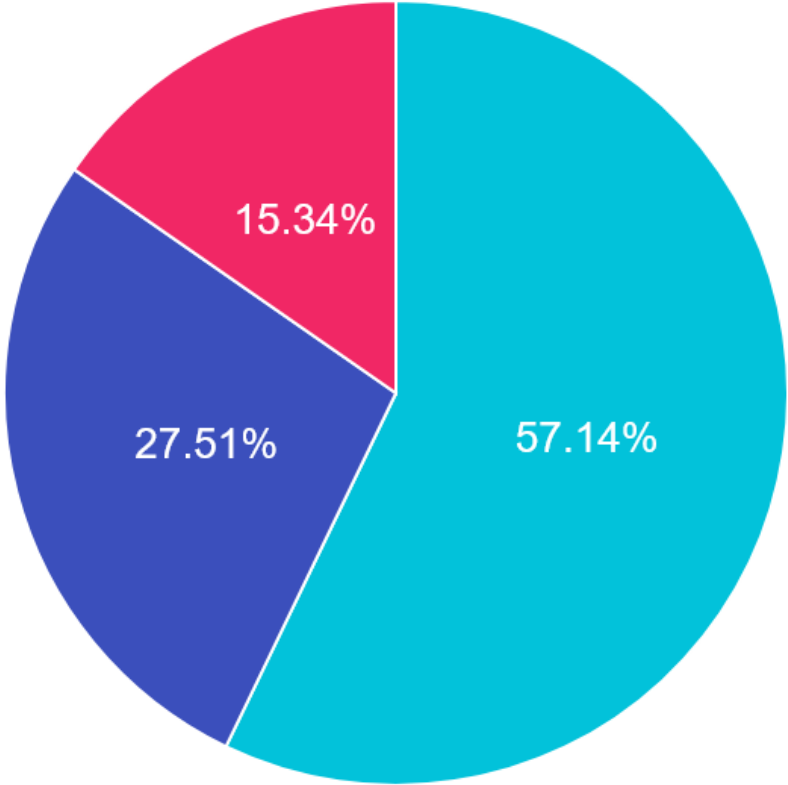
Police and Water/Sewer Top Services for Town



All Town Services had similar rankings as 2019 survey

- 1 —Lowest
- 2
- 3
- 4
- 5 —Highest

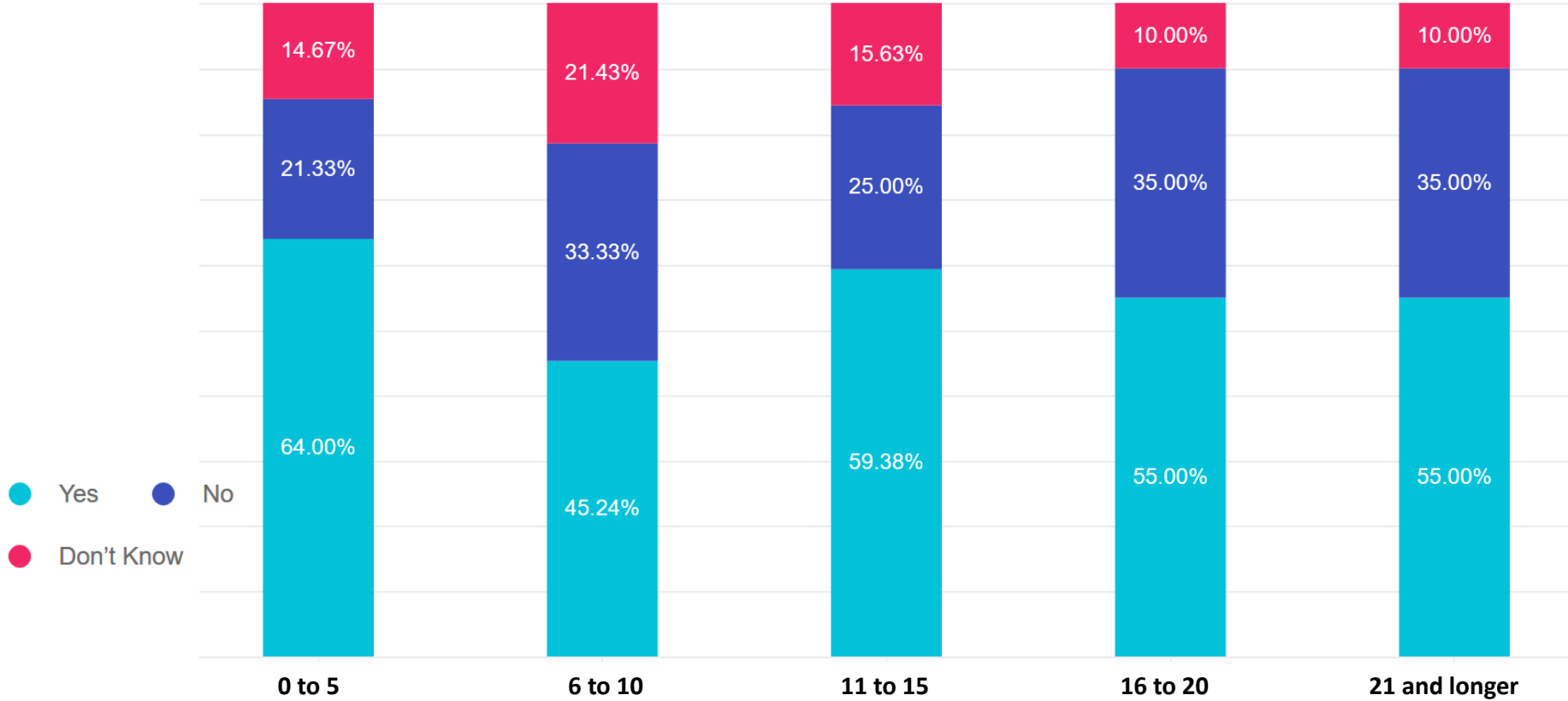
Park Funding has Majority Support



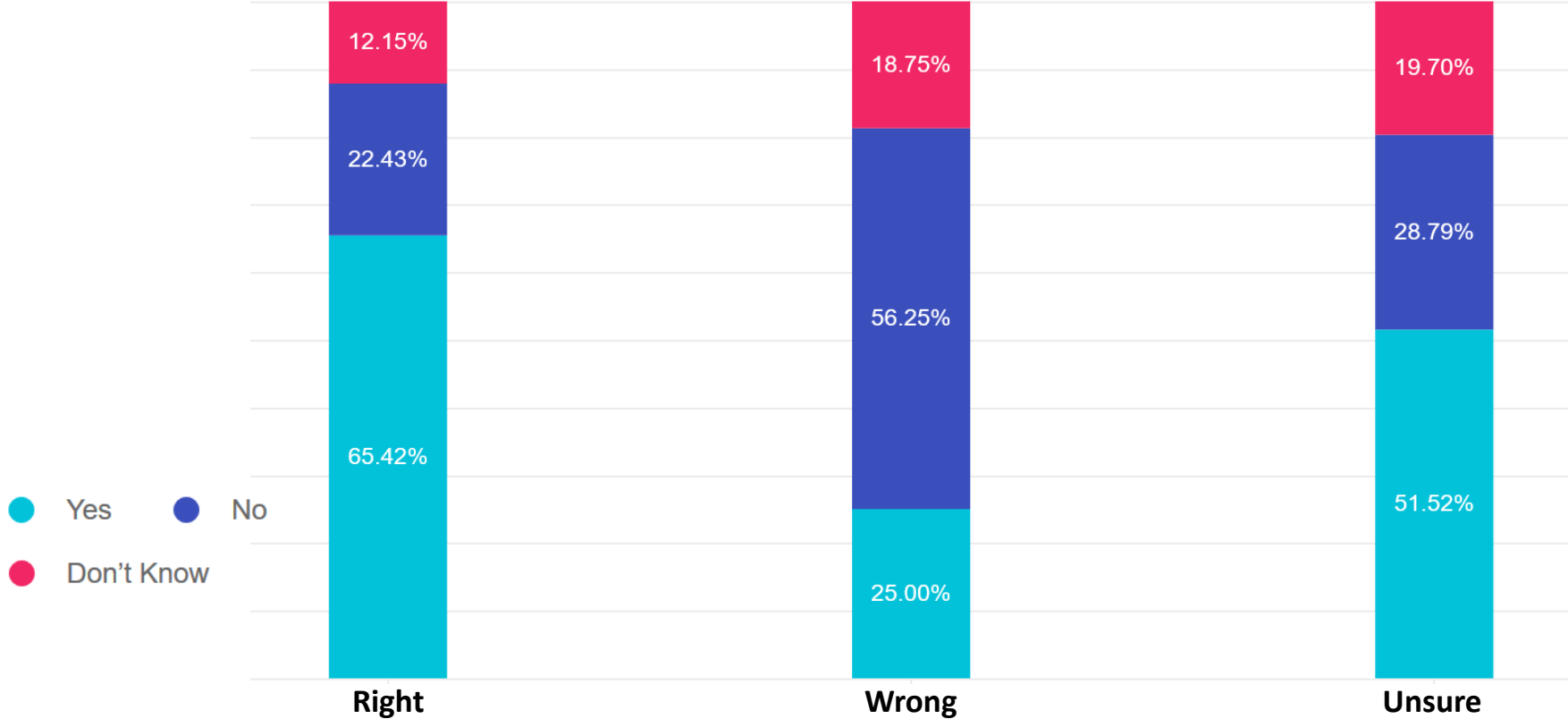
Shall the Town of New Castle taxes be increased by \$170,000 annually through a 0.25% sales tax on the retail value of purchases made within the Town's limits and be used solely for the construction, maintenance and operations of the Town's parks, including the redevelopment of Frank Breslin Memorial and Burning Mountain parks. All funds would be subject to an annual independent audit published on the Town's web site, overseen by a committee of Town residents and reviewed publicly?

● Yes ● No ● Don't Know

Park Funding by Residency Length

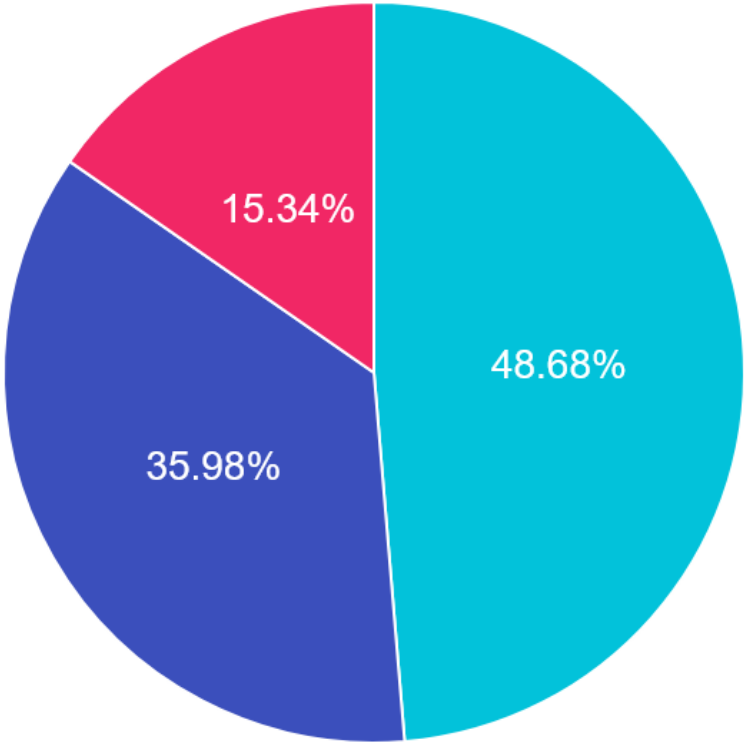


Park Funding by Right-Wrong Track



Use Tax Still Below Majority Support

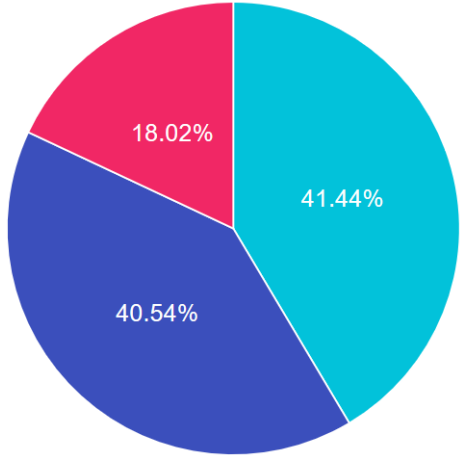
2021 Survey



Shall the Town of New Castle taxes be increased by \$300,000 annually through a one-time 3.0% use tax on the retail value of any motor-vehicle purchase in order to improve driver and pedestrian safety by maintaining and repairing roads, sidewalks and multi-use trails throughout the Town. All funds would be subject to an annual independent audit published on the Town's web site, overseen by a committee of Town residents and reviewed publicly?

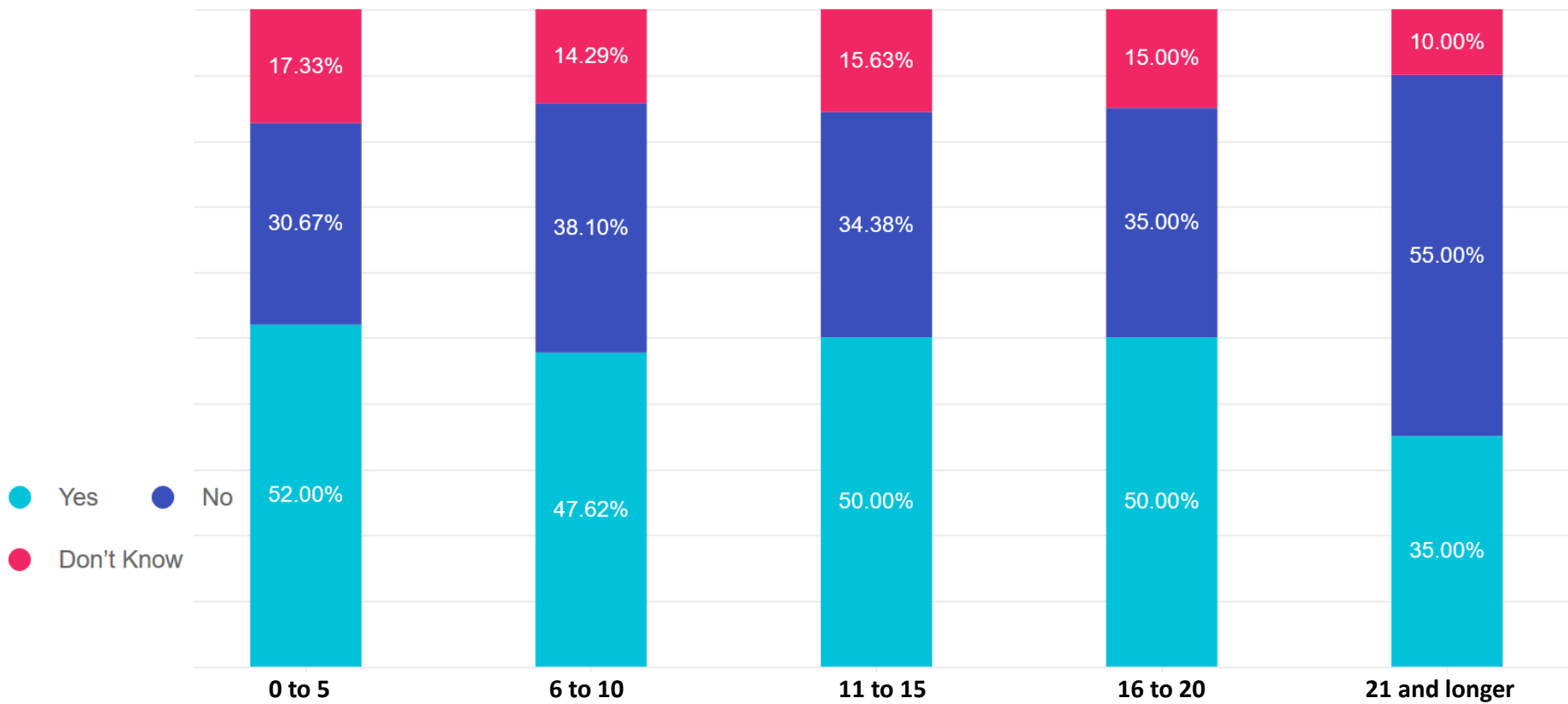
7-point jump in support from 2019 survey.

2019 Survey

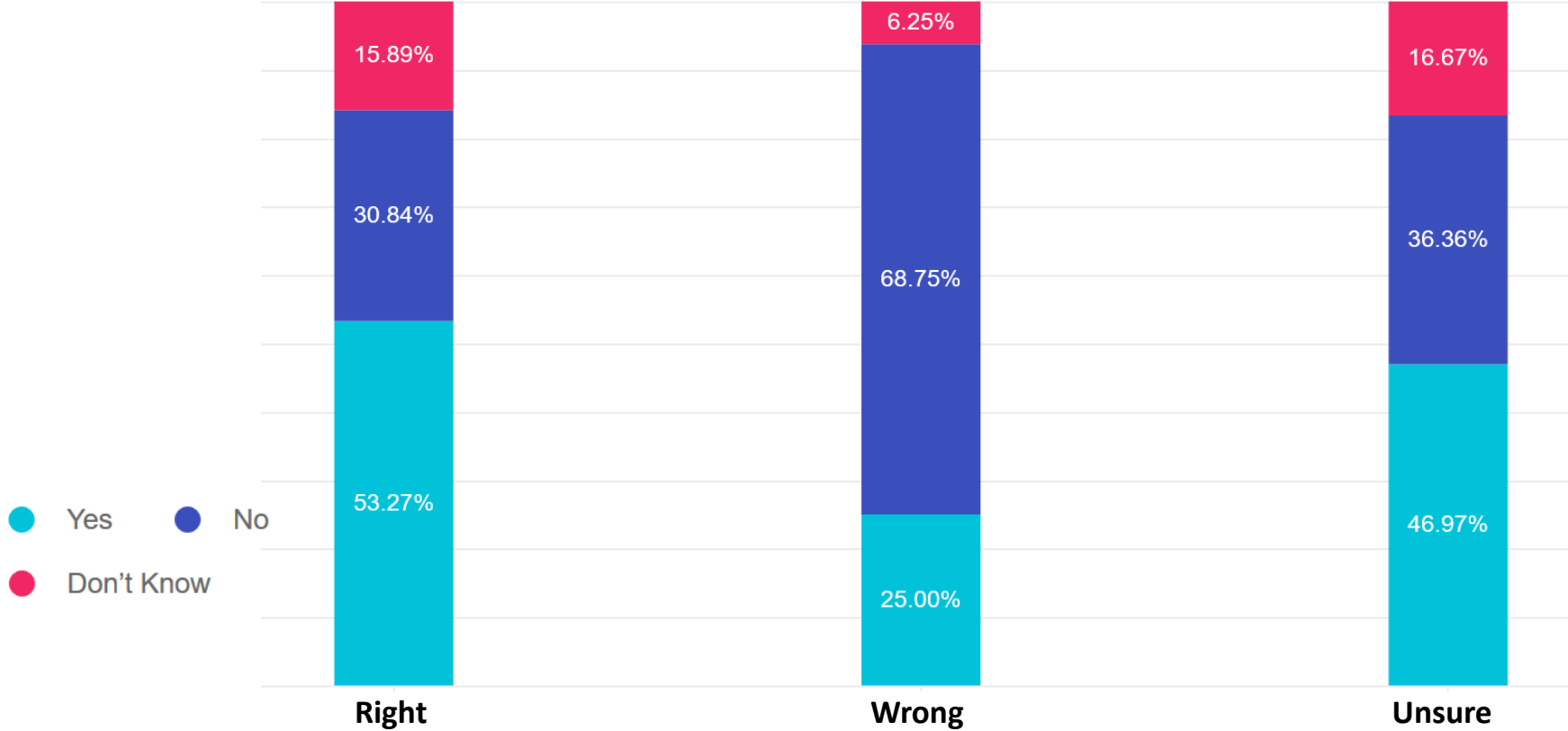


● Yes ● No ● Don't Know

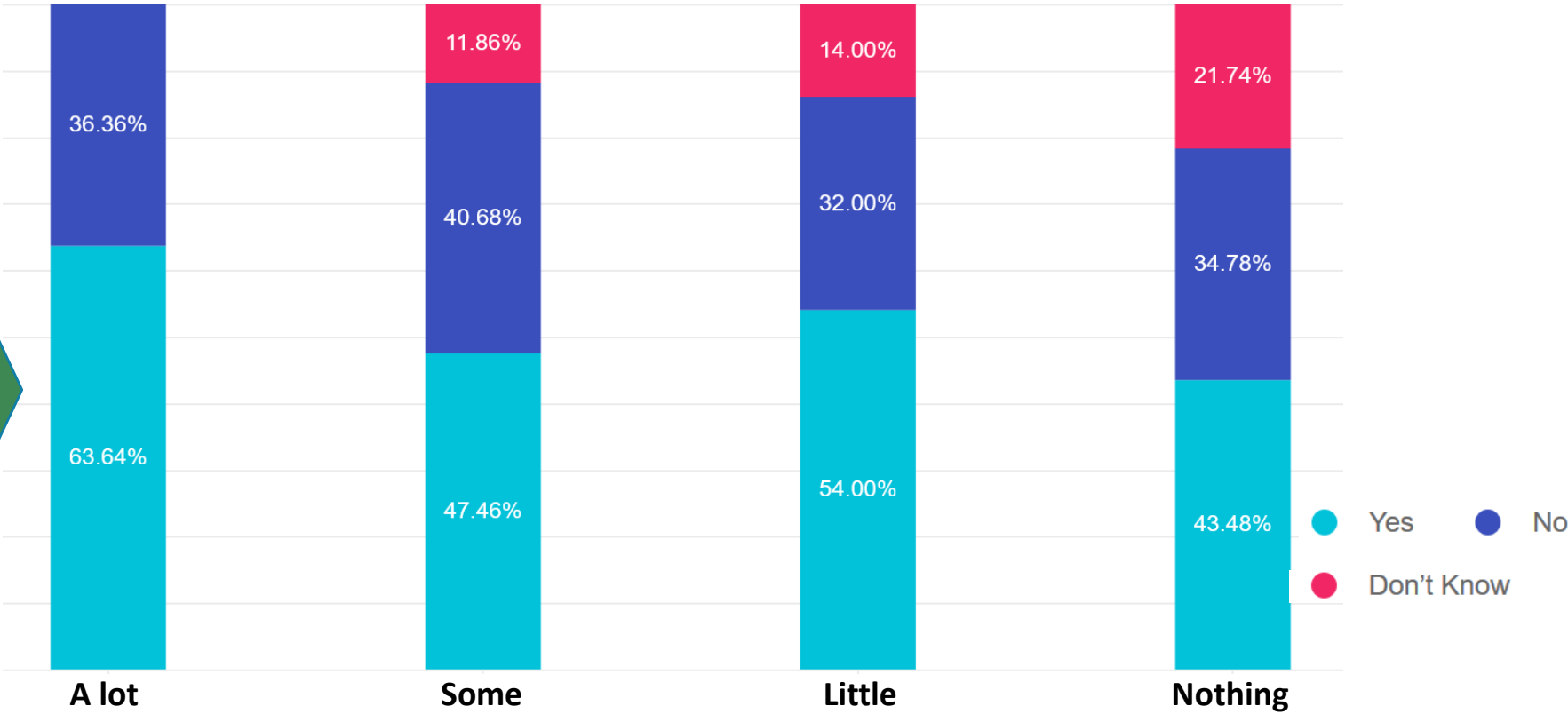
Use Tax by Residency Length



Use Tax by Right-Wrong Track



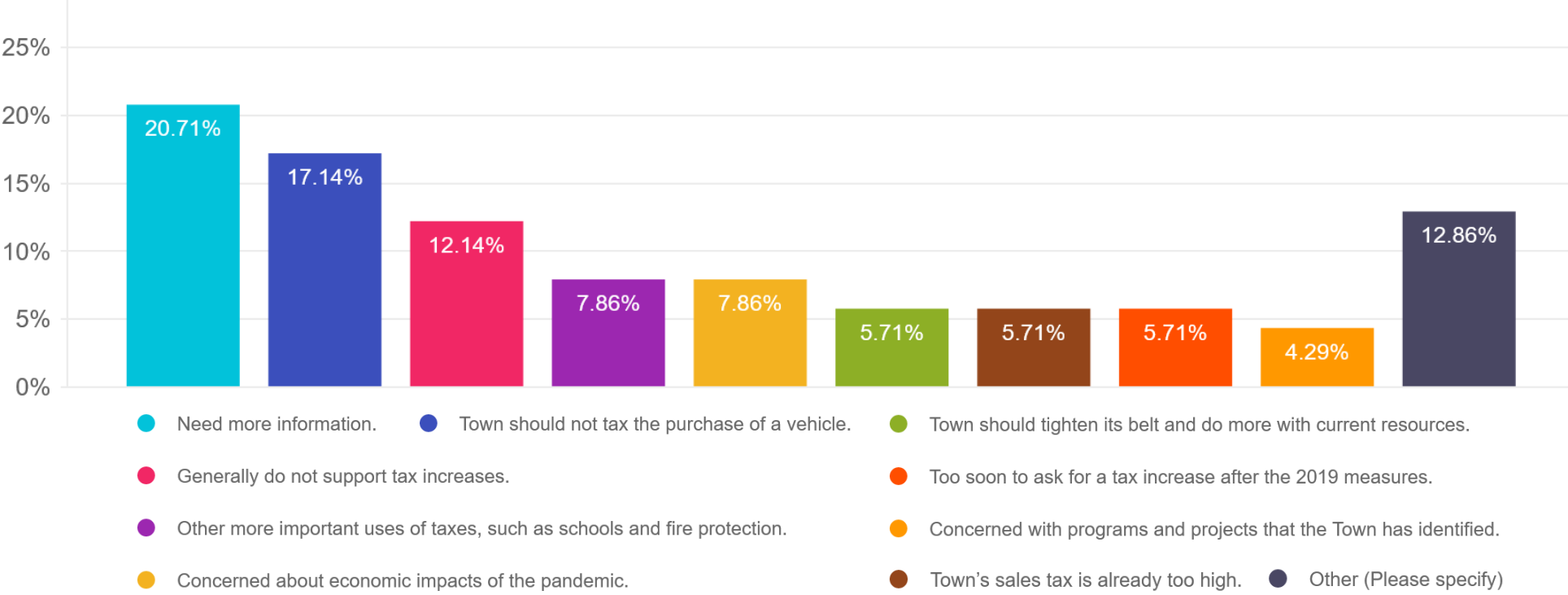
Use Tax Changes With Awareness



Education is ALWAYS Important for potential ballot questions.

Residents Want More Info / Oppose Vehicle Tax

If you selected No or Unsure for either proposal, please provide the most important reason for that decision:



Growth/Development Concerns in Open Questions

"Concerned about too much growth. I love our small town."
-0 to 5 year resident

"The town's water supply (the western slope in general) can't support much more development and/or population increase."
-6 to 10 year resident

"I applaud the town for the way New Castle is going. In growth and response to what the community wants, we are a well governed town."
-21 year or longer resident

"Some growth in a small town is good but we hope the town continues to look at all growth aspects as how they will effect the feel of the town."
-0 to 5 year resident

"Stop the housing development. New Castle is a special place, but developers are ruining everything special. Similar to Glenwood Springs, housing over growth. We are losing this town's appeal. It's terribly sad."
-16 to 20 year resident

"I would like the Town of New Castle to be courageous & proactive in saving the town's open space. The current open space is an extremely valuable asset for the town. I want to see the Town Council & City Manager to publicly support smart growth and open space conservation in New Castle."
-6 to 10 year resident

"Would like to see the Town hold developers to a higher standard for open space and parks that will be transferred to the Town as part of multi-unit development before paying a higher tax for parks and open space."
-0 to 5 year resident

Observations

- Concerns about growth, development and open space much more evident in 2021 survey compared to 2019 survey
- Many letter grades and community rankings stayed similar or improved slightly from 2019 survey
- Several comments recognize Town's efforts to share and communicate budget and fiscal issues
 - Transparency and accountability always a win-win with taxpayers
- Parks Tax may be successful, but Vehicle Use Tax would likely not pass on 2021 ballot
 - Odd numbered elections are more difficult to pass tax questions—so some level of community engagement will be needed, especially on vehicle use tax
 - New Castle would benefit from community education effort on budget and source of funds for Town; this effort might improve chances for Use Tax

Questions?

1
2 **New Castle Town Council Regular Virtual Meeting**
3 **Tuesday, April 06, 2021, 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 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 **Follow the prompts as directed. Be sure to set your**
15 **phone to mute until called on.**
16

17 **Call to Order**

18 Mayor A Riddile called the meeting to order at 7:01 p.m.
19

20 **Pledge of Allegiance**
21

22 **Roll Call**

23 Present	Councilor Hazelton
	Mayor A Riddile
	Councilor Leland
	Councilor G Riddile
	Councilor Owens
	Councilor Copeland
	Councilor Mariscal
30 Absent	None

31
32 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
33 Harrison, Town Planner Paul Smith, Town Treasurer Loni Burk, Town Attorney David
34 McConaughy and members of the public.
35

36 **Meeting Notice**

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

40 **Conflicts of Interest**

41 There were no conflicts of interest.
42

43 **Agenda Changes**

44 There were no agenda changes.
45

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

47 There were no citizen comments.

Town Council Meeting
Tuesday, April 6, 2021

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Consultant Reports

Consultant Attorney – Town Attorney David McConaughy told the council that he was present for agenda items. He also said that he was scheduled for his second COVID immunization so would likely be attending a town council meeting in person soon. Consultant Engineer – not present.

Items for Consideration

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

Mayor A Riddile opened the public hearing at 7:02 p.m.

Consider Resolution BOZA 2021-1 - Approving a Variance for Property Located at 156 N 3rd Street in the R-1 Zone District

Town Planner Paul Smith told the board that the applicant was Mr. Richard Acerra of Basalt. He said that Mr. Acerra was hoping to build a new home with an additional dwelling unit on a lot in town, but that the lot was unique in that it was just over 2,600 square feet.

Planner Smith screen shared photos of the original home that had been torn down and said that Mr. Acerra wanted to rebuild on the remaining foundation, and was asking for three variances in the application.

Planner Smith reviewed the following staff report for the board.

**Board of Adjustment - Hearing
Tuesday, April 6th, 2021**

Resolution BZ2021-01

Staff Report

Name of Applicant	Richard Acerra
Mailing Address	110 Harris St., Unit 102, Basalt, CO 81621
Property Address	156 N 3 rd St., New Castle, CO 81647
Name of Property Owner	Richard Acerra
Existing Zoning	Residential (R-1), New Castle Original Townsite
Surrounding Zoning	R-1

Surrounding Land Uses	Single Family Residential
Existing use of property	Single Family Residential
Proposed use of property	Single Family Residential + ADU
Lot size	0.06ac or 2,625sf

1

2 **1) Background & Reasons for Variance:**

3 The applicant requests **three** variances to the R-1 zoning requirements to accommodate the
4 construction of a new single-family home and a below ground accessory dwelling unit (ADU):

- 5 • **Variance 1:** encroachment into north & south side setbacks;
- 6 • **Variance 2:** a reduction of the R-1 floor-area-ratio (FAR) limits;
- 7 • **Variance 3:** an exemption to the minimum lot size requirement for ADUs.

8 The property is bordered by single family homes to the north & south, 3rd Street to the west, and a 15'
9 alleyway to the east. Due to its deteriorating state, the original 676sf home, built in 1955, was recently
10 demolished to the foundation in order to accommodate a new structure.

11 **Variance 1**

12 Currently the zoning provisions for R-1 require eight foot side setbacks for new structures. The
13 former home foundation exceeded this requirement by several feet. Pursuant to municipal code section
14 17.20.120, given that the original structure remained without expansion or change, the nonconforming
15 state could persist. However, *“such uses and/or conditions shall not be continued without conforming
16 to the provisions of this code when...a nonconforming structure is dismantled, removed, demolished or
17 condemned”* (17.20.120.A & 17.88.020). As a result of the demolition and removal of the original
18 structure, conformance with the current setback requirements became necessary.

19 Conformance, however, poses challenges with the building envelop. The lot measures
20 approximately 24’ feet in width. Less the two 8’ setbacks means the width of a new structure would be
21 limited to 8’. Though property setbacks serve an essential land use function, in this case conformance
22 would result in an unbuildable lot. Instead, the applicant claims that a contemporary home, meeting all
23 the current building codes, could be erected if the structure were approved to encroach.

24 **Variance 2**

25 Additionally, the applicant requests that the overall floor area be allowed to exceed the 43% R-1
26 floor-area-ratio (FAR) specified in section 17.20.080. The FAR “means the total enclosed gross [above
27 grade] floor area of all buildings or structures on a zoning lot divided by the area of said lot”
28 (17.04.050). The objective is to limit disproportionately large structures on smaller lots. A 43% FAR on
29 the current lot translates to a maximum 1,129sf home. The applicant proposes an above ground area
30 of 1,501sf or a 57% FAR. The variance request is therefore to exceed the code by 14% FAR or 372sf.

31 **Variance 3**

32 Finally, section 17.72.230.C of the town code prohibits ADUs on lots smaller than 5,000sf. The
33 current lot measures 2,625sf. Because the ADU is proposed to be entirely underground the applicant

1 maintains that the lot size requirement is generally immaterial for his purposes. The minutes to the
2 approving ordinance for ADUs (TC2003-16) evidence a concern by the Planning Commission and
3 Council for limiting a structure's "footprint" on a lot and thereby curbing excessive building density. The
4 lot size requirement was therefore restricted to a minimum 5,000sf and maximum ADU area of 850sf.
5 Again, because the lot size requirement targets lot coverage, the applicant maintains that the ordinance
6 is not applicable in this situation.

7
8 **2) Decision Criteria:**

9 **17.12.020 - Board of Adjustment.** The Board shall hear and decide all matters referred to it and the
10 following matters as required under this Title:

- 11 A. Hear and decide applications for variances where there are practical difficulties or unnecessary
12 hardships in the way of carrying out the strict letter of this Title. The Board has the power to vary or
13 modify the application of the regulations or provisions of this Title relating to the use, construction,
14 or alteration of buildings or structures, or the use of land, so that the spirit of this Title is observed,
15 public safety and welfare secured in substantial justice done, provided the Board finds that the
16 following criteria, in so far as applicable, have been satisfied:
- 17 1. That there are unique physical circumstances or conditions, such as a regularity, narrowness,
18 shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar
19 to the affected property;
 - 20 2. That, because of such physical circumstances or conditions, the property cannot reasonably be
21 developed in conformity with the provisions of this Title;
 - 22 3. That such unnecessary hardship has not been created by the applicant;
 - 23 4. That the variance, if granted, will not alter the essential character of the neighborhood or district
24 in which the property is located nor substantially or permanently impair the appropriate use or
25 development of adjacent property;
 - 26 5. That the variance, if granted, is the minimum variance that will afford relief and is the least
27 modification possible of this Title's provisions that are in question.
- 28 B. Where feasible, the Board may vary or modify the application of this Title for the purpose of
29 considering access to sunlight for sewer energy devices.
- 30 C. Hear and decide the proper application of unlisted uses or combination of uses to a use group as
31 provided in Chapters 17.16 through 17.68.
- 32 D. Hear and decide the proper off-street parking requirements as provided in Chapter 17.76.
- 33 E. Hear and decide such other matters as the Town Council may by ordinance provide.

34
35 **3) Findings and Staff Comments:**

- 36 **1. That there are unique physical circumstances or conditions, such as irregularity,**
37 **narrowness, shallowness or size of the lot, or exceptional topographical or other**
38 **physical conditions peculiar to the affected property;**

39 **Staff Comment – Variance 1** - The applicant elected to demolish the existing structure due to
40 its deteriorating condition. Starting-over made more economical and logical sense than trying to
41 update the original building. The decision however, triggered the 8' setback requirement

Town Council Meeting
Tuesday, April 6, 2021

1 resulting in an exceptionally narrow building envelope. Compliance with the current provisions
2 of the code would make building infeasible. **Variance 2** – Nothing apparent with the physical
3 circumstances or conditions of the property would demand that a 57% FAR is necessary. A
4 structure with less bulk would meet all code requirements, enhance the quality of life, meet the
5 aesthetic standards of the downtown core, and still provide a reasonable size home. **Variance**
6 **3** – Because the code appears to target lot coverage of above ground structures, the minimum
7 lot size requirement for ADUs is difficult to apply in this context.

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

10 **Staff Comment – Variance 1** - As a result of the narrowness of the building envelope
11 compliance with the current provisions of the code make residential development infeasible.
12 **Variance 2** – a modest residential build could be achieved at the 43% FAR (1,129sf) level.
13 Similar size structures exist on equivalent lots within the downtown. This property could be
14 reasonably developed at a smaller scale than proposed. However, a creative possibility for
15 additional square footage may still be an asset for the community. **Variance 3** – Granting
16 variance 1, a reasonably sized home could be constructed without a bonus ADU. Nevertheless,
17 because of its below ground style, the proposed ADU may be exempt from consideration of the
18 above criterion.

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

20 **Staff Comment – Variance 1**– the combination of the existing lot size and the current setback
21 requirements are the locus of the hardship to the applicant. Redeveloping the property in a way
22 that is commensurate with surrounding homes will not be possible for any owner without a
23 concession with the setbacks. **Variance 2** – Exceeding the FAR requirements for the R-1
24 zoning is unnecessary for a residential dwelling to be constructed. **Variance 3** – See earlier
25 comments.

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

29 **Staff Comment – Variance 1** – Because the new home will be placed on the existing
30 foundation – ostensibly replacing what was there – the structure should not alter the essential
31 character of the surrounding neighborhood. **Variance 2** – FAR requirements essentially limit
32 building bulk. Unless the applicant can demonstrate otherwise, the new building may appear
33 blocky and imposing to surrounding structures. There is additional concern that an overall
34 three-bedroom count would impact on-street parking to a greater degree than a two-bedroom.
35 One parking place is reserved for the proposed ADU. This leaves a single parking place for a
36 dwelling that in most circumstances would have a two-car garage. **Variance 3** – Since the ADU
37 will not be visible above ground there should be no substantial visual impacts. However, the
38 ADU will add to density and will likely influence traffic flow in the alleyway.

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

41 **Staff Comment – Variance 1** – the encroachment request is about as narrow as possible for
42 development to be feasible. **Variance 2** – As discussed previously, the FAR may be minimized
43 further to meet the requirements of the code. **Variance 3** – Omitting the ADU would provide the

1 least design modification possible while still allowing a SF home on the property. Conversely, if
2 an ADU were granted, the proposed design would certainly be the least impactful.

3 **4) Staff Recommendations:**

4 Staff asks that the Board to consider the following conditions in their decision on **Resolution BZ2021-**
5 **01:**

- 6 1. The applicant shall comply with all applicable building, residential, electrical, and municipal code
7 requirements including all sign code regulations.
- 8 2. The alleyway may not be used for storage or staging of building related waste or materials. As
9 a public right-of-way, the alleyway must remain unobstructed for egress.
- 10 3. Excavations in the right-of-way shall require approval through the Public Works Department.
- 11 4. Prior to permit, demonstrate that all exterior illumination shall comply with acceptable
12 International Dark-sky Association (IDA) standards.
- 13 5. All representations for the Applicant contained in the Application or otherwise stated in writing or
14 presented verbally at the public hearing before the Board of Adjustment shall be considered part
15 of the Application and binding on the Applicant.
- 16 6. The Applicant shall reimburse the Town for all expenses incurred by the Town regarding this
17 approval, including, without limitation, all costs incurred by the Town's outside consultants such
18 as legal and engineering costs.
- 19 7. Violation of any of the above conditions shall be cause for revocation of the variance.

20
21 Mayor A Riddile asked Mr. Acerra if he had any comments.

22
23 Mr. Acerra greeted the council. He said that the first item he wanted to address was the
24 parking. Mr. Acerra said that he intended to clean and maintain the right-of-way alley,
25 which he understood the town did not maintain. He said that he would have parking in the
26 rear portion of the lot which meant that the basement dwelling unit would be reinforced
27 and constructed at one end to support two vehicles. He said that the alleyway and into the
28 lot would be access for a medium and small-sized car. He felt that addressed the required
29 parking spaces.

30 Regarding the ratio to floor plan, he said the front of the home would be moved back off
31 the street, and the roof would be built to match most other structures on the street with
32 an 'A' roof up top and then a porch roof. Mr. Acerra said that to keep the aesthetics the
33 same as the rest of the street, he would overhang the second floor and third bedroom
34 over the backyard, which would keep yard space from being lost. He said that once it was
35 excavated and the parking installed, it would be filled back in as a green roof, and the
36 second-floor overhand would act as an awning.

37 Mr. Acerra said that the site was difficult to develop and that when he bought it he
38 thought he could salvage it but the foundation was never structural and had settled over
39 time. He said that when the walls were opened, the wiring was from the 1800's. Mr.
40 Acerra said there were too many things about the house that made it not feasible to rehab
41 it. Mr. Acerra said that he was under the impression that as long as he kept the
42 foundation footprint that he would be able to rebuild on that footprint without any
43 problem. He said he learned otherwise when he began working with Planner Smith and
44 then understood that he had removed enough of the house to be considered (Mr. Acerra

1 gestures). Mr. Acerra said that the foundation would be seated and a structural beam that
2 sat on concrete pillars would be added around the existing foundation and fix eight spots
3 that would support the weight of the new floor and second floor. It would be backfilled
4 and sealed for air and moisture and frostline.

5 Planner Smith said that staff had worked extensively with Mr. Acerra to ensure that
6 everything was code-compliant so there were no concerns regarding safety, egress, or
7 adequate access for emergency personnel with the way it was designed.

8
9 Public Comments

10
11 Mike and Jacqueline Dority, 126 N. 3rd Street.

12 Mr. Dority said, with respect to the contractor, that it was too bad that he bought a lot
13 that was unbuildable. He felt that the contractor should have done more planning before
14 tearing down a house that he might have been able to remodel. Mr. Dority said he had no
15 idea of the previous condition of the house, but it fit the mood of the neighborhood of
16 small, mostly older miner shacks that had been brought up to modern specs. Mr. Dority
17 said that with current ordinances the house would be eight (8) feet wide as stated by
18 Planner Smith. Mr. Dority felt that the contractor had checked with the town he would
19 have known that there would be no profit in it other than flipping a small house.

20 Mr. Dority said that he thought it ironic that there would be a picture shown that showed
21 the maximum parking in front of the house of one car and one truck. He felt that a normal
22 family of three would have at least two vehicles. Mr. Dority said that the contractor was
23 proposing to use a non-existent alley, and alley that was unusable because a neighbor
24 from the next street was constantly blocking the alley. Mr. Dority felt that the parking in
25 back should be eliminated unless it was for long-term storage. Mr. Dority also voiced
26 concern that the neighboring house would be completely overwhelmed by the size of the
27 proposed home, and it would block all sunlight. Mr. Dority also felt that the underground
28 apartment was not desirable, and that the contractor had done more damage by tearing
29 the original house down than was recoverable. Mr. Dority said that he thought that the
30 best plan was for the lot to be sold and for the loss to be claimed on income taxes. He
31 said he was not trying to be insulting, but the contractor did not do any planning and did
32 not realize what he was doing. Alternatively, he said perhaps the contractor did know
33 what he was doing and was trying to pull a fast one on New Castle.

34 Mrs. Dority said that she thought the proposal would change the great feel of New Castle
35 which is such a quaint town, and 3rd Street was also quaint. Mrs. Dority said she was also
36 concerned about the parking. She said she was concerned about how many people might
37 live in the home.

38 Steve Vasilakis, 131 N 3rd Street. Mr. Vasilakis said that he had been on town council at
39 the time Castle Valley Ranch was coming in and there had been a lot of education on
40 planning and how to do things right, and he felt he had some background on it. He said he
41 had a personal interest because it affected the neighborhood. Mr. Vasilakis said that the
42 neighborhood was mostly home-owner occupied and was two communities in one: the
43 upper end of the block and the lower end of the block and some cross-connections in
44 between. He said the proposed house was at the transition of the two neighborhoods, so it
45 had some importance. He felt that the proposed home did not fit into that.

46 Mr. Vasilakis thanked the board for the opportunity to speak to them and said that he had
47 gotten a copy of the proposal from the town. He complimented Planner Smith on a
48 thorough staff report. In regard to criteria #3, "That such unnecessary hardship has not been

1 created by the applicant” Mr. Vasilakis felt that the applicant made a conscious choice to do
2 what he did. He said he had been watching projects in the neighborhood, and on another
3 25-foot wide lot the owner had stripped everything back to the studs and roof, and then
4 was compliant with the laws. That home was rebuilt and was quite livable.
5 Mr. Vasilakis said that with (Mr. Acerra’s) house, when the first construction began, it
6 appeared the same thing was happening, but then after several times starting and
7 stopping construction, the house was taken down to the ground. That was the contractor’s
8 choice. Mr. Vasilakis said that as a contractor, he should have known the circumstances
9 when he tore the house down. Regarding parking, he said that at one point he had four
10 vehicles at his home and had made some improvements to the alley, and then created a
11 parking space behind his house, which he maintained. Unfortunately, a large four-wheel
12 drive SUV rutted the alley quite badly and caused issues because that alley is not
13 structural. Mr. Vasilakis said that he shoveled the alley himself for the many years he
14 used it. Mr. Vasilakis said that it was a tough turn to get into a parking space from the
15 narrow alleys, and Mr. Acerra’s property was much further up the alley than his home
16 was. He felt that it was impractical to provide parking for the ADU in the rear, particularly
17 since the alley was not structural because a great portion of the alley would need to be
18 improved. Mr. Vasilakis said that parking in the downtown was almost always problematic
19 and was worse in the evenings because of the parking for restaurants and more so during
20 special events such as Burning Mountain Festival. Mr. Vasilakis felt that a three-bedroom
21 house plus an underground ADU was too much for the lot. Mr. Vasilakis said that the
22 proposed structure would be nothing more than nig box with a bunker behind it and he
23 felt that it would not fit the neighborhood.

24 Wesley Toews, 186 N. 3rd Street. Mr. Toews said that he lived at the top of third, and he
25 asked if the neighbor immediately adjacent to the subject property had been contacted
26 because he said he had not received notice and he found out about the meeting from the
27 neighbors. Mr. Toews said that he had used the alley twice to move things to his home at
28 the top of the street and it was his opinion that the alley was not useable. Perhaps for a
29 compact car, but not a pickup truck. It was very complicated because larger vehicles had
30 to utilize the covered parking for the apartments to maneuver in the alley.

31 Sean Jones, 141 N. 3rd Street. Mr. Jones said that anything he had to say had already
32 been covered. He thanked the board.

33 Jenn Dority, 136 N. 3rd Street. Ms. Dority said that her home was 850 square feet, and
34 she said she was probably an exception in that there was only one vehicle at her home.
35 She said that when she had guests they had to park up or down the street because
36 parking was an issue. Ms. Dority asked if the existing foundation would stay or if it would
37 be altered and would there be a noise ordinance so that thy did not have to listen to a
38 jackhammer at 7:30 on the morning. Ms. Dority said there would be three bedrooms and
39 she wanted to know if the home would be owner-occupied or would it become a rental.
40 Her concern was that with four bedrooms there was potential for eight occupants in the
41 home. She that everyone who owned a home there had a vested interest in what
42 happened on the subject property. Ms. Dority said that the vehicle ration was typically
43 one-to-one, vehicles to bedrooms not to mention that people would have other equipment
44 such as skis, kayaks, motorcycles and there would be no place for that stuff. Ms. Dority
45 said that alley access was laughable because there was a power pole blocking the alley, in
46 addition there was a gas main there that had already been hit by the neighbor who
47 consistently blocked the alley. Ms. Dority said that parking was a growing issue
48 everywhere, not just on 3rd Street. Ms. Dority asked if there would be a maximum

Town Council Meeting
Tuesday, April 6, 2021

1 occupant or vehicle clause if the residence became a rental. She asked how the fire
2 department would access the property if there was an emergency. She said that the lot
3 was made for a cabin, not a large home that looked like a double-stacked container that
4 did not fit. She asked that the residents depended on (BOZA) meetings because there was
5 no HOA in the downtown that made rules. Ms. Dority said that if the proposal was allowed
6 it could not be undone. She asked what would happen to the alley in the winter when
7 there was snow or mud. Ms. Dority said the proposal did not match the community.
8 Regarding the alley, she said that a dumpster had been taken up there and they chose to
9 hack her apricot tree to get the dumpster through and no one asked her or apologized.
10 She said she just found the branches leaning up against her fence. Ms. Dority stated that
11 a friend of her had battled the town for eighteen months to get an existing ADU into a
12 livable ADU. Ms. Dority said that the ADU with alley access was laughable at best.
13 Andrew Gallegos, 116 N. 3rd Street. Mr. Gallegos said that he was the first home on the
14 street and it was his home/garage that traffic would have to get around to drive up the
15 alley. He said that his garage had been hit seven times by people trying to get up the
16 alley and one a truck had to be stopped from going up the alley because it was too long.
17 He noted that the alley was narrow at about fifteen (15) feet wide and was lined with
18 trees and fences and was not really accessible and meant only for temporary use. The
19 alley would not function for everyday use. Mr. Gallegos said that the aesthetics did not
20 match the community feel of smaller houses, and the residents wanted to keep that feel.
21 He felt that the height was more like something you might see in Willits in Basalt, not
22 downtown New Castle. He felt a smaller cabin would fit better.
23 Jeffrey Chmay, 166 N. 3rd Street. Mr. Chmay, immediately north of the subject property.
24 He said that Mr. Acerra had been very respectful in communicating to him and his fiancée.
25 He said that in reviewing the proposed plans he was concerned about how the building
26 would block sunlight from reaching his property because they had invested a lot of money
27 in the yard, garden and trees.

28
29 Mayor A Riddile closed the public hearing at 7:53 p.m.

30
31 Town Attorney David McConaughy clarified the public hearing process for the board.
32 Mayor A Riddile re-opened the public hearing at 7:53 p.m.

33
34
35 Mayor A Riddile invited Mr. Acerra to comment.
36 Mr. Acerra said that he thought the town encouraged off-street parking, and for the alley
37 to be used for off-street parking. He felt that there was plenty of room for vehicles to
38 access the alley and in fact had driven his Chevy Tahoe there. He stated again that there
39 was plenty of room to get past the neighbor's garage. Mr. Acerra said that his
40 interpretation was that the town was asking people to use the alley. Mr. Acerra said that
41 he did not have a contractor's license, he said he was a specialty roofing license. He said
42 he was not a contractor and was not building the home for profit or to flip. He said he
43 would pull the permits and under Colorado Law he could build the home as the property
44 owner. Mr. Acerra said that regarding the height and size, the original proposal was a flat-
45 roof plan to lower the overall height, but the town does not allow flat roofs. He said that
46 he was trying to do a small porch in front to match some of the other homes on the
47 street, and code was 32 feet. Mr. Acerra said that he understood everyone's opinion and
48 he wanted it to be understood that he was not a contractor, it was not a for-profit house it

1 was a dwelling and he was one person. He said there were plans to expand and grow. Mr.
2 Acerra said that if he was to rent any of the house it would be the ADU in the rear and
3 that would be a structure for one person because it was a studio without a bedroom. The
4 kitchen would not be a full kitchen because there would be no oven. Mr. Acerra said that
5 eventually, everyone sold their home, and the purpose the three bedrooms was to attract
6 a younger family. He said hanging the second floor out over the property was to use
7 up the land ratio to the house.

8
9 Planner Smith said that it was true that the code did encourage parking in the rear, but
10 the fifteen feet was challenging. He also said that Mr. Acerra was not required to have a
11 contractor's license with the town, but his contractors were. Planner Smith said that the
12 foundation was already designed by an engineer and will exist on the existing footprint.
13 Regarding the noise ordinance, that was regulated by state statute and would be
14 regulated as such under the permit from the town. Planner Smith said the egress was
15 provided for all bedrooms. Planner Smith further stated that Mr. Acerra had done
16 everything he could to try to make the proposal work.

17
18 Councilor G Riddile asked if staff had looked at the alley and what the opinion was.
19 Planner Smith said that the alley was only fifteen feet wide and there were some
20 obstacles. He said that other fifteen-foot alleys in the downtown were used regularly, but
21 that he would have to take the residents' word for it about what the challenges were as
22 well as Mr. Acerra's as to whether or not it was accessible. He said that if people were
23 parking back there that could be remedied by other means, by the town code.

24 Councilor G Riddile said that in general he felt that using the alley was a good idea, but
25 the application indicated the alley would be used year-round. He asked what Planner
26 Smith thought.

27 Planner Smith said he did not think a large pickup truck would be able to access the alley,
28 but smaller vehicles could get in there reasonably. He said if there was snow piled up that
29 could be an issue unless the occupants were willing to move the snow.

30 Councilor Owens said that he understood there was no HOA, so the town was serving in
31 that capacity. Planner Smith said there was no design criteria and what was shown in the
32 elevation drawings met the code, and in particular, the height met the code. He agreed
33 that the proposal was taller than what was there before, but it met the code.

34 Attorney McConaughy said that regarding the aesthetic impacts, the only thing before the
35 board were the three variances, so they were not discussing whether the roof was pretty
36 or not, but whether granting the variance would alter the character of the neighborhood
37 or not.

38 Councilor Owens said that the neighbors had made a lot of comment about aesthetics and
39 he had wanted to know how much of that came into play regarding the board's decision.
40 He said that he now understood that the board was only considering the three variances,
41 not aesthetics. Attorney McConaughy said only to the extent that the three variances
42 would impact that.

43 Councilor Owens addressed Mr. Acerra and said that when he had purchased the lot and
44 then chose to demolish the home, it then triggered the need to abide by current codes.
45 Mr. Acerra said that initially he had intended to remodel the house but the entire back
46 porch was not on a foundation and had to be removed. Inside he said he tried to level the
47 floors but the home's foundation was only 24 inches, he felt that the foundation was still
48 in a settling mode. He said if they had kept the original home, the odds were that it would

1 continue to settle, and any improvements would be ruined. Mr. Acerra said that the roof
2 was not structurally sound because it was built with 2x4s. He said that everything he
3 attempted to repair had led to more issues.

4 Attorney McConaughy said that as a pre-existing, non-conforming use, theoretically he
5 could build an exact replica of what had been there previously without needing the
6 variances, including the setback encroachments. He clarified that was not what the board
7 was currently considering.

8 Councilor Leland said that he was struggling with criteria #4 that said "...will not alter the
9 essential character of the neighborhood ...". He said that criteria was quite subjective and
10 he asked Attorney McConaughy if it had any legal meaning. Attorney McConaughy said
11 that it was up to the board to make a subjective determination based on the record as
12 long it had a rational basis.

13 Councilor Owens asked Mr. Acerra why the board should make an exception to grant the
14 variance for the floor area ratio, which was proposed at 57% as compared to the
15 allowable 43%.

16 Mr. Acerra said that he was required to have a front door at the front of the house,
17 therefore could not have a side door with a bedroom up front. The bedroom was then
18 relocated upstairs.

19 Councilor Owens said that the big issue with variance #3 was the density and the lack of
20 parking but asked if the ADU was subject to above-ground rules because it was below
21 ground. Administrator Reynolds said it was not subject to above-ground rules, however
22 the variance was necessary because ADUs were not allowed on such a small piece of
23 property, so the variance was to allow an ADU on a property significantly smaller than
24 what the code allowed.

25 Councilor Owens asked if the board approved all three variances, was precedent being set
26 for everything going forward. Administrator Reynolds said it was a good question and that
27 it could certainly be viewed that way. Attorney McConaughy said that the board needed to
28 view the application on its own merit but agreed that if ten such applications were
29 approved and the eleventh denied, it could be a problem.

30 Councilor G Riddile asked what the justification was for variance #3, saying that
31 regardless of the fact that it was underground there would still be impacts other than
32 visual. Planner Smith said that he had studied the approval ordinance for the ADU
33 provision in the code and it leaned toward the aesthetic look such as bulkiness and how
34 many structures were on the lot that were visible. The fact that the proposed ADU was
35 underground made it somewhat of an exception because it was not visible. Planner Smith
36 said that traffic was an impact. Councilor G Riddile clarified that the off-street parking
37 requirement for the main unit had been met, and the two spaces behind met the
38 requirement for the ADU. Councilor Leland and Planner Smith both said that only two off-
39 street spaces were needed for the main unit and the ADU combined, so the off-street
40 parking requirement had been met.

41

42 Mayor A Riddile closed the public hearing at 8:12 p.m.

43

44 The board discussed the application.

45

46 Mr. Acerra offered that he had a contingency plan to remove one of the bedrooms on the
47 second floor to be able to stay within the 43% floor area ratio requirement of the code. He

1 added that if they removed the third bedroom upstairs, he said they will request to keep
2 the ADU but turn that into two additional bedrooms for the home.

3
4 After additional discussion, Mayor A Riddile asked Attorney McConaughy for direction on
5 how they should proceed.

6
7 Attorney McConaughy told the board that two of them were alternates and would not be
8 voting but they could discuss the application and express their opinions. He asked Clerk
9 Harrison to clarify the members. Clerk Harrison told the board that Councilors Owens and
10 Copeland were alternates, and the remaining members were voting members.

11
12 **MOTION: Councilor Leland made a motion to approve Resolution BOZA 2021-1, a**
13 **Resolution of the Board of Zoning Adjustment of the Town of New Castle**
14 **Approving a Variance Application for Property Located at 156 N 3rd Street in the**
15 **R-1 Zone District, Excluding Section 2.A and Section 2.C. Councilor Hazelton**
16 **seconded the motion.**

17 Discussion: Attorney McConaughy clarified that the motion was to approve only Section
18 2.B, the variance for setback only. The board agreed.

19 **The motion failed on a roll call vote: Councilor G Riddile: no; Mayor A Riddile: no;**
20 **Councilor Hazelton: yes; Councilor Leland: yes; Councilor Mariscal: no.**

21
22 The board discussed the result of the vote.

23
24 Attorney McConaughy told the board that they could make another motion with other
25 exceptions if they wished. They could also make a motion to reconsider the earlier vote.

26
27 The board discussed the application further.

28
29 **MOTION: Councilor Hazelton made a motion to reconsider the vote. Councilor**
30 **Mariscal seconded the motion.**

31 Discussion: Councilor Leland said that he had voted yes on the assumption of where the
32 other members were going, and said he would vote no because he felt that B and C were
33 acceptable. Mayor A Riddile said that he was opposed to C. Councilors Leland and
34 Hazelton clarified that the motion was to approve variance 2.B only which was for the
35 setbacks.

36 **The motion passed on a second roll-call vote: Councilor Leland: no; Councilor**
37 **Hazleton: yes; Councilor G Riddile: no; Mayor A Riddile: yes; Councilor Mariscal:**
38 **yes.**

39
40 Mr. Acerra said that he was confused by the vote and asked why they did not simply vote
41 on A, B and C separately. He felt that the motions were confusing because there was one
42 to approve just B then one for B and C. He asked if he could get a copy of the meeting
43 transcript to make sure that there had not been a procedural error. Clerk Harrison said
44 yes.

45 Councilor Leland told Mr. Acerra that part of the confusion was that the variances showed
46 up in the staff report in a certain order and in the resolution in a different order.

1 Mr. Acerra asked if he could take a consensus. Attorney McConaughy said that no, he
2 could not, and said that there had not been a procedural error.
3 Attorney McConaughy further explained that there had not been a motion to approve the
4 resolution with B and C, that the motion had been to approve the resolution with B only
5 (setbacks), which failed. Then that vote was reconsidered because someone changed their
6 mind, which was allowable under Robert’s Rules. The motion then passed under
7 reconsideration.

8
9 Mr. Acerra clarified that his application had been approved to B only, and that A and C had
10 been denied. Attorney McConaughy and the board confirmed that the resolution had been
11 approved with B only.

12
13 Mayor A Riddile apologized for the confusion. Mr. Acerra asked if the meeting was then
14 concluded, and if he would receive a copy of the decision. Attorney McConaughy said yes,
15 the meeting was done, and that he and Clerk Harrison would fix the resolution to conform
16 with the board decision, and Mr. Acerra would receive a copy.

17
18 Adjourn the Board of Zoning Adjustment, Reconvene the Town Council Meeting
19 **MOTION: Mayor A Riddile made a motion to adjourn the board of zoning**
20 **adjustment and to reconvene the town council meeting. Councilor Hazelton**
21 **seconded the motion and it passed unanimously.**

22 23 24 **Planning Department Update**

25 Planner Smith gave the council an update on what had been going on in building and
26 planning. That included:

- 27 • A potential sketch plan application for three parcels in Lakota Canyon Ranch.
- 28 • Jody Maloley continued to build homes along S. Wildhorse Drive. He said that she
29 would likely be building into 2022.
- 30 • Home building continued in Lakota at a slow but steady pace.
- 31 • One vacant lot in Alder Ridge would likely be built in the summer.
- 32 • Filing 11 in Castle Valley Ranch had been approved for preliminary but the final
33 application had yet to be submitted.
- 34 • Filing 12 in Castle Valley Ranch had completed a pre-application meeting.
- 35 • There will be a coffee chop/fly shop in the Trimble Building as well as Defiance
36 Cyclery.
- 37 • Western Slope Pilates will open in one of the Balcomb units in the City Market
38 Plaza.
- 39 • Rocky Gabossi had opened storage units near where Mr. T’s had been.
- 40 • A Physical Therapy office had opened where New Castle Fitness had been.
- 41 • The Lookout restaurant had opened in the clubhouse in Lakota, and the Lakota
42 Recreation Center will reopen their restaurant in the summer.
- 43 • The old schoolhouse on Main Street will be leased by The Ambleside School.

1
2 **Discussion: American Rescue Plan Act of 2021**

3 Administrator Reynolds told the council that staff was tracking the American Rescue Plan
4 Act Plan that had been approved in March by the federal government. He said that it was
5 a 1.9 trillion aid package as part of COVID stimulus and staff was trying to understand
6 what it meant for the community.

7 Administrator Reynolds provided a power point presentation that detailed the plan as it
8 may apply to the town. New Castle stood to receive about 1.12 million dollars from the
9 Act and Administrator Reynolds listed some of the way in which the town could use those
10 funds before the deadline of 2024.

11
12
13 **Discussion: Congressional Earmarks**

14 Administrator Reynolds described what earmarks had looked like prior to them being
15 outlawed in 2011. An earmark program was being reintroduced in a more structured
16 manner than before. The senate had yet to approve it and the house was also considering
17 it. The appropriations committee needed to have their numbers in by the end of April.
18 He said that Representative Bobert was against earmarks, and it appeared that Colorado's
19 two senators were not in favor.

20 Administrator Reynolds said that it was important that staff made council aware of the
21 program in the event it was something they wanted to consider, but they did not need to
22 make any immediate decisions, He felt they would hear about neighboring communities
23 that were creating earmark application processes, although there were currently no rules
24 for the program.

25 The council thought that perhaps the LoVa Trail might qualify for the earmark program
26 and they briefly discussed that it may not be prudent to jump on board until there were
27 finalized rules.

28
29
30 **Consent Agenda**

31 March 2, 2021 minutes

32 March 16, 2021 minutes

33 March Bills of \$404,825.24

34 Resolution TC 2021-09 - A Resolution of the New Castle Town Council Approving an IGA
35 with Garfield County and Other Municipalities Within the County

36 **MOTION: Mayor A Riddile made a motion to approve the consent agenda.**

37 **Councilor Owens seconded the motion and it passed unanimously.**

38
39 **Staff Reports**

40 Town Administrator – Administrator Reynolds said that the survey that Bill Ray created for
41 the town had been distributed and responses were being received. It would also be
42 publicized on the message board in hopes that there would be a lot of good information
43 out of that. Administrator Reynolds said that with summer coming up there would be a lot
44 of people taking vacations. He said that there would be some fairly full council agendas
45 through the summer, and he asked that everyone please let staff know when they might
46 be away so scheduling could be adjusted accordingly. Administrator Reynolds said that at
47 the 2020 fall retreat the council had identified September 25 for the 2021 retreat.

48 Administrator Reynolds said that staff had heard a bit of concern regarding the overflow

1 parking from Bear Dance Park. He said that the original design of the park included a
2 parking lot, but the residents there said they did not want the park to have a lot, so it was
3 removed. Now residents on Blackhawk and Whitehorse have concerns about people
4 parking in the neighborhood, but unfortunately public streets were public parking.
5 Administrator Reynolds said staff was looking at adding more signs in the park
6 encouraging people to park in the recreation center lot. Administrator Reynolds said that
7 staff felt that there might be some space available along Castle Valley Boulevard for
8 parking by widening the shoulder on the north side of the street. He asked the council for
9 their opinion about that. Councilor G Riddile said that he felt it was not a good idea to put
10 parking along Castle Valley Boulevard saying that the roadway was meant to move traffic.
11 With a potential of 500-plus more units being built, Castle Valley Boulevard's purpose of
12 moving traffic needed to be protected. After a brief conversation it was decided that staff
13 would simply provide some public education about where to park and see if that helped
14 reduce parking stresses in the neighborhood. Administrator Reynolds said that there was
15 a potential buyer for the Mr. T's building across the river. And Ace Hardware store had
16 been looking at the building and staff had been working with them. He said they had
17 asked if the town had any incentives. Administrator Reynolds apologized to the council for
18 the last-minute discussion but asked for the council's feedback regarding the ideas that
19 the Ace people had suggested. Those included sales tax relief, property tax relief,
20 personal property tax relief, sign requirement concessions and perhaps some directional
21 signs to direct people to them. The council decided that staff could let the Ace people
22 know that the town was certainly willing to explore potential incentives. Administrator
23 Reynolds said that Valley View Hospital was going to begin ramping up their vaccination
24 clinics, and staff will likely put together some volunteer teams to assist with the process.
25 He said that if anyone was interested in volunteering, to please let him know.
26 Administrator Reynolds told the council that there had been some on-going issues with e-
27 mail hackers recently, and Water Treatment Operator Kim Rider's e-mail had been
28 hacked. He said that this was something happening all over with other operators. The
29 issue was that water plant were heavily protected and there would be federal investigation
30 into the hacking of water operator's e-mails. He said that any suspicious e-mail the
31 council members received should be disregarded.
32 Town Clerk – Clerk Harrison said she had spoken to ProVelocity who had advised that
33 anyone who opened the attachment in those fake e-mails should have IT look at their
34 computer because the attachments likely carry viruses. Clerk Harrison said she had been
35 busy reviewing applications for the administrative assistant position in the clerk's office,
36 and had conducted two phone interviews earlier in the day. She said that she and Deputy
37 Clerk Mindy Andis had been rethinking the position and feel that it was necessary to
38 expand the level of responsibility it held. Clerk Harrison told the council that the council
39 wanted to invite the Coal Ridge High School Cheer Team to a meeting to honor them
40 again for the state championship wins, but they would be going to national competitions
41 and would not be available until May 18. Clerk Harrison said she had been working on the
42 phone system and computers and e-mail for new employees. Clerk Harrison said that the
43 Colorado Municipal Clerks Association had begun a new online training program. She said
44 she had attended a class that was about minutes, not so much teaching, but a sharing of
45 how different agencies handled minutes. She said that the way the town did minutes, a
46 mix of action and summary, seemed to be the most common method. Clerk Harrison said
47 that she would be on vacation beginning April 22 and returning May 3.
48 Town Treasurer – Treasurer Burk said that her department had been very busy with the

Town Council Meeting
Tuesday, April 6, 2021

1 new hires as well. The unemployment fraud issue continued. Treasurer Burk said that she
2 would be coming back to Colorado for a visit beginning May 10 through May 21 and said
3 she looked forward to seeing everyone.
4 Town Planner – nothing to report.
5 Public Works Director – not present.

6

7 **Commission Reports**

8 Planning & Zoning Commission – nothing to report.

9 Historic Preservation Commission – nothing to report.

10 Climate and Environment Commission – Councilor Leland said that at last meeting they
11 had Parks Manager Charlie Moore there and it was a good discussion and everyone
12 appreciated meeting. Some of the commission members would join Manager Moore on
13 April 30 for a tree planting for Arbor Day in Alder Park at 1:00 p.m. Councilor Leland said
14 the GCE had provided door hangers for the Solarize Garfield Program and the CEC
15 members would be waling around town delivering them.

16 Senior Program – nothing to report.

17 RFTA – nothing to report.

18 AGNC – nothing to report.

19 GCE – nothing to report.

20 EAB – nothing to report.

21

22 **Council Comments**

23 Councilor Mariscal said that she had shared the town survey on Facebook and had
24 received three messages from Spanish-speaking residents asking about the parks, as king
25 for photos of them because although they were familiar with the parks, they did not know
26 the names of them, and she said she found that very interesting. She said that she was
27 looking forward to seeing how many Spanish-speaking people responded. Administrator
28 Reynolds said that he thought that had been part of the narrative. Mayor A Riddile said
29 that a map pf the parks could be put on the Visit New Castle page.

30 Councilor Mariscal said that the State Attorney General was going to be visiting the
31 western slope and she was hoping that she could arrange for him to stop for lunch in New
32 Castle.

33 Councilor Copeland said that a resident had reached out to her about parking on Lariat
34 Loop and parking for the Colorow trailhead. Apparently there are people parking on
35 private property. Clerk Harrison said she had spoken to the same person and there was a
36 small BLM parking area where three or four cars could park, but adjacent to that was a
37 private driveway where trail-users also parked. Clerk Harrison said the same resident
38 asked if signs could be posted and the call had bee forwarded to Public Works Director
39 John Wenzel and Police Chief Tony Pagni.

40 Councilor Copeland said that she will miss the July 6 council meeting.

41 Mayor A Ridile congratulated Administrator Reynolds on his 4th year of employment with
42 the town.

43 Mayor A Riddile said that the previous Saturday was the kick-off by River Bridge for
44 national child abuse prevention month. He said that he and Councilor Mariscal were in
45 attendance to read off a portion of the more than 300 victims' names from the past year
46 who's ages ranged from less then one year old to 17 years old.

47 Mayor A Riddile apologized to the council for his confusion during the variance hearing.

1 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Hazelton**
2 **seconded the motion and it passed unanimously.**

3
4 The meeting adjourned at 9:35 p.m.

5
6
7 Respectfully submitted,

8
9
10
11
12
13 _____
14 Mayor A Riddile

15
16
17 _____
18 Town Clerk Melody Harrison, CMC
19

DRAFT

1
2 **New Castle Town Council Regular Virtual Meeting**
3 **Tuesday, April 20, 2021, 7:00 PM**
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:**
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
17 **Call to Order**

18 Mayor A Riddile called the meeting to order at 7:01 p.m.
19

20 **Pledge of Allegiance**
21

22 **Roll Call**

23 Present	Councilor Hazelton
24	Mayor A Riddile
25	Councilor Leland (virtual)
26	Councilor G Riddile
27	Councilor Owens
28	Councilor Copeland
29	Councilor Mariscal
30 Absent	None

31
32 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
33 Harrison, Town Treasurer Loni Burk
34

35 **Meeting Notice**

36 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
37 accordance with Resolution Tc 2021-1.
38

39 **Conflicts of Interest**

40 There were no conflicts of interest.
41

42 **Agenda Changes**

43 There were no agenda changes.
44

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

2 There were no citizen comments.

3
4 **Consultant Reports**

5 Consultant Attorney – not present.

6 Consultant Engineer – not present.

7
8
9 **Items for Consideration**

10
11 **Girl Scout Troop 10239 Bronze Award Project - Alder Pond**

12 Town Administrator Dave Reynolds introduced Abby Anthony, Gracie Campbell and Sylvia
13 Duchscher, Girl Scouts Troop 10239. Miss Anthony, Miss Campbell and Miss Duchscher
14 gave a power point presentation about the Bronze Award Project they completed at Alder
15 Pond. The project included three microfilament recycling stations and three eco-education
16 signs. The Girl Scouts studied the park and pond area and determined what they felt the
17 needs were to maintain a clean and balanced ecosystem for the pond.

18 The council congratulated the Girl Scouts on a well-done project.

19
20
21 **Consider a Letter of Interest from Steve Rippy for Reappointment to a Seat on
22 the Historic Preservation Commission**

23 Clerk Harrison told the council that Mr. Steve Rippy was interested in being reappointed to
24 seat on the Historic Preservation Commission but unfortunately, was unable to attend the
25 council meeting.

26 **MOTION: Councilor G Riddile made a motion to reappoint Steve Rippy to a seat
27 on the Historic Preservation Commission. Councilor Owens seconded the motion.**

28 Discussion: Councilor Copeland asked if there would be some way to receive
29 communication for Mr. Rippy when he would be unable to attend meetings. She said that
30 she had been at three meetings where he did not show. She said that she appreciated
31 that he was on the commission, but there were so few people on it that it caused quorum
32 issues when other members did not arrive. **The motion passed unanimously.**

33
34
35 **Consider a Letter of Interest from Mari Riddile for Reappointment to a Seat on
36 the Historic Preservation Commission**

37 Mayor A Riddile greeted Ms. Riddile and thanked her for her desire to continue on the
38 commission.

39 **MOTION: Mayor A Riddile made a motion to reappoint Mari Riddile to a seat on
40 the Historic Preservation Commission. Councilor G Riddile seconded the motion
41 and it passed unanimously.**

42
43
44 **Update: Climate and Environment Commission**

45 Councilor Leland, council representative on the Climate and Environment Commission,
46 introduced Denise Scheberle, Commission Chair.

1 Chair Scheberle greeted the council and provided an update of the commission activities
2 for the past year. She said they began by reviewing the U.S. Mayor’s Climate Protection
3 Plan and the town’s Climate Action Plan. They subsequently rewrote the Town Climate
4 Action plan, creating an updated set of goals, and she detailed those goals. She also
5 described the four key strategies the commission would implement to achieve the goals.
6 Councilor Leland and Commissioner Candria commented that they were happy to be on
7 the commission and looked forward to more projects in the upcoming year.
8 Mayor A Riddile thanked the commission for their hard work.

9
10
11 **Consider a Trail License and Management Agreement with RG Lakota III, LLC**
12 **Discussion and Direction: Colorado Brain Injury Program**

13 Administrator Reynolds told the council that the purpose of the item was to consider a
14 trail license and maintenance agreement with RG Lakota III, LLC. He said that Mr. Romero
15 was present to speak with the council.

16 Administrator Reynolds said that the proposed agreement that was in the packet was like
17 the agreements signed with Steve Craven and Aaron Atkinson to allow public use of the
18 trails on private property. He said it was a win-win situation where residents could still use
19 the trails and the property owners were provided some liability protections under the law.
20 Administrator Reynolds thanked Councilor G Riddile for all the work he put into creating
21 the trails maps and for working with the Golf Course Manager and property owner on the
22 project.

23 Administrator Reynolds reviewed some details of the agreement for the council. He noted
24 that the exhibits called out in the agreement were incomplete since they did not have
25 titles on them, and he asked that the council consider approving the agreement with the
26 caveat that staff would make the exhibit corrections.

27 Dwayne Romero of the Romero Group LLC greeted the council. He said that he was
28 excited about the trail agreement because it was good for the community and like the
29 Town of New Castle, the Romero Group was about building a lasting community full of
30 vitality that connected to the natural landscape. Mr. Romero said the trails were for hiking
31 and biking and everyone to use. In the winter people could be on the cart paths, but the
32 trails expanded opportunities to recreate. Mr. Romero said that they invite the foot traffic
33 and wanted the community that everyone was welcome to patronize the restaurant in the
34 clubhouse called The Lookout.

35 Mr. Romero thanked Councilor G Riddile and Adam Cornely.

36 Councilor G Riddile said that adding the trails on the Lakota property will enhance the
37 biking/hiking experience for everyone and that he was very excited for the partnership.

38 **MOTION: Councilor G Riddile made a motion to approve a Trails License and**
39 **Management Agreement with RG Lakota III, LLC, with minor exhibit**
40 **amendments to be performed by staff. Councilor Owens seconded the motion**
41 **and it passed unanimously.**

42
43
44 **Discussion and Direction: Colorado Brain Injury Program**

45 Administrator Reynolds explained that the Brain Injury Program was something that had
46 been mandated some years ago, and each speeding ticket issued included a \$15.00

1 surcharge. Those funds were then remitted to the Brain Injury Program, which in turn
2 used those funds for research related to the care and treatment of brain injury, education
3 about brain injury, and to provide direct support for Coloradans with brain injury and their
4 families.

5 Administrator Reynolds said that staff was asking for direction from the council on
6 whether the town should continue to collect the fee and what should be done with the
7 money: it could still be remitted to the brain injury program, or it could be kept by the
8 town. He said that Police Chief Tony Pagni was not interested in the funds being kept by
9 the town because he felt that would be in bad form. Chief Pagni felt that either the fee
10 should continue to be collected and remitted to the brain injury program or should be
11 eliminated altogether.

12 After a brief discussion, the council felt that more research needed to be done and
13 Councilor Copeland said she was glad to do that and report back to council.
14
15
16

17 **Consent Agenda**

18 Resolution TC 2021-10 - Supporting a Colorado Department of Transportation Grant
19 Application

20 **MOTION: Mayor A Riddile made a motion to approve the consent agenda.**
21 **Councilor G Riddile seconded the motion and it passed unanimously.**
22
23
24

25 **Staff Reports**

26 Town Administrator – Administrator Reynolds told the council that the state COVID dial
27 had been eliminated and that mask orders had also been modified. He said they were still
28 required indoors, and staff was still wearing them, but the mask order may go away after
29 thirty days. Administrator Reynolds said that at the last council meeting there had been
30 an earmark discussion, and the senate had apparently decided to be silent on the issue in
31 the current budget season, so it would go nowhere for the time being. Administrator
32 Reynolds said that staff had been considering some changes to the town website. He said
33 that Clerk Harrison and her team had done a great job migrating the town website to a
34 new platform a few years earlier, and staff now felt that some other upgrades might be
35 valuable. He told council that the cost would be around \$5k and Treasurer Burk felt
36 comfortable with the budget and asked if the council would also be comfortable. The
37 council agreed. Administrator Reynolds said that there had been a Facebook blowup over
38 the weekend regarding a situation at the skatepark in Castle Valley Ranch where a woman
39 and her five kids were confronted by two middle-school teens after she requested that the
40 teens to turn down their music that had vulgar lyrics. The police were called and the
41 whole incident was caught on video. Subsequently, it was posted on Facebook and got
42 more than 100 comments before the site administrator shut it down. Administrator
43 Reynolds said that none of the comments were directed at the town or at the police.
44 Instead, the comments were around parenting and parenting skills. The posting person
45 was the husband of the woman involved, and his intent was that parents needed to do
46 parenting work. Word ended up getting to the parents of the two teens who then reached

1 out to the police department and it ended on a good note. Administrator Reynolds said
2 that staff had met with the university team regarding Frank Breslin Park. He said that
3 staff was excited about the possibilities. Staff had given feedback to the team and will
4 refine the drawings and then it will be likely ready to roll out to the public. Administrator
5 Reynolds told the council that Chief Pagni's new officer was on the job and he was working
6 out well. He also said that Chief Pagni would introduce his new officer and clerk to the
7 council at an upcoming meeting. Administrator Reynolds said that he and Administrative
8 Assistant Rochelle Firth were working with Councilor Leland and CEC to create a product
9 for residents on how to prepare for fire season. Admin. Asst Firth had reached out to the
10 fire department and they are happy to assist. Administrator Reynolds said that Admin.
11 Asst. Firth was signed up for class on incident command since she is the town's Public
12 Information Officer. Administrator Reynolds said that he had been regularly meeting with
13 the BLM, forest service and local jurisdictions to share information on what was going on
14 with each agency. Part of that collaboration it was decided to do a clean-up of the gun
15 range just outside New Castle. Administrator Reynolds said that Castle Valley Ranch had
16 done their tree planting Friday and Saturday. Town staff had marked locations and
17 provided irrigation but said that the timing was rough because the ditches had just
18 opened last week, so tree watering was being done by hand until irrigation system was up
19 and running. Administrator Reynolds said that the building and planning will be moving
20 into the space that was a conference room in the upstairs. He also said that the new
21 windows had greatly improved the temperature inside the building, and it will be a much
22 more professional setting. Administrator Reynolds said that council chambers will be
23 utilized for meetings.

24 Councilor Owens asked how the bulk water station was doing. Administrator Reynolds said
25 that he did not have the numbers ready, but it was trending towards meeting the
26 estimated budget. He told the council that it had a sophisticated but not difficult system
27 that accepted credit card payments. Staff also had the ability to set up pre-pay accounts.
28
29

30 Town Clerk – Clerk Harrison told the council that she had made an offer to an applicant
31 for the Administrative Assistant to the Town Clerk position and that offer had been
32 accepted. She will start with the town on May 3. Clerk Harrison said that she and Deputy
33 Town Clerk Mindy Andis had been discussing what the Administrative Assistant position
34 would look like going forward with the intent for that position to carry a higher level of
35 responsibility in the department to provide a greater balance in the department. Clerk
36 Harrison said that she had been very busy reviewing applications and conducting both
37 phone and in-person interviews. Clerk Harrison said that with the recent changes in staff
38 for different departments, there had been some challenges with programming the desktop
39 phone system but that she had received an on-the-fly training with technical assistance
40 and now had better knowledge of how the system worked. She noted that although she
41 had been provided administrative access to the system, she had learned that system on
42 her own which had been difficult at times. Clerk Harrison said that she had spent some
43 time studying Colorado liquor law for some questions that had come up recently about
44 licensing alternatives in town, specifically entertainment districts and alcohol consumption
45 in the community center. Clerk Harrison said that she and Deputy Andis had been
46 recruited to organize the beer tent for Burning Mountain Festival and once Ms. Bordelon

1 was on board, they would begin planning in earnest. Clerk Harrison said that Spellebration
2 will be held on Friday, April 30 and the event will be virtual. She said that unfortunately,
3 both herself and Administrator Reynolds would be out of town, so if anyone on council
4 wanted to put together a virtual Spellebration team to let her know as soon as possible.
5 Clerk Harrison said that she would be out of town starting Thursday, April 22 returning
6 Monday, May 3, 2021. Councilor Owens asked if Clerk Harrison had thought about adding
7 some HR responsibilities to that position, since Clerk Harrison had expressed interest in
8 the past of taking on the HR responsibilities. Clerk Harrison said she had not considered it,
9 but would certainly be interested.

10 Town Treasurer – not present.

11 Town Planner – not present.

12 Public Works Director – not present.

13

14 **Commission Reports**

15 Planning & Zoning Commission – nothing to report.

16 Historic Preservation Commission – nothing to report.

17 Climate and Environment Commission – nothing to report.

18 Senior Program – nothing to report.

19 RFTA – nothing to report.

20 AGNC – nothing to report.

21 GCE – nothing to report.

22 EAB – nothing to report.

23

24 **Council Comments**

25 Councilor Leland said that the owl meeting camera was fascinating. He described what it
26 was like to watch, saying it had seamless performance. Councilor Leland said that he did
27 have trouble hearing some people, so thought perhaps the microphone could be adjusted.
28 Councilor Leland said that he hoped someone would volunteer for Spellebration. Besides
29 the event being virtual, there would also not be any team elimination. All teams will spell
30 all the way through.

31 Councilor Mariscal thanked Administrator Reynolds for handling the skate park issue.

32 Councilor Mariscal said that the Attorney General (AG) would be in Meeker and she had
33 hoped to get him to come to New Castle, but he will not be able to do that. She said that
34 the AG will speak at the AGNC meeting about the wolf reintroduction and she will attend
35 to listen. Later the AG will go to Youth Zone and apparently will be offering them funding.
36 Councilor Mariscal said that Senator Hickenlooper's team had reached out to her but she
37 did not yet know what they wanted to speak about.

38 Councilor Mariscal said that County Commissioner Mike Samson had mentioned that he
39 was interested in hosting a group that consisted of Latino members from each
40 municipality to better understand the Latino community. She said that she would take the
41 lead on that and reach out to Commissioner Samson.

42 Councilor Hazelton asked if the Rollie Gordon Trail could be part of the wildfire mitigation
43 conversation. Administrator Reynolds agreed it could.

44 Mayor A Riddle read thank you card from Garage Lodge for the stimulus money given to
45 them. He noted that the council had not seem very many thank you from everyone to
46 whom they gave stimulus money and he felt that was sad.

1 Mayor A Riddile read thank you from River Bridge.

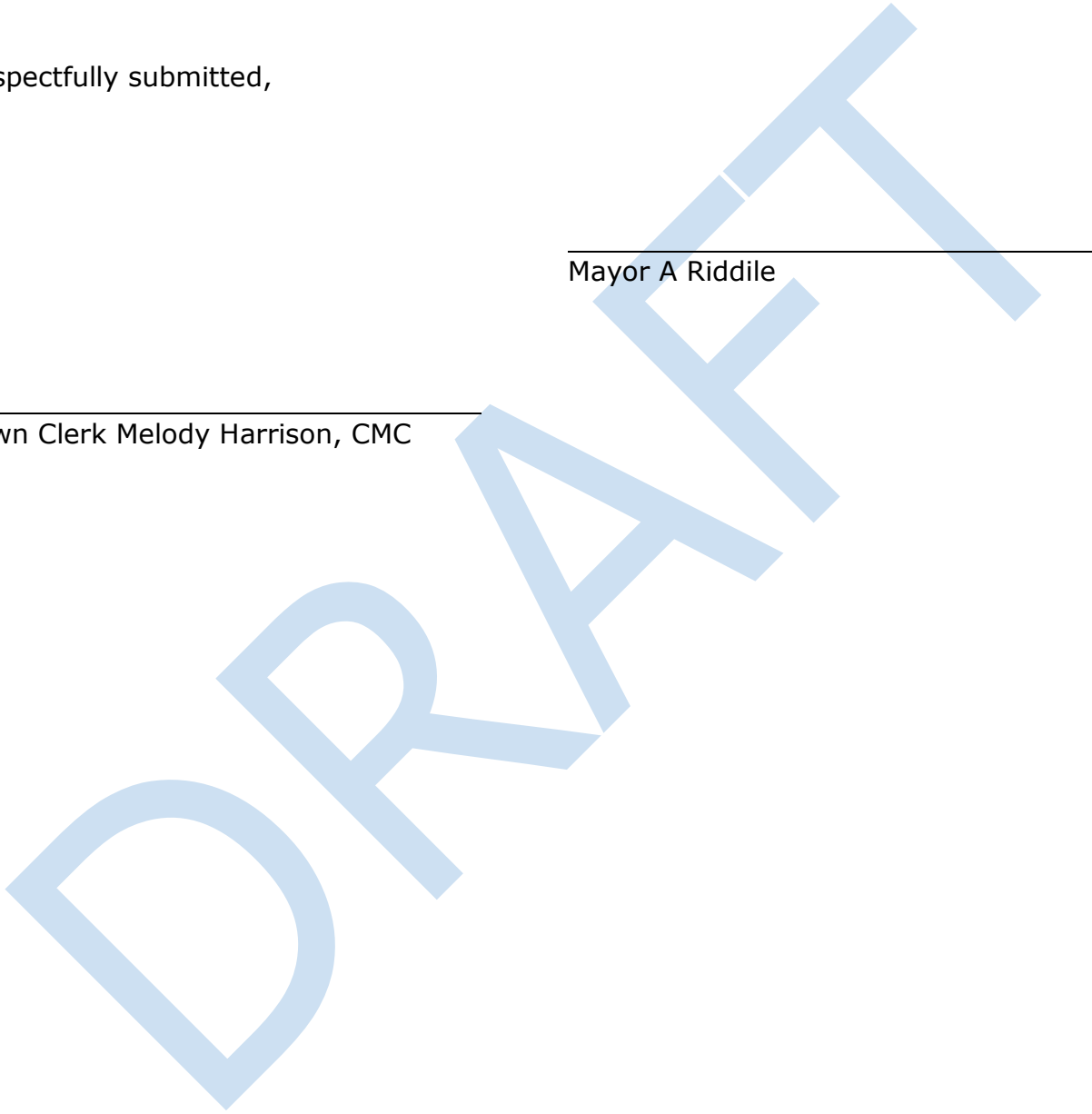
2
3 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Hazelton**
4 **seconded the motion and it passed unanimously.**

5
6 The meeting adjourned at 8:26 p.m.

7
8
9 Respectfully submitted,

10
11
12
13
14
15 _____
16 Mayor A Riddile

17
18
19 _____
20 Town Clerk Melody Harrison, CMC
21



1
2 **New Castle Town Council Regular Virtual Meeting**
3 **Tuesday, May 04, 2021, 7:00 PM**
4

5 **Due to concerns related to COVID-19, this meeting was held as a virtual**
6 **meeting only. The public was invited to attend.**
7

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
17
18 **Call to Order**

19 Mayor A Riddile called the meeting to order at 7:00 p.m.
20

21 **Pledge of Allegiance**
22

23 **Roll Call**

24 Present	Councilor Hazelton
	Mayor A Riddile
	Councilor Leland
	Councilor G Riddile
	Councilor Owens
	Councilor Copeland
	Councilor Mariscal
31 Absent	None

32
33 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
34 Harrison, Administrative Assistant Remi Bordelon, Police Chief Tony Pagni and members of
35 the public.
36

37 **Meeting Notice**

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

41 **Conflicts of Interest**

42 There were no conflicts of interest.
43

44 **Agenda Changes**

45 Town Clerk Melody Harrison told the council that the April 6, 2021 minutes needed to be
46 removed from the consent agenda. The council agreed.
47

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

2 There were no citizen comments.

3
4 **Consultant Reports**

5 Consultant Attorney – Town Attorney David McConaughy said that regarding the council’s
6 pre-meeting discussion regarding masks, the most recent Governor’s Order stated that
7 individuals are permitted to remove the medical or non-medical face coverings in public
8 indoor spaces if 80% of the individuals have shown proof of vaccination.

9 Consultant Engineer – not present.

10
11 **Items for Consideration**

12
13 **Consider a Letter of Interest from Denise Scheberle for Reappointment to a Seat**
14 **on the Climate and Environment Commission**

15 Clerk Harrison told the council that Ms. Denise Scheberle had been appointed to a one-
16 year term seat in 2020 along with two other commissioners. She said that Ms. Scheberle
17 had submitted a letter of interest to be reappointed to the Climate and Environment
18 Commission.

19 The council thanked Ms. Scheberle for all her effort and hard work in the last year.

20 **MOTION: Councilor Leland made a motion to reappoint Denise Scheberle to a**
21 **seat on the Climate and Environment Commission. Councilor G Riddile seconded**
22 **the motion and it passed unanimously.**

23
24 **Consider a Letter of Interest from Emily Jack-Scott for Appointment to a Seat on**
25 **the Climate and Environment Commission**

26 Ms. Emily Jack-Scott greeted the council. Ms. Scott said that she had learned of the
27 Climate and Environment Commission from Facebook and was very interested in what
28 they were doing. She said that she worked for Aspen Global Change Institute as a
29 program director and was interested in sharing her knowledge with the commission and
30 well as learning from them. Ms. Scott also said that she adored New Castle and would love
31 to be part of the team.

32 **Councilor Hazelton made a motion to appoint Emily Jack-Scott to a seat on the**
33 **Climate and Environment Commission. Councilor Mariscal seconded the motion**
34 **and it passed unanimously.**

35
36 **Update: Police Chief Tony Pagni – vehicles a problem.**

37 Police Chief Tony Pagni greeted the council. He introduced new Police Officer Caleb Jones,
38 who he said had family in the New Castle community. The council briefly spoke with
39 Officer Jones and welcomed him to the New Castle team.

40
41 Chief Pagni gave the council an update on his department that included staffing, which
42 was light; scheduling and the need for officers to share vehicles; the new police clerk,
43 Robin Miller, and her training; the new secure evidence storage facility that was almost
44 complete; weapons testing and evaluation for possible purchase and the potential hiring
45 of a new office for the fall.

46 Councilor G Riddile said that Garfield County had reduced their animal control unit and he
47 asked if the police department had felt anything from that. Chief Pagni said that they had
48 received some calls, but residents of the county were outside his department’s
49 jurisdiction. Additionally, they were feeling some stress because the Rifle Animal Shelter

1 had recently been unable to take dogs. He said he was currently in negotiations with the
2 new owners of the Divide Creek facility. They will be operating two veterinarians there and
3 will provide kennel services as well. He said he already had an agreement with them that
4 they will charge the same fees as the animal shelter for impounded dogs.

5 Chief Pagni did voice concern that because of the county cutbacks on animal control there
6 could be an influx of dogs being dumped in town. He said that the county animal control
7 also handled livestock issues, and because of the Eric Williams ranch, the town had very
8 little in the way of livestock problems. Chief Pagni said that he thought that the issue with
9 the county animal control division being cut back would likely resolve itself in time when
10 the people got fed up with ongoing animal issues.

11 Councilor Hazelton asked if any cases were beginning to go to court after the 2020 COVID
12 shut down. Chief Pagni said they were seeing a lot of cases being adjudicated, deferred
13 sentences, deferred judgements and lots of plea deals. He said it was distressful for the
14 officers because they put a lot of time into their cases.

15 Chief Pagni said that on a good note Garfield County was now taking warrants, only
16 Garfield County ones, but that was better than nothing.

17 Councilor Owens said that he had noticed some graffiti on the trails signs and asked if
18 Chief Pagni had found a lot of that type of activity going on in the area. Chief Pagni said
19 he had not heard that but had noticed a few sign issues on trails he walked.

20 Mayor A Riddile said that he felt that the police department was doing a fantastic job. He
21 said he was at Elk Creek Elementary the previous week when they conducted a lock-down
22 drill. Police Clerk Jessica Hernandez and Officer Chris Contreras were both there. He said
23 he loved seeing the officers there.

26 **Update: Results of Town Survey**

27 Administrator Reynolds said that there had been over 200 surveys returned. He said that
28 Bill Ray was present to provide the council with the results of the town survey.

29 Mr. Ray greeted the council. He gave a short description of the survey for the council. He
30 also gave a power point presentation that documented the survey results thoroughly.

31 The council discussed the survey results and decided that they would continue the
32 discussion regarding the survey at the May 18, 2021 council meeting.

35 **Consider Assignment of and First Amendment to Development Agreements for 36 Lakota Canyon Ranch PUD**

37 Town Attorney David McConaughy told the council that when Lakota Canyon Ranch was
38 first annexed into the town in 2002 there was a provision in the annexation agreement
39 that said the development rights that the original developer had could only be assigned to
40 a buyer with the Town's consent. The reason for that was to avoid the situation where
41 someone felt like they did not want to comply and assigned it to some shell entity who
42 had no assets and no ability to comply. The council was then able to approve assignment
43 of the development agreements to Warrior, and now to the Romero Group who purchased
44 the property as RG Lakota Holdings.

45 Attorney McConaughy said that the document was mostly identical to what Warrior
46 signed. He reviewed the document for the council saying that section 2 recited all the past
47 agreements and their amendments for Lakota and said that the new developer was bound
48 by them. He said it recited the individual filings which also applied to the new developer.

49 Section 3 said that future agreements were subject to the assignment document and the

1 town code. Section 4 reiterated the golf course agreement that it had to be open to the
2 public and that there was a formula for how golf course fees were determined. In addition,
3 there was winter use of the golf course. What was new there was a statute that recently
4 came into effect that provided some protections for private landowners, like the trails
5 agreement the council approved at the last meeting. Section 5 spoke to impact and traffic
6 fees. Section 6 talked about the infrastructure master plan. Section 7 spoke to
7 reimbursement of consultant fees and the remaining sections were standard agreement
8 items.

9 Attorney McConaughy said that he realized that his firm address needed to be updated,
10 and that he would remove the notary section for the Romero Group.

11 **MOTION: Mayor A Riddile made a motion to approve the Assignment of and First**
12 **Amendment to Development Agreements for Lakota Canyon Ranch PUD, with the**
13 **amended Garfield & Hecht address. Councilor Owens seconded the motion and it**
14 **passed unanimously.**

17 **Staffing Update and Discussion**

18 Administrator Reynolds gave a lengthy and detailed report to the council on the activities
19 and successes of each department. He also thanked department heads, staff and the
20 council for everyone's hard work and dedication which made New Castle a great place to
21 work and live.

22 The council thanked Administrator Reynolds for his dedication and leadership.

24 **Update: Colorado Brain Injury Program**

25 Councilor Copeland thanked the council for the opportunity to investigate the program,
26 and she said that her concern was that it did not seem much of the funds were directed
27 back to the western slope.

28 After a brief discussion, the council decided that collection of the fee on traffic tickets
29 should be stopped.

31 **Consent Agenda**

32 ~~April 6, 2021 minutes removed.~~

33 April Bills of \$503,560.51

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

37 **Staff Reports**

38 Town Administrator – Administrator Reynolds and he and Admin. Asst. Rochelle Firth met
39 with Colorado River Fire Rescue in preparation for messaging the public on the upcoming
40 fire season. Admin. Asst. Firth would be meeting with Public Information Officer group for
41 similar messaging around the county. Administrator Reynolds said that the Climate and
42 Environment Commission was looking at fire issues and wanted involvement in messaging
43 as well. He said it would be a Ready-Set-Go message. Administrator Reynolds said that
44 the council had created a COVID time-off policy for staff in 2020. He said that it may be
45 something to reconsider in the near future. He noted that some towns were taking a
46 transitional position with staff policy for time off since vaccines were available. Councilor
47 Owens said that there had been a new law, effective January 1, 2021 regarding sick
48 policies that staff should look at. He said he could provide details to Administrator
49 Reynolds. Administrator Reynolds said that there was a last-minute grant opportunity

Town Council Meeting
Tuesday, May 4, 2021

1 through DOLA called the Rural Roadmaps to COVID Recovery Resiliency Grant. He said
2 that the purpose was for communities to team up and creating mini regions. It had been
3 proposed that there be a New Castle to Parachute region to go after the grant. There was
4 a two-fold: 1. To help with a COVID recovery program and 2. A Resiliency Program. He
5 said that letters of support were due by the end of the week, and the grant application by
6 the middle of the following week. The program was expected to go on for two years, and a
7 staff member would be assigned to the program and would attend weekly meetings. After
8 a short discussion, the council did not feel that New Castle was properly prepared to be
9 involved in the grant program. Administrator Reynolds told the council that he would be
10 on vacation beginning May 5 and returning May 17.

11 Town Clerk – Clerk Harrison introduced her new Administrative Assistant, Remi Bordelon.
12 Clerk Harrison said she had joined the New Castle team from the Forrest Service. Admin.
13 Asst Bordelon had begun her notary training right away and was working on some
14 research in the Colorado Revised Statutes regarding open records. Clerk Harrison said
15 Admin. Assistant Bordelon will shadow staff at council and P&Z meetings and will begin
16 learning utility billing on June 1. Mayor A Riddile asked which office of the forest service
17 she had been at. Admin. Asst. Bordelon said she had been at the Glenwood Springs office
18 and had been supervisor of the front desk, admin manager, housing manager and soon-
19 to-be executive assistant. The council welcomed her

20 Clerk Harrison said she had been busy programming the town's VoIP phone system with
21 the many new employees. She said they had spent a good part of Monday setting Ms.
22 Bordelon up with memberships in the Colorado Municipal League, International Institute of
23 Municipal Clerks and the Colorado Municipal Clerks Association. In addition, computer, e-
24 mail, Caselle, website and MuniCode meetings user/passwords. Clerk Harrison said she
25 was still working on a training schedule, and there were plans to send Ms. Bordelon to
26 clerks institute in 2021. Clerk Harrison said she received a verbal thank you from Joel
27 Vasquez who was the manager of the Lazy Bear. He asked that his gratefulness for the
28 COVID assistance funds be passed along to the council and apologized for not having
29 written to them.

30 Town Treasurer – Treasurer Burk thanked Councilor Owens for the sick leave policy. She
31 said that the town was already in compliance with the full-time employee requirements
32 but had to adjust for the part-time. Treasurer Burk said she would be in Colorado
33 beginning May 10 to prepare for the audit. Treasurer Burk asked if Clerk Harrison could
34 get a phone set up in her town hall office, and Clerk Harrison agreed.

35 Mayor A Riddile asked Treasurer Burk what the previous month's tobacco tax had been.
36 Treasurer Burk said that the town was sitting at just under \$100k year-to-date and the
37 budget was \$150k. She said she would be attending the next council meeting in-person
38 and would have another update then.

39 Town Planner – Planner Smith said that Ambleside School had begun their remodel of the
40 old schoolhouse on Main Street. He said they would be holding an open house sometime
41 in May. Planner Smith said building permits had been steady and there were several them
42 in Lakota Canyon and Castle Valley Ranch. Planner Smith said that New Castle was rather
43 conservative regarding energy efficiencies in new building, and he said that the town was
44 currently on the 2009 energy efficiency code but that moving to the 2021 code should be
45 relatively easy.

46 Public Works Director – not present.

47

48 **Commission Reports**

49 Planning & Zoning Commission – nothing to report.

Town Council Meeting
Tuesday, May 4, 2021

1 Historic Preservation Commission – nothing to report.
2 Climate and Environment Commission – Councilor Leland said that CEC had been in
3 communication with Zelenka from CLEER who was trying to get all the Garfield County
4 Towns moving with the Sol Smart Certification. Councilor Leland said it was paperwork
5 and looked a lot like the Healthy Communities certification from several years ago.
6 Senior Program – Councilor Mariscal said Senior Programs had a new logo and she said
7 she would share it with everyone.
8 RFTA – nothing to report.
9 AGNC – Councilor Hazelton said AGNC had met but it was rather awkward because part
10 was Zoom and was difficult to hear. He said he would be the voting member for Garfield
11 County for the next two years. He also said that Councilor Mariscal said she wanted to be
12 an alternate.
13 GCE – nothing to report.
14 EAB – nothing to report.
15
16

17 **Council Comments**

18 Councilor Hazelton thanked Administrator Reynolds for always making the council look
19 really good. He said Administrator Reynolds had handed out a lot of pats on the back
20 earlier in the evening but that the biggest one should go to him because no one worked
21 harder. The council agreed. Administrator Reynolds thanked the council.
22 Councilor Mariscal said had meeting with the Board of County Commissioners (BOCC)
23 regarding the Latino Group and she said she needed to change the name because some
24 people felt the name was racist. She said she would be brainstorming a new name.
25 Councilor Mariscal said the BOCC would be discussing budget and staff time and what the
26 legal parameters would be for the group. She said she made her point clear that she did
27 not want any political agenda in the committee, rather that she wanted it to be something
28 that helped the community and the BOCC agreed. Councilor Mariscal said she was excited
29 about it.
30 Councilor Mariscal said she would not be attending the next meeting because her Sister
31 would be visiting.
32 Mayor A Riddile asked Councilor Mariscal what the politically correct name would be.
33 Councilor Mariscal said she did not know, she was still thinking about it.
34 Councilor Owens said that he sat on a committee for equity, diversity and inclusion and
35 there was some confusion because the system was naming 'white' as non-Hispanic/Latino
36 and those who were Hispanic/Latino. He asked for clarification what the proper
37 nomenclature was, was it Latinx, Hispanic or Latino. The two persons on the board who
38 are Latino said 'Hispanic' should be used because it was more all-inclusive. Later, however
39 others said 'Hispanic' could not be used.
40 Councilor Mariscal said the 'Latino' was a new word and it was more for Caucasian use
41 because she did not see a lot of Hispanics using the word Latinx. She said she was still
42 trying to figure out an appropriate name.
43 Councilor Leland said that eight years ago he began working with the Colorado Historic
44 Tourism to get a sign in front of the town hall. Administrator Reynolds brought the sign
45 into chambers for the council to see. Councilor Leland said that the new sign would
46 replace the paper one and hopefully last a long time.
47 Mayor A Riddile read a tank you note from Ross and Ramona Talbott for the plant the
48 town send in sympathy for Ross's brother's passing.
49

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

3
4 The meeting adjourned at 9:36 p.m.

5
6
7 Respectfully submitted,

8
9
10
11
12
13 _____
14 Mayor A Riddile

15
16
17 _____
18 Town Clerk Melody Harrison, CMC
19

DRAFT