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Remove: _____



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

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

Agenda

New Castle Town Council Regular Meeting Tuesday, September 17, 2019, 7:00 PM

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

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney
Consultant Engineer

Items for Consideration

- A. Colorado River Fire Rescue - Chief Randy Callahan (7:05 p.m.)**

- B. Executive Session (1) for purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) concerning pending litigation (7:30 p.m.)**

- C. Consider a Motion to Approve a Settlement Agreement Between the Town of New Castle and Lakota Ridge Senior Apartments, LLC (7:50 p.m.)**

- D. Discussion and Direction to Staff Regarding a Possible Ordinance Increasing the Age Limit for Tobacco Products to 21 (8:05 pm.)**

- E. Review Agenda for the October 26, 2019 Council Retreat (8:20 p.m.)**

Consent Agenda (8:35 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.

[July](#) 16, 2019 minutes

[2](#) Coronas Hotel & Restaurant Liquor License Renewal

[Kum](#) & Go Fermented Malt Beverage (Off Premises) Liquor License Renewal

[City](#) Market Fermented Malt Beverage (Off Premises) Liquor License Renewal

Staff Reports (8:40 p.m.)

Town Administrator

Town Clerk

Town Planner

Public Works Director

Commission Reports (8:50 p.m.)

Planning & Zoning Commission

Historic Preservation Commission

Climate Action Advisory Committee

Senior Program

RFTA

AGNC

GCE

EAB

Council Comments (9:00 p.m.)

Adjourn (9:15 p.m.)

Item Attachment Documents:

- A. Colorado River Fire Rescue - Chief Randy Callahan (7:05 p.m.)**



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Colorado River Fire \$ Rescue (CRFR) Update
Date: Sept. 17, 2019

Purpose:

The purpose of this agenda item is to allow time for Fire Chief Randy Callahan from CRFR to update Council on what is happening within the Fire District and more specifically within the Town of New Castle.

CRFR has been a great partner with New Castle in numerous activities and projects. CRFR wishes to continue to grow its communication and partnership with the Towns that they serve. This visit will help to expand our knowledge and understanding of this partnership.

Item Attachment Documents:

C. Consider a Motion to Approve a Settlement Agreement Between the Town of New Castle and Lakota Ridge Senior Apartments, LLC (7:50 p.m.)

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into this 17th day of September, 2019 (“Effective Date”), by and between THE TOWN OF NEW CASTLE, COLORADO, a Colorado home rule municipality with an address of P.O. Box 90, New Castle, CO 81647 (“Town”) and LAKOTA RIDGE SENIOR APARTMENTS, LLLP with an address of 7305 Lowell Blvd., Suite 200, Westminster, Colorado 80030 (“Lakota Ridge”).

WITNESSETH:

WHEREAS, Lakota Ridge is the owner of certain real property legally described as Lot 2A, Amended Final Plat, Lot 2 Lakota Canyon Ranch Phase 7, according to the plat recorded July 30, 2010, as Reception No. 789213 (the “Property”).

WHEREAS, Lakota Ridge is developing a 50-unit senior housing facility on the Property pursuant to a Final PUD Development Plan approved by the Town pursuant to Ordinance No. TC 2016-04; and

WHEREAS, As part of the PUD approval, the Town and Lakota Ridge entered into that certain Development Agreement for Lakota Ridge Senior Apartments dated August 3, 2016, a copy of which is recorded with the Garfield County Clerk and Recorder as Reception No. 893283 (“Development Agreement”);

WHEREAS, a dispute arose between Lakota Ridge and the Town relating to the status of a certificate of occupancy for the Property and the terms of the Development Agreement (the “Dispute”);

WHEREAS, the Town initiated a lawsuit against Lakota Ridge on August 2, 2019, in Garfield County District Court styled as case no. 2019CV14 (the “Lawsuit”) regarding the Dispute; and

WHEREAS, the parties desire to resolve the Lawsuit and the Dispute according to the terms and conditions of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The preceding recitals are incorporated by reference herein.
2. Payment to the Town. No later than September 30, 2019, Lakota Ridge shall pay the Town, in good, sufficient, and immediately available funds the sum of \$9,129.50 to reimburse the Town for its attorney fees incurred in relation to the Lawsuit and an additional \$10,000 as a compromise payment for the damages claimed by the Town in the Lawsuit.
3. No Admissions; Limited Waivers. The Parties are entering into this Agreement as a compromise settlement for the purpose of avoiding litigation. Nothing herein shall be construed

as an admission of any liability or wrongdoing by Lakota Ridge. Furthermore, the Development Agreement shall remain in full force and effect, and neither party waives any claim against the other party for any breach of the Development Agreement occurring after the date of this Agreement. Lakota Ridge acknowledges that it remains responsible to reimburse the Town for engineering, legal, or other outside consultant costs relating to the development of the Property as provided by the Development Agreement, including but not limited to costs that may have been incurred prior to the date of this Agreement that are not included in the amounts set forth above. By this Agreement, the Town agrees to accept the payment described above in full satisfaction only for any breach of the Development Agreement known to the Town and occurring prior to the date hereof, and only as specifically alleged in the Lawsuit.

4. Dismissal of Lawsuit. Upon receipt of the payment described above, the Town will dismiss the Lawsuit without prejudice. The Town agrees not to require Lakota Ridge to file any responsive pleading in the meantime and will not seek entry of default unless Lakota Ridge fails to make the required payment by September 30, 2019.

5. Severability. In the event that any provision of this Agreement is declared invalid or unenforceable, all other provisions shall remain in effect and shall be construed to effectuate the original intentions of the Parties based on the entire Agreement, including the invalidated provision.

6. Governing Law. This Agreement shall be interpreted in accordance with the laws of the State of Colorado. In the event of any dispute arising under this Agreement the exclusive venue shall be the District or County Court of Garfield County, Colorado, and the prevailing party shall be entitled to recover its costs and attorneys' fees.

SO AGREED as of the Effective Date.

TOWN:

Grady Hazelton, Mayor Pro-Tem


LAKOTA RIDGE:

LAKOTA RIDGE SENIOR APARTMENTS LLLP, a Colorado limited liability limited partnership

By: LAKOTA RIDGE SENIOR APARTMENTS LLC, a Colorado limited liability company
Its: Managing Member

By: Community Resources and Housing Development Corporation, a Colorado nonprofit corporation

Its: Sole Member

By: 

Arturo T. Alvarado, Executive Director

Item Attachment Documents:

D. Discussion and Direction to Staff Regarding a Possible Ordinance Increasing the Age Limit for Tobacco Products to 21 (8:05 pm.)



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Discussion - Legal age to purchase nicotine products
Date: Sept. 17, 2019

Purpose:

The purpose of this agenda item is to discuss the possibility of changing the legal age to purchase nicotine and tobacco products from 18 to 21 in New Castle.

As Council has discussed this topic during past meetings and has expressed a desire to explore this further, staff is seeking continued discussion and direction regarding this topic.

Item Attachment Documents:

- E. Review Agenda for the October 26, 2019 Council Retreat (8:20 p.m.)**



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Council Retreat Discussion
Date: Sept. 17, 2019

Purpose:

The purpose of this item is to review and finalize the agenda for the 2019 Council Retreat which is scheduled for October 26th.

Retreat Agenda

9:00-9:15 Welcome

Presented by: Dave

Present the day's goals:

1. Staff Reports and discussion
2. Setting a Vision for the Town's Future
3. Setting Priorities
4. Developing a Strategic Implementation Plan for 2020

I. 9:15-10:30 Staff Reports & Discussion

Presented by: Dept Heads

This session will include the following:

1. Town Administrator and Department Heads shall present Departmental successes as well as challenges and opportunities for the coming year.
2. Department Heads will relay vision for their respective Departments.
3. Time will be allotted for Council Q&A and further discussions as needed.
4. Deliverable: List of Priorities from Town Staff to be included for Implementation Plan Discussion.

10:30-10:45 Break

II. 10:45-12:00 Town Visioning Discussion

Presented by: Council

This session will include the following:

1. Time for Councilors to present successes, as well as challenges and opportunities facing the Town in 2020. Council can share their personal 1 and 5-year visions for the Town. Time will be allotted for discussion.
2. Council's goal in this session will be to develop a written list of both specific and broad ideas and concepts for 2020 and beyond.

III. 12:00-1:00 Working Lunch – Setting Priorities

Time to refine the list of ideas and concepts created by Council earlier in the day:

1. Which ideas need immediate policy direction by Council ?
2. Which ideas need immediate research by Staff ?
3. Which ideas need immediate (2020) implementation by Staff or Council ?
4. Which ideas are the longer range ideas ?

Deliverable: List of priorities from Town Council to be Included in Implementation Plan Discussion

IV. 1:00-2:00 Implementation Planning

Time to combine Staff and Council Priorities and determine Action Paths for Priorities.

ULTIMATE RETREAT GOALS:

Deliver a 2020 Town of New Castle Strategic Implementation Plan

Item Attachment Documents:

July 16, 2019 minutes

1
2
3
4
5 **New Castle Town Council Meeting**
6 **Tuesday, July 16, 2019, 7:00 p.m.**
7

8 **Call to Order**

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

10
11 **Pledge of Allegiance**

12
13 **Roll Call**

14 Present	Councilor Mariscal
	Councilor Owens
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor G Riddile
20 Absent	Councilor Leland

21
22 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk
23 Melody Harrison, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer
24

25 **MOTION: Councilor G Riddile made a motion to excuse Councilor Leland's**
26 **absence. Councilor Owens seconded the motion and it passed unanimously.**
27

28 **Meeting Notice**

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

32 **Conflicts of Interest**

33 There were no conflicts of interest.
34

35 **Agenda Changes**

36 There were no agenda changes.
37

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

39 Carly Johansson, Director of Real Estate Development for Community Resource Housing
40 Development Corporation. Ms. Johansson said that she had been helping manage the
41 development of Lakota Ridge Senior Apartments. She also said that they were working
42 under an extended Temporary Certificate of Occupancy (TCO) and she assured the
43 council that they would have all the work that had been delayed by weather completed
44 before the expiration of the TCO at the end of the month. Ms. Johansson said that
45 they had received a punch list of items from the town engineer regarding public
46 improvements that they were working on, however, the TCO had a qualifier on it that
47 all public improvements needed to be complete and accepted by the town prior to the
48 TCO expiration. Ms. Johansson said that she did not feel it would be possible for them

1 to complete the necessary public improvements in the next few weeks. Ms. Johansson
2 asked if CRHDC had any options to allow additional tenants to move in or obtaining
3 another extension of the TCO. She said she did not know what their options were and
4 that she wanted the council to be aware of their situation before the end of the month.
5 Ms. Johansson welcomed any feedback. Town Planner Paul Smith said that he had
6 been on the jobsite earlier that day and it appeared that CRHDC would not have any
7 problem completing the issues with the buildings before the end of the month, however
8 it looked like they would have problems finalizing the public improvements. He said that
9 a large portion of the asphalt bike path needed to be redone. He said that the other
10 main problem would be completing the as-built drawings.

11 Assistant Town Attorney Haley Carmer told the council that the performance bond for
12 the project was good until the end of September, and had an option for another three-
13 month extension if needed.

14 Mayor A Riddile asked if CRHDC was asking for an extension of the TCO. Ms.
15 Johansson said that what she really wanted was the ability to 'lease-up' or continue to
16 move tenants into the buildings. She further said that she had never worked with a TCO
17 that had an expiration date, and she did not know what it meant if it actually expired.
18 She said that the TCO did need to be extended until they were able to get the final
19 certificate of occupancy, and that she needed to know what the process would be.

20 Administrator Reynolds said that this was the first time staff had heard any request for
21 another extension of the TCO. He said that had been aware the CRHDC had struggled
22 understanding the public improvements piece. Part of the reason CRHDC was unaware
23 of the issues was because they had not called for any inspections. Once they called for
24 inspection, Engineer Simonson had provided his report to CRHDC in the prescribed
25 amount of time. He felt that between staff and CRHDC, they could find solutions, but he
26 did not feel that 'leasing up' was appropriate because the number of allowed residents
27 was set by the TCO limitations. He also stated that they were in their second TCO
28 period and they were saying they could not meet the deadline, so it was clear that
29 thorough conversation needed to take place to determine how the project was going to
30 get completed.

31 Councilor Owens asked if it was appropriate to have the discussion since this was
32 brought up during citizen comments and not on the regular agenda.

33 Attorney Carmer said an update from CRHDC was appropriate but the council making
34 any decisions was not appropriate.

35 36 **Consultant Reports**

37 Consultant Attorney – present for agenda items.

38 Consultant Engineer – not present.

39 40 41 **Items for Consideration**

42
43
44 **Consider Ordinance TC 2019-4, An Ordinance of the New Castle Town Council**
45 **Approving a Final PUD Development Plan and Final Subdivision Plat for Lot 2B,**
46 **Phase 7, Lakota Canyon Ranch, Also Known as Eagle's Ridge Ranch (second**
47 **reading)**

1 Mayor A Riddile opened the public hearing at 7:10 p.m.

2
3 Kate Owens, resident of Lakota Canyon Ranch. Ms. Owens said that she had concerns
4 about offering the applicant of Eagle's Ridge a variance allowing the development to be
5 more dense than the code allows. She did not feel that it was an appropriate aesthetic
6 for New Castle and she did not want the feel of the town to be more like the city as
7 opposed to a mountain town. Her second was general traffic control on Castle Valley
8 Boulevard. She said that the traffic was already bad and could back up as far as Senior
9 Housing some mornings and it was already a problem. Her third concern was that there
10 was only two ways out of Castle Valley and Lakota and should there be a reason to
11 evacuate the whole town, all traffic funnels onto the same road.

12 Ms. Owens asked the council to consider not over-developing by allowing more density
13 than the code allows, and she further asked that there be no three-story buildings
14 allowed on Castle Valley Boulevard.

15

16 Mayor A Riddile closed the public hearing at 7:14 p.m.

17

18 Administrator Reynolds briefly described to the council some of the concerns and
19 changes from the first reading of the ordinance on July 2, 2019. Those included the
20 removal of building #7, the installation of a story pole that will show the bottom and
21 top of building #8 as well as corner staking to show where the homes along the ridge
22 would sit. In addition to providing new documents in a timely manner, council and staff
23 discussed that Mr. Colombo needed to pay outstanding invoices.

24 Administrator Reynolds said that the story pole and corner markings had been installed
25 on Friday, and new documents showing the changes had also come in on Friday.
26 Additional documents had arrived earlier the day of the meeting which had not been
27 reviewed by staff and was not in the council packet.

28 Administrator Reynolds said that staff recommended further review because there had
29 not been adequate time to review recently submitted documents. He felt there was still
30 an issue with density that needed to be discussed. Administrator Reynolds said that the
31 60-day window that the council had to make a decision had been extended by mutual
32 agreement and did not close until August 6, 2019.

33

34 Utilizing maps displayed on a screen, Town Planner Paul Smith reviewed the changes
35 that had been made to the project since first reading. Those included removal of
36 building #7, building height, off-street parking spaces and the questions of egress exits
37 that were blocked by the compact vehicle spaces. Another issue was the flex walls in
38 the town homes. The flex wall idea was that if a buyer wanted to build the full-height
39 partition, the storage or 'closet' space would need to be eliminated so that it was not a
40 bedroom. If the buyer did want the space to be a bedroom, then an emergency escape
41 would have to be installed. Another issue was the fence on top of the retaining wall on
42 the east side of the development. Planner Smith said that there was already fencing on
43 the fire department property.

44 Planner Smith said that with the elimination of building #7, buildings #8 and #9
45 became #7 and #8. The buildings were expanded and now included two covered
46 parking spaces per unit as well as guest parking.

47 Planner Smith said that the compact parking spaces had been eliminated. He pointed
48 out other parking changes, all that were within code requirements.

1 Planner Smith said that the building height issue may be resolved with the documents
2 that had been submitted earlier in the day.

3 Planner Smith said that the density at 34 units was at 15.6 units per acre. He said that
4 the area had been zoned for higher density at 12 units per acre, and the question was
5 whether it was the right fit for the area.

6 Planner Smith said that the last item were the HOA declarations. Attorney Carmer said
7 that her office had received the declarations, and although they were still being
8 reviewed, they were adequate for the purposes of the meeting.

9 Councilor Owens asked for clarification of the location of the project as compared to
10 Blackhawk Drive. Staff and the council reviewed the maps.

11
12 Mr. Jim Colombo greeted the council. He stated that building #7 had been removed and
13 he then was able to provide additional parking. He also said that he felt that making the
14 remaining units nicer was in order, so they had been enlarged a little by expanding over
15 the top of the covered parking spaces, increasing the size of the living space in the unit.
16 Mr. Colombo said that by removing the handicap parking spaces, there were more
17 regular parking spaces available.

18 Mr. Colombo said they had reduced the density by removing building #7.

19 Mr. Colombo said that the issue regarding the building height he disagreed with
20 because it was being calculated at five feet away from the building, which was then
21 down the slope rather than at the actual foundation of the building. He noted that the
22 allowed height was 35 feet, and in his calculations, the building was 31 feet, 11 and 7/8
23 inches, well within the 35-foot maximum. Indicating the map projected on the screen,
24 he noted where the story pole was located and discussed in depth details regarding
25 what finished grade meant and how he felt his interpretation was more appropriate. He
26 said that the council had previously given him a variance on the height of building #8
27 and he felt that it should be allowed.

28 Mr. Colombo said that he had previously submitted a site plan, and later he submitted
29 an updated site plan at the request of the town attorney that included the general and
30 common elements. The newer submittal became a parking plan as well as the site plan.
31 He also stated that he had done additional elevations that showed only buildings #8
32 and #9. He told the council that he had submitted a revised floor plan that showed the
33 expansion provided to the living room and bedroom for units in building #8 that in turn,
34 provided two covered parking spaces in the carport below rather than one space. He
35 felt it provided a better experience for the homeowner. Planner Smith clarified that the
36 council did not have the new floor plan in their packet. Mr. Colombo said that he was
37 'walking through' what new plans will look like because initially, the drawings from first
38 reading were perceived to be acceptable and then Attorney McConaughy asked that he
39 provide updated drawings, which was why they were submitted so late.

40 Mr. Colombo said that he felt that area along Castle Valley Boulevard was the
41 appropriate area for density, which was why the mixed-use (MU) zone district was
42 placed there. He further stated that there would be no three-story buildings in Eagle's
43 Ridge, and that the buildings would match the architecture for Lakota.

44
45 Mayor A Riddile told the audience that the council would discuss the application.

46
47 Mayor A Riddile thanked Mr. Colombo for placing the story pole and marking the
48 building footprints on the property because gave him a better perspective of what the

1 development would look like. Mayor A Riddile agreed that dense subdivisions were
2 appropriate for the area, however, he still felt the proposed density was too much. He
3 told Mr. Colombo that his tendency of submitting plans late was problematic, and last,
4 he thanked Mr. Colombo for making a payment to the town earlier in the day, but felt
5 that allowing his account to become sixty days past due was unacceptable.

6
7 Councilor Hazelton said he had not changed his mind since the last meeting. He agreed
8 that the area was appropriate for density, but that the proposal was too dense. He
9 wondered if the fire department realized that should there be a fire that they would
10 have to fight a fire from one side only. Councilor Hazelton noted that the council did not
11 have all the updated documents. Councilor Hazelton felt that in the best interest for Mr.
12 Colombo, they needed to slow down and allow staff more time to review. He felt that it
13 was better to do things correctly.

14
15 Councilor Owens asked why the council should deviate from the code regarding density,
16 if there was some incentive for the town.

17 Mr. Columbo said that it was not a code issue, it was a zoning issue. He said there were
18 345 units allowed in the all of the MU zoning areas, and at the time the numbers were
19 simply arbitrary.

20 Attorney Carmer said that the town received water rights through the annexation, so
21 the density and unit cap was based on water, the number of units that could be
22 sustained, not necessarily area.

23 Councilor Owens said that because some areas went to single-family homes, there was
24 a loss of unit area, therefore technically there was water to allow the density deviation
25 proposed. Attorney Carmer said yes, however, allowing more units in the Eagle's Ridge
26 subdivision took away units in other MU zone districts. It would not up the number of
27 units allowed in all of Lakota.

28 Councilor Owens did not feel a deviation from the allowed 26 units was appropriate. He
29 felt there was not enough open space in the project. He saw issues with people having
30 to cross Castle Valley Boulevard to access any open or park space. Councilor Owens did
31 not see a good reason to deviate from the code.

32
33 Councilor Mariscal said that she changed her thoughts because previously she did not
34 understand the code and policies, but she had reviewed them. She felt it was
35 necessary to follow the policy because it was set in place for a reason and she wanted
36 to follow it.

37
38 Councilor G Riddile agreed that slowing down was a good idea. He also agreed that the
39 project was too dense. Councilor G Riddile said that he wanted to work with Mr.
40 Columbo and find a solution to make it work for everyone. He felt that eliminating
41 building three would work as that would provide appropriate open space, not
42 necessarily playground, but open space where someone could walk their dog. He felt it
43 was important to provide a good quality of life, and removing building #3 relieved most
44 of the issues that council had with density, parking and open space. Councilor G Riddile
45 also stated that he was skeptical of buildings #8 and #9 but wanted the council to take
46 their time because there was no need to rush. He did want the council to provide both
47 Mr. Colombo and staff some specifics.

1 Mayor A Riddile clarified that Councilor G Riddile was suggesting that buildings #3, #8
2 and #9 could be removed to reduce the density. Councilor G Riddile agreed.

3
4 Councilor Copeland agreed that the density was too much. She did not feel there was
5 enough parking for guests.

6
7 Councilor Owens said he agreed with much of what Councilor G Riddile said. He felt that
8 it was necessary for the council to work with developers and to provide clear direction.
9 He also agreed that removing buildings #3, #8 and #9 would work to reduce density,
10 and he like Councilor Copeland's idea of affordable or deed-restricted units for teachers
11 and law enforcement as an incentive for the council to allow the higher density.

12
13
14 Mr. Colombo said that if three more buildings were eliminated the project would not be
15 feasible. He said that he would have a lot of expense widening the road and building a
16 cul-de-sac. He also felt it was very expensive to build in New Castle because of the
17 consultant costs. Mr. Colombo asked for the following compromise that he felt would
18 address the issues: He suggested eliminating buildings # 8 and #9, and moving
19 buildings #5 and #6 further south, creating a larger open space. It would also allow for
20 additional parking, and reduce the total number of units to 30. Mr. Colombo said that
21 reduced the density to 13.5 units per acre, and the code called for 12. He felt it solved
22 many problems, and if the council agreed, he could come back in two weeks for second
23 reading.

24
25 Councilor Hazelton said he liked the idea of removing buildings #8 and #9 and opening
26 up the space.

27
28 The council and Mr. Colombo agreed that new submittals must be delivered to the town
29 by July 26, 2019. Mr. Colombo stated that there had been a lot of work and expense
30 having the civil drawings done and he preferred to not have to have them drawn again
31 because they will not change because of the removal of buildings #8 and #9. It was
32 agreed that the new submittals would be a new site plan, landscape plan, lighting plan
33 and subdivision plat.

34
35 **MOTION: Mayor A Riddile made a motion to continue second reading of**
36 **Ordinance TC 2019-4 to the August 6, 2019 council meeting. Councilor**
37 **Copeland seconded the motion and it passed unanimously.**

38
39
40 **Mayor A Riddile made a motion at 8:25 p.m. to go into Executive Session (1)**
41 **for conference with Town Attorney for purpose of receiving legal advice on**
42 **specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2) for**
43 **purpose of determining positions relative to matters that may be subject to**
44 **negotiations, developing strategy for negotiations, and/or instructing**
45 **negotiators, under C.R.S. Section 24-6-402(4)(e) regarding town-owned**
46 **property. Councilor Mariscal seconded the motion and it passed unanimously.**

47
48 Executive session concluded.

1
2 At the end of the executive session, Mayor A Riddile made the following statement:

3
4 "The time is now 8:45 p.m. and the executive session has been concluded. The
5 participants in the executive session were: Councilor Mariscal, Owens and Hazelton;
6 Mayor A Riddile; Councilors Copeland and G Riddile; Town Administrator Dave Reynolds,
7 Town Attorney Haley Carmer and Town Clerk Melody Harrison. For the record, if any
8 person who participated in the executive session believes that any substantial discussion
9 of any matters not included in the motion to go into the executive session occurred during
10 the executive session, or that any improper action occurred during the executive session
11 in violation of the Open Meetings Law, I would ask that you state your concerns for the
12 record."

13
14 No concerns were stated.

15
16
17 **Consider Ordinance TC 2019-5, an Emergency Ordinance of the New Castle**
18 **Town Council Authorizing the Sale of Real Property**

19 Administrator Reynolds told the council that the town-owned property which was under
20 contract required an ordinance to authorize the sale of the property. He noted that it
21 was an emergency ordinance because there was timeline issues with how the offer
22 came in, and some negotiating on an inspection and repair list, creating the need for an
23 emergency ordinance rather than typical two-reading ordinance. Staff felt that if the
24 closing was delayed the buyer might change their mind.

25 Attorney Carmer clarified that when the property was under contract the first time,
26 there was an ordinance passed to authorize the sale of the property, but it was specific
27 to the particular buyer, and listed them by name. Because there was a new buyer, a
28 new ordinance was necessary.

29 **MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2019-5, an**
30 **Emergency Ordinance of the New Castle Town Council Authorizing the Sale of**
31 **Real Property. Councilor Owens seconded the motion and it passed on a roll-**
32 **call vote: Councilor Owens: yes; Councilor G Riddile: yea; Councilor Mariscal:**
33 **yes; Councilor Hazelton: yes; Councilor Copeland: yea; Mayor A Riddile: yes.**

34
35
36
37 **Mayor A Riddile made a motion at 8:48 p.m. to go into Executive Session for**
38 **discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I)**
39 **regarding an employee evaluation of the Town Administrator and not**
40 **involving: any specific employees who have requested discussion of the matter**
41 **in open session; any member of this body of any elected official; the**
42 **appointment of any person to fill an office of this body or of an elected official;**
43 **or personnel policies that do not require the discussion of matters personal to**
44 **particular employees. Councilor Hazelton seconded the motion and it passed**
45 **unanimously.**

46
47 Executive session concluded.
48

1 At the end of the executive session, Mayor A Riddile made the following statement:

2
3 "The time is now 9:06 p.m. and the executive session has been concluded. The
4 participants in the executive session were: Councilor Mariscal, Owens and Hazelton;
5 Mayor A Riddile; Councilors Copeland and G Riddile and Town Administrator Dave
6 Reynolds. For the record, if any person who participated in the executive session believes
7 that any substantial discussion of any matters not included in the motion to go into the
8 executive session occurred during the executive session, or that any improper action
9 occurred during the executive session in violation of the Open Meetings Law, I would ask
10 that you state your concerns for the record."

11
12 No concerns were stated.
13
14
15
16

17 **Consent Agenda**

18 June 4, 2019 minutes

19 June 18, 2019 minutes

20 Hogback Pizza Beer and Wine Liquor License Renewal

21 **MOTION: Councilor Owens made a motion to approve the consent agenda.**

22 **Councilor Mariscal seconded the motion and it passed unanimously.**
23
24

25 **Staff Reports**

26 Town Administrator – Administrator Reynolds told the council that the public survey had
27 gone out in the mail the day prior. The deadline for submitting the survey will be
28 August 1, 2019. He said that the survey was on the town website in both English and
29 Spanish. Administrator Reynolds said that he and Bill Ray were working a telephone
30 robocall to inform people that the survey was available and requesting that residents
31 complete it. Administrator Reynolds told the council of some upcoming agenda items
32 that included a presentation by New Castle Trails, a financial update for the first six
33 months of the year, the 2018 Financial Audit results, and update from Chief Pagni and
34 the second round of grants to outside agencies. Administrator Reynolds reminded the
35 council that the Dirty Hog Dash would be on Saturday. He also said that the Hogback
36 Hustle and the first Community Market had taken place the week before. Administrator
37 Reynolds said that he had a LoVa Trail meeting the following day. Greg Russi was back
38 I town and he wanted to go over the grant information. Administrator Reynolds said
39 that he was working with the Town of Silt because they were considering the OHVs on
40 town streets issue, and New Castle had loaned them all the open house display
41 materials. Administrator Reynolds said he had received a call from Spring Grove Village,
42 Illinois, and they asked how New Castle had gone about polling and informing the
43 public.

44 Town Clerk – Clerk Harrison said her department had been busy working through
45 details of the new meetings software package and the new website. There had also
46 been about three days of issues with the migration of the town e-mail to Office 365.

47 Town Planner – nothing to report.

48 Public Works Director – nothing to report.
49

1 **Commission Reports**

2 Planning & Zoning Commission – Commissioner Copeland said that P&Z had a work
3 session and they learned how to read plans.

4 Historic Preservation Commission – nothing to report. Administrator Reynolds said that
5 he and Administrative Assistant Bart Mendoza had gone to a History Colorado meeting
6 in Meeker and they were able to learn more about historic preservation meant.

7 Climate Action Advisory Committee – nothing to report.

8 Senior Program – nothing to report.

9 RFTA – Mayor A Riddile said that they had done a facility tour of RFTA assets in
10 Carbondale and Glenwood Springs. He said they owned about 20 housing units in both
11 towns for their staff.

12 AGNC – nothing to report.

13 GCE – nothing to report.

14 EAB – nothing to report.

15
16 **Council Comments**

17 Councilor Mariscal said she would have dinner with El Salvadoran Consulate on Friday.
18 Councilor Mariscal asked about the policy regarding density. She stated that she did
19 not understand whether the density issue was a policy or not because the numbers kept
20 changing, seemingly at will. She said she was in favor of the Columbo project but was
21 concerned that by allowing the higher density in Eagles Ridge the council would be
22 setting a precedent. Mayor A Riddile said it was not a policy, but more of a guideline.
23 Administrator Reynolds explained the code sections and how the council was able to
24 negotiate with a developer.

25 The council discussed future development in New Castle, and what the opportunities
26 were for the town and residents.

27 Councilor Hazelton asked if the council had considered the water rights contracts since
28 he had not been at the meeting. Councilor G Riddile said that the council had
29 terminated the contracts.

30 Councilor Hazelton asked if New Castle Trails could provide maps at the next council
31 meeting of upcoming trails work because he had been getting calls about what was
32 going on.

33 Councilor Copeland asked if there was a date for the council retreat. Administrator
34 Reynolds said he was looking at the end of September but a date had not been set.

35 Councilor Copeland said she thought it would be advantageous for the council to have a
36 policy or some ideas regarding incentives for the town when developers propose
37 projects that do not meet code standards. She felt that the town should receive
38 something.

39 Councilor G Riddile thought it was a good idea, but felt that the council should probably
40 educate themselves regarding affordable housing or other possible incentives before
41 making any request to a developer.

42 Councilor G Riddile said that he thought Police Chief Pagni was a great benefit to the
43 town.

44 Mayor A Riddile mentioned that the Dirty Hog Dash would be on Saturday, and he and
45 Councilor G Riddile would not be able to attend due to a family event.

46 Mayor A Riddile said that on Friday was the Intermountain Transportation Planning
47 Region meeting and Tom Jankovsky had polled the local town managers because that
48 particular meeting they would discuss projects in each municipality. New Castle's

1 priority is roundabout and a new bridge. The LoVa Trail is another project that will be
2 discussed. The Colorado Department of Transportation Director Shoshana Lew will
3 attend and he felt it would be an interesting meeting.
4 Mayor A Riddile said that he would be gone from July 23 and August 4, 2019.
5
6

7 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Mariscal**
8 **seconded the motion and it passed unanimously.**
9

10 The meeting adjourned at 9:43 p.m.

11
12 Respectively submitted,
13
14
15
16

17 _____
18 Mayor Art Riddile
19
20

21 _____
22 Town Clerk Melody Harrison, CMC
23

Item Attachment Documents:

2 Coronas Hotel & Restaurant Liquor License Renewal

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

2 CORONAS
 5033 COUNTY ROAD 335 TRLR 147
 NEW CASTLE CO 81647

Fees Due	
Renewal Fee	500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$160 x _____	_____
Amount Due/Paid	

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name 2 CORONAS INC.		DBA 2 CORONAS		
Liquor License # 03-01962	License Type Hotel & Restaurant (city)	Sales Tax License # 27975927000	Expiration Date 09/29/2019	Due Date 08/15/2019
Operating Manager Salvador Corona	Date of Birth 10-31-77	Home Address 5033 County Rd 335 TRLR #147 New Castle CO		
Manager Phone Number 970 319 2160	Email Address chava.corona31@gmail.com			
Street Address 201 W MAIN ST NEW CASTLE CO 81647				Phone Number 9703198378
Mailing Address 5033 COUNTY ROAD 335 TRLR 147 NEW CASTLE CO 81647				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease May 2021
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Salvador Corona	Title owner
Signature 	Date 09-04-2019

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest

Item Attachment Documents:

Kum & Go Fermented Malt Beverage (Off Premises) Liquor License Renewal

Submit to Local Licensing Authority

**KUM & GO #927
 6400 WESTOWN PKWY
 West Des Moines IA 50266**

Fees Due		
Renewal Fee	96.25	
Storage Permit	\$100 X	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$

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

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name KUM & GO LC		Doing Business As Name (DBA) KUM & GO #927		
Liquor License # 12-40424-0005	License Type Fermented Malt Beverage Off (c/b)	Sales Tax License # 12404240005	Expiration Date 12/06/2019	Due Date 10/22/2019
Business Address 801 CASTLE VALLEY BLVD New Castle CO 81647				Phone Number 9709849618
Mailing Address 6400 WESTOWN PKWY West Des Moines IA 50266			Email	
Operating Manager Andrew Grosvenor	Date of Birth 3-6-89	Home Address 58 Goldfield Ct, Parachute, CO 81635		Phone Number 970-987-0244
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease 12-14-32				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
6. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Affirmation & Consent I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.				
Type or Print Name of Applicant/Authorized Agent of Business Barb Haisch				Title Risk manager
Signature Barb Haisch				Date 8-29-19
Report & Approval of City or County Licensing Authority The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules. Therefore this application is approved.				
Local Licensing Authority For				Date
Signature		Title		Attest

Item Attachment Documents:

City Market Fermented Malt Beverage (Off Premises) Liquor License Renewal

DR 8400 (Revised 08/01/18)
 COLORADO DEPARTMENT OF REVENUE
 LIQUOR ENFORCEMENT DIVISION
 SUBMIT TO LOCAL LICENSING AUTHORITY

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

CITY MARKET #41
 PO BOX 305103
 NASHVILLE TN 37230-5103

Fees Due	
Renewal Fee	96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$160 x _____	_____
Amount Due/Paid	96.25

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name DILLON COMPANIES LLC		DBA CITY MARKET #41		
Liquor License # 01-10779-0153	License Type Fermented Malt Beverage Off (city)	Sales Tax License # 01107790153	Expiration Date 10/29/2019	Due Date 09/14/2019
Operating Manager RAYMOND ORTIZ	Date of Birth 12/03/70	Home Address 0015 PEAR COURT NEW CASTLE, CO 81647		
Manager Phone Number 970-984-0304		Email Address BUSINESS.LICENSE@KROGER.COM		
Street Address 850 CASTLE VALLEY BLVD NEW CASTLE CO 81647-9441				Phone Number 9709849715
Mailing Address PO BOX 305103 NASHVILLE TN 37230-5103				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business DENNIS GIBSON	Title VICE PRESIDENT
Signature <small>DocuSigned by:</small> 	Date 7/19/2019

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest